

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net



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

DECISION OF THE PLANNING ADMINISTRATOR

**CONDITIONAL USE / PARTITION TENTATIVE PLAN / CLASS 3 SITE PLAN
REVIEW / CLASS 2 ADJUSTMENT CASE NO.: CU-PAR-SPR-ADJ25-03**

APPLICATION NO.: 24-124417-PLN

NOTICE OF DECISION DATE: June 12, 2025

SUMMARY: Development of a new drive-through oil change business.

REQUEST: A consolidated application for a Tentative Partition Plan to divide a property into two lots 13,359 square feet and 14,331 square feet in size, with a Conditional Use Permit and Class 3 Site Plan Review for the development of a new drive-through oil change business on one of the lots. The consolidated application includes two Class 2 Adjustments to:

- 1.) Increase the maximum allowed off-street parking from three to five spaces, per SRC 806.015; and
- 2.) Reduce the minimum opening of the trash enclosure from twelve feet to nine feet, per SRC 800.055.

The subject property is 0.64 acres in size, zoned CR (Retail Commercial) and located at 3271 Lancaster Drive NE (Marion County Assessors Map and Tax Lot Number 072W18BB / 6000).

APPLICANT: CVP – Lancaster T5 LLC (John Zachary Bonsall)

LOCATION: 3271 Lancaster Dr NE, Salem OR 97305

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use Permit; 205.005(d) – Partition Tentative Plan; 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 June 4, 2025.

DECISION: The **Hearings Officer APPROVED** Conditional Use / Partition Tentative Plan / Class 3 Site Plan Review / Class 2 Adjustment Case No. CU-PAR-SPR-ADJ25-03 subject to the following conditions of approval:

- Condition 1:** At time of building permit review, submit a revised landscaping plan with evergreen/conifer trees of 5 plant units, which will be six to eight feet tall at time of planting.
- Condition 2:** There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the service of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.

- Condition 3:** Normal hours of operation where the business is open to the public shall be limited to between the hours of 7 AM and 7 PM.
- Condition 4:** Prior to final plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 5:** At time of development on each lot, provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces at time of development.
- Condition 6:** On the final plat, convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Lancaster Drive NE.
- Condition 7:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Lancaster Drive NE on the final plat.
- Condition 8:** On the final plat, provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.
- Condition 9:** At time of building permit submittal, revise plans to provide pedestrian connections meeting the materials standards of SRC 800.065(b)(1)(B).
- Condition 10:** 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 11:** Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed Green Stormwater Infrastructure to a public stormwater main located on private property.

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

Conditional Use:	<u>June 28, 2027</u>
Partition Tentative Plan:	<u>June 28, 2027</u>
Class 3 Site Plan Review:	<u>June 28, 2029</u>
Class 2 Adjustment:	<u>June 28, 2029</u>

Application Deemed Complete:	<u>May 1, 2025</u>
Public Hearing Date:	<u>May 28, 2025</u>
Notice of Decision Mailing Date:	<u>June 12, 2025</u>
Decision Effective Date:	<u>June 28, 2025</u>
State Mandate Date:	<u>August 29, 2025</u>

Case Manager: Peter Domine, pdomine@cityofsalem.net, (503) 540-2311

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, in person at 440 Church St SE, Salem OR

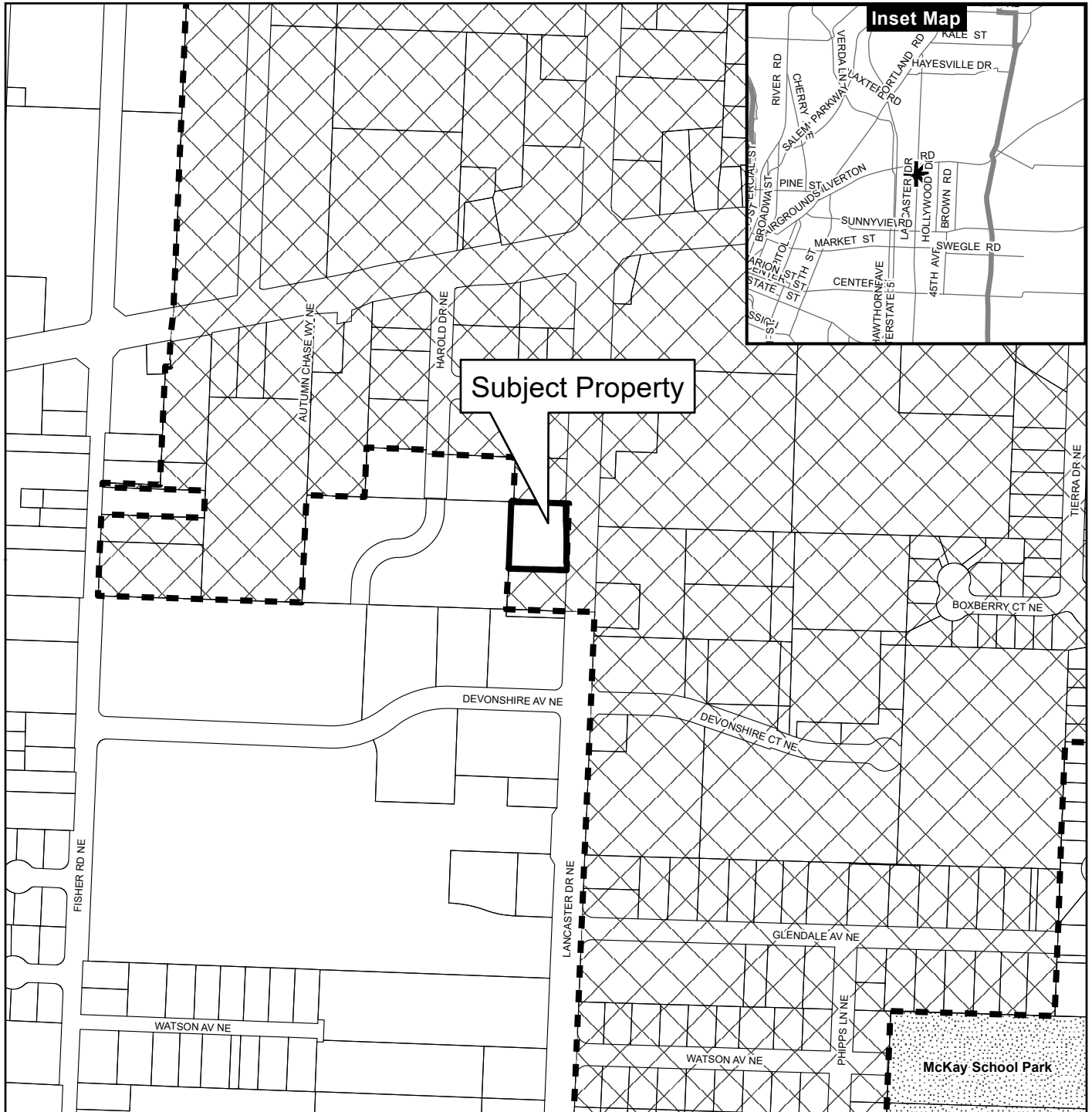
97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Friday, June 27, 2025. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240, 205, 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, 440 Church St SE, Salem, during regular business hours.

