

*Si necesita ayuda para comprender esta información, por favor llame*

**503-588-6173**

## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / PARTITION TENTATIVE PLAN / CLASS 3 SITE PLAN  
REVIEW CASE NO.: CU-PAR-SPR25-02**

**APPLICATION NO.: 25-105885-PLN**

**NOTICE OF DECISION DATE:** June 10, 2025

**SUMMARY:** A Conditional Use Permit, Class 3 Site Plan Review, and Tentative Partition Plan for a Residential Care Facility.

**REQUEST:** A consolidated application for a Conditional Use Permit, Class 3 Site Plan Review, and Tentative Partition Plan to construct a Residential Care Facility and associated site improvements on the vacant parcel. The subject property is approximately 5.56 acres in size, zoned CG (General Commercial), and located at 325 Lancaster Drive SE (Marion County Assessors Map and Tax Lot Number: 072W31BB / 4501).

**APPLICANT:** Community First Solutions LLC (Michael Gay, Bryce Petersen)

**LOCATION:** 325 Lancaster Dr SE, Salem OR 97317

**CRITERIA:** Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use Permit; 205.005(d) – Partition Tentative Plan; 220.005 – Class 3 Site Plan Review

**FINDINGS:** The findings are in the attached Decision dated June 2, 2025.

**DECISION:** The **Hearings Officer APPROVED** Conditional Use / Partition Tentative Plan / Class 3 Site Plan Review Case No. CU-PAR-SPR25-02 subject to the following conditions of approval:

- Condition 1:** At the time of future development, perimeter landscaping for the entire development site shall be installed to meet SRC Chapter 807.
- Condition 2:** The applicant shall provide Type A landscaping for the ten-foot landscaped setback along Lancaster Drive SE and the Private Street to the south, including 40 percent of Plant Units being trees, excluding Street Trees for the Private Street.
- Condition 3:** The southern property line abutting the Private Street shall be the designated front property line for proposed Parcel 1 and Parcel 2.
- Condition 4:** On the Final Plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.

**NOTICE OF DECISION**

PLANNING DIVISION  
planning@cityofsalem.net

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- Condition 5:** Prior to Final Plat, the applicant shall record a Shared Stormwater System Agreement which is in compliance with SRC 802.040 for the private stormwater main serving proposed Parcel 1 and Parcel 2.
- Condition 6:** On the Final Plat, provide a ten-foot-wide Public Utility Easement along the frontage of Lancaster Drive SE.
- Condition 7:** At the time of building permit review, the applicant shall provide details demonstrating compliance with all applicable standards of SRC 800.055 for the proposed solid waste service area.
- Condition 8:** At the time of building permit review, the applicant shall extend the proposed pedestrian pathway along the Private Street to connect to the existing pedestrian path on Tax Lot 072W31BB04502.
- Condition 9:** 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 10:** At building permit review, a minimum of four bicycle parking spaces meeting the development standards of SRC 806.060 shall be provided onsite.

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 26, 2027</u>
Partition Tentative Plan:	<u>June 26, 2027</u>
Class 3 Site Plan Review:	<u>June 26, 2029</u>
Application Deemed Complete:	<u>May 6, 2025</u>
Public Hearing Date:	<u>May 28, 2025</u>
Notice of Decision Mailing Date:	<u>June 10, 2025</u>
Decision Effective Date:	<u>June 26, 2025</u>
State Mandate Date:	<u>September 3, 2025</u>

Case Manager: Quincy Miller, [qmillier@cityofsalem.net](mailto:qmillier@cityofsalem.net), 503-584-4676

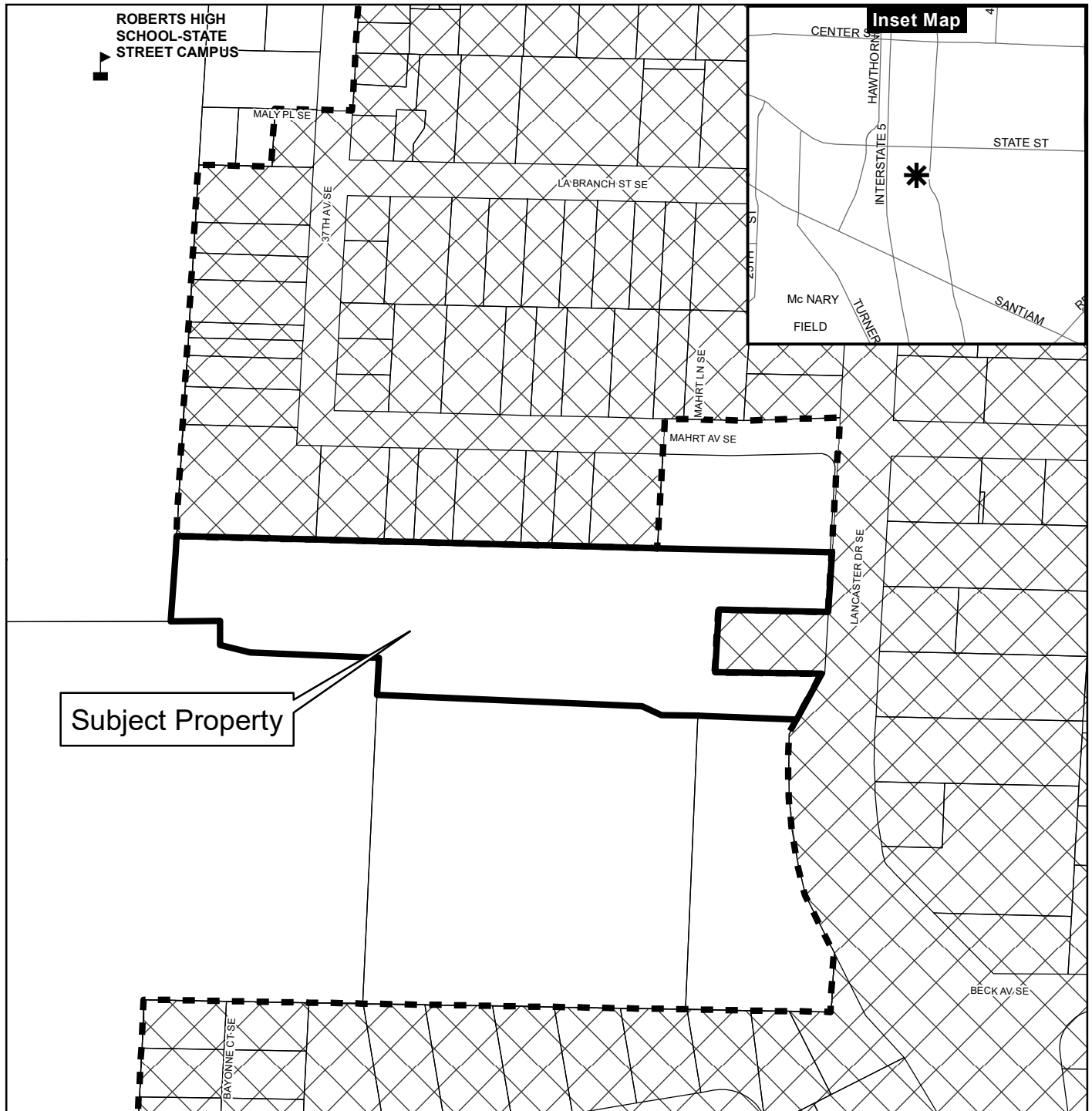
This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, in person at 440 Church St SE, Salem OR 97312, by mail P.O. Box 14300 Salem, OR 97309, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Wednesday, June 26, 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. 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

## 325 Lancaster Drive SE



### Legend

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

 Parks

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Community Planning and Development

0 100 200 400 Feet



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#### PARKING STALL QUANTITIES:

STANDARD STALLS	6
COMPACT STALLS	12
ADA STALLS	1
TOTAL PARKING STALLS	19

#### GENERAL NOTES:

1. ELECTRONIC FILES WILL BE PROVIDED TO CONTRACTOR FOR SITE LAYOUT.
2. THE OWNER OR CONTRACTOR SHALL RETAIN A LICENSED SURVEYOR TO PROVIDE CONSTRUCTION STAKING FOR ALL SITE WORK, INCLUDING BUT NOT LIMITED TO GRADING, PAVING, CURBS, UTILITIES, SITE ELECTRICAL, ETC.
3. SEE ARCHITECTURAL AND LANDSCAPE DRAWINGS FOR SCORING PATTERNS, SPECIALTY SURFACING, AND OTHER INFORMATION.
4. FOR STANDARD ASPHALT PAVEMENT AREAS AND STRIPING, SEE SIGNING, STRIPING AND SURFACING PLANS ON SHEET C210.

