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503-588-6173*

## DECISION OF THE PLANNING COMMISSION

**CLASS 3 DESIGN REVIEW / CONDITIONAL USE / CLASS 3 SITE PLAN  
REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH PERMIT  
CASE NO.: DR-CU-SPR-ADJ-DAP18-01**

**APPLICATION NO.: 18-109529-DR; 18-109530-RP; 18-109516-ZO; 18-109532-ZO**

**NOTICE OF DECISION DATE: July 23, 2018**

**Summary:** A consolidated application for a Conditional Use Permit, Design Review, Site Plan Review, Driveway Approach Permit, and Class 2 Adjustment to allow for the development of a proposed retail commercial development with a drive-through on property located at 3994 Portland Road NE.

**Request:** A consolidated application for a retail commercial development with a drive-through. The application includes the following:

- 1) A Conditional Use Permit to allow for a use with a drive-through within the Portland/Fairgrounds Road Overlay Zone;
- 2) A Class 3 Design Review and Class 3 Site Plan Review for the proposed retail commercial development;
- 3) A Class 2 Driveway Approach Permit to allow driveway access from the proposed development to Portland Road NE; and
- 4) A Class 2 Adjustment to reduce the required spacing between driveways onto Portland Road NE, pursuant to SRC 804.035(d), from 370 feet down to approximately 154 feet onto a Major Arterial.

The subject property totals approximately 0.53 acres in size, is zoned CR (Commercial Retail), is within the Portland/Fairgrounds Road Overlay Zone, and is located at 3994 Portland Road NE (Marion County Assessor's Map and Tax Lot Number: 073W12DB 03900).

**APPLICANT:** Mike Bliven & Jeff Miller

**OWNERS:** MJ Investments 2, LLC (Mike Bliven, Jeff Miller)

**LOCATION:** 3994 Portland Road NE / 97301

**CRITERIA:** Class 3 Design Review: SRC 225.005(e)(2)  
Conditional Use: SRC 240.005(d)  
Class 3 Site Plan Review: SRC 220.005(f)(3)  
Class 2 Adjustment: SRC 250.005(d)(2)  
Class 2 Driveway Approach Permit: 804.025(d)

**FINDINGS:** The facts and findings are in the attached Exhibit dated July 23, 2018.

**DECISION:** The Planning Commission **APPROVED** Class 3 Design Review / Conditional Use / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. DR-CU-SPR-ADJ-DAP18-01 subject to the following conditions of approval:

**NOTICE OF DECISION**

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

**CITY OF Salem**  
AT YOUR SERVICE

### **CLASS 3 DESIGN REVIEW**

- Condition 1:** All parking lot lighting must be 25 feet or less in height. The applicant shall provide product specifications at the time of building permit application.
- Condition 2:** The internal pedestrian connections along the north and south sides of the building shall be revised to connect to the public sidewalk along Portland Road NE and shall maintain a minimum width of five feet.
- Condition 3:** The site plan shall be revised to provide a direct pedestrian connection, which is a minimum of five feet in width, from the loading area adjacent to the ADA parking space to the public sidewalk along Portland Road NE.
- Condition 4:** The building design shall be revised to enlarge the windows on the west building elevation facing Portland Road NE to provide for window coverage of at least 65 percent.
- Condition 5:** At the time of building permit application, the applicant shall provide product specifications for the windows to ensure they have a minimum Visible Transmittance of 37 percent.

### **CLASS 3 SITE PLAN REVIEW**

- Condition 1:** At the time of building permit application, the applicant shall provide a revised site plan showing a minimum of four bicycle parking spaces which meet the development standards of SRC Chapter 806.060.
- Condition 2:** All trash/recycling areas shall conform to the solid waste service area standards of SRC 800.055.
- Condition 3:** Grant an access easement benefiting the abutting property to the south, measuring approximately 30 feet in width by 60 feet in length, at the southerly property line of the subject property.
- Condition 4:** An open channel drainage easement is required along the east line of the subject property. The easement width shall be 15 feet from the centerline of Claggett Creek.

### **VOTE:**

**Yes 5      No 0      Absent 4** (Levin, Pollock, Schweickart, Wright)



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Rich Fry, President  
Salem Planning Commission

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

Class 3 Design Review	<u>August 8, 2020</u>
Conditional Use	<u>August 8, 2020</u>
Class 3 Site Plan Review	<u>August 8, 2022</u>
Class 2 Adjustment	<u>August 8, 2020</u>
Class 2 Driveway Approach Permit	<u>August 8, 2020</u>

Application Deemed Complete:	<u>June 27, 2018</u>
Public Hearing Date:	<u>July 17, 2018</u>
Notice of Decision Mailing Date:	<u>July 23, 2018</u>
Decision Effective Date:	<u>August 8, 2018</u>
State Mandate Date:	<u>October 25, 2018</u>

Case Manager: Britany Randall, [BRandall@cityofsalem.net](mailto:BRandall@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., August 7, 2018**. 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) 220, 225, 240, 250 and 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>

**CASE NO: DR-SPR-ADJ-DAP17-01 – FACTS AND FINDINGS**

**APPLICATION:** Consolidated Conditional Use, Class 3 Design Review, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, & Class 2 Adjustment Case No. DR-CU-SPR-ADJ-DAP18-01

**LOCATION:** 3994 Portland Road NE (Marion County Assessor's Map and Tax Lot number: 073W12DB 03900)

**SIZE:** 0.56 acres

**REQUEST:** A consolidated application for a retail commercial development with a drive-through. The application includes the following:

- 1) A Conditional Use Permit to allow for a use with a drive-through within the Portland/Fairgrounds Road Overlay Zone;
- 2) A Class 3 Design Review and Class 3 Site Plan Review for the proposed retail commercial development;
- 3) A Class 2 Driveway Approach Permit to allow driveway access from the proposed development to Portland Road NE; and
- 4) A Class 2 Adjustment to reduce the required spacing between driveways onto Portland Road NE, pursuant to SRC 804.035(d), from 370 feet down to approximately 154 feet onto a Major Arterial.

**APPLICANT/OWNER:** Mike Bliven and Jeff Miller, MJ Investments 2, LLC

**APPROVAL CRITERIA:** Conditional Use: SRC 240.005(d)

Class 3 Design Review: SRC 225.005(e)(2)

Class 3 Site Plan Review: SRC 220.005(f)(3)

Class 2 Driveway Approach Permit: SRC 804.025(d)

Class 2 Adjustment: SRC 250.005(d)(2)

**ACTION:** APPROVE, subject to the following conditions:

**CLASS 3 DESIGN REVIEW**

**Condition 1:** All parking lot lighting must be 25 feet or less in height. The applicant shall provide product specifications at the time of building permit application.

**Condition 2:** The internal pedestrian connections along the north and south sides of the

building shall be revised to connect to the public sidewalk along Portland Road NE and shall maintain a minimum width of five feet.

**Condition 3:** The site plan shall be revised to provide a direct pedestrian connection, which is a minimum of five feet in width, from the loading area adjacent to the ADA parking space to the public sidewalk along Portland Road NE.

**Condition 4:** The building design shall be revised to enlarge the windows on the west building elevation facing Portland Road NE to provide for window coverage of at least 65 percent.

**Condition 5:** At the time of building permit application, the applicant shall provide product specifications for the windows to ensure they have a minimum Visible Transmittance of 37 percent.

### **CLASS 3 SITE PLAN REVIEW**

**Condition 1:** At the time of building permit application, the applicant shall provide a revised site plan showing a minimum of four bicycle parking spaces which meet the development standards of SRC Chapter 806.060.

**Condition 2:** All trash/recycling areas shall conform to the solid waste service area standards of SRC 800.055.

**Condition 3:** Grant an access easement benefiting the abutting property to the south, measuring approximately 30 feet in width by 60 feet in length, at the southerly property line of the subject property.

**Condition 4:** An open channel drainage easement is required along the east line of the subject property. The easement width shall be 15 feet from the centerline of Claggett Creek.

### **120-DAY REQUIREMENT**

The application was deemed complete for processing on June 27, 2018. The State Mandated 120-deadline to issue a final local decision for this consolidated application is October 25, 2018.

### **BACKGROUND**

On May 3, 2018, design review, conditional use, site plan review, adjustment and driveway approach permit applications were submitted to develop the subject property with a retail commercial building with a drive-through use. After receiving additional information, the applications were deemed complete for processing on June 27, 2018.

The public hearing before the City of Salem Planning Commission was conducted on July 17, 2018 at 5:30 p.m. in the Salem City Council Chambers, Civic Center Room 240, located at 555 Liberty Street SE. Notice of public hearing was sent by mail to

surrounding property owners pursuant to Salem Revised Code (SRC) requirements on June 27, 2018. Public hearing notice was posted on the property on July 3, 2018 by the applicant pursuant to SRC requirements.

## **PROPOSAL**

The applicant has submitted Design Review, Conditional Use, Site Plan Review, Adjustment and Driveway Approach Permit applications for development of a retail commercial building with a drive-through use for property located at 3994 Portland Road NE.

## **FACTS AND FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP) designation**

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

### **2. Zoning and Surrounding Land Uses**

The subject property is zoned CR (Retail Commercial) and falls within the Portland Fairgrounds Overlay Zone. The proposed use is a multi-tenant retail commercial building with a drive-through use, which falls under the Retail Sales and Service use classification. Retail Sales and Service uses are allowed in the CR zone as a Permitted Use. The drive-through use is a Conditional Use within the Portland Fairgrounds Overlay Zone.

### **3. Site Analysis**

The subject property is approximately 0.53 acres in size and abuts Portland Road NE to the west, which is designated as a major arterial street within the Salem TSP (Transportation System Plan). Properties to the north, south, and east are zoned CR and the property to the west, across Portland Road NE, is zoned IG (General Industrial).

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

The subject property is located within the Northgate Neighborhood Association (Northgate). Notice was provided to Northgate and surrounding property owners within 250 feet of the subject property. No comments were received from Northgate or surrounding property owners during the public comment period.

### **5. City Department and Public Agency Comments**

The Fire Department commented that it appears the existing fire hydrant on the east side of Portland Road NE will meet the fire flow requirements. Fire

Department access is provided along Portland Road NE. Fire will confirm these items at the time of building permit plan review.

The Public Works Department has reviewed the proposal and provided a memo included in the staff report.

## 6. Analysis of Conditional Use Permit Criteria

SRC Chapter 240.005(d) provides that:

A Conditional Use Permit shall be granted if the following criteria are met.:

- (1) The proposed use is allowed as a conditional use in the zone;

**Finding:** Pursuant to SRC 603.015(b)(2)(A), uses with a drive-through allowed as a conditional use in the Portland/Fairgrounds Road Overlay zone. The Planning Commission finds that this criterion is met.

- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and

**Finding:** The proposed drive-through will have little to no impact on the neighborhood. The property is bordered on the west side by Portland Road NE and Claggett Creek to the east. The proposed drive-through is located on the back side of the building, opposite of Portland Road NE, which provides a buffer and a setback of at least 40 feet from Portland Road NE. Claggett Creek runs along the east side of the property. Therefore, there is a riparian corridor adjacent to the proposed drive-through, which provides a buffer and a setback of at least 50 feet from any uses to the east. The large setbacks, the location of the drive-through, and riparian corridor buffer help eliminate any impacts on the surrounding neighborhood.

The development standards of the CR zone included under SRC Chapter 522 and the design review requirements for development within the Portland/Fairgrounds Road Overlay Zone included under SRC Chapter 603 are intended to ensure development within this area is conducted in a manner consistent with the area's role as the northern gateway into Salem. The Planning Commission found that adverse impacts of the proposed drive-through use on the immediate neighborhood will be minimized by locating the drive-through on the rear of the building. The Planning Commission finds that this criterion is met.

- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

**Finding:** The subject property is located in an area characterized predominantly by commercial zoning and a variety of non-residential uses including, but not limited to, auto service uses, business offices, and restaurants.

The subject property is zoned CR (Commercial Retail) and falls within the

Portland/Fairgrounds Road Overlay Zone. Commercial uses with a drive-through use is an allowed use within the Portland/Fairgrounds Road Overlay Zone subject to receiving conditional use permit approval. Due to the location of the subject property and the zoning of surrounding properties, the proposed development is located in an area within close proximity to shopping, employment, and other services anticipated by the applicable policies of the City's Comprehensive Policies Plan for the siting of commercial development.

The property is subject to the development standards of the CR zone included under SRC Chapter 522 and the design review requirements for commercial developments within the Portland/Fairgrounds Road Overlay Zone included under SRC Chapter 603. The requirements established under these chapters are intended to minimize the potential impacts of development on surrounding properties. As indicated in Sections 10 and 11 of this report, the proposed development has been reviewed for conformance with these requirements and, as recommended to be conditioned, conforms to such requirements; thereby ensuring the proposed development will have minimal impact on the development of surrounding property.

Because the development will have minimal impact on surrounding uses, the Planning Commission finds that the proposed development meets this approval criterion.

## **7. Analysis of Class 3 Design Review Criteria**

SRC Chapter 225.005(e)(2) provides that:

A Class 3 Design Review shall be approved if all of the applicable design review guidelines are met.

SRC 603.020 through 603.030 provides that development within the Portland/Fairgrounds Overlay Zone shall comply with all of the applicable design review guidelines set forth in SRC Chapter 603.

### **Development Standards**

Landscaping (SRC 603.020(e)):

Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope.

**Finding:** The landscaping is proposed to be on grade with the street and does not include any berms, mounds, raised beds, or grade drops. The Planning Commission finds that the proposed development conforms to this criterion.



Off-street parking and loading areas (SRC 603.020(f)):

- (1) Planter bays or islands shall have a minimum planting area of 50 square feet.

**Finding:** As shown on the proposed site plan in the record, the proposed development includes a planter bay island on the south side of the proposed off-street parking area that exceeds the minimum area of 50 square feet. Therefore, the Planning Commission finds that this criterion has been met.

- (2) A minimum of one tree per eight parking spaces is required, of which a maximum on 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the parking lot perimeter. Trees within the public street right-of-way shall not count toward the tree planting requirements.

**Finding:** The landscaping plan in the record, indicates 73 trees will be planted on site. The proposed landscaping areas abut Portland Road NE and provided a buffer to the off-street parking areas. The Planning Commission finds that the proposal meets this criterion.

- (3) Off-street parking may be provided no more than 800 feet from the edge of the lot or contiguous lots, upon which the main building is located.

**Finding:** The off-street parking areas serving the proposed development will all be on the same property. The Planning Commission finds that the proposal meets this criterion.

- (4) Employee off-street parking may be provided no more than 2,000 feet from the edge of the lot, or contiguous lots, upon which the main building is located.

**Finding:** The off-street parking areas serving the proposed development will all be on the same property. The Planning Commission finds that the proposal meets this criterion.

- (5) Parking lot light structures shall not exceed 25 feet in height.

**Finding:** The record does not contain information regarding the design of the proposed parking lot light structures. To ensure the parking lot lighting conforms to the development standard stated above, the Planning Commission finds that the following condition shall apply:

**Condition 1:** All parking lot lighting must be 25 feet or less in height.

The Planning Commission finds that as conditioned, the proposal meets the criteria for off-street parking and loading areas.

Screening (SRC 603.020(g)):

- (1) Trash receptacles shall be screened from adjacent household living uses and streets by a sight obscuring fence, wall, or hedge.

**Finding:** The proposed development is not located adjacent to household living uses. The proposed site plan does include a trash enclosure area which is located on the easterly portion of the subject property, away from Portland Road NE. The Planning Commission finds that the proposal meets this criterion.

- (2) Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.

**Finding:** The proposal does not include the use of concertina or barbed wire fencing. The Planning Commission finds that this criterion is not applicable to the proposed development.

- (3) Concertina or barbed wire fencing shall be screened from public view and adjacent property by sight-obscuring landscaping.

**Finding:** The proposal does not include the use of concertina or barbed wire fencing. The Planning Commission finds that this criterion is not applicable to the proposed development.

Outdoor Storage (SRC 603.020(h)):

- (1) Outdoor storage areas shall not be located within required setbacks.

**Finding:** The site plan does not include any space for outdoor storage. The Planning Commission finds that this criterion is not applicable to the proposed development.

- (2) Outdoor storage areas shall be enclosed by a minimum six-foot-high-site-obscuring fence, wall, hedge, or berm; provided however, items more than six feet in height above grade shall be screened by site-obscuring landscaping.

**Finding:** The site plan does not include any space for outdoor storage. The Planning Commission finds that this criterion is not applicable to the proposed development.

- (3) Items stored within outdoor storage areas shall not exceed a maximum height of 14 feet above grade.

**Finding:** The site plan does not include any space for outdoor storage. The Planning Commission finds that this criterion is not applicable to the proposed development.

Pedestrian Access (SRC 603.020(i)):

- (1) A pedestrian connection shall be provided from the public sidewalk to the primary building entrance.

**Finding:** The record indicates that the parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians. The site plan shows three pedestrian connections from the public sidewalk along Portland Road NE to the primary building entrances. The Planning Commission finds that the proposal meets this criterion.

- (2) A pedestrian connection through the parking area to the primary building entrance shall be provided when the parking area is greater than 60 feet in depth.

**Finding:** The pedestrian path extends to the parking areas on both the northerly and southerly sides of the proposed building. The proposed parking area is not greater than 60 feet in depth and has been proposed to flank the building on the north and south sides. The Planning Commission finds that this criterion is not applicable to the development review.

- (3) Within shopping centers, office complexes, and mixed-use developments, pedestrian connections shall be provided to connect the buildings. Pedestrian connections shall be the most practical, direct route.

**Finding:** The proposed development meets the definition of a shopping center. In accordance with SRC 111, a shopping center means a group of businesses falling primarily under the retail sales and service use category that form a centralized unit and that have a joint parking area available for use by patrons of any single business. The site plan illustrates that the building will have a zero-foot setback along Portland Road NE, meeting the standard of the Portland/Fairgrounds Overlay Zone for building setbacks and location. The site plan also shows a pedestrian connection on the south side of the building from the parking area as well as on the north side of the building from the parking area. It appears the landscape design as shown will prevent pedestrians from moving from the internal pedestrian connections to the public sidewalk that connects the buildings along the frontage. To ensure the pedestrian connections are provided in the most practical and direct route, the Planning Commission finds that the following conditions shall apply:

**Condition 2:** The internal pedestrian connections along the north and south sides of the building shall be revised to connect to the public sidewalk along Portland Road NE and shall maintain a minimum width of five feet.

**Condition 3:** The site plan shall be revised to provide a direct pedestrian connection, which is a minimum of five feet in width, from the loading area adjacent to the ADA parking space to the public sidewalk along Portland Road NE.

The Planning Commission finds that as conditioned, the proposal meets the criteria.

- (4) Pedestrian connections shall be a minimum of five feet in width and defined by visual contrast or tactile finish texture.

**Finding:** The pedestrian connections shown on the plans in the record are planned to be elevated from the vehicle use areas which will define the pedestrian corridors and prevent the encroachment of vehicles onto the pedestrian connections. Additionally, all of the internal pedestrian connections are a minimum of five feet in width. The Planning Commission finds that as proposed, the development meets this criterion.

