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503-588-6173*

DECISION OF THE PLANNING COMMISSION

**COMPREHENSIVE PLAN MAP AMENDMENT / NEIGHBORHOOD PLAN
CHANGE / QUASI-JUDICIAL ZONE CHANGE / CLASS 3 SITE PLAN REVIEW /
CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT CASE
NO.CPC-NPC-ZC-SPR-ADJ-DAP17-03**

APPLICATION NO. : 17-103058-ZO, 17-103131-ZO, 17-103066-ZO & 17-103060-RP

NOTICE OF DECISION DATE: MAY 3, 2017

SUMMARY: A consolidated application to redevelop a McDonald's restaurant at the northwest corner of Lancaster Drive NE and D Street NE. The existing restaurant and parking area would be demolished and rebuilt on an expanded site.

REQUEST: A consolidated application containing the following requests:

- 1) A Minor Comprehensive Plan Map Amendment to change the designation of Tax Lot 600 and the northern portion of Tax Lots 400 and 500 from "Single Family Residential" to "Commercial";
- 2) A change to the Northeast Salem Community Association Plan Map designation for the property from "Single Family Residential" to Commercial";
- 3) A Quasi-Judicial Zone Change to change the zoning of Tax Lot 600 and the northern portion of Tax Lots 400 and 500 from RS (Single Family Residential) to CR (Retail Commercial);
- 4) A Class 3 Site Plan Review for development of an approximately 4,683 square foot fast food restaurant with drive-through and associated improvements on the subject property;
- 5) A Class 2 Adjustment to increase the maximum number of off-street parking spaces allowed from ~~36~~ 37 spaces, as set forth in SRC 806.015(d), to ~~66~~ 62 spaces; and
- 6) A Class 2 Driveway Approach Permit for the proposed driveway to 39th Avenue NE.

The subject property is comprised of five contiguous tax lots, totaling approximately 1.66 acres in size and located at 1011 Lancaster Drive NE (Marion County Assessor map and tax lot numbers: 072W19CC00200, 00300, 00400, 00500, and 00600).

APPLICANT: Seaman Real Estate Investments LLC
(Michael W. Seaman, Alice M. Seaman, Michael W. Seaman, Trustee
of Donald L. Seaman QTIP Trust Deed Dated 02-05-09, Janet M.
Strom, Jill E. Seaman-Pollard)

LOCATION: 1011 Lancaster Drive NE

NOTICE OF DECISION

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



CRITERIA: Salem Revised Code Chapters 220, 250, 265, 804

FINDINGS: Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Accordingly, upon hearing evidence presented at the public hearing, the Planning Commission may forward a recommendation to the City Council on the Comprehensive Plan Map Change and Neighborhood Plan Map Change and approve or deny the associated applications contingent on the City Council's decision.

The Zone Change, Site Plan Review, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit findings are in the attached Order dated May 2, 2017.

DECISION: The Planning Commission APPROVED and ~~DENIED~~ the application as follows:

- A. APPROVED the Zone Change request for Tax Lot 600 and the northern portion of Tax Lots 400 and 500 from RS (Single Family Residential) to CR (Retail Commercial) contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following condition:

Condition 1: At the time of development review for any proposed use on the subject property, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers Trip Generation manual. Traffic impacts from future development on the subject property shall be limited to a maximum of 2,346 average daily trips generated by the proposed use or uses.

- B. APPROVED Class 3 Site Plan Review Case No. 17-03, contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

Condition 2: Provide a minimum 6-foot-tall fence, wall, or hedge along the entire portion of the north property boundary which abuts residentially-zoned property.

Condition 3: Prior to obtaining building permits, the applicant shall obtain approval for a Property Boundary Verification to establish the necessary outside property boundary for the proposed development.

Condition 4: The proposed trash enclosure shall be surfaced with a concrete or asphalt pad that meets the thickness, slope, and stormwater discharge requirements set forth in SRC 800.055(b).

Condition 5: If the enclosure is constructed of wood or chain link fencing material, the surface should include a minimum 4-inch nominal high bumper curb that meets the standards set forth in SRC 800.055(e).

Condition 6: Prior to obtaining building permits, obtain approval from the Public

Works Director to either quitclaim or encroach into the existing pipeline and drainage easement shown on the applicant's site plan and recorded in Vol. 626 Pg.529, Marion County Deed Records.

Condition 7: Provide a minimum of 21 and a maximum of 36 62 off-street vehicle parking spaces, in compliance with the standards set forth in SRC Chapter 806.

~~**Condition 8:** Prior to occupancy, provide an on-site bicycle parking area that accommodates a minimum of 6 bicycles, in compliance with the standards set forth in SRC Chapter 806.~~

Condition 9 8: Prior to occupancy, the applicant shall provide an adequate off-street loading area by either:

(a) If the use does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds, the applicant may designate an off-street parking area within 25 feet of the building and meeting the requirements set forth SRC Chapter 806 to be used for off-street loading; or

(b) Provide a designated off-street loading area meeting the requirements set forth in SRC Chapter 806.

Condition 10 9: ~~Prior to obtaining building permits, replace the existing public sidewalks and curb ramps that do not meet Public Works Design Standards along all street frontages.~~ Prior to obtaining building permits, construct a concrete sidewalk along existing frontages in accordance with Public Works Design Standards where no concrete sidewalk currently exists. Replace the existing curb ramp at the intersection of D Street NE and 39th Avenue NE and replace unused driveways along D Street NE and 39th Avenue NE with full height curb and sidewalk. Along all street frontages, repair any sidewalk panels necessary to maintain safe use by the public in accordance with SRC 78.154.

C. ~~DENIED~~ APPROVED the requested Class 2 Adjustment to increase the maximum number of off-street parking spaces allowed from 36 37 spaces, as set forth in SRC 806.015(d), to 66 62 spaces contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following condition:

Condition 10: Prior to occupancy, provide an on-site bicycle parking area that accommodates a minimum of 12 bicycles, in compliance with the standards set forth in SRC Chapter 806.

D. APPROVED Class 3 Driveway Approach Permit Case No. 17-03, contingent on City Council approval of the consolidated Comprehensive Plan Map Change.

VOTE:

Yes 6 No 0 Absent 2 (Pollock, Smith) Abstained 1 (Griggs)



Rich Fry, President
Salem Planning Commission

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

Class 3 Site Plan Review	<u>May 19, 2021</u>
Class 2 Adjustment	<u>May 19, 2019</u>
Class 2 Driveway Approach Permit	<u>May 19, 2019</u>

Application Deemed Complete:	<u>February 23, 2017</u>
Public Hearing Date:	<u>April 25, 2017</u>
Notice of Decision Mailing Date:	<u>May 3, 2017</u>
Decision Effective Date:	<u>May 19, 2017</u>

Case Manager: Chris Green, cgreen@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Thursday, May 18, 2017**. 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) SRC Chapters 64, 220, 250, 265, 804. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 City Council will review the appeal at a public hearing. After the hearing, the City Council 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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Criteria and Findings for Proposed Quasi-Judicial Zone Change from RS (Single Family Residential) to CR (Retail Commercial), a Class 3 Site Plan Review, a Class 2 Adjustment, and a Class 2 Driveway Approach Permit for a site encompassing five lots at 1011 Lancaster Drive NE

Procedural Findings

On February 2, 2017, Mark D. Shipman of Saalfeld Griggs PC, on behalf of applicants Seaman Real Estate Investments, LLC and McDonald's Corporation, filed a consolidated application for a Comprehensive Plan Change, Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit. On February 23, 2017, the applicant responded to written notice by the City of missing information in the application with some of the requested information and written notice that no further information would be provided at that time. Pursuant to ORS 227.178(2)(b), the application was deemed complete for processing on February 23, 2017. The applicant submitted additional information, including revised site plans, in a series of supplemental filings in March and April of 2017.

The consolidated application (CPC-NPC-ZC-SPR-ADJ-DAP17-03) was deemed complete for processing on February 23, 2017. The original notice did not include reference to the proposed Neighborhood Plan Map Change. A revised notice was sent on April 19, 2017.

Notice of the consolidated proposal was distributed to City departments and public and private service providers on March 21, 2017 and was mailed to the owners of all property within 250 feet of the subject property on April 5, 2017. The original notice did not include reference to the proposed Neighborhood Plan Map Change. A revised notice was sent on April 19, 2017. The property was posted in accordance with the posting provision outlined in SRC 300.620.

State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on March 14, 2017.

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Therefore, on April 25, 2017, the Planning Commission held a public hearing on the consolidated applications and recommended to the City Council that they approve the proposed Comprehensive Plan Map Change. Additionally, the Planning Commission approved the applications for Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Class 2 Driveway Approach Permit contingent on the City Council's approval of the Comprehensive Plan Map Change.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE ZONING MAP AMENDMENT

The following analysis addresses the proposed zone change for the subject property from RS (Single Family Residential) to CR (Retail Commercial).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:

- (i) **A mistake in the application of a land use designation to the property**
- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) **A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Finding: The proposed zone change is justified based on (iii). The larger site afforded by the zone change has sufficient area and presents no topographic or other natural constraints to commercial development consistent with the applicable development standards in the proposed CR zone. The existing street network in the vicinity provides direct motor vehicle, pedestrian, bicycle, and transit access to the subject property. The proposed zone change will result in a uniform, rectangular area of CR zoning center on the northwest corner of the Lancaster Drive and D Street intersection. The zone change will allow the site to be developed with more logical vehicular circulation, more extensive landscaped buffers at the perimeter of the site, and fewer traffic conflicts at driveway approaches, thereby reducing impacts on surrounding residential properties.

The proposal meets this criterion.

(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

(C) The zone change conforms with the applicable provisions of the Salem

Area Comprehensive Plan.

Finding: The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, Residential Development Goal (Page 30, Salem Comprehensive Policies Plan):

Policy E.8. Residential areas shall be protected from more intensive land use activity in abutting zones.

Finding: In 2011, the Planning Commission approved Comprehensive Plan and zone change case CPC-NPC-ZC11-03, which changed the Plan Map designation of 3885 D Street NE to “Commercial” and changed the zoning to CO (Commercial Office). Accordingly, only two residential properties would abut the area proposed to be designated “Commercial”; 1098 39th Avenue NE is on the east side of 39th Avenue, directly north of Tax Lot 600, and 1077 39th Avenue NE is on the west side of the street, directly across from Tax Lot 600.

While the proposal would potentially bring more intensive commercial uses into closer proximity with these abutting lots, the existing residentially-designated areas on Tax Lots 400, 500, and 600 are currently less protected from commercial uses in the area. Under the existing configuration of Plan Map and zoning district boundaries, portions of Tax Lots 400 and 500 occupy the same lot as the parking area for the existing McDonald’s, and Tax Lot 600 is bordered by retail uses on CR-zoned properties on two sides, rather than one. 39th Avenue NE provides a 60-foot-wide right-of-way, including landscaped setbacks, as a buffer between 1077 39th Avenue NE and commercial uses on Tax Lot 600. Zone-to-zone setbacks set forth in SRC Chapter 522, Table 522-4, require a minimum 15-foot-wide landscaped and screened setback between 1098 39th Avenue NE and commercial uses on Tax Lot 600. Because of the longstanding pattern of intense commercial development centered on the intersection of Lancaster Drive and D Street, a transition between single family residential development and more intense commercial uses will take place somewhere in the vicinity of the subject property. The proposal would result in greater protection for residential areas than afforded by the current boundary between commercial and residential uses.

The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 34, Salem Comprehensive Policies Plan):

Policy G.3. Redevelopment of existing shopping and service facilities should be encouraged where appropriate to provide neighborhood services or as part of mixed-use development with multifamily housing. The City may use financial and other tools to encourage redevelopment of existing shopping and service facilities, especially in Urban Renewal Areas.

Finding: The consolidated application includes proposed redevelopment of the existing fast-food restaurant and surrounding site, and by expanding the potential site area, the

proposed Plan Map change would facilitate this redevelopment. The purpose of the redevelopment is to update and improve the site specifically for the existing use, and is not anticipated to result in the introduction of new neighborhood services, mixed-use development, or multifamily housing into an otherwise underserved area. The subject property is not located within an Urban Renewal Area. Because the redevelopment would facilitate investment in building updates and more efficient circulation within an existing commercial area, the proposal is consistent with this policy.

Policy G.4. Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development that discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets and provisions for connectivity to the facilities for pedestrians and bicyclists from residential neighborhoods.

Finding: The proposal would consolidate driveway access to the subject property to two locations; the existing driveway on Lancaster Drive NE and a relocated driveway along 39th Avenue NE. Although the proposed driveway relocation on 39th Avenue would bring the driveway approach slightly closer to residentially-designated property, the most visible driveway would remain along the Lancaster Drive frontage, and the filtering of traffic between the 39th Avenue driveway and the surrounding arterial network would be limited to a single residential frontage of approximately 80 feet in length. Internal walkways proposed by the applicant would connect to bicycle and pedestrian facilities lining the street network in the vicinity. The proposal is consistent with this policy.

The proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Finding: A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the Northeast Salem Community Association (NESCA) and the East Lancaster Neighborhood Association (ELNA). This satisfies Citizen Involvement described in Goal 1.

Statewide Planning Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Finding: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Finding: There are no known scenic, historic, natural, or cultural resources on the affected parcels. Through the consolidated application for site plan review, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. The proposal is consistent with Goal 5.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: *To protect people and property from natural hazards.*

Finding: There are no other known natural hazards existing on the subject property. The City's tree protection, landslide, and floodplain development standards have been applied during review of the consolidated application through the Site Plan Review process. The proposal is consistent with Goal 7.

Statewide Planning Goal 9 – Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Finding: The split zoning of Tax Lots 400 and 500, and longstanding presence of commercial developments abutting Tax Lot 600 constrain future development of the site for uses generally allowed under the current Single Family Residential designation. The lots have remained vacant for several decades. The proposal to expand the "Commercial" designation to the entire holding would allow economically productive use of currently vacant areas, and facilitate redevelopment of a high-volume commercial establishment on a centrally-located, easily accessible location for customers and employees.

The range of permitted uses of the subject property in zones implementing the Commercial designation better take into account the location of the subject property, within the same holding as a commercial development focused towards on a prominent, high-traffic corner. The proposal promotes redevelopment of the site, including modernization of the restaurant building, vehicle circulation, and parking areas in an economically productive manner, consistent with the intent of Goal 9. The proposal is consistent with Goal 9.