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

Vicinity Map

3271 Lancaster Dr NE



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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0 100 200 400 Feet



AREAS OF PROPOSED LOTS:

LOT A: 13,389 SF (0.31 ACRES)
LOT B: 14,331 SF (0.33 ACRES)

NOTES

1. FUTURE EASEMENT OVER ALL PROJECT DRIVEWAYS FOR CROSS-ACCESS AND UTILITIES.

KEYNOTES

1. (E) PUBLIC SIDEWALK
2. 32" WIDE JUNCTION & UTILITY EASEMENT
3. 10' WIDE PUBLIC UTILITY EASEMENT (PUE) PER P.P. 2017-032
4. (E) 6" CHAINLINK FENCE
5. (E) ELECTRICAL VAULT TO REMAIN
6. (E) ELECTRICAL TRANSFORMER TO REMAIN
7. (E) ELECTRICAL TRANSFORMER TO REMAIN
8. DEDICATED ROW

LEGEND

- CATCH BASIN
- SANITARY SEWER MANHOLE
- CLEANOUT
- WATER METER
- WATER VALVE
- IRRIGATION VALVE
- WELL
- POWER METER
- LIGHT POLE
- UTILITY POLE
- GUY WIRE
- GAS METER
- GAS RISER
- GAS VALVE
- SIGN
- MISC. POST
- HANDICAP PARKING
- CONCRETE
- CONIFEROUS TREE & TRUNK SIZE

- SS - SEWER LINE UNDERGROUND
- SO - STORM LINE UNDERGROUND
- W - WATERLINE UNDERGROUND
- U - GAS LINE UNDERGROUND
- CU - CABLE TV LINE UNDERGROUND
- E - ELECTRICAL LINE UNDERGROUND
- OH - OVERHEAD POWER LINE
- X - FENCE LINE
- AC - ASPHALT
- CONC - CONCRETE
- E.O.P. - EDGE OF PAVEMENT
- PUE - PUBLIC UTILITY EASEMENT
- P.P. - PARTITION PLAT
- R.F. - REL. PAGE
- SF - SQUARE FEET

PROPERTY DESCRIPTION PER CURRENT TITLE

PARCEL 3, PARTITION PLAT 2017-32, IN THE CITY OF SALEM, MARION COUNTY, OREGON, (RECORDED JUNE 16, 2017, IN REEL 3957, PAGE 424, MARION COUNTY, OREGON DEED RECORDS.)

LAND OWNER
JCDD PROPERTY HOLDING LLC
C/O CHARLES DELVALLE
3892 AUBURN RD NE
SALEM, OR 97301

DEVELOPER
COLE VALLEY PARTNERS
RYAN RAMCY
2188 SW PARK PLACE, SUITE 100
PORTLAND, OR 97205
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SURVEYOR
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LANDSCAPE ARCHITECT
MICHAEL J. MORTERS
(503) 780-1791
MICHAEL@MEDMULA.COM

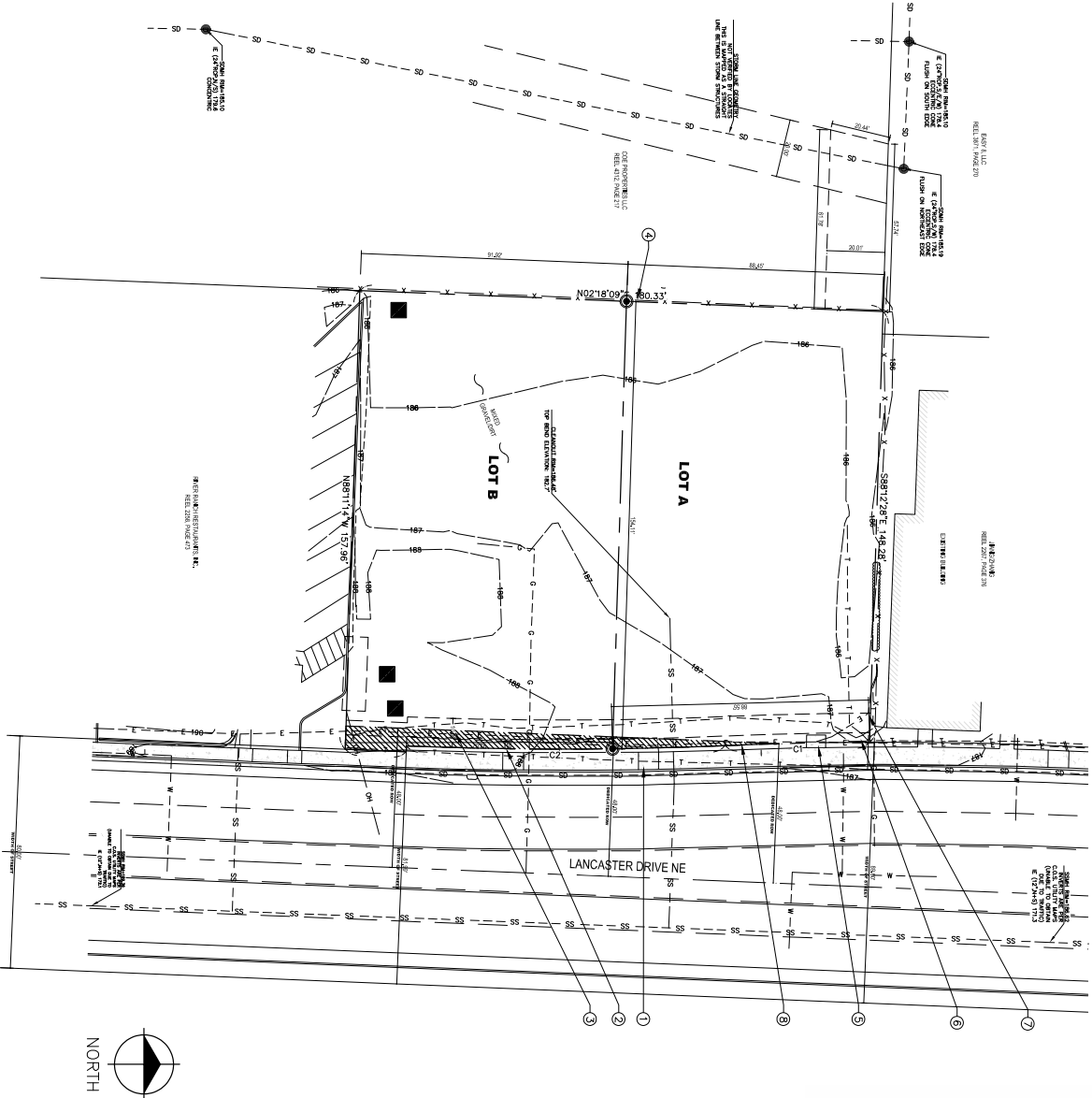
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① TENTATIVE PARTITION PLAN
1" = 20'-0"

ADW #
24011.00

NOT FOR CONSTRUCTION

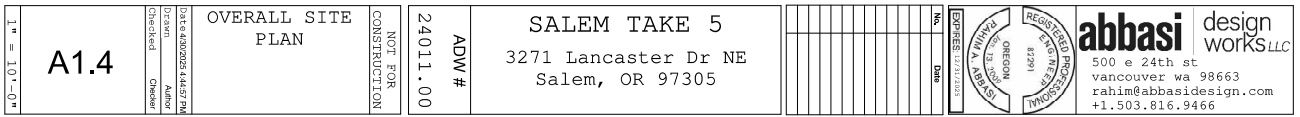
TENTATIVE PARTITION PLAN

DATE
06/06/2025

DRAWN
Theresa Reid

Salem Take 5
3271 Lancaster Dr NE
Salem, OR 97305

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vancouver wa 98663
rahim@abbasidesign.com
+1.503.816.9466



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**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A CONSOLIDATED APPLICATION
FOR A CONDITIONAL USE PERMIT,
A TENTATIVE PARTITION, A CLASS
3 SITE PLAN REVIEW AND A CLASS
2 ADJUSTMENT FOR A DRIVE-
THROUGH OIL CHANGE BUSINESS
IN A CR (RETAIL COMMERCIAL)
ZONE ON PROPERTY 0.64 ACRES IN
SIZE, AND LOCATED AT 3271
LANCASTER DRIVE NE (MARION
COUNTY ASSESSOR'S MAP AND
TAX LOT NUMBER 072W18BB/ 6000)

CU-PAR-SPR-ADJ25-03

FINDINGS OF FACT, CONCLUSIONS,
AND DECISION

DATE AND PLACE OF HEARING:

On May 28th, 2025, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at the Anderson Room, Salem Public Library, 585 Liberty Street SE, Salem, Oregon.

