

TO: HEARINGS OFFICER

**FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR**

**SUBJECT: CONDITIONAL USE/CLASS 3 SITE PLAN REVIEW/CLASS 2
ADJUSTMENT CASE NO. CU-SPR-ADJ18-08
3700 PORTLAND ROAD NE
AMANDA NOS. 18-112263-ZO, 18-112264-ZO & 18-112265-RP**

REQUEST

Summary: An application to convert part of an existing building to a motor vehicle sales use and reconfigure part of an existing vehicle use area for parking and vehicle display.

Description: A consolidated Conditional Use, Class 3 Site Plan Review, and Class 2 Adjustment application to convert 18,121 square feet of an existing building to a motor vehicle sales use and reconfigure part of an existing vehicle use area for parking and vehicle display, for a property approximately 4.17 acres in size, zoned CR (Retail Commercial), within the Northgate Mixed-Use Overlay Zone, and located at 3700 Portland Road NE - 97301 (Marion County Assessor's Map and Tax lot number: 073W12CA / 03500 and 03700). The Adjustment is requested because the proposal would result in development site landscaping of 4.4 percent where 15 percent is required.

A vicinity map illustrating the location of the property is attached hereto, and made a part of this staff report (Attachment A).

OWNER: Deering Management Group, Inc.

APPLICANT: Eric Freeman, Freeman Motor Company, Inc.

FILER: Mark Ferris, Project Delivery Group, LLC

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, and adjustment to convert 18,121 square feet of an existing building to a motor vehicle sales use and reconfigure part of an existing vehicle use area for parking and vehicle display on property located at 3700 Portland Road NE subject to the following conditions of approval:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment C, as modified by the conditions of approval.

Condition 2: The location and width of the proposed landscaping areas shall be in

substantial conformance with the landscape plan included as Attachment D.

Condition 3: All proposed landscape areas, including those in the public right-of-way, shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area and shall be irrigated. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.

Condition 4: Fencing and landscaping in the vision clearance triangles at the northwest corner, on both sides of the driveways on Wayside Terrace NE, and the northeast corner must meet the requirements of SRC Chapter 805.

Condition 5: Prior to building permit issuance, the applicant shall provide evidence that the proposed solid waste service area will comply with the standards of SRC 800.055.

Condition 6: Close the existing driveway abutting Portland Road NE.

Condition 7: The reduced landscape requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the minimum landscaping requirements for the site, unless reduced through a future land use action.

APPLICATION PROCESSING

On June 8, 2018, the applicant submitted an application for a conditional use permit, Class 3 Site Plan Review, and Class 2 Adjustment. The application was deemed complete for processing on July 31, 2018.

The public hearing before the City of Salem Hearings Officer is scheduled for August 22, 2018, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on August 2, 2018. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

BACKGROUND

The existing building was previously occupied by the Oregon State Police headquarters. The proposal would convert the northern area to a motor vehicle sales use and leave the remainder of the building in the current use. Another building in the southern area of the site is occupied by a vocational / trade school.

PROPOSAL

The applicant is proposing to convert 18,121 square feet of an existing building to a motor vehicle sales use and reconfigure part of an existing vehicle use area for parking

and vehicle display. The existing conditions plan and proposed site plan are included as Attachments B and C. The landscape plan is included as Attachment D.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

The applicant's statement addressing the applicable approval criteria for the consolidated request is included as Attachment E.

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 the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned CR (Retail Commercial). Motor vehicle sales uses are allowed in the CR zone as a conditional use. SRC Chapter 240 provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted.

A new conditional use permit is required for a change of use for a motor vehicle sales use in the CR zone.

The zoning of surrounding properties includes:

North:	Across Wayside Terrace NE, CR (Retail Commercial) -- convenience store and gas station; RM2 (Multiple Family Residential 2) -- apartments
East:	Across Northgate Avenue NE, RD (Duplex Residential) -- duplexes
South:	Across Greenbriar Street NE, CR (Retail Commercial) -- motor vehicle sales, apartments, bowling alley
West:	Across Portland Road NE, IC (Industrial Commercial) -- retail, eating and drinking establishment, offices

3. Site Analysis

The subject property is approximately 4.17 acres in size and is developed with two buildings. The larger building was previously occupied by the Oregon State Police headquarters and is now vacant. The smaller building is occupied by a vocational/trade school. The site is completely developed with buildings, pavement, and landscaping.

The subject property abuts Portland Road NE to the west, Wayside Terrace to the north, Greenbriar Street NE to the east, and Northgate Avenue NE to the south. Portland Road NE is designated as a major arterial within the Salem TSP (Transportation System Plan), and the other streets are designated as local streets.

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 written comments have been received from Northgate or nearby property owners as of the date of this staff report.

5. City Department and Public Agency Comments

The Building and Safety Division reviewed the proposal and commented that the applicant shall apply for all required building permits prior to any work being done.

The Fire Department reviewed the proposal and commented that they have no concerns with the zoning; Fire Department access and water supply are required to be provided; Fire Department access is required to be provided to within 150 feet of all portions of the buildings, and the addition of the fences appears to be eliminating existing Fire Department access. Fire will review items including access and water supply at the time of building permit plan review.

Staff Response: The applicant provided clarification of the use of the existing gates and proposed fencing (Attachment F). The Fire Department will review plans for access at the time of building permit review.

The Public Works Department has reviewed the proposal and provided a memo included as Attachment G.

Salem Electric will provide Electric Service according to the rates and policies at the time of construction.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this chapter.

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

Criterion 1:

The proposed use is allowed as a conditional use in the zone.

Staff Finding: Motor vehicle sales uses are allowed as a conditional use in the CR (Retail Commercial) zone.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Applicant's Statement: The new landscaping proposed by the applicant, and the trees installed by the City along Portland Road, will serve to buffer the visual impact of the proposed motor vehicle sales and service facility.

Staff Finding: The proposed change of use to motor vehicle sales and service will generate approximately 183 additional average daily trips. Most of the traffic will be entering from the driveways on the north side of the building, and the existing building will provide a barrier between the traffic and the duplexes and single family dwellings on the east side of Greenbriar Street NE. However, the covered wash bay and loading zone are on the east side of the building and may increase noise impacts for the duplexes and single family dwellings on the east side of Greenbriar Street NE.

Landscaping is proposed outside a non-sight-obscuring fence along the property line abutting Portland Road NE to mitigate the visual impacts while allowing the applicant to display vehicles. The city is improving Portland Road NE and will be installing street trees in the planter strip, which will improve the appearance of the west side of the property.

On the northeast corner and east sides of the project area, new landscape plantings are proposed outside the existing sight-obscuring fence and inside the eastern property line to minimize the visual impact and potential noise generated by the car washing activity and loading.

A sight-obscuring fence is proposed adjacent to Wayside Terrace NE. The sight-obscuring fence would help to mitigate the visual impacts, but it would be unsafe. The vision clearance requirements of SRC Chapter 805 do not allow obstructions to vision from a height of 30 inches to a height of 8.5 feet above curb level, except as provided in SRC 805.010. Vision clearance regulations apply within the

10-foot by 50-foot vision clearance triangles on both sides of each driveway, the 10-foot by 50-foot vision clearance triangle at the corner of Portland Road NE / Wayside Terrace NE, or the 30-foot by 30-foot vision clearance triangle at the uncontrolled intersection of Wayside Terrace NE / Greenbriar Street NE. These vision clearance regulations prohibit a sight-obscuring fence and sight-obscuring landscaping taller than 30 inches in height at the northeast corner of the subject property and along the property line abutting Wayside Terrace NE, except a sight-obscuring fence section would be allowed within a short length at the center of the lot adjacent to proposed parking spaces 16-18. Because almost all of the fence along Wayside Terrace NE cannot be sight-obscuring, the fence would provide little mitigation of visual impacts. However, this side of the site is located across the street from a property occupied by a convenience store and gas station and by a parking lot, and the need to mitigate visual impacts is less critical than on the east side adjacent to residential neighborhoods.

Low-growing landscaping is proposed around existing street trees in the planter strips within the right-of-way adjacent to Greenbriar Street NE and Wayside Terrace NE, providing some mitigation of visual impacts and noise and improving the appearance of the site.

The development, with the conditions below, minimizes reasonably likely adverse impacts of the use on the immediate neighborhood and complies with vision clearance standards:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment C, as modified by the conditions of approval.

Condition 2: The location and width of the proposed landscaping areas shall be in substantial conformance with the landscape plan included as Attachment D.

Condition 3: All proposed landscape areas, including those in the public right-of-way, shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area and shall be irrigated. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.

Condition 4: Fencing and landscaping in the vision clearance triangles at the northwest corner, on both sides of the driveways on Wayside Terrace NE, and the northeast corner must meet the requirements of SRC Chapter 805.

Criterion 3:

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

Applicant's Statement: The current access off Portland Road will be removed. The two existing driveway entrances off Wayside Terrace will continue to provide access to the proposed facility. According to the city's trip generation estimate there will be an increase of approximately 183 vehicle trips per day. It should be noted that the previous use taking access from Wayside Terrace was also a vehicle service facility. The impacts of the new proposed use should not have any negative impact on the livability or appropriate development of the surrounding property.

Staff Finding: The proposed use will have similar impacts to the previous use, which included offices in the building, vehicle storage areas west of the building, parking areas west, north, and east of the building, and vehicle service areas on the north side of the building. The addition of a covered wash bay on the east side of the building will be mitigated by the proposed landscaping. The proposed change of use will not likely result in a significant change in the impacts on surrounding properties.

Given the location of the existing building, the presence of the surrounding streets, and the additional landscaping and sight-obscuring fencing that will be installed as part of the development, staff finds that the proposed development will have a minimal impact on the livability of the surrounding property.

7. Analysis of Class 3 Site Plan Review Approval Criteria

SRC 220.005(f)(3) states:

An application for Class 3 Site Plan Review shall be granted if:

- (1) The application meets all applicable standards of the UDC;
- (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;
- (3) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and
- (4) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Criterion 1:

The application meets all applicable standards of the UDC.

Finding: The applicant is proposing to convert 18,121 square feet of an existing building to a motor vehicle sales use and reconfigure part of an existing vehicle use area for parking and vehicle display. The existing development site, including the remainder of the 4.17-acre property under common ownership, does not comply with the current minimum landscaping standards which require a minimum of 15 percent of the site to be landscaped. The applicant has requested an adjustment to reduce the landscaping standard. The proposed

development otherwise complies with all applicable development standards of the Salem Revised Code.

Northgate Mixed-Use Overlay Zone

Uses: Within the Northgate Mixed-Use Overlay zone, SRC Chapter 605, Table 605-1 provides that motor vehicle sales is allowed with a conditional use permit.

Development Standards: Development within the Northgate Mixed-Use Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone.

Buildings and structures existing within the Northgate Mixed-Use Overlay Zone that conformed to the development standards existing on October 1, 2001, but which would otherwise be made non-conforming development by this Chapter, are hereby deemed continued development.

Continued development may be enlarged, rebuilt, or the exterior altered, provided such enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

Because the subject property was developed prior to 2001, the development standards of the Northgate Mixed-Use Overlay Zone do not apply to the proposed development.

Development Standards – CR Zone:

SRC 522.005(a) - Uses:

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

Finding: The proposed development includes conversion of 18,121 square feet of an existing building to a motor vehicle sales use and reconfiguration of part of an existing vehicle use area for parking and vehicle display. Motor vehicle services will be accessory to the sales use. Motor vehicle sales uses are allowed in the CR zone per SRC 522, Table 522-1 as a conditional use. A conditional use permit is required for the change of use.

SRC 522.010(a) – Lot Standards:

There are no minimum lot area or dimension requirements in the CR zone. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The subject property has frontage along four streets – Portland Road NE, Wayside Terrace NE, Greenbriar Street NE, and Northgate Avenue NE -- which exceeds the minimum frontage requirement.

SRC 522.010(b) – CR Zone Setbacks:

North: Adjacent to the north is the right-of-way for Wayside Terrace NE. There is a minimum 5 foot setback for buildings adjacent to a street and a minimum 10 foot setback for vehicle use areas adjacent to a street. The existing building is located approximately 50 feet from the property line. The existing parking and vehicle use area is legally nonconforming with respect to the standard.

East: Adjacent to the east is the right-of-way for Greenbriar Street NE. There is a minimum 5 foot setback for buildings adjacent to a street and a minimum 10 foot setback for vehicle use areas adjacent to a street. The existing building is located approximately 35 feet from the property line. The existing parking and vehicle use area is legally nonconforming with respect to the standard.

West: Adjacent to the west is the right-of-way for Portland Road NE. There is a minimum 5 foot setback for buildings adjacent to a street and a minimum 10 foot setback for vehicle use areas adjacent to a street. The existing building is located approximately 125 feet from the northern property line. The existing parking and vehicle use area is legally nonconforming with respect to the standard.

Finding: The proposed site plan complies with all applicable setback requirements.

SRC 522.010(c) - Lot Coverage, Height:

There is no maximum lot coverage standard. The maximum building height in the CR zone is 50 feet.

Finding: The existing building is 23 feet in height and complies with the maximum height standard.

SRC 522.010(d) - Landscaping:

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) **Development Site.** A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.

Finding: The existing development site does not comply with the minimum 15 percent landscape standard for the development site. The applicant has requested a Class 2 Adjustment with this application to reduce the standard below the 15 percent minimum. Findings for the Adjustment can be found in section 8 of this report.

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 any intensification, expansion, or enlargement of a use or activity.

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

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within the CR (Retail Commercial) zone, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum number of off-street parking spaces required for a motor vehicle sales use is 1 space per 900 square feet.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: The floor area for the existing building to be converted to the motor vehicle sales and service use is approximately 18,121 square feet.

A minimum of one off-street parking space is required per 900 square feet of floor area. The floor area for the proposed development is approximately 18,121 square feet requiring a minimum of 20 off-street parking spaces ($18,121 / 900 = 20.1$). The maximum off-street parking allowance for the use is 35 spaces ($20 \times 1.75 = 35.2$). There are 21 off-street parking spaces proposed in the reconfigured parking area around the existing building to be converted to the motor vehicle sales and service use, with the remaining area used for vehicle display.

On the remainder of the property, the minimum parking requirement for the remaining 17,488 square feet of the former State Police building is 35 spaces ($17,488 / 500 = 35.0$), and the minimum parking requirement for the 10,752 square feet of the educational services use is 31 spaces ($10,752 / 350 = 30.7$).

The total parking requirement for the development site is 86 spaces. The proposed 167 off-street parking spaces are adequate for the existing and proposed development.