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

**Finding:** The pedestrian connections shown on the plans are planned to be elevated from the vehicle use areas which will define the pedestrian corridors and prevent the encroachment of vehicles onto the pedestrian connections. The Planning Commission finds that the proposal meets this criterion.

Project Enhancements (SRC 603.020(j)):

Development within the Portland/Fairgrounds Road Overlay Zone shall include four or more of the following project enhancements.

- (1) Closure of one driveway approach on Portland/Fairgrounds Road;

**Finding:** The driveway approach onto Portland Road NE will not be closed.

- (2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a plan to satisfy off-street parking requirements through alternative modes of transportation under SRC 806.015(e)(2);

**Finding:** There is a parking and access agreement with the property to the north. The subject development will have access through the subject property to the north as shown on the site plan.

- (3) Freestanding sign not more than five feet in height and placed upon a foundation;

**Finding:** A freestanding sign is proposed no more than five feet in height will be provided on the subject site for the development. The Planning Commission finds that signs are reviewed under a separate permit.

- (4) Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building facade adjacent to sidewalks

or pedestrian connections;

**Finding:** The Planning Commission finds that awnings will be provided along the frontage of the building for weather protection. The awnings will extend over the building entrances and cover more than 50 percent of the length of the ground floor building façades (north, south, and west) that are adjacent to the public sidewalk and the internal pedestrian connections.

(5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;

**Finding:** The Planning Commission finds that the proposal does not include cast iron or wrought iron fencing adjacent to Portland Road NE.

(6) Pedestrian connections that are:

(A) Constructed with pavers, scored, or colored cement, and/or stamped asphalt;

(B) Elevated above the parking area and driveway; or

(C) Defined with landscaping or building features such as canopies, awnings, or arcades;

**Finding:** The elevation plans in the record indicate the proposed internal pedestrian connections will be elevated above the parking area and driveway to prevent the encroachment of vehicles onto the pedestrian path along the north and south sides of the building. The Planning Commission finds that the proposal includes this project enhancement.

(7) Development on surface parking lots existing on October 1, 2001;

**Finding:** The Planning Commission finds that the subject site is not a surface parking lot.

(8) Provision of one or more of the following pedestrian-oriented design features on private property adjacent to Portland/Fairgrounds Road:

(A) Pedestrian scale lighting not more than 16 feet in height; or

(B) Plazas or other outdoor spaces open to the public;

**Finding:** The Planning Commission finds that the pedestrian lighting or plazas and outdoor pedestrian spaces along Portland Road NE will not be provided.

(9) A minimum of seven percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of ten percent interior landscaping within parking areas greater than 50,000 square feet in size;

**Finding:** Interior landscaping is not proposed.

- (10) Installation of landscaping and irrigation using a plan designed by an Oregon landscape architect;

**Finding:** The Planning Commission finds that at the time of building permit submittal, final landscape and irrigation plans will be provided for approval.

- (11) Development of a mixed-use building; or

**Finding:** The Planning Commission finds that the development is not proposed to be a mixed use building.

- (12) Construction of a building where at least 50 percent of the building frontage is constructed contiguous to the minimum building setback line.

**Finding:** The Planning Commission finds that within the Portland/Fairgrounds Overlay Zone, the minimum building setback is zero feet. Over 50 percent of the proposed building is within zero feet of the property line and is therefore contiguous with the allowed zero foot minimum setback.

The record demonstrates conformance with six of the 12 project enhancements which exceeds the minimum requirement of four project enhancements. The Planning Commission finds that this criterion is met.

### **Design Review Standards (SRC 603.030)**

Building location, orientation, and design (SRC 603.030(a)):

- (1) Building location

(A) Building setbacks abutting street. Building shall have the following setbacks abutting a street:

- i. Minimum zero feet.
- ii. Maximum 60 feet.

**Finding:** The subject property abuts Portland Road along the west property line. The proposed building has a zero-foot setback. The Planning Commission finds that this standard is met.

(B) Accessory structures shall be located no closer to the street than the primary building.

**Finding:** The record indicates the building being oriented to the property line abutting Portland Road NE and no accessory structures. The Planning Commission finds that this standard is met.

(2) Orientation and design

(A) A primary building entrance shall be provided for each building façade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect.

**Finding:** The site plan and correlating building elevations which depict three main entrances, one for each suite facing Portland Road NE. The proposed building does not have frontage along any other streets. The elevations provided depict entrances on the north and south sides of the proposed building which will provide direct access to the parking areas. The Planning Commission finds that as proposed, the development meets this standard.

(B) Ground floor building façades facing Portland Road shall include transparent windows on a minimum of 65 percent of the ground floor façade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum Visible Transmittance (VT) of 37 percent.

**Finding:** The building elevation facing Portland Road NE is approximately 1,300 square feet which requires a minimum 845 square feet ( $1,300 \times 0.65 = 845$ ) be comprised of transparent windows which are not mirrored or treated in any way to block visibility into the building. The record indicates that the windows will meet the standard at the time of building permit. The elevations provided by the applicant show windows covering approximately 450 square feet. The record does not include details regarding the Visible Transmittance of the windows. To ensure the standard is met, the Planning Commission finds that the following conditions shall be met:

**Condition 4:** The building design shall be revised to enlarge the windows on the west building elevation facing Portland Road NE to provide for window coverage of at least 65 percent.

**Condition 5:** At the time of building permit application, the applicant shall provide product specifications for the windows to ensure they have a minimum Visible Transmittance of 37 percent.

The Planning Commission finds that as conditioned, the development meets this standard.

(C) Building offsets shall be provided for building frontages greater than 75 feet in width. Building frontages two or more stories in height may be constructed without required building offsets on the first floor, but all additional floors shall incorporate building offsets. Building offsets shall be a minimum four feet in depth and shall be provided at intervals of not more than 40 feet

along the building frontage. Building offsets may extend into required setbacks.

**Finding:** The plans in the record show that the proposed building complies with the offset requirements. The building is comprised of three main sections which are, on average, approximately 24 feet in width. The middle section of the building is proposed to be set back four feet from the other two sections of the building. The Planning Commission finds that as proposed, the development meets this standard.

(D) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections. Awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC 76.160.

**Finding:** Above each entrance, weather protection is provided in the form of awnings. The awnings along the east building elevation, facing Portland Road NE, exceed the minimum requirement of spanning 50 percent of the length of the building. The awnings encroach into the right-of-way extending over the pedestrian connection as provided in SRC 60.160. Each proposed awning maintains the minimum clearance of at least eight feet. The Planning Commission finds that as designed, the development meets this standard.

### (3) Landscaping

(A) Open sales areas for items such as vehicles, boats, recreational vehicles, satellites, hot tubs, and other similar items shall be screened from the public right-of-way with a minimum three-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum three-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area.

**Finding:** The proposed development does not include open sales areas. The Planning Commission finds that this standard is not applicable.

(B) A minimum ten-foot-wide landscape strip shall be provided between surface parking lots and the street right-of-way. The landscape strip shall be planted with a minimum of one plant unit per 20 square feet of planting area. Berms, mounds, raised beds, and grade drops are allowed if they meet the standards in SRC 603.020(e).

**Finding:** Along the entire frontage of Portland Road NE, landscaping will be provided, which will enhance the project. In areas where the north and south parking lots abut Portland Road NE, landscaping strips exceeding the minimum width of 10 feet. The landscaping table indicates at least one plant unit per 20 square feet will be provided. The plant units to be provided include 40 percent, or 73 trees. The limits of the development are located entirely outside the riparian corridor on the east side of the subject property. Including



the existing vegetation within the riparian corridor and the new landscaping to be provided with this development, the site will consist of approximately 13,428 square feet of landscaping. The Planning Commission finds that as designed, the development meets this standard.

(4) Off-street parking and loading

(A) Parking structures located adjacent to Portland Road shall include space for ground floor commercial uses along their Portland Road frontage in order to create a safe, pleasant, and active pedestrian environment.

**Finding:** The proposed development does not include a parking structure. All proposed parking is at grade and where it abuts Portland Road NE, it will be buffered by landscaping strips which exceed the minimum design review standards. The proposal includes a robust pedestrian network from the proposed development to the public sidewalk which will create a safe, pleasant, and active pedestrian environment. The Planning Commission finds that this design review standard is not applicable to the proposed development.

**8. Analysis of Class 3 Site Plan Review Approval Criteria**

SRC 220.005(f)(3) establishes the following criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

**Finding:** The proposed development includes a multi-tenant commercial building with a drive-through use and parking and vehicle circulation areas.

The subject property is designated “Commercial” on the Salem Area Comprehensive Plan Map and zoned CR (Commercial Retail). The allowed uses and applicable development standards of the CR zone are set forth under SRC Chapter 522.

The Planning Commission finds that the proposed development will conform to the applicable development standards of the Salem Revised Code as described below:

**Development Standards – CR Zone:**

*SRC 522.005 - Uses:*

Except as otherwise provided in Chapter 522, the permitted, special, conditional and prohibited uses in the RM-II zone are set forth in Table 522-1.

**Finding:** Allowed uses within the CR zone are identified under SRC 522.005, Table 522-1. The subject property is proposed to be developed with a multi-tenant commercial development which may be used for eating and drinking establishments and retail sales. Eating and drinking establishments and uses with retail sales are outright permitted uses within the CR zone. The development includes a drive-through use which is allowed with a conditional use permit within the Portland/Fairgrounds Road Overlay Zone. As part of the proposed development consolidated conditional use permit application is reviewed in Section XX. The Planning Commission finds that the proposed development satisfies the conditional use approval criteria. The proposed commercial development therefore is an allowed use within the CR zone and the Portland/Fairgrounds Overlay Zone.

*SRC 522.010(a) – Lot Standards:*

Lot standards within the CR zone are established under SRC 522.010(a), Table 522-2. Within the CR zone there are no minimum lot area, width, or depth requirements. Lots for uses other than Single Family are, however, required to have a minimum street frontage of 16 feet.

**Finding:** The subject site has frontage onto Portland Road NE that far exceeds the 16-foot minimum required by this section. The Planning Commission finds that the development meets this criteria.

*SRC 522.010(b) – Setbacks:*

The subject property falls within the Portland/Fairgrounds Road Overlay Zone and the setback requirements of the overlay zone conflict with those of this section. In accordance with SRC 603.020, the development standards within the Portland/Fairgrounds Road Overlay Zone shall apply to the proposed development.

**Finding:** The Planning Commission finds that the development has shown compliance with the setbacks required by the Portland/Fairgrounds Road Overlay Zone as demonstrated in the design review section of this report.

*SRC 522.010(C) - Lot Coverage*

Lot coverage requirements within the CR are established under SRC 522.010(c), Table 522-5. Within the CR zone there is no maximum lot coverage for buildings and accessory structures.

**Finding:** The Planning Commission finds that the development meets this criterion.

*SRC 522.010(c) – Height:*

Maximum height for buildings and accessory structures within the CR zone is established under SRC 522.010(c), Table 522-5. The maximum height for

buildings within the CR zone is 50 feet.

**Finding:** The Planning Commission finds that as illustrated by the elevation, the proposed building does not exceed the maximum 50-foot height limit.

*SRC 514.010(g) - Landscaping:*

Landscaping requirements within the CR zone are established under SRC 522.010(d). Within the CR zone, landscaping is required as follows:

Setbacks: Required setbacks must be landscaped as required under SRC Chapter 807 (Landscaping).

Parking & Vehicle Use Areas: Parking and vehicle use areas must be landscaped pursuant to the requirements of SRC Chapter 807 (Landscaping) and SRC Chapter 806 (Off-Street Parking, Loading, & Driveways).

Development Site: A minimum of 15 percent of the development site must also be landscaped. Other required landscaping, such as landscaping required for setbacks and vehicle use areas, may count towards meeting the 15 percent landscaping requirement.

The landscape plans and as established by the findings addressing conformance of the proposed development with the design review landscaping requirements of SRC Chapter 603, required setbacks and parking and vehicle use areas are landscaped in conformance with the requirements of SRC Chapters 603, 806, and 807.

According to the site plan, approximately 58.1 percent, or 13,428 square feet, of the development is landscaped which includes retaining the trees and vegetation with the riparian corridor. The Planning Commission finds that the landscaping proposed for the proposed development exceeds the minimum 15 percent overall development site landscaping required under the CR zone.

**Off-Street Parking, Loading, and Driveways SRC 806**

*SRC 806.005 - Off-Street Parking; When Required.*

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

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for minimum and maximum off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

**Off-Street Parking:** Minimum off-street vehicle parking requirements are established under SRC Chapter 806, Table 806-1. The minimum off-street

parking requirement for eating and drinking establishments and retail sales is as follows:

Minimum Off-Street Parking		
Eating and Drinking Establishments / Retail Sales	1 space per 250 square feet	Minimum 11 spaces required (2,652 / 250 = 10.6)

Maximum off-street parking requirements are established under SRC Chapter 806, Table 806-2. The maximum number of allowed parking spaces is based upon the minimum number of spaces required for the proposed development. If the minimum number spaces required equals 20 spaces or less, the maximum allowed parking is 2.5 times the minimum number of spaces required. If the minimum number of spaces required equals more than 20 spaces, the maximum *allowed parking is 1.75 times the minimum number of spaces required.*

**Finding:** A total of 13 parking spaces are provided within the proposed development. Two of the parking spaces are proposed to be shared with the development abutting to the north. Because the development requires only 11 minimum spaces. The Planning Commission finds that the parking spaces proposed for the development meet the overall off-street parking requirements and therefore conform to this standard.

### Bicycle Parking

Minimum bicycle parking requirements are established under SRC Chapter 806, Table 806-8. The minimum bicycle parking requirement for development is as follows:

Minimum Bicycle Parking	
Retail Sales and Service	The greater of 4 spaces or 1 space per 1,000 sq. ft. (eating and drinking establishments)
	The greater of 4 spaces, or 1 per 10,000 square feet for the first 50,000 sq. ft. (retail sales)

**Finding:** The proposed commercial development requires a minimum of four bicycle parking spaces. The site plan submitted into the record not show bicycle parking on the proposed site plan, to ensure this standard is met, the following condition of approval shall be met:

**Condition 1:** At the time of building permit application, the applicant shall provide a revised site plan showing a minimum of four bicycle parking spaces which meet the development standards of SRC Chapter 806.060.

The Planning Commission finds that as conditioned, the proposal conforms to this standard.

### **Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

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

Minimum loading requirements are established under SRC Chapter 806, Table 806-9. The minimum loading requirement for the proposed development is as follows:

Minimum Loading		
Retail sales and service	Less than 5,000 square feet	None

**Finding:** The Planning Commission finds that the proposed building is 2,652 square feet and does not require any off-street loading spaces.

### **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 Planning Commission finds that the landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

### **Solid Waste Service Areas**

SRC 800.055 establishes design standards that apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

**Finding:** The trash enclosure area is proposed at the north end of the development. Details regarding the trash enclosure were not provided. In order to ensure the proposed trash/recycling areas conform to the applicable standards of SRC 800.055, the following condition of approval is shall be met:

**Condition 2:** All trash/recycling areas shall conform to the solid waste service area standards of SRC 800.055.

The Planning Commission finds that as conditioned, the proposal meets this standard.

### **Natural Resources**

*SRC 808 - Preservation of Trees and Vegetation:* The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

Under the City's tree preservation ordinance, pursuant to SRC 808.035(a), tree conservation plans are required in conjunction with development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, if the development proposal will result in the removal of trees.

**Finding:** There are several trees present on the subject property which are located within a riparian corridor.

The applicant's development plan illustrates that the limits of the development will remain entirely outside of the riparian corridor to preserve the trees and vegetation present. Because the proposal does not involve the creation of lots or parcels to be used for the construction of single family or duplex dwelling units, a tree conservation plan is not required in conjunction with the proposed development. The removal of trees from the property cannot occur without first obtaining the necessary approvals established under SRC Chapter 808.

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.

The Planning Commission finds that no protected trees have been identified on the site plan for removal.

*SRC 809 - Wetlands:* Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands 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.

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 wetlands 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.

SRC Chapter 809 requires notice to DSL for applications for development or land use in areas designated as wetlands on the official wetlands map, the Salem-Keizer Local Wetland Inventory (LWI).

**Finding:** The Planning Commission finds that there are mapped wetlands and streams on the subject property and notice was sent to DSL. The applicant is required to work with DSL to coordinate any required wetland delineations with DSL.

*SRC 810 - Landslide Hazards:* The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with a small area of 6 landslide hazard susceptibility points. The applicant's engineer submitted documentation stating that the site vegetation and trees support the assumption that the subject site is stable and there are no indications of slope movement or instability. The development proposes to preserve most of the existing trees and vegetation. The City of Salem Public Works Department reviewed the information submitted by the applicant's engineer and concluded that the proposed development has a low landslide risk and therefore a geologic assessment or geotechnical report is not required.

**Finding:** The Planning Commission finds that as conditioned the proposal conforms to the applicable development standards of the SRC. This criterion is met.

Criterion 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:** Portland Road NE is a Major Arterial street pursuant to the Salem Transportation System Plan (TSP) and meets the right-of-way width standards for its classification. The portion of Portland Road NE abutting the subject property is part of a current public improvement project; therefore, no additional street improvements are required as a condition of approval for the proposed development (SRC 803.040(d)(1)). As part of the public improvement project, a driveway at the southern boundary of the property will be constructed which is intended to be shared with the neighboring property to the south pursuant to SRC 804.035(a)(2)(A). An access easement shall be granted to the neighboring property to the south at the time of development to allow for the shared access.

To ensure this happens, the following condition shall be met:

**Condition 3:** Grant an access easement benefiting the abutting property to the south, measuring approximately 30 feet in width by 60 feet in length, at the southerly property line of the subject property.

As described, the development will be served by the proposed driveway along Portland Road NE. As conditioned, the Planning Commission finds that this criterion is met.

Criterion 3:

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

**Finding:** Vehicular access to the proposed development is provided via one driveway approach onto Portland Road NE southwesterly portion of the development and in internal driveway running throughout the interior of the development and connecting to the existing development to the north.

Pedestrian access to and throughout the interior of the development is provided by a separate network of pedestrian pathways/sidewalks. The proposed pedestrian pathways/sidewalks are raised above the surface of vehicle travel lanes. These features provide a clear separation between vehicles and pedestrians and ensure that the proposed parking areas within the development minimize vehicle and pedestrian conflicts throughout the site.

As is described in the findings addressing the developments conformance with the applicable Class 2 Driveway Approach Permit and corresponding Class 2. The Planning Commission finds that the proposed development ensures safe and efficient movement of vehicles, bicycles, and pedestrians. This criterion is met.

Criterion 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. The water, sewer, and storm infrastructure are available within surrounding streets / 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 PWDS and to the satisfaction of the Public Works Director.



The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075. The engineer statement in the record demonstrates compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface. The condition of approval shall be met to ensure the development will meet the standard of this section:

**Condition 4:** An open channel drainage easement is required along the east line of the subject property. The easement width shall be 15 feet from the centerline of Claggett Creek.