Statewide Planning Goal 10 – Housing: *To provide for the housing needs of the citizens of the state.*

Finding: The subject property for the Comprehensive Plan map and zone change consists of one full lot and portions of two other lots, which in theory provide a total of 0.54 acres of land for single family residential development. However, Tax Lots 400 and

500 are split-zoned between CR (Retail Commercial) and RS (Single Family Residential), with existing development contiguous with the McDonald's site occupying the southern half of each lot. Aerial photographs indicate that the entire area of the proposed Comprehensive Plan Map and zone change has been vacant since at least 1992. The subject property could be developed with one single family residential dwelling under its current designation.

The City has accepted a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. In order to address the deficit in land for multifamily development, the City is conducting the first of three phases identified in an accepted work plan. The proposal would convert less than one acre of land away from a single family designation, where the accepted, but not adopted HNA identifies a surplus. The proposed commercial designation and CR zoning does not preclude multifamily residential development, which is allowed as a Conditional Use. The proposal does not affect the City's ability to provide for its housing needs, and is therefore consistent with Goal 10.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Staff Response: Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that "significantly affect" a surrounding transportation facility (road, intersection, etc.). Where there is a "significant effect" on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a "significant effect" is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that "allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility," or an amendment that would "reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP."

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a "significant effect" on the surrounding transportation system, as defined above.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system if total traffic generated by the site does not exceed 2,346 trips per day. The Assistant City Traffic Engineer has reviewed the proposal and finds that it would not exceed the maximum amount of traffic allowed under the TPR analysis. The proposal complies with Goal 12.

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Applicant Statement: This proposal does not include land located outside of the UGB or include the extension of services to properties outside the UGB, thus, Goal 14 is not applicable to this application.

Staff Response: The Planning Commission concurs with the applicant's statement, which states in relevant part:

"This proposal does not include land located outside of the UGB or include the extension of services to properties outside the UGB, thus, Goal 14 is not applicable to this application."

The proposal complies with Goal 14.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The proposed zone change is from RS (Single Family Residential) to CR (Retail Commercial). No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. The existing designation is not a commercial or employment designation. Therefore, this criterion does not apply.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TRP analysis findings and recommends a condition to limit the development on the 1.66 acre site to 2,436 vehicles per day. In order to ensure future development of the site does not exceed the maximum allowed trip generation, the following condition of approval shall apply:

Condition 1: At the time of development review for any proposed use on the

subject property, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers Trip Generation manual. Traffic impacts from future development on the subject property shall be limited to a maximum of 2,346 average daily trips generated by the proposed use or uses.

As conditioned, the proposal meets this criterion.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

Finding: As described in comments from the Public Works Department, public water, sewer, and storm lines are located at the perimeter of the subject property, and are adequately sized to handle an expansion of the area designated for commercial development. The portion of the property that is subject to the requested Plan Map change forms part of a larger contiguous holding oriented toward the corner of D Street NE, a Minor Arterial, and Lancaster Drive NE, a Major Arterial. The proposal meets this criterion.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW

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

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(F) because an adjustment has been requested for the proposed development and pursuant to SRC 220.005(b)(3)(C) because a Class 2 Driveway Approach Permit is required for construction of proposed driveway onto 39th Avenue NE.

Salem Revised Code (SRC) 265.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 220.005(f)(3)(1): The application meets all applicable standards of the UDC;

Finding: The property is currently zoned CR (Retail Commercial) and RS (Single Family Residential). The applicant has applied for a Comprehensive Plan Map and zone

change to apply the "Commercial" designation and Zone Change to CR zoning to the entire site. Site plan review findings are contingent on approval of the consolidated Comprehensive Plan Map and zone change applications. The project includes a proposal to redevelop the expanded site with a 5,183 square foot fast food restaurant with associated site improvements, including 62 off-street parking spaces and 21,828 square feet of landscaped areas. The subject property for the development consists of 5 parcels totaling 1.66 acres in size.

The application, as proposed and conditioned, meets all applicable standards of the UDC, as described below:

Development Standards – CR (Retail Commercial) Zone:

SRC 522.005. Uses:

The permitted, special, conditional and prohibited uses in the CR zone are set forth in SRC Chapter 522, Table 522-1.

Finding: The proposed development is for a reconstructed fast food restaurant, classified as an Eating and Drinking Establishments use. Eating and Drinking Establishments are a permitted use in the CR zone pursuant to SRC Chapter 522, Table 522-1.

SRC 521.010(a) – Lot Standards:

Lot standards for the CR zone are set forth in SRC Chapter 522, Table 522-2. There are no minimum lot width or depth requirements in the CR zone for non-residential uses. All uses other than single family residential are required to have a minimum of 16 feet of street frontage.

Finding: The subject property consists of five tax lots, all of which exceed the minimum frontage standard of 16 feet.

SRC 522.010(b) – CR Zone Setbacks:

The subject property is primarily occupied with a fast food restaurant, parking area, and site improvements. Tax Lot 600 and the northern portion of Tax Lots 400 and 500, which the consolidated application proposes to rezone, are currently vacant. Because the subject property consists of five separate tax lots, Condition 3 requires the applicant to obtain a property boundary verification to combine these tax lots for the purpose of applying development standards such as setbacks. The following is a summary of the applicable setback requirements for each area, pursuant to a property boundary verification.

North: Adjacent to the north is a CR (Retail Commercial) zone and an RS (Single Family Residential) zone. Depending on the front property line designated by the building permit applicant, the north property line is either an interior rear or interior side property line.

In both cases, applicable zone-to-zone setbacks are set forth in SRC Chapter 522, Table 522-4. Buildings and vehicle use areas must be set back a minimum of 5 feet from the portion of the property line abutting CR-

zoned property and a minimum of 15 feet from the portion of the property line abutting RS-zoned properties

South: The south property boundary abuts D Street NE. There is a 5 foot building setback required adjacent to a street. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2). The proposed development is subject to a special setback equal to 36 feet from the centerline of D Street.

East: The east property boundary abuts Lancaster Drive NE. There is a 5 foot building setback required adjacent to a street. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2). The proposed development is subject to a special setback equal to 48 feet from the centerline of Lancaster Drive.

West: The west property boundary abuts 39th Avenue NE. There is a 5 foot building setback required adjacent to a street. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

Finding: The proposal includes a setback of 16.6 feet along the Lancaster Drive and D Street frontages and along the north property boundary, and variable 15-to-23 foot setback along the 39th Avenue frontage. The applicant's site plan does not indicate a proposal for a screening along the portion of the north property boundary where the property abuts residentially-zoned property. In order to ensure that required screening is provided along this boundary, consistent with the "Type C" landscaping required for a zone-to-zone setback between the CR zone and abutting residential properties, the following condition shall apply:

Condition 2: Provide a minimum 6-foot-tall fence, wall, or hedge along the entire portion of the north property boundary which abuts residentially-zoned property.

As conditioned, the proposed building and vehicle use area setbacks comply with the minimum setback standards of the CR zone and SRC Chapter 806.

SRC 522.010(c) - Lot Coverage; Height:

There is no maximum lot coverage for buildings and accessory structures in the CR zone. The maximum building height in the CR zone is 50 feet for structures occupied by primary uses and for structures that are accessory to non-residential uses.

Finding: The proposed building will be one story in height, well below the maximum of 50 feet. Therefore, the proposed structure complies with SRC 522.010(c).

SRC 551.010(d) - Landscaping:

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.

(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

(3) **Development Site.** A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count towards meeting this requirement.

Finding: The subject property is approximately 1.66 acres (72,310 square feet) in size, and the minimum 15 percent landscaping standard requires 10,846 square feet of landscaped area. The site plan shows approximately 21,828 square feet of landscaped area which complies with the minimum 15 percent landscape standard for the development site.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

SRC Chapter 800 – General Development Standards

SRC 800.015(a) (Buildings to be on a Lot): Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot.

Finding: The subject property consists of five tax lots, with the proposed fast food restaurant building spanning the boundaries of Tax Lots 200, 300, and 500. Pursuant to SRC 205.065(a), a property boundary verification is a process whereby the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for the purposes of application of the Building Code. In order to ensure that the development complies with the requirements of SRC 800.015(a), the following condition shall apply:

Condition 3: Prior to obtaining building permits, the applicant shall obtain approval for a Property Boundary Verification to establish the necessary outside property boundary for the proposed development.

As conditioned, the proposal meets this requirement.

SRC 800.055 – Solid Waste Service Areas

SRC 800.055(a) – Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

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

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of 4 inches thick, or on an asphalt pad that is a minimum of 6 inches thick. The pad shall have a slope of no more than 3 percent and shall be designed to discharge stormwater runoff.

- 1) *Pad area. In determining the total concrete pad area for any solid waste service area:*
 - a. *The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.*
 - b. *The pad area shall extend a minimum 3 feet beyond the front of the receptacle.*

Finding: The site plan does not indicate the proposed design, materials, or grade of the proposed pad area within the enclosure. In order to ensure that the pad is designed to meet the requirements of the Solid Waste Service Areas ordinance, the following condition shall apply:

Condition 4: The proposed trash enclosure shall be surfaced with a concrete or asphalt pad that meets the thickness, slope, and stormwater discharge requirements set forth in SRC 800.055(b).

2) *Minimum Separation.*

- a. *A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.*
- b. *A minimum separation of 5 feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.*

Finding: Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure.

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

When enclosures are used for required screening or aesthetics, such enclosure shall conform to the following standards:

- 1) *Front Opening of Enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.*

Finding: The width of the proposed enclosure is 20 feet, exceeding the minimum standard.

- 2) *Measures to Prevent Damage to Enclosure. Enclosures constructed of wood or chain link fencing material shall contain a minimum 4-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 receptacles impacts.*

Finding: The site plan does not specify any measures to prevent damage to the enclosure. In order to ensure that the enclosure is designed to meet the requirements of the Solid Waste Service Areas ordinance, the following condition shall apply:

Condition 5: If the enclosure is constructed of wood or chain link fencing material, the surface should include a minimum 4-inch nominal high bumper curb that meets the standards set forth in SRC 800.055(e).

3) *Enclosure Gates.* Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is 15 feet or greater in width, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed gates are greater than 15 feet in width and can swing more than 90 degrees.

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

Vehicle Operation Area. 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 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed site plan provides an open area for vehicle operation that meets the minimum dimensional requirements for service vehicle access.

As conditioned, the proposal meets the general development standards set forth in SRC Chapter 800.

SRC Chapter 802 – Public Improvements

SRC 802.020 (Easements)

Finding: Buildings, structures, trees, or other obstructions other than landscaping are prohibited within City utility easements. An existing pipeline and drainage easement crosses the subject property from north to south, but does not appear to carry any pipelines or other infrastructure. The proposed location of the new restaurant building, trash enclosure, and parking area would be within the boundary of the easement. In order to ensure that the site can be developed as proposed without conflicting with the existing easement, the following condition shall apply:

Condition 6: Obtain approval from the Public Works Director to either quitclaim or encroach into the existing pipeline and drainage easement shown on the applicant's site plan and recorded in Vol. 626 Pg.529, Marion County Deed Records.

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

SRC 803.025 (Right-of-Way and Pavement Widths)

Finding: The abutting portion of D Street NE is designated as a Minor Arterial in the TSP and does not meet right-of-way and pavement width standards for this type of street. The abutting portion of Lancaster Drive NE has an 82-foot-wide right-of-way, which does not meet the minimum right-of-way width for a Major Arterial. SRC 803.040(d)(5) sets forth an exemption from boundary street improvements for new development resulting in less than 20 new vehicle trips per day according to the Institute

of Transportation Engineers' Trip Generation Manual. When taking into account the existing use on the subject property, the proposed redevelopment results in less than 20 new average daily vehicle trips. Therefore, the proposal is exempt from dedication of right-of-way or street improvements pursuant to SRC 803.040(d)(5).

The proposed development is subject to a special setback equal to 48-feet from centerline on the development side of Lancaster Drive NE and 36-feet from the centerline of the development side of D Street NE. No special setback is required along 39th Avenue NE because the existing right-of-way meets the standard for a local street.

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

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for each proposed new use or activity.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves.

Finding: The proposed site plan indicates that all required off-street parking spaces will be provided on the same development site as the proposed use.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for uses in the Eating and Drinking Establishments category is 1 per 250 square feet of floor area.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

Maximum Off-Street Parking. Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: The proposed new fast food restaurant building is 4,683 square feet in size, with an additional 500 square feet within a connected dry storage area. Based on the floor area and a total building size of 5,183 square feet, the minimum parking requirement for the Eating and Drinking Establishment use is 1 space per 250 square feet, which requires a minimum of 21 spaces ($5,183 / 250 = 20.73$). The maximum off-street parking allowance for the use under Table 806-2 is 37 spaces ($21 \times 1.75 = 36.75$). There are 66 off-street parking spaces indicated on the site plan; during the public hearing the applicant revised the proposal to include 62 parking spaces. The

applicant has requested a Class 2 Adjustment to increase the maximum off-street parking allowance based on the amount of parking proposed. As indicated in findings below, the Planning Commission approves the requested adjustment to allow for 62 off-street parking spaces, subject to conditions. In order to ensure that the amount of off-street parking provided is in compliance with SRC 806.015(d), Table 806-2, and the approval of the consolidated Class 2 Adjustment, the following condition shall apply:

Condition 7: Provide a minimum of 21 and a maximum of 62 off-street vehicle parking spaces, in compliance with the standards set forth in SRC Chapter 806.

As conditioned, the proposal meets this criterion.

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

- a) *General Applicability. The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.*
- b) *Location. Off-street parking and vehicle use areas shall not be located within required setbacks.*
- c) *Perimeter Setbacks and Landscaping. Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.*

North: CR and RS zoned properties are adjacent to the north. Vehicle use areas in the CR zone are required to be set back a minimum of 5 feet from a property line abutting a commercial zone and 15 feet from a property line abutting a residential zone.

South: The right-of-way for D Street NE is adjacent to the south. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

East: The right-of-way for Lancaster Drive NE is adjacent to the east. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

West: The right-of-way for 39th Avenue NE is adjacent to the west. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

Adjacent to Buildings and Structures: With the exception of drive-through lanes, off-street parking or vehicle use areas shall be setback from the exterior wall of the building or structure by a minimum 5 foot wide landscape strip or by a minimum 5 foot wide paved pedestrian walkway.

Finding: The applicable off-street parking and vehicle use area is located on the north and east of the proposed building, with drive-through lanes along the west and south perimeter of the restaurant building. There is a pedestrian pathway around the north

and east sides of the building within a variable setback of between 6 and 9.6 feet between the building and adjacent vehicle use areas. The proposed parking areas are not located within required setbacks, and the proposed perimeter setbacks and landscaping meet the applicable setbacks.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas over 5,000 square feet and less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped. One deciduous tree must be provided per 12 parking spaces.

Finding: The proposed parking area is approximately 41,704 square feet in size and therefore requires a minimum of 5% of the interior parking lot area (2,085 square feet) to be landscaped. The site plan provides approximately 4,613 square feet of landscaping on the interior parking lot area, and therefore meets this requirement. A minimum of one deciduous trees is required per 12 off-street parking spaces provided.

- e) *Off-Street Parking Area Dimensions.* Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

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

Finding: The proposed parking area must be developed consistent with the additional development standards for grade, surfacing, and drainage, striping, and marking and signage are required. Lighting shall be consistent with SRC Chapter 806. Off-street parking areas with more than 6 spaces shall be screened from abutting residentially zoned property and household living uses by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge. Condition 2 requires the applicant to screen the parking areas from adjacent residentially-zoned property by a minimum 6-foot-tall fence, wall, or hedge.

SRC 806.040 - Driveway Development Standards.

- a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available or a loop to the single point of access.
- b) *Location.* Driveways shall not be located within required setbacks.
- c) *Additional Development Standards 806.040(c)-(g).*

Finding: The interior driveways proposed for the off-street parking area conform to the driveway location and dimensional requirements of SRC 806.040.

Bicycle Parking

SRC 806.045 – SRC 806.050

Bicycle parking shall be provided for each proposed new use or activity, and located on the same development site as the use or activity served.

SRC 806.055 – Amount of Bicycle Parking.

The greater of 4 bicycle parking spaces or 1 space per 1,000 square feet is required for Eating and Drinking Establishments uses.

Finding: The proposed 5,183 square foot restaurant requires a minimum of six bicycle parking spaces. No bicycle parking areas are shown on the site plan. The applicant's written statement indicates that bicycle parking will be provided in compliance with the requirements of SRC Chapter 806. At the public hearing, the applicant revised the proposal in order to provide 12 bicycle parking spaces, and the Planning Commission subsequently adopted Condition 10, which requires the applicant to provide 12 bicycle parking spaces as a condition of the requested Class 2 Adjustment.

As conditioned, the proposal meets this criterion.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided for each proposed new use or activity.

SRC 806.075 - Amount of Off-Street Loading.

A minimum of one off-street loading space is required for Eating and Drinking Establishment buildings between 5,000-60,000 square feet in floor area. The minimum dimensions for the off-street loading spaces are 12 feet in width, 30 feet in length and 14 feet in height.

Finding: A designated loading zone is not shown on the site plan. In order to ensure that an adequate loading area is provided for the proposed use, the following condition shall apply:

Condition 8: Prior to occupancy of the proposed use, the applicant shall provide an adequate off-street loading area by either:

- (a) If the use does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds, the applicant may designate an off-street parking area within 25 feet of the building and meeting the requirements set forth SRC Chapter 806 to be used for off-street loading; or
- (b) Provide a designated off-street loading area meeting the requirements set forth in SRC Chapter 806.

As conditioned, the proposal meets the off-street loading requirements set forth in SRC Chapter 806.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: The applicant's summary table shows approximately 21,828 square feet of landscaped areas on the subject property, requiring a minimum of 1,091 plant units ($21,828 / 20 = 1,091.4$). At least 40 percent of the plant units, or 436 ($1,091 \times 0.4 = 436.4$) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

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

Natural Resources

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

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

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no wetlands on the subject property. The applicant should contact the Department of State Lands to verify if permits are required for the proposed development.

SRC Chapter 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property does not contain any areas of mapped landslide hazard.

The proposal meets this criterion

SRC 220.005(f)(3)(2): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

Finding: The applicant has proposed limiting driveway approaches from the public street system that to two driveways that align directly with a parking lot drive aisles providing internal circulation. The site plan provides pedestrian access by paved pathways linking the parking lot and abutting sidewalk network with the proposed public entrances to the restaurant building. As described in findings on Statewide Planning Goal 12 and zone change criterion 265.005(e)(1)(F) above, the Assistant City Traffic Engineer has reviewed the Transportation Planning Rule (TPR) analysis provided by the applicant and concurs with the conclusion regarding the effect of the proposal on the transportation system. Condition 1 would limit traffic impacts from future development to no more than 2,346 average daily trips.

The existing street system is adequate to serve the proposed development. As described in findings on SRC 803.025 above, when taking into account the traffic already generated by the existing use on the site, the proposed redevelopment generates less than 20 new average daily vehicle trips; therefore no right-of-way dedication or street improvements are required pursuant to the exemption set forth in SRC 803.040(d)(5).

As a condition of a building permit, the applicant is required to demonstrate the existing public sidewalks along all frontage(s) of the property meet current City of Salem Design Standards as required by SRC 77.160, including curb ramps. Some sections of sidewalk along the frontages of the subject property may not meet Public Works Design Standards. The staff report recommends a condition of approval in order to ensure that these sidewalks meet current standards and provide safe and efficient movement of pedestrians at the perimeter of the site. Subsequent to the issuance of the staff report, and based on proposed revisions submitted by the applicant and staff, the Planning Commission adopts the revised condition as follows:

Condition 9: Prior to obtaining building permits, construct a concrete sidewalk along existing frontages in accordance with Public Works Design Standards where no concrete sidewalk currently exists. Replace the existing curb ramp at the intersection of D Street NE and 39th Avenue NE and replace unused driveways along D Street NE and 39th Avenue NE with full height curb and sidewalk. Along all street frontages, repair any sidewalk panels necessary to maintain safe use by the public in accordance with SRC 78.154.

As conditioned, the proposal meets this criterion.

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

Finding: The consolidated application includes a Class 2 Driveway Approach Permit, and a Class 2 Adjustment to increase the maximum number of parking spaces allowed from 37 to 62. Subject to conditions of approval, the internal vehicular, pedestrian, and bicycle circulation provided for the site is adequate to provide safe and efficient

movement for customers and employees of the fast food restaurant. As described in findings below, the Planning Commission approves the requested Class 2 Adjustment. Subject to the Class 2 Adjustment, Class 2 Driveway Approach Permit and conditions of approval, this criterion is met.

SRC 220.005(f)(3)(4): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary utility plan for this site and submitted comments indicating that water, sewer, and storm infrastructure are available within surrounding streets and areas and appear to be adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (PWDS) and to the satisfaction of the Public Works Director.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

The proposal meets this criterion.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 ADJUSTMENT

The applicant's complete written statement addressing the Class 2 Adjustment criteria is included as part of Attachment E. The applicant has requested an adjustment to increase the maximum number of off-street parking spaces allowed from 37 spaces, as set forth in SRC 806.015(d), to 62 spaces.

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:

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

Finding: The applicant contends, in summary, that the requested adjustment is necessary for the proposed fast-food restaurant to accommodate parking for customers and employees, as well as food and supply deliveries. As described in findings above, minimum and maximum parking requirements for Eating and Drinking Establishment uses are based on a parking space to building square footage ratio, in order to align

customer capacity with available parking.

The applicant submitted an index of square footages, lot sizes, and parking spaces at other McDonald's restaurants in the Salem-Keizer area. Based on the aerial photos provided, some of the examples shown are located within shopping centers where some parking stalls are shared across a development site. Across the region, the square footage of McDonald's restaurants ranges from 3,198 square feet to 6,244 square feet, with parking counts ranging from 32 to 77 parking stalls. Only one of the McDonald's restaurants in the region, on Broadway Street NE in North Salem, exceeds the 62 parking stalls included in the proposal. Excluding parking stall counts noted in the exhibits as "approximate," other McDonald's restaurants in the area provide parking at an average of one stall per 117 square feet. Applied to the applicant's 5,183 square foot proposed restaurant, this average ratio would result in 44 parking spaces. However, this decrease would result in an overall reduction of 33 spaces from the 77 spaces serving the existing development. Based on the trip generation estimate submitted by the applicant, the resulting parking lot would be capable of providing only 62% of the restaurant's estimated peak parking demand.

At the public hearing, the applicant proposed to reduce the maximum number of parking spaces requested from the 66 shown on the site plan to 62, and to increase the number of bicycle parking spaces provided from the minimum requirement of 6 spaces to 12 spaces in order to address the underlying purpose of the parking maximum of reducing transportation demand for single occupancy vehicle (SOV) trips. In order to ensure that adequate bicycle parking is provided to reduce demand for single occupancy vehicle trips generated by the proposed use and additional parking spaces allowed by the requested adjustment, the following condition shall apply:

Condition 10: Prior to occupancy of the proposed use, provide an on-site bicycle parking area that accommodates a minimum of 12 bicycles, in compliance with the development standards set forth in SRC Chapter 806.

The Planning Commission finds that the requested adjustment is justified based on the following facts: there was no opposition to the proposed development; the final parking lot results in an overall reduction of parking spaces; the applicant has revised the proposal to include a significant increase in bicycle parking; the requested number of parking spaces is in line with the peak parking demand for the site estimated using data from the ITE Parking Generation Manual; and the site is adjacent to a major arterial and a minor arterial in a heavily commercial zone necessitating efficient and adequate parking for patrons of the restaurant to mitigate any impact on the traffic systems in the vicinity.

The applicant's statement identifies the underlying purpose of the minimum and maximum parking space requirement as "to provide adequate parking space while still encouraging the use of alternative modes of transportation." As conditioned, the requested adjustment meets this criterion.

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

Finding: Proposed Comprehensive Plan map and zone changes filed as part of the consolidated application would result in CR (Retail Commercial) zoning across the entire site. Accordingly, the parking areas will not be located within a residential zone at the time of development, and this criterion does not apply.

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

Finding: Only one adjustment has been requested. Therefore, this criterion is inapplicable.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 DRIVEWAY APPROACH PERMIT

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Driveway Approach Permit application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

Finding: The proposed driveway meets the requirements of SRC Chapter 804 and the Public Works Design Standards. The proposal meets this criterion.

SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.

Finding: There are no site conditions prohibiting the location of the proposed driveway. The proposal meets this criterion.

SRC 804.025(d)(3): The number of driveways onto an arterial is minimized.

Finding: The proposed site redevelopment reduces the number of driveway approaches onto arterial streets by closing the existing driveway access to D Street NE. The proposal will also relocate the existing driveway to 39th Avenue NE approximately 125 feet northward, thereby eliminating another access point in very close proximity to D Street NE.

The proposal meets this criterion.

SRC 804.025(d)(4): The proposed driveway approach, where possible:

- a) **Is shared with an adjacent property; or**

b) Takes access from the lowest classification of street abutting the property.

Finding: The relocated driveway to 39th Avenue NE will continue to provide access to the site from the lowest classification of street abutting the subject property. No driveway approach permit is required for the existing driveway from the subject property to Lancaster Drive NE, which will remain in its existing location. The proposal meets this criterion.

SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.

Finding: The proposed driveway meets the Public Works Design Standards, and vision clearance standards set forth in SRC Chapter 805. The proposal meets this criterion.

SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

Finding: By relocating the driveway to a greater distance from the intersection with D Street, the proposed driveway will avoid a potential traffic hazard and will provide for safer turning movements for access to the subject property. The proposal meets this criterion.

SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts in the vicinity.

Finding: The location of the proposed driveway does not appear to have any adverse impacts to the adjacent properties or streets. The relocated driveway approach increases the spacing between access to the subject property and the intersection with D Street, providing additional roadway northbound vehicle storage. The proposal meets this criterion.

SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

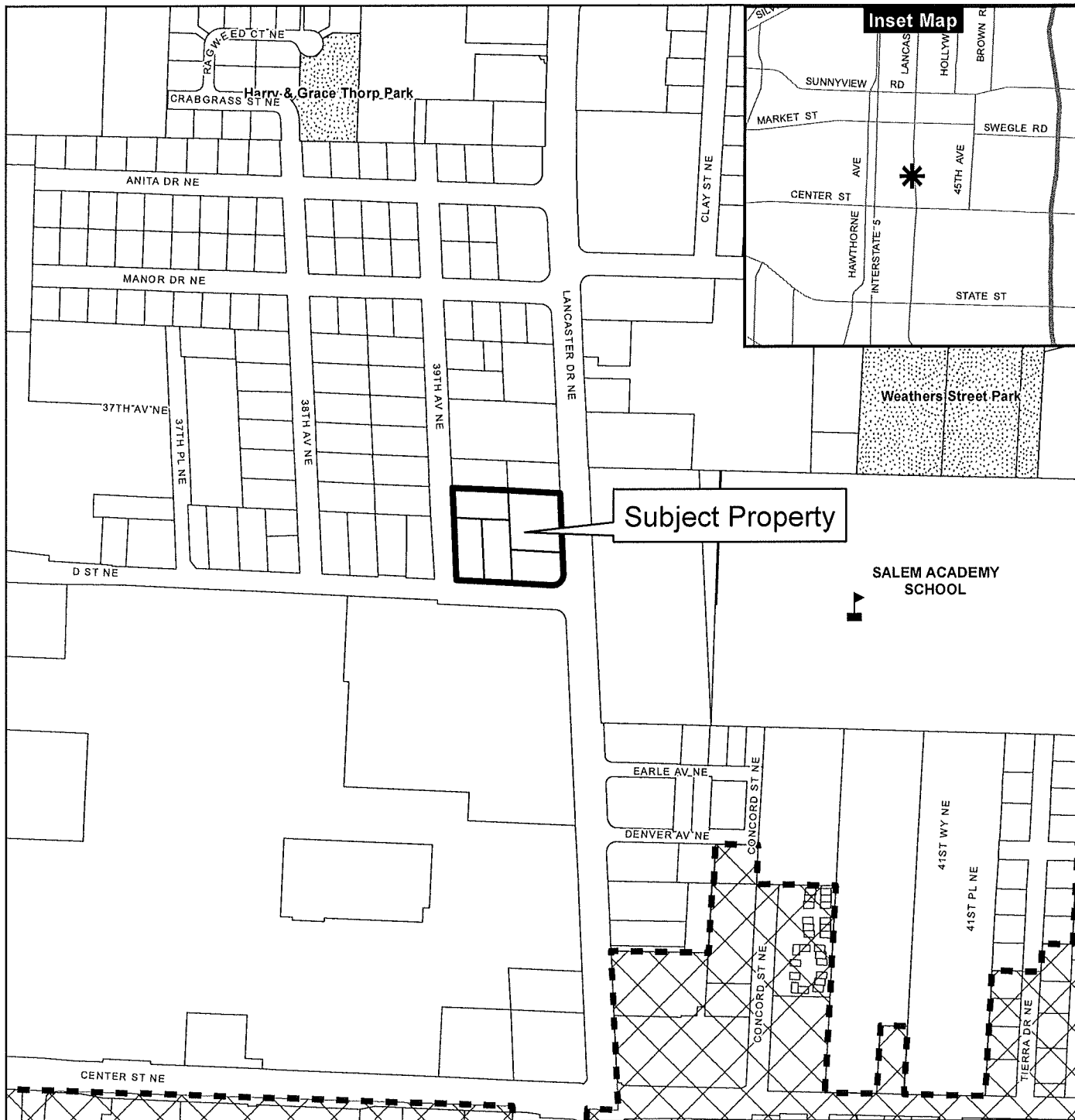
Finding: The location of the proposed driveway increases the capacity for northbound vehicle storage, thereby reducing the likelihood of traffic conflicts near the intersection with D Street. The proposed driveway approach is located on a local street and does not create a significant impact to adjacent streets and intersections. The proposal meets this criterion.

SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.








Finding: Although the proposed driveway approach is located in the vicinity of a residentially-zoned area, the development also maintains its most visible point of access on Lancaster Drive NE, a Major Arterial street. The proposed site redevelopment maintains the same number of existing driveways to 39th Avenue NE by proposing closure of the existing southerly driveway approach. Northbound vehicle storage will extend south of the proposed driveway location, abutting the subject property and a

property zoned CO (Commercial Office) on the opposite side of 39th Avenue. The driveway will not have an effect on the functionality of the adjacent streets. The proposal meets this criterion.

Vicinity Map 1011 Lancaster Drive NE



Legend

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

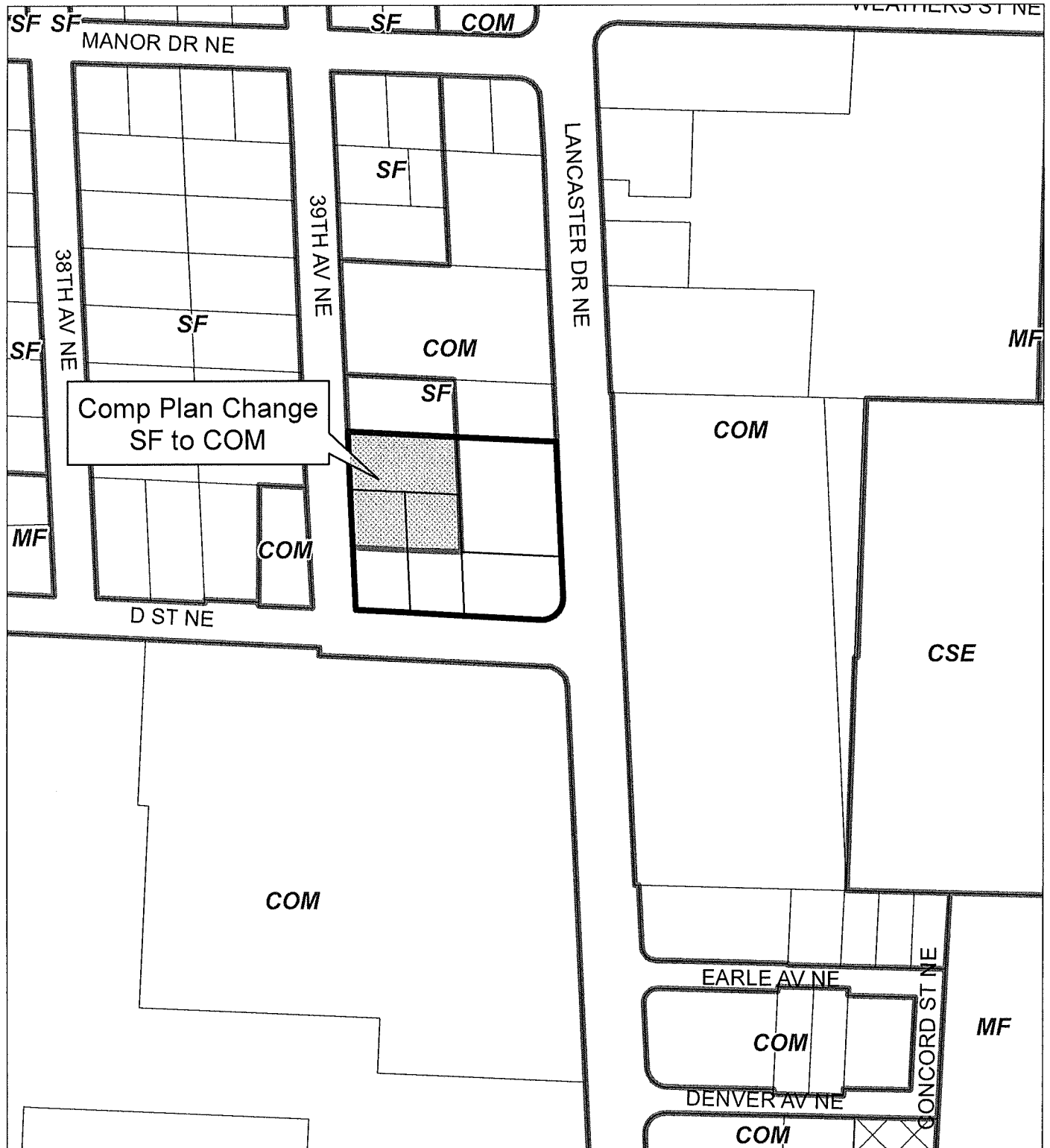

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Comprehensive Plan Map - 1011 Lancaster Drive NE