The proposed development does not include compact parking spaces, and carpool/vanpool spaces are not required because fewer than 60 parking spaces are required for the proposed use.

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

Standards.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family and Two Family shall be developed and maintained as provided in this section.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
1. The development of new off-street parking and vehicle use areas.
 2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
 3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 4. The paving of an un-paved area.

Finding: The proposed development includes reconfiguration of an existing parking and vehicle use area. It does not include development of a new off-street parking area, expansion where additional paved surface is added, an alteration where the existing paved surface is replaced with a new paved surface, or the paving of an unpaved area. Most of the off-street parking and vehicle use area development standards of SRC 806.035, including perimeter setbacks, do not apply to the proposed development. However, the proposed dimensional standards of Table 806-6 and the 5-foot setback from the building apply, and the reconfigured parking spaces meet these standards.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.

SRC 806.055 - Amount of Bicycle Parking.

A motor vehicle sales use is required to have a minimum of 1 bicycle parking space per 9,000 square feet of floor area.

Finding: The building area proposed for conversion to the motor vehicle sales and service use is approximately 18,121 square feet in size, requiring a minimum of 2 bicycle parking spaces ($18,121 / 9,000 = 2.0$) for the development. The previous emergency services use in the building required 4 bicycle parking spaces ($18,121 / 5,000 = 3.6$). The proposed change of use does not result in a greater number of bicycle parking spaces required for the development; therefore, no additional bicycle parking is required.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for any intensification,

expansion, or enlargement of a use or activity.

SRC 806.075 - Amount of Off-Street Loading.

A motor vehicle sales use is required to have a minimum of one 12-foot x 40-foot x 14-foot off-street loading space for building area between 5,000 to 100,000 square feet.

Finding: The building area proposed for conversion to the motor vehicle sales and service use is approximately 18,121 square feet in size, requiring a minimum of one off-street loading space. The site plan indicates one space.

Landscaping (SRC Chapter 807)

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 required landscaped area for the entire development site under current standards is 27,292 square feet with a total of 1,365 plant units. The existing conditions plan indicates a total of 7,876 square feet of landscaping within the property lines of the development site. As proposed, the landscaping area for the development site would increase by 2.3 percent to 8,057 square feet inside the property lines, requiring a minimum of 403 plant units; the landscaped area would increase by 9.3 percent to 2,135 square feet within the project area, and 5,922 square feet of existing landscaped areas would remain within the remainder of the development site. Of the 403 minimum plant units required, at least 40 percent, or 161 of the required plant units, shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. The proposed landscape area within the right-of-way would provide an additional 2,791 square feet, and the conditions of approval would require planting those areas with at least 140 plant units, including 56 tree plant units.

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(b) – Solid Waste Receptacle Placement Standards.

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

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

Finding: The proposed site plan does not indicate details of the solid waste receptacle area. Therefore, the following condition is necessary:

Condition 5: Prior to building permit issuance, the applicant shall provide evidence that the proposed solid waste service area will comply with the standards of SRC 800.055.

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

Finding: The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

- 3) Vertical Clearance.
 - a. Receptacles 2 cubic yards or less in size shall be provided with a minimum of 8 feet of unobstructed overhead or vertical clearance for servicing.
 - b. Receptacles greater than 2 cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing.

Finding: The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

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

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

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

Finding: The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a

minimum 4-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacles impacts.

3) Enclosure Gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any opening that is less than 15 feet in width, the gates shall open a minimum of 120 degrees. All gates shall have restrainers in the open and closed positions.

Finding: The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

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

- 1) Vehicle Operation Area.
 - (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 12 feet in width. Vehicle operation areas shall be made available in front of every receptacle, or, in the case of multiple receptacles within an enclosure, in front of every enclosure opening.
 - (B) For solid waste service areas having receptacles of 2 cubic yards or less, the vehicle operation area may be located:
 - (i) Directly in front of the permanent location of the receptacle; or
 - (ii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
 - (C) The vehicle operation area may be coincident with a parking lot drive aisle or driveway, provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
 - (D) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, designed and constructed pursuant to the Public Works Design Standards, shall be required to allow safe and convenient access for collection service.
- 2) Vehicle operation areas shall be designed so that waste collection service vehicles are not required to back onto a public street or leave the premises.
- 3) Vehicle operation areas shall be paved with asphalt, concrete, or other hard surfacing approved by the Public Works Director, and shall be adequately designed, graded, and drained to the approval of the Public Works Director.

Finding: The proposed site plan does not indicate details of the solid waste receptacle area. But as conditioned above, this standard is met.

Natural Resources

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

Finding: The proposed development would not cause removal of protected trees or vegetation and would not occur in wetlands or landslide hazard areas.

SRC 809 - Wetlands: The Salem-Keizer Local Wetland Inventory (LWI) does not show any wetland or hydric soil areas mapped on the property.

Finding: The subject property meets all applicable standards.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The applicant's proposal does not appear to disturb any portion of a mapped landslide hazard area with regulated activities; therefore, a geological assessment is not required.

Finding: The subject property meets all applicable standards.

Other Standards

Finding: The subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance.

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 designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way. This street has an approximate 64-foot improvement within a 96-foot-wide right-of-way abutting the subject property. Portland Road NE is currently being re-developed by a publicly funded capital improvement project.

Wayside Terrace NE is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-

foot-wide right-of-way. This street has an approximate 34-foot improvement within a 62-foot-wide right-of-way abutting the subject property.

Greenbriar Street NE is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

The development is not proposing a building addition pursuant to 803.040(a), therefore no boundary street improvements are required.

Criterion 3:

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

Finding: The capital improvement project along Portland Road NE includes the replacement of sidewalks along the western frontage of the property and the permanent removal of the driveway access to the major arterial. Driveway closure is warranted pursuant to SRC 804.060(a) because the existing driveway does not conform to current standards. The capital improvement project also includes the replacement of the western driveway on Wayside Terrace NE. The driveway accesses onto Wayside Terrace NE provide for safe turning movements into and out of the property.

The following condition of approval is required to ensure compliance with this criterion:

Condition 6: Close the existing driveway abutting Portland Road NE.

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.

8. Analysis of Class 2 Adjustment Approval Criteria

SRC 250.005(d)(2) states:

An application for a Class 2 Adjustment shall be granted if all of the following criteria are met:

(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.

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 applicant is requesting an adjustment to reduce the minimum landscaping lot coverage requirement. The existing site does not comply with the current landscape coverage standard for the CR zone (SRC 522.010(d)(3)), which requires a minimum of 15 percent of the development site be landscaped.

The required landscaped area for the entire development site under current standards is 27,292 square feet with a total of 1,365 plant units. The existing conditions plan indicates a total of 7,876 square feet of landscaping within the property lines of the development site.

Nonconforming development may be altered or enlarged provided such new development complies with all applicable development standards. New development in the CR zone, including expansion or intensification of an existing use, is required to meet the minimum landscape coverage standard. The applicant has requested the adjustment to obtain approval for the reduced landscaping that currently exists.

The proposed landscape plan for the project area surrounding the part of the building that will be converted to the proposed motor vehicle sales use indicates that new landscape area will be established along the frontages on Portland Road NE and Greenbriar Street SE and that additional trees and low-growing plants will be planted within existing planting strips within public right-of-way.

As proposed, the landscaping area for the development site would increase by 2.3 percent to 8,057 square feet inside the property lines, requiring a minimum of 403 plant units; the landscaped area would increase by 9.3 percent to 2,135 square feet within the project area, and 5,922 square feet of existing landscaped areas would remain within the remainder of the development site. Of the 403 minimum plant units required, at least 40 percent, or 161 of the required plant units, shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. The proposed landscape area within the right-of-way would provide an additional 2,791 square feet, and the conditions of approval would require planting those areas with at least 140 plant units, including 56 tree plant units.

While the proposed landscape plan does not comply with the minimum standard, the development, as proposed, will bring the nonconforming site into greater conformance with the landscaping requirements by providing new landscape area where no landscaping currently exists.

The applicant is advised to consult with the Public Works Urban Forester regarding allowable street trees in the public right-of-way. Additional trees may be required on the landscape plan to meet the landscaping requirements of Condition 3.

Any future development, beyond what is shown in the proposed plans, shall conform to the minimum landscape requirements for the site, unless reduced through a future land use action.

Condition 7: The reduced landscape requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the minimum landscaping requirements for the site, unless reduced through a future land use action.

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 subject property is not located within a residential zone.

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: Only one adjustment has been requested to reduce the required landscape area for the development site below 15 percent.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use, site plan review, and adjustment to convert 18,121 square feet of an existing building to a motor vehicle sales use and reconfigure part of an existing vehicle use area for parking and vehicle display on property located at 3700 Portland Road NE subject to the following conditions of approval:

Condition 1: The proposed development shall be in substantial conformance with the approved site plan included as Attachment C, as modified by the

conditions of approval.

Condition 2: The location and width of the proposed landscaping areas shall be in substantial conformance with the landscape plan included as Attachment D.

Condition 3: All proposed landscape areas, including those in the public right-of-way, shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area and shall be irrigated. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.

Condition 4: Fencing and landscaping in the vision clearance triangles at the northwest corner, on both sides of the driveways on Wayside Terrace NE, and the northeast corner must meet the requirements of SRC Chapter 805.

Condition 5: Prior to building permit issuance, the applicant shall provide evidence that the proposed solid waste service area will comply with the standards of SRC 800.055.

Condition 6: Close the existing driveway abutting Portland Road NE.

Condition 7: The reduced landscape requirements, as approved in this zoning adjustment, shall only apply to the specific development proposal shown in the attached site plan. Any future development, beyond what is shown in the attached site plan, shall conform to the minimum landscaping requirements for the site, unless reduced through a future land use action.

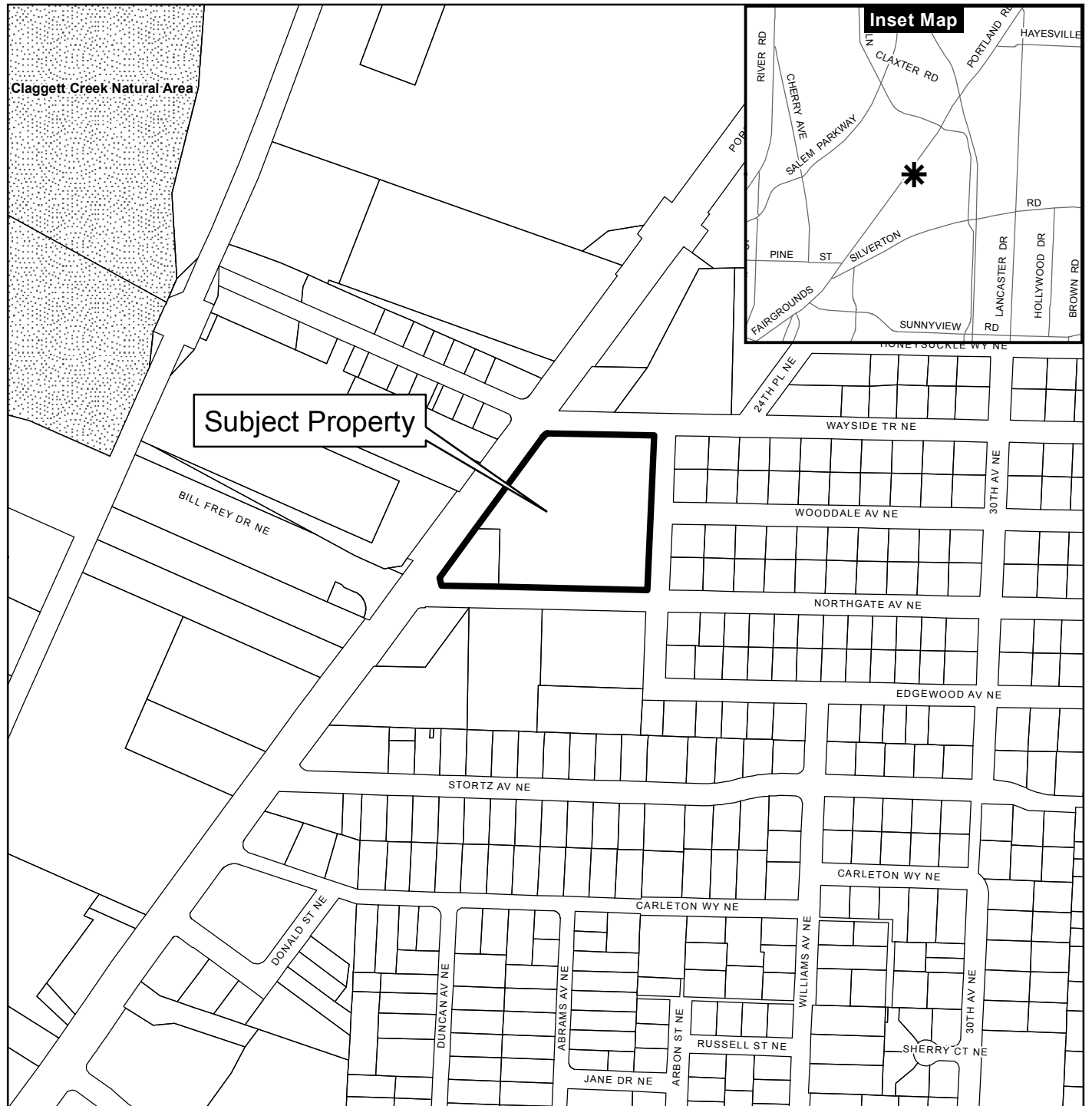
Prepared by Pamela Cole, Planner II

Application Deemed Complete Date: July 31, 2018
State Mandated Decision Date: November 28, 2018

Attachments: A. Vicinity Map
B. Existing Conditions Plan
C. Proposed Site Plan
D. Proposed Landscape Plan
E. Applicant's Statement Addressing Approval Criteria
F. Applicant's Clarification of Fencing to Address Fire Department Comments
G. Public Works Memo