#### CONSTRUCTION NOTES:

1. CONSTRUCT STANDARD CURB PER DETAIL ON SHEET C700.
2. CONSTRUCT 45 DEGREE CURB TAPER.
3. CONSTRUCT FLUSH CURB PER DETAIL ON SHEET C700.
4. INSTALL REMOVABLE BOLLARD WITH KNOX LOCK PER DETAIL ON SHEET C701, 5 FT O.C.
5. INSTALL ACCESSIBLE RAMP HANDRAIL PER DETAIL ON SHEET C701.
6. INSTALL PRECAST CONCRETE WHEEL STOP PER DETAIL ON SHEET C701.
7. CONSTRUCT PLANTER WALL PER DETAIL ON SHEET C703.
8. CONSTRUCT CURB CUT PLANTER INLET PER DETAIL ON SHEET C703.
9. PROPOSED BIKE PARKING. REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.
10. PROPOSED TRASH COLLECTION AREA. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.
11. PROPOSED COURTYARD AND LANDSCAPE AREA. REFER TO LANDSCAPE PLANS FOR ADDITIONAL INFORMATION.
12. PROPOSED STORMWATER FACILITY. REFER TO SHEETS C301 THROUGH C303 FOR ADDITIONAL INFORMATION.
13. PROPOSED 10' HEIGHT CMU WALL. REFER TO ARCHITECTURAL PLANS FOR ADDITIONAL INFORMATION.

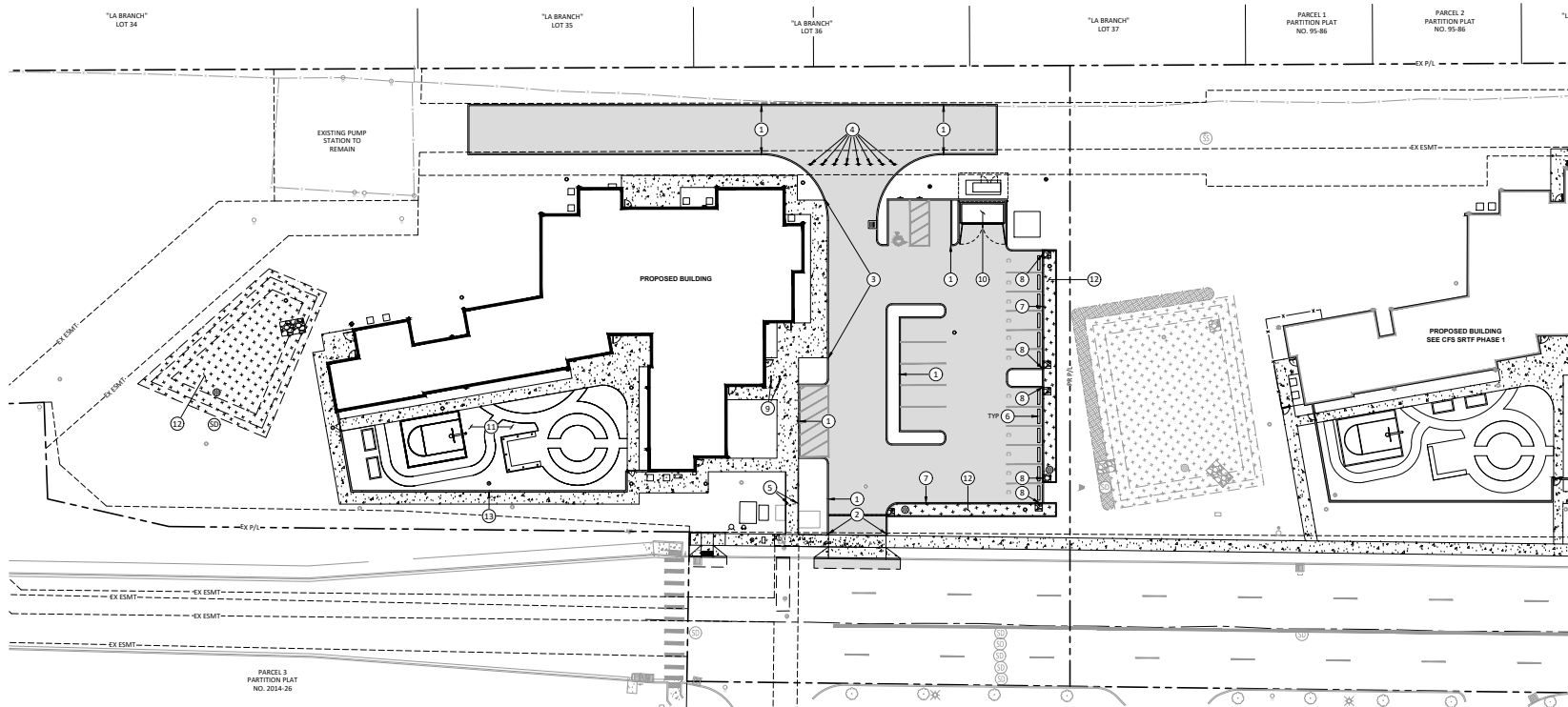


#### CFS SRTF - SALEM PHASE 2

Job Number: 24118  
325 Lancaster Drive SE  
Salem, Oregon 97317



Harper  
Houf Peterson  
Righellis Inc.  
ENGINEERS/PLANNERS  
LANDSCAPE ARCHITECTS/DESIGNERS  
210 Center Street SE, Suite 200, Salem, OR 97301  
phone: 503.365.1131 www.hhp.com fax: 503.221.1171



LAND USE 04.10.25

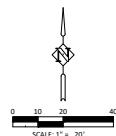
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Drawing:

ENLARGED SITE PLAN

Sheet No:

C201



FILE PATH:

THESE DRAWINGS ARE THE ORIGINAL AND UNREVISED WORK  
OF THE ARCHITECT AND MAY NOT BE REPRODUCED OR USED  
WITHOUT THE WRITTEN CONSENT OF THE ARCHITECT.