Legend

- Comprehensive Plan
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

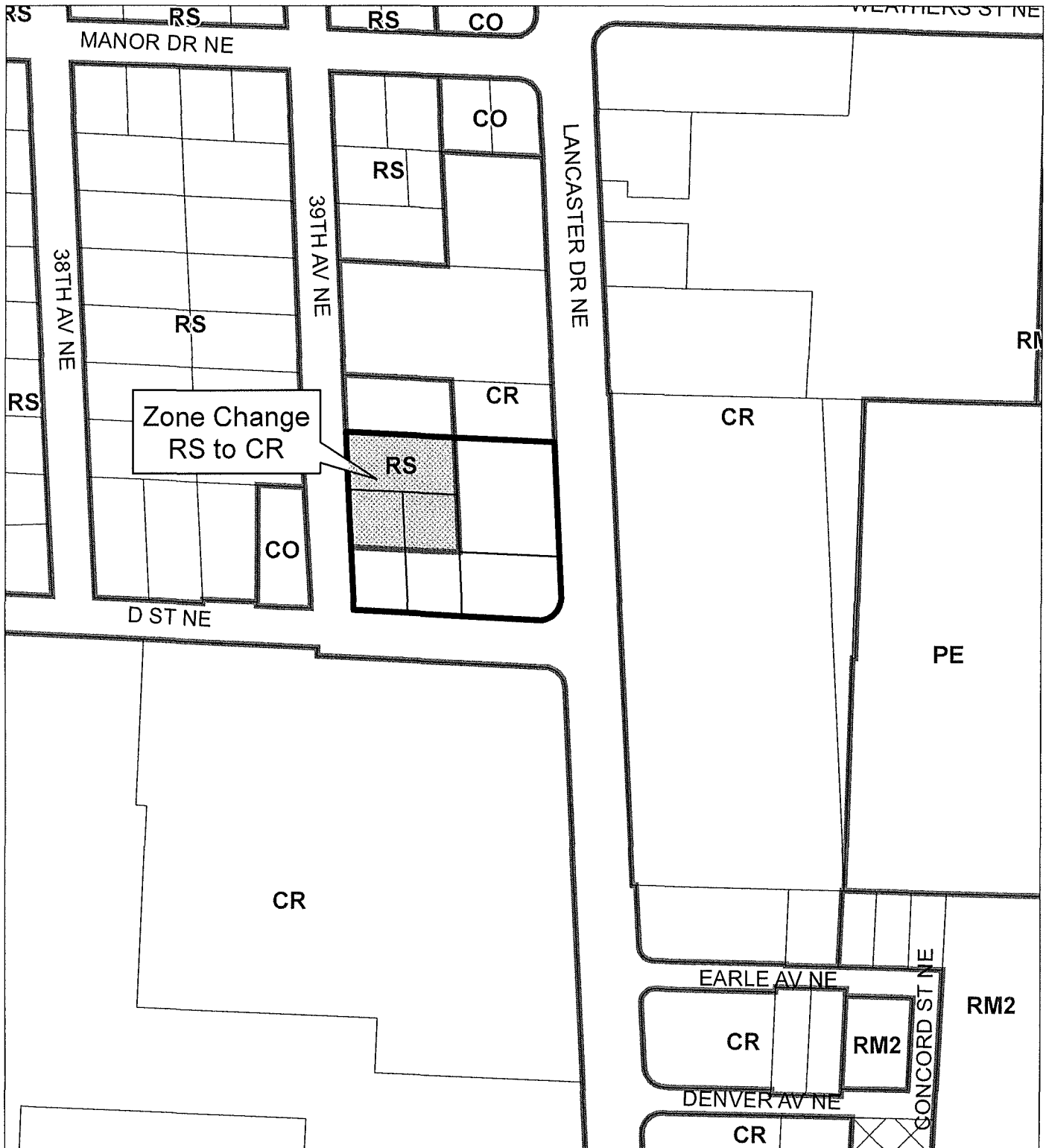
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0 50 100 200 Feet









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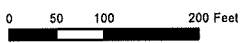
Vicinity Zoning - 1011 Lancaster Drive NE



Legend

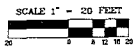
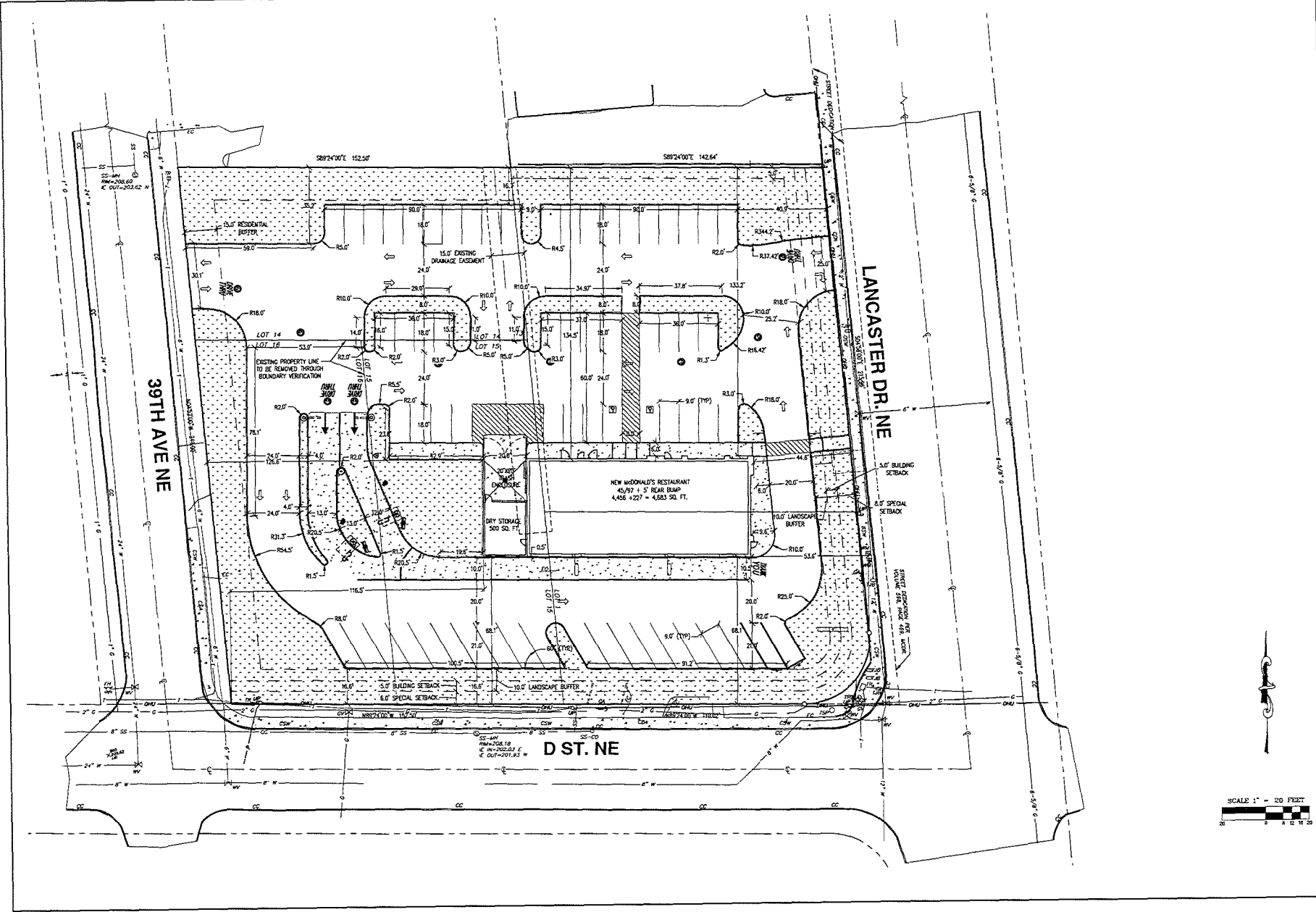
-  Base Zoning
-  Urban Growth Boundary
-  Outside Salem City Limits
-  Taxlots
-  Parks
-  Schools

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AKS DRAWING FILE: 5722-03 PRELIMINARY LAYOUT.C3D



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 TAX ID# 200,000,000,0000
 144 MAP 07 24 1002

**PRELIMINARY SITE
 DIMENSIONING PLAN**

DESIGNED BY: TER
 DRAWN BY: TER
 CHECKED BY: JAP
 SCALE: AS NOTED

DATE: 04/19/2027
 NOT FOR CONSTRUCTION
 (SEAL & SIGNATURE)

JOB NUMBER
5722-03
 SHEET
C0