APPEARANCES:

Staff: Peter Domine, Planner II

Neighborhood Association: None

Applicant: CVP-Lancaster T5, LLC, Ryan Ramey, CVPRE

Opponents: None.

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

On December 10, 2024, a consolidated application for a conditional use permit, a tentative partition plan, a Class 3 site plan, and a Class 2 Adjustment was accepted for processing. The applications concerned the partition a vacant lot 0.64-acres in size into two parcels sized 13,359 and 14,331 square feet in size, and a condition use permit, a site plan review and a Class 2 adjustment for the development of a new drive-through oil change service on the first parcel. The applications were deemed complete on May 1, 2025.

The City of Salem held a duly authorized and noticed public hearing on May 28th, 2025, regarding the Applicant's request. During the hearing, staff requested that the staff report be entered into the record, and the Hearings Officer granted the request. The Hearing Notice was provided on May 6, 2025, to

surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was May 28th, 2025. The property was posted on May 14, 2025.

The public hearing was held on May 28th, 2025. At the conclusion of the hearing, the record was closed.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is “Commercial.” The subject property is within the Urban Growth Boundary and the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned CR (Retail Commercial). The zoning and uses of the surrounding properties include:

North: Marion County CR (Commercial Retail)

South: Marion County CR (Commercial Retail)

East: Across Lancaster Drive NE, Marion County

West: CR (Retail Commercial)

3. Site Analysis

The applicant is proposing to partition a vacant lot 0.64–acres in size into two parcels sized 13,359 and 14,331 square feet in size, with the development of a new drive–through oil change service on the first parcel. The drive–through oil change service facility is classified as a motor vehicle services use. In the CR zone, a motor vehicle services use requires a Conditional Use Permit. In conjunction with the Conditional Use application and Partition Tentative Plan application, the proposal also includes a Class 3 Site Plan Review to review the development standards for the new motor vehicle services use on the proposed parcel, and two Class 2 Adjustments to exceed the maximum allowed number of off–street parking spaces and to reduce the minimum width of the opening of the trash enclosure.

4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of the North Lancaster Neighborhood Association (NOLA). 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. On October 30, 2024, the applicant contacted NOLA informing them of the proposed project.

Notice of the application was provided to NOLA 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. No comments were received prior to the issuance of the staff report.

The subject property is not located within a homeowners association.

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. No comments have been received from the public.

5. City Department and Public Agency Comments

The Salem Development Services Division reviewed the proposal and provided written findings that were incorporated into the staff report.

The Salem Building and Safety Division reviewed the proposal and indicated that the applicant was to follow all applicable building and accessibility codes and to obtain required permits as necessary.

The Salem Fire Department reviewed the proposal and indicated that a fire hydrant is required within 400 feet of all portions of a structure. The fire hydrant across Lancaster Drive does not count due to the street classification.

6. Analysis of Conditional Use Criteria

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

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

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

Finding 1: The proposal is for the development of a drive-through oil change service facility on a vacant lot zoned COM (Commercial). According to SRC 400.055, the proposed use is classified as a motor vehicle services use, which, per SRC Chapter 522.005, Table 522-1, motor vehicle services except for gasoline service stations require a conditional use permit within the CR zone.

Conclusion: The Hearings Officer concludes that the proposal meets this criterion.

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

Finding 2: The applicant's written statement indicates the development site is located along Lancaster Drive NE, which is classified as a Major Arterial according to the Salem Transportation System Plan (TSP). Lancaster Drive NE is largely developed with existing commercial uses, including shopping centers, eating and drinking establishments, and gasoline service stations. The proposed oil change service facility will be a drive-through facility, similar to gasoline service stations, which are permitted outright in the CR zone.

Adjacent to the south is a drive-through fast food restaurant and to the north a dine-in restaurant. Adjacent to the west is a multifamily apartment complex; the off-street parking area of the complex abuts the development site and is separated by a ten-foot landscaped setback, including a six-foot-tall sight-obscuring fence which provides screening to the development site. The applicant's landscaping plan indicates it will meet the minimum five-foot perimeter setback along the west side adjacent to the multifamily property and will be landscaped with evergreen trees. To ensure the landscaping will provide adequate screening to the abutting property, staff recommends the following condition.

Condition 1: At time of building permit review, submit a revised landscaping plan with evergreen/conifer trees of 5 plant units, which will be six to eight feet tall at time of planting.

To further ensure the operation of the oil change service facility will not adversely impact the surrounding neighborhood, the following condition is appropriate:

Condition 2: There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the service of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.

The proposed drive-through oil change service facility will fit the established development patterns of the area, and, as conditioned, will not create any adverse impacts to the immediate neighborhood.

Conclusion: As conditioned, the development will have a minimal impact on the immediate neighborhood and is consistent with SRC 240.005(d)(2).

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

Finding 3: As previously described, the surrounding area of Lancaster Drive NE is well established with similar uses such as shopping centers, eating and drinking establishments, and other motor vehicle service uses. The proposed development is for a vacant lot, which will create infill development similar to other development in the area. To further minimize potential impacts of the motor vehicle services use to the residential units on the abutting property, the following condition is appropriate:

Condition 3: Normal hours of operation where the business is open to the public shall be limited to between the hours of 7 AM and 7 PM.

Conclusion: As conditioned, the development will have a minimal impact on the immediate neighborhood and is consistent with SRC 240.005(d)(3).

7. Analysis of Tentative Partition Plan Approval Criteria

SRC CHAPTER 205 – LAND DIVISION AND RECONFIGURATION

Finding 4: The applicant shall provide the required field survey and partition plat per Statute and Code requirements outlined in the *Oregon Revised Statutes* (ORS) and SRC. If said documents do not comply with the requirements outlined in ORS and SRC, and as per SRC Chapter 205, the approval of the partition plat by the City Surveyor may be delayed or denied based on the non-compliant violation. It is recommended the applicant request a pre-plat review meeting between the City Surveyor and the applicant's project surveyor to ensure compliance with ORS 672.005(2)(g)&(h), 672.007(2)(b), 672.045(2), 672.060(4), *Oregon Administrative Rules* 850-020-0015(4)&(10), 820-020-0020(2), and 820-020-0045(5).

SRC 205.005(d)(1): The tentative partition plan complies with the standards of this Chapter and with all applicable provisions of the UDC.

SRC CHAPTER 522 – CR (RETAIL COMMERCIAL)

SRC 522.010(a) – Lot Standards

Finding 5: Lot standards in the CR zone are established by SRC 522.010(a), Table 522–2. There are no lot area, width or depth standards for non-residential uses in the CR zone. The street frontage requirement for non-residential uses is 16 feet. Parcel 1 has 88 feet of frontage on Lancaster Drive NE and Parcel 2 has 92 feet of frontage on Lancaster Drive NE. This standard is met.

SRC CHAPTER 800 – GENERAL DEVELOPMENT STANDARDS

SRC 800.020 – Designation of Lot Lines

Finding 6: The proposal is for the creation of two interior lots with frontage along Lancaster Drive NE. Per SRC 800.020(a)(1), the front lot line of an interior lot shall be the property line abutting the street; therefore, the rear lot line shall be the west lot line, and the north and south lot lines shall be interior side lot lines. These standards are met.

SRC CHAPTER 200 – URBAN GROWTH MANAGEMENT

SRC 200.050(d) – Acquisition of property, easements and right-of-way

Finding 7. SRC 200.050(d) requires that right-of-way dedicated to the City be free of encumbrances and liens. Right-of-way dedication is required along Lancaster Drive NE. There is an existing electrical vault, electrical transformer, and communication riser along Lancaster Drive NE. It is unclear whether these power facilities are located in an existing easement on the subject property. As a condition of approval, the applicant shall ensure required right-of-way is unencumbered, obtain quitclaims from private utility owners where there are conflicts, or receive an adjustment to this standard per SRC 200.050(d).

Condition 4: Prior to final plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved

SRC CHAPTER 71 – STORMWATER

Finding 8. Pursuant to SRC 71.080, land divisions are required to provide stormwater flow control facilities and treatment facilities that are sized to serve the entire land division under fully developed conditions. The applicant proposes to develop Parcel A with an oil change facility, for which a site plan review is consolidated with this application. Proposed Lot B (Parcel 2) will be developed in the future. To demonstrate the proposed lots can meet the requirement of SRC Chapter 71 and the Public Works Design Standards (PWDS), the applicant shall submit a tentative stormwater design prior to final plat approval at time of development on each lot.

Condition 5: At time of development on each lot, provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces at time of development.

SRC 802 – PUBLIC IMPROVEMENTS

SRC 802.015 – Development to be served by city utilities

Finding 9: SRC 802.015 requires that except for provided under SRC 802.035 and 802.040 (inapplicable to this application), all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

The subject property (both proposed parcels) have access to an adequate level of City utility services. The water service level is G-0, with a 12-inch water main located in Lancaster Drive NE, as is a 12-inch sanitary sewer main. A 24-inch storm sewer main is located in an easement abutting the subject property to the west.

SRC CHAPTER 803 – STREETS AND RIGHT-OF-WAY IMPROVEMENTS

SRC 803.025 – Right-of-way and pavement widths.

Finding 10. Pursuant to SRC 803.025, except as otherwise provided in this chapter, right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803-1 (Right-of-way Width) and Table 803-2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for partition applications.

Lancaster Drive NE abuts the subject property and is classified as a major arterial street according to the Salem Transportation System Plan (TSP). Lancaster Drive NE meets the minimum pavement width standard of 68-feet established in SRC 803.025 but does not meet minimum right-of-way width standards for a major arterial street. The ultimate right-of-way width for a major arterial street

is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width). As a condition of approval per SRC 803.040(a)(2), the applicant shall dedicate 48-feet from the centerline of Lancaster Drive NE.

Condition 6: On the final plat, convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Lancaster Drive NE.

SRC 803.035 – Sidewalk standards

Finding 11: SRC 803.010 provides that except when otherwise provided, all streets shall be improved to include sidewalks. These standards also require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)) and that sidewalks be five-feet in width (SRC 803.035(l)(2)(C)).

There is an existing curblin sidewalk constructed along the Lancaster Drive NE frontage that is in good condition. SRC Chapter 803 requires sidewalks to be constructed at the property line; however, there are existing underground private utilities in this area creating a conflict. In addition, following the dedication of additional right-of-way along Lancaster Drive NE, there will be approximately two feet of land between the existing sidewalk and the property line. Requiring the sidewalk to be moved to the property line will result in a landscape strip less than two feet in width, which is not wide enough to plant street trees. Per SRC 803.035(l)(2)(B), due to this conflict, the existing curblin sidewalk can remain.

SRC 803.035(k) – Street standards.

Finding 12: Pursuant to SRC 803.035(k) and SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Following the dedication of additional right-of-way along Lancaster Drive NE, there will be approximately two feet of land between the sidewalk and the property line, which does not leave enough planting space available in the planter strip for the installation of street trees; therefore, it is not feasible for street trees to be required to be planted with development of Proposed Parcel 1.

Finding 13: SRC 803.035(n) requires the dedication of a 10-foot public utility easement (PUE) along all street rights-of-way. Currently, no public utility easement exists along the subject property's frontage with Lancaster Drive NE. As a condition of approval, the applicant shall dedicate a 10-foot-wide PUE along the street frontage of Lancaster Drive NE.

Condition 7: On the final plat, provide a 10-foot-wide public utility easement along the frontage of Lancaster Drive NE on the final plat.

SRC CHAPTER 804 – DRIVEWAY APPROACHES

SRC 804.035 – Access onto major and minor arterials.

Finding 14: Landcaster Drive NE is a major arterial. SRC 804.035(a) provides that driveway approaches onto arterial streets are permitted where they provide shared access between two or more abutting properties. The applicant's tentative partition plan indicates that the existing driveway

approach to Lancaster Drive NE will be shared between proposed Parcels 1 and 2. Prior to final plat approval, the applicant shall provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.

Condition 8: On the final plat, provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.

SRC CHAPTER 601 – FLOODPLAIN OVERLAY ZONE

SRC 601.045 – Establishment of development permit.

Finding 15: SRC 601.045(1) requires a development permit shall be obtained before construction or development begins within any area horizontally within the Special Flood Hazard Area established in SRC 601.030(a) or within an interim flood hazard area established in SRC 601.030(c). No development permit is required for the proposed development as no the Flood Insurance Study and the applicable Flood Insurance Rate Map indicate that no floodplain or floodway areas exist on the subject property.

SRC CHAPTER 809 – WETLANDS

SRC 809.025 – Notification of the Oregon Division of State Lands.

Finding 16: SRC 809.025(a) requires that the Oregon Division of State Lands (DSL) be notified of any application for development or land use in an area designated as a wetland on the official wetlands map. The Salem–Keizer Local Wetland Inventory shows that there are wetland channels and/or hydric soils mapped on the subject property. The applicant has notified DSL pursuant to SRC 809.025.

SRC CHAPTER 810 – LANDSLIDE HAZARDS

SRC 810.020 – Landslide hazard construction permit.

Finding 17: SRC 810.020(1)(A), and (D) require a landslide hazard construction permit for excavation and fill, for construction of any structure greater than 500 square feet in area and land divisions in any area designated as a moderate or high total landslide hazard risk. A landslide hazard construction permit requires a geological assessment or geotechnical report.

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.

Conclusion: As conditioned, the standards applicable to SRC 220.005(f)(3)(A) have been met.

SRC 205.005(d)(2): The tentative partition plan does not impede future access to adjacent land.

Finding 18: The subject property is approximately 0.64–acres in size and is currently vacant. Abutting land to the north, south and west is fully developed. The proposed partition results in the creation of two parcels that will utilize an existing shared driveway approach to Lancaster Drive NE to provide vehicular access to each parcel. The tentative partition does not impede access to abutting land.

Conclusion: SRC 220.005(d)(2) has been met.

SRC 205.005(d)(3): Development within the tentative partition plan can be served by City infrastructure.

Finding 19: The Development Services Division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and appear to be adequate to serve the parcels within the proposed partition, subject to the conditions of approval established in this decision.

Conclusion: SRC 220.005(d)(3) has been met.

SRC 205.005(d)(4): The street system in and adjacent to the tentative partition plan conforms to the Salem Transportation System Plan.

Finding 20: As described in the findings above, the subject property is located adjacent to Lancaster Drive NE, which is classified as a Major Arterial Street under the City's Transportation System Plan (TSP). Conditions of approval established with the partition decision will require dedication of additional right-of-way along Lancaster Drive NE to comply with minimum requirements. No other improvements along Lancaster Drive NE are warranted with this application.

Conclusion: SRC 220.005(d)(4) has been met.

SRC 205.005(d)(5): When the tentative partition plan is for property located more than 300 feet from an available sewer main, and the property will not connect to City water and sewer:

- (A) The property is zoned residential;***
- (B) The property has received a favorable site evaluation from the county sanitarian for the installation of an on-site sewage disposal system; and***
- (C) The proposed parcels are at least five acres in size and, except for flag lots, have no dimension that is less than 100 feet.***

Finding 21: The site will be served by available public water and sewer so this criterion is not applicable.

Conclusion: SRC 220.005(d)(5) has been met.

6. Analysis of Class 3 Site Plan Review Approval Criteria

Salem Revised Code (SRC) 220.005(f)(3) provides that an application for a Class 3 Site Plan Review shall be granted if the following criteria are met.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding 22: The proposal is for the development of new building for a drive-through oil change business and associated site improvements. The proposal includes two Class 2 Adjustments to exceed the allowed maximum parking and to reduce the minimum width of the trash enclosure; findings for the adjustments are included in Section 9 of this report. As proposed and conditioned,

the development conforms to SRC Chapter 522 and all other applicable development standards of the UDC and Salem Revised Code as follows:

SRC CHAPTER 522 – CR (RETAIL COMMERCIAL) ZONE

SRC 522.005(a) – Uses: Table 522–1 lists permitted uses in the RS Zone.

Finding 23: The applicant is requesting to establish a new drive-through oil change business on Parcel 1. The proposed use is classified as a motor vehicle services use. In the CR zone, motor vehicle services other than gasoline service stations require a conditional use permit; therefore, a conditional use permit is required to establish the proposed use on the subject property. Findings for the conditional use permit are provided in Section 6 of this decision. No development is currently proposed for the newly created, vacant Parcel 2. This standard is met.

SRC 522.015 – Continued Uses.

Finding 24: The proposed use is for a new use not a continued one and therefore this standard is inapplicable.

SRC 522.010(a) – Lot Standards

Finding 25: Lot standards in the CR zone are established in Table 522–2. As described in Finding 5 above, the proposed lots meet the applicable standards.

SRC 522.010(b) – Setbacks

Finding 26: Tables 522–3 and 522–4 describe the applicable setbacks in the CR zone. Lancaster Drive NE is adjacent to the east. Buildings and accessory structures abutting a street require a minimum five-foot setback. Vehicle use areas require a minimum six-to-ten-foot setback per SRC Chapter 806 adjacent to a street. After required right-of-way dedication the vehicle use area will be setback ten feet from the property line abutting the street, meeting the standards of SRC 806.

Adjacent to the west is property zoned CR (Retail Commercial) and to the north and south are properties outside City limits zoned Marion County CR (Commercial Retail). There is no building setback abutting commercial zoned properties and vehicle use areas require a zone-to-zone setback of five feet. The development plans indicate the proposed building will be setback ten feet from the abutting property to the north and will be surrounded by vehicle use areas between it and the street and adjacent properties to the south and west. To the south, there is a shared driveway over the lot line with Parcel 2, which, per SRC 806.040(c), does not require setbacks. To the abutting property to the west, there is a five-foot setback to the off-street parking spaces. The proposal meets the standards.

SRC 522.010(e) – Lot Coverage, Height

Finding 27: There is no maximum lot coverage requirement for all uses in the CR zone and the maximum building height allowance is 50 feet. The development plans indicate the proposed building will be 28 feet in height. The proposal meets the standards.

SRC 522.010(d) – Landscaping

Finding 28: SRC 522.010(d)(1) requires that setbacks shall be landscaped according to the standards of SRC Chapter 807. Tables 807–1 and 807–2 require that all required setbacks shall be landscaped with a minimum of one plant unit per 20 square feet of landscaped area per Type A landscaping requirements. A minimum of 15 percent of the development site must be landscaped with 40 percent of the required number of plant units being mature trees, shade trees, evergreen/conifer trees, or ornamental trees. In addition, vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

The development plans indicate all required setbacks will be landscaped. The development site is 13,359 square feet in size, requiring a minimum 15 percent, or 2,004 square feet of landscaping, or 100 plant units, 40 of which must be trees ($13,359 \times 0.15 = 2,004$; $2,004 / 20 = 100$ plant units; $100 \text{ plant units} \times 0.4 = 40$ plant units as trees). The development plans indicate 2,404 square feet of landscaping will be provided, or 18 percent, including more than the minimum plant units and trees required. The proposal meets the standards.

SRC CHAPTER 800 – GENERAL DEVELOPMENT STANDARDS

SRC 800.055(a) – Applicability

Finding 29: SRC 800.055(a) states that 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. This standard is applicable as the proposal includes the development of a new solid waste service area larger than one cubic yard.

The proposed vehicle operation areas will be designed so that waste collection vehicles are not required to back onto a public street or to leave the premises. The proposed vehicle operation area is paved with a hard surface material meeting the requirements of this section.

SRC 800.055(b) – Solid Waste Receptacle Placement Standards.

Finding 30: Solid waste receptacles must be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope no greater than three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan approved for the site by the Director. In addition, there must be a minimum separation of 1.5 feet between the receptacle and the side wall of the enclosure and a minimum separation of five feet between the receptacle and any combustible walls, combustible roof eave lines or building or structure openings. Finally, there are clearance standards for receptacles that are covered.

The development plans indicate that the solid waste service area will be on a pad meeting the standards of this section and minimum separation, as receptacles will not be placed within five feet of a building or structure. The receptacle will be manually moved out of the enclosure for servicing (per SRC 800.055(f)(1)(B)(iii)). No permanent drop box or compactor is proposed. Screening is not required as the solid waste receptacles will be contained within an enclosure.

SRC 800.055(c) – Permanent Drop Box and Compactor Placement Standards

Finding 31: SRC 800.055(c) requires the placement of permanent drop boxes and compactors on concrete pads. This standard is inapplicable as the proposed development will not use permanent drop boxes or compactors.

SRC 800.055(d) – Solid Waste Service Area Screening Standards

Finding 32: This standard requires that solid waste, recycling, and compostable service areas be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. The receptacles will be manually maneuvered out of the enclosure for servicing where they will have a minimum vertical clearance of 14 feet.

SRC 800.055(e) – Solid Waste Service Area Enclosure Standards

Finding 33: Subsection (1) of this standard requires that the front opening of a solid waste service area enclosure be a minimum of 12 feet in width. Subsection (2) requires that the enclosures that are constructed of wood or chain link fencing material that contains a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts. This subsection also requires that enclosures be constructed of concrete, brick, masonry block, or similar types of material and shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts. Subsection (3) requires that enclosure gates opening with an unobstructed width of less than 15 feet shall open with a minimum of 120 degrees and any enclosure opening with an unobstructed width of 15 feet or greater shall open with a minimum of 90 degrees. All gates must have restrainers in the open and closed positions. With certain exceptions, Subsection (4) prohibits receptacles from being stored in buildings or entirely enclosed structures.

The trash containers will be screened with a 6-foot tall vinyl fence. A Class 2 Adjustment is requested as the minimum opening width of the enclosure will be nine feet instead of the required 12 feet and this fact has been communicated to the solid waste collection franchisee. The development plans indicate an enclosure opening width of nine feet with gates that will be able to swing 90 degrees.

SRC 800.055(f) – Solid Waste Service Area Vehicle Access

Finding 34: SRC 800.055(f)(1)(A) states that a vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. In the present case, the proposed vehicle operation area is provided perpendicular to the enclosure in compliance with the minimum dimensional requirements of this section.

Finding 35: SRC 800.055(f)(1)(B) provides standards for solid waste service area receptacles of two cubic yards or less. The development plans indicate a one-cubic yard receptacle which can be manually maneuvered out of the enclosure to be serviced. This standard is met.

Finding 36: SRC 800.055(f)(1)(C) allows vehicle operation areas to be coincident with a parking lot drive aisle, driveway or alley. The proposed vehicle operation area is coincident with the off-street vehicle area drive aisle.