Vicinity Map

3700 and 3710 Portland Road NE



Legend

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

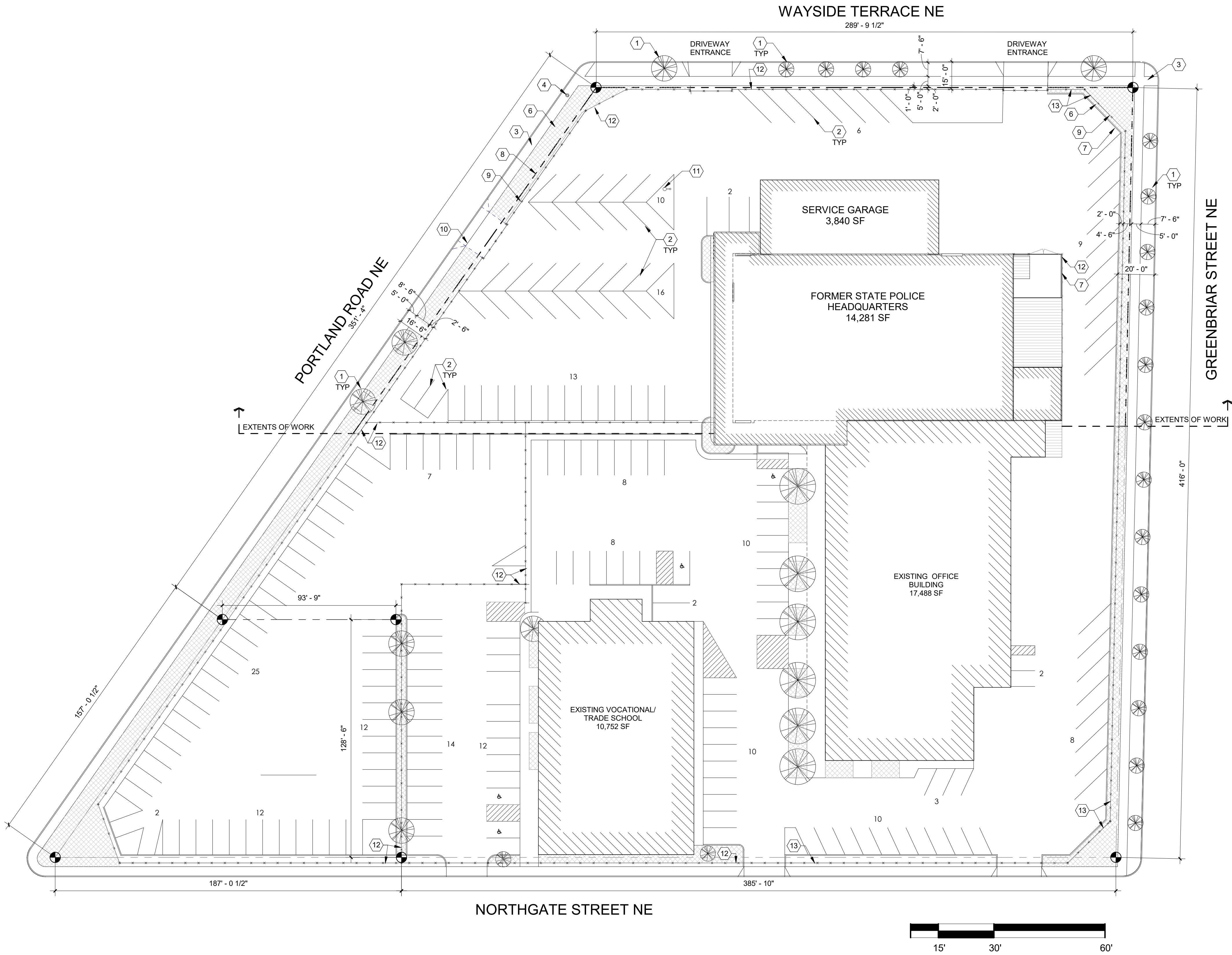
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet





EXISTING CONDITIONS PLAN
KEYNOTES

- 1 EXISTING TREE
- 2 EXISTING PARKING STRIPING TO BE REMOVED
- 3 EXISTING SIDEWALK
- 4 EXISTING POWER POLE
- 6 EXISTING LANDSCAPE AREAS
- 7 EXISTING CURB
- 8 R.O.W. - PER CITY ENGINEERS
- 9 EXISTING 5' CHAINLINK FENCE - PER CITY ENGINEERS
- 10 EXISTING DRIVEWAY TO BE REMOVED
- 11 EXISTING POLE LIGHT
- 12 EXISTING 6' CHAINLINK FENCE
- 13 EXISTING 6' CHAINLINK FENCE WITH SLATS INSTALLED

LEGEND

- EXISTING LANDSCAPE AREAS

PROJECT INFO / ZONING

BUILDING ADDRESS:	3700 PORTLAND RD NE SALEM, OR 97302
COUNTY:	MARION COUNTY
PROPERTY ID:	R83983, R83984
JURISDICTION:	CITY OF SALEM, OR
ZONING DESIGNATION:	CR - RETAIL COMMERCIAL

LOT SIZE:	
R83983:	3.74 ACRES / 163,092 SF
R83984:	0.43 ACRES / 18,852 SF
TOTAL:	4.17 ACRES / 181,944 SF

LANDSCAPE AREA:(INSIDE P/L)	7,876 SF / 4%
PAVED AREA:	127,527 SF / 70%

EXTENT OF WORK AREA:	65,540 SF / 100%
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LANDSCAPE AREA:(INSIDE P/L)	1,954 SF / 3%
PAVED AREA:	45,465 SF / 70%

EXISTING SOUTH AREA:	116,105 SF / 100%
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LANDSCAPE AREA:(INSIDE P/L)	5,922 SF / 5%
PAVED AREA:	81,943 SF / 70%

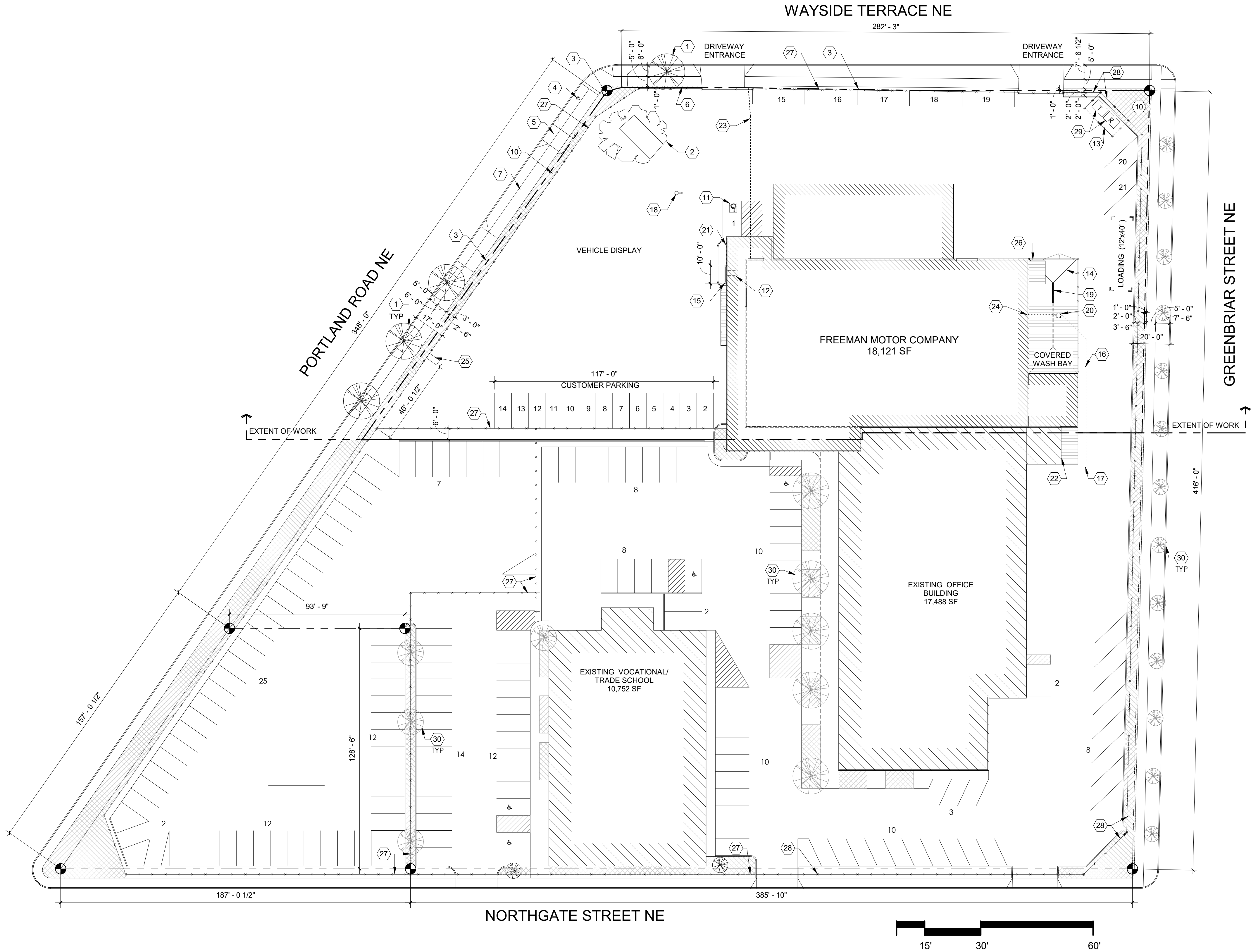
BUILDING AREA:	31,769 SF
	3,840 SF
	10,752 SF
	46,361 SF

BUILDING HEIGHT:	23'
------------------	-----

CONSTRUCTION TYPE:	V-B
--------------------	-----

PARKING:	72 STALLS REQ'D @ 1:500 SF
EMERGENCY SERVICE AREA	152 STANDARD STALLS PROVIDED
BLDG AREA - 35,609 SF	1 ACCESSIBLE STALL(S) PROVIDED

EDUCATIONAL SERVICE AREA	31 STALLS REQ'D @ 1:350 SF
BLDG AREA - 10,752 SF	43 STANDARD STALLS PROVIDED
	3 ACCESSIBLE STALL(S) PROVIDED



1 / PROPOSED SITE PLAN

- SITE PLAN KEYNOTES**
- 1 NEW TREE - PER CITY ENGINEER
 - 2 NEW ROCK VEHICLE RAMP
 - 3 R.O.W. LINE PER CITY ENGINEER
 - 4 EXISTING POWER POLE
 - 5 NEW PEDESTRIAN CROSSING
 - 6 NEW PROPOSED 5' CHAINLINK FENCE - PER CITY ENGINEERS
 - 7 NEW 6' WIDE SIDEWALK
 - 10 PROPOSED LANDSCAPED AREA
 - 11 ACCESSIBLE PARKING STALL WITH AISLE
 - 12 NEW SHORT TERM BIKE PARKING (4 SPACES)
 - 13 PROPOSED LOCATION FOR TRASH COLLECTION. ENCASED BY 6'-0" SLATTED CHAINLINK FENCE
 - 14 NEW SLOPED ASPHALT TO DRAIN INTO A OIL/WATER SEPARATOR
 - 15 NEW WOOD SLAT SCREEN TO MATCH HEIGHT OF BUILDING
 - 16 NEW 4" DRAIN FROM TRENCH TO BE DUG TO REACH SEWER
 - 17 SEWER ACCESS 6'-6"
 - 18 EXISTING POLE LIGHT
 - 19 CAST IN PLACE TRENCH DRAIN WITH GRATE (SEE DETAIL AND ATTACHMENTS) SLOPE TO CENTER
 - 20 NEW OIL / WATER INTERCEPTOR
 - 21 NEW WALL MOUNT SIGN LOCATION, BY SEPARATE PERMIT
 - 22 EXISTING WATER METER LOCATION
 - 23 ACCESSIBLE ROUTE OF TRAVEL
 - 24 NEW 2" VENT FOR INTERCEPTOR
 - 25 NEW MONUMENT SIGN LOCATION. BY SEPARATE PERMIT
 - 26 NEW ROOM FOR COMPRESSOR
 - 27 EXISTING 6' CHAINLINK FENCE
 - 28 EXISTING 6' CHAINLINK FENCE WITH SLATS INSTALLED
 - 29 NEW 8' x 5' SOLID WASTE AND RECYCLING BINS
 - 30 EXISTING TREES

- LEGEND**
- EXISTING LANDSCAPE AREAS

PROJECT INFO / ZONING

BUILDING ADDRESS:	3700 PORTLAND RD NE SALEM, OR 97302
COUNTY:	MARION COUNTY
PROPERTY ID:	R83983, R83984
JURISDICTION:	CITY OF SALEM, OR
ZONING DESIGNATION:	CR - RETAIL COMMERCIAL

LOT SIZE:	R83983: 3.74 ACRES / 163,092 SF R83984: 0.43 ACRES / 18,852 SF TOTAL: 4.17 ACRES / 181,944 SF
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LANDSCAPE ARE/(INSIDE P/L)	8,057 SF / 5%
PAVED AREA:	127,527 SF / 70%

