DECISION OF THE PLANNING ADMINISTRATOR

CLASS 3 SITE PLAN REVIEW / CLASS 2 DRIVeway APPROACH PERMIT
CASE NO.: SPR-DAP18-15

APPLICATION NO.: 18-112081-RP

NOTICE OF DECISION DATE: OCTOBER 23, 2018

SUMMARY: An application for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and five new retail shell buildings.

REQUEST: A Class 3 Site Plan Review for construction of a new retail shopping center, including five proposed retail shell buildings, a 168,550 square foot building for Costco Wholesale, and a retail fueling station with up to 30 pump positions, and a Class 2 Driveway Approach permit for proposed driveway access to Boone Road SE and 27th Avenue SE, for property approximately 20.6 acres in size, zoned CR (Retail Commercial), and located in the 2500-2600 Block of Boone Road SE - 97306 (Marion County Assessor’s Map and Tax Lot numbers: 083W12C / 01800, 01900, 02000, and 02100, also 083W11D / 02400, 02500, 02600, and 02700).

APPLICANT: W. Josh Wells, P.E., Westech Engineering, Inc.

OWNER: Shari Reed & Matt Oyen for M&T Partners & Pacific Realty Associates LP

LOCATION: 2500-2600 Block of Boone Road SE / 97306

CRITERIA: Class 3 Site Plan Review: SRC Chapter 220.005(f)(3)
Class 2 Driveway Approach Permit SRC Chapter 804.025(d)

FINDINGS: The findings are in the attached Decision dated October 23, 2018.

DECISION: The Planning Administrator APPROVED Class 3 Site Plan Review / Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 subject to SRC Chapter 220 and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

Condition 1: Prior to issuance of building permit, the applicant shall identify which screening method will be provided along the Boone Road and 27th Avenue frontages in compliance with CPC/ZC06-06 Condition 12.

Condition 2: Prior to issuance of building permit, the site plan shall be revised to provide internal pedestrian pathways which connect each of the proposed buildings within the shopping center, and which connect to public sidewalks along adjacent streets. The internal pedestrian pathways shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.
Condition 3: All remaining unsatisfied conditions of approval from CPC/ZC06-06 as specified in the November 30, 2015, “Certificate of Partial Satisfaction of Conditions of Approval and Deferral Agreement” shall be completed prior to final occupancy for the proposed development.

Condition 4: Prior to building permit issuance, where a proposed building crosses over an existing property line, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) a property line adjustment shall be recorded to remove or relocate the property line.

Condition 5: A minimum of 15 percent of the development site, approximately 159,168 square feet, shall be landscaped with the issuance of the first building permit for the Kuebler Gateway Shopping Center.

Condition 6: At the time of building permit application, the plans for the solid waste service areas shall demonstrate compliance with all applicable development standards of SRC Chapter 800.

Condition 7: The proposed off-street parking area shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks, landscape areas, or pedestrian pathways.

Condition 8: Bicycle parking areas shall be provided for each proposed building within the shopping center meeting the applicable amount and development requirements of SRC Chapter 806.

Condition 9: A minimum of 16 Oregon White Oaks shall be incorporated into the landscape design for the shopping center. Replanted trees shall have a minimum two-inch caliper.

Condition 10: The east site driveway on 27th Avenue SE should be constructed as a single-lane roundabout, with southbound right-turn by-pass lane to the site.

Condition 11: A stop sign should be installed at the new south site driveway (southbound) approach to Boone Road SE.

Condition 12: The westbound left-turn lane at intersection of Kuebler Boulevard SE and Battle Creek Road SE should be restriped to provide 400 feet of storage.

Condition 13: All future landscaping, above-ground utilities, and site signage should be located and maintained to ensure adequate sight-distance is provided at the site driveways.

Condition 14: Along the frontages of Boone Road SE and 27th Avenue SE, construct a half-street improvement to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The fee-in-lieu amounts previously collected may be used towards the security amount required for the public construction pursuant to SRC 110.100.
**Condition 15:** Sidewalks shall be located parallel to and one foot from the adjacent right-of-way, however, if topography or other physical conditions, such as the previously mitigated wetland areas, make the construction of sidewalks impossible or undesirable, then a different location may be allowed per SRC 803.035(I)(2)(B).

**Condition 16:** For the portion of the subject property within Kuebler Gateway Subdivision, the applicant shall comply with the stormwater management plan that was adopted under SRC 71.180(c) and approved with SUB14-01.

**Condition 17:** For the portion of the subject property outside Kuebler Gateway Subdivision, the applicant shall design and construct a storm drainage system for areas of new and replaced impervious surface in compliance with SRC Chapter 71 and the current Public Work Design Standards (PWDS).

The rights granted by the attached decision for Class 3 Site Plan Review Case No. SPR-DAP18-15 must be exercised by **November 8, 2022** or this approval shall be null and void.

The rights granted by the attached decision for Class 2 Driveway Approach Permit Case No. SPR-DAP18-15 must be exercised or an extension granted by **November 8, 2020** or this approval shall be null and void.

**Application Deemed Complete:** September 4, 2018  
**Notice of Decision Mailing Date:** October 23, 2018  
**Decision Effective Date:** November 8, 2018  
**State Mandate Date:** February 1, 2019  
**Case Manager:** Aaron Panko, Planner III, APanko@cityofsalem.net; 503.540.2356

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., November 7, 2018**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220 and 804.

The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

http://www.cityofsalem.net/planning
In the matter of the application for a Class 3 Site Plan Review and Class 2 Driveway Approach Permit submitted by W. Josh Wells, P.E., Westech Engineering Inc., on behalf of the applicant and property owners M&T Partners Inc. and Pacific Realty Associates LP, represented by Shari L. Reed and Matt Oyen, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: An application for development of the Kuebler Gateway Shopping Center, including Costco, a retail fueling station, and four new retail shell buildings.

Request: A Class 3 Site Plan Review for construction of a new retail shopping center, including four proposed retail shell buildings, a 168,550 square foot building for Costco Wholesale, and a retail fueling station with up to 30 pump positions, and a Class 2 Driveway Approach permit for proposed driveway access to Boone Road SE and 27th Avenue SE, for property approximately 24.38 acres in size, zoned CR (Retail Commercial), and located in the 2500-2600 Block of Boone Road SE - 97306 (Marion County Assessor’s Map and Tax Lot numbers: 083W12C / 01800, 01900, 02000, and 02100, also 083W11D / 02400, 02500, 02600, and 02700).

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

DECISION

APPROVED subject to the applicable standards of the Salem Revised Code, the findings contained herein, conformance with the approved site plans, and the following conditions of approval:
Condition 1: Prior to issuance of building permit, the applicant shall identify which screening method will be provided along the Boone Road and 27th Avenue frontages in compliance with CPC/ZC06-06 Condition 12.

Condition 2: Prior to issuance of building permit, the site plan shall be revised to provide internal pedestrian pathways which connect each of the proposed buildings within the shopping center, and which connect to public sidewalks along adjacent streets. The internal pedestrian pathways shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.

Condition 3: All remaining unsatisfied conditions of approval from CPC/ZC06-06 as specified in the November 30, 2015, “Certificate of Partial Satisfaction of Conditions of Approval and Deferral Agreement” shall be completed prior to final occupancy for the proposed development.

Condition 4: Prior to building permit issuance, where a proposed building crosses over an existing property line, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) a property line adjustment shall be recorded to remove or relocate the property line.

Condition 5: A minimum of 15 percent of the development site, approximately 159,168 square feet, shall be landscaped with the issuance of the first building permit for the Kuebler Gateway Shopping Center.

Condition 6: At the time of building permit application, the plans for the solid waste service areas shall demonstrate compliance with all applicable development standards of SRC Chapter 800.

Condition 7: The proposed off-street parking area shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks, landscape areas, or pedestrian pathways.

Condition 8: Bicycle parking areas shall be provided for each proposed building within the shopping center meeting the applicable amount and development requirements of SRC Chapter 806.