As conditioned, the Planning Commission finds that this criterion is met.

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

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

### Criterion 1:

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 proposed adjustment included with the application seeks approval for the spacing between driveways onto a minor arterial. The proposed driveway location for the development is at the furthest point from the existing driveway for the abutting development to the north. The Class 2 adjustment is warranted because the subject site does not have frontage onto any other streets and can only take access from Portland Road NE. The proposed driveway accesses will provide equal or better access for the proposed development. The development includes a drive-through use on the east side of the building, facing away from Portland Road NE. The placement of the drive-through minimizes its impact on surrounding properties. The placement of the building abutting Portland Road NE meets the design standards of a zero-foot setback to Portland Road NE, pursuant to the Portland/Fairgrounds Road Overlay Zone. Due to the placement of the drive-through and the location of the building abutting Portland Road NE, the driveway is necessary for vehicular circulation through the site and the shared access to the north would not be sufficient to allow vehicles to turn around. The Planning Commission finds that this criterion is met.

Criterion 2:

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

**Finding:** The proposed development is located within a CR (Commercial Retail) zone. Because the subject property is not located within a residential zone and is located in an area characterized predominantly as commercial rather than residential, the Planning Commission finds that this approval criterion is not applicable to the proposed development.

Criterion 3:

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

**Finding:** The proposed development includes only one adjustment to allow the driveway onto Portland Road NE to be closer than the standard driveway approach spacing onto a minor arterial. Because only one adjustment has been requested with the application, the Planning Commission finds that this approval criterion is not applicable to the proposed development.

**10. Analysis of Class 2 Driveway Approval Permit Criteria**

SRC 804.025(d) states that a Class 2 Driveway Approach Permit shall be granted if:

Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

**Finding:** The proposed driveway meets the standards for SRC 804 and Public Works Design Standards (PWDS) with a Class 2 adjustment for multiple driveway approaches onto an arterial street where only one is allowed SRC 804.030(a). The Class 2 adjustment is warranted because the site does not currently have access to Portland Road NE. In order to maximize driveway spacing, the proposed driveway is located at the south line of the subject property at the furthest possible point from the driveway approach to the north. Pursuant to SRC 804.035(a)(2)(C), the proposed driveway is allowed because the development cannot be feasibly serviced by access onto a local or collector street. The proposed driveway accesses will provide equal or better access for the proposed development. The development includes a drive-through use on the east side of the building, facing away from Portland Road NE. The placement of the drive-through minimizes its impact on surrounding properties. The placement of the building abutting Portland Road NE meets the design standards of a zero-foot setback to Portland Road NE, pursuant to the Portland/Fairgrounds

Road Overlay Zone. Due to the placement of the drive-through and the location of the building abutting Portland Road NE, the Planning Commission finds that the driveway is necessary for vehicular circulation through the site and the shared access to the north would not be sufficient to allow vehicles to turn around.

Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

**Finding:** The Planning Commission finds that there are no site conditions prohibiting the location of the proposed driveway.

Criterion 3:

The number of driveway approaches onto an arterial are minimized.

**Finding:** Only one access onto the arterial street is proposed. Circulation will be provided by an internal connection to the northerly development. The applicant's written statement indicates an agreement is in place with the abutting property owner. The Planning Commission finds that this criterion is met.

Criterion 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 development abuts only one street, Portland Road NE, which is classified as a minor arterial. The development proposes just one driveway approach onto Portland Road NE and an internal connection to the north for vehicular circulation.

Criterion 5:

The proposed driveway approach meets vision clearance standards.

**Finding:** The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

**Finding:** The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts to the vicinity.

**Finding:** The location of the proposed driveway does not appear to have any adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

**Finding:** The proposed driveway approach is located on the only abutting street and does not create a significant impact to adjacent streets and intersections.

Criterion 9:

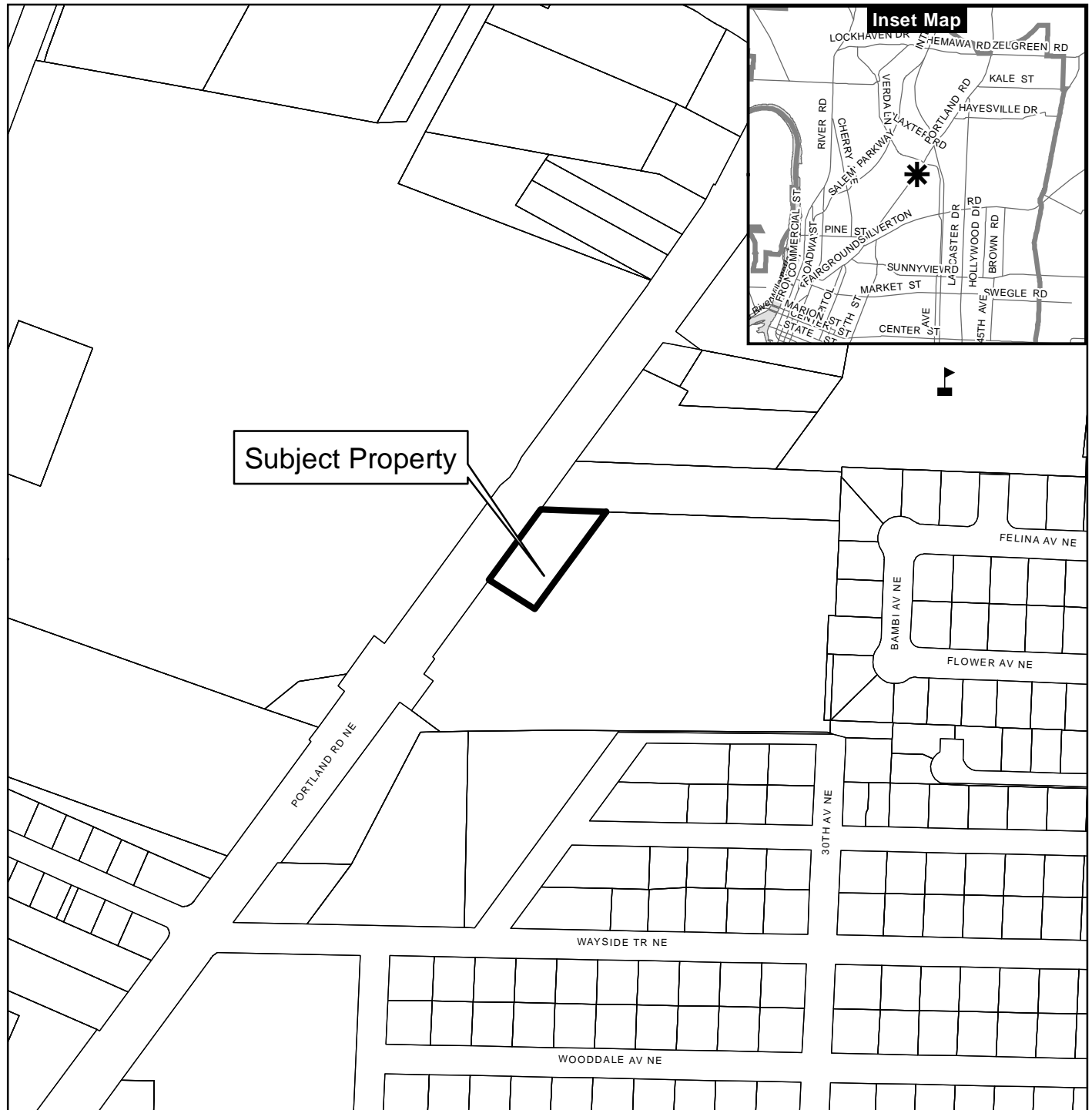
The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

**Finding:** The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

**Conclusion:** Based on the findings and conditions of approval contained above, the Applicant has satisfactorily addressed the applicable criteria for granting approval of a Design Review, Conditional Use, Site Plan Review, Adjustment and Driveway Approach Permit the Planning Commission has voted to approve the consolidated application to allow development of a retail commercial building for property approximately 0.56 acres in size and zoned CR (Retail Commercial) within the Portland/Fairgrounds Road Overlay Zone and located at 3994 Portland Road NE.

# Vicinity Map

## 3994 Portland Road NE



### Legend

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

- Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet





ATTACHMENT B

CLAGGETT CENTER

PROJECT DESCRIPTION:  
New Fuel Station Store at: Commercial St.  
Salem, Oregon

NOTES - SPECIFICATIONS - OSSC 2014 W/2014 OREGON AMENDMENTS

Tenants: Truax  
Address: 3994 Portland Rd. NE Salem, Or.  
Zoning: Commercial Retail  
Use: Leasing Space  
Sprinklers: NO

Occupancy Group: M (SEC. 309)  
Type of Construction: V-B (SEC. 602.5 & 503)  
Allowable area: 9,000 SQ. FT. (SEC. 503)  
Allowable Stories/actual: 2,1 (SEC. 503)  
Actual area: 02,652 SQ. FT.

Verify all dimensions prior to beginning construction. Verify openings in walls or floors (if any) for mechanical and electrical facilities. Where reference is made to ASTM, AISC, ACI or other standards, the latest revision or adoption is intended. All materials and workmanship to conform to State of Or. 2014 Structural Specialty Code Amendments and the International Building Code 2014 edition and State of Or. Nonresidential Energy Code.

CODE REQUIREMENTS

Fire Rating - Chapter 6  
Building Element Type: M  
Structural Frame 0  
Bearing Walls 0  
Exterior 0  
Interior 0  
Nonbearing walls & partition EXTERIOR 0  
Nonbearing walls & partitions INTERIOR 0  
TABLE 602 X= Distance  
X<5= 2-hour min

Egress - Chapter 10  
Occupant Load Calculations - Table 1004.1.2  
Square footage / factor = Occupant Load (O.L.)  
Lease Space #1 0894 SF / 30 = 30 OCCUPANTS  
Lease Space #2 0864 SF / 30 = 29 OCCUPANTS  
Lease Space #3 0894 SF / 30 = 30 OCCUPANTS  
TOTAL OCCUPANT LOAD = 89 OCCUPANTS

Table 1014.3 = Common path of Egress 75 Feet  
Table 1015.1 Number of Exits Required - ( 36" Min. Doors width)  
2 NEEDED FOR M  
Number of Bathrooms Req. =2 PROVIDED  
1 NEEDED / 1 PROVIDED

7"/11" STAIRS REQUIRED/ NOT NEEDED

Egress Lighting & Emergency Power on all EXITS

Exiting signs shall be provided:  
"THIS DOOR TO REMAIN UNLOCKED DURING BUSINESS HOURS"

Chapter 11 ACCESSIBILITY  
This site, building and facilities are required to be accessible to and usable by the physically handicapped. Details and dimension not shown shall comply with chapter 11 OSSC 2014.

Table 1106.1 Accessible parking  
Total parking in lot = 1-25  
Total Accessible spaces needed = 1 total  
1 van stall required

PARKING REQUIREMENTS PER CITY OF SALEM, OR.

RETAIL 2652 SQ.FT./250 = 10.6 PARKING REQ'D  
PARKING PROVIDED = 13 STALLS  
13 TOTAL STALL W/ 75% COMPACT RULE  
4 FULL SIZE, 9 COMPACT =COMPLIES  
PROVIDED  
01 ADA  
05 FULL SIZE  
07 COMPACT  
TOTAL SPACES PROVIDED = 13

ON SITE LANDSCAPING REQ.  
LOT SIZE = 23,087 SQ.FT.  
LANDSCAPING REQ'D = 15%  
TOTAL NEEDED = 3,463 SQ.FT.  
TOTAL PROVIDED = 13,428 SQ.FT.

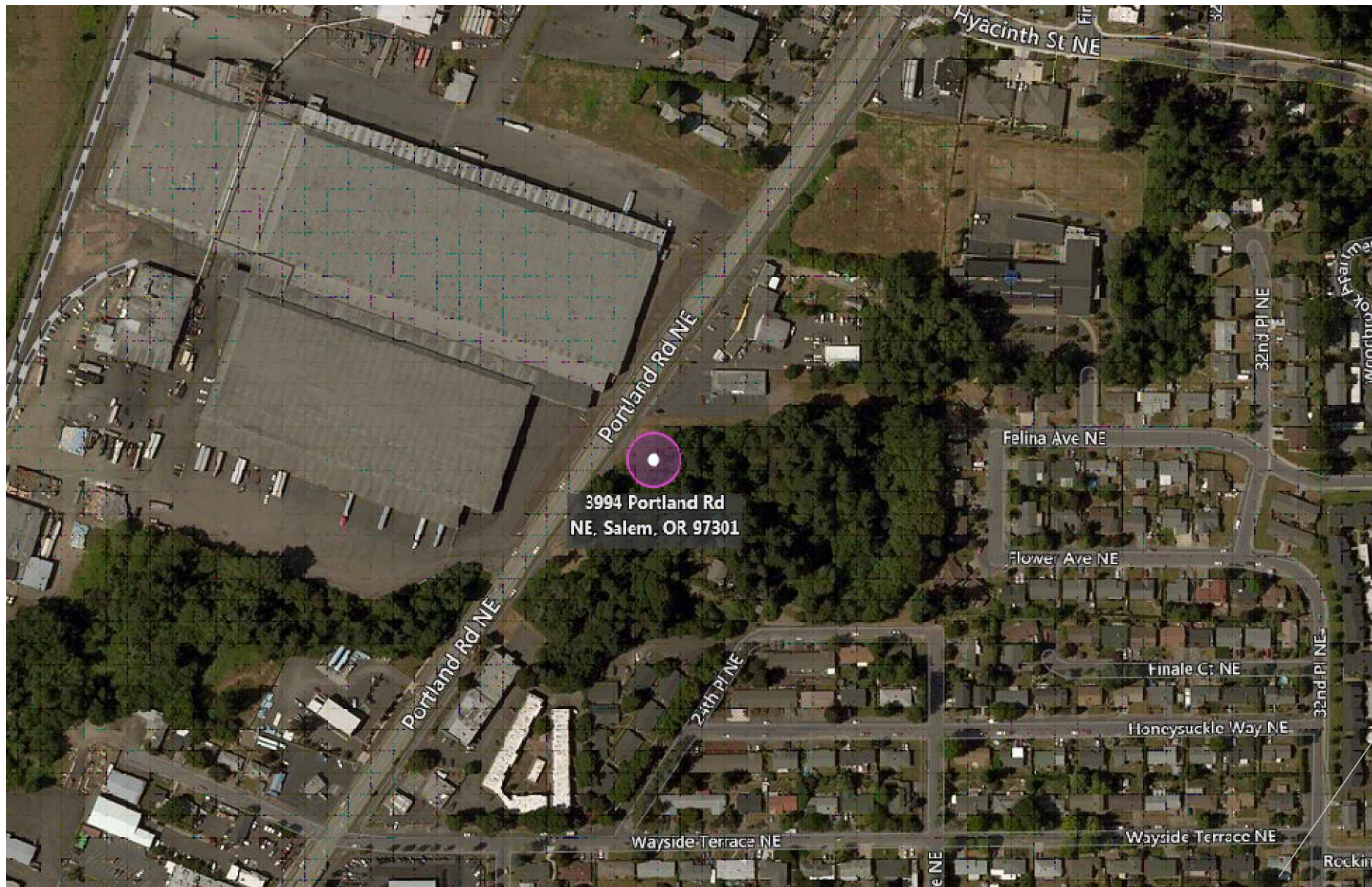
1 PLANT PER 20 SQ.FT.  
PLANTING REQ'D =173 PLANTS  
40% TREES =73 TREES  
60% PLANTS =100 PLANTS

Green Storm Water Analysis

The project is the replacement of an existing Service station building, with a new building in a Different location on the site. The pump island and Much of the existing pavement will remain. We are adjusting some of the existing pavement surface, but Not going down to bear earth.

The amount of new hard surface that involves soil exposure is 8,223 square feet, less than 10,000 square feet,

So, No Green Storm is required.



VICINITY MAP  
NOT TO SCALE



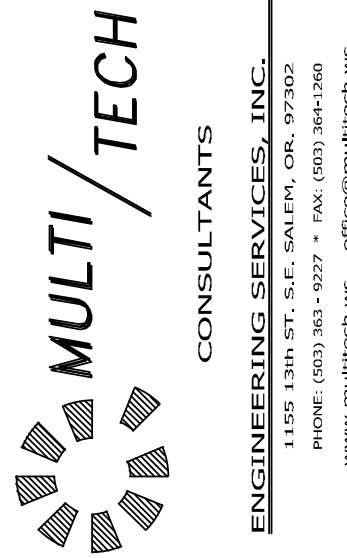
OVERALL SITE  
1" = 20'-0"

PAGE #	DESCRIPTION
C01.0	SITE PLAN
C02.0	GRADING PLAN
C03.0	LANDSCAPING & DETAILS
C04.0	LANDSCAPING & DETAILS
C05.0	EXISTING CONDITIONS
C06.0	TRASH BUILDING
A01.0	COVER PAGE, ELEVATIONS
A01.1	ELEVATIONS
A02.0	FOUNDATION
A03.0	FRAMING PLAN
A04.0	ROOF PLAN
A05.0	TYP SECTIONS
A06.0	WALL SECTION/DETAILS
A06.1	WALL SECTION/DETAILS
A06.2	DETAILS
A07.0	SHEARWALL PLAN

MISC. INFORMATION IN PACKET  
TRUSS CALCULATIONS  
ENG. CALCULATIONS  
COM CHECK COMPLIANCE

SQUARE FOOTAGES:  
MAIN FLOOR 2652 SQ. FT.

0 10' 20' 40'  
SCALE: 1" = 20'



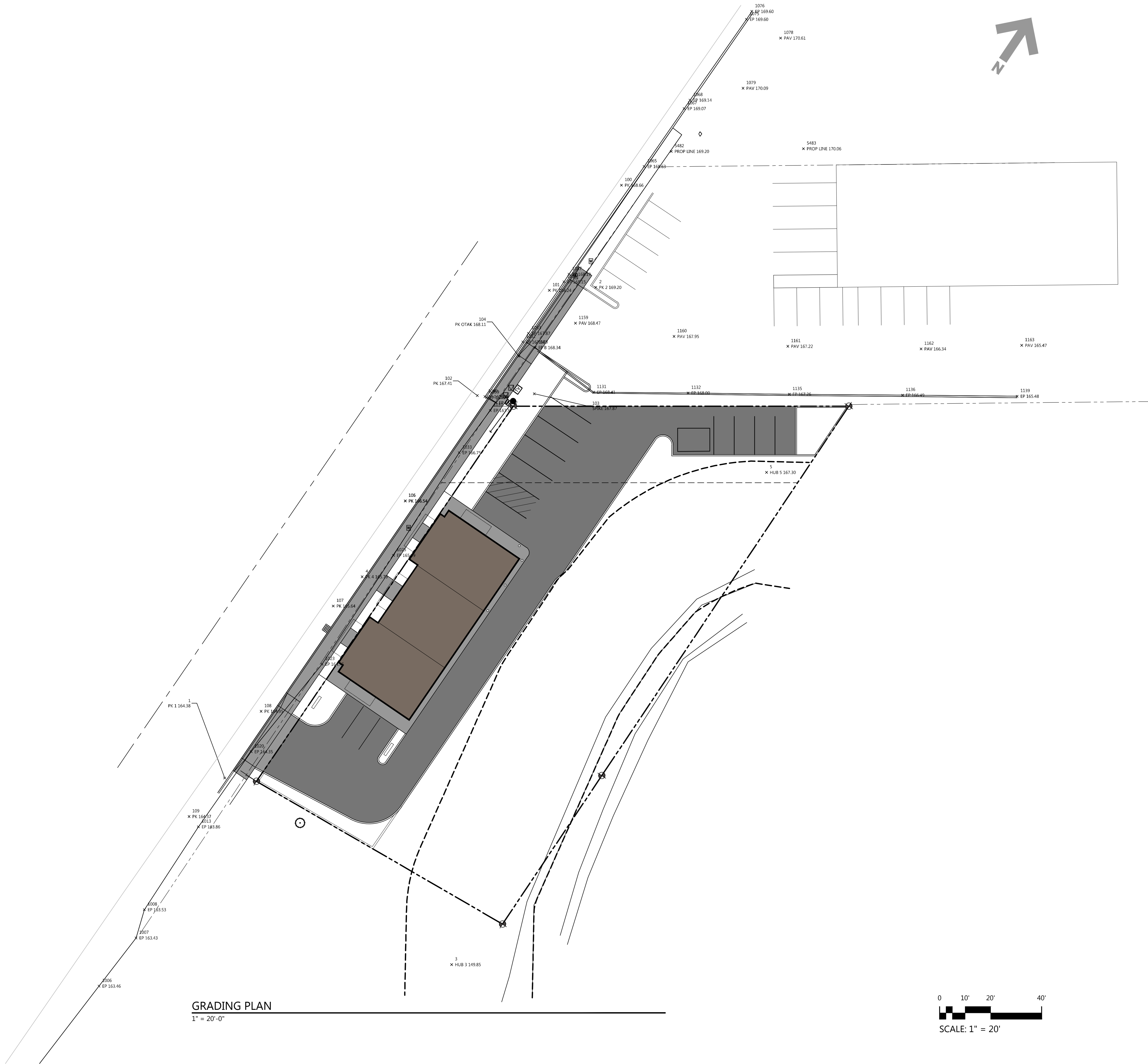
OVERALL SITE  
PLAN

CLAGGETT CENTER  
LEASE SPACES

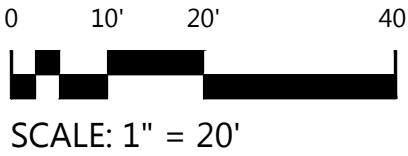
NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: S.P.N.  
Drawn: S.P.N.  
Checked: M.D.G.  
Date: FEB. 2018  
Scale: AS SHOWN  
JOB # claggett





GRADING PLAN  
1" = 20'-0"



**GRADING  
PLAN**

**CLAGGETT CENTER  
LEASE SPACES**

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

BLD COMM/PLC013  
106-0010  
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Drawn: S.P.N.  
Checked: M.D.G.  
Date: FEB. 2018  
Scale: AS SHOWN

JOB # claggett



LANDSCAPING  
PLAN

CLAGGETT CENTER  
LEASE SPACES

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.  
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

BID COMM/PLOT/1  
106-0010  
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Date: FEB. 2018  
Scale: AS SHOWN

JOB # claggett





EXISTING CONDITIONS  
PLAN

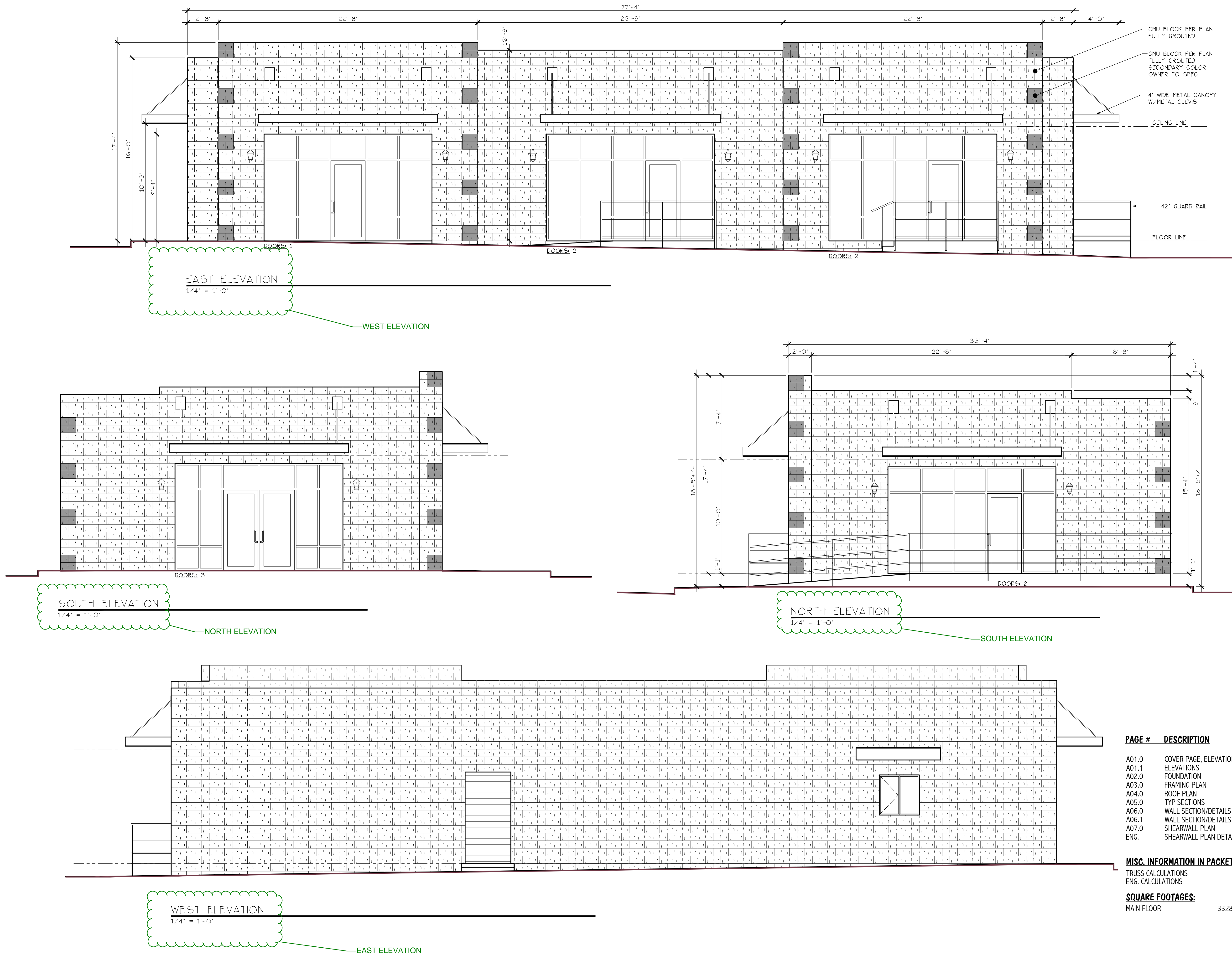
CLAGGETT CENTER  
LEASE SPACES

NO CHANGES, MODIFICATIONS OR  
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DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER GRAPHICAL  
REPRESENTATION.

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Drawn: S.P.N.  
Checked: M.D.G.  
Date: FEB. 2018  
Scale: AS SHOWN

JOB # claggett

# CLAGGETT CREEK LEASE SPACES



PAGE #	DESCRIPTION
A01.0	COVER PAGE, ELEVATIONS
A01.1	ELEVATIONS
A02.0	FOUNDATION
A03.0	FRAMING PLAN
A04.0	ROOF PLAN
A05.0	TYP SECTIONS
A06.0	WALL SECTION/DETAILS
A06.1	WALL SECTION/DETAILS
A07.0	SHEARWALL PLAN
ENG.	SHEARWALL PLAN DETAILS & SPEC'S

**MISC. INFORMATION IN PACKET**  
TRUSS CALCULATIONS  
ENG. CALCULATIONS

**SQUARE FOOTAGES:**  
MAIN FLOOR 3328 SQ. FT.

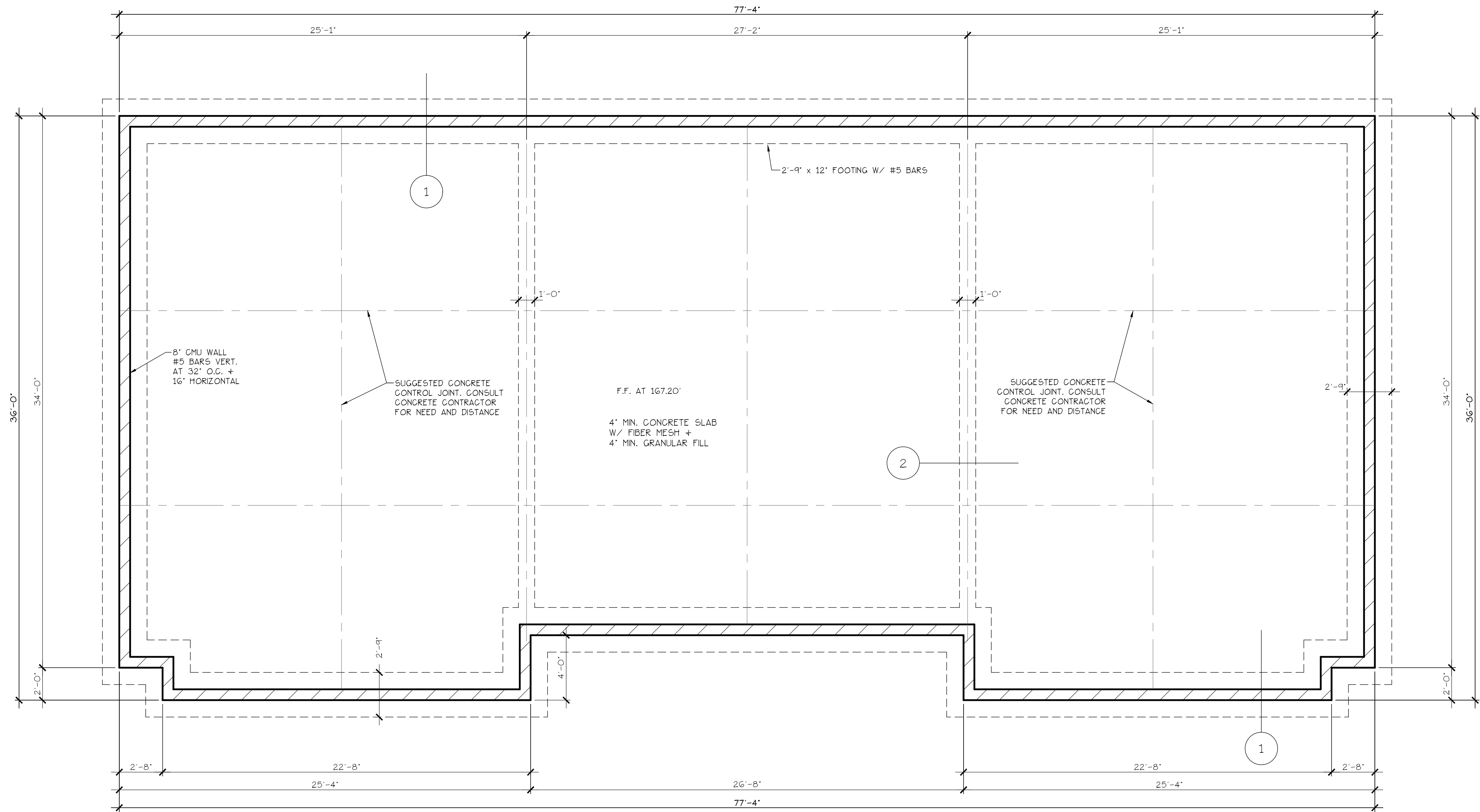
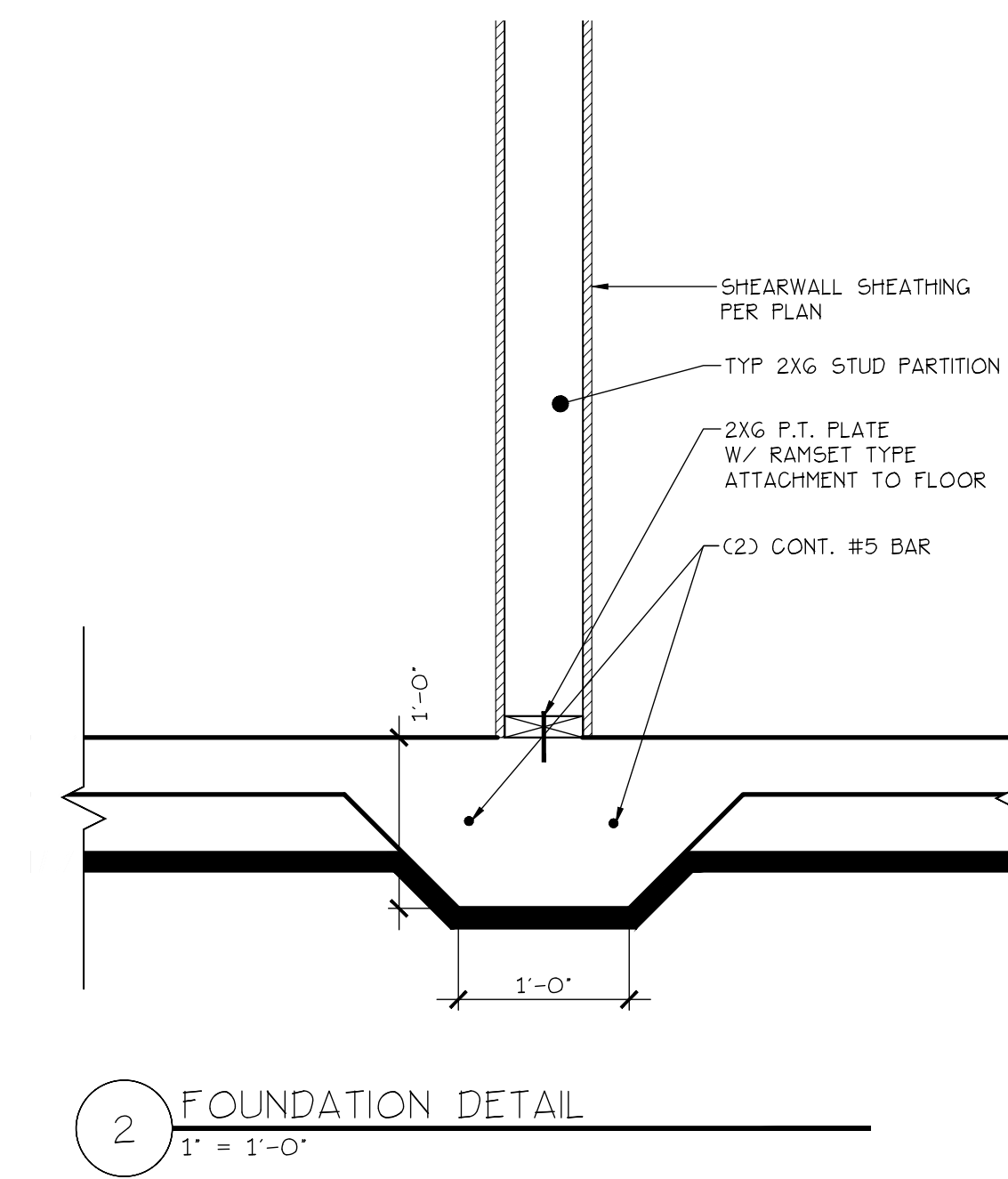
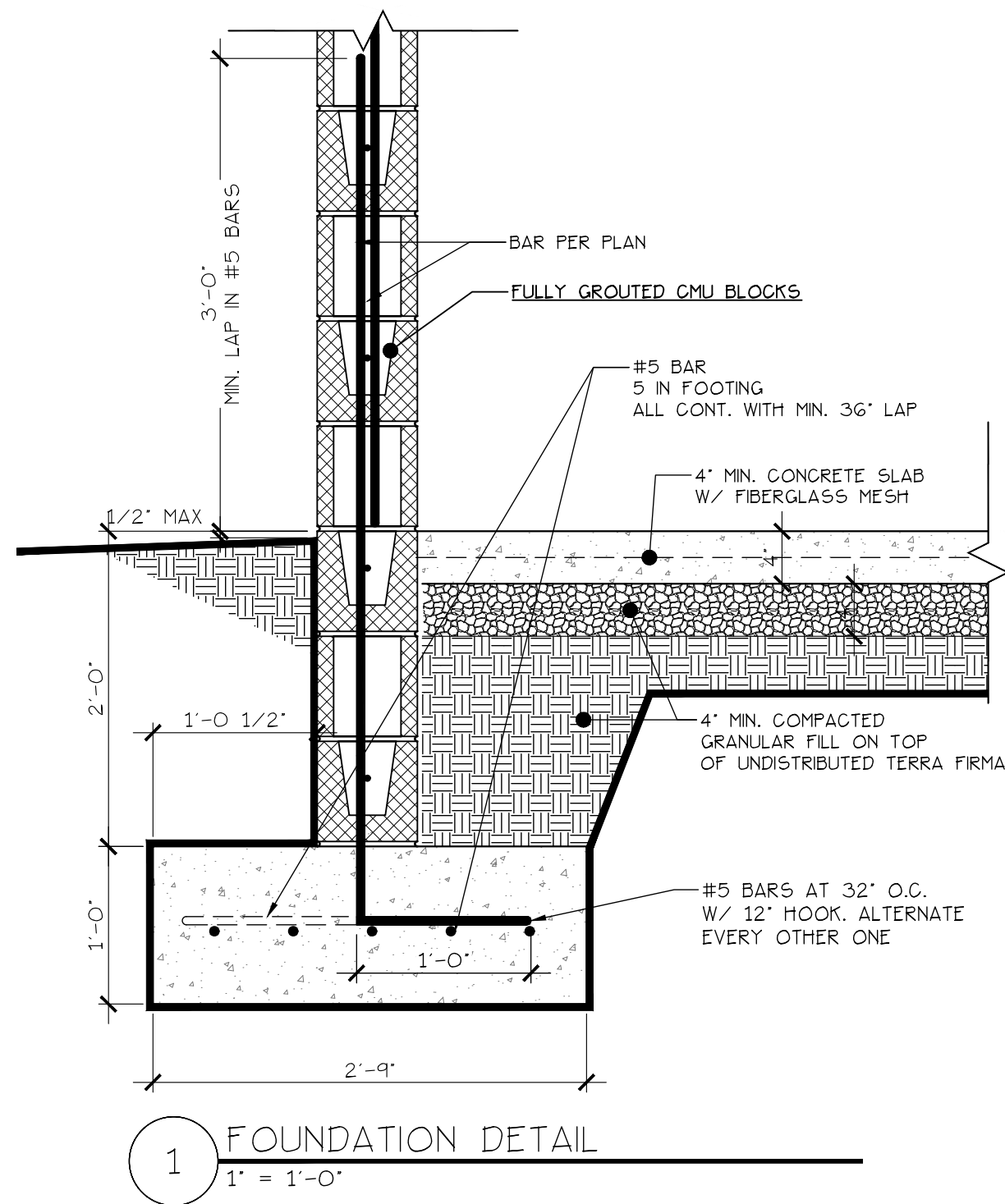
**STEVEN P. NICKELL**  
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INFO@STEVENNICKELL.COM  
TEL: 503.261.1500  
FAX: 503.261.1501

**PROJECT ENGINEER**  
**MIKE SALITURO, PE**  
805 LIBERTY ST NE, SUITE #4  
SALEM, OR. 97301

**CLAGGETT CREEK LEASE SPACES**  
\*\*\*\*\*  
3994 PORTLAND RD. NE SALEM, OREGON  
**ELEVATIONS**

**REGISTERED PROFESSIONAL ENGINEER**  
8682  
OREGON  
DEC 12, 1975  
**MICHAEL B. SALITURO**  
Renew date: JUNE 30, 2020

Date: **06/01/2018**  
Scale: **AS NOTED**  
Sheet  
**A01.0**  
Of Sheets



FOUNDATION PLAN  
1/4" = 1'-0"

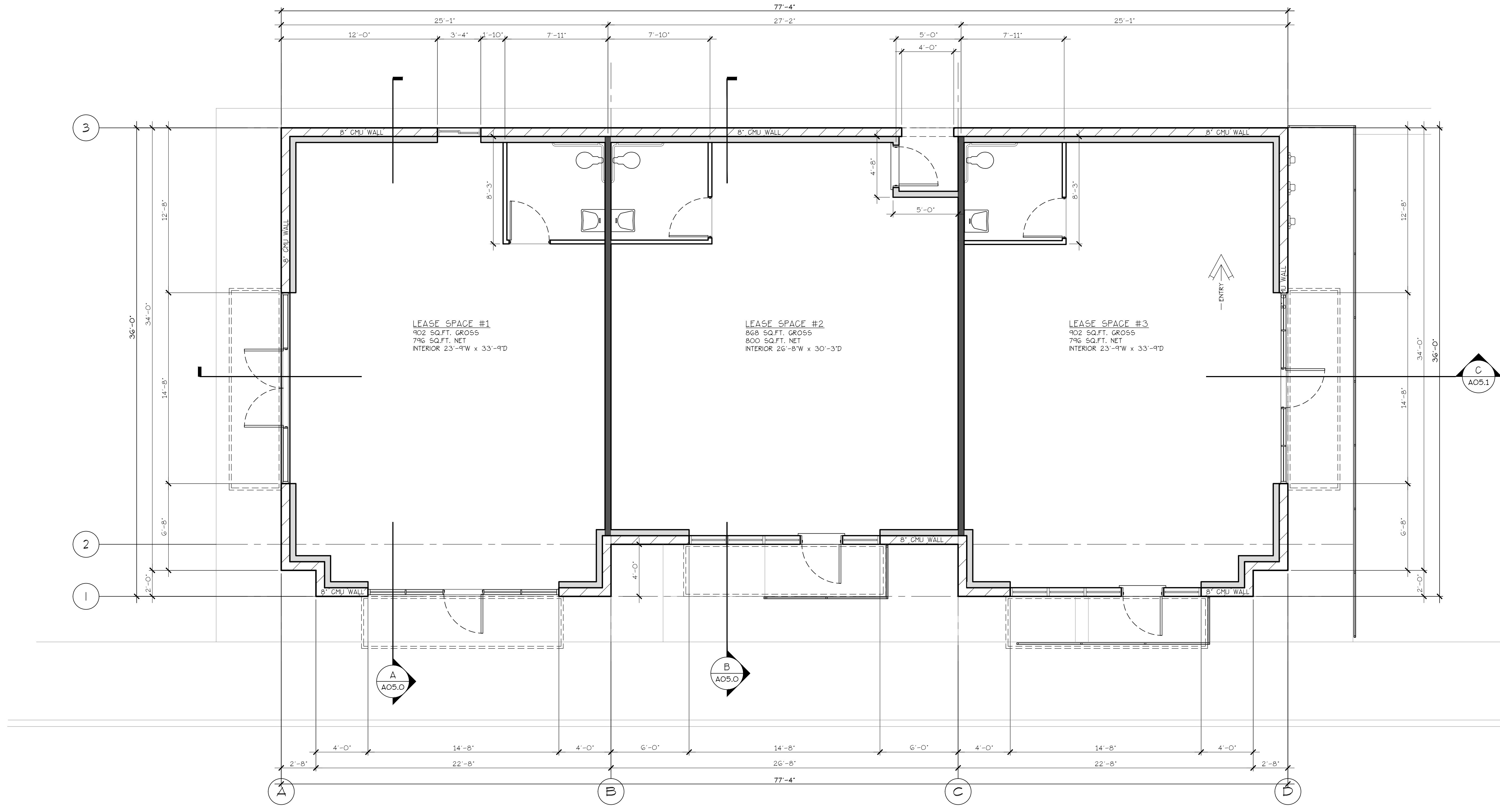
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PROJECT ENGINEER  
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SALEM, OR 97301

**CLAGGETT CREEK LEASE SPACES**  
\*\*\*\*\*  
3994 PORTLAND RD. NE SALEM, OREGON  
**FOUNDATION PLAN**



Date: **06/01/2018**  
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Sheet  
**A02.0**  
Of Sheets



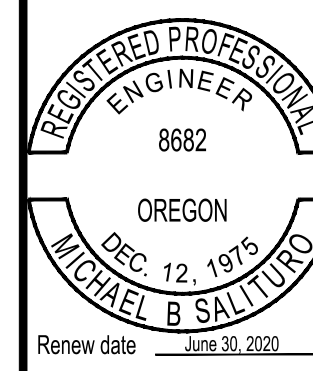
FLOOR PLAN  
1/4" = 1'-0"

SQUARE FOOTAGE:  
TOTAL: 2652 SQ.FT.

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INFO@STEVENNICKELL.COM

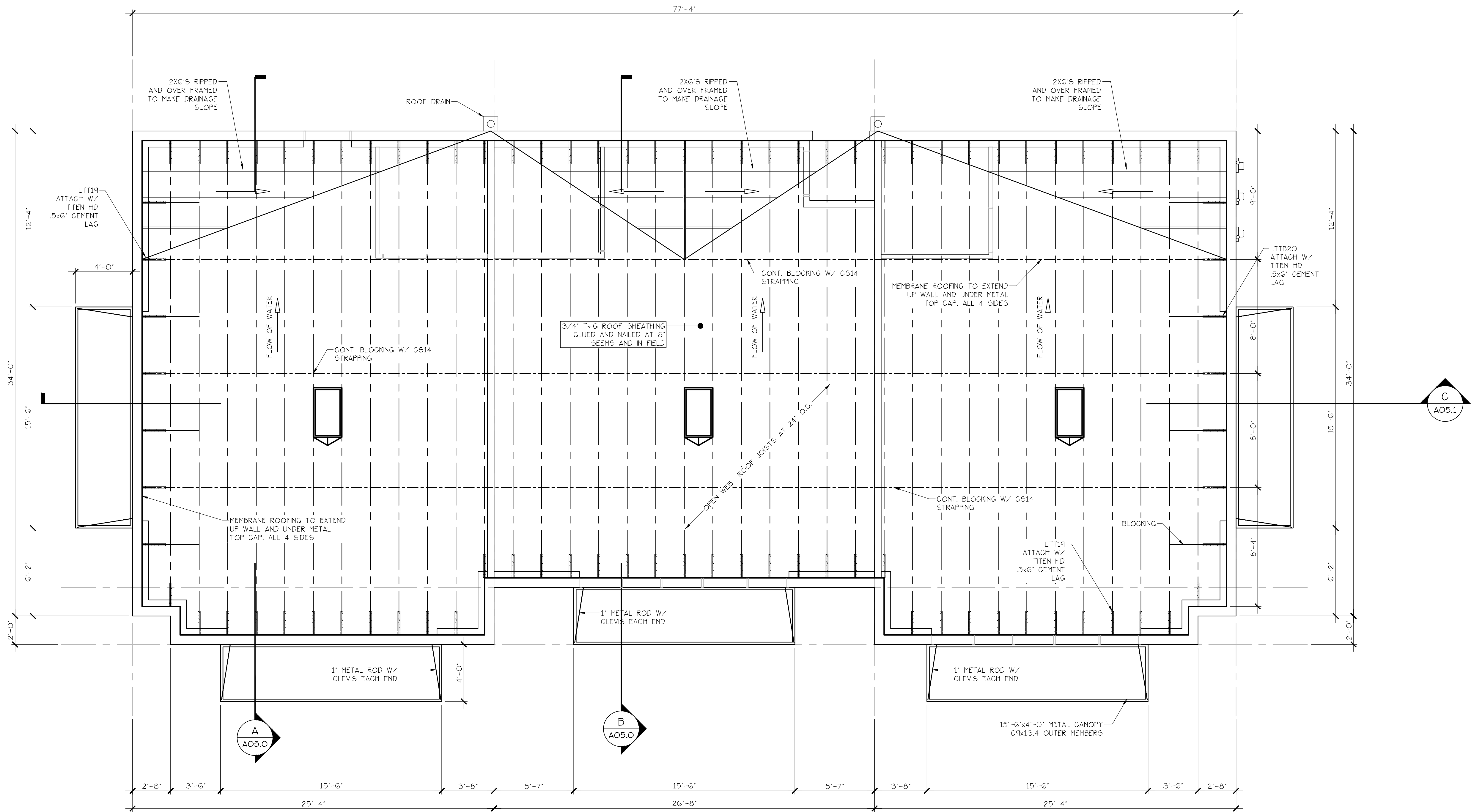
PROJECT ENGINEER  
**MIKE SALITURO, PE**  
805 LIBERTY ST NE, SUITE #4  
SALEM, OR. 97301

**CLAGGETT CREEK LEASE SPACES**  
\*\*\*\*\*  
3994 PORTLAND RD. NE SALEM, OREGON  
**FLOOR PLAN**



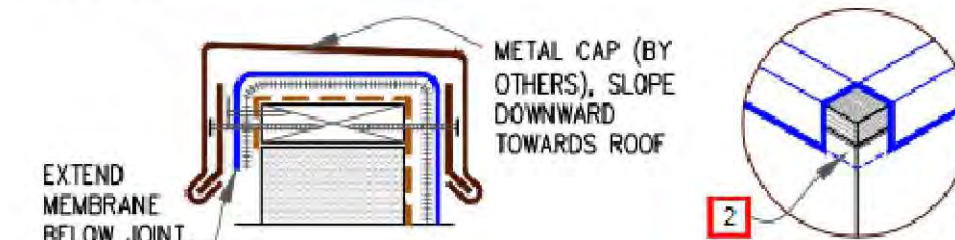
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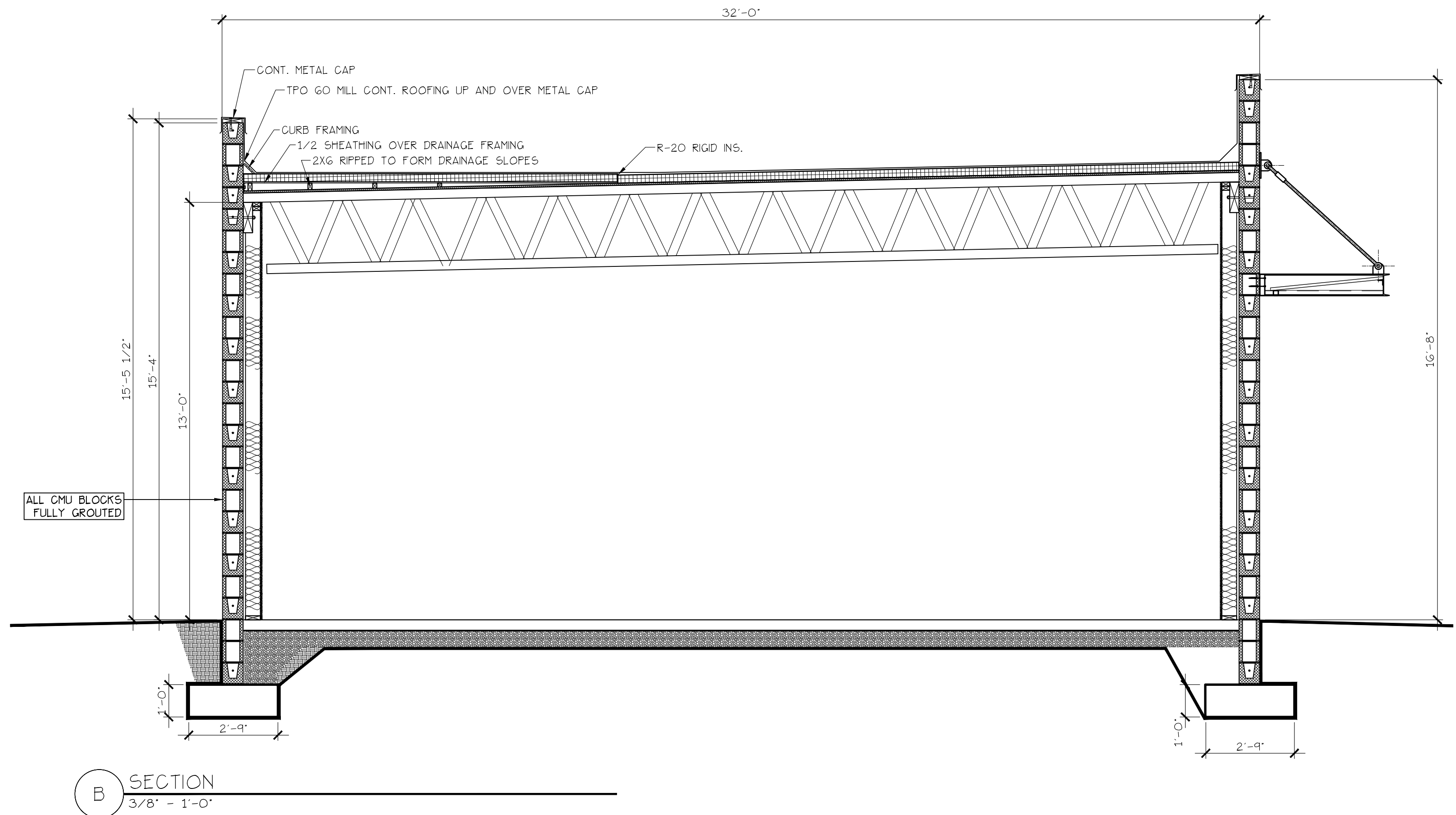
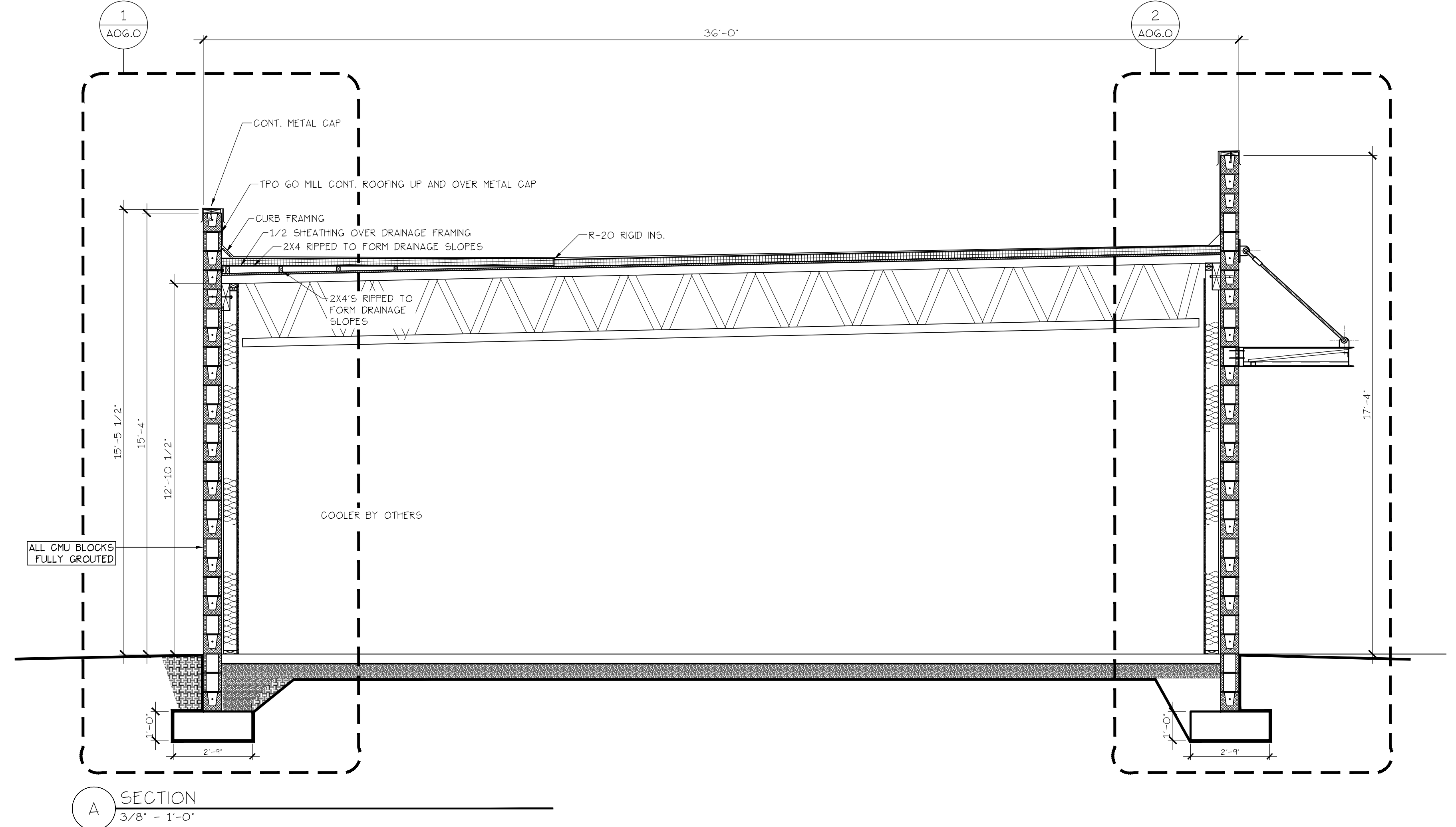
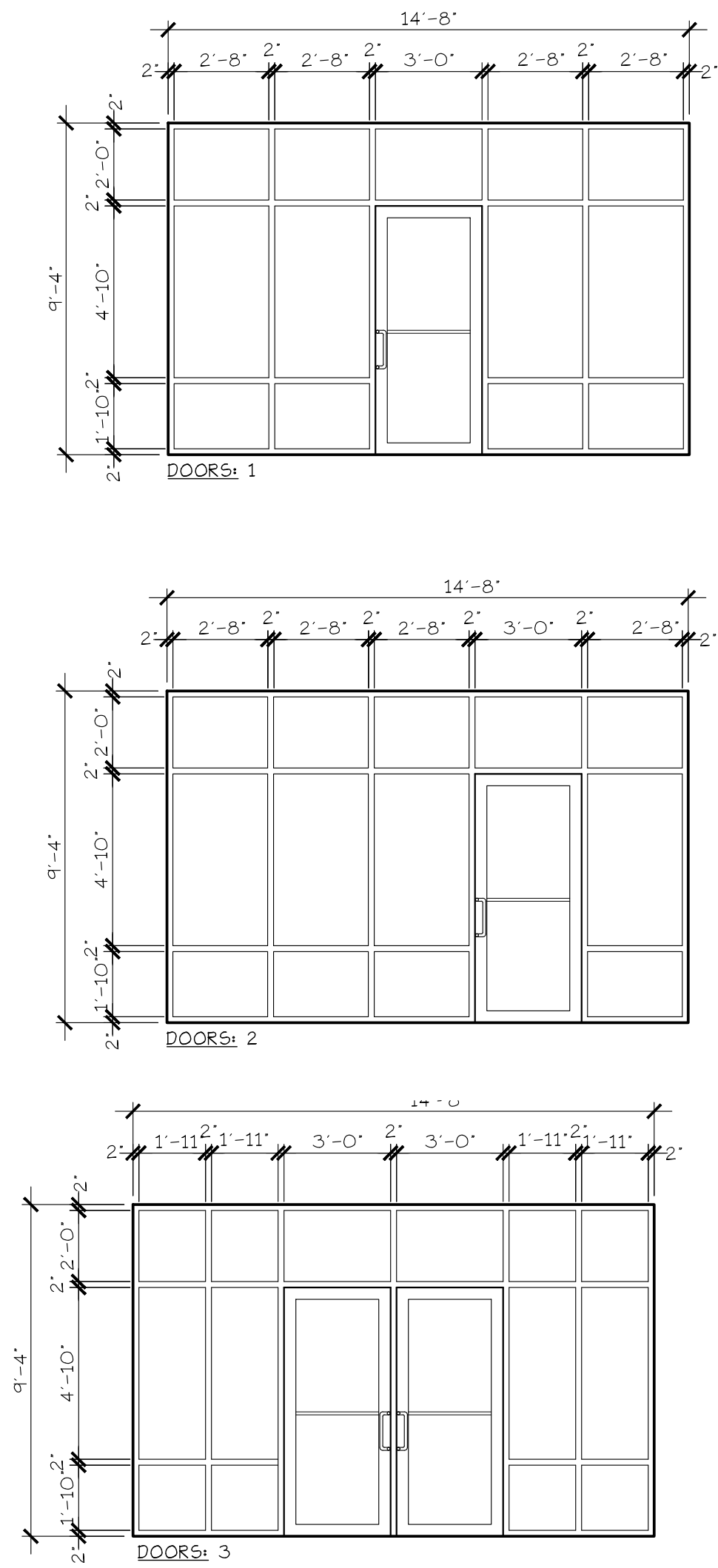


ROOF FRAMING PLAN  
1/4" = 1'-0"

9B SHEET METAL COPING



- NOTES:
- FOR CARLISLE SecurEdge COPING, REFER TO INSTALLATION INSTRUCTIONS PUBLISHED SEPARATELY.
  - MEMBRANE MUST BE EXTENDED TO CORNERS TO PROVIDE COMPLETE COVERAGE OF THE TOP WALL SURFACE.



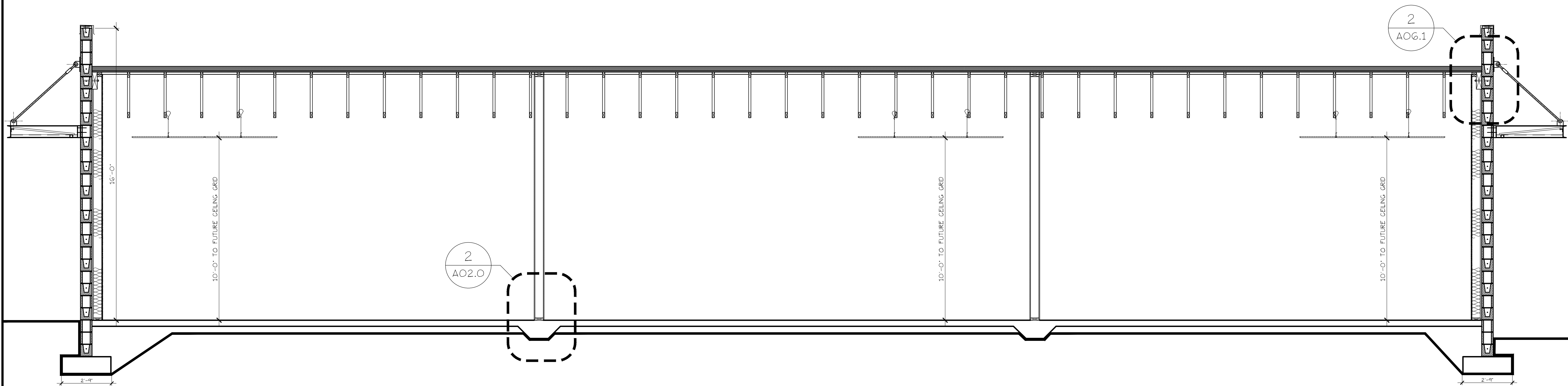
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PROJECT ENGINEER  
**MIKE SALITURO, PE**  
805 LIBERTY ST NE, SUITE #4  
SALEM, OR 97301

**CLAGGETT CREEK LEASE SPACES**  
\*\*\*\*\*  
3994 PORTLAND RD. NE SALEM, OREGON  
**SECTION & DETAILS**

REGISTERED PROFESSIONAL  
ENGINEER  
8682  
OREGON  
DEC. 12, 1975  
MICHAEL B. SALITURO  
Renew date: 12/12/2022

Date: 06/01/2018  
Scale: AS NOTED  
Sheet  
**A05.0**  
Of Sheets

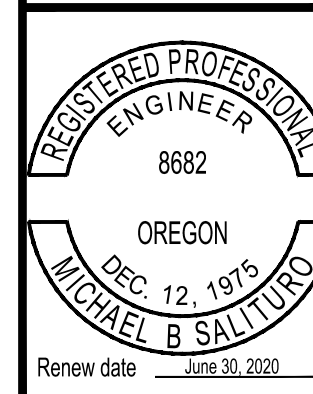


C SECTION  
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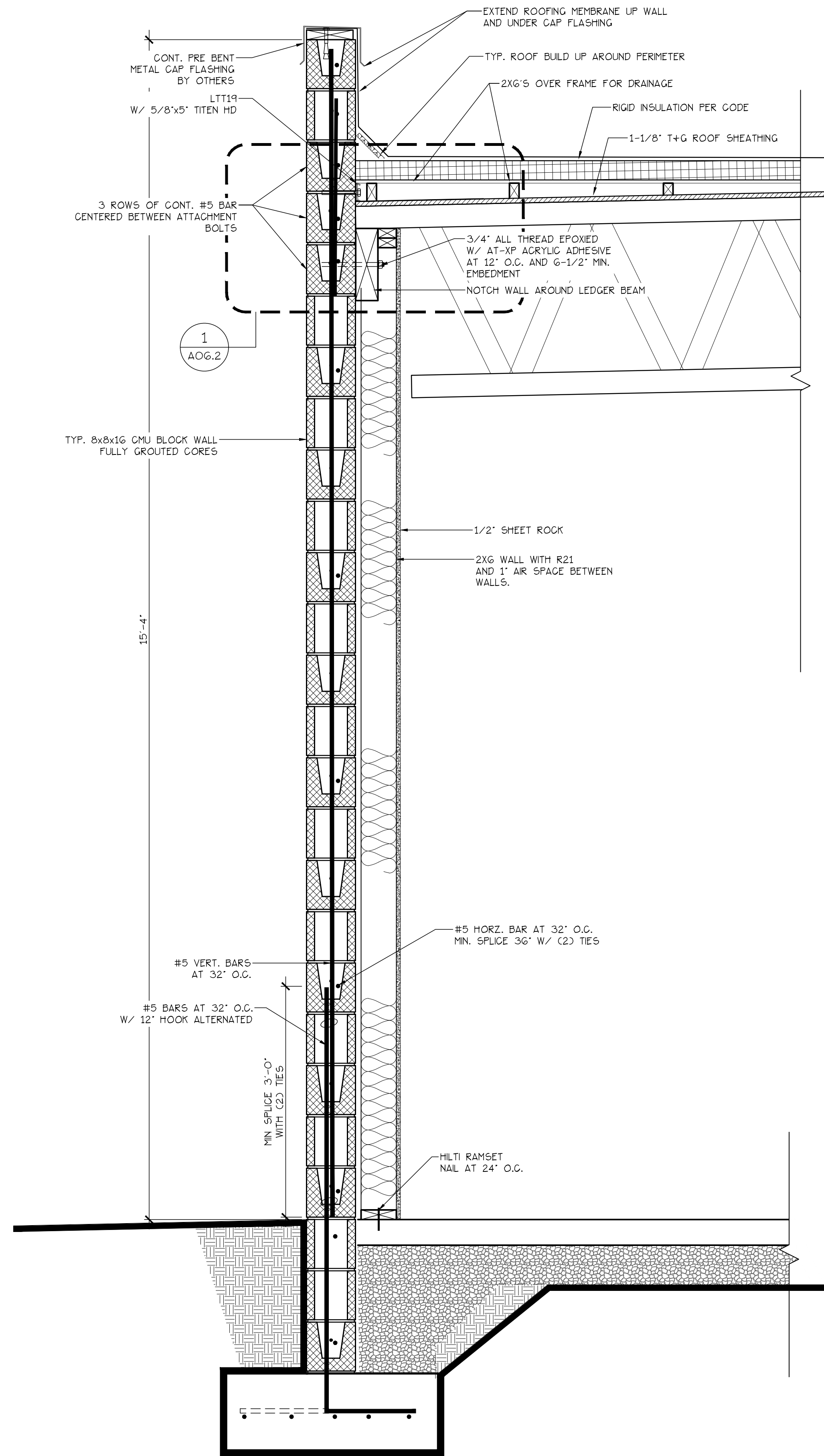
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PROJECT ENGINEER  
**MIKE SALITURO, PE**  
805 LIBERTY ST NE, SUITE #4  
SALEM, OR 97301

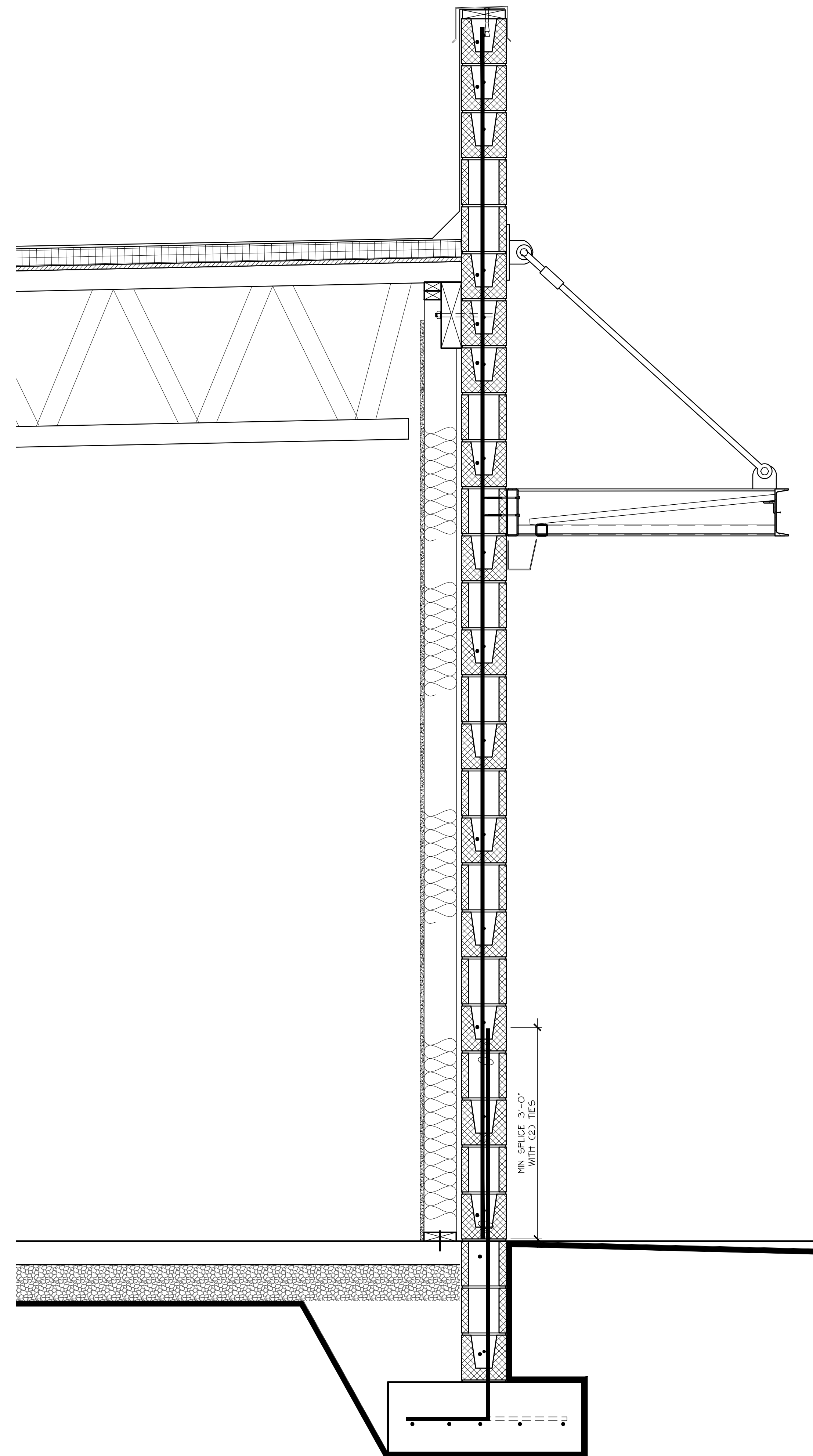
**CLAGGETT CREEK LEASE SPACES**  
\*\*\*\*\*  
3994 PORTLAND RD. NE SALEM, OREGON  
**SECTION & DETAILS**



Date: **06/01/2018**  
Scale: **AS NOTED**  
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Of Sheets