EXTENT OF WORK AREA:	65,540 SF / 100%
----------------------	------------------

LANDSCAPE ARE/(INSIDE P/L)	2,135 SF / 3%
PAVED AREA:	45,465 SF / 70%

EXISTING SOUTH AREA:	116,105 SF / 100%
----------------------	-------------------

LANDSCAPE ARE/(INSIDE P/L)	5,922 SF / 5%
PAVED AREA:	81,943 SF / 70%

BUILDING AREA:	31,769 SF 3,840 SF 10,752 SF 46,361 SF
----------------	--

BUILDING HEIGHT:	23'
CONSTRUCTION TYPE:	V-B

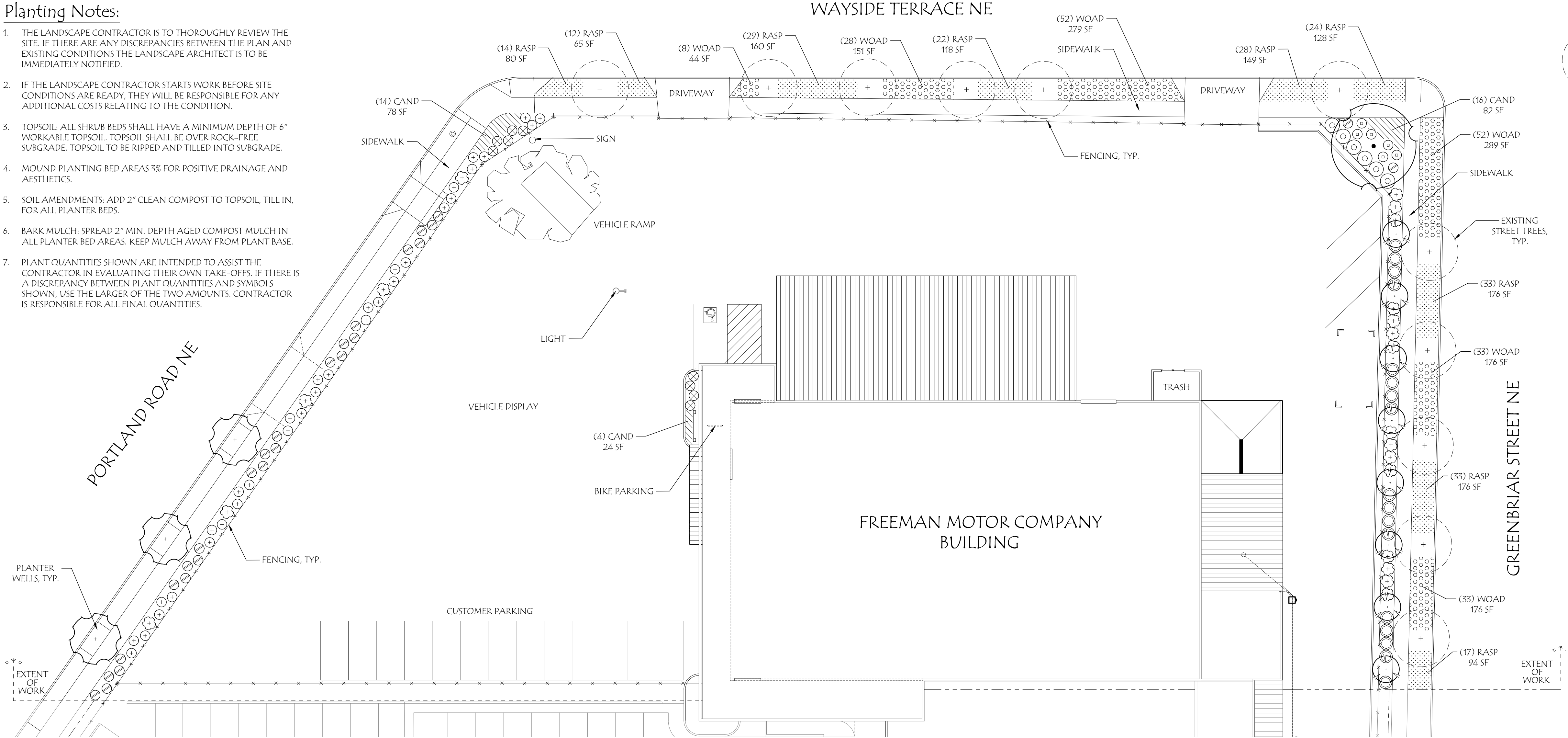
PARKING:	21 STALLS REQ'D @ 1:900 SF
AUTOMOBILE SERVICE AREA	20 STANDARD STALLS PROVIDED
BLDG AREA - 18,121 SF	1 ACCESSIBLE STALL(S) PROVIDED

EMERGENCY SERVICE AREA	35 STALLS REQ'D @ 1:500 SF
BLDG AREA - 17,488 SF	99 STANDARD STALLS PROVIDED
	1 ACCESSIBLE STALL(S) PROVIDED

EDUCATIONAL SERVICE AREA	31 STALLS REQ'D @ 1:350 SF
BLDG AREA - 10,752 SF	43 STANDARD STALLS PROVIDED
	3 ACCESSIBLE STALL(S) PROVIDED

Planting Notes:

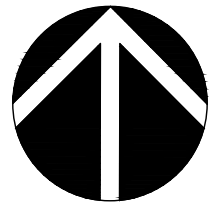
1. THE LANDSCAPE CONTRACTOR IS TO THOROUGHLY REVIEW THE SITE. IF THERE ARE ANY DISCREPANCIES BETWEEN THE PLAN AND EXISTING CONDITIONS THE LANDSCAPE ARCHITECT IS TO BE IMMEDIATELY NOTIFIED.
2. IF THE LANDSCAPE CONTRACTOR STARTS WORK BEFORE SITE CONDITIONS ARE READY, THEY WILL BE RESPONSIBLE FOR ANY ADDITIONAL COSTS RELATING TO THE CONDITION.
3. TOPSOIL: ALL SHRUB BEDS SHALL HAVE A MINIMUM DEPTH OF 6" WORKABLE TOPSOIL. TOPSOIL SHALL BE OVER ROCK-FREE SUBGRADE. TOPSOIL TO BE RIPPED AND TILLED INTO SUBGRADE.
4. MOUND PLANTING BED AREAS 3% FOR POSITIVE DRAINAGE AND AESTHETICS.
5. SOIL AMENDMENTS: ADD 2" CLEAN COMPOST TO TOPSOIL, TILL IN, FOR ALL PLANTER BEDS.
6. BARK MULCH: SPREAD 2" MIN. DEPTH AGED COMPOST MULCH IN ALL PLANTER BED AREAS. KEEP MULCH AWAY FROM PLANT BASE.
7. PLANT QUANTITIES SHOWN ARE INTENDED TO ASSIST THE CONTRACTOR IN EVALUATING THEIR OWN TAKE-OFFS. IF THERE IS A DISCREPANCY BETWEEN PLANT QUANTITIES AND SYMBOLS SHOWN, USE THE LARGER OF THE TWO AMOUNTS. CONTRACTOR IS RESPONSIBLE FOR ALL FINAL QUANTITIES.



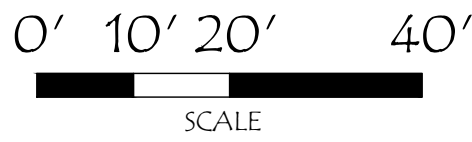
Legend:

Notes:

1. VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. CALL BEFORE YOU DIG. NOTIFY LANDSCAPE ARCHITECT OF CONFLICTS.
2. LANDSCAPE PLANTING REQUIREMENT CALCULATIONS SEE THIS SHEET.
3. PLANT LEGEND, PLANTING NOTES AND DETAILS SEE THIS SHEET.
4. CONTRACTOR TO PROVIDE AUTOMATIC DRIP OR UNDERGROUND IRRIGATION SYSTEM.



SCALE: 1"=20'-0"



Plant Legend

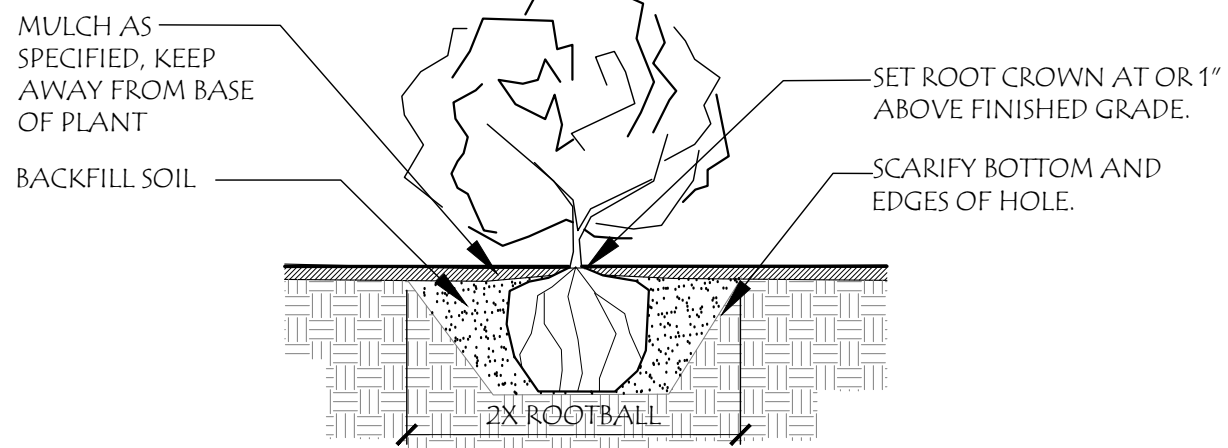
Trees			
Symbol	Quantity	Common Name / Scientific Name	Size and Notes
	9	Bowhall Red Maple / <i>Acer rubrum</i> 'Bowhall'	11/2" Cal., B&B
	1	Raywood Ash / <i>Fraxinus oxycarpa</i>	11/2" Cal., B&B
	3	Future Portland Road Improvement Plan Tree	N/A

Shrubs			
Symbol	Quantity	Common Name / Scientific Name	Size and Notes
	33	Kaleidoscope Fragrant Abelia / <i>Abelia x grandiflora</i> 'Kaleidoscope'	1 Gal.
	6	Dwarf Crimson Pygmy Japanese Barberry / <i>Berberis thunbergii</i> var. <i>atropurpurea</i> 'Crimson Pygmy'	1 Gal.
	17	Japanese Euonymus / <i>Euonymus japonicus</i>	1 Gal.
	9	Eleanor Taber Indian Hawthorn / <i>Rhaphiolepis indica</i> 'Conor'	1 Gal.
	6	Limemound Spirea / <i>Spiraea japonica</i> 'Limemound'	1 Gal.
	27	David Viburnum / <i>Viburnum davidii</i>	1 Gal.
	20	Spring Bouquet Laurustinus Viburnum / <i>Viburnum tinus</i> 'Spring Bouquet'	3 Gal.

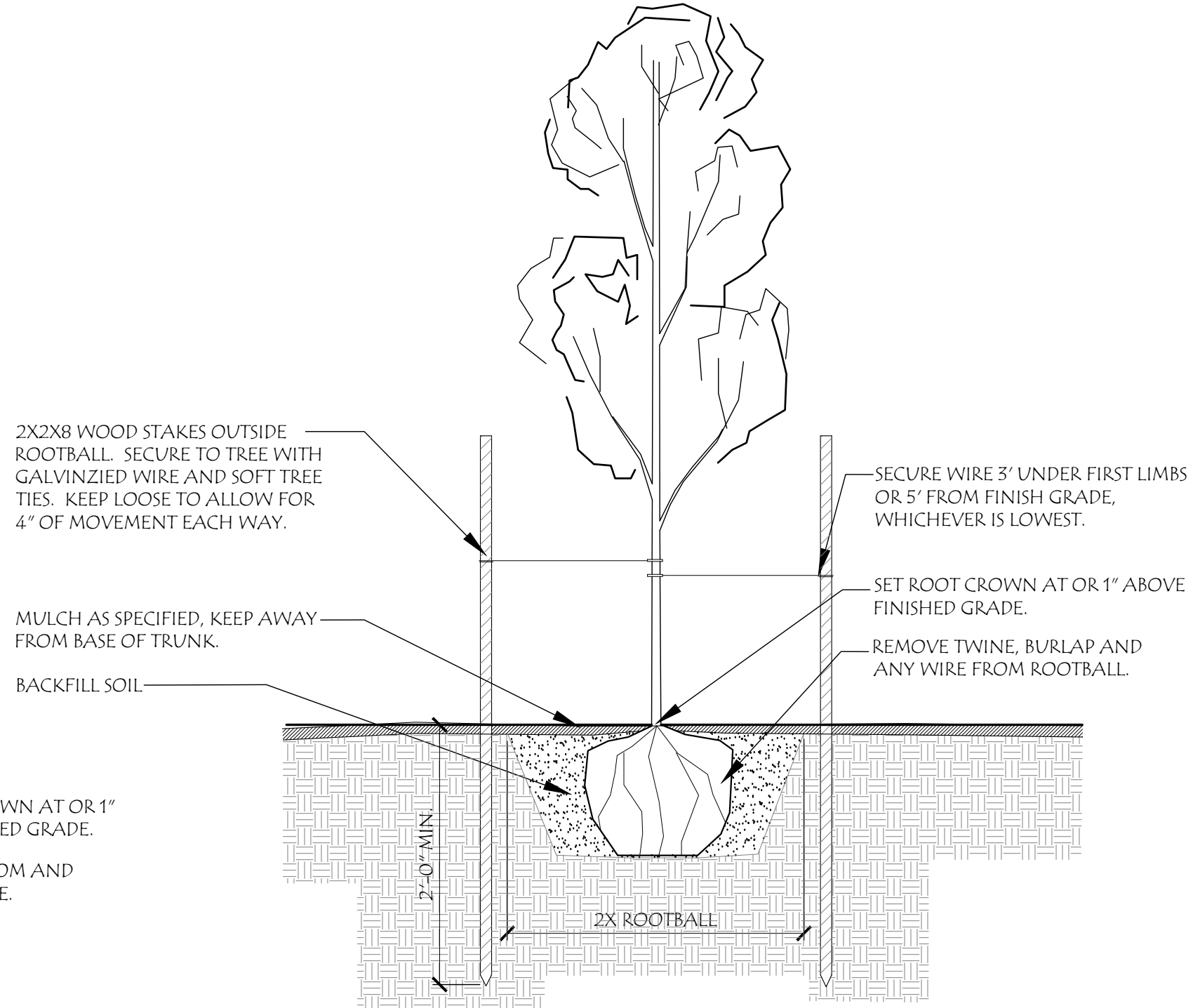
Groundcovers			
Symbol	Quantity	Common Name / Scientific Name	Size and Notes
	34	Evergreen Candytuft / <i>Iberis sempervirens</i>	4" Pot @ 30" O.C.
	206	Woodwaxen / <i>Genista lydia</i>	4" Pot @ 30" O.C.
	212	Creeping Raspberry / <i>Rubus calycinoides</i>	4" Pot @ 30" O.C.

Landscape Planting Requirements

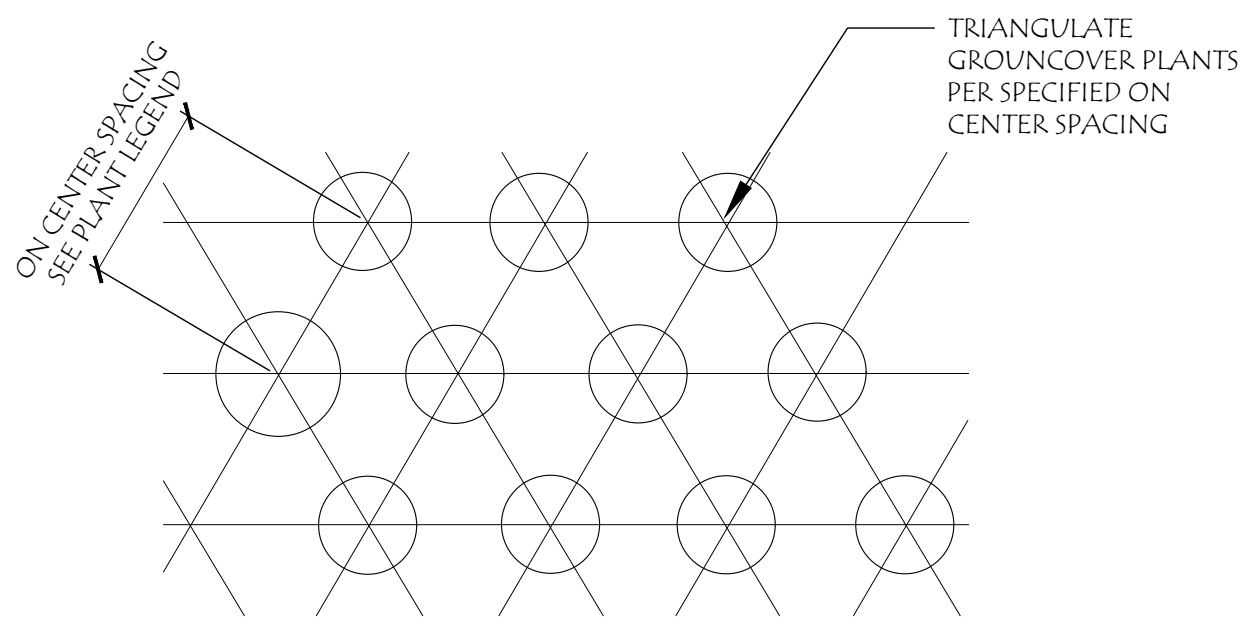
REQUIRED PLANTS : 1 PLANT PER 20 SQUARE FEET = 1 PLANT UNIT (PU)		
1 MATURE TREE = 15 PU		
1 SHADE TREE = 10 PU		
1 EVERGREEN TREE = 5 PU		
1 ORNAMENTAL TREE = 2 PU		
1 LARGE DECIDUOUS OR EVERGREEN SHRUB = 2 PU		
1 SMALL TO MEDIUM SHRUB = 1 PU		
LAWN AND GROUNDCOVER = 1 PU PER 50 SF		
LANDSCAPE SQUARE FOOTAGE = 5943 SF		
NUMBER OF REQUIRED PUS = 297 PU		
40% PU REQUIRED AS TREES = 119 PU		
Plants	# of Plants	Plant Units
Shade Trees	12	120
Large Shrubs	20	40
Small / Medium Shrubs	98	98
Lawn / Groundcover	2447 SF	49
Total Plant Units		307



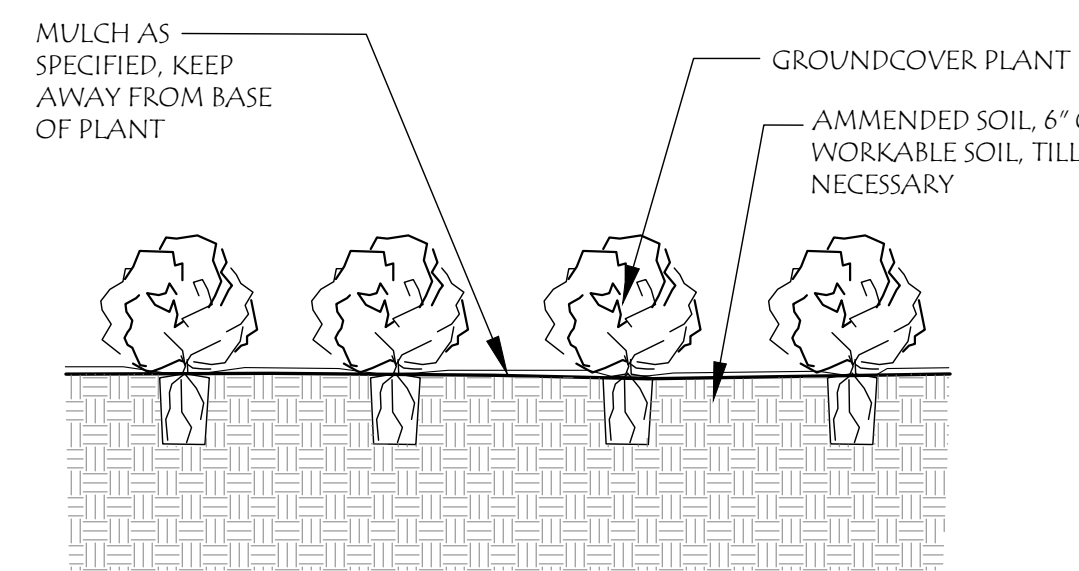
1 SHRUB PLANTING DETAIL
SCALE: NTS



2 TREE PLANTING DETAIL
SCALE: NTS



3 GROUNDCOVER SPACING DETAIL
SCALE: NTS



4 GROUNDCOVER PLANTING DETAIL
SCALE: NTS

/KÖBLØ/CREATIVE

REGISTERED
preliminary
not for construction
LAURUS ARCHITECT

consultants:
Laurus Designs, LLC
1012 Pine Street
Silverton, Oregon
503.784.6494
Laura@laurusdesignsllc.com

FREEMAN MOTOR COMPANY

3784 B PORTLAND RD NE
SALEM, OR 97302

DATE: 6/6/2018
DRAWN BY: LAA
JOB NO: 1199C
REV NO:

PLANTING PLAN

L1.1

CONDITIONAL USE
AGREEMENT

PROJECT INFORMATION

- **Purpose of Application:**

The Applicant, Eric Freeman – Freeman Motor Company, is requesting approval for a concurrent Conditional Use Permit and a Class 3 Site Plan Review for the property described below.

- **Subject of Application**

Address: 3700 Portland Road N.E. ▪ Tax Map # 073W12CA ▪ Tax Lot # 03500 and 03700

- **Zoning:**

Current Zoning – CR – Retail Commercial

- **Neighborhood Association:** Northgate Neighborhood Association

- **Property Owner:**

Victor Brandt
4211 Waialae Avenue, Suite 100
Honolulu, Hawaii 96816

- **Applicant:**

Eric Freeman, President
Freeman Motor Company
7524 Macadam Avenue
Portland, OR 97291

Contact Information:

Phone: (503) 320-1596

Email: eric@freemanmotor.com

- **Architect:**

Koble Creative – 2117 NE Oregon St., Suite 701 ▪ Portland, OR 97232
Terry Amundson, AIA ▪ (503) 539-4300 ▪ Terry@koblecreative.com

- **Applicant's Representative:**

Project Delivery Group, LLC – 3772 Portland Road NE ▪ Salem, OR 97301
Mark B. Ferris, RLA ▪ (503) 364-4004 ▪ markf@pdgnw.com

BACKGROUND & REQUEST

Overview: The Applicant is proposing a change of use from the former state police headquarters to motor vehicle sales and service for a portion of an approximately 4.17-acre site located on Portland Road N.E. in Salem, Oregon.



Figure 1: Current Aerial

Zoning: As shown on the following Zoning Map, the property is currently zoned CR – Commercial Retail in the City of Salem. The property is within the boundaries of the Northgate Mixed-use Overlay District and the Northgate Neighborhood Association.

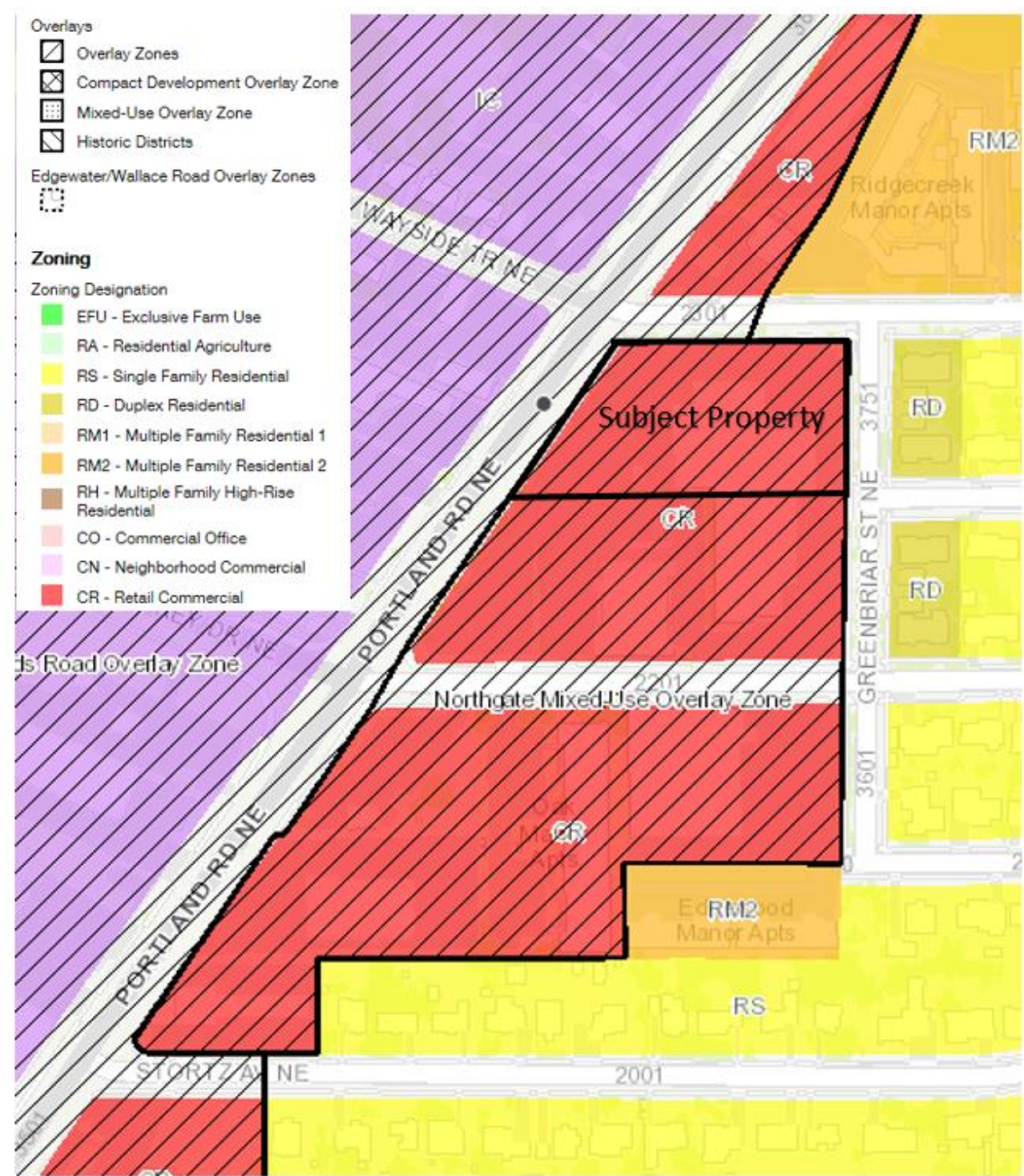


Figure 2: Current Zoning

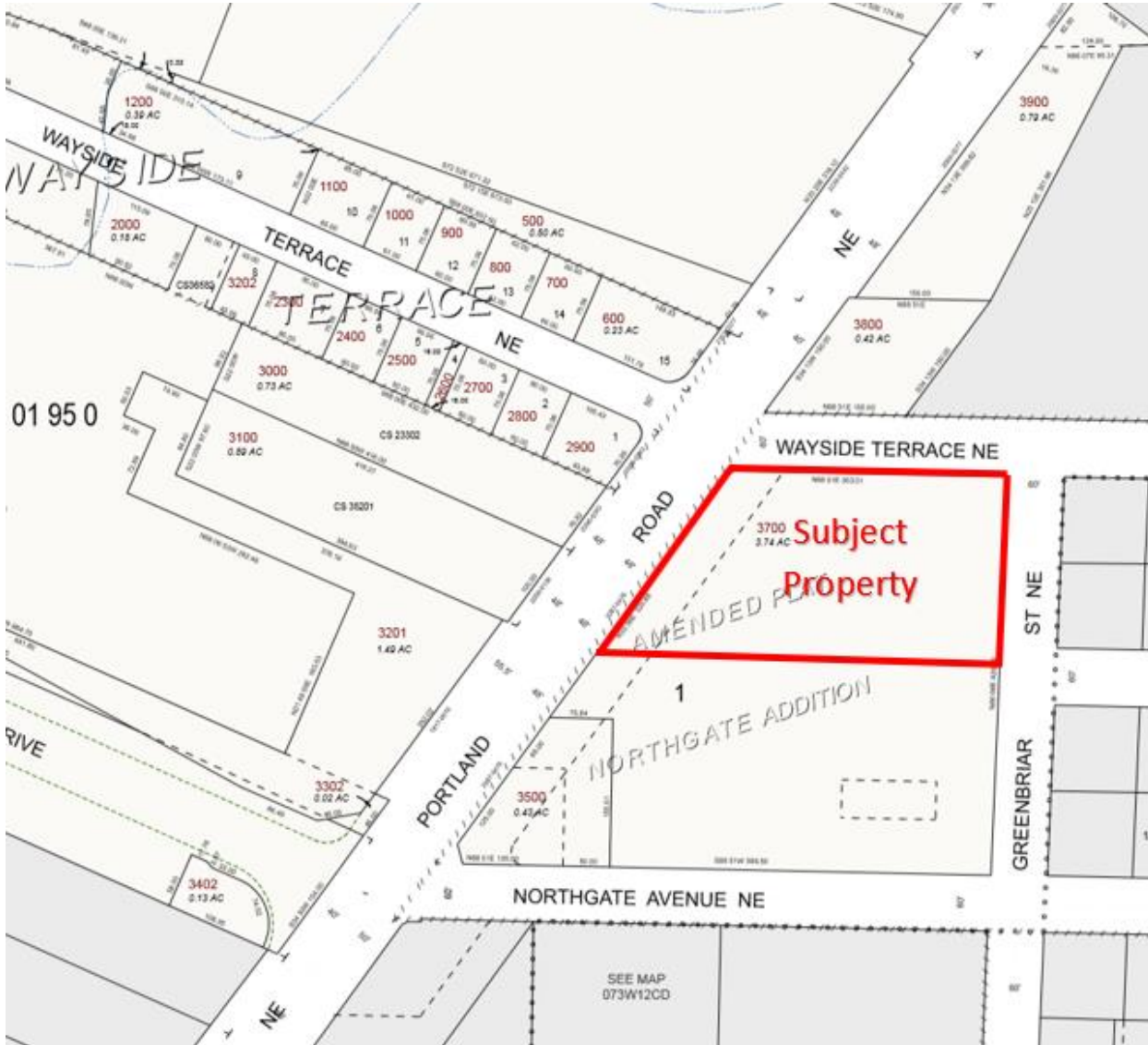


Figure 3: Current Tax Map – 073W12CA / 03500 AND 03700

Proposal: The Applicant is requesting to establish a motor vehicle sales and service center on the site of the old state police headquarters approximately 18,100 s.f. in size. There are no proposed changes to the building or the existing property.

Under SRC Chapter 605, A Conditional Use Permit is required because the property is in the Northgate Mixed-Use Overlay District. The Applicant will also be requesting a Class 3 Site Plan Review.

CONDITIONAL USE PERMIT

COMPLIANCE WITH Sec. 240.005(d):

Sec. 240.005(d) states: An application for 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;

Applicants Response: Motor vehicle sales and service is allowed as a conditional use. 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

Applicants Response: The new landscaping proposed by the Applicant, and the trees installed by the city along Portland Road, will serve to buffer the visual impact of the proposed motor vehicle sales and service facility. 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.

Applicants Response: The current access off Portland Road will be removed. The two existing driveway entrances off Wayside Terrace will continue to provide access to the proposed facility. According to the city's trip generation estimate (see form in the appendix) there will be an increase of approximately 183 vehicle trips per day. It should be noted that the previous use taking access from Wayside terrace was also a vehicle service facility. The impacts of the new proposed use should not have any negative impact on the livability or appropriate development of the surrounding property. This criterion is met.

CLASS 3 SITE PLAN REVIEW

COMPLIANCE WITH Sec. 220.005(f)(3):

Sec. 220.005 (f)(3) states: An application for Class 3 site plan review shall be granted if:

- (A) The application meets all applicable standards of the UDC;

Applicants Response: The proposed development includes a change of use to motor vehicle sales and service within an existing building that is 18,121 s.f. in size. There are no improvements

anticipated that will increase the size of the building footprint. The existing property does not meet the minimum landscape standards which require a minimum of 15% of the site to be landscaped. Improvements to Portland Road do provide street trees but effectively decrease the amount of available landscape buffer between the expanded pedestrian sidewalk and the property line / existing cyclone fence. The Applicant is requesting that the landscape buffer requirements be reduced for the landscape areas required inside the property lines along Portland Road (ten-feet) and Wayside Terrace (six-feet). The remainder of the proposed development complies with all the applicable standards of the SRC. This criterion can be met with the requested variance.

(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;

Applicants Response: The existing street infrastructure is adequate to serve the proposed development. The trip generation estimate did not note a need for a transportation impact analysis. Additionally, the Public Works Pre-Application Summary (see appendix) indicated that all frontage streets were of sufficient right-of-way to serve the proposed development without any improvements or additional right-of-way dedication. This criterion is met.

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

Applicants Response: The attached Site Plan (see appendix) shows the proposed vehicle circulation which provides for safe and efficient movement of vehicles, bikes and pedestrians into and out of the proposed development. This criterion is met.

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

Applicants Response: As stated previously, the proposed development is comprised of improvements to the interior of the old state police headquarters. All city services – storm water, sewer, water and other necessary services were in operation at that time and still currently exist to adequately serve the development. This criterion is met.

Discussion Regarding Proposed Landscape Coverage & Buffers

The proposed development has frontage on Portland Road NE, Wayside Terrace NE and Greenbriar Street NE. The Applicant is requesting a reduction to the overall landscape coverage and buffer requirements as follows:

Landscape Coverage: The existing property does not comply with the current landscape coverage standard for the CR zone which requires that 15% of the site be landscaped. Following are photographs that show the existing conditions and availability of landscape areas along each of the property street frontages:



Figure 4: Looking northeast down Portland Road

The city's proposed improvements along *Portland Road* increase the amount of sidewalk adjacent to the property frontage to an 11-foot width. Conversely, it decreases the amount of available landscape area. The previous photo shows the relation of the current right-of-way line, sidewalk and existing fence. The available landscape area amounts to five-feet. The area between the property line and fence is approximately 2.5 feet. The city's proposed landscape plan shows trees in the planters adjacent the sidewalk and there will be a 5-foot landscape area available adjacent the existing *Portland Road* frontage that provides the opportunity for a landscape buffer (see Landscape Plan).

There are currently no landscape areas inside the property line adjacent *Portland Road*. To provide a ten-foot buffer in this area would require removal of extensive amounts of asphalt and soil remediation in order to comply with the ten-foot landscape buffer requirement. Since visibility is paramount for display of the Applicant's product, the Applicant is proposing to landscape the area

outside of the fence with a combination of low-growing plant materials and trees that would provide an aesthetically pleasing buffer in this area.



Figure 5: Looking east down Wayside Terrace

The photo above shows the landscape area adjacent the Wayside Terrace right-of-way. In this case, there is no landscape area that current exists. The trees and planters in the right-of-way provide some buffer but do not count towards satisfying the landscape requirements because Wayside Terrace is not an arterial. The addition of landscape materials in the parking strip and a sight-obscuring fence will help to mitigate any adverse visual impacts and this has been reflected on our Landscape Plan. Additionally, the Applicant is willing to provide an automatic irrigation system and regular landscape maintenance in these areas to guarantee the landscaped areas continued viability.

The photo below shows the landscape area adjacent the Greenbriar Street right-of-way. There is approximately 4.5 feet of landscape area between the sidewalk and the existing cyclone fence and approximately 18 inches of landscape area on the inside of the fence between the curb and parking lot. This area meets the city's required landscape buffer requirements. The Applicant is proposing additional evergreen plant materials in the proposed landscape area adjacent the fence in

combination with tall columnar trees. Additional landscaping in the parking strip will serve to mitigate any adverse visual impacts (see Landscape Plan). These areas will be irrigated as well.



Figure 6: Looking south down Greenbriar Street

Portland Road frontage: The photo below shows the property line in relation to the existing fence and remaining landscape area. Please note that the area on the east side of the fence is asphalt. It is clear that the setback area – 2.5 feet between the right-of-way line and the existing fence is less than the required 6-10 feet per SRC Chapter 806. The Applicant’s landscape buffer between the fence and the sidewalk is proposed to be 5-feet in width.

As previously stated, visibility is paramount for display of the Applicant’s product. the Applicant is proposing to landscape the area outside of the fence with a combination of low-growing plant materials and trees that would provide an aesthetically pleasing buffer in this area. This area will be irrigated and maintained to guarantee viability of the landscape materials and provide a pleasant foreground for the Applicant’s vehicle displays.



Figure 7: Looking northeast down Portland Road

Wayside Terrace frontage: The photo below shows the R.O.W. line for Wayside Terrace. There is a lack of space for parking and access in this area (see Site Plan). A condition could be imposed by staff that requires that the Applicant provide opaque screening in conjunction with the existing cyclone fence that would obscure visibility into the parking and service areas of the proposed development like that which exists along Greenbriar Street (see below). The Applicant proposes landscape materials be planted in the parking strip that would provide additional buffering from the street and adjacent development. As stated previously, these areas would be irrigated and maintained to ensure the viability of landscaping in this area.



Figure 8: Looking east down Wayside Terrace

Greenbriar Street frontage: The Applicant is not requesting a variance for the landscape buffer fronting along Greenbriar Street. The photo below shows the right-of-way line adjacent to Greenbriar Street. There is a 4-foot setback between the right-of-way line and the existing fence that can be landscaped. There is also a sight-obscuring cyclone fence that, combined with appropriate landscape materials and the 2-foot additional landscape area on the west side of the fence provides an effective visual buffer in this area of 6-feet.



Figure 9: Looking south down Greenbriar Street

Portland Road: Visibility along Portland Road is extremely important for the promotion of automobile sales and service. Granting the Applicant’s request for a reduction in the landscape buffer requirements will still allow the opportunity for a five-foot landscape area between the proposed sidewalk and fence composed of low-growing – aesthetically pleasing plant materials. Combined with the Applicant’s proposed street trees, the overall presentation will be a significant visual improvement over that which existed previously.

“The purpose of the Retail Commercial (CR) Zone is to implement the commercial designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The CR zone generally allows a wide variety of

commercial uses, including the sale of commodities, performance of services, repair facilities, motor vehicle sales and services, offices, and general wholesaling.” The Applicant’s proposal as outlined in this application is in conformance with the intent of this commercial zone designation.

Wayside Terrace: As stated previously, there is no landscape area available along the Wayside Terrace frontage. Also, the opportunity to provide a landscape buffer does not exist. Given that most of this frontage abuts another commercial use, the actual visual impact is far less obtrusive. The current sight-obscuring cyclone fence and additional landscape materials in the parking strip will help to diminish any visual impacts in this area.

Greenbriar Street: An existing 6-foot planting area currently exists between the sidewalk and the property line. The use of larger evergreen plant materials adjacent the fence in combination with the existing street trees will effectively screen the vehicular use area from the adjacent residential neighborhood.

It should be noted that the Applicant is refurbishing an existing building. The site itself cannot provide the additional landscape area or additional setbacks without significant removal of asphalt and concrete to comply with these standards. Strict compliance with the landscape area and buffer requirements would seriously impact the Applicant’s ability to effectively run and promote his proposed business operation. There is an unreasonable hardship created by the physical characteristics of this property that support the Applicant’s request to reduce the landscape buffer requirements.

The proposed reduction will not result in adverse effects that are unreasonably detrimental to the public health, safety, and welfare or to property or improvements in the vicinity.

Applicants Response: The proposed motor vehicle sales and service facility is located in a commercially designated zone and the proposed use is consistent with the allowed uses – particularly along Portland Road where there are no impacts to other adjacent businesses. Across Greenbriar Street NE there is an area zoned Residential Duplex (RD). There is a small portion of RM-2 zoned property across Wayside terrace to the northeast. The former state police facility operated for many years without having a detrimental effect on the neighborhood and, given the nature of the proposed use, it is the Applicant’s contention that, combined with the additional landscaping, the city’s approval of this application will not result in any adverse effects that are unreasonably detrimental to the public health, safety and welfare or to property or improvements in the vicinity.

AREA BREAKDOWN:

The graphic below shows the current existing landscape areas inside of the property line:

Total Site Area: 4.17 Acres

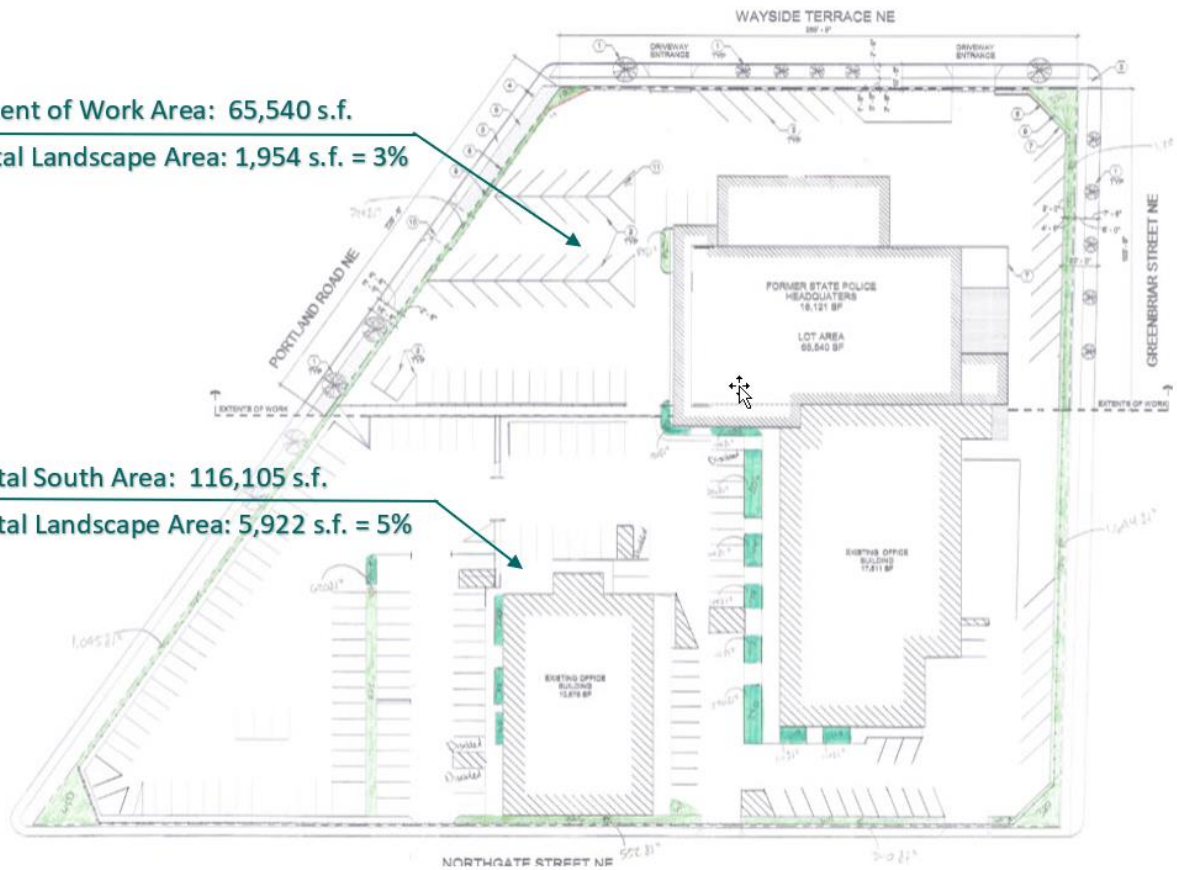
Total Site Landscaped Area: 7,876 s.f. = 4.3%

Extent of Work Area: 65,540 s.f.

Total Landscape Area: 1,954 s.f. = 3%

Total South Area: 116,105 s.f.

Total Landscape Area: 5,922 s.f. = 5%



CHAPTER 522 - CR—RETAIL COMMERCIAL

Sec. 522.005 - USES

- (a) Except as otherwise provided in this section, the permitted (P), special (S), conditional (C), and prohibited (N) uses in the CR zone are set forth in Table 522-1.

Applicants Response: The proposed motor vehicle sales and service facility is a conditional use. This requirement is met.

Sec. 522.005(a) – LOT STANDARDS

Sec. 522.005(a) Lot standards. Lots within the CR zone shall conform to the standards set forth in Table 522-2.

Applicants Response: There are no lot area, lot width, lot depth or street frontage requirements identified in Table 522.2. this requirement is met.

Sec. 522.005(b) – SETBACKS

Sec. 522.005(b) Setbacks. Setbacks within the CR zone shall be provided as set forth in Tables 522-3 and 522-4.