## SWF NOTES:

### WATER QUALITY PLANTING RATE CALCULATION

FACILITY NUMBER	SWF FACILITY SF	ZONE A (WET)	ZONE B (DRY)	TREES (1 / 100 SF)	LARGE SHRUBS (4 / 100 SF)	SMALL SHRUBS (6 / 100 SF)	GROUND COVER (75% MIN.)	HERBACEOUS (75% MIN.)
A	2749	1320	1429	14	0	165	1072	990
B	482	482	0	0	19	0	0	362
C	347	347	0	0	14	0	0	360
TOTAL	3578	2149	1429	14	33	165	1072	1712

## PLANT UNIT NOTES:

- 10' WIDE, 762 SF TYPE A BUFFER - 38 PLANT UNITS REQUIRED  
2 TREES & 10 SHRUBS = 40 PLANT UNITS\*
- 5' WIDE, 530 SF TYPE A BUFFER - 27 PLANT UNITS REQUIRED  
2 TREES & 30 SHRUBS = 80 PLANT UNITS\*
- 5' WIDE, 155 SF TYPE A BUFFER - 8 PLANT UNITS REQUIRED  
1 TREE & 8 SHRUBS = 18 PLANT UNITS\*
- 100 SF TYPE A INTERIOR - 6 PLANT UNITS REQUIRED  
6 SHRUBS = 6 PLANT UNITS
- 475 SF TYPE A INTERIOR - 24 PLANT UNITS REQUIRED  
2 TREES & 12 SHRUBS = 32 PLANT UNITS\*
- 15' WIDE 11,085 SF TYPE C BUFFER - 54 PLANT UNITS REQUIRED  
9 TREES, 2465 TREES & 107 SHRUBS = 387 PLANT UNITS\*
- \*40% OF TYPE A PLANT UNITS MUST BE TREES

## KEY NOTES:

1. INSTALL CRUSHED ROCK PATHWAY. SEE DETAIL 6 / L101.
2. PLACE 12" AMENDED TOP SOIL IN PLANTER BEDS, TYP.
3. PLACE 3" BARK MULCH TOP DRESSING IN PLANTERS, TYP.
4. PLACE 6" AMENDED TOP SOIL IN SEEDING AREAS, TYP.
5. PLACE 18" IMPORTED WATER QUALITY MEDIA IN RAIN GARDEN, TYP.
6. INSTALL BASKETBALL COURT STRIPING.
7. INSTALL BASKETBALL POLE PER DETAIL 5/101. INSTALL BASKETBALL BACKBOARD, GOAL, AND NET PER MANUFACTURER'S INSTRUCTIONS. SEE SPECIFICATIONS FOR MAKE AND MODEL.
8. INSTALL 6" NIGHT-OBSCURING FENCE ALONG THE NORTHERN PROPERTY LINE.

## GENERAL PLANTING NOTES:

1. ALL CONSTRUCTION SHALL BE PERFORMED IN ACCORDANCE WITH CURRENT CITY OF SALEM STANDARDS AND OREGON BUILDING AND SPECIALTY CODES.
2. INSTALL EROSION CONTROL SYSTEMS IN ACCORDANCE WITH CITY OF SALEM STANDARDS PRIOR TO SITE WORK AND LANDSCAPE INSTALLATION.
3. CONTRACTOR SHALL MARK AND PROTECT ALL UTILITIES, SITE FEATURES, AND VEGETATION TO REMAIN IN PLACE.
4. CONTRACTOR SHALL REMOVE ALL WEEDS AND INVASIVE SPECIES PRIOR TO PLANTING OR SEEDING.
5. ALL AREAS DISTURBED BY STAGING AND CONSTRUCTION ACTIVITIES SHALL BE SEED AT NO ADDITIONAL COST TO THE OWNER.
6. PRIOR TO PLANTING, CONTRACTOR SHALL TEST ON-SITE SOILS FOR SOIL FERTILITY BY CERTIFIED TESTING LAB. IF NECESSARY, BACKFILL SOILS FOR TREE PITS, SHRUB AND GROUND COVER AREAS SHALL BE AMENDED AS RECOMMENDED BY SOIL ANALYSIS REPORT.
7. ALL SEEDING AREAS SHALL BE STRIPPED OF VEGETATION, SCARIFIED AND RECEIVE 8" OF TOPSOIL PRIOR TO APPLICATION OF SEED.
8. ALL PLANTER BEDS SHALL BE SCARIFIED 12" BELOW FINISHED GRADE AND HAVE 12" OF TOPSOIL ADDED TO BRING BACK TO FINISHED GRADE PRIOR TO PLANTING.
9. CONTRACTOR TO INSTALL 3" LAYER OF COMPOST MULCH AT ALL TREE, SHRUB AND GROUND COVER AREAS.
10. LANDSCAPE INSTALLATION SHALL INCLUDE PROVISION OF AN AUTOMATIC IRRIGATION SYSTEM TO SUSTAIN LANDSCAPE PLANTINGS, MEETING LOCAL AND STATE BUILDING CODES.
11. PLANT MATERIAL INSTALLED SHALL CONFORM IN SIZE AND GRADE TO THE "AMERICAN STANDARD FOR NURSERY STOCK" CURRENT EDITION.
12. QUANTITIES OF PLANT MATERIALS SHALL BE AS DETERMINED BY CONTRACTOR IN ACCORDANCE WITH SPECIFIED SPACING OR LOCATION ON PLAN. MATERIAL QUANTITIES SHOWN ON PLAN ARE FOR CONTRACTOR CONVENIENCE ONLY AND SHALL BE VERIFIED BY CONTRACTOR PRIOR TO INSTALLATION. SURPLUS OR SHORTAGES OF PLANT QUANTITIES SHALL BE RESPONSIBILITY OF CONTRACTOR.
13. LANDSCAPE CONTRACTOR SHALL WATER PLANTINGS FOR DURATION OF 3-YEAR WARRANTY PERIOD AFTER INSTALLATION AND GUARANTEE ALL PLANTINGS TO BE IN SATISFACTORY HEALTH. LANDSCAPE CONTRACTOR SHALL REPLACE ALL DAMAGED, DEAD, OR DYING PLANTS COVERED BY WARRANTY WITHIN 30 DAYS OF INITIAL IDENTIFICATION OF CONDITION.



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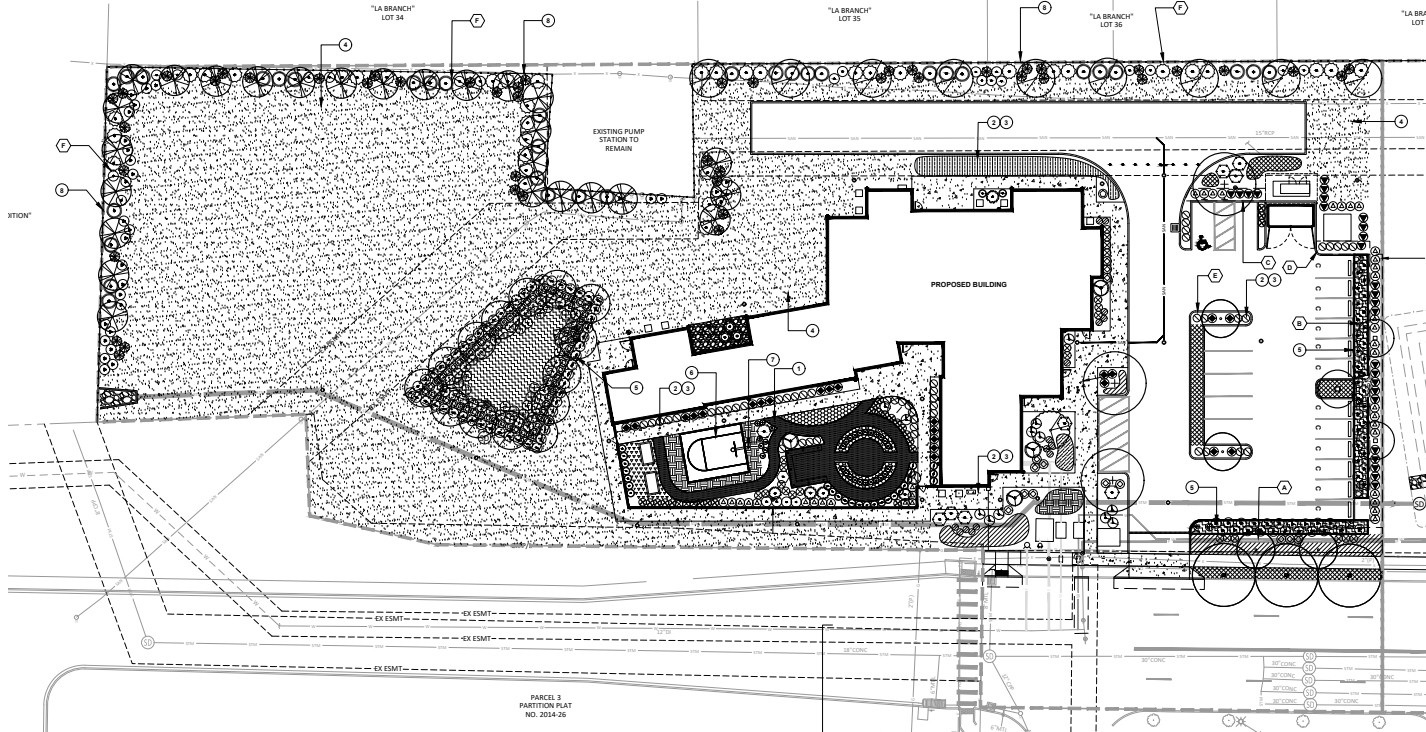
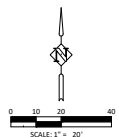
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PLANTING PLAN