Finding 37: SRC 800.055(f)(1)(D) requires that vehicle operation areas shall have a minimum vertical clearance of 14 feet. This standard has been met as there are no vertical clearance obstructions shown on the applicant's plans. As previously addressed, the receptacles will be manually maneuvered out of the enclosure for servicing where they will have a minimum vertical clearance of 14 feet. The proposal meets the standard.

Finding 38: SRC 800.055(f)(1)(E) this standard addresses situations where the access to a vehicle operation area is not a direct approach into position for operation of the service vehicle, at turnaround, of in conformance with the minimum dimension and turning radius requirements of Figure 800-10. The proposed service areas provide a direct approach to the enclosure; therefore, a turnaround is not required. The proposal meets the standard.

SRC 800.055(f)(2) – Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.

Finding 39: The proposed vehicle operation areas are located within the vehicle use area of the development site, and service vehicles will not be required to back onto a street or leave the premises. The proposal meets the standard.

SRC 800.055(f)(3) – Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Director, and shall be adequately designed, graded, and drained to the approval of the Director.

Finding 40: The proposed vehicle operation area is paved with a hard surface material meeting the requirements of this section.

SRC 800.055(f)(4) – "No Parking" signs shall be placed in a prominent location on the enclosure, or painted on the pavement in front of the enclosure or receptacle, to ensure unobstructed and safe access for the servicing of receptacles.

Finding 41: Although not indicated in the application materials, signage meeting the requirements of this section will be required prior to building permit issuance and final occupancy for the project.

SRC 800.055(g) – Notice to Solid Waste Collection Franchisee

Finding 42: The applicant has requested a Class 2 Adjustment to reduce the minimum gate opening of the enclosure and provided evidence of communication with the solid waste collection franchisee. With the approval of this Adjustment this standard is met.

SRC 800.065 – Pedestrian Access.

Finding 43: Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single-family, two-family, three-family, and four-family uses, and multiple family uses subject to SRC Chapter 702, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. The applicant's proposal meets the definition of applicable development and therefore the requirements of SRC 800.065 are applicable.

SRC 800.065(a)(1) – Connection between Building Entrances and Streets.

Finding 44: This provision requires that there be a pedestrian connection between the primary entrance of each building on a development site and each adjacent street. It also provides that where there is a transit route on an adjacent street or a planned transit stop along street frontage of a development site that at least one of the required pedestrian connections be connected to the street within 20 feet of the transit stop. The development plans indicate a pedestrian connection will be provided from the primary building entrance to the street. This standard is met.

SRC 800.065(a)(1) – Pedestrian connections required

Finding 45: SRC 800.065(a)(1) provides that 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. This standard is inapplicable as there will be only one building on a vacant parcel.

SRC 800.065(a)(2) – Connection between Buildings on the same Development Site.

Finding 46: SRC 800.065(a)(2) provides that where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop (see Figure 800–12). The nearest mass transit service near the subject property is provided via Bus Route 11 to the east on Lancaster Drive NE. The applicant's proposed site plan, as depicted on page 5 of the September 23, 2024 memorandum from Daniel Stumpf, PE to Ryan Ramey depicts a pedestrian connection from the proposed development to Lancaster Drive NE. This standard is met.

SRC 800.065(a)(3) – Connection through Off-Street Parking Areas

Finding 47: SRC 800.065(a)(3)(A) provides that 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. The development site does not include any existing or proposed parking areas greater than 25,000 square feet; therefore, this standard is not applicable.

Finding 48: SRC 800.065(a)(3)(B) provides that 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. The development site does not include any existing or proposed parking structures or garages greater than 25,000 square feet; therefore, this standard is not applicable.

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

Finding 49: This standard applies 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. There are no planned paths or trails that pass through the development site so this standard is not applicable.

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

Finding 50: This standard requires that a pedestrian connection be provided whenever a vehicular connection is provided from a development site to an abutting property. This standard is not applicable because the proposed development on Parcel 1 does not have a direct connection to the development on Proposed Parcel 2.

SRC 800.065(b) – Design and Materials.

Finding 51: SRC 800.065(b)(1) provides that required walkways be paved with a hard-surface and shall be a minimum of five feet in width. Where a walkway crosses a driveway, parking area, parking lot drive aisle or loading area it must be visually differentiated from such areas. All proposed pedestrian connections are at least five feet in width; however, the development plans indicate the connections will only be striped. To ensure the connections meet the standards of this section, the following condition shall apply.

Condition 9: At time of building permit submittal, revise plans to provide pedestrian connections meeting the materials standards of SRC 800.065(b)(1)(B).

SRC 800.065(c) – Lighting.

Finding 52: SRC 800.065(c) provides that on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents. The development plans include a photometric site plan indicating the site will be adequately lighted for use by employees and customers. This standard is met.

SRC CHAPTER 806 – OFF-STREET PARKING, LOADING AND DRIVEWAYS

SRC 806.015(a) – Amount Off-Street Parking.

Finding 53: SRC 806.015(a) provides that off-street parking shall not exceed the amounts set forth in Table 806–1. Table 806–1 states that one parking space per 350 square feet of a residential care facility shall be provided. The proposal includes development of a new motor vehicle services use, which, per Table 806–1, is allowed a maximum of one space per 600 square feet of gross floor area. The proposed building for the drive-through oil change service is 1,738 square feet, permitting a maximum of three off-street parking spaces ($1,738 / 600 = 2.89$). The applicant has requested a Class 2 Adjustment to exceed the maximum and provide a total of five spaces. Findings for the adjustment are addressed in Section 8 of this decision.

SRC 806.015(b) – Compact Parking.

Finding 54: SRC 806.015(b) requires that up to 75 percent of the off-street parking spaces may be compact parking spaces. Of the five proposed parking spaces, three are to be compact spaces, or 60 percent. The proposal meets this standard.

SRC 806.015(c) – Carpool and Vanpool Parking.

Finding 55: SRC 806.015(c) provides that new developments with 60 or more off-street parking spaces within certain use classifications shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking. This standard is not applicable since the proposed development will only be providing 5 parking spaces.

SRC 806.015(d) – Electric vehicle charging spaces.

Finding 56: SRC 806.015(d) provides that a minimum of 40 percent of off-street parking spaces shall be designated as spaces to serve electrical vehicle charging for newly constructed buildings with five or more dwelling units on a lot. This standard is not applicable as the proposed development does not include residential dwelling units.

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

SRC 806.035(a) – Applicability

Finding 57: SRC 806.035(a)(1) provides that off-street parking and vehicle use development standards apply to the development of new off-street parking and vehicle use areas. Thus, these development standards are applicable to the applicant's proposed development.

SRC 806.035(b) – Location

Finding 58: SRC 806.035(b) provides that off-street parking and vehicle use areas may not be located within required setbacks. It also provides restrictions on vanpool parking and underground parking. This standard is not applicable as the proposed development is not located within a required setback and

does not include any carpool or underground parking. The proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 522 and 806.

SRC 806.035(c) – Perimeter Setbacks and Landscaping.

Finding 59: This provision provides that 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. Perimeter landscaping will be evaluated for compliance with the applicable standards at the time of building permit review.

SRC 806.035(d) – Interior Landscaping.

Finding 60: SRC 806.035(d)(2) sets standards for minimum percentage of interior landscaping for off-street parking areas less than 5,000 square feet in size. SRC 806.035(d)(3) requires one tree for every 12 parking spaces within an off-street parking area. Table 806-5 requires that a minimum of five percent of the proposed parking area interior be landscaped. The proposed off-street parking area is less than 5,000 square feet in size; therefore, this standard is applicable.

The applicant's revised landscape plan shows five trees adjacent to the off-street parking area, in excess of the requirements of SRC 806.035(d)(3). In addition, the landscape plan indicates that landscaping in the setback area adjacent to the parking area is about 30 percent of the size of the parking area; exceeding the five percent requirement of Table 806-5. This standard has been met.