Applicants Response: The existing building has the following building setbacks:

- Abutting Portland Rd. – Required = 5-feet ▪ Provided = 125-feet (average)
- Abutting Wayside Terrace – required = 5 feet ▪ Provided = 50-feet
- Abutting Greenbriar Street – Required = 5-feet ▪ Provided = 35-feet

Sec. 522.005(c) – LOT COVERAGE & HEIGHT

SRC 522.005(c) Lot coverage; height. Buildings and accessory structures within the CR zone shall conform to the lot coverage and height standards set forth in Table 522-5.

Applicants Response: There is no maximum lot coverage in the CR zone. The maximum building height is 50-feet and the existing building height is 23-feet. This requirement is met.

Sec. 522.005(d) – LANDSCAPING

Sec 522.005(d)(1) Landscaping. Setbacks. Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC chapter 807.

Applicants Response: The Applicant is requesting a reduction to the landscape setbacks as described in this application.

Sec. 522.005(d)(2) Vehicle use areas. Vehicle use areas shall be landscaped as provided under SRC chapters 806 and 807.

Applicants Response: Not applicable.

Sec. 522.005(d)(3) Development Site. A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicle use areas, may count towards meeting this requirement.

Applicants Response: The Applicant is requesting a reduction to the 15% landscape area requirement as outlined o\in this application.

CHAPTER 605 - NORTHGATE MIXED-USE OVERLAY ZONE

Sec. 605.015 - Uses.

Sec. 605.015(a) General. Except as otherwise provided in this section, the uses set forth in Table 605-1 shall be the only permitted (P), special (S), conditional (C), and prohibited (N) uses in the Northgate Mixed Use Overlay Zone.

Sec. 605.015(c) Continued uses. Uses existing within the Northgate Mixed-Use Overlay Zone that were allowed as permitted, special, or conditional uses on October 1, 2001, but which would otherwise be made nonconforming uses by this chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.

Sec. 605.015(c)(1) A continued use may be intensified, and buildings or structures housing a continued use may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards in the underlying zone.

Applicants Response: Because the subject property was developed prior to 2001, the development standards of the Northgate Mixed-Use Overlay District do not apply to this proposed development.

CHAPTER 804. - DRIVEWAY APPROACHES

Sec. 804.010. - Applicability.

This chapter applies to the design, construction, relocation, reconstruction, enlargement, or alteration of any driveway approach.

Applicant's Response: There are two existing driveway approaches located off Wayside Terrace. The northern-most approach will be rebuilt as part of the city's Portland Road improvements. The southern-most approach will be re-built and constructed to ADA and public works design standards.

CHAPTER 806 - OFF-STREET PARKING, LOADING AND DRIVEWAYS

Sec.806.005(a) General applicability. Off-street parking shall be provided and maintained as required under this chapter for:

(2) Any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity.

(3) Any intensification, expansion, or enlargement of a use or activity.

Sec. 806.010. - Proximity of off-street parking to use or activity served.

Required off-street parking shall be located on the same development site as the use or activity it serves or in the following locations:

Sec. 806.010 (b) Nonresidential zones. Within commercial, mixed-use, public, and industrial and employment zones, other than the CB and SWMU zones, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves.

Applicants Response: The Applicant is proposing 21 off-street parking spaces of which one is handicapped. The minimum number of vehicle spaces is one space / 900 square feet of building area. A building area of 18,100 s.f. / 900 s.f. per space requires 20 off street parking spaces. The Applicant has provided a total of 21 off-street parking spaces (See Site Plan). This criterion is met.

Sec. 806.015. - Amount off-street parking.

Sec. 806.015 (a) Minimum required off-street parking. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.

Applicants Response: See response above. This requirement has been met.

Sec. 806.015(b) Compact parking. Up to 75 percent of the minimum off-street parking spaces required under this chapter may be compact parking spaces.

Applicants Response: The proposed total off-street parking spaces are regular-size spaces which can accommodate compact cars. This requirement is met.

Sec. 806.015(c) Carpool and vanpool parking. New developments with 60 or more required off-street parking spaces and falling within the public services and industrial use classifications, and the business and professional services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking.

Applicants Response: Since the Applicant is only required to provide 20 spaces, this requirement is not applicable.

Sec. 806.035. - Off-street parking and vehicle use area development standards for uses or activities other than single family and two family.

Sec. 806.035(a) General applicability. The off-street parking and vehicle use area development standards set forth in this section shall apply to:

- (1) The development of new off-street parking and vehicle use areas;
- (2) The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added;
- (3) The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
- (4) The paving of an unpaved area.

Applicants Response: The Applicant's site plan complies with the requirements of this section.

Sec. 806.035(b) Location.

- (1) Generally. Off-street parking and vehicle use areas shall not be located within required setbacks.

Applicants Response: Because the Applicant is not proposing development that includes any building additions, new structures or removal / replacement of existing paved surfaces the perimeter setback requirements and development site landscaping requirements are not applicable.

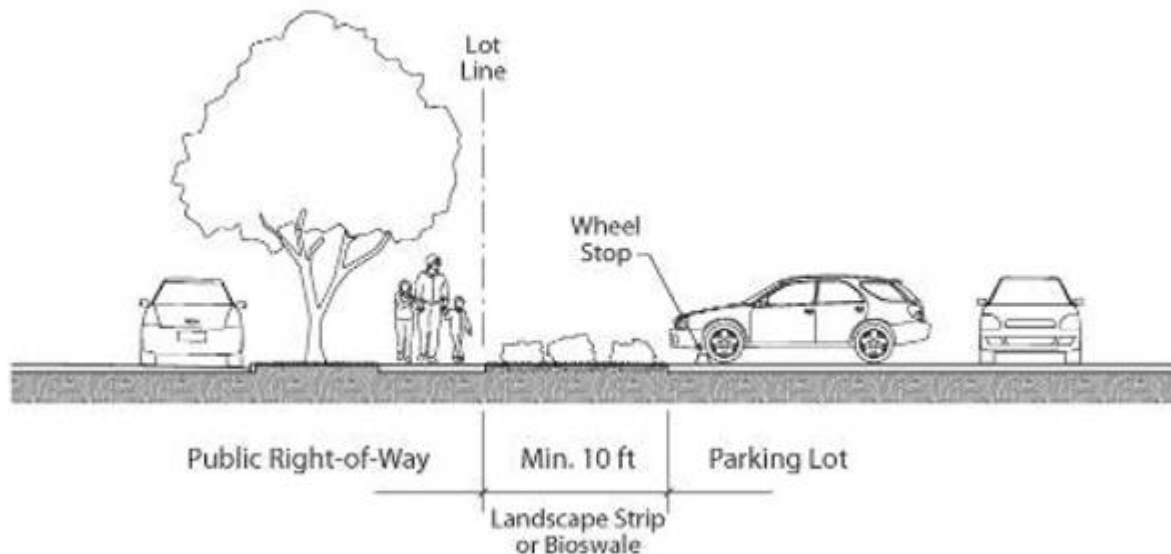
Sec. 806.035(c) Perimeter setbacks and landscaping.

- (1) Perimeter setbacks and landscaping, generally.

(A) Perimeter setbacks. Perimeter setbacks, as set forth in this subsection, shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures. Perimeter setbacks for parking garages are set forth under subsection (c)(5) of this section.

(B) Perimeter landscaping. Required perimeter setbacks for off-street parking and vehicle use areas shall be landscaped as set forth in this subsection.

(2) Perimeter setbacks and landscaping abutting streets. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting a street shall be setback and landscaped according to one the methods set forth in this subsection. Street trees located along an arterial street may be counted towards meeting the minimum required number of plant units.



(3) Perimeter setbacks and landscaping abutting interior front, side, and rear property lines. Unless a greater setback is required elsewhere within the UDC, off-street parking and vehicle use areas abutting an interior front, side, or rear property line shall be setback a minimum of five feet (see Figure 806-5). The setback shall be landscaped according to the Type A standard set forth in SRC chapter 807.

Applicants Response: Pursuant to our discussions with staff, because the Applicant is not proposing any changes to the building, building new structures or replacing any paved surfaces, the perimeter setback requirements and development site landscaping requirements are not applicable.

(d) Interior landscaping.

(1) Interior landscaping, generally. Interior landscaping, as set forth in this subsection, shall be required for off-street parking areas 5,000 square feet or greater in size; provided, however, interior landscaping is not required for:

(A) Vehicle storage areas.

(B) Vehicle display areas.

Applicant's Response: The proposed use is for vehicle display and service. This section does not apply.

Sec. 806.045. - Bicycle parking; when required.

(a) General applicability. Bicycle parking shall be provided as required under this chapter for:

(1) Each proposed new use or activity.

(2) Any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity.

(3) Any intensification, expansion, or enlargement of a use or activity.

Applicant's Response: See site plan for proposed bicycle parking location.

Sec. 806.055. - Amount of bicycle parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

Applicant's Response: The applicant has provided a total of 4 bicycle parking spaces in compliance with Section 806.055 – Table 806-8 Minimum Bicycle Parking (see Site Plan). This requirement is met.

Sec. 806.060. - Bicycle parking development standards.

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

(a) Location. Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.

(b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.

(c) Dimensions. Bicycle parking spaces shall be a minimum of six feet by two feet and shall be served by a minimum four-foot-wide access aisle.

(d) Bicycle racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

Applicant's Response: The location of the proposed bicycle parking is shown on the proposed Site plan and is within 50-feet of the building entrance. Bike spaces will meet the dimension requirements. Access from the bicycle parking area is directly accessible from the facility entrance off Wayside Terrace. This requirement is met.

Sec. 806.065. - Off-street loading areas; when required.

(a) General applicability. Off-street loading shall be provided and maintained as required under this chapter for:

(1) Each proposed new use or activity.

(2) Any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity.

(3) Any intensification, expansion, or enlargement of a use or activity.

Applicant's Response: The Applicant has provided one off-street loading area that meets the requirements as outlined on Table 806.9 (see Site Plan). This requirement is met.

Sec. 806.075. - Amount of off-street loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-9.

Applicant's Response: See Applicant's response above.

CHAPTER 807 - LANDSCAPING AND SCREENING

Sec. 807.010. - Applicability. The provisions of this chapter apply to all required landscaping and screening under the UDC.

Sec. 807.015. - Landscaping and screening.

Unless otherwise provided under the UDC, required landscaping and screening shall conform to the standards set forth in this section.

(a) Landscaping types. Required landscaping shall be provided according to one of the landscaping types set forth in Table 807-1. Where landscaping is required under the UDC without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard (Min. 1 PU per 20 s.f. of landscaped area).

Applicant's Response: The required landscaped area is 9,831 s.f. with a total of 492 PU's. Of the PU's required, 40% must be trees. The Applicant has provided landscaping in every area available area which equates to 5,943 s.f. as outlined under "Landscape Planting Requirements" on the Landscape Plan.

Given a total available area of 5943 s.f., the Applicant has provided 307 PU's (Plant Units) of which 120 PU's are shade trees. The amount of landscaped area provided is 60% of that required.

CHAPTER 808 - PRESERVATION OF TREES AND VEGETATION

Sec. 808.025. - Trees on lots or parcels 20,000 square feet or greater.

No person shall, prior to site plan review or building permit approval, remove a tree on a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to a tree and vegetation removal permit issued under SRC 808.030, undertaken pursuant to a tree conservation plan approved under SRC 808.035, or undertaken pursuant to a tree variance granted under SRC 808.045. Nothing in this section shall be construed to require the retention of trees, other than heritage trees, significant trees, and trees and vegetation in riparian corridors, beyond the date of site plan review or building permit approval, if the proposed development is other than single family residential or two family residential.

Applicant's Response: There are no trees on the interior of the subject property. This criterion does not apply.

CHAPTER 809. – WETLANDS

Sec. 809.010. - Criteria for identification.

Using the Local Wetlands Inventory, a functional and quality assessment of all inventoried wetlands within the City and the UGB, and the best available information, the Director shall identify local wetlands as locally significant or non-significant.

Applicant's Response: There are no wetlands on the subject property. This criterion does not apply.

CHAPTER 810. - LANDSLIDE HAZARDS

Sec. 810.005. - Applicability.

This chapter applies to all areas of land designated as Moderate Landslide Hazard Risk or High Landslide Hazard Risk pursuant to this chapter.

Applicant's Response: There is no landslide hazard identified on the subject property. This criterion does not apply.

CHAPTER 900. - SIGN CODE

Sec. 900.010. - General rule.

- (a) No person shall construct, erect, enlarge, alter, or relocate any sign, or install electrical parts, wiring, or illumination in or upon a sign, until all required permits have been obtained, including, but not limited to, sign permits, building permits, electrical permits, and any other permit required under federal, state, or local law.
- (b) Except as provided in SRC 900.030, no person shall erect, construct, enlarge, alter, repair, move, improve, convert, equip, use, or maintain any sign, or cause or permit the same to be done, in violation of any provision of this chapter or a permit issued hereunder.
- (c) Nothing in this chapter is intended, nor shall be construed, to permit the erection, construction, enlargement, alteration, or maintenance of any sign at any place or in any manner unlawful under any other federal, state, or local law. When any part of this chapter conflicts with another provision of federal, state, or local law, the provision that establishes the stricter standard shall control.

Applicant's Response: The Applicant is proposing two signs – one building-mounted sign and one monument sign located adjacent Portland Road. These signs will be installed and permitted in accordance with the City of Salem sign code. This requirement will be met.

RESPONSE TO PUBLIC WORKS MEMO DATED MAY 29, 2018

(Applicable Items) SUMMARY OF FINDINGS:

1. Pursuant to SRC 804.035 and 804.060, the existing driveway approach to Portland Road NE is not permitted and shall be removed.

Applicant's Response: Both the City of Salem Portland Road construction plans and the Applicant's Proposed site plan show the existing driveway approach being removed. This requirement is met.

2. The existing driveway approaches along Wayside Terrace NE shall be rebuilt to meet current Public Works Design Standards (PWDS) and Americans with Disabilities Act (ADA) standards.

Applicant's Response: The Applicant will reconstruct the two existing driveway approaches upon approval of building permits. This requirement will be met.

3. The applicant shall be required to design and construct a storm drainage system at the time of development for areas of replaced and new impervious surface. If the development proposal meets the definition of a large project, as defined in SRC 70.005(q), the applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS.

Applicant's Response: There are no substantial changes or new impervious surface improvements proposed other than the wash rack. This criterion does not apply.

FACTS AND FINDINGS:

Urban Growth Area Development Permit

The subject property is located inside the Urban Service Area and adequate facilities are available. An Urban Growth Area permit is not required.

Water

1. Existing Conditions

- a. The subject property is located within the G-0 water service level.

- b. The property is served by a 10-inch water line located in Greenbriar Street NE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
2. As a condition of water service, all developments shall be required to provide public water mains of sufficient size for fire protection to the satisfaction of the City Fire Marshal and Public Works Director (PWDS Water 5.2).
3. Water meters shall be placed along the right-of-way of streets adjacent to the subject property (PWDS Water 5.9(b)).

Applicant's Response: As previously stated the Applicant is remodeling an existing building for sales and service of motor vehicles. An existing water meter serves this proposed facility. Any upsizing of the proposed service and \ or meter will be addressed during the building permit process.

Sanitary Sewer

1. Existing Condition
 - a. A 10-inch sewer line is located in Greenbriar Street NE. The sewer main is approximately 10 feet deep.
2. Every building shall have an independent connection with a public or private collection system (SRC 73.065).

Applicant's Response: As previously stated the Applicant is remodeling an existing building for sales and service of motor vehicles. An existing sanitary sewer serves this proposed facility. This requirement is met.

Storm Drainage

1. Existing Conditions
 - a. Two separate 8-inch storm lines are located in Wayside Terrace NE at the northeast and northwest corners of the property.
 - b. The subject property is within the Upper Claggett Drainage Basin.

2. At the time of development, the applicant shall be required to design and construct a storm drainage system for areas of new and replaced impervious surfaces. If the development proposal meets the definition of a large project, as defined in SRC 70.005(q), the applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS, by one of three means:
 - a. Runoff from the new and replaced impervious surfaces flows into one or more locations that have been set aside for installation of Green Storm water Infrastructure and the locations have a total area of at least ten percent of the total new plus replaced impervious surface area; or
 - b. Green Storm water Infrastructure is used to mitigate the impacts of storm water runoff from at least 80 percent, but less than 100 percent, of the total new plus replaced impervious surfaces; or
 - c. Under a design exception from the City Engineer, Green Storm water Infrastructure is used to mitigate the impacts of storm water runoff from less than 80 percent of the total new plus replaced impervious surfaces and the factor(s) limiting implementation (SRC 71.095).

Applicant's Response: The Applicant has stated that there will be no new or replaced impervious surfaces. This requirement does not apply.

Environmental Pre-treatment

1. Project Requirements (Physical Requirements):

- a. Approved chemical/waste storage facility(s) is required, per Salem Source Control Standards 1.7(b).
- b. Approved trash/solid waste area(s) per Salem Source Control Standards 1.7(c).

Applicant's Response: The trash / solid waste area is shown on the site plan. The Applicant will comply with the Environmental Pre-Treatment requirements during construction at the time of building permits.

2. Compliance Requirements (Management/Control Plans):

- a. Facility inspection upon completion of construction per SRC 74.480, 71.010, and 73.080.

- b. Accidental Spill Prevention Plan for site, per SRC 74.150 and 73.185.
- c. Waste Management and Disposal Plan for site, per SRC 74.210.
- d. No vehicle washing with soap or chemicals is allowed on the lot area discharging to the storm water system.

Applicant's Response: The Applicant will comply with the “compliance requirements” outlined above at the time of construction and building permits.

Natural Resources

For projects less than one acre, a City-issued erosion control permit is required prior to the start of any ground disturbing activities as specified in SRC Chapter 75.

Applicant's Response: There are no ground-disturbing activities proposed. This requirement does not apply.

Traffic

Trip Generation Estimate—The City Traffic Engineer will determine through a Trip Generation Estimate the number of new vehicle trips this development will generate. Requirements for street improvements, traffic impact analysis, and right-of-way dedication are often based on the findings of the Trip Generation Estimate.

Traffic Impact Analysis—As a requirement of development, the applicant may be required to provide a Traffic Impact Analysis (TIA) to identify the impacts of this proposed development on the public transportation system in the area and construct any necessary mitigation measures identified in that report (OAR 660-12-0000 et seq.; SRC 803.015). The City Traffic Engineer will determine the need for a TIA based on the development proposed for the site, and review and approve the TIA for conformance with City Standards. Construction plans for the development will not be reviewed without an approved TIA or a waiver from the City Traffic Engineer. If a TIA is required, then the applicant will not have the option of a filing for a Class II Site Plan Review; a Class III Site Plan Review will be required.

Applicant's Response: A copy of the city's trip generation estimate is included in the appendix of this application. It has been determined that a traffic impact study and transportation systems development charges are not required. There are no transportation improvements required by the

city at this time except for the closing of the driveway approach on Portland Road. This requirement has been met.

Streets

1. Portland Road NE

- a. Standard—This street is designated as a Major Arterial street in the Salem Transportation System Plan (TSP). 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 64-foot improvement within a 96-foot-wide right-of-way abutting the subject property.
- c. Right-of-Way—The existing right-of-way meets current standards.
- d. Improvements—Portland Road is currently under construction by the City of Salem and shall be considered fully-built upon completion.

Applicant's Response: The driveway approach to the subject site off Portland Road will be removed as part of the city's road improvements.

2. Wayside Terrace NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 34-foot improvement within a 62-foot-wide right-of-way abutting the subject property.
- c. Right-of-Way- The existing right-of-way meets current standards.
- d. Improvements—The existing street improvement is deficient in street lighting. If the applicant's proposal meets the exclusions described in SRC 803.040(d), no additional street improvements will be required.

Applicant's Response: Section 803.040a states, "Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-

half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following.”

- (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.

It is the Applicant’s contention that, since this is a remodel to an existing structure and there is no exterior construction, this section should not apply. The Applicant should be exempt from being required to install street lights to correct existing deficiencies.

3. Greenbriar Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- c. Right-of-Way—The existing right-of-way meets current standards
- d. Improvements—The existing street improvement is deficient in street lighting. If the applicant's proposal meets the exclusions described in SRC 803.040(d), no additional street improvements will be required.

Applicant’s Response: Section 803.040a states, “Except as otherwise provided in this section, dedication of right-of-way for, and construction or improvement of, boundary streets of up to one-half of the right-of-way and improvement width specified in SRC 803.025 shall be required as a condition of approval for the following.”

- (5) The construction or enlargement of any building or structure located on property abutting a boundary street and that requires a building permit under SRC chapter 56.

It is the Applicant’s contention that, since this is a remodel to an existing structure and there is no exterior construction, this section should not apply. The Applicant should be exempt from being required to install street lights to correct existing deficiencies.

4. Access Control—The property shall be served by the two existing driveway approaches to Wayside Terrace NE. Currently, neither approach meets PWDS, nor ADA standards. At the time

of development, the applicant shall rebuild the existing driveways to meet current PWDS and ADA standards.

Applicant's Response: The Applicant will rebuild the existing southern-most driveway approach onto Wayside Terrace in compliance with this requirement at the time of construction.

The existing approach to Portland Road NE is not permitted under SRC 804.035 and will be removed as part of the street improvement project currently under construction along Portland Road NE.

Applicant's Response: The driveway approach to the subject site off Portland Road will be removed as part of the city's road improvements.

5. **Vision Clearance**—Requirements shall be observed at all street and driveway intersections as provided for in SRC Chapter 805.

Applicant's Response: The Applicant will meet the intent of this chapter to ensure that there is adequate visibility for vehicular, bicycle and pedestrian traffic at the property intersections and driveways. This requirement will be met.

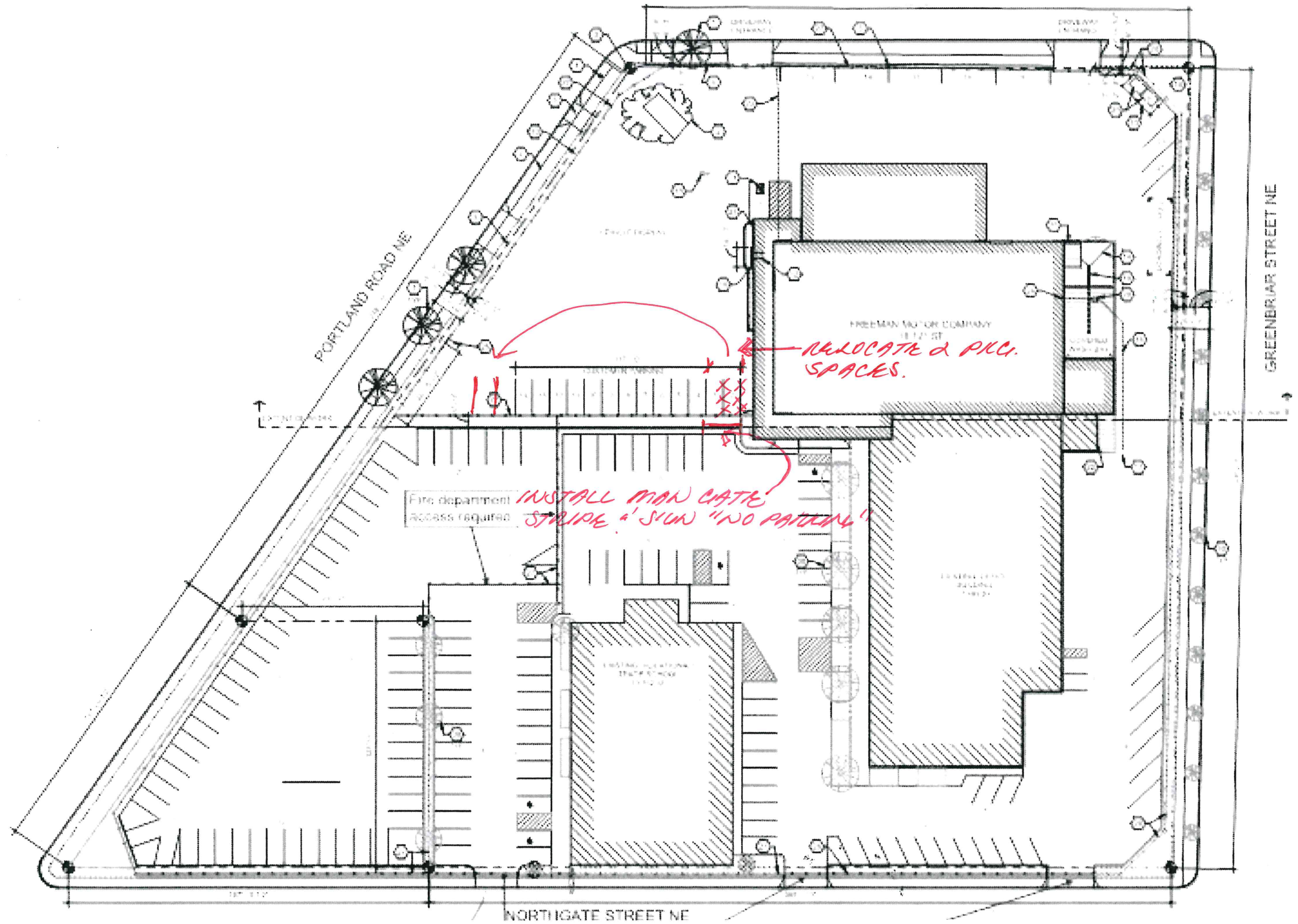
6. **Sidewalk**—As a condition of a building permit, the applicant is required to demonstrate the existing public sidewalks along all frontage(s) of the property meet current City of Salem Public Works Design Standards. By issuance of any building permits on the property, the applicant and property owner acknowledge the pre-1992 sidewalk maintenance exemption identified in SRC 78.154(b) is no longer applicable and the property owner is responsible for all future maintenance of the sidewalks pursuant to SRC 78.154(a).

Applicant's Response: The Applicant, as the property owner, acknowledges his responsibility for the maintenance of the sidewalks adjacent his property. This requirement will be met.

General Comments

1. All development activity will require building and/or construction permits in accordance with the SRC, the PWDS, and Standard Construction Specifications. Permits will not be issued by the City of Salem Permit Application Center until all construction plans have been approved by the Public Works Department.


Applicant's Response: The Applicant will acquire all necessary permits in accordance with city development code and public works design standards. These requirements will be met.





MEMO

TO: Pamela Cole, Planner II
Community Development Department

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

DATE: August 15, 2018

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CU-SPR-ADJ18-08 (18-112265-RP)
3700 PORTLAND ROAD NE
CHANGE OF USE AND PARKING LOT RECONFIGURATION

PROPOSAL

A consolidated Conditional Use, Class 3 Site Plan Review, and Class 2 Adjustment application to convert 18,121 square feet of an existing building to a motor vehicle sales use and reconfigure part of an existing vehicle use area for parking and vehicle display, for a property approximately 4.17 acres in size, zoned CR (Retail Commercial), within the Northgate Mixed-Use Overlay Zone, and located at 3700 Portland Road NE (Marion County Assessor's Map and Tax Lot Number: 073W12CA / 03500 and 03700).

RECOMMENDED CONDITIONS OF APPROVAL

1. Close the existing driveway abutting Portland Road NE.

FACTS

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 Conditions—This street has an approximate 64-foot improvement within a 96-foot-wide right-of-way abutting the subject property.

2. Wayside Terrace NE

- a. Standard—This street is designated as a Local street in the *Salem Transportation System Plan*. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 34-foot improvement within a 62-foot-wide right-of-way abutting the subject property.

3. Greenbriar Street NE

- a. Standard—This street is designated as a Local street in the *Salem Transportation System Plan*. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. Two separate 8-inch storm lines are located in Wayside Terrace NE at the northeast and northwest corners of the property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. The property is served by a 10-inch water line located in Greenbriar Street NE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. A 10-inch sewer line is located in Greenbriar Street NE.

CRITERIA AND FINDINGS

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

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding—The subject property meets all applicable standards of the following chapters of the UDC: 601 – Floodplain, 802 – Public Improvements, 803 – Streets and Right-of-Way Improvements, 804 – Driveway Approaches, 805 – Vision Clearance, 809 – Wetlands, and 810 – Landslides.

Criteria: SRC 220.005(f)(3)(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

Finding—Portland Road NE is currently being re-developed by a publicly funded capital improvement project. The development is not proposing a building addition pursuant to SRC 803.040(a); therefore, no boundary street improvements are required.

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

Finding—The capital improvement project along Portland Road NE includes the replacement of sidewalks along the western frontage of the property and the permanent removal of the driveway access to the major arterial. Driveway closure is warranted pursuant to SRC 804.060(a) because the existing driveway does not conform to current standards. The capital improvement project also includes the replacement of the western driveway on Wayside Terrace NE. The driveway accesses onto Wayside Terrace NE provide for safe turning movements into and out of the property.

Criteria: SRC 220.005(f)(3)(D) 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 infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development.

Prepared by: Jennifer Scott, Program Manager
cc: File