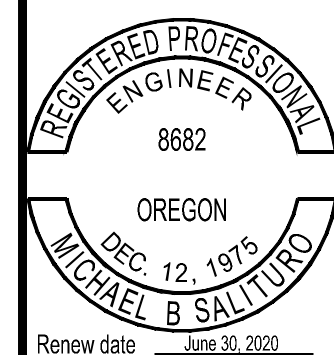


1 WALL DETAIL  
1" = 1'-0"



2 WALL DETAIL  
1" = 1'-0"

CLAGGETT CREEK LEASE SPACES  
\*\*\*\*\*  
3994 PORTLAND RD. NE SALEM, OREGON  
SECTION & DETAILS



Date: 06/01/2018

Scale: AS NOTED

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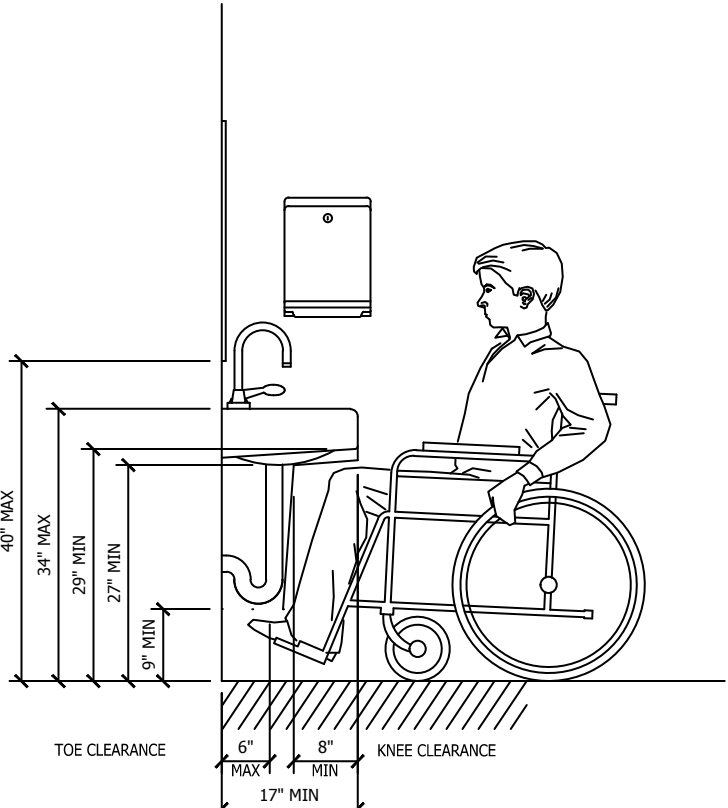
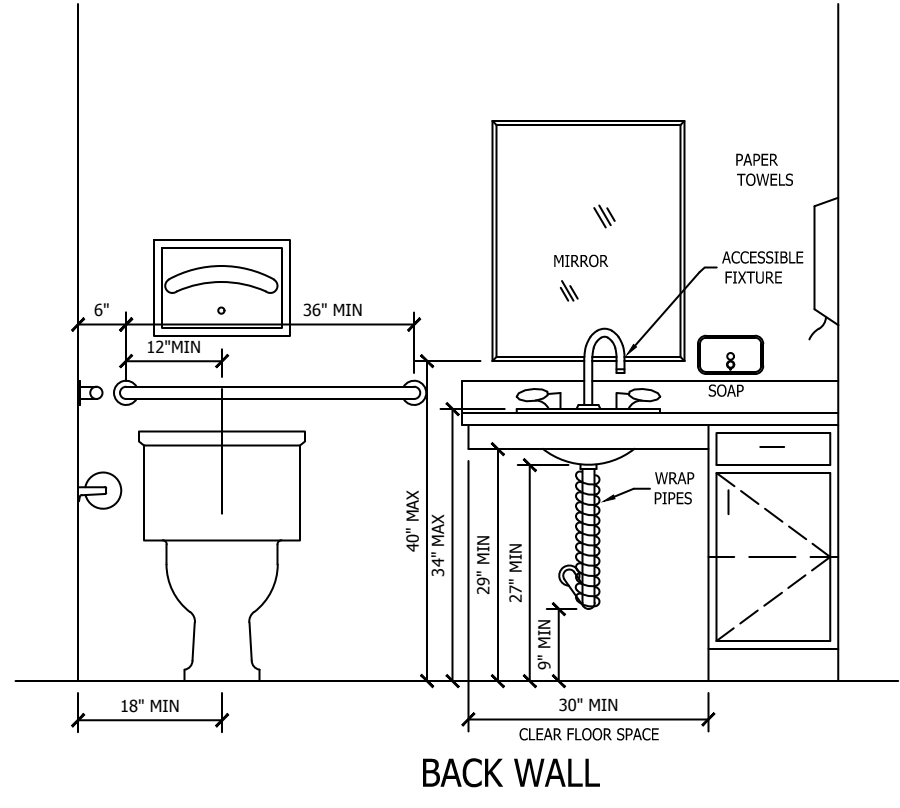
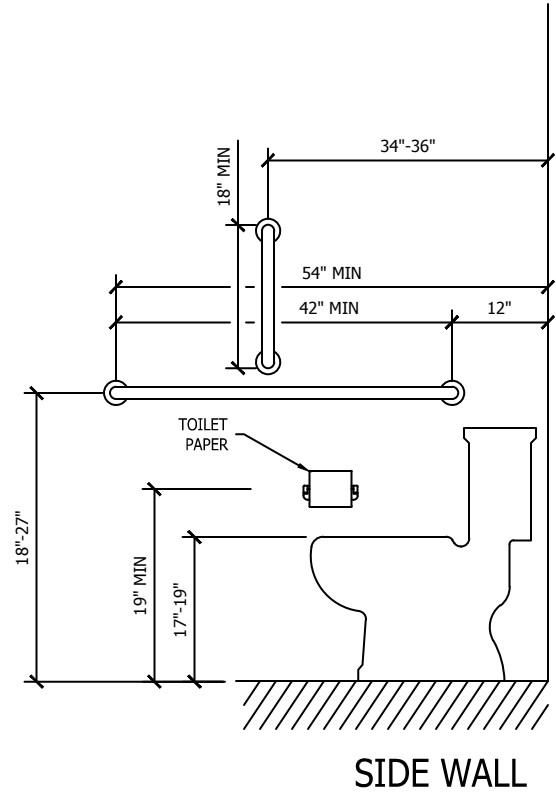
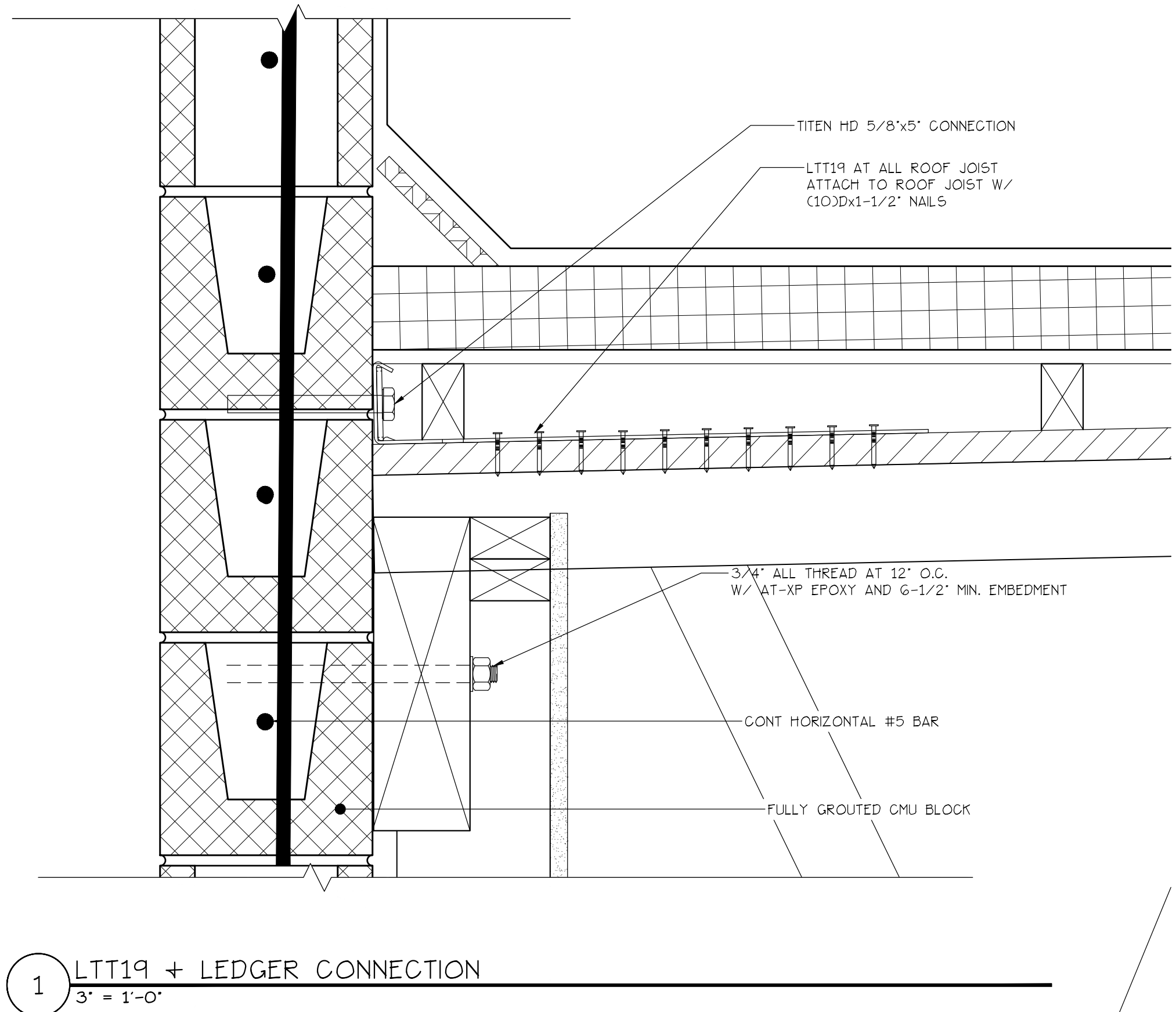
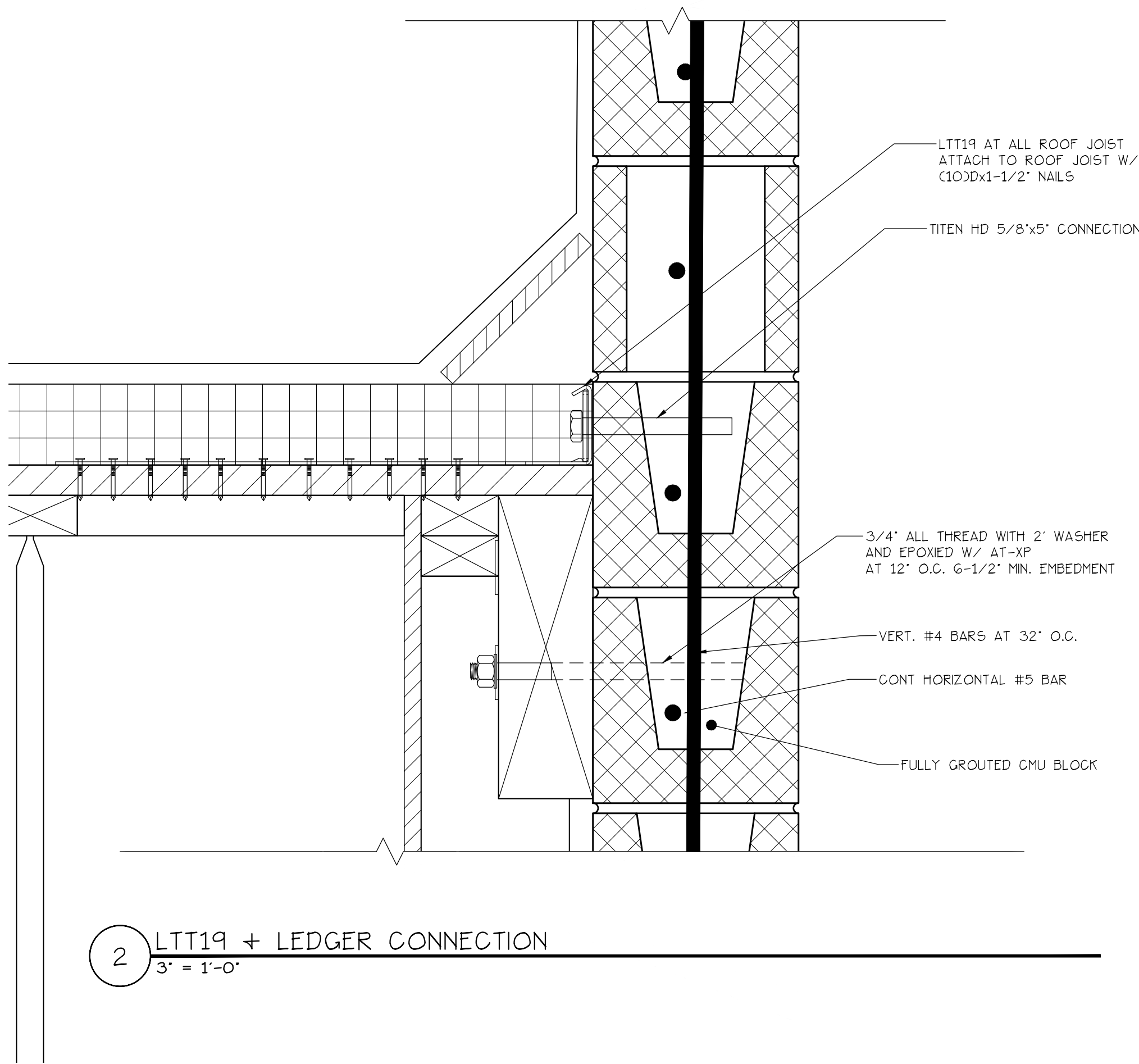
Of Sheets

PROJECT ENGINEER

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GRAB BARS AT WATER CLOSETS  
ACCESSIBLE REST ROOM DETAILS

PROJECT ENGINEER  
**MIKE SALITURO, PE**  
805 LIBERTY ST NE, SUITE #4  
SALEM, OR 97301

**CLAGGETT CREEK LEASE SPACES**  
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3994 PORTLAND RD. NE SALEM, OREGON  
**SECTION & DETAILS**

REGISTERED PROFESSIONAL ENGINEER  
8682  
OREGON  
DEC. 12, 1975  
MICHAEL B. SALITURO  
Renew date 12/12/2020

Date: 06/01/2018  
Scale: AS NOTED  
Sheet  
**A06.1**  
Of Sheets

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## Landslide Hazard Review

***3994 Portland Road NE***

***Salem, Oregon***

June 1<sup>st</sup>, 2018

Our office has been asked to review the proposed development of property located at 3994 Portland Road NE in Salem, Oregon.

The City of Salem has noted that due to the site topographic slopes, the property has a total of 6 points relative to the proposed commercial development.

We have reviewed the following information:

Interpretive Map Series (IMS-5), Interpretive Map Series (IMS-6),  
Interpretive Map Series (IMS-17), Interpretive Map Series (IMS-18),  
Interpretive Map Series (IMS-22) and Slope Contour Map

We did not find the property in question designated as a landslide hazard on any of the above maps and documents.

We have attached to this review the existing site conditions map for the project that notes the existing topographic features of the property.

We have reviewed the site and note that the site vegetation and trees support the assumption that the site is stable, no indications of slope movement or instability.

We have reviewed the public record information for this portion of Salem and did not find any reports or statements regarding slope instability for this area as well.

The western portion of the site is relatively flat for 60 to 70 feet from the edge of Portland Road. At the point that the slope breaks down to the creek below, the gradients are between 1:1 and 1.5:1.

The proposed new building will be located a minimum of 20 feet from the top of the slope as noted on the site plan provided.

The location of the building away from the top of the slope will create an effective gradient of 2:1 or greater.

IT is our professional opinion that the existing ground slopes within the limits of the site demonstrate a "Low" landslide hazard risk as set out in SRC Chapter 810.



### **LIMITATIONS**

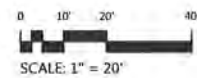
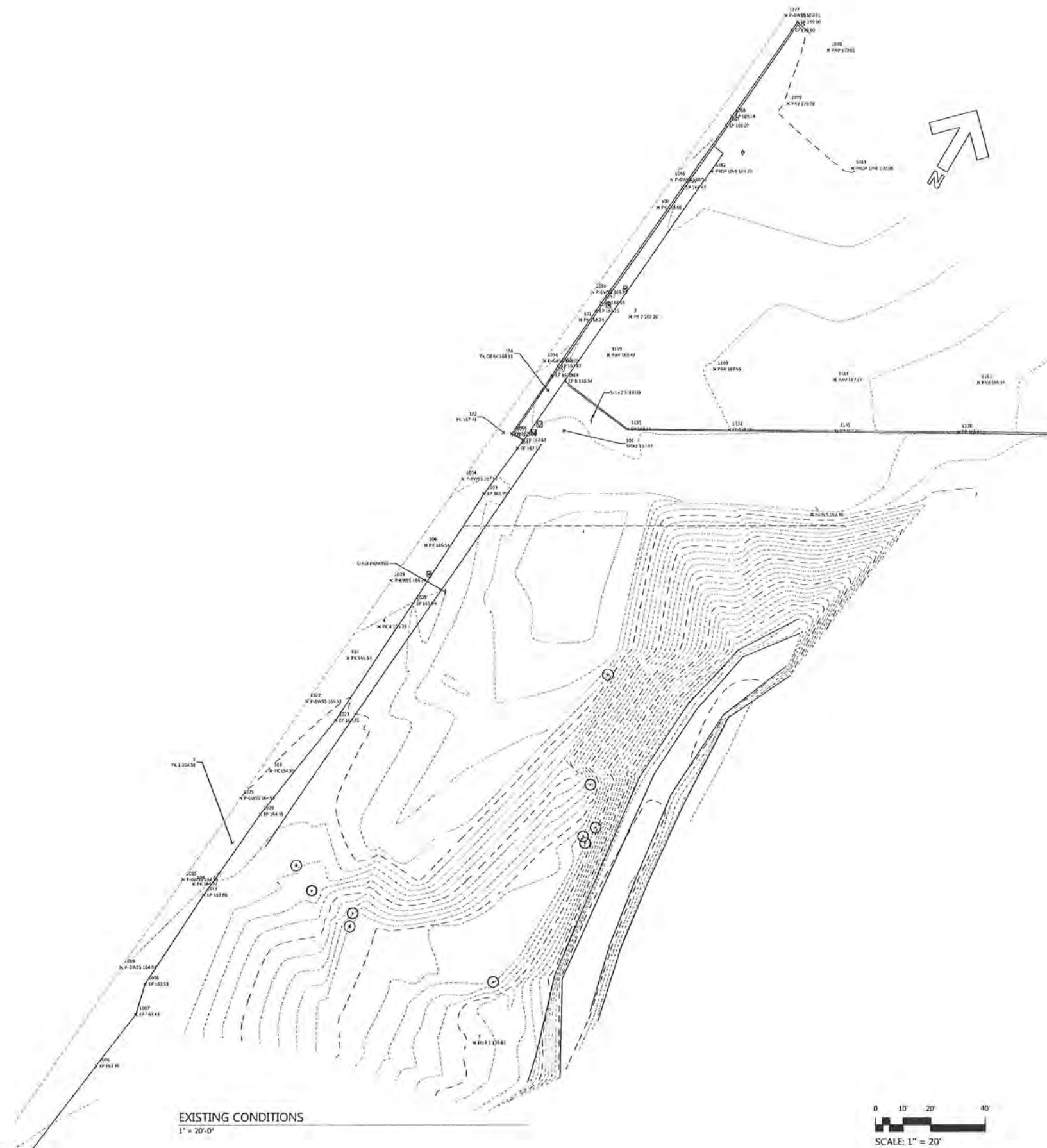
*This report has been prepared for the exclusive use of our Client, and their other consultants, for this project only. The conclusions and recommendations in this report are based on our observations, information you provided, and our experience and engineering judgment. Multi/Tech Engineering Services, Inc. cannot be*



*responsible for the interpretation of the data described herein by others. Our work has been performed in a manner consistent with that level of care and skill ordinarily exercised by members of the profession currently practicing under similar conditions in the area. No other warranty, express or implied, is made.*

*Opinions and recommendations contained in this report apply to conditions existing when services were performed and are intended only for the client, purposes, locations, time frames, and project parameters indicated. We are not responsible for the impacts of any changes in environmental standards, practices, or regulation subsequent to performance of services. We do not warrant the accuracy of information supplied by others, or the use of segregated portions of this report.*

*Multi/Tech has provided these conclusions based on the data and information provided by the Client and conditions observed at the site. You should be aware that subsurface conditions can, and often do vary significantly over short distances and depths. Multi/Tech is not responsible for interpretations other than for the conditions observed.*



## EXISTING CONDITIONS PLAN

**CLAGGETT CENTER  
LEASE SPACES**

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER.

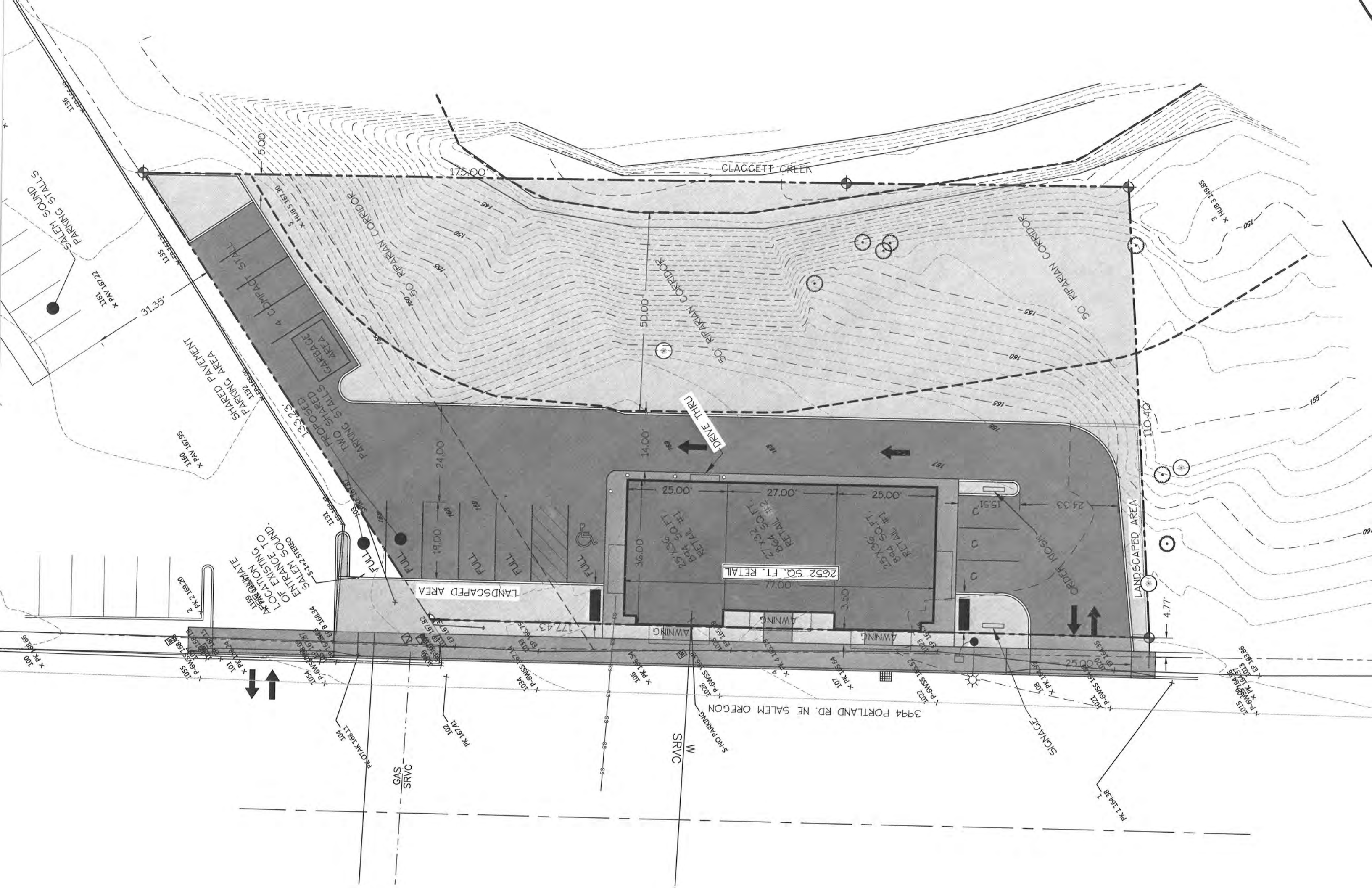
DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

BLD COMM/PLORE1  
TAB-001.0

Design:	S.P.N.
Drawn:	S.P.N.
Checked:	M.D.G.
Date:	FEB. 2018
Scale:	AS SHOWN

JOB # claggett
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## C04.0








# MEMO

**TO:** Britany Randall, Planner II  
Community Development Department

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

**DATE:** July 10, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
SITE PLAN REVIEW DR-CU-SPR-ADJ-DAP18-01 (18-109530)  
3994 PORTLAND RD NE  
RETAIL DEVELOPMENT

## PROPOSAL

To construct a proposed retail commercial development with a drive-through located at 3994 Portland Road NE

## RECOMMENDED CONDITIONS OF APPROVAL

1. An open channel drainage easement is required along the east line of the subject property. The easement width shall be 15 feet from the centerline of Claggett Creek.
2. Grant an access easement for the neighboring property to the south, measuring approximately 30 feet by 60 feet, abutting the southern property boundary.