SRC 806.035(e) – Off-Street Parking Area Dimensions.

Finding 61: SRC 806.035(e) requires that off-street parking areas conform to the minimum dimensions requires by Table 806-5. The proposed off-street parking spaces comply with the minimum dimensional requirements for compact and standard vehicle parking spaces established in Table 806-5.

SRC 806.035(f) – Off-Street Parking Area Access and Maneuvering

Finding 62: This provision requires that off-street parking areas shall be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and where a drive aisle terminates at a dead-end, a turnaround conforming to Table 806-6 is included. In the present case, the proposed development includes one off-street parking area that terminates in a dead-end. However, the development plans show a turnaround that meets the dimensions of Table 806-6.

SRC 806.035(g) – Grading

Finding 63: This provision requires that off-street parking and vehicle use areas shall not exceed a maximum grade of ten percent. Ramps shall not exceed a maximum grade of 15 percent. The proposed off-street parking area is developed consistent with the development standards for grade.

SRC 806.035(h) – Surfacing

Finding 64: This provision requires that off-street parking and vehicle use areas shall be paved with a hard surface material; provided, however, up to two feet of the front of a parking space may be landscaped with ground cover plants. The proposed off-street parking area is developed consistent with the additional development standards for surfacing.

SRC 806.035(i) – Drainage

Finding 65: This provision requires that off-street parking and vehicle use areas shall be adequately designed, graded, and drained according to the Public Works Design Standards, or to the approval of the Director. The proposed off-street parking area is developed consistent with the additional development standards for drainage.

SRC 806.035(j) – Bumper Guards or Wheel Barriers.

Finding 66: This provision requires that off-street parking and vehicle use areas shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks and landscaped areas, pedestrian accessways, streets or alleys, or abutting property. Wheel barriers are provided where the parking spaces abut a landscaped setback. The proposal meets the standards.

SRC 806.035(k) – Off-Street Parking Area Striping.

Finding 67: This provision requires that off-street parking areas shall be striped in conformance with the off-street parking area dimension standards set forth in Table 806-6. The proposed off-street parking area is developed consistent with the additional development standards for striping

SRC 806.035(l) – Marking and Signage.

Finding 68: This provision requires that directional signs and pavement markings conform to the Manual of Uniform Traffic control devices, that compact parking spaces be clearly marked, that carpool and vanpool parking spaces be posted with signs indicating that they are reserved for those uses before 9:00 a.m. on weekdays. The proposed off-street parking area is developed consistent with the additional development standards for marking and signage.

SRC 806.035(m) – Lighting.

Finding 69: This provision requires that lighting for off-street parking and vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under household living, or cast glare onto the street. Lighting will be reviewed at the time of building permit review.

SRC 806.035(n) – Additional Standards for New Off-Street Surface Parking Areas More Than One-Half Acre in Size.

Finding 70: This provision requires compliance with additional standards for proposals of more than one-acre of new off-street parking. It is not applicable as the proposed off-street surfacing parking area is less than one-half acre in size.

SRC 806.045 – Bicycle parking; when required.

Finding 71: SRC 806.045(a)(1) requires that bicycle parking is required for new uses or activities. Therefore, the proposed use must have adequate bicycle parking. SRC 806.050 requires that unless otherwise provided, the bicycle parking must be located on the same development site as the use or activity.

SRC 806.055 – Amount of bicycle parking

Finding 72: SRC 806.055(a), Table 806–9, requires that motor vehicle services must have one bicycle space per 9,000 square feet. Since the proposed building is 1,738 square feet in size, no bicycle parking is required.

SRC 806.065 – Off-street loading areas when required.

Finding 73: SRC 806.065(a)(1) requires that off-street loading must be provided for each proposed new use or activity. Therefore, the proposed use must have adequate off-street loading. SRC 806.070 requires that unless otherwise provided, the off-street loading must be located on the same development site as the use or activity.

SRC 806.075 – Amount of off-street loading.

Finding 74: SRC 806.075, Table 806–11, requires motor vehicle service uses to have off-street loading spaces if the building is greater than 240,001 square feet. Since the proposed building is less than 5,000 square feet no off-street loading spaces are required.

SRC CHAPTER 807 – LANDSCAPING

Finding 75: SRC 522.010(d)(1) requires that setbacks shall be landscaped according to the standards of SRC Chapter 807. Tables 807–1 and 807–2 require that all required setbacks shall be landscaped with a minimum of one plant unit per 20 square feet of landscaped area per Type A landscaping requirements.

The development site is 13,359 square feet in size, requiring a minimum 2,004 square feet of landscaping, or 100 plant units, 40 of which must be trees ($13,359 \times 0.15 = 2,004$; $2,004 / 20 = 100$ plant units; $100 \text{ plant units} \times 0.4 = 40$ plant units as trees). The development plans indicate 2,404 square feet of landscaping will be provided, or 18 percent, including more than the minimum plant units and trees required. The proposal meets the standards.

SRC CHAPTER 200 – URBAN GROWTH MANAGEMENT

SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth

Preliminary Declaration (UGA) prior to development of property located outside the City's Urban Service Area.

Finding 76: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area Permit is required.

SRC CHAPTER 71 – STORMWATER

SRC 71.045 – Applicability

Finding 77: SRC 71.045(a) states that SRC Chapter 71 applies to all projects and SRC 71.045(d) states that SRC Chapter 71 applies to all new and existing land uses. The proposed project is therefore subject to SRC Chapter 71 and the Public Works Design Standards. These provisions require the use of Green Stormwater Infrastructure (GSI) to treat and detain stormwater generated from the development. 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 10: 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).

SRC CHAPTER 802 – PUBLIC IMPROVEMENTS

SRC 802.015 – Development to be served by city utilities.

Finding 78: SRC 802.015 requires development to be served by City utilities designed and constructed according to all applicable provisions of the Salem Revised Code and Public Works Design Standards (PWDS). Public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and appears to be adequate to serve the property as shown on the applicant's preliminary utility plan. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (PWDS) and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

SRC 802.020 – Easements

Finding 79: SRC 802.020 requires the conveyance or dedication of easements for public and private utilities as a condition of development approval. The applicant's site plan shows a stormwater discharge for the proposed Green Stormwater Infrastructure (GSI) facility crossing over neighboring property to the west and draining to a public stormwater main that is located on private property. Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed GSI to a public stormwater main located on private property.

Condition 11: Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed Green Stormwater Infrastructure to a public stormwater main located on private property.

SRC CHAPTER 803 – STREET AND RIGHT-OF-WAY IMPROVEMENTS

SRC 803.025 – Right-of-way and pavement widths.

Finding 80: Except as otherwise provided in SRC Chapter 803, SRC 803.025 requires that right-of-way width and pavement width for streets and alleys shall conform to the standards set forth in Table 803–1 (Right-of-way Width) and Table 803–2 (Pavement Width). In addition, SRC 803.040 requires dedication of right-of-way for, and construction or improvement of, boundary streets up to one-half of the right-of-way and improvement width specified in SRC 803.025 as a condition of approval for certain development.

Lancaster Drive NE abuts the subject property and is classified as a Major Arterial Street according to the Salem Transportation System Plan (TSP). Lancaster Drive NE meets the minimum pavement width standard of 68 feet established in SRC 803.025 but does not meet minimum right-of-way width standards for a Major Arterial Street. The ultimate right-of-way width for a Major Arterial Street is 96 feet according to SRC 803.025 Table 803-1 (Right-of-way Width). As a condition of approval of the tentative partition, the applicant is required to dedicate right-of-way equal to 48 feet from the centerline of Lancaster Drive NE.

