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503-588-6173

REVISED DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / TREE VARIANCE CASE
NO.: CU-SPR-TRV25-09**

APPLICATION NO.: 25-113263-PLN

NOTICE OF DECISION DATE: ~~FEBRUARY 5, 2026~~ FEBRUARY 6, 2026

REQUEST: A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review for a new 4,500 square-foot building, parking lot reconfiguration, and site improvements for Salem Heights Church, as well as a Tree Variance for the removal of one 28-inch dbh Oregon White Oak for the construction of the proposed building and pedestrian connections. The subject property is approximately 4.26 acres in size, zoned RM-II (Multiple Family Residential-II) and RS (Single-Family Residential), and located at 375 Madrona Avenue S (Marion County Assessors Map and Tax Lot Number: 083W04AD / 7800).

APPLICANT: BRAND LAND USE LLC

LOCATION: 375 MADRONA AV S, Salem, OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use, 220.005(f)(3) – Class 3 Site Plan Review, 808.045(d)(1) – Tree Regulation Variance

FINDINGS: The findings are in the attached Decision dated February 5, 2026.

DECISION: The **Hearings Officer APPROVED** Class 3 Site Plan Review, Conditional Use, Tree Variance Case No. CU-SPR-TRV25-09 subject to the following conditions of approval:

- Condition 1:** The driveway abutting Winola Avenue S shall remain restricted to school buses, official school district vehicles, and emergency services such as police and fire department vehicles.
- Condition 2:** Adjacent to the proposed building, the applicant shall plant a minimum of 36 plant units, with a minimum 14 plant units being sight-obscuring shrubs such as arborvitae or laurel hedges.
- Condition 3:** Approval of deviation from the more restrictive standards of the RS zone shall be limited to the proposed development only. Future development within the area of the property zoned RS shall adhere to the applicable standards unless adjusted through a future conditional use permit.
- Condition 4:** The Joint Parking Agreement required as a condition of the approved Code Interpretation (City Council Resolution 96-147) shall remain in place.

NOTICE OF DECISION

PLANNING DIVISION
planning@cityofsalem.net

CITY OF Salem
AT YOUR SERVICE

- Condition 5:** A landscaping plan showing Type A landscaping for all areas not specified by SRC 700.055(j) for the property shall be provided prior to building permit issuance.
- Condition 6:** Prior to building permit issuance, a pedestrian connection shall be provided to Madrona Avenue S, unless an easement or written approval is granted with the adjacent property to utilize their existing pedestrian access, or a Class 2 Adjustment is approved.
- Condition 7:** If utilized for the required connection to Madrona Avenue S, the pedestrian crossing across the drive aisle shall meet the standards of SRC 800.065(b)(1)(B).
- Condition 8:** At the time of building permit review, a site plan showing that all new pedestrian connections will be adequately illuminated per SRC 800.065(c) shall be submitted.
- Condition 9:** The landscaping plan shall demonstrate that all trees, as defined in SRC 8008.005, removed within the required setbacks be replaced at a ratio or two to one, be of either shade or evergreen variety, and have a minimum caliper of 1.5 inches per SRC 807.015(d)(1).
- 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 issuance of a certificate of occupancy, relocate the existing public stormwater main in a location alignment approved by the Director. The main shall be designed and constructed in accordance with the Public Works Design Standards.
- Condition 12:** Prior to issuance of a certificate of occupancy, dedicate an easement for the relocated public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements), unless a reduced width is approved through a design exception approved by the City Engineer.
- Condition 13:** Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 14:** Prior to building permit issuance, an arborist report shall be provided demonstrating that not more than 30 percent of the critical root zone of the adjacent significant trees will be impacted by the proposed development.
- Condition 15:** All trees adjacent to the proposed development designated for preservation shall have an aboveground silt fence or equivalent encompassing 100 percent of the critical root zone per SRC

808.046(a) until a certificate of occupancy is issued.

The rights granted by the attached decision must be exercised, or an extension granted, by February 5, 2026 February 24, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>October 21, 2025</u>
Public Hearing Date:	<u>November 12, 2025</u>
Notice of Decision Mailing Date:	<u>February 5, 2026</u> <u>February 6, 2026</u>
Decision Effective Date:	<u>February 21, 2026</u> , <u>February 24, 2026</u>
State Mandate Date:	<u>June 18, 2026</u>

Case Manager: Quincy Miller, gmiller@cityofsalem.net, (503) 540-4676

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, no later than 5:00 p.m., February 20, 2026 February 23, 2026. 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) 240.005(d) – Conditional Use, 220.005(f)(3) – Class 3 Site Plan Review, 808.045(d)(1) – Tree Regulation Variance. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Hearings Officer will review the appeal at a public hearing. After the hearing, Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A CONSOLIDATED APPLICATION FOR A
CONDITIONAL USE PERMIT, CLASS 3 SITE
PLAN REVIEW AND TREE VARIANCE FOR
A NEW CHURCH BUILDING AND SITE
IMPROVEMENTS TO AN EXISTING BUILDING
IN AN RM-II (MULTIPLE FAMILY
RESIDENTIAL-11) AND RS (SINGLE FAMILY
RESIDENTIAL) ZONE ON PROPERTY 4.26
ACRES IN SIZE, AND LOCATED AT 375
MADRONA AVENUE S (MARION COUNTY
ASSESSOR'S MAP AND TAX LOT NUMBER
083W04AD/7800)

CU-SPR-TRV25-09

FINDINGS OF FACT, CONCLUSIONS,
AND DECISION

DATE AND PLACE OF HEARING:

On November 12th, 2025, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at the Salem Police Department's Community Room, 333 Division St. NE, Salem, Oregon.

APPEARANCES:

Staff: Quincy Miller, Planner I

Neighborhood Association: SouthWest Association of Neighbors (SWAN)

Applicant: Britany Randall, representing Salem Heights Church of Salem

Opponents: None.

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on November 12th, 2025, regarding the Applicant's request. During the hearing, Quincy Miller requested that the staff report be entered into the record, and the Hearings Officer granted the request. The Hearing Notice was provided on October 21, 2025, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was November 12th, 2025. The property was posted on October 29, 2025.

The public hearing was held on November 12th, 2025. At the conclusion of the hearing, the record was held open until January 28, 2026.

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 “Single-Family Residential.” 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 RM-II (Multiple Family Residential) and RS (Single Family Residential). The zoning and uses of the surrounding properties include:

North: RS (Single Family Residential) Zone

South: Across Madrona Avenue S, RM-II (Multiple Family Residential) and MU-I (Mixed Use-I)

East: PE (Public and Private Educational Services)

West: RS (Single Family Residential) RM-II (Multiple Family Residential)

3. Site Analysis

Finding 1: The subject property is 4.26 acres in size and is improved with a 51,462 square-foot building for a religious assembly use, along with a 3,616 square-foot accessory structure and an off-street parking area with 213 spaces. A new 4,500 square-foot accessory structure is proposed for the existing Religious Assembly use, along with reconfiguration of the adjacent off-street parking area which reduces the number of vehicle parking spaces from 213 to 212.

Finding 2: The subject property is an irregularly shaped lot that abuts Madrona Avenue S along its southern boundary and Winola Avenue S along part of its northwestern boundary. Vehicle access to the property is provided via existing driveways onto Madrona Avenue S, Winola Avenue S, and from the abutting property with a joint parking agreement with the Salem-Keizer School District.

Madrona Avenue S is designated as a minor arterial street within the Salem Transportation System Plan (TSP), requiring a minimum right-of-way width of 72 feet, or a 36-foot half-width right-of-way. Half-street improvements to Madrona Avenue S, including dedication of right-of-way, pavement widening, and construction of property line sidewalk and landscaping, were complete with the auditorium addition to Salem

Heights Church in 2002 (02-101642-BP). Therefore, no additional right-of-way dedication or improvements are required to Madrona Avenue S.

Winola Avenue S is designated as a local street in the Salem TSP, requiring a minimum right-of-way width of 60 feet, or a 30-foot half-width right-of-way. Winola Avenue S is fully improved with curb and sidewalk along the property frontage, with an alternative street standard per SRC 803.065(a)(3) is authorized to reduce the total right-of-way width requirement to 50 feet along the frontage of the subject property. Therefore, no additional improvements or right-of-way dedication is required along Winola Avenue S.

Finding 3: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height (dbh) of 20 inches or greater and any other tree with a dbh of 30 inches or greater, trees and native vegetation in Riparian Corridors, and trees on lots and parcels 20,000 square feet or greater.

There are 62 trees shown on the applicant's site plan, 11 of which are classified as Significant Trees. The 40-inch dbh tree shown in the northeast portion of the property has since been removed with a Tree Removal Permit, Case No. TRP25-32. The proposed development designates six trees for removal, including one Significant 28-inch dbh Oak tree. The removal of the 28-inch dbh Oak tree requires a Tree Variance, the findings of which are addressed later in this decision.

Finding 4: Based upon the Salem-Keizer Local Wetland Inventory (LWI), it can be concluded that there are no hydric soils and/or linear wetland area(s) on the property.

Finding 5: It can be determined that no floodplain or floodway areas exist on the subject property based upon the Flood Insurance Study and Flood Insurance Rate Maps associated with the subject property.

Finding 6: Based upon 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.

4. Neighborhood and Citizen Comments

The subject property is located within the boundaries of the South West Association of Neighbors (SWAN). 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 August 13, 2025, the applicant contacted the Southwest Association of Neighbors informing it of the proposed project.

Notice of the application was provided to the neighborhood association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. The Association did not comment on the application.

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 Development Services Division reviewed the proposal and indicated no objections.

The Salem Building and Safety Division reviewed the proposal and indicated no concerns, though they stated that all applicable ORSC code provisions should be followed, and building permits will be required for the proposed development.

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 7: The subject property is zoned RM-II (Multiple Family Residential-II) and RS (Single-Family Residential), both of which permit religious assembly uses subject to the special use standards of SRC 700.055. Deviation from the special use Standards of SRC 700.055 is only permitted with approval of a conditional use permit per SRC 700.005(d); therefore, as the proposed development does not meet all applicable standards of SRC 700.055, a conditional use permit is required to allow the deviation.

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 8: The proposed development is for a new accessory building for an existing religious assembly use along with reconfiguration of an existing off-street parking area. However, as the standards proposed for deviation are found within the special use standards of SRC 700.055, they can only be modified through approval of a conditional use permit rather than an adjustment in SRC Chapter 250. Of the special use standards within SRC 700.055, the following deviations are proposed:

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- 1) To allow the development to comply with the less restrictive development standards of the RM–II zone rather than the RS zone, as required by SRC 700.055(a);
- 2) To allow 50 feet of frontage along Winola Avenue S when 150 feet of frontage is required in the RM–II zone per SRC 700.055(f); and
- 3) To allow the proposed accessory structure to be setback approximately nine–and–a–half feet from the interior side property line when 12 feet is required per SRC 700.055(g).

Only about 3,108 square feet of the 185,566 square foot property is zoned RS (Single Family Residential) while the remainder is zoned RM–II. While SRC 700.055(a) requires the more restrictive standards of the RS zone be applied, the less restrictive standards may be applied if the proposed development meets the conditional use permit standards. This is especially appropriate as only approximately 1.7 percent of the property is zoned RS, and the RS–zoned portion is present due to a previous property line adjustment with the adjacent property.

While the purpose of the minimum street frontage standard is to ensure adequate roadway access is present, the existing layout of the property and purpose of the driveway onto Winola Avenue S make this standard inapplicable for the existing religious assembly use. The driveway entrance onto Winola Avenue is adjacent to single–family dwellings on the corner of a low–density residential neighborhood, and access is restricted to school busses during specific times and is signed as such. This driveway entrance also provides access for fire trucks to meet applicable fire code standards. Furthermore, the primary entrance to the property abutting Madrona Avenue S exceeds the 150–foot standard by 16 feet, further exceeding this standard when considering the driveways onto Madrona Avenue that are present on the adjacent property, for which a joint parking agreement guarantees access.

To ensure impacts to the properties along Winola Avenue S are minimized, the following condition is required:

Condition 1: The driveway abutting Winola Avenue S shall remain restricted to school busses, official school district vehicles, and emergency services such as police and fire department vehicles.

The proposed accessory structure meets most of the minimum setback standards; however, there are areas on the western interior side property line measuring less than the 12–foot standard. For approximately 60 linear feet, the proposed building is set back from the existing residential uses adjacent to the interior side property line approximately 9’8” rather than 12 feet as required by SRC 700.055(g). To enhance privacy between the abutting residential uses and the proposed building for the religious assembly use, staff suggested and the applicant agreed, that additional sight–obscuring landscaping such as arborvitae or laurel hedges be planted where the proposed building is not meeting the minimum setback. The required landscaping within this setback is

Type A, which per SRC 807.015(a), requires a minimum of one plant unit per 20 square feet of landscaped area. Therefore, for a minimum 12-foot setback along 60 linear feet, a minimum of 720 square feet of landscaping is required. For those 720 square feet of landscaping, a minimum of 36 plant units are required, 14 plant units of which are required to be trees per SRC 807.015(b). However, to minimize the impact to the adjacent residential properties due to the reduced accessory structure setbacks, the following condition is required:

Condition 2: Adjacent to the proposed building, the applicant shall plant a minimum of 36 plant units, with a minimum 14 plant units being sight-obscuring shrubs such as arborvitae or laurel hedges.

Conclusion: Because the religious assembly use is preexisting, the area of property zoned RS is less than two percent of the property's square footage, the nonconforming street frontage is not the primary entrance of the property, and as conditioned above, the reasonably likely adverse impacts on the immediate neighborhood are effectively minimized.

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 9: SRC 700.005(a) notes that a special use is a use that has the potential to create impacts beyond those that would otherwise apply to uses generally allowed in that zone. SRC 700.055 therefore applies standards to religious assemblies that minimize the impacts of those uses on surrounding residential neighborhoods through restrictions such as seating capacity and lot size based on existing street frontage and roadway access. The use of the property as a religious assembly is not changing as part of the proposed development, and neither is the zoning or lot dimensions. For the proposed development of an accessory structure, a condition of approval for additional sight-obscuring landscaping is proposed to minimize any adverse impacts from the reduced setback of approximately nine-and-a-half feet from the standard of 12 feet. As the majority of the property will not be modified as part of the proposed development, and the proposed modifications are shown to be meeting standards or have been conditioned to minimize impacts, the proposed development will be reasonably compatible with and have minimal impact on the livability and appropriate development of surrounding property.

Conclusion: The proposed development satisfies the conditional use permit approval criteria of SRDC 240.005(d).

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 10: The applicant's proposed development includes a 4,500-square-foot ministry building for an existing religious assembly along with reconfiguration of an existing off-street parking area and other site improvements. The subject property is zoned RM-II (Multiple Family Residential-II) and RS (Single-Family Residential), both of which allow religious assembly uses as a special use.

ZONING DEVELOPMENT STANDARDS.

SRC Chapter 700 – Special Use Standards

▪ ***Religious Assembly Special Use Standards***

SRC 700.055(a)

Where a development site is located in two or more zones, the entire development site shall comply with the more restrictive development standards of the zones involved.

Finding 11: The development site is primarily located within the RM-II zone; however, it also has a portion which is zoned RS. Therefore, the applicant has requested that the proposed development be subject only to the less restrictive development standards of the RM-II zone. As the property will remain split-zoned RS and RM-II, the following condition is recommended:

Condition 3: Approval of deviation from the more restrictive standards of the RS zone shall be limited to the proposed development only. Future development within the area of the property zoned RS shall adhere to the applicable standards unless adjusted through a future conditional use permit.

SRC 700.055(b)

Existing nonconforming religious assemblies that are substantially damaged or destroyed by any cause may be rebuilt provided that the degree of nonconformity is not increased. For purposes of this section, "existing nonconforming religious assemblies" are religious assemblies that were nonconforming on February 25, 1993.

Finding 12: The proposed development is for a new building and off-street parking area reconfiguration. As no nonconforming structures are being rebuilt following

significant damage or destruction, this standard is not applicable.

SRC 700.055(c) – Seating Capacity.

Finding 13: Per Table 700–3, property located in the RM–II zone allows for a maximum seating capacity of 500 when located on lots abutting a Collector or Arterial street with less than 250 feet of frontage on such streets. There is no maximum seating capacity for lots abutting a collector or arterial street with more than 250 feet of frontage on such streets.

The subject property has approximately 164 feet of frontage on Madrona Avenue S, a minor arterial street. In 1996, the property owner (Salem Heights Church) applied for a Code Interpretation, asserting that their property frontage should be combined with that of the abutting Salem Heights Elementary School, as the church utilized the school’s parking area for their use. The property was entirely zoned RM–II at the time; therefore, the seating capacity standards for a religious assembly use in the RM–II zone were applied. The City Council approved the Code Interpretation (Resolution 96–147) finding that when combined with Salem Heights Elementary School, a total of 294 feet of frontage exists along Madrona Avenue S. The existing religious assembly use has a primary worship area with a stated seating capacity of 630, with the new building not adding to the seating capacity.

Based on the previous Code Interpretation, no maximum seating capacity is applicable to the existing religious assembly use. A condition of the Code Interpretation approval required that a legal agreement be executed between the church and school district for a joint parking agreement. While the City no longer has a minimum parking standard, the agreement is needed to meet the minimum frontage requirement for exceeding a maximum seating capacity of 500. Therefore, the following condition is required:

Condition 4: The Joint Parking Agreement required as a condition of the approved Code Interpretation (City Council Resolution 96-147) shall remain in place.

SRC 700.055(d) – Locational Standards

Finding 14: Per Table 700–4, a religious assembly use in the RM-II zone is required to have frontage on a collector or arterial street when exceeding a seating capacity of 500. As previously discussed, the existing use has a seating capacity of 630, which is not proposed to expand as part of the proposed development. The approved Code Interpretation determined the property has 294 feet of frontage along Madrona Avenue S, a minor arterial street. As conditioned above, this standard is met with the previous Code Interpretation approval.

SRC 700.055(e) – Access.

Finding 15: For a religious assembly use in the RM–II zone, access points are required to be located no more than 125 feet away from a collector or arterial street. The development site has an access point onto Winola Avenue S, a local street on the northwestern side of the property, and an access point onto Madrona Avenue S, a minor arterial street on the southern side of the property. The primary access to the use is from Madrona Avenue S, with secondary access to the local street (Winola Avenue) limited to school busses and other official school district vehicles. Since there is have access onto an arterial street, this standard is met.

SRC 700.055(f) – Lot Standards

Finding 16: Table 700–6 states that for a religious assembly use in the RM–II zone, lots larger than 3.5 acres in size are permitted if they have at lease 250 feet of frontage along a collector or arterial street. The subject property has 294 feet of frontage along Madrona Avenue S, a minor arterial street, meeting the standard. Table 700–06 also requires a minimum of 150 feet per street and the subject property only has 50 feet of frontage along Winola Avenue S. This shortage was addressed as part of the applicant’s conditional use permit.

SRC 700.055(g) – Setbacks.

Table 700–7 identifies setbacks for religious assemblies

Abutting Street

Finding 17: For buildings and accessory structures in the RM–II zone, a minimum 12–foot setback is required for structures not more than 25 feet in height. Buildings and accessory structures greater than 25 feet in height require a minimum setback of 12 feet, plus an addition two feet of setback for each five feet in height over 25 feet. Vehicle use areas require a minimum 12–foot setback.

The proposed development is less than 25 feet in height, where abutting Winola Avenue S, and is setback more than 12 feet from the street–abutting property line, meeting the standard

Interior Property Lines

Finding 18: Adjacent to the north and west is property zoned RS (Single–Family Residential), adjacent to the south is property zoned RM–II (Multiple Family Residential–II), and adjacent to the east is property zoned PE (Public and Private Educational Services). For buildings and accessory structures in the RM–II zone, a minimum 12–foot setback is required for structures not more than 25 feet in height. Buildings and accessory structures greater than 25 feet in height require a minimum

setback of 12 feet, plus an additional two feet of setback for each five feet in height over 25 feet. Vehicle use areas require a minimum five-foot setback, with a minimum 15-foot setback required when abutting a residential zone.

The proposed 4,500 square-foot building is approximately 20 feet in height and setback approximately 42 feet from the northern property line, 147.5 feet from the interior southern property line, 315 from the eastern property line, and nine-and-one-half feet from the western property line. As the proposed building is setback less than 12 feet from the western interior property line, the applicant has requested a deviation from this standard which is addressed in the conditional use permit analysis.

SRC 700.055(h) – Lot Coverage; Height.

Table 700–8 sets out lot coverage and height standards for buildings and accessory structures for religious assemblies.

Finding 19: For a religious assembly use in the RM–II zone, the maximum lot coverage requirement is 40 percent for an individual lot, or contiguous lots when multiple lots are combined under a single ownership to accommodate the development. For the purpose of this requirement, contiguous shall include lots that are separated by an alley. As the lot coverage for all existing and proposed buildings is less than 40 percent, and height limitations are not applicable to property in the RM–II zone, these standards are met.

SRC 700.055(i) – Off-Street Parking.

Finding 20: Off-street parking may be located on-site or off-site. When parking is provided off-site, it shall be located either on a lot or lots that are contiguous to the lot containing the main building or use or within 600 feet of the lot containing the main building or use, on a lot or lots within a nonresidential zone. Off-street parking areas shall be screened from abutting residential zoned property as provided in SRC 806.

The off-street parking area is located on-site, with Type A landscaping required for abutting interior property lines per SRC 806.035. Where modified, landscaping and appropriate setbacks are shown for the off-street parking area. This standard is met.

SRC 700.055(j) – Landscaping.

Finding 21: SRC 700.055(j) provides that “*All lot area not developed for buildings, structures, sports fields, parking, loading, or driveways shall be landscaped as provided in SRC Chapter 807.*” SRC 807.015(a) states that where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Staff has proposed a condition that requires a landscaping plan for all areas not specified by SRC 700.055(j). The applicant argues that this requirement is too broad and is not warranted

but staff has pointed out that there is no evidence in the record that the standard of SRC 700.055(j) is either currently met or is proposed to be met. Staff points out that the proposed condition should not be hard to meet and suggests that the applicant could merely hand-draw a plan showing where the mature landscaping already exists. Based upon the assumption that the development of a landscaping plan for the remainder of the property not directly subject to the conditional use permit would not be a significant chore, I believe that staff's proposed Condition of Approval #5 is appropriate.

Condition 5: A landscaping plan showing Type A landscaping for all areas not specified by SRC 700.055(j) for the property shall be provided prior to building permit issuance.

SRC 700.055(k) – Related Uses.

Finding 22: This provision provides that schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar activities operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted. When such activities are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation, they are allowed only if they are an allowed use in the zone. In the present case, all buildings located on the property are operated in relation to the primary religious assembly use; therefore, this standard is met.

SRC Chapter 800 – General Development Standards

SRC 800.055(a) – Applicability. (Solid Waste Standards)

Finding 23: Solid waste service area design standards apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of one cubic yard or larger is proposed. This section is not applicable as the proposed development does not include any new or modified solid waste service areas with a capacity of greater than one cubic yard.

SRC 800.065 – Applicability. (Pedestrian Access)

Finding 24: Pedestrian access standards apply to construction of a building or accessory structure or the construction or alteration to an off-street parking or vehicle use area. The pedestrian access standards of SRC Chapter 800 apply as the proposal includes the development of a new building in excess of 200 square feet in floor area and modification of a vehicle use area.

SRC 800.065(a) – Pedestrian Connections Required.

SRC 800.065(a)(1)(A)

Finding 25: This provision requires that a pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

The applicant's submittal shows pedestrian connections between the proposed accessory structure and the existing church office and Winola Avenue S. A connection is not provided from these structures to Madrona Avenue S.

The applicant has noted the existence of a Access Easement/Shared Use Agreement with the School District that allows the use of a School District parking lot for patrons of the Church. The document provides that the District and Church grant each other vehicular ingress and egress easement over a 20-foot wide portion of the Church property connection the school property to Viola Avenue South and the two parties grant each other parking easement over each party's paved parking and vehicle use areas. The document does not address pedestrian access and I am unconvinced that pedestrian access is implied. Salem's legal counsel agrees. Therefore, required pedestrian access must be clarified through conditions of approval.

The following condition is therefore required:

Condition 6: Prior to building permit issuance, a pedestrian connection shall be provided to Madrona Avenue S, unless an easement or written approval is granted with the adjacent property to utilize their existing pedestrian access, or a Class 2 Adjustment is approved.

SRC 800.065(a)(1)(B)

Finding 26: This provision 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. This standard is not applicable as there are no existing or planned transit stops located along the street frontage of the property.

SRC 800.065(a)(2)(A)

Finding 27: This standard provides that where there is more than one building on a development site, a pedestrian connection, or pedestrian connections, must be provided to connect the primary building entrances of all of the buildings. In the present case, pedestrian connections are present between the two accessory buildings on the subject property but not between these buildings and the primary building. The

applicant must meet this standard.

SRC 800.065(a)(3)(A)

Finding 28: This standard provides that with the exception of (a)(3)(A)(iii), 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.

This standard is not applicable as the modified portion of the existing off-street parking area is less than 25,000 square feet in area.

SRC 800.065(a)(3)(B)

Finding 29: This standard applies where an individual floor of a parking structure or parking garage exceeds 25,000 square feet. This standard is not applicable as the property does not include any existing or proposed parking structures or garages.

SRC 800.065(a)(4)

Finding 30: 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. The standard is inapplicable as there are no planned paths or trails passing through or adjacent to the subject property.

SRC 800.065(a)(5)

Finding 31: This standard applies when a vehicular connection is provided from a development site to an abutting property. This standard has been met as the subject property has multiple pedestrian connections to the abutting property.

SRC 800.065(b) – Design and Materials

Finding 32: This standard provides that walkways must be paved with a hard-surface material, have a minimum of five feet in width, and shall be visually differentiated from walkways that cross driveways, parking areas, parking lot drive aisles, and loading areas. Where a walkway is located adjacent to an auto travel lane, the walkway must be raised above the travel lane or separated from it by a raised curb, bollards, landscaping, or other physical separation. When raised above the auto travel lane, the walkway must be a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

The proposed pedestrian pathways are shown to be at least five feet in width and paved with a hard surface material, meeting the standard. However, if the proposed accessory structure will utilize the existing pedestrian paths located on the property to provide a connection from that structure to Madrona Avenue S, the existing nonconforming

crossing across the drive aisle on the southern part of the property will be required to be visually differentiated per SRC 800.065(b)(1)(B). Therefore, the following condition is required:

Condition 7: If utilized for the required connection to Madrona Avenue S, the pedestrian crossing across the drive aisle shall meet the standards of SRC 800.065(b)(1)(B).

SRC 800.065(c) – Lighting

Finding 33: This standard provides that on-site pedestrian circulation systems shall be lighted to a level where the system can be used at night by employees, customers, and residents. The applicant has not provided a plan showing the location of all existing or proposed lighting and therefore the following condition is required:

Condition 8: At the time of building permit review, a site plan showing that all new pedestrian connections will be adequately illuminated per SRC 800.065(c) shall be submitted.

SRC Chapter 806 – Off-Street Parking, Loading, and Driveways

SRC 806.015 – Amount of Off-Street Parking

Finding 34: SRC 806.015(a) provides that unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. Per Table 806-1, a religious assembly use is permitted a maximum of one vehicle parking space per four seats or per 15 feet of bench length within the principal worship area. Therefore, for the 630-seat principal worship area, a maximum of 158 off-street vehicle parking spaces are permitted. While 213 off-street parking spaces are currently on the property, the proposed reconfiguration of the off-street parking area results in 212 off-street parking spaces; therefore, as the degree of nonconformity is not increasing as part of the proposed off-street parking area improvements, this standard is met.

Finding 35: SRC 806.015(b) provides that up to 75 percent of off-street parking spaces provided on a development site may be compact parking spaces. The applicant's site plan shows five parking spaces, or less than three percent, are proposed to be compact.

Finding 36: SRC 806.015(c) provides that new development with 60 or more off-street parking spaces, within the public services and industrial use classifications and business and professional service use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or van pool parking. This standard is not applicable as the proposed use does not lie in one of the use or service use categories.

Finding 37: SRC 806.015(d) requires a minimum of off-street parking spaces be

designated as spaces to serve electrical vehicle charging for newly constructed buildings with five or more dwelling units on the same lot. This standard is inapplicable as the proposal does not include any dwelling units.

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

SRC 806.035(a) – General Applicability

Finding 38: This standard sets out off-street parking and vehicle use area development standards for the alteration of existing off-street parking and vehicle use areas where the existing paved surface is replaced with a new paved surface. The off-street parking and vehicle use area development standards are applicable because the proposal includes the modification of an existing off-street parking area.

SRC 806.035(b) – General Location

Finding 39: This standard prohibits off-street parking from locating within required setbacks. This standard is not applicable as the location standards for vehicle use areas for a religious assembly use are dictated by the special use standards of SRC 700.055(i).

SRC 806.035(c) – Perimeter Setbacks and Landscaping

Finding 40: This standard requires perimeter setbacks for off-street parking and vehicle use areas abutting streets; interior front, side and rear property lines; and adjacent to buildings and structures. This standard is not applicable as the setback standards for vehicle use areas for a religious assembly use are dictated by the special use standards of SRC 700.055(i).

SRC 806.035(d) – Interior Landscaping

Finding 41: This standard requires interior landscaping for off-street parking areas greater than 5,000 square feet in size, in amounts not less than those set forth in Table 806-4. No additional landscaping is required as the proposed development is less than 5,000 square feet in size.

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

Finding 42: This standard requires that off-street parking areas conform to the minimum dimensions set forth in Table 806-5. The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for both standard and compact vehicle parking spaces established by Table 806-5.

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

Finding 43: This standard requires that off-street parking areas are designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and that a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806–8. The turnaround shall conform to the minimum dimensions set forth in Table 806–6. This standard is met as the off-street parking area does not terminate in a dead-end and has multiple access points.

SRC 806.035(f) – Grading

SRC 806.035(g) – Surfacing

SRC 806.035(h) – Drainage

Finding 44: The proposed off-street parking area modification is consistent with the maximum grade of 10 percent of SRC 806.035(f), the surface and landscaping requirements of SRC 806.035(g) and the design, grading and drainage standards of the Public Works Design Standards. However, consistency with these standards will be verified during building permit review.

SRC 806.035(j) – Bumper Guards or Wheel Barriers

Finding 45: Bumper guards or wheel barriers are required so that no portion of a vehicle will overhang or project into required setbacks, landscaped areas, pedestrian accessways, streets, alleys or abutting property. This standards has been met as the applicant’s site plans show that a raised curb and bumper guards will be provided for the new parking spaces.

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

SRC 806.035(l) – Marking and Signage

SRC 806.035(m) – Lighting

Finding 46: The proposed off-street parking area is developed consistent with the off-street parking area dimension standards set forth in Table 806–6. The parking area striping, marking, signage and lighting all comply with the standards of SRC Chapter 806 and will be verified during building permit review.

SRC 806.035(n) – Additional Standards for New Off-Street Parking Areas more than One Half Acre in Size

Finding 47: This provision provides additional standards for new off-street surface parking in excess of one-half acre. This standard is not applicable as the modified portion of the off-street parking area is less than one-half acre in size.

SRC 806.040 – Driveway Development Standards for uses other than single-four family

Finding 48: This standard addresses access, location, perimeter setbacks and landscaping, and dimensions for off-street parking and vehicle use areas for driveways. These standards are not applicable as there are no proposed modifications to the existing driveways.

SRC 806.045 – Bicycle Parking; When Required

Finding 49: SRC 806.045(a) states that bicycle parking is required for any new use or activity or the intensification, expansion or enlargement of a use or activity. Bicycle standards are therefore applicable as this proposal includes a new accessory structure and the modification of an existing off-street vehicle parking area.

SRC 806.050 – Proximity of Bicycle Parking to Use or Activity Served

SRC 806.055 – Amount of Bicycle Parking

Finding 50: Per Table 806–9, a religious assembly requires a minimum of one bicycle parking space per 30 vehicle parking spaces. The 221 off-street vehicle parking spaces require a minimum of seven (7) bicycle parking spaces. This standard is met as the applicant’s site plan shows four bicycle racks (eight bicycle parking spaces) provided on the development site.

SRC 806.060 – Bicycle Parking Development Standards

SRC 806.060(a) – Location

Finding 51: SRC 806.060(a)(1) requires that short-term bicycle parking shall be located within a convenient distance of and be clearly visible from the primary building entrance. The parking areas cannot be located more than 50 feet from the primary building entrance. This standard is met as the applicant’s site plan shows the eight bicycle parking spaces to be located within 50 feet for the primary entrance.

SRC 806.060(b) – Access

Finding 52: This standard provides that bicycle parking areas have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and barriers. The applicant’s site plan shows that the bicycle racks have direct access to the public right-of-way through proposed and existing pedestrian paths and vehicle use areas. Conformance with this standards will be verified during the building permit review.

SRC 806.060(c) – Dimensions

Finding 53: Table 806–10 requires that standard horizontal bicycle parking spaces have the minimum dimension of a space width of 2 feet, a space length of 6 feet, and an access aisle width of 4 feet. This standard has been met as the applicant’s plans show a rack with a 6–foot length and a two–foot width on either side of the bicycle rack. Conformance with Table 806–10 will be verified during building permit review.

SRC 806.060(d) – Surfacing

Finding 54: Bicycle parking areas located outside a building shall consist of a hard surface material such as concrete, asphalt pavement, pavers or similar material that meets the Public Works Design Standards. The proposed bicycle parking spaces are shown to be placed on concrete adjacent to the proposed and existing pedestrian pathways, meeting the standard. Further conformance with this standard will be verified at the time of building permit review.

SRC 806.060(e) – Bicycle Racks

Finding 55: Bicycle racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart; must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U–shaped lock; be of a material that resists rust, cutting, bending or deformation; and be securely anchored. The applicant’s proposed racks meet the standard for short–term bike parking spaces. Again, conformance will be verified during building permit review.

SRC 806.065 – Off–Street Loading Areas

Finding 56: Off–street loading areas are required for proposed new uses or activity or change of use or activity that results in a greater number of required off–street loading spaces or the intensification, expansion, enlargement of a use or activity. Because the proposed accessory structure is less than 5,000 square feet in size no additional loading spaces are required.

SRC Chapter 807 – Landscaping

Finding 57: SRC 700.055(j) requires landscaping for all areas not developed for buildings, structures, sports fields, parking, loading and driveways. Unless otherwise provided, landscaping is required to meet the Type A standard, with a minimum of one plant unit per 20 square feet of landscaped area, and a minimum of 40 percent of the required number of plant units being a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807–2. All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

As conditioned above, the applicant will be required to provide a landscaping plan at the time of building permit review demonstrating compliance with the landscaping standards of SRC 700.055(j) and SRC Chapter 807. This standard is met.

SRC 807.015(d) – Tree Replanting Requirements

Finding 58: When an existing tree is removed from a required setback, it must be replaced with two new trees. Replanted trees shall be either a shade or evergreen variety with a minimum 1.5-inch caliper. Of the four trees on the property proposed for removal only one ten-inch cherry tree lies within the required setback; requiring the replacement of two trees of either a shade or evergreen variety.

Condition 9: The landscaping plan shall demonstrate that all trees, as defined in SRC 8008.005, removed within the required setbacks be replaced at a ratio or two to one, be of either shade or evergreen variety, and have a minimum caliper of 1.5 inches per SRC 807.015(d)(1).

SRC Chapter 200 – Urban Growth Management

Finding 59: SRC 200.020 requires an Urban Growth Preliminary Declaration for development of property located outside of the City’s Urban Service Area. This standard is not applicable as the subject property is located within the City’s Urban Service Area.

SRC Chapter 71 – Stormwater

SRC 71.045 – Applicability

Finding 60: This standard states that the requirements of SRC Chapter 71 apply to all projects, whether or not a permit is required, as well as new and existing land uses. SRC Chapter 71 and the Public Works Design Standards require the use of Green Stormwater Infrastructure (GSI) to treat and detain stormwater generated from a development. The applicant’s engineer has 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 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 61: SRC 802.015 requires that except for partitions in areas unserved by the

city wastewater system and private stormwater, wastewater and water systems, all development must 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 has access to adequate city water, sewer and stormwater facilities. There are eight-inch S-2 water mains located in both Winola Avenue S and Madrona Avenue S. There is an eight-inch sanitary sewer main that crosses the subject property in an easement and there is an eight-inch sewer main in Madrona Avenue S.

Finally, there is an 18-inch storm main that crosses the subject property in an easement and a ten-inch storm main located in Winola Avenue S. However, the proposed 4,500 square foot ministry center building is located in conflict with the existing public storm main. Pursuant to SRC 802.020 and the PWDS, structures are not permitted within easements for public mains or over public mains. The applicant proposes to relocate the public storm main to resolve the conflict. As a condition of approval, the existing public storm main must be relocated through the subject property in an alignment approved by the Director.

Condition 11: Prior to issuance of a certificate of occupancy, relocate the existing public stormwater main in a location alignment approved by the Director. The main shall be designed and constructed in accordance with the Public Works Design Standards.

SRC 802.020 – Easements

Finding 62: SRC 802.020 requires the conveyance or dedication of easements for City utilities as a condition of development approval. SRC 200.050(d) requires that all property, easements, and right-of-way conveyed to the City shall be free of all liens and encumbrances. Therefore, the applicant shall provide a new easement for the relocated public stormwater main. The PWDS require a minimum 20-foot-wide easement for public storm mains this size. Due to the depth of the storm main, and conflicts with the existing building footprints, a reduced easement width may be allowed through a design exception approved by the City Engineer.

Condition 12: Prior to issuance of a certificate of occupancy, dedicate an easement for the relocated public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements), unless a reduced width is approved through a design exception approved by the City Engineer.

Finding 63: There is an existing 8-inch public sewer main that runs north-south through the subject property in a 12-foot-wide utility easement. Current PWDS require a minimum 20-foot-wide easement for a sewer main this size. As a condition of approval, the applicant shall dedicate a utility easement for existing public

infrastructure on the site to current standards established in the Public Works Design Standards Section 1.8 (Easements).

Condition 13: Prior to issuance of a certificate of occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).

SRC Chapter 803 – Streets and Right-of-Way Improvements

SRC 803.025 – Boundary Street Improvements

Finding 64: Right-of-way widths and pavement widths for streets and alleys must conform to the standards of Table 803–1 unless provided otherwise in Chapter 803. Winola Avenue S abuts the subject property and is classified as a Local street according to the Salem Transportation System Plan (TSP). Winola Avenue S has an improvement width of 34 feet and a right-of-way width of 50 feet, meeting the minimum pavement width standards established in SRC 803.025 but not the minimum right-of-way width. Winola Avenue S is fully improved with curb and sidewalk along the property frontage. Due to minimal length of frontage along the Winola Avenue S and the unusual configuration for the right-of-way, requiring five feet of additional right-of-way would not provide much, if any, public benefit. An alternative street standard per SRC 803.065(a)(3) is authorized to reduce the total right-of-way width requirement to 50 feet along the frontage of the subject property. Therefore, no additional improvements or right-of-way dedication is required along Winola Avenue S.

Finding 65: Madrona Avenue S abuts the subject property and is classified as a minor arterial street according to the Salem Transportation System Plan (TSP). Half-street improvements to Madrona Avenue S, including dedication of right-of-way, pavement widening, and construction of property line sidewalk and landscaping, were complete with the auditorium addition to Salem Heights Church in 2002 (02-101642-BP). Therefore, no additional right-of-way dedication or improvements are required to Madrona Avenue S.

SRC Chapter 804 – Driveway Approaches

Finding 66: SRC Chapter 804 provides standards for driveway approaches that provide access from the public right-of-way to private property. The development site is served by existing driveway approaches on Winola Avenue S and Madrona Avenue S. These driveways meet applicable standards of SRC Chapter 804 and do not require modification.

SRC Chapter 805 – Vision Clearance

Finding 67: The proposed ministry center building does not cause a vision clearance obstruction and meets the vision clearance standards of SRC Chapter 805.

SRC Chapter 601 – Floodplain

Finding 68: Based upon the Flood Insurance Study and Flood Insurance Rate Maps, no floodplain or floodway areas exist on the subject property.

SRC Chapter 809 – Wetlands

Finding 69: Based upon the Salem–Keizer Local Wetland Inventory, the subject property does not contain any wetland areas or hydric soils.

SRC Chapter 810 – Landslide Hazards

Finding 70: Based upon the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810, there are no mapped landslide hazard areas on the subject property.

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

Finding 71: The existing network of surrounding public streets provide access to the subject property.

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 72: The proposed 4,500 square-foot ministry building will generate about 28 average daily trips; which is less than the 200 average daily trips that would require a traffic impact analysis.

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

Finding 73: Finding 61 demonstrates that, with conditions, the proposed development will be adequately served with City water, sewer and stormwater. As the subject property is already developed, it also receives other urban services such as electricity and telephone.

Conclusion: The application meets the approval criterion of SRC 220.005(f)(3).

8. Analysis of Tree Regulation Variance Approval Criteria

Salem Revised Code (SRC) 808.045(d) sets forth the following criteria that must be met before approval can be granted to a request for a Tree Regulation Variance. In this case, the applicant has requested to address the hardship criterion in SRC 808.045(d)(1).

SRC 808.045(d)(1)(a): There are special conditions that apply to the property which create unreasonable hardships or practical difficulties which can be most effectively relieved by a variance.

Finding 74: The applicant has requested the removal of one 28–inch dbh significant Oak tree to facilitate development of a new 4,500 square-foot accessory structure for an existing *Religious Assembly* use. The existing property is already mostly developed, populated with buildings, vehicle use areas, pedestrian pathways, and other trees and landscaping. Therefore, the buildable area of the property is limited to the northwest corner for which the new building is proposed. The limited buildable area combined with the preservation of other existing trees and vegetation present practical difficulties that can most effectively be relieved by a variance.

SRC 808.045(d)(1)(b): The proposed variance is the minimum necessary to allow the otherwise lawful proposed development or activity.

Finding 75: The location of the proposed structure is due to the preexisting conditions of the property, as there is limited buildable area available on the property along with multiple significant trees which require protection during construction. Five significant trees are located adjacent to the proposed structure, ranging in size from 24–inches dbh to 38–inches dbh. Per SRC 808.005, significant trees have a critical root zone (CRZ) equally one foot of radius for each inch of dbh. Therefore, the CRZ of the adjacent trees ranges from 24 feet in radius to 38 feet in radius. The CRZ of significant trees is required to be protected per SRC 808.046, with encroachment of more than 30 percent of the CRZ considered a significant impact requiring a tree removal permit or tree variance. Therefore, to ensure the protection of the other significant trees adjacent to the proposed development, the following conditions are required:

Condition 14: Prior to building permit issuance, an arborist report shall be provided demonstrating that not more than 30 percent of the critical root zone of the adjacent significant trees will be impacted by the proposed development.

Condition 15: All trees adjacent to the proposed development designated for preservation shall have an aboveground silt fence or equivalent encompassing 100 percent of the critical root zone per SRC 808.046(a) until a certificate of occupancy is issued.

DECISION

Based upon the Record and Facts and Findings therein, the Hearings Officer **APPROVES** the consolidated application for a conditional use, site plan review and

tree regulation variance for the existing religious assembly use, located at 375 Madrona Avenue S. subject to the following conditions of approval:

- Condition 1:** The driveway abutting Winola Avenue S shall remain restricted to school busses, official school district vehicles, and emergency services such as police and fire department vehicles.
- Condition 2:** Adjacent to the proposed building, the applicant shall plant a minimum of 36 plant units, with a minimum 14 plant units being sight-obscuring shrubs such as arborvitae or laurel hedges.
- Condition 3:** Approval of deviation from the more restrictive standards of the RS zone shall be limited to the proposed development only. Future development within the area of the property zoned RS shall adhere to the applicable standards unless adjusted through a future conditional use permit.
- Condition 4:** The Joint Parking Agreement required as a condition of the approved Code Interpretation (City Council Resolution 96-147) shall remain in place.
- Condition 5:** A landscaping plan showing Type A landscaping for all areas not specified by SRC 700.055(j) for the property shall be provided prior to building permit issuance.
- Condition 6:** Prior to building permit issuance, a pedestrian connection shall be provided to Madrona Avenue S, unless an easement or written approval is granted with the adjacent property to utilize their existing pedestrian access, or a Class 2 Adjustment is approved.
- Condition 7:** If utilized for the required connection to Madrona Avenue S, the pedestrian crossing across the drive aisle shall meet the standards of SRC 800.065(b)(1)(B).
- Condition 8:** At the time of building permit review, a site plan showing that all new pedestrian connections will be adequately illuminated per SRC 800.065(c) shall be submitted.
- Condition 9:** The landscaping plan shall demonstrate that all trees, as defined in SRC 8008.005, removed within the required setbacks be replaced at a ratio or two to one, be of either shade or evergreen variety, and have a minimum caliper of 1.5 inches per SRC 807.015(d)(1).

- 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 issuance of a certificate of occupancy, relocate the existing public stormwater main in a location alignment approved by the Director. The main shall be designed and constructed in accordance with the Public Works Design Standards.
- Condition 12:** Prior to issuance of a certificate of occupancy, dedicate an easement for the relocated public storm main on the site to current standards in Public Works Design Standards Section 1.8 (Easements), unless a reduced width is approved through a design exception approved by the City Engineer.
- Condition 13:** Prior to issuance of a Certificate of Occupancy, dedicate an easement for the existing sewer main on the site to current standards in Public Works Design Standards Section 1.8 (Easements).
- Condition 14:** Prior to building permit issuance, an arborist report shall be provided demonstrating that not more than 30 percent of the critical root zone of the adjacent significant trees will be impacted by the proposed development.
- Condition 15:** All trees adjacent to the proposed development designated for preservation shall have an aboveground silt fence or equivalent encompassing 100 percent of the critical root zone per SRC 808.046(a) until a certificate of occupancy is issued.

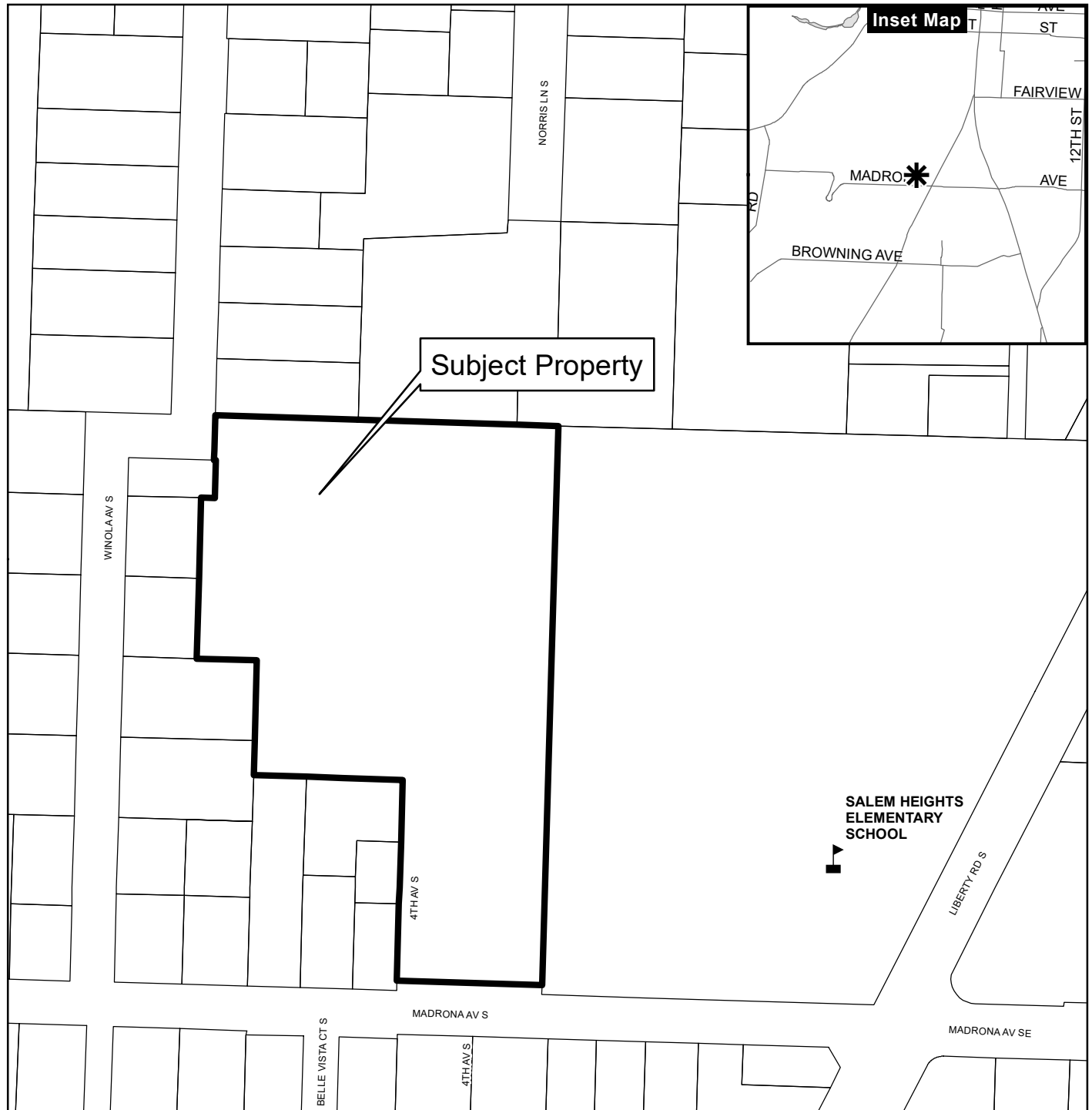
DATED: February 5, 2026



Gary Darnielle, Hearings Officer

Vicinity Map

375 Madrona Avenue S



Legend

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

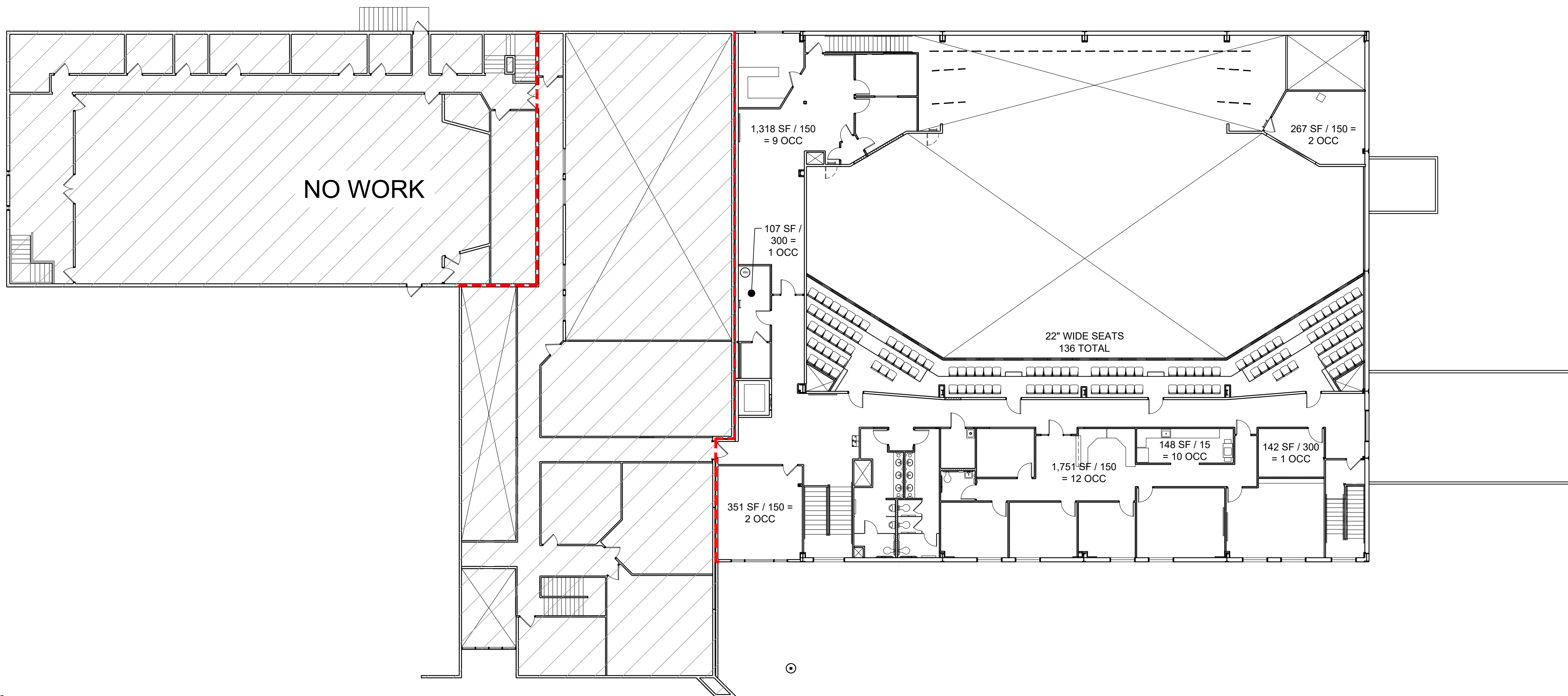
Parks

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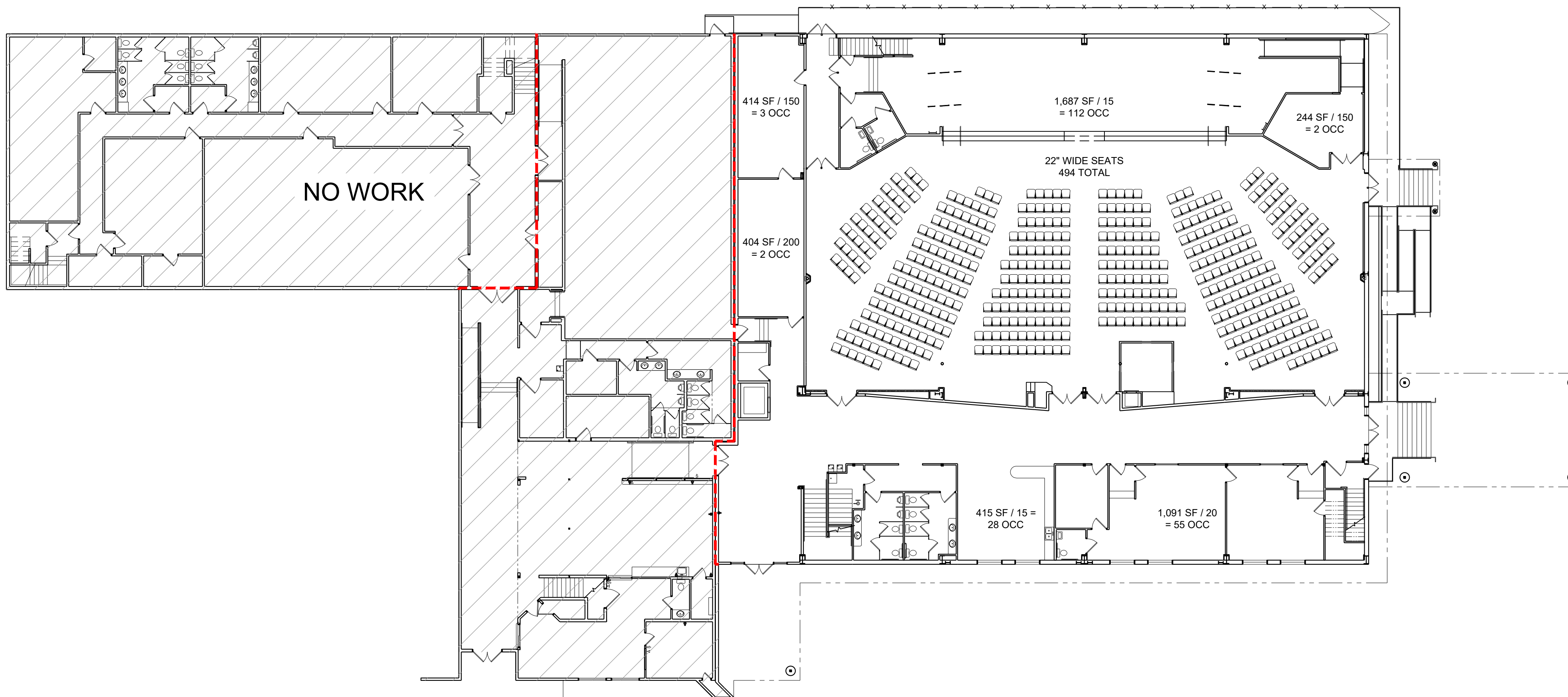
0 100 200 400 Feet





← SECOND FLOOR PLAN
1/16" = 1'-0"

AREA 'C': 173 OCCUPANTS



← FIRST FLOOR PLAN
1/16" = 1'-0"

AREA 'C': 696 OCCUPANTS