## FACTS

### **Water**

1. Existing Conditions:
  - a. The subject property is located within the G-0 water service level.
  - b. A 12-inch water line is located in Portland Road NE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

### **Sanitary Sewer**

1. Existing Condition:
  - a. An 8-inch public sewer line is currently being extended by the City of Salem in Portland Road NE, across the frontage of the subject property.

## Storm Drainage

1. Existing Condition:
  - a. A 24-inch storm line is located in Portland Road NE.

## Streets

1. Portland Road NE
  - a. Standard—This street is designated as a Major Arterial street in the *Salem Transportation System Plan*. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.
  - b. Existing Condition—This street has an approximate 68-foot improvement within a 96-foot-wide right-of-way abutting the subject property.

## CRITERIA AND FINDINGS

### SITE PLAN REVIEW

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

**Criteria:** The application meets all applicable standards of the Unified Development Code (UDC).

**Finding:** The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone “AE” floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601, including elevation of new structures to a minimum of one foot above the base flood elevation. The new structure is not being constructed in the floodplain area.

City records show that the subject property may be located within a landslide hazard area. The applicant’s engineer submitted findings demonstrating that the proposed development is a low landslide hazard risk based on SRC Chapter 810.

**Criteria:** 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:** Portland Road NE is a Major Arterial street pursuant to the *Salem Transportation System Plan* and meets the right-of-way width standards for its classification. Also, this portion of Portland Road NE is part of a current public improvement project; therefore no additional street improvements are required as a condition of the proposed development (SRC 803.040(d)(1)). As part of the public improvement project, a driveway at the southern boundary of the property will be constructed, which is intended to be shared with the neighboring property to the south pursuant to SRC 804.035(a)(2)(A). An access easement shall be granted to the neighboring property to the south at the time of development to allow for the shared access. No driveway approach permit is required pursuant to SRC 804.015(b)(2) because the construction of the driveway approach is part of a public improvement project.

**Criteria: Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians**

**Finding:** The driveway access onto Portland Road NE provides for safe turning movements into and out of the property.

**Criteria: The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development**

**Finding:** The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructures are available within surrounding streets / 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 Standard* and to the satisfaction of the Public Works Director.

The applicant shall be required to design and construct a storm drainage system at the time of development. The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 71.075. The applicant's engineer submitted a statement demonstrating compliance with SRC Chapter 71 because the project involves less than 10,000 square feet of new or replaced impervious surface.

## **DRIVEWAY APPROACH PERMIT**

**Criteria—A Class 2 Driveway Approach Permit shall be granted if:**

- (1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

**Finding**—The proposed driveway is located less than 370 feet from adjacent driveways; therefore, a Class 2 adjustment is required for driveway spacing as described below. Otherwise, the proposed driveway meets the standards for SRC 804 and PWDS.

**(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.

**(3) The number of driveway approaches onto an arterial are minimized;**

**Finding**—One access is proposed to the arterial street.

**(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 subject property abuts only one street, which has a minor arterial classification. A shared driveway approach is not possible because of existing topography.

**(5) Proposed driveway approach meets vision clearance standards;**

**Finding**—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

**(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

**Finding**—The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property.

**(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

**Finding**—The location of the proposed driveway does not appear to have any adverse impacts to the adjacent properties or streets.

**(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and**

**Finding**—The proposed driveway approach is located on the only abutting street and does not create a significant impact to adjacent streets and intersections.

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

**Finding**—The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

**CRITERIA AND FINDINGS—Class 2 Adjustments**

Analysis of the proposed class 2 driveway adjustments based on relevant criteria in SRC 250.005(d)(2) is as follows:

**Criteria**—The purpose underlying the specific development standard proposed for adjustment is:

1. Clearly inapplicable to the proposed development; or
2. Equally or better met by the proposed development.

**Finding**—The applicant is requesting Class 2 adjustments to allow for reduced spacing between driveways less than the standard of 370 feet. An existing driveway is located at the south line of the northerly adjacent property. In order to maximize driveway spacing, the proposed driveway is located at the south line of the subject property. Pursuant to SRC 804.035(a)(2)(C), the proposed driveway is allowed because the development cannot be feasibly served by access onto a local or collector street. The proposed driveway configuration meets the adjustment criteria by allowing for turning movements and traffic safety equal to what would be accomplished by meeting the development standard.

cc: File

## **3994 Portland Road Drive Thru Conditional Use**

### **SITE HISTORY:**

The site is located at 3994 Portland Road NE (073W12DB/Tax Lot 3900). The subject property is 0.53 acres in size, zoned CR (Commercial Retail) and located within the Portland/Fairgrounds Road Overlay Zone. The subject property is designated as "Commercial" on the Salem Area Comprehensive Plan (SACP) Map.

The City held a pre-application conference with the applicant on December 14, 2017 for the purpose of discussing redevelopment of the subject property (Pre-application No. 17-111).

### **PROPOSAL:**

Under SRC 603.015(b)(2)(A), use with a drive-through are allowed within the Portland/Fairgrounds Road Overlay Zone with a Conditional Use permit.

The applicant is applying for a Conditional Use for the construction of a commercial retail building with a drive-thru.



## **CONDITIONAL USE CRITERIA:**

**SRC 240.005(d)** - An application for a Conditional Use permit shall be granted if all of the following criteria are met:

- (1) The proposed use is allowed as a conditional use in the zone;*
- (2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and*
- (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

## **APPLICANT'S REASONS ADDRESSING CHAPTER 240.005(d):**

- (1) Under SRC 603.015(b)(2)(A), use with a drive-through are allowed within the Portland/Fairgrounds Road Overlay Zone with a Conditional Use permit.

The applicant is applying for a Conditional Use for the construction of a commercial retail building with a drive-thru.

- (2) The proposed drive-thru will have little to no impact on the neighborhood. The property is bordered on the west side by the Portland Road and Claggett Creek to the east. The proposed drive-thru is located on the back side the building, opposite of Portland Road, which provides a buffer and a setback of at least 40 feet from Portland Road. Claggett Creek runs along the east side of the property. Therefore, there is a riparian corridor adjacent the proposed drive-thru, which provides a buffer and a setback of at least 50 feet from any uses to the east. The large setbacks, the location of the drive-thru, and riparian corridor buffer help eliminate any impacts on the surrounding neighborhood.

- (3) The subject property is surrounded by the following uses:

North: CR (Commercial Retail); existing commercial uses  
East: CR (Commercial Retail); vacant land  
West: Across Portland Road, CR (Commercial Retail); existing commercial uses  
South: CR (Commercial Retail); vacant land

The proposed commercial retail building and drive-thru will be required to go through Site Plan/Design Review, which requires design standards open and landscaping. Amenities like building design standards and landscaping will help with the visual appeal of this area and reduce impacts on the neighborhood. The design standards are in place to help ensure compatibly with adjacent uses.

The proposed development will provide pedestrian paths throughout the site and to Portland Road. The pedestrian paths will provide access and circulation to the surrounding properties. Therefore, increasing circulation and livability on Portland Road.

## **Type III Site Plan Review Criteria (UDC 220.005(f)(3)) and Type III Design Review:**

### ***(A) The application meets all the applicable standards of the UDC.***

Findings: The application has met all applicable standards of the Salem Revised Code. The subject property is zoned CR (Commercial Retail) and located within the Portland/Fairgrounds Road Overlay Zone. The applicant is proposing a commercial retail building with a drive-thru on the site. The commercial retail building is permitted in the CR zone, the drive-thru requires a Conditional Use Permit within the Portland/Fairground Overlay Zone. The applicant has submitted a Conditional Use Permit application. The applicant has addressed and met all required development standards per UDC Chapter 522, Chapter 603, and all other applicable UDC Chapters. See Site Plan.

As shown on the Site Plan the applicant has met all Code requirements. The site plan shows the vehicle and pedestrian circulation pattern; parking stalls and aisle way locations and dimensions; elevations, handicap parking locations; building setbacks and sizes; areas to be landscaped; outdoor lighting location; and service areas. Site grading and location of utilities and hydrants are illustrated on separate plans.

The surrounding properties are designated as:

North: CR (Commercial Retail); existing commercial uses

East: CR (Commercial Retail); vacant land

West: Across Portland Road, CR (Commercial Retail); existing commercial uses

South: CR (Commercial Retail); vacant land

#### Setbacks:

North: 5-foot setback (vehicle use area)

East: 74-foot setback (includes wetlands area)

South: 5-foot setback (vehicle use area)

West: 10-foot setback

#### Parking: 13 On-Site Parking Spaces

Standard-5

Compact-7

ADA-1

#### Landscaping:

Area Landscaped 13,428 square feet (includes wetlands area)

58% landscaping on site

The development will have direct access onto Portland Road and the already existing street system within the area via a proposed paved driveway. The developments parking areas and two-way driveways provide for an orderly and efficient circulation of traffic into and out of the proposed development.

Parking areas and driveways are designated to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians. See site plans.

The site will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development.

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

Findings: A TGE form has been submitted as part of this packet. The subject property has street frontage on Portland Road to the west. Portland Road is designated as a 'Major arterial' street within the City of Salem Transportation Plan. As shown on the site plan, safe and efficient access and circulation has been provided into and throughout the development.

**(C)     *Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and***

Findings: The applicant is proposing a commercial retail building with a drive-thru on the site. The commercial retail building is permitted in the CR zone, the drive-thru requires a Conditional Use Permit within the Portland/Fairground Overlay Zone.

Parking: 13 On-Site Parking Spaces  
Standard-5  
Compact-7  
ADA-1

All parking areas will be served by large maneuvering areas and 24-foot wide two-way accessways that provide access onto the site and out of the site. A 14-foot wide one-driveway accessway is provided through the site. The is one accessway located on the southern portion of the site onto Portland Road. Access out of the site is also located to the north on the adjacent property.

Therefore, this standard has been met.

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

Findings: Utilities are shown on the plans and have been provided to show how the site will be served with City water, sewer, storm water facilities, and other utilities appropriate to the development.

***Portland/Fairgrounds Road Overlay Zone-Design Standards-Sections 603.020(j) and 603.030***

***Section 603.020(j): Project Enhancements***

Findings: Development within the Portland/Fairgrounds Road Overlay Zone shall include four or more project enhancements. The proposed development includes the following project enhancements:

(2) The applicant has a parking an access agreement with the property to the north. The subject development will have access through the subject property to the north as shown on the site plans.

(3) A sign no more than 5 feet in height will be provided on the site.

(4) An awning will be provided along the frontage for the building for weather protection.

(10) Landscaping plans have been provided as part of this application. Prior to development of site final landscape and irrigation plans will be provided for staff approval.

(12) As shown on the site plans, over 50% of the proposed building is within 0 feet or the building setback. Therefore, contiguous with the allowed 0-foot minimum setback.

The applicant is providing over 4 enhancements along with other appealing design standards. Therefore, this criteria has been met.

***Section 603.030(a)(1)(B)(i): Building location, orientation, and design***

***Minimum: zero feet***

***Maximum: 60 feet***

Findings: The subject property abuts Portland Road along the west property line. The proposed building has a 0-foot setback. However, landscaping has been provided along the west property line. Therefore, meeting this requirement.

***Section 603.030(a)(2)(B)(i): Building orientation and design***

Findings: The buildings primary entrance is located off of and faces Portland Road. Therefore, meeting this requirement.

***Section 603.030(a)(2)(B)(ii): Design Review Standards***

Findings: The ground floor windows will meet this standard. This standard will be review at the time of building permit submittal.

***Section 603.030(a)(2)(B)(iii): Design Review Standards***

Findings: The subject property has about 80 feet of street frontage. As shown on the site plan, 4-foot offsets have been provided.



***Section 603.030(a)(2)(B)(iv): Design Review Standards***

Findings: A weather protection awning has been provided along the entire frontage of the building. See attached site plans.

***Section 603.030(b)(1)(B)(ii): Landscaping***

Findings: The subject property abuts Portland Road along the west property line. Landscaping has been providing along the west property line that abuts Portland Road. Therefore, meeting this requirement.

***Section 603.030(c)(1)(B)(i): Off-street parking and loading***

Findings: All parking is located above ground. Therefore, this standard is not applicable.

**CONCLUSION:**

We believe that the materials submitted to the City of Salem address the code requirements for Site Plan Review Class-3 and Design Review Class-3, which is the process required for this proposal. No variances to the standards have been identified to be needed for processing this request.

### **Class 2-Driveway Approach Permit**



***SRC 804.025 (d) Criteria. A Class 2 Driveway Approach Permit shall be granted if:***

***(1) The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;***

Applicant Response: The site is located at 3994 Portland Road NE (073W12DB/Tax Lot 3900). The subject property is 0.53 acres in size, zoned CR (Commercial Retail) and located within the Portland/Fairgrounds Road Overlay Zone. The subject property is designated as “Commercial” on the Salem Area Comprehensive Plan (SACP) Map. Portland Road is designated as a Major Arterial street on the Salem Transportation System Plan. The driveway approach will meet Public Works design standards. As shown on the site plan the driveway approach is required for access to the site and is in compliance with design standards.

***(2) No site conditions prevent placing the driveway approach in the required location;***

Applicant Response: The location of the driveway approach was taken into consideration prior to laying the site out. The location of the proposed driveway takes into consideration the location of other existing driveways and access onto Portland Road. Therefore, all factors were taken into consideration and there are no conditions on the site that prevent the driveway approach.

***(3) The number of driveway approaches onto an arterial are minimized;***

Applicant Response: Portland Road is a Major Arterial. The applicant has requested and adjustment to allow a driveway approach onto an Arterial. Therefore, this criterion has been met.

***(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;***

Applicant Response to (4)(B): The subject property is located on Portland Road which is a Major Arterial. There is one driveway approach proposed onto Portland Road. There is no lower classified street abutting the property. Therefore, this criteria has been met.

***(5) The proposed driveway approach meets vision clearance standards;***

Applicant Response: Through the pre-app process, the applicant has been working with Public Works to ensure that the driveway approach is in the required location and meets vision clearance standards. As shown on the site plan, this criterion has been met.

***(6) The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;***

Applicant Response: The driveway approach does not create traffic hazards. As shown on the site plan, this criterion has been met.

***(7) The proposed driveway approach does not result in significant adverse impacts to the vicinity;***

Applicant Response: Public Works has had the opportunity to review the site plan for any adverse impacts. No adverse impacts to the vicinity have been identified. As shown on the site plan, the location of the driveway will not have any impacts on the subject property or adjacent properties. This criterion has been met.

***(8) The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections; and***

Applicant Response: The applicant has been working with Public Works to ensure that the driveway approach is in the required locations to minimize impacts to adjacent streets and intersections. As shown on the site plan, this criterion has been met.

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

Applicant Response: The applicant has been working with Public Works to ensure that the driveway approach is in the required location to help balance the adverse impacts to residentially zoned property. As shown on the site plan, this criterion has been met.

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# Portland Road

## Adjustment Class-2 Application

### Proposal:

The site is located at 3994 Portland Road NE (073W12DB/Tax Lot 3900). The subject property is 0.53 acres in size, zoned CR (Commercial Retail) and located within the Portland/Fairgrounds Road Overlay Zone. The subject property is designated as "Commercial" on the Salem Area Comprehensive Plan (SACP) Map.

The applicant is proposing a driveway that is located closer than 370 feet from an existing driveway to the north. Therefore, an adjustment to this standard is required.



The applicant is requesting an adjustment greater than 20% adjustment to SRC 804.035(d):

***(d) Spacing. Driveway approaches providing direct access to a major or minor arterial shall be no less than 370 feet from the nearest driveway or street intersection, measured from centerline to centerline.***

### Adjustment Criteria-SRC 250.005(d)(2) Criteria

***(A) The purpose underlying the specific development standard proposed for adjustment is:***

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

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

***(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.***

Applicant Findings:

- (A) Portland Road is designated as a 'major arterial' on the Salem Transportation Plan Map. One driveway is proposed onto Portland Road from the development site. However, there is an existing driveway located to the north of the site. The proposed driveway appears to be located approximately 154 feet from the existing driveway to the north. Due to the size of the subject property, locating the driveway further away from the existing driveway is not feasible. Therefore, this standard is clearly inapplicable to the proposed development. The driveway to the north will also provide access out of the subject property. After review of the site and layout, it was determined that the most feasible driveway location is as shown on the site plan. However, due to building layout and feasibility, the proposed driveway does not meet the location requirement as stated under 804.035(d). Therefore, the applicant is requesting an Adjustment to this requirement.
- (B) The subject property is not located within a residential zone. The subject property is zoned CR and surrounded by commercial and industrial uses. The location of the drive as shown on the site plan will not have an impact on residential uses. The location will provide a safe and convenient entrance and exit out of the development. The location does not create any vision or traffic hazards onto Portland Road. Therefore, the driveway location will have no effect on the proposed use or surrounding uses.
- (C) The applicant is not requesting more than one adjustment. The requested adjustment will not have any effect the overall purpose of the zone. The site will be developed to Code and designed to City standards. Therefore, the purpose of the zone will be met.