SRC CHAPTER 804 – DRIVEWAY APPROACHES

SRC 804.010 – Applicability

Finding 81: SRC 804.010 states that SRC Chapter 804 applies to the design, construction, relocation, reconstruction, enlargement or alteration of any driveway approach. The development site is served by an existing driveway approach onto Lancaster Drive NE that will be shared between proposed Parcels 1 and 2. The existing driveway approach serving the site meets applicable sections of SRC Chapter 804 and does not warrant modification.

SRC CHAPTER 805 – VISION CLEARANCE

Finding 82: SRC Chapter 805 establishes vision clearance standards to ensure visibility for vehicular, bicycle, and pedestrian traffic at the intersections of streets, alleys, flag lot accessways, and driveways. The proposed buildings and structures do not cause a vision clearance obstruction per SRC Chapter 805. The vision clearance standards established in SRC Chapter 805 are met.

SRC CHAPTER 601 – FLOODPLAIN OVERLAY ZONE

SRC 601.045 – Establishment of development permit.

See Finding 15.

SRC CHAPTER 808 – PRESERVATION OF TREES AND VEGETATION

SRC 808.015 – Significant trees.

Finding 83: SRC 808.015 prohibits the removal of significant trees unless undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.035 or a tree variance granted under SRC 808.045. This chapter is inapplicable as there are no trees on the subject property.

SRC CHAPTER 809 – WETLANDS

SRC 809.025 – Notification of the Oregon Division of State Lands.

See Finding 16.

SRC CHAPTER 810 – LANDSLIDE HAZARDS

SRC 810.020 – Landslide hazard construction permit.

See Finding 17.

Conclusion: As conditioned, the proposed use is consistent with SRC 220.005(f)(3)(A).

SRC 220.005(f)(3)(B): The transportation system into and out of the proposed development conforms to all applicable city standards.

Finding 83: Access to the proposed development will be provided by the network of existing public streets that surround the property. The street system in and adjacent to the development will provide for the safe, orderly, and efficient circulation of traffic to and from the development. This criterion is met.

Conclusion: The proposed use is consistent with SRC 220.005(f)(3)(B).

SRC 220.005(f)(3)(C): The proposed development mitigates impacts to the transportation system consistent with the approved traffic impact analysis, where applicable.

Finding: 84 The proposed drive-through oil change facility generates less than 1000 average daily vehicle trips to the arterial street system; therefore, a TIA is not required as part of the development submittal per SRC 803.015(b)(1). This criterion is not applicable.

SRC 220.005(f)(3)(D): The proposed development will be served with City water, sewer, stormwater facilities, and other utilities.

Finding 85: The Development Services division reviewed the proposal and determined that water, sewer, and storm infrastructure are available and are adequate to serve the lots within the proposed development, subject to the conditions of approval established in this decision. This approval criterion is met.

Conclusion: As conditioned, the proposed use is consistent with SRC 220.005(f)(3)(D).

7. Analysis of Class 2 Adjustment Approval Criteria

The applicant has requested two Class 2 Adjustments. 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.

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.***

The applicant is requesting two Class 2 Adjustments:

- (1) Increase the maximum allowed off-street parking from three to five spaces, per SRC 806.015.***

Finding 86: The proposal includes development of a new motor vehicle services use, which, per Table 806-1, is allowed a maximum of one space per 600 square feet of gross floor area. The proposed building for the drive-through oil change service area is 1,738 square feet, permitting a maximum of three off-street parking spaces ($1,738 / 600 = 2.89$). The intent of limiting the number of off-street parking spaces based on the size of a building is to allow parking relative to the proposed use, which is typically tied to the size of a building, so as not to create excessive paved areas or induce demand for additional vehicle trips. The standard is intended to accommodate employees and customers for each use.

The applicant's written statement indicates at least five to six employees will be working on-site per shift, and that three off-street parking spaces is not sufficient. The applicant's written statement indicates customers of the drive-through oil change service use will remain in their vehicles, and the parking will only be necessary for employees. The applicant's request indicates the proposed five spaces, one of which will be designated for ADA parking, will help ensure employee parking is contained on-site and will reduce the impacts of overflow parking off-site. The applicant's written statement also indicates the additional parking spaces will not create excessive paved areas or further reduce site area for required setbacks or landscaping. As mitigation for the additional parking space, the applicant's site plan and landscaping plan include approximately 18 percent total site landscaping, more than the minimum 15 percent required.

Based on the applicant's information regarding the number of employees who will be present on site, the use would be more suited for an employee ratio which isn't present in the Salem Revised Code. The applicant has requested five parking spaces, one of which will be required to be an ADA parking space. This would provide four parking spaces, generally, for employees. Based on the maximum number of six employees working at one time, the requested five spaces take into consideration the number of employees working different shifts and will minimally increase the amount of spaces. As described, the proposal equally meets the standard, and this approval criterion is met.

2. *Reduce the minimum opening of the trash enclosure from twelve feet to nine feet, per SRC 800.055.*

Finding 87: The applicant's development plans include a trash enclosure with a gate opening of nine feet in width, less than the minimum 12 feet required. The applicant's written statement indicates the proposed use will require a solid waste receptacle of only one cubic yard, which can be maintained in the trash enclosure and wheeled out perpendicularly for servicing. The applicant's written statement and narrative include communication with the solid waste franchisee, indicating the reduced enclosure is necessary to provide the required green stormwater infrastructure (GSI) area for the development. The solid waste franchisee indicated no concerns with the reduced size. As such, the reduced gate opening allowing the receptacle to be manually maneuvered out of the enclosure perpendicularly equally meets the standard, and this approval criterion is met.

Conclusion: The proposed use is consistent with SRC 250.005(d)(2)(A).

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 88: The subject property is located within an CR (Retail Commercial) zone; therefore, this 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 89: Two adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code. Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development requirements of the zoning code, unless adjusted through a future land use action.

Conclusion: The proposed use is consistent with SRC 250.005(d)(2)(C).

DECISION

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the request for a conditional use, tentative partition plan, site plan review, and two Class 2 Adjustments consolidated application for the proposed drive-through oil change business, located at 3271 Lancaster Drive NE, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

- Condition 1:** At time of building permit review, submit a revised landscaping plan with evergreen/conifer trees of 5 plant units, which will be six to eight feet tall at time of planting.

- Condition 2:** There shall be no outdoor storage of vehicles or vehicle parts on site. No parking spaces shall be used for the service of vehicles. Any outdoor storage shall require site plan review to obtain approval for a sight-obscuring enclosure to be screened from all adjacent properties.
- Condition 3:** Normal hours of operation where the business is open to the public shall be limited to between the hours of 7 AM and 7 PM.
- Condition 4:** Prior to final plat approval, required right-of-way dedications and required easements shall be free and clear of encumbrances and liens unless an adjustment to SRC 200.050(d) is approved.
- Condition 5:** At time of development on each lot, provide an engineered stormwater design pursuant to SRC 71 and the Public Works Design Standards to accommodate new impervious surfaces at time of development.
- Condition 6:** On the final plat, convey land for dedication to equal a half-width right-of-way of 48-feet on the development side of Lancaster Drive NE.
- Condition 7:** On the final plat, provide a 10-foot-wide public utility easement along the frontage of Lancaster Drive NE on the final plat.
- Condition 8:** On the final plat, provide a shared access easement between Parcels 1 and 2 for the driveway approach to Lancaster Drive NE.
- Condition 9:** At time of building permit submittal, revise plans to provide pedestrian connections meeting the materials standards of SRC 800.065(b)(1)(B).
- Condition 10:** 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 11:** Prior to building permit issuance, the applicant shall obtain a private storm drain easement on abutting property to the west to connect the proposed Green Stormwater Infrastructure to a public stormwater main located on private property.

DATED: July 4, 2024



Gary Darnielle, Hearings Officer