

TO: HEARING OFFICER

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

DATE: April 24, 2024

SUBJECT: SUPPLEMENTAL STAFF REPORT FOR CONDITIONAL USE PERMIT, CLASS 3 SITE PLAN REVIEW AND CLASS 2 ADJUSTMENT NO. CU-SPR-ADJ24-02; 325 LANCASTER DRIVE SE – 97317 (AMANDA NO. 24-103944-PLN)

On April 19, 2024, the applicant expressed concerns with timing of conditions of approval related to the building permits being issued. Staff has proposed alternative conditions to address the timing while still meeting the Salem Revised Code. The following is a staff response:

1) Proposed Condition 5, Relocation of Trash Enclosure

As noted in the staff report, the subject property contains multiple existing and proposed public easements. The applicant's preliminary site plan shows a trash enclosure, trees, and parking within the required easement. Pursuant to SRC 802.020 buildings, structures, trees, or other obstructions other than landscaping shall not be located in City easements. The surface parking can be permitted within the sanitary sewer easement with a revocable license to encroach; however, trees and the trash enclosure shall be relocated to outside of the sanitary sewer main easement so as not to obstruct access to the City's main.

Staff recommended proposed Condition 5 to ensure that City can maintain the sewer main located on the property. After discussion with the City Engineer, the current location would be acceptable with a Revocable License, therefore the City is supportive of an alternative Condition 5 that would allow for the trash enclosure to remain if a Revocable License is issued.

An alternative Condition 5 is proposed below:

Condition 5: At the time of building permit, the applicant shall revise the site plan to relocate the trash enclosure outside of the required easement for existing public utilities or obtain a Revocable License to Encroach into the City Easement.

2) Proposed Condition 16 and Condition 17, Easements and Private Stormwater Agreements

The applicant proposes to discharge to an existing on-site stormwater system on adjacent property which collects and detains storm runoff from the site before out falling into a ditch along the Interstate 5 corridor. It appears that an easement is required for the subject property to connect to this system. Pursuant to SRC 802.040, when a proposed stormwater system serves multiple properties under separate ownership, an

agreement is required to ensure the development has a perpetual right of access to maintain the system, and that the persons served by the system are responsible for repairs. As a condition of approval, the applicant shall obtain any necessary off-site easements required to connect to the private system on neighboring property. In addition, a Private Stormwater Facilities Agreement (PSFA) is required for the system as a condition of approval.

Alternately, the applicant could design the private stormwater system to discharge on the subject property. Since both are options prior to issuance to building permit, the City is supportive of the following conditions:

Condition 16: Prior to issuance of a building permit a Certificate of Occupancy, record a Private Stormwater Facilities Access Agreement for the common system pursuant to SRC 802.040 and PWDS.

Condition 17: Prior to issuance of a building permit, the applicant shall demonstrate they have appropriate easements to connect to the private stormwater system on neighboring property. Alternatively, the applicant may redesign the stormwater system with an alternative approved point of discharge in accordance with SRC Chapter 71 and Public Works Design Standards.