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L101



## PLANT SCHEDULE

### TREES

1. 3" Cal. B&B, WELL BRANCHED, LIMBED TO 8'  
50 PLANT UNITS
2. 4" Maui 'PS' KUKU - Royal Bicolor Flowering Canebush  
1.5" CAL. B&B, WELL BRANCHED, LIMBED TO 8'
3. 3" Zelkova serrata 'Green Vase' - Green Vase Zelkova  
1.5" CAL. B&B, WELL BRANCHED, LIMBED TO 8'
4. 6" HT. B&B, FULL TREES, BRANCHED TO GROUND
5. 1.5" Cal. B&B, WELL BRANCHED, LIMBED TO 8'
6. 6" HT. B&B, FULL TREES, BRANCHED TO GROUND
7. 20' Pseudotsuga menziesii - Douglas Fir  
6" HT. B&B, FULL TREES, BRANCHED TO GROUND

### SHRUBS

1. 27' Ulmus davidsonii - David's Elm  
1 GAL. CONT. FULL PLANTS, SPACING AS SHOWN  
SIZE AT MATURITY: 3' x 4'
2. 27' Lagerflora pinnata - Red-leafed Japanese Maple  
1 GAL. CONT. FULL PLANTS, SPACING AS SHOWN  
SIZE AT MATURITY: 3' x 3'
3. 1.5" Thunbergia alata 'Golden Globe' - Golden Globe Acoron  
1 GAL. CONT. FULL PLANTS, SPACING AS SHOWN  
SIZE AT MATURITY: 4' x 4'
4. 1.5" Potentilla fruticosa 'Goldfinger' - Goldfinger Potentilla  
1 GAL. CONT. FULL PLANTS, SPACING AS SHOWN  
SIZE AT MATURITY: 3' x 4'
5. 1.5" Begonia 'Bambino' - Bambino Begonia  
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**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A CONSOLIDATED APPLICATION  
FOR A CONDITIONAL USE PERMIT,  
A TENTATIVE PARTITION AND A  
CLASS 3 SITE PLAN REVIEW FOR A  
RESIDENTIAL CARE FACILITY IN A  
CG (GENERAL COMMERCIAL) ZONE  
ON PROPERTY 5.56 ACRES IN SIZE,  
AND LOCATED AT 325 LANCASTER  
DRIVE NE (MARION COUNTY  
ASSESSOR'S MAP AND TAX LOT  
NUMBER 072W31BB/ 04501)

CU-PAR-SPR25-02

FINDINGS OF FACT, CONCLUSIONS,  
AND DECISION

**DATE AND PLACE OF HEARING:**

On May 28<sup>th</sup>, 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: Quincy Miller, Planner I

Neighborhood Association: None

Applicant: Community First Solutions

Opponents: None.

**SUMMARY OF THE APPLICATION AND HEARING**

**BACKGROUND**

The City of Salem held a duly authorized and noticed public hearing on May 28<sup>th</sup>, 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 8, 2025, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was May 28<sup>th</sup>, 2025.



The public hearing was held on May 28<sup>th</sup>, 2025. During the staff presentation, the staff report was entered into the record. 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 CG (General Commercial). The zoning and uses of the surrounding properties include:

**North:** CR (Retail Commercial) Zone; Marion County RS (Retail Commercial) Zone.

**South:** CG (General Commercial).

**East:** Across Lancaster Drive SE; Marion County CR (Retail Commercial) Zone.

**West:** PS (Public Service) Zone.

### **3. Site Analysis**

The Tentative Partition Plan proposed as part of the consolidated application proposes to divide the 5.56-acre property into two parcels, with the Residential Care Facility previously approved in Case No. CU-SPR-ADJ24-02 to be located on proposed Parcel 2 for Phase 1 of development, and the proposed Residential Care Facility for this application to be located on proposed Parcel 1 for Phase 2 of development.

The development site has approximately 100-feet of frontage along Lancaster Drive SE, which is designated as a Major Arterial Street in the Salem Transportation System Plan, and has approximately 424-feet of frontage along a private street.

### **4. Neighborhood and Citizen Comments**

The subject property is located within the boundaries of the Southeast Salem Neighborhood Association (SESNA). 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 March 7, 2025, the applicant contacted SESNA informing them of the proposed project.

Notice of the application was provided to SESNA 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.

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 no concerns.

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

## **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:** A residential care facility use is a conditional use within the GC zone under SRC 523.005(a), Table 523-1. Since the applicant is proposing a 11,000 square foot residential care facility a Conditional Use Permit is required per SRC 523.005(a).

**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 proposed Residential Care Facility would be surrounded by a mix of uses, with commercial uses (movie theater, bar, car lot, residential care facility) to the south and east, residential uses (single-family houses) to the north, and institutional uses (Roberts High

School) to the west. As required for CG zoned properties abutting residentially zoned properties per Table 523-3 in SRC 523.010(b), a minimum 15-foot setback with Type C landscaping will be placed along the northern property line of the proposed development. The required setbacks, screening, and landscaping will limit adverse impacts from the proposed development.

A Residential Care Facility was previously approved in Case No. CU-SPR-ADJ24-02 and is currently under construction on the resultant Parcel 2 to the east of the proposed development. To ensure the impacts to surrounding properties would be minimized, the following Conditions were approved and apply to the development site from Case No. CU-SPR-ADJ24-02:

- Condition 1:** At the time of future development, perimeter landscaping for the entire development site shall be installed to meet SRC Chapter 807.
- Condition2:** The applicant shall provide Type A landscaping for the ten-foot landscaped setback along Lancaster Drive SE and the private street to the south, including 40 percent of plant units being trees, excluding street trees for the private street.

**Conclusion:** As conditioned, the development will have a minimal impact on the immediate neighborhood.

**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:** The general development pattern surrounding the subject property can be characterized as being composed of a variety of uses. The proposed use will be located on the same development site as the residential care facility that was approved in CU-SPR-ADJ24-02 as having met this criterion.

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

## **6. Analysis of Tentative Partition Plan Approval Criteria**

SRC Chapter 205.005(d) sets forth the criteria that must be met before approval can be granted to a Tentative Partition Plan.

***SRC 205.005(d)(1): The Tentative Partition Plan complies with the standards of this Chapter and with all applicable provisions of the UDC.***

**Finding 4:** The Tentative Partition Plan proposes to divide the 5.56-acre parcel into two parcels, both having a residential care facility on them. Phase 1 of the development was approved with Case No. CU-SPR-ADJ24-02 and will be located on the 3.22-acre Parcel 2. Phase 2 will accommodate the proposed development that will be located on the 2.35-acre Parcel 1.

**Finding 5:** The subject property is zoned CG General Commercial. The CG Zone has no minimum standards for lot area, width or depth but non-single-family residential uses must have a minimum of 16 feet of street frontage. Parcel 1 will be 92,629 square feet in size, a depth of 192 feet and about 505 feet of width. It will have about 424 feet of frontage on the private street to the south.

Parcel 2 will be about 99,209 square feet in size, about 198 feet of depth and about 597 feet in width. It will have about 94 feet of frontage on Lancaster Drive SE and about 412 feet of frontage on the private street to the south.

**Finding 6:** Setbacks for buildings, accessory structures, and vehicle use within the CG Zone are established in SRC 523.010(b), Tables 523-3 and 523-4. On Parcel 1, the proposed building and accessory structures are setback more than the required five feet from the private street to the south and more than the required 15 feet from the residentially zoned property to the north. The proposed vehicle use area is setback about 13 feet from the private street to the south, 11.5 feet from proposed Parcel 2 to the east, and 16 feet from the residentially zoned property to the north; meeting the standards of Table 523-4.

On Parcel 2, the building and accessory structures approved in CU-SPR-ADJ24-02 are setback about 87 feet from Parcel 1 to the west, 17 feet from the private street easement to the south, and 44 feet from the residentially zoned property to the north. This is consistent with standards of Table 523-4. The vehicle use area is about 12 feet from the private street to the south, 23 feet from the commercially zoned property to the north, 212 feet from Lancaster Drive SE to the east, and 38 feet from the residentially zoned property to the north. These distances are also consistent with the standards of Table 523-4.

**Finding 7.** Maximum lot coverage requirements within the CG zone are established under SRC 523.010(c), Table 523-5. There are no maximum lot coverage requirements for buildings or accessory structures in the CG zone for all uses but the zone does have a maximum height standard of 70 feet for non-residential uses. Neither of the structures proposed for Parcel 1 or Parcel 2 exceed 70 feet in height.

**Finding 8.** SRC 800.020 establishes standards for the designation of front, side, and rear lot lines for interior lots, corner lots, double frontage lots, flag lots, and all other lots. Proposed Parcel 1 is considered an interior lot with frontage along the private street to the south, and proposed Parcel 2 is considered a corner lot with frontage on the private street to the south and Lancaster Drive SE on the east. To ensure compliance with setbacks for development of both parcels, the following condition shall apply:

**Condition 3:** The southern property line abutting the private street shall be the designated front property line for proposed Parcel 1 and Parcel 2.

**Finding 9.** SRC Chapter 205 contains city platting standards in regard to land division and reconfiguration. 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, then 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).

**Finding 10:** The subject property is served with an existing 12-inch water main located in an easement. It receives a water service level of G-0. The property is also served with an 8-inch and a 15-inch sanitary sewer main that are also located in an easement. SRC 802.015 requires development to be served by city utilities that are designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards (PWDS). Based upon the applicant's preliminary utility plan, it appears that public water and sanitary sewer are adequate to serve the subject property.

**Finding 11:** There are no public storm mains in the vicinity of the property and although it is served by existing private stormwater mains. SRC 800.040 allows private stormwater systems under certain conditions and the applicant's preliminary utility plan shows a common private stormwater system to serve both parcels. Storm runoff from both parcels will discharge into a private stormwater main constructed with the Phase 1 development and that travels through both parcels. According to SRC 802.040(c), if the private system serves multiple properties under separate ownership, an agreement between the property owners is required to ensure continued maintenance of the system. The applicant shall be required to provide a Private Shared Stormwater Agreement that meets the standards of SRC 802.040. (See Condition 5, below.)

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 once fully developed. A Residential Care Facility on proposed Parcel 2 is currently under construction (CU-SPR-ADJ24-02). The previously approved development on Proposed Parcel 2 included a Green Stormwater Infrastructure (GSI) facility to serve the proposed development. Proposed Parcel 1 will be served by a separate stormwater facility, which the applicant has provided a preliminary stormwater management report for as part of the application materials.

To demonstrate the proposed parcels can meet the requirement of SRC Chapter 71 and the *Public Works Design Standards* (PWDS), the applicant must submit a tentative stormwater design prior to Final Plat approval. For a tentative stormwater design, the applicant shall submit infiltration test results—the Simplified Method Form or Engineering Method Report as applicable—and a preliminary site plan showing the building envelope and tentative location of

stormwater facilities. The stormwater systems shall be tentatively designed to accommodate the future impervious surfaces on all proposed parcels within the Partition. At the time of development on each parcel, a stormwater management system will be provided that demonstrates compliance with SRC Chapter 71 and the *Public Works Design Standards* relating to stormwater management.

**Finding 12:** The subject property is located outside of the Urban Service Area. As defined by SRC 200.005, the urban service area is the territory of the City where all required facilities are in place or fully committed. SRC 200.010(c) requires issuance of an Urban Growth Preliminary Declaration (UGA) prior to development of property located outside of the Urban Service Area if the development precedes city construction of required facilities. In the present case, an UGA is not required as city construction of required facilities will precede development.

**Finding 13:** SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development. In the applicant's preliminary utility plan, there are multiple existing public utility mains located on the subject property. As a Condition of Approval for the first phase of development for Case No. CU-SPR-ADJ24-02, easements for City utilities were required to be dedicated on proposed Parcel 2. All existing and proposed easements shall be shown on the Final Plat. Furthermore, access to proposed Parcel 1 is provided through proposed Parcel 2, and there are existing utilities that will cross the new property line. Any easements needed to serve the proposed parcels with City infrastructure and access shall be shown on the Final Plat.

**Condition 4:** On the Final Plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.

**Condition 5:** Prior to the Final Plan, the applicant shall record a Shared Stormwater System Agreement which is in compliance with SRC 802.040 for the private stormwater main servicing proposed Parcels 1 and 2.

**Finding 14:** Except as provided elsewhere in SRC Chapter 803, SRC 803.025 requires that right-of-way widths and pavement width for streets and alleys conform to the standards of Tables 803-1 and 803-2. 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 SE abuts the subject property and is classified as a Major Arterial Street according to the Salem Transportation System Plan (TSP). Lancaster Drive SE meets the minimum improvement width required for a Major Arterial Roadway according to SRC 803.025, Table 803-2 (Pavement Width). Lancaster Drive SE does not meet the minimum right-of-way width standard for a Major Arterial Roadway according to SRC 803.025, Table 803-1 (Right-of-Way Width). Right-of-way dedication along Lancaster Drive SE was

required as a Condition of Approval for the first phase of development on proposed Parcel 2, which is currently under construction (CU-SPR-ADJ24-02). Upon completion of the first phase of development, on proposed Parcel 2, Lancaster Drive SE will meet the minimum standards for right-of-way width and pavement width according to SRC Chapter 803; therefore, additional improvements are not required as a condition of the application.

The development site is served by an existing private street, which extends onto the subject property from Lancaster Drive SE. The existing private street has a variable improved width between 50 and 60 feet, which exceeds the standards required for a Local Private Street according to SRC 803.025, Table 803-2 (Pavement Width). The first phase of development, on proposed Parcel 2, was required to be improved with sidewalks on the development-side of the street. Therefore, additional improvements to the private street serving the development are not required.

**Finding 15:** SRC 803.035(n) requires dedication of a ten-foot wide public utility easement along all street rights-of-way. The applicant must dedicate a ten-foot wide easement along its frontage with Lancaster Drive SE as currently there is no easement in that location.

**Finding 16:** There are no floodplain or floodway areas on the subject property.

**Finding 17:** SRC Chapter 808 requires tree conservation plans in conjunction with development proposals that involve the creation of lots or parcels to be used for single-family uses, two-family uses, three-family uses, four-family uses, or cottage clusters. No tree conservation plan is required as the proposed partition does not involve residential development and no trees are proposed for removal.

**Finding 18:** SRC Chapter 809 establishes requirements for notification of the Oregon Division of State Lands (DSL) when an application for development is received 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 must contact DSL to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s), including any work in the public right-of-way. The record indicates that notice was sent to DSL pursuant to SRC 809.025.

**Finding 19.** There are three mapped three-point landslide hazards along the northern and eastern lines of the subject property. SRC 810.020 requires a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. In the present case, no geological assessment is required as the applicant's proposal does not disturb any portion of a mapped landslide hazard area.

**Conclusion:** The proposed partition, as conditioned, is consistent with SRC 205.005(d)(1).



***SRC 205.005(d)(2): The Tentative Partition Plan does not impede future access to adjacent land.***

**Finding 20:** The development site is served by an existing private street that extends onto the subject property from Lancaster Drive SE. The existing private street serves adjacent property to the south and west. All other lands surrounding the subject property have existing access onto the public street system. The proposed partition does not impede future access to adjacent lands.

**Conclusion:** The proposed partition is consistent with SRC 205.005(d)(2).

***SRC 205.005(d)(3): Development within the Tentative Partition Plan can be served by City infrastructure.***

**Finding 21:** The applicant's proposal, including the partition, has been reviewed by the Development Services Division. Division staff has determined that that water, sewer and storm infrastructure are available and adequate to serve the proposed development.

**Condition 6:** On the Final Plat, provide a ten-foot-wide public utility easement along the frontage of Lancaster Drive SE.

**Conclusion:** As conditioned, the proposed partition is consistent with SRC 205.005(d)(3).

***SRC 205.005(d)(4): The street system in and adjacent to the Tentative Partition Plan conforms to the Salem Transportation System Plan.***

**Finding 22:** The subject property is located adjacent to Lancaster Drive SE, which is classified as a Major Arterial Street under the City's Transportation System Plan (TSP). Right-of-way dedication along Lancaster Drive SE was required as a condition of approval for the first phase of development, on Proposed Parcel 2, which is currently under construction (CU-SPR-ADJ24-02). Upon completion of the first phase of development, on proposed Parcel 2, Lancaster Drive SE will meet the minimum standards for right-of-way width and pavement width according to SRC Chapter 803 and the Salem TSP.

**Conclusion:** The proposed partition is consistent with SRC 205.005(d)(4).

***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:***

**Conclusion:** This criterion is inapplicable as the subject property is already served by available public water and sewer.

## 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.

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

**Finding 23:** The applicant's proposed development includes a 16-room, 11,000-square-foot residential care facility which is a conditional use in the GC zone. As conditioned, the proposed site plan complies with all applicable development standards of the Unified Development Code (UDC) as follows.

### **USE AND DEVELOPMENT STANDARDS – CG (GENERAL COMMERCIAL) ZONE:**

***SRC 523.005(a) – Uses:*** Table 523–1 lists permitted uses in the CG Zone.

**Finding 24** The proposed development is a residential care facility, which is characterized as a “residential care” use under Table 523–1, of SRC 523.005(a). The proposed facility will be constructed on proposed Parcel 1, adjacent to a residential care facility approved under CU–SPR–ADJ24–02. A residential care use is subject to a conditional use permit, the standards of which are addressed above.

### ***SRC 523.010(b) – Lot Standards***

**Finding 25:** There are no minimum lot area or dimension requirements in the CG zone. All uses, except for single-family uses, are required to have a minimum of 16 feet of street frontage. The proposed use, to be located on Parcel 1, will have 424 feet of frontage on a private street on the south side of the property, meeting this standards.

### **SR 523.010(b) – Setbacks**

**Finding 26:** Setbacks within the CG zone are identified in Tables 523–3 and 523–4. The following are the required setbacks associated with orientation to adjacent properties:

**Abutting Street** – Parcel 1 abuts a private street to the south. New buildings and accessory structures for uses other than household living require a minimum setback of five feet when abutting a street. Vehicle use areas require a minimum six to ten-foot setback per SRC Chapter 806 when adjacent to a street. The proposed building and accessory structures are setback more than five feet from the private street. The proposed vehicle use area is setback about 13 feet from the private street.

Interior Side and Rear – To the north, Parcel 1 abuts property within Marion County that is zoned RS (Single-Family Residential). This zoning requires a minimum of a 15-foot setback. Adjacent to the west of Parcel 1 is property zoned PS (Public Service). There is no required minimum setback for buildings and accessory structures but there is a minimum setback of five feet for vehicle use areas. Adjacent to the east of Parcel 1 is property zoned CG. There is no required minimum setback for buildings and accessory structures but there is a minimum setback of five feet for vehicle use areas.

The proposed building and accessory structures are setback more than 15 feet from residentially zoned property to the north and its proposed vehicle use area is setback 16 feet from this property. The proposed vehicle use area is setback 11.5 feet from proposed Parcel 2, to the east, and about 350 feet from the property to the west. At setback standards have been met.

***SRC 523.010(e) – Lot Coverage, Height***

**Finding 27:** There is no maximum lot coverage in the CG zone although height is restricted to 70 feet. The proposed building will be 23-feet in height, consistent with the height standard in the CG zone.

***SRC 523.010(d) – Landscaping***

**Finding 28:** SRC 523.010(d) requires that all required setbacks and vehicle use areas be landscaped and that a minimum of a development site be landscaped. The applicant's landscaping plan indicates that Type A landscaping with a six-foot-tall sight-obscuring fence will be installed along the northern property line when abutting the residentially zoned properties for the proposed building and vehicle use area. The landscaping plan also indicates the proposed vehicle use area will have Type A landscaping and trees within the required setbacks, meeting the standard.

Per Condition 18 of Case No. CU-SPR-ADJ24-02, perimeter landscaping for the entire development site is required. Therefore, the landscaping standards will apply for the entire 5.56-acre (242,194 square foot) development site, requiring a minimum 36,329 square feet of Type A landscaping ( $242,194 \times 0.15 = 36,329$ ). Per the applicant's landscaping plans, Phase 1 will have 57,691 square feet of landscaped area, while Phase 2 will have 56,700 square feet of landscaped area. With a total of 114,391 square feet of development site landscaping, the proposed landscaping exceeds the standard.

***SRC 523.010(e) – Development Standards for Continued Uses***

**Finding 29:** The proposal is for a new development not a continued use and therefore this standard is not applicable.

## **SRC Chapter 800 – GENERAL DEVELOPMENT STANDARDS**

### ***SRC 800.055(a) – Applicability***

**Finding 30:** Solid waste service area design standards apply to all new solid waste, recycling and compostable service areas where the receptacle of one cubic yard or larger is proposed. This section is applicable as the proposed development includes a new solid waste service area with a receptacle larger than one cubic yard.

### ***SRC 800.055(b) –Solid Waste Receptacle Placement Standards***

**Finding 31:** 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 applicant proposes to locate the solid waste service area for the proposed development in the northeast corner of the parking area. The dimensions and slope on the development plans appear to meet the standards but no differentiation is shown for the pad area. Therefore, the following condition of approval is appropriate:

**Condition 7:** At the time of building permit review, the applicant shall provide details demonstrating compliance with all applicable standards of SRC 800.055 for the proposed solid waste service area.

Per the applicant's plans, the proposed solid waste service area receptacles are approximately 1.5 feet away from the side walls of the enclosure, which are shown as being constructed of non-combustible materials, meeting the standard. The receptacles are not covered. Further compliance will be verified at the time of building permit review.

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

**Finding 32:** 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 33:** 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 applicant's site plans indicate that the solid waste service area will be screened with a six-foot-tall CMU enclosure and a six-foot-tall sight-obscuring gate, which meets the standard. Compliance will be verified at the time of building permit review.

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

**Finding 34:** 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 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 applicant's plans show the front opening of the solid waste service area enclosure is unobstructed with a minimum of 17' 4" in width. The plans also show a one-foot-wide curb inside the enclosure sides, except that the rear curb is six inches wide. The proposed enclosure gates are greater than 15 feet in width and are able to open more than 90 degrees. The receptacles are not proposed to be located within a prohibited enclosure. The applicant's proposed solid waste service area enclosure meets the standards of SRC 800.0555(e) although compliance will be verified at the time of building permit review.

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

#### ***SRC 800.055(f)(1) – Vehicle Operation Area***

**Finding 35:** 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. The applicant's plans show that the solid waste service area has more than 45 feet of unobstructed drive aisle that is 25 feet wide.

**Finding 36:** SRC 800.055(f)(1)(B) provides standards for solid waste service area receptacles of two cubic yards or less. This standard is not applicable as the proposed solid waste service area receptacle is larger than this size.

**Finding 37:** 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 38:** 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.

**Finding 39:** SRC 800.055(f)(1)(D) 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. This standard is not applicable as the applicant's plans show a direct approach to the vehicle operation area.

***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 40:** The vehicle operation area utilized the off-street parking area, which is designed to ensure that vehicles do not have to back onto a public street or leave the premises. This standard is met.

***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 41:** The vehicle operation area is proposed to be paved with asphalt and meeting applicable grading and stormwater standards. Further compliance will be verified at the time of building permit review.

***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 42:** Signage locations are not shown on the site plan. As per Condition of Approval

7 above, this standard is met, with compliance to be verified at the time of building permit review.

#### ***SRC 800.060 – Exterior Lighting***

**Finding 43:** This provision prohibits exterior lighting from shining or reflecting onto adjacent properties or casting glare onto the public right-of-way. It also provides that exterior light fixtures be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either: (1) completely shielded from direct view; or (2) no greater than five foot-candles in illumination. The applicant's lighting plan indicates that the proposed exterior lighting will not shine or reflect onto adjacent properties or right-of-way and will be completely shielded or have candles less than five feet in illumination. Further compliance will be verified at the time of building permit review.

#### ***SRC 800.065 – Pedestrian Access***

**Finding 44:** 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 45:** 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.

A sidewalk is proposed from each main building entrance on Parcels 1 and 2 to a proposed pedestrian pathway along the Private Street, ultimately connecting to the pedestrian pathway at Lancaster Drive SE. There is no transit route or planned transit stop abutting the development site. This standard is met.

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

**Finding 46:** This standard 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. The proposed pedestrian pathway connects the development on proposed Parcels 1 and 2; however, a connection is not shown between the proposed pedestrian path on Parcel 1 and



the existing pedestrian path on the adjacent property to the west. Therefore, the following Condition applies:

**Condition 8:** At the time of building permit review, the applicant shall extend the proposed pedestrian pathway along the private street to connect to the existing pedestrian path on Tax Lot 072W31BB04502.

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

**Finding 47:** This standard 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. 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. Since the proposed development does not include any existing or proposed parking greater than 25,000 square feet of any existing or proposed parking structures or garages greater than 25,000 square feet, this standard does not apply.

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

**Finding 48:** 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 49:** 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. Access to both properties is provided via a private street.

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

**Finding 50:** 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. The applicant's plans show that all proposed pedestrian connects are at least five-feet in width and appear to meet the design standards of SRC 800.065(b).

### ***SRC 800.065(c) – Lighting.***

**Finding 51:** 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 applicant's lighting plan shows that lighting is located along the proposed pedestrian pathways; meeting this standard.

## **SRC Chapter 71 – STORMWATER**

### ***SRC 71.045 – Applicability***

**Finding 52:** The proposed development is subject to the requirements of SRC Chapter 71 as this chapter is applicable to all projects, all new and existing land uses, and all discharges directly or indirectly to the public stormwater system or to a private stormwater system. SRC Chapter 71 and the *Public Works Design Standards* that require the use of Green Stormwater Infrastructure (GSI) to treat and detain stormwater generated from the development. The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of GSI to the maximum extent feasible.

**Condition 9:** 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 53:** This provision 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). In this regard, public water, sanitary sewer, and stormwater infrastructure is available along the perimeter of the site and City staff have verified that it is 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.

## **SRC CHAPTER 803 – CITY STREET AND RIGHT-OF-WAY STANDARDS**

### ***SRC 803.020 – Public and private streets.***

**Finding 54:** SRC 803.020(b)(1) allows streets within a partition to be either public or privately owned.

### ***SRC 803.025 – Right-of-way and pavement widths***

**Finding 55:** SRC 803.025, Tables 803–1 and 803–2, specify right-of-way and pavement widths. Parcel 1 does not front Lancaster Drive SE and therefore boundary street improvements are not required for site plan review.

### **SRC CHAPTER 804 – DRIVEWAY APPROACHES**

#### ***SRC 804.015(a) – Driveway approach permit required.***

**Finding 56:** This provision requires a driveway approach permit when a driveway approach is constructed, relocated, reconstructed, enlarged or altered. No driveway approach permit is required as the existing approach to Lancaster Drive SE meets the standards of SRC Chapter 804.

### **SRC CHAPTER 805 – VISION CLEARANCE**

#### ***SRC 805.010 – Obstructions to vision prohibited.***

**Finding 57:** The proposed development does not cause a vision clearance obstruction per SRC Chapter 805.

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

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

**Finding 58:** 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 proposed building is 11,000 square feet in area, allowing for a maximum of 31 parking spaces. The proposed parking area contains 20 parking spaces, meeting the allowed maximum.

**Finding 59:** SRC 806.015(b) requires that up to 75 percent of the off-street parking spaces may be compact parking spaces. The proposed development includes 13 compact parking spaces in the vehicle use area, which is 65 percent of the total off-street parking spaces; meeting the standard.

**Finding 60:** 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 20 parking spaces.

**Finding 61:** 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.***

**Finding 62:** 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.

**Finding 63:** SRC 806.035(b) prohibit off-street parking and vehicle use areas being located within required setback areas. 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.

**Finding 64:** SRC 806.035(c) requires that perimeter setbacks are required for off-street parking and vehicle use areas that abut streets; interior front, side and rear property lines; and buildings and structures. Perimeter setbacks for off-street parking and vehicle use areas must be landscaped. Off-street parking and vehicle use area of the proposed development are consistent with the requirements of SRC Chapters 523 and 806. The submitted landscaping plan shows perimeter landscaping.

**Finding 65:** 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 applicant's landscape plan states that the proposed off-street parking area is 12,359 square feet in size, requiring a minimum 618 square feet of interior landscaping ( $12,359 \times 0.05 = 617.95$ ). A total of 20 off-street parking spaces are proposed, with six standard stalls, 13 compact stalls, and one accessible stall shown on the site plans, thereby requiring a minimum of two deciduous shade trees within the off-street parking area. As 926 square feet of interior landscaping is proposed, and more than two deciduous shade trees are shown within the interior of the off-street parking area; this standard is met.

**Finding 66:** SRC 806.035(e) requires that off-street parking areas conform to the minimum dimensions requires by Table 806-6. The proposed off-street parking spaces comply with the minimum dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6. A drive aisle approximately 25 feet wide is proposed for the vehicle use area, where 24 feet is required for aisles serving both standard and compact parking spaces. This standard is met.

**Finding 67:** SRC 806.035(f) provides access and maneuvering standards for off-street parking areas. The standard is designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street and that a turnaround area is provided where a drive aisle terminates at a dead-end. The proposed off-street parking area is designed so that vehicles can enter and exit in a forward motion and does not terminate in a dead-end. The vehicle use area located behind the removable bollards on the north side of the property is a "hammerhead" turnaround area with an aisle width of 20 feet. These standards are met.

**Finding 68:** SRC 806.035(g)–(i) provides additional standards for grade, surfacing and drainage. Bumper guards are required. The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards shall be provided as required by SRC Chapter 806. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806.

**Finding 69:** SRC 806.035(n) requires additional standards for off-street parking areas more than one-half acre in size. These standards are not applicable as the off-street parking area for the proposed development is less than one-half acre in size.

#### ***SRC 806.040 – Driveway Standards.***

**Finding 70:** SRC 806.040(d), Table 806–7, require that two-way driveways are required to have a minimum width of 22 feet. The vehicular access to the parking areas within the proposed development is 24-feet wide.

#### ***SRC 806.045–.060 – Bicycle Parking Standards.***

**Finding 71:** Bicycle parking is required for new uses and activities. Table 806–8 provides that 4 bicycle spaces or one per 3,500 square feet for the first 50,000 square feet is required for a residential care facility. Four bicycle spaces are required for the proposed development ( $11,000/3,500=3.14$ ) and the applicant's site plans indicated four bicycle spaces are provided.

**Finding 72:** SRC 806.060(a) provides that short-term bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route. The applicant has indicated that two inverted-style bicycle parking racks will be placed on the property adjacent to the primary entrance. However, as the bicycle racks and their access dimensions are not shown on the site plans, the following condition applies:

**Condition 10:** At building permit review, a minimum of four bicycle parking spaces meeting the development standards of SRC 806.060 shall be provided onsite.

#### ***SRC 805.065–.075 – Off-Street Loading Area Standards***

**Finding 73:** Off-street loading areas are required for all new uses or activities (SRC 806.065) and Table 806–9 provides that a minimum of one space that is 12 feet wide, 30 feet long, and 14 feet high for uses that are greater than 5,000 square feet in size but less 5,001 square feet in size. The applicant's site proposal has one off-street loading area that meets the standards of Table 806–9.

### **SRC CHAPTER 601 – FLOODPLAIN OVERLAY ZONE**

***SRC 601.045 – Establishment of development permit.***

**Finding 74:** 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 807 – LANDSCAPING AND SCREENING**

***SRC 807.015 – Landscaping and screening.***

**Finding 75:** 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 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

Under SRC 523.010(c) above, the proposed development requires a minimum setback of five feet with Type A landscaping when abutting a street, commercial zone, or property zoned PS (Public Service). A minimum setback of 15 feet with Type C landscaping is required when abutting a residential zone. Furthermore, per Condition 18 of Case No. CU–SPR–ADJ24-02, perimeter landscaping for the entire development site is required. Therefore, the landscaping standards will apply for the development site, composed of the development proposed for Phase 1 and Phase 2.

The applicant's landscaping plans show the proposed landscaping for the proposed development in Phase 2, as well as the landscaping approved for Case No. CU–SPR–ADJ24-02 for Phase 1 of development, showing compliance with Condition 18 of CU–SPR–ADJ24-02. When abutting the residential property to the north, Type A landscaping with trees and a six-foot-tall sight obscuring fence is shown, meeting the standard for Type C landscaping when abutting a residential zone. All vehicles use area setbacks are shown to be landscaped with Type A landscaping within their required setbacks.

Proposed Parcel 1 is approximately 2.35 acres (102,329 square feet) in size, requiring a minimum of 15,349 square feet of Type A landscaping ( $102,329 \times 0.15 = 15,349$ ), which requires a minimum of one Plant Unit (PU) per 20 square feet of landscaped area. Therefore, a minimum of 767 PUs ( $15,349 / 20 = 767$ ) are required for Parcel 1, with 307 of the PUs required to be trees ( $767 \times 0.4 = 307$ ). The applicant has provided a landscaping plan proposing approximately 56,700 square feet of landscaped area with 1,380 PUs, 495 PUs of which are trees, thereby exceeding the standard.

**SRC CHAPTER 808 – PRESERVATION OF TREES AND VEGETATION**

***SRC 808.015 – Significant trees.***

**Finding 76:** SRC 808.015 prohibits the removal of significant trees without a tree and vegetation permit or a variance granted under SRC 808.045. This standard is inapplicable as there are no significant trees, as defined by SRC 808.005, on Parcel 1.

## **SRC CHAPTER 809 – WETLANDS**

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

**Finding 77:** 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 property. The applicant notified DSL on April 16, 2025.

## **SRC CHAPTER 810 – LANDSLIDE HAZARDS**

### ***SRC 810.020 – Landslide hazard construction permit.***

**Finding 78:** 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 mapped three–point landslide hazards along the northern line of the subject property and along the eastern line of the subject property. SRC 810.020 requires a landslide hazard construction permit and a geological assessment or report when regulated activity is proposed in a mapped landslide hazard area. The applicant’s proposal does not disturb any portion of a mapped landslide hazard area; therefore, neither a permit of nor a geological assessment is required.

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

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

**Finding 79:** Access to the proposed development will be provided by the network of existing public streets that surround the property. The street system into 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 standards applicable to SRC 220.005(f)(3)(B) have been met.



***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 80:** The proposed Residential Care Facility generates less than 1,000 average daily vehicle trips to the Arterial Street system. Therefore, a Traffic Impact Analysis (TIA) is not required as part of the development submittal per SRC 803.015(b)(1). This criterion is not applicable.

**Conclusion:** The standards applicable to SRC 220.005(f)(3)(C) have been met.

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

**Finding 81:** Water, sewer, and storm infrastructure are available and appear to be 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:** The standards applicable to SRC 220.005(f)(3)(D) have been met.

## **DECISION**

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the request for a conditional use, tentative partition plan, and site plan review consolidated application for the proposed residential care facility, located at 325 Lancaster Drive SE, subject to the following conditions of approval:

## **CONDITIONS OF APPROVAL**

- Condition 1:** At the time of future development, perimeter landscaping for the entire development site shall be installed to meet SRC Chapter 807.
- Condition2:** The applicant shall provide Type A landscaping for the ten-foot landscaped setback along Lancaster Drive SE and the private street to the south, including 40 percent of plant units being trees, excluding street trees for the private street.
- Condition 3:** The southern property line abutting the private street shall be the designated front property line for proposed Parcel 1 and Parcel 2.
- Condition 4:** On the Final Plat, all necessary (existing and proposed) access and utility easements must be shown and recorded.

- Condition 5:** Prior to the Final Plan, the applicant shall record a Shared Stormwater System Agreement which is in compliance with SRC 802.040 for the private stormwater main servicing proposed Parcels 1 and 2.
- Condition 6:** On the Final Plat, provide a ten-foot-wide public utility easement along the frontage of Landcaster Drive SE.
- Condition 7:** At the time of building permit review, the applicant shall provide details demonstrating compliance with all applicable standards of SRC 800.055 for the proposed solid waste service area.
- Condition 8:** At the time of building permit review, the applicant shall extend the proposed pedestrian pathway along the private street to connect to the existing pedestrian path on Tax Lot 072W31BB04502.
- Condition 9:** 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 10:** At building permit review, a minimum of four bicycle parking spaces meeting the development standards of SRC 806.060 shall be provided onsite.

**DATED:** June 2, 2025

  
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Gary Darnielle, Hearings Officer