Condition 9: A minimum of 16 Oregon White Oaks shall be incorporated into the landscape design for the shopping center. Replanted trees shall have a minimum two-inch caliper.

Condition 10: The east site driveway on 27th Avenue SE should be constructed as a single-lane roundabout, with southbound right-turn by-pass lane to the site.

Condition 11: A stop sign should be installed at the new south site driveway (southbound) approach to Boone Road SE.
**Condition 12:** The westbound left-turn lane at intersection of Kuebler Boulevard SE and Battle Creek Road SE should be restriped to provide 400 feet of storage.

**Condition 13:** All future landscaping, above-ground utilities, and site signage should be located and maintained to ensure adequate sight-distance is provided at the site driveways.

**Condition 14:** Along the frontages of Boone Road SE and 27th Avenue SE, construct a half-street improvement to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The fee-in-lieu amounts previously collected may be used towards the security amount required for the public construction pursuant to SRC 110.100.

**Condition 15:** Sidewalks shall be located parallel to and one foot from the adjacent right-of-way, however, if topography or other physical conditions, such as the previously mitigated wetland areas, make the construction of sidewalks impossible or undesirable, then a different location may be allowed per SRC 803.035(l)(2)(B).

**Condition 16:** For the portion of the subject property within Kuebler Gateway Subdivision, the applicant shall comply with the stormwater management plan that was adopted under SRC 71.180(c) and approved with SUB14-01.

**Condition 17:** For the portion of the subject property outside Kuebler Gateway Subdivision, the applicant shall design and construct a storm drainage system for areas of new and replaced impervious surface in compliance with SRC Chapter 71 and the current Public Work Design Standards (PWDS).

**FINDINGS**

1. **Class 3 Site Plan Review Applicability**

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

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(A) because the proposed development requires a Traffic Impact Analysis, and pursuant to SRC 220.005(b)(3)(C) because a Class 2 Driveway Approach Permit has been requested for the proposed driveway approaches onto 27th Avenue SE and Boone Road SE.
2. Background

On June 6, 2018 Class 3 Site Plan Review and Class 2 Driveway Approach Permit applications were filed for the proposed development. After additional information was received, the applications were deemed complete for processing on September 4, 2018.

On October 15, 2018, the applicant granted a 30-day extension to the 120-day deadline for this consolidated application, extending the 120-day State mandated decision deadline from January 2, 2019 to February 1, 2019.

The applicant’s proposed development plans are included as Attachment B and the applicant’s written statement addressing the approval criteria is included as Attachment C.

Previous land use history for the subject property is included below:

Comprehensive Plan Change and Zone Change Case No. 06-06 (CPC/ZC06-06). This decision approved a change to the Comprehensive Plan Map designation for the eastern most 18.4 acres of the subject property from Developing Residential to Commercial, and changed the zoning from RA (Residential Agriculture) to CR (Retail Commercial) subject to conditions of approval.

Zone Change Case No. 09-03 (ZC09-03). This decision approved a change to the zoning designation for the western most 9.96 acres from RA (Residential Agriculture) and CO (Commercial Office) to CO (Commercial Office) and CR (Retail Commercial).

Site Plan Review and Urban Growth Area Development Permit Case No. 12-11 (SPR-UGA12-11). Approved development of the Salem Clinic and medical office building, and an Urban Growth Area Development permit for the subject property. The application depicted three phases of development: UGA Phase 1, UGA Phase 2, and UGA Future Phase. UGA Phase 1 applied to the Salem Clinic development that has already been completed. UGA Phase 2 and UGA Future Phase apply to the subject property. All conditions of approval from SPR-UGA12-11 have been completed except for the following:

- Condition 9: As a condition of building permit for UGA Phase 2 or UGA Future Phase, complete all remaining mitigating street improvements required as a condition of approval for ZC09-03 and specified in CPC/ZC06-6.

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.
Neighborhood and Citizen Comments:

Notice of the application was sent to the South Gateway Neighborhood Association (SGNA) and all property owners of record within 250 feet of the subject property. In addition, all of the application materials, the notice of filing, and the request for comments were made available on the City’s website for interested parties to access prior to, and during the public comment period.

Comments were received from the SGNA and adjacent Morningside Neighborhood Association (Morningside) objecting to the application. Complete testimony from SGNA and Morningside is included as Attachment D.

One hundred and twenty-three comments were received from interested parties prior to and during the comment period. Seventy-nine indicating concerns or objections to the request, twenty-five indicating support for the request, with the remaining testimony neutral. Public testimony is included as Attachment E. Concerns and objections from both neighborhood associates and interested parties are summarized below:

1) **Traffic.** Concerns relating to the increase in the amount of traffic on surrounding streets, inadequate transportation infrastructure for the proposed use and future potential developments in the area, and concerns relating to pedestrian and bicycle safety and access to the site. Concerns were also expressed about the findings in the Transportation Impact Analysis

**Staff Response:** The applicant was required to provide a Transportation Impact Analysis (TIA) as part of the Site Plan Review application. This TIA provided multiple recommendations in order to mitigate the impact to the transportation system. The City recognizes that there will be increased traffic with the proposed development, however the City concurs with the overall findings of the TIA and will condition the recommendations in order to adequately mitigate the transportation impacts. An additional response to specific concerns regarding the TIA is provided by the Assistant City Traffic Engineer in the Public Works memo (Attachment F).

**Salem Urban Area Goals and Policies. Commercial Development Goal (Page 45, Salem Comprehensive Policies Plan), provides that:**

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

The subject property is proposed to be developed with a community shopping and service facility. The location of the subject property along a parkway street (Kuebler Boulevard), a minor arterial street (Battle Creek Road SE), and two collector streets (Boone Road SE, and 27th Avenue SE), is consistent with the goals and policies of the Salem Comprehensive Policies Plan by providing
customers several alternatives for accessing the site, and therefore, discouraging use of nearby residential streets for major customer traffic.

In regards to the pedestrian and bicycle safety and access concerns to the site, the City Traffic Engineer indicates that there will be traffic signals at three of the corners of this site and that the traffic signals provide a protected pedestrian crossing at those intersections. On the other corner of the site (Boone Road at 27th Avenue), there will be an all-way stop controlled intersection. The all-way stop will provide low/no speed pedestrian/bicycle crossing opportunities. These controlled intersections will provide safe access between the Costco site and the surrounding neighborhoods.

2) **Compatibility concerns with the proposed shopping center.** Concerns expressed that the proposed Costco is not a compatible use with the surrounding residential area. Other locations, such as the east side of Interstate 5, may be better suited for the proposed Costco.

**Staff Response:** A change to the comprehensive plan map designation and zoning for the property was approved by the City Council and affirmed by LUBA in 2007 to change the designation of the property from Residential to Commercial and to change the zoning from RA (Residential Agriculture) to CR (Retail Commercial). During the CPC/ZC review process, Council determined that the change in designation for the property from residential to commercial was appropriate, and that future commercial development of the property was reasonably compatible with the surrounding land uses.

Conditions of approval on the zone change require the applicant to provide a wider landscape setback along street frontages that are opposite residential areas and require the installation of either a solid wall or landscape berm to help further buffer the development site.

CPC/ZC 06-06 included a condition of approval requiring that the property be developed with a retail shopping center and establishing a maximum amount of gross leasable area to 240,000 square feet to limit the size and scale of the development. No conditions were placed on CPC/ZC06-06 that limit the uses for the property to only neighborhood shopping and service facilities.

The proposed Costco use is classified as a retail sales use, and is an outright permitted use in the CR (Retail Commercial) zone. The shopping center, including the proposed Costco, is consistent with previous conditions of approval, and the use and development standards of the CR zone.

The adopted Economic Opportunities Analysis shows a projected deficit of approximately 271 acres of commercial land within the Urban Growth Boundary, with approximately 40 percent of the commercial land needed for retail uses. While the subject property is included in the study as vacant developable commercial land, and therefore doesn’t contribute to the projected deficit, the proposed development will help the City of Salem to meet its projected retail sales and commercial service needs.
3) **Trees, wetlands, and open space.** Concerns regarding the impact of the proposed development on existing natural features on the property, including removal of significant trees, removal of wetlands, and loss of open space.

**Staff Response:** Preservation of identified natural open space areas and areas of natural resource significance are protected either through public acquisition, and/or land use regulations. SRC Chapter 808 is the tree preservation ordinance which provides protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City.

The proposed site plan indicates that there are approximately 80 existing mature trees on the subject property, including eight Oregon white oaks that are greater than 24 inches in diameter which are considered significant trees. All of the trees will be removed in connection with the proposed development. Significant trees are protected by SRC 808.015, however, there is an exception found in SRC 808.030(a)(2)(L) that allows removal of significant trees where the removal is necessary in connection with construction of a commercial facility. SRC Chapter 808 does not provide additional protections for non-significant trees. Findings in Section 3 of this report address the removal of significant trees on the subject property. As mitigation for the removal of significant trees, the applicant is required to replant a minimum of two Oregon white oaks for each significant tree removed.

Wetland remediation work was completed under Army Corp of Engineers permit number #NWP-2012-48. Wetlands remain on the property along the north side of Boone Road and the west side of 27th Avenue SE. The applicant’s site plan does not propose to negatively impact the wetland areas. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

4) **Quality of life.** Concerns were expressed regarding the noise impact from delivery vehicles and from other on-site activities, and regarding the impact of exterior lighting and illumination on the surrounding residential neighborhood.

**Staff Response:** Conditions of approval were placed on CPC/ZC 06-06 which require the applicant to provide a wider landscape setback along the areas of the perimeter of the property that are opposite to residential areas and require the installation of either a solid wall or landscape berm. The requirement for wider landscape strip and installation of the solid wall or landscape berm help to further buffer and reduce the noise and light impact from the development site on the nearby residential neighborhood.

General development standards of the Salem Revised Code relating to exterior lighting apply to all developments within the City and require that all exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties. Exterior light fixtures shall be either completely shielded from direct view; or no greater than five foot-candles in illumination when viewed at a height of five feet above ground at a distance of five feet outside the boundary of the lot. The applicant has provided an illumination plan for the proposed development indicating that at the perimeter of
the property, the maximum illumination from any proposed light source will not exceed three foot-candles, less than the maximum allowance.

**City Department Comments:**

The Public Works Department reviewed the proposal and provided a memo which is included as Attachment F.

The Fire Department has reviewed the plans and commented, “Plans did not identify Fire Department access or water supply. Fire will comment on items including these at time of building permit plan review. A minimum of two approved means of Fire Department access will be required for this development.”

**Staff Response:** At the time of building permit review, the proposed development plans are required to demonstrate compliance with all applicable fire code requirements for access and water supply.

The Building and Safety Division has reviewed the proposal and indicated no concerns.

**Public Agency Comments:**

Salem-Keizer Public Schools, Planning and Property Services, reviewed the proposal and commented, “Salem-Keizer Public Schools aerial fiber utility lines run along the east side of Pringle Road SE crossing Boone Road SE and Kuebler Road SE and connects to the west along the north side of Boone Road SE. Developer is responsible for any costs of relocation of the utility for development.”

Oregon Department of Transportation reviewed the proposal and provided comments included as Attachment G.

Cherriots has reviewed the proposal and commented that they would like to see two bus stops provided along Boone Road SE. In addition, Cherriots has requested that wider sidewalks be provided to accommodate bus stops, and that the location for the stops should be close to street lighting. If space is available, Cherriots will consider adding a shelter.

3. **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.

The applicant is requesting to develop a new retail shopping center, including four proposed retail shell buildings, a 168,550 square foot building for Costco Wholesale, and a retail fueling station with up to 30 pump positions. The following is a summary of applicable use and development standards for the subject property.

Comprehensive Plan Change/Zone Change Case No. 06-06, Conditions of Approval:

Condition 1: The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with dedicated westbound left-turn lane, westbound right-turn lane and an eastbound left-turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.

Finding: This condition remains to be completed. The intersection of Battle Creek and Boone Road SE shall be improved to include a traffic signal with an eastbound left-turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.

Condition 2: The intersection of Battle Creek Road SE and Kuebler Boulevard shall be improved to provide exclusive right-turn lane and a northbound left-turn lane with a minimum of 300 feet of storage. To provide the necessary northbound left-turn storage at this intersection with the southbound left-turn lane storage at Battle Creek and Boone Roads, side-by-side left turn lanes shall be constructed as approved by the Public Works Director.

Finding: The condition states, “side-by-side left-turn lanes shall be constructed as approved by the Public Works Director.” The applicant has proposed a design which includes dual northbound left-turn lanes which provide a minimum of 300 feet of storage. The design also provides the required side-by-side left-turn lane configuration. The City Traffic Engineer has reviewed the proposed design and concurs that it will provide the necessary storage for the left-turn lanes at the intersection of Battle Creek Road SE and Kuebler Boulevard SE, and the intersection of Battle Creek Road SE and Boone Road SE, and is consistent with the language of the original condition.

Condition 3: The south side of Kuebler Boulevard shall be widened to meet City of Salem Standards with curb, sidewalk and bike lanes. The widening shall extend from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide an additional lane for a total of two eastbound lanes.

Finding: Capital Improvement Plan project number 713513, which included the widening of Kuebler Boulevard extended from 1500 feet west of Battle Creek Road SE
to the Interstate 5 ramps, was accepted as complete on March 5, 2018. The required improvement has been completed.

**Condition 4: Dual left turn lanes shall be constructed on eastbound and westbound Kuebler Boulevard at 27th Avenue SE.** Only one eastbound left-turn lane will be striped as there is only one receiving lane. For the westbound left turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property’s driveway on 27th Avenue. The intersection of Kuebler Boulevard at 27th Avenue SE shall also be improved to provide an exclusive eastbound right-turn lane.

**Finding:** The condition is partially complete. Remaining improvements include installation of striping for dual left-turn lanes on westbound Kuebler Boulevard at 27th Avenue SE. For the westbound left-turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property’s driveway on 27th Avenue SE.

**Condition 5: In addition to boundary street improvements required by Salem Revised Code (SRC) 77.150, the developer shall coordinate with the city and use best practices for design and location of site access and shall construct left-turn lanes and pedestrian refuge islands where appropriate.**

**Finding:** Capital Improvement Plan project number 713513, which included the widening of Kuebler Boulevard extended from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps, was accepted as complete on March 5, 2018. The required improvement has been completed.

**Condition 6: The developer shall commit up to $5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the neighborhood south of the proposed development if a need is identified. The Neighborhood Traffic Management Program is the process used to identify traffic calming needs.**

**Finding:** This condition remains to be complete. If no need for traffic calming measures is identified, the applicant may provide a bond or security deposit in the amount of $5,000 to be dedicated to mitigation for future impacts that may not anticipated at this time.

**Condition 7: The developer shall provide right-in access from Kuebler Boulevard with a design that minimizes impact to through vehicles and provides a safe driveway crossing for bicycle and pedestrian traffic the final design of which to be approved by the Salem Public Works Director. In addition, the developer shall complete the widening of the eastbound lanes of Kuebler Boulevard west to Commercial Street. This additional widening of approximately 1300 feet of Kuebler Boulevard is considered as payment for a grant of access on Kuebler Boulevard to allow a right-in driveway on the Subject Property.**

**Finding:** Capital Improvement Plan project number 713513, which included the construction of the right-in access from Kuebler Boulevard to the subject property, was
accepted as complete on March 5, 2018. The required improvement has been completed.

**Condition 8:** The developer shall offset their access driveway along Boone Road SE from Cultus Avenue at a location approved by the Salem Public Works Director.

**Finding:** The shopping center has an existing driveway along Boone Road SE that is offset from Cultus Avenue SE, the proposed site plan shows one additional driveway on Boone Road SE that is directly across from Bow Court SE, in compliance with this condition of approval.

**Condition 9:** The developer shall establish a landscaped setback along the street frontages of the project area to provide buffering and screening from the street frontage. Along Kuebler Boulevard, the setback shall be a minimum of five (5) feet in depth from the property line, as required in the CR Zone, Salem Revised Code (SRC) 152.080. Along Boone Road SE and 27th Avenue SE, the setback shall be a minimum of fifteen (15) feet in depth where the project area lies opposite residential uses.

**Finding:** The building and vehicle use area setbacks provided along Boone Road SE and 27th Avenue SE, opposite of residential uses and residentially zoned property, are greater than 15 feet in depth, in compliance with this condition of approval.

**Condition 10:** The developer shall provide sidewalks along all street frontages. The sidewalks may be located inside the setback area as part of a landscape plan.

**Finding:** This condition is partially complete. The developer shall provide sidewalks along all remaining street frontages. The sidewalk shall be located along the curb line only where needed to reduce conflicts with the previously mitigated wetland areas; all other sidewalks shall be located parallel to and one foot from the adjacent right-of-way.

Existing sidewalks are provided along the Kuebler Boulevard, a portion of Boone Road and Battle Creek Road street frontages. Sidewalks will be provided along 27th Avenue and the remaining portion of Boone Road.

**Condition 11:** The developer shall provide landscaping within the street frontage setbacks as required in SRC 132.

**Finding:** Required setback areas adjacent to a street are proposed to be landscaped consistent with the landscaping requirements as conditioned, and as required by SRC Chapter 807 (Landscaping and Screening) which replaced SRC 132 (Landscaping) in the Unified Development Code (UDC) in 2014. The landscaping standards for street frontage did not change.

**Condition 12:** The developer shall provide a brick or masonry wall with a minimum height of six (6) feet along the interior line of the landscaped setback along Boone Road SE and 27th Avenue SE, opposite residential uses. The applicant/developer may provide a landscaped berm within the setback in lieu of a wall.
Finding: Prior to issuance of building permit, the applicant is required to identify which screening method will be provided along the Boone Road and 27th Avenue frontages.

Condition 1: Prior to issuance of building permit, the applicant shall identify which screening method will be provided along the Boone Road and 27th Avenue frontages in compliance with CPC/ZC06-06 Condition 12.

Condition 13: The developer shall provide sidewalks at all driveway entrances to the development. The internal pedestrian accessway shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.

Finding: The proposed site plan provides for internal pedestrian pathways leading to the main entrance for Costco, however, the internal pedestrian pathway does not connect the other buildings within the shopping center. Internal pedestrian pathways shall be provided throughout the development site connecting to each building.

Condition 2: Prior to issuance of building permit, the site plan shall be revised to provide internal pedestrian pathways which connect each of the proposed buildings within the shopping center, and which connect to public sidewalks along adjacent streets. The internal pedestrian pathways shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.

Condition 14: The subject 18.4 acre property shall be developed with a retail shopping center. The maximum amount of gross leasable area (GLA) for the retail shopping center on the subject property shall be 240,000 GLA. If the subject property is developed in conjunction with the abutting 10.08 acre property (for simplicity referred to as a 10.0 acre property) currently owned by the Salem Clinic (083W12C tax lot 702 5.5 acres and 083W11D tax lot 600 4.58 acres), the total amount of retail GLA and medical/dental offices on the two properties shall not exceed 299,000 GLA. The City shall have the right to enforce this condition through the enforcement procedures in its code or through a post acknowledgement plan amendment using required City and state procedures restoring the Residential plan designation and RA zone to the property.

Finding: The combined gross floor area for buildings within the proposed shopping center is approximately 189,550 square feet. The total floor area for the two existing medical/dental office buildings (Salem Clinic) are approximately 38,306 square feet in size. The combined gross leasable area for the shopping center development site is approximately 227,856 square feet, less than the maximum amount of gross leasable area allowed for the subject property.

Condition 15: All improvements shall be built as outlined as set forth in the November 21, 2006 staff report to City Council, including the widening of Kuebler Blvd. from the I-5 Interchange to Commercial Street and the right-in access from Kuebler to the property (except as modified by this Order).
Finding: Capital Improvement Plan project number 713513, was accepted as complete on March 5, 2018. The required improvement along Kuebler Boulevard has been completed, all remaining improvements from CPC/ZC06-06 will be built as discussed in the findings of this staff report.

Condition 16: Prior to issuance of a certificate of occupancy for any building on the subject property the following traffic improvements shall be completed; 1) The funded City CIP project to construct improvements on Kuebler Boulevard as identified in the applicant's September 2006 TIA; 2) All traffic mitigation improvements required to be constructed by the Developer as conditions of approval in this decision, and; 3) In addition to the other traffic mitigation improvements required as conditions of approval, the Developer shall construct an exclusive right-turn lane at the westbound Kuebler Boulevard intersection with 27th Avenue. The traffic improvements that the Developer is responsible for, in addition to the right-turn lane at westbound Kuebler and 27th Avenue, are as specified in conditions of approval 1 through 7 of this decision.

Finding: Capital Improvement Plan project number 713513, was accepted as complete on March 5, 2018. The required improvement has been completed.

Condition 17: The applicant, at the time of development application, shall coordinate with the Salem Area Transit District to enhance transportation and bus facilities on the site.

Finding: The applicant has contacted Cherriots Transit regarding enhancement of transportation and bus facilities on the site. Cherriots Transit has responded with a recommendation for additional transit stops along Boone Road SE. In addition, Cherriots has requested that wider sidewalks be provided to accommodate bus stops, and that the location for the stops should be close to street lighting. If space is available, Cherriots will consider adding a shelter. Pursuant to Condition 17, the application shall continue to coordinate with Cherriots to enhance transit opportunities for the proposed development.

As indicated in the findings above, some of the conditions of approval from CPC/ZC 06-06 have been complete or are partially complete. All remaining conditions shall be complete prior to final occupancy for the proposed development.

Condition 3: All remaining unsatisfied conditions of approval from CPC/ZC06-06 as specified in the November 30, 2015, “Certificate of Partial Satisfaction of Conditions of Approval and Deferral Agreement” shall be completed prior to final occupancy for the proposed development.

Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) – Uses:
Finding: The proposed development includes four retail shell buildings, a 168,550 square foot building for Costco Wholesale, and a retail fueling station with up to 30 pump positions. Permitted, special and conditional uses for the CR zone are found in SRC Chapter 522, Table 522-1. The proposed retail sales use (Costco Wholesale) and
gasoline service station are listed as outright permitted uses in the CR zone per Table 522-1.

Future uses for the proposed retail shell buildings will be determined at the time of occupancy permit, Class 1 Site Plan Review will be required to determine permitted uses in the proposed shell buildings.

**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 consists of eight taxlots with a combined size of approximately 24.38 acres in size and has approximately 108 feet of frontage along Battle Creek Road SE, 1,855 feet of frontage along Kuebler Boulevard SE, 750 feet of frontage along 27th avenue SE and 1,112 feet of frontage along Boone Road SE, exceeding the minimum lot standards of the CR zone.

SRC 800.015 provides that every building or structure shall be entirely located on a lot. Where two or more lots are under single ownership to accommodate a single development, the entire combined area shall be considered as a single lot for purposes of the UDC. However, the Building Code does not allow buildings to cross over existing property lines. SRC 205.065(a) provides that the property boundary verification process may be used whereby the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for purposes of application of the Building Code.

**Condition 4:** Prior to building permit issuance, where a proposed building crosses over an existing property line, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) a property line adjustment shall be recorded to remove or relocate the property line.

**SRC 522.010(b) – Setbacks:**
Setbacks within the CR zone shall be provided as set forth in Tables 522-3 and 522-4.

**Kuebler Gateway Shopping Center East:**
*Buildings include Gas Station, Costco Wholesale, and Retail Shell Building*

**North:** Adjacent to the north is right-of-way for Kuebler Boulevard SE. There is a minimum 5 foot building setback and a minimum 6-10 foot vehicle use area setback adjacent to a street.

**Finding:** The proposed off-street parking area is setback approximately 10 feet from the property line adjacent to Kuebler Boulevard SE, in compliance with the minimum standard. The proposed buildings are setback from the property line adjacent to Kuebler Boulevard as follows:

- Gas Station – Approximately 75 feet
- Costco Wholesale – Approximately 395 feet
- Retail Shell Building – Approximately 10 feet
South: Adjacent to the south is right-of-way for Boone Road SE. There is a minimum 5 foot building setback and a minimum 6-10 foot vehicle use area setback adjacent to a street.

CPC/ZC 06-06 Condition 9 requires a minimum 15 foot setback adjacent to Boone Road SE, and Condition 12 requires a minimum six foot tall brick or masonry wall along the interior line of the landscaped setback. The applicant/developer may provide a landscaped berm within the setback in lieu of a wall.

Finding: The proposed off-street parking area is setback approximately 42 feet from the property line adjacent to Boone Road SE, in compliance with the minimum standard. The proposed buildings are setback from the property line adjacent to Boone Road SE as follows:

- Gas Station – Approximately 650 feet
- Costco Wholesale – Approximately 26 feet
- Retail Shell Building – Approximately 715 feet

Additional screening required by CPC/ZC06-06 shall be provided adjacent to Boone Road SE.

East: Adjacent to the east is right-of-way for 27th Avenue SE. There is a minimum 5 foot building setback and a minimum 6-10 foot vehicle use area setback adjacent to a street.

CPC/ZC 06-06 Condition 9 requires a minimum 15 foot setback adjacent to Boone Road SE, and Condition 12 requires a minimum six foot tall brick or masonry wall along the interior line of the landscaped setback. The applicant/developer may provide a landscaped berm within the setback in lieu of a wall.

Finding: The proposed off-street parking area is setback approximately 50 feet from the property line adjacent to 27th Avenue SE, in compliance with the minimum standard. The proposed buildings are setback from the property line adjacent to 27th Avenue SE as follows:

- Gas Station – Approximately 55 feet
- Costco Wholesale – Approximately 400 feet
- Retail Shell Building – Approximately 800 feet

Additional screening required by CPC/ZC06-06 shall be provided adjacent to Boone Road SE.

West: Adjacent to the west is the western portion of the shopping center, zoned CR (Retail Commercial) and CO (Commercial Office). There is no building setback required adjacent to a commercial zoned property, vehicle use areas require a minimum five foot setback.

Finding: A shared driveway providing access to all existing and proposed uses within the shopping center is provided along the western property line. SRC 806.040(b)(2) provides that driveways may not be located within required setbacks except where the
driveway is a shared driveway located over the common lot line and providing access to two or more uses.

**Kuebler Gateway Shopping Center West:**
*Three new retail shell buildings and integrated parking area.*

**North:** Adjacent to the north is right-of-way for Kuebler Boulevard SE. There is a minimum 5 foot building setback and a minimum 6-10 foot vehicle use area setback adjacent to a street.

**Finding:** The proposed off-street parking and vehicle use areas are setback approximately 10 feet from the property line adjacent to Kuebler Boulevard SE, in compliance with the minimum standard. The proposed buildings are setback from the property line adjacent to Kuebler Boulevard SE as follows:

- Shell Building A – Approximately 25 feet
- Shell Building B – Approximately 22 feet
- Shell Building C – Approximately 44 feet

**South:** Adjacent to the south is an existing office complex within a CO (Commercial Office) zone. Per Table 522-4, there is no building setback required adjacent to a commercial zoned property, vehicle use areas require a minimum five foot setback.

**Finding:** A shared driveway providing access to all existing and proposed uses within the shopping center is provided along the southern property line. SRC 806.040(b)(2) provides that driveways may not be located within required setbacks except where the driveway is a shared driveway located over the common lot line and providing access to two or more uses.

**East:** Adjacent to the east is the eastern portion of the shopping center, zoned CR (Retail Commercial).

**Finding:** The proposed off-street parking area is setback approximately 16 feet from the eastern property line.

**West:** Adjacent to the west is right-of-way for Battlecreek Road SE. There is minimum 5 foot building setback and a minimum 6-10 foot vehicle use area setback adjacent to a street.

**Finding:** The proposed off-street parking area is setback approximately 10 feet from the western property line adjacent to Battle Creek Road SE, in compliance with the minimum standard. The proposed buildings are setback from the property line adjacent to Battle Creek Road SE as follows:

- Shell Building A – Approximately 40 feet
- Shell Building B – Approximately 321 feet
- Shell Building C – Approximately 550 feet
**SRC 522.010(c) – Lot Coverage, Height:**
There is no maximum lot coverage standard in the CR zone, the maximum height allowance for all buildings and structures is 50 feet.

**Finding:** The applicant’s statement indicates that the proposed buildings are 35 feet or less in height, the development complies with the lot coverage and height limitation of the CR zone.

**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 vehicle use areas, may count towards meeting this requirement.

**Finding:** The combined area for the shopping center is approximately 24.36 acres (1,061,122 square feet) in size, requiring a minimum of 3.65 acres (159,168 square feet) of landscaping (24.36 x 0.15 = 3.654). The total amount of landscaping provided for the development site is approximately 4.69 acres (204,296 square feet), approximately 19.3 percent, exceeding the minimum requirement.

Development plans for the Kuebler Gateway Shopping Center shall demonstrate that a minimum of 15 percent landscaping will be provided for the development site with the first building permit.

**Condition 5:** A minimum of 15 percent of the development site, approximately 159,168 square feet, shall be landscaped with the issuance of the first building permit for the Kuebler Gateway Shopping Center.

**General Development Standards – SRC Chapter 800**

**Solid Waste Service Areas – SRC 800.055**

**SRC 800.055(a) – Applicability.**
Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable services areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

**Finding:** The proposed shopping center will include new solid waste service areas. The proposed site plan does not provide construction details for the proposed solid waste service areas. At the time of building permit application, the plans for the solid waste service area shall demonstrate compliance with all applicable development standards of SRC Chapter 800.
Condition 6: At the time of building permit application, the plans for the solid waste service areas shall demonstrate compliance with all applicable development standards of SRC Chapter 800.

Exterior Lighting – SRC 800.060
(a) Exterior lighting shall not shine or reflect onto adjacent properties, or cast glare onto the public right-of-way.
(b) Exterior light fixtures shall be located and designed so that the light source, when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, shall be either:
   (1) Completely shielded from direct view; or
   (2) No greater than five foot-candles in illumination.

Finding: The applicant has provided an illumination plan for the proposed development, indicating that lighting on the site will not shine, reflect or cast glare onto neighboring properties or onto the public right-of-way. The illumination plan indicates that when viewed at a height of five feet above the ground at a distance of five feet outside the boundary of the lot, the maximum illumination will be three foot-candles, in compliance with this section.

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

SRC 806.005 - Off-Street Parking; When Required.
Off-street parking shall be provided and maintained for each proposed new use or activity.

SRC 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.

SRC 806.015 - Amount of Off-Street Parking.
   a) Minimum Required Off-Street Parking. A minimum of 1 space per 250 square feet of floor area is required for shopping centers.
   b) Compact Parking. Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
   c) Carpool and Vanpool Parking. New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
   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 proposed floor area for the shopping center is 189,550 square feet in size, requiring a minimum of 758 off-street parking spaces (189,550 / 250 = 758.2). A
minimum of 189.5 spaces are required to be standard size, the remaining spaces may be compact. A maximum of 1,327 off-street parking spaces are allowed for the shopping center \((758 \times 1.75 = 1,326.5)\). No carpool/vanpool spaces are required for the proposed shopping center use.

The proposed site plan indicates that 1,013 off-street parking spaces will be provided for the shopping center, including 24 accessible parking spaces (ADA) and six compact spaces. The off-street parking meets the requirements of SRC Chapter 806.

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

a) **General Applicability.** The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.

b) **Location.** Off-street parking and vehicle use areas shall not be located within required setbacks.

c) **Perimeter Setbacks and Landscaping.** Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

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

**Finding:** The proposed vehicle use area complies with the minimum perimeter setback standards identified in the CR zone development standards and by SRC Chapter 806, and the minimum 5 foot setback requirement adjacent to buildings and/or structures.

a) **Interior Landscaping.** Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas 50,000 square feet and greater in size, a minimum of 8 percent of the interior parking area shall be landscaped.

**Finding:** The off-street parking area for Kuebler Gateway Shopping Center East is approximately 532,560 square feet in size, requiring a minimum of 42,605 square feet of landscape area \((532,560 \times 0.08 = 42,604.8)\). The proposed site plan indicates that 43,670 square feet of interior parking landscaping will be provided, exceeding the minimum landscape requirement.

The off-street parking area for Kuebler Gateway Shopping Center West is approximately 66,813 square feet in size, requiring a minimum of 5,345 square feet of landscape area \((66,813 \times 0.08 = 5,345.04)\). The proposed site plan indicates that 5,750 square feet of interior parking landscaping will be provided, exceeding the minimum landscape requirement.
A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet, and shall have a minimum width of 5 feet.

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

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

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

**Finding:** The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel barriers are not shown on the proposed site plan.

**Condition 7:** The proposed off-street parking area shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks, landscape areas, or pedestrian pathways.

The parking area striping, marking, signage and lighting shall be consistent with SRC Chapter 806, required compact parking spaces shall be marked and signed per SRC 806.035(k)(2).

Off-street parking area screening per SRC 806.035(m) is not required for the proposed development, because the property does not directly abut residentially zoned property.

**Bicycle Parking**

**SRC 806.045 - General Applicability.**
Bicycle parking shall be provided and maintained for each proposed new use or activity.

**SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.**
Bicycle parking shall be located on the same development site as the use or activity it serves.

**SRC 806.055 - Amount of Bicycle Parking.**
Per SRC Chapter 806, Table 806-8, shopping centers require the greater of four bicycle parking spaces, or a minimum of one space per 10,000 square feet for the first 50,000 square feet of floor area, plus one space per 20,000 square feet for 50,000-100,000 square feet, plus one space per 30,000 square feet for remaining square footage over 100,000 square feet.

**Finding:** The proposed Costco building is approximately 168,550 square feet in size, requiring a minimum of 10 bicycle parking spaces (50,000 / 10,000 = 5, plus, 50,000 / 20,000 = 2.5, plus 68,550 / 30,000 = 2.28). Each remaining building within the shopping center will require a minimum of four bicycle parking spaces, for a total of 30 bicycle parking spaces.
The proposed site plan indicates that 22 bicycle parking spaces will be provided for the shopping center, less than the minimum requirement.

**Condition 8:** Bicycle parking areas shall be provided for each proposed building within the shopping center meeting the applicable amount and development requirements of SRC Chapter 806.

*SRC 806.060 – Bicycle Parking Development Standards.*

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.

**Finding:** The location and design of the bicycle parking areas will be reviewed at the time of building permit application for conformance with this section.

**Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

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

*SRC 806.075 - Amount of Off-Street Loading.*

Per SRC Chapter 806, Table 806-9, uses falling under the retail sales and service category require a minimum of one off-street loading space for floor area between 5,000 square feet to 60,000 square feet in size and a minimum of two loading spaces for buildings between 60,001 to 250,000 square feet in size. Loading spaces shall have a minimum width of 12 feet, minimum length of 30 feet, and minimum unobstructed vertical clearance of 14 feet.

**Finding:** The proposed Costco building is approximately 168,550 square feet in size, and requires a minimum of two off-street loading spaces. The proposed site plan indicates that four loading spaces will be provided on the north side of the building, with additional loading spaces on the west side of the building, meeting the minimum requirements of SRC Chapter 806.

Two proposed retail buildings on the Kuebler Gateway Shopping Center West plan are greater than 5,000 square feet in size and will each require one off-street loading space per Table 806-9. The site plan indicates that these buildings will have a dedicated off-street loading space meeting the minimum requirements of SRC Chapter 806.
Landscaping

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

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

Finding: As conditioned, the first building permit for development of the shopping center will require a minimum of 159,168 square feet of landscape area. A minimum of one plant unit per 20 square feet, or 7,958 plant units \((159,168 / 20 = 7,958.4)\) are required at the time of building permit. Of the required plant units, a minimum of 3,183 plant units \((7,958 \times 0.4 = 3,183.2)\) shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review. Additional plant units may be required if the proposed landscape area increases.

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.

The existing conditions plan indicates that there are eight significant trees on the subject property; each of the significant trees is designated for removal. Pursuant to SRC 808.030(a)(2)(L), a tree and vegetation removal permit is not required for the removal of significant trees when the removal is necessary in connection with construction of a commercial or industrial facility. The applicant has provided a response indicating that the exception found in SRC 808.030(a)(2)(L) is applicable to the proposed development.

Finding: There is an existing grove of significant trees located on the southern portion of the subject property; the proposed site layout places the proposed building footprint for Costco in conflict with the grove of significant trees, requiring all of the trees to be removed. The applicant indicates that several factors were taken into consideration in the layout of the site, including impacts on the residential neighborhood from activities on site, parking lot circulation and truck deliveries to the site, and the location of the fuel station.
The applicant states that the proposed layout best minimizes potential impacts to the residential neighborhood south of Boone Road by utilizing the building itself to screen and buffer on-site activities.

SRC 808.030(a)(2)(L) requires the applicant to demonstrate that the removal is necessary in connection with construction of a commercial or industrial facility. The applicant’s site plan and statement addressing SRC 808.030(a)(2)(L) demonstrates a need for removal of significant trees in connection with the proposed commercial development, therefore, the exception found in SRC 808.030(a)(2)(L) has been met.

To mitigate for the loss of eight significant trees, a minimum of two replacement Oregon white oaks shall be incorporated into the landscape design and replanted for each significant tree removed.

**Condition 9:** A minimum of 16 Oregon White Oaks shall be incorporated into the landscape design for the shopping center. Replanted trees shall have a minimum two-inch caliper.

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

Wetland remediation work was completed under Army Corp of Engineers permit number #NWP-2012-48. Wetlands remain on the property along the north side of Boone Road and the west side of 27th Avenue SE. The applicant’s site plan does not propose to negatively impact the wetland areas. Wetland notice was sent to the Oregon Department of State Lands pursuant to SRC 809.025.

**SRC 810 - Landslide Hazards:** A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-point and 3-point landslide hazard areas on the subject property. The proposed activity of a commercial building adds 3 activity points to the proposal, which results in a total of 5-6 points. Therefore, the proposed development is classified as a moderate landslide risk and requires a geological assessment and/or geotechnical engineering report. A Geotechnical Engineering Report, prepared by Terracon Consultants, Inc. and dated April 16, 2018, prepared for Costco Wholesale was submitted to the City of Salem. A second Report of Geotechnical Engineering Services, prepared by GeoDesign Inc. and dated June 13, 2016, prepared for Pac Trust was also submitted to the City of Salem. These reports demonstrate the subject property can be developed without increasing the potential for slope hazard on the site or adjacent properties.

**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:** Land Use Decision CPC-ZC06-6 directed future developments to meet certain conditions of approval in order to ensure that the transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the site. Successive developments and City of Salem Capital Improvement Projects have since completed portions of the conditions of approval dictated in the original decision.

The following conditions of approval from CPC/ZC06-6 have been constructed:

1. Condition 2: The intersection of Battle Creek Road SE and Kuebler Boulevard SE shall be improved to provide exclusive eastbound right-turn lane.

2. Condition 3: The south side of Kuebler Boulevard shall be widened to meet City of Salem Standards with curb, sidewalk, and bike lanes. The widening shall extend from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide an additional lane for a total of two eastbound lanes.

3. Condition 4: Dual left-turn lanes shall be constructed on eastbound and westbound Kuebler Boulevard at 27th Avenue SE. Only one eastbound left-turn lane will be striped as there is only one receiving lane. The intersection of Kuebler Boulevard at 27th Avenue SE shall also be improved to provide an exclusive eastbound right-turn lane.

4. Condition 5: The developer shall construct left-turn lanes and pedestrian refuge islands where appropriate.

5. Condition 7: The developer shall provide right-in access from Kuebler Boulevard with a design that minimizes impact to through vehicles and provides a safe driveway crossing for bicycle and pedestrian traffic, the final design of which to be approved by the Salem PW Director. In addition, the developer shall complete the widening of the eastbound lanes of Kuebler Boulevard west to Commercial Street. This additional widening of approximately 1300 feet of Kuebler Boulevard is considered as payment for a grant of access on Kuebler Boulevard to allow a right-in driveway on the Subject Property.

6. Condition 8: Offset the access driveway along Boone Road SE from Cultus Avenue SE at a location approved by the PW Director.

7. Condition 16: The funded City CIP project for improvements on Kuebler Boulevard as identified in the applicant’s September 2006 TIA, and an exclusive right-turn lane at the westbound Kuebler Boulevard intersection with 27th Avenue SE.

The following conditions are what remain for Public Works of the CPC/ZC06-6 conditions of approval:
1. Condition 1: The intersection of Battle Creek and Boone Roads SE shall be improved to include a traffic signal with an eastbound left-turn lane. The southbound left-turn lane shall be lengthened to provide a minimum of 300 feet of storage.

2. Condition 2: The intersection of Battle Creek Road SE and Kuebler Boulevard SE shall be improved to provide a northbound left-turn lane with a minimum of 300 feet of storage. To provide the necessary northbound left-turn storage at this intersection with the southbound left-turn lane storage at Battle Creek and Boone Roads, side-by-side left-turn lanes shall be constructed as approved by the Public Works Director.

3. Condition 4: Install striping for dual left-turn lanes on westbound Kuebler Boulevard at 27th Avenue SE. For the westbound left-turn lanes, an additional receiving lane shall be constructed which will drop immediately south of the subject property’s driveway on 27th Avenue SE.

4. Condition 6: Pay $5,000 for traffic calming devices (such as speed humps or other traffic calming measures) to be used in the residential neighborhood south of the proposed development as determined through the City’s Neighborhood Traffic Management Program.

5. Condition 10: The developer shall provide sidewalks along all street frontages. The sidewalk shall be located along the curb line only where needed to reduce conflicts with the previously mitigated wetland areas; all other sidewalks shall be located parallel to and one foot from the adjacent right-of-way.

Pursuant to SRC 803.015, the applicant was required to provide a Transportation 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. The applicant submitted a TIA, prepared by Kittelson & Associates and dated May 31, 2018. The City Traffic Engineer reviewed the TIA and determined that the report meets the requirements of SRC 803.015.

The following mitigation measures are recommended in the TIA and shall be required as conditions of approval:

**Condition 10:** The east site driveway on 27th Avenue SE should be constructed as a single-lane roundabout, with southbound right-turn by-pass lane to the site.

**Condition 11:** A stop sign should be installed at the new south site driveway (southbound) approach to Boone Road SE.

**Condition 12:** The westbound left-turn lane at intersection of Kuebler Boulevard SE and Battle Creek Road SE should be restriped to provide 400 feet of storage.
**Condition 13:** All future landscaping, above-ground utilities, and site signage should be located and maintained to ensure adequate sight-distance is provided at the site driveways.

Condition 2 of CPC/ZC06-06 requires a northbound left-turn lane with a minimum of 300 feet of storage at the intersection of Battle Creek Road SE and Kuebler Boulevard SE. The condition states, “side-by-side left turn lanes shall be constructed as approved by the Public Works Director.” The applicant has proposed a design which includes dual northbound left-turn lanes which provide a minimum of 300 feet of storage. The design also provides the required side-by-side left-turn lane configuration. The City Traffic Engineer has reviewed the proposed design and concurs that it will provide the necessary storage for the left-turn lanes at the intersection of Battle Creek Road SE and Kuebler Boulevard SE, and the intersection of Battle Creek Road SE and Boone Road SE, and is consistent with the language of the original condition.

Condition 3 of CPC/ZC06-6 required that the south side of Kuebler Boulevard was widened to meet City of Salem Standards with curb, sidewalk, and bike lanes. The widening extended from 1500 feet west of Battle Creek Road SE to the Interstate 5 ramps to provide an additional lane for a total of two eastbound lanes. This condition was met by the Capital Improvement Plan project number 713513, which was accepted as complete on March 5, 2018. No additional right-of-way or street improvement is required on Kuebler Boulevard along the frontage of the proposed development. However, the applicant shall install the appropriate striping to the westbound dual left-turn lanes to allow for traffic flow into the future dual collection lanes on 27th Avenue SE.

The existing configurations of Boone Road SE and 27th Avenue SE along the frontages of the proposed development do not meet current standards for a Collector street classification per the *Salem Transportation System Plan*. The applicant shall construct a half-street improvement along both frontages to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

**Condition 14:** Along the frontages of Boone Road SE and 27th Avenue SE, construct a half-street improvement to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The fee-in-lieu amounts previously collected may be used towards the security amount required for the public construction pursuant to SRC 110.100.

Street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(1)(2)(A)); however, the mitigated wetlands were placed between the future curb line and the right-of-way line along the frontages of Boone Road SE and 27th Avenue SE. These wetland channels conflict with the location of the sidewalk as required by the street standards. In order to protect the wetland areas, the sidewalk may be located along the curb line only as needed to reduce conflicts between the existing wetland channels and proposed improvements; all other
sidewalks shall be located parallel to and one foot from the adjacent right-of-way pursuant to SRC 803.035(l).

**Condition 15:** Sidewalks shall be located parallel to and one foot from the adjacent right-of-way, however, if topography or other physical conditions, such as the previously mitigated wetland areas, make the construction of sidewalks impossible or undesirable, then a different location may be allowed per SRC 803.035(l)(2)(B).

No special setbacks are required because the existing rights-of-way meet or exceed the standards for the boundary street classifications.

**Criterion 3:**

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

**Finding:** The driveway access onto Boone Road SE is proposed to be located directly across from Bow Court SE and provides for safe turning movements into and out of the property. The driveway access onto 27th Avenue SE is proposing a single-lane roundabout with southbound right-turn by-pass lane to the site, as recommended by the TIA submitted. The eastbound right-turn only access from Kuebler Boulevard SE was approved by a previous Land Use Decision and was designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

The proposed site plan provides for internal pedestrian pathways leading to the main entrance for Costco, however, the internal pedestrian pathway does not provide a connection to the other buildings within the shopping center. Internal pedestrian pathways shall be provided throughout the development site connecting to each building. As previously conditioned (Condition 2), the site plan shall be revised to provide internal pedestrian pathways which connect each proposed building within the shopping center.

**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 plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and is adequate to serve the proposed development.

The portion of the subject property within Kuebler Gateway Subdivision is subject to the stormwater management plan adopted under SRC 71.180(c) that was submitted and approved with SUB14-01. New stormwater requirements in SRC Chapter 71 and PWDS became effective January 1, 2014. The proposed subdivision was submitted prior to the effective date of the new requirements. As specified in SRC 71.080(c), because the applicant submitted a stormwater management plan as a part of the subdivision application prior to the effective date of the new ordinance, future Site Plan Review
applications shall comply with the applicant’s stormwater management plan instead of the stormwater requirements that became effective January 1, 2014. The applicant’s engineer for the portion of the subject property within the Kuebler Gateway Subdivision indicated that the future development will comply with the previously submitted stormwater management plan.

**Condition 16:** For the portion of the subject property within Kuebler Gateway Subdivision, the applicant shall comply with the stormwater management plan that was adopted under SRC 71.180(c) and approved with SUB14-01.

The portion of the subject property outside the Kuebler Gateway Subdivision shall be designed and constructed to current water quality and flow control standards as found in SRC Chapter 71 and 2014 Public Works Design Standards (PWDS). The applicant’s engineer for the portion of the subject property outside the Kuebler Gateway Subdivision submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(b) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible.

**Condition 17:** For the portion of the subject property outside Kuebler Gateway Subdivision, the applicant shall design and construct a storm drainage system for areas of new and replaced impervious surface in compliance with SRC Chapter 71 and the current Public Work Design Standards (PWDS).

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

4. Analysis of Class 2 Driveway Approach Permit Approval Criteria

The approval criteria for a Class 2 Driveway Approach Permit are found in SRC 804.025(d), findings for each proposed driveway are included below.

**Driveway approach to 27th Avenue SE:**

**Criterion 1:**

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

**Finding:** The proposed driveway meets the standards for SRC 804 and Public Works Design Standards (PWDS).

**Criterion 2:**

No site conditions prevent placing the driveway approach in the required location.
**Finding:** The construction of the roundabout as recommended in the TIA provided by Kittelson & Associates and is required in order to locate the driveway along the frontage of 27th Avenue SE. There are no other site conditions prohibiting the location of the proposed driveway.

**Criterion 3:**

The number of driveway approaches onto an arterial are minimized.

**Finding:** The proposed driveway is not accessing onto an arterial street.

**Criterion 4:**

The proposed driveway approach, where possible:

a) Is shared with an adjacent property; or
b) Takes access from the lowest classification of street abutting the property.

**Finding:** The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

**Criterion 5:**

The proposed driveway approach meets vision clearance standards.

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

**Criterion 6:**

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

**Finding:** The proposed driveway approach follows the recommendations found in the TIA submitted by Kittelson & Associates on May 31, 2018. No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements.

**Criterion 7:**

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

**Finding:** The analysis provided in the TIA of the proposed driveway and recommended roundabout indicate that the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

**Criterion 8:**

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

**Finding:** The property is fronted by a Parkway street (Kuebler Boulevard SE), a Minor Arterial street (Battle Creek Road SE) and two Collector streets (Boone Road SE and 27th Avenue SE). The applicant is proposing the driveway approach to the lower classification of street and as recommended by the TIA provided by Kittelson & Associates. By complying with the requirements of SRC Chapter 804, constructing the required improvements found in the Conditions of Approval for CPC/ZC06-6, and following the recommendations of the TIA, the applicant has minimized impacts to the functionality of adjacent streets and intersections.

**Criterion 9:**

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

**Finding:** The proposed driveway approach to 27th Avenue SE is located adjacent to a residentially zoned area. However, the direction of travel by the majority of drivers is into the commercially zoned area utilizing the single-lane roundabout. Installation of the southbound right-turn by-pass lane to the site, along with the single lane roundabout, significantly limits cut-through traffic into the residential areas, and minimizes the effect on the functionality of the adjacent streets.

**Driveway approach to Boone Road SE:**

**Criterion 1:**

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

**Finding:** The proposed driveway meets the standards of SRC Chapter 804 and PWDS.

**Criterion 2:**

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

**Finding:** There are no site conditions prohibiting the location of the proposed driveway.

**Criterion 3:**

The number of driveway approaches onto an arterial are minimized.

**Finding:** The proposed driveway is not accessing onto an arterial street.

**Criterion 4:**

The proposed driveway approach, where possible:
a) Is shared with an adjacent property; or  
b) Takes access from the lowest classification of street abutting the property.

**Finding:** The proposed driveway is currently located with access to the lowest classification of street abutting the subject property.

**Criterion 5:**

The proposed driveway approach meets vision clearance standards.

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

**Criterion 6:**

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

**Finding:** The proposed driveway approach meets the criteria set by previous land use decisions and shall follow the recommendations found in the TIA submitted by Kittelson & Associates. No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements.

**Criterion 7:**

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

**Finding:** The driveway approach to Boone Road SE is located directly across from Bow Court SE. Our analysis of the proposed driveway and the evidence that has been submitted indicate that the location of the proposed driveway will not have any adverse impacts to the adjacent properties or streets.

**Criterion 8:**

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

**Finding:** The property is fronted by a Parkway street (Kuebler Boulevard SE), a Minor Arterial street (Battle Creek Road SE) and two Collector streets (Boone Road SE and 27th Avenue SE). The applicant is proposing the driveway approach to the lower classification of street and as recommended by the TIA provided by Kittelson & Associates. By complying with the requirements of SRC Chapter 804, constructing the required improvements found in the conditions of approval for CPC/ZC06-6, and following the recommendations of the TIA, the applicant has minimized impacts to the functionality of adjacent streets and intersections.
Criterion 9:

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

Finding: The driveway approach to Boone Road SE is located directly across from a residentially zoned area. Locating the driveway directly across from Bow Court SE provides for safe turning movements into and out of the property. This additional driveway balances the adverse impacts to the residentially zoned area south of the subject property and will not have an adverse effect on the functionality of adjacent streets.

5. Based upon review of SRC Chapters 220 and 804, the applicable standards of the Salem Revised Code, the findings contained herein, and due consideration of comments received, the application complies with the requirements for an affirmative decision.

ORDER

Final approval of Class 3 Site Plan Review and Class 2 Driveway Approach Permit Case No. 18-15 is hereby APPROVED subject to SRC Chapter 220 and 804, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as Attachment B, and the following conditions of approval:

Condition 1: Prior to issuance of building permit, the applicant shall identify which screening method will be provided along the Boone Road and 27th Avenue frontages in compliance with CPC/ZC06-06 Condition 12.

Condition 2: Prior to issuance of building permit, the site plan shall be revised to provide internal pedestrian pathways which connect each of the proposed buildings within the shopping center, and which connect to public sidewalks along adjacent streets. The internal pedestrian pathways shall be distinct from the vehicular travel lanes by means such as striping, distinctive pavement, elevation, or other method that clearly distinguishes the area for pedestrian travel from vehicle travel.

Condition 3: All remaining unsatisfied conditions of approval from CPC/ZC06-06 as specified in the November 30, 2015, “Certificate of Partial Satisfaction of Conditions of Approval and Deferral Agreement” shall be completed prior to final occupancy for the proposed development.

Condition 4: Prior to building permit issuance, where a proposed building crosses over an existing property line, either (1) pursuant to SRC 205.065, a property boundary verification shall be recorded, or (2) a property line adjustment shall be recorded to remove or relocate the property line.

Condition 5: A minimum of 15 percent of the development site, approximately 159,168 square feet, shall be landscaped with the issuance of the first building permit for the Kuebler Gateway Shopping Center.
Condition 6: At the time of building permit application, the plans for the solid waste service areas shall demonstrate compliance with all applicable development standards of SRC Chapter 800.

Condition 7: The proposed off-street parking area shall include bumper guards or wheel barriers so that no portion of a vehicle will overhang or project into required setbacks, landscape areas, or pedestrian pathways.

Condition 8: Bicycle parking areas shall be provided for each proposed building within the shopping center meeting the applicable amount and development requirements of SRC Chapter 806.

Condition 9: A minimum of 16 Oregon White Oaks shall be incorporated into the landscape design for the shopping center. Replanted trees shall have a minimum two-inch caliper.

Condition 10: The east site driveway on 27th Avenue SE should be constructed as a single-lane roundabout, with southbound right-turn by-pass lane to the site.

Condition 11: A stop sign should be installed at the new south site driveway (southbound) approach to Boone Road SE.

Condition 12: The westbound left-turn lane at intersection of Kuebler Boulevard SE and Battle Creek Road SE should be restriped to provide 400 feet of storage.

Condition 13: All future landscaping, above-ground utilities, and site signage should be located and maintained to ensure adequate sight-distance is provided at the site driveways.

Condition 14: Along the frontages of Boone Road SE and 27th Avenue SE, construct a half-street improvement to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The fee-in-lieu amounts previously collected may be used towards the security amount required for the public construction pursuant to SRC 110.100.

Condition 15: Sidewalks shall be located parallel to and one foot from the adjacent right-of-way, however, if topography or other physical conditions, such as the previously mitigated wetland areas, make the construction of sidewalks impossible or undesirable, then a different location may be allowed per SRC 803.035(1)(2)(B).

Condition 16: For the portion of the subject property within Kuebler Gateway Subdivision, the applicant shall comply with the stormwater management plan that was adopted under SRC 71.180(c) and approved with SUB14-01.
Condition 17: For the portion of the subject property outside Kuebler Gateway Subdivision, the applicant shall design and construct a storm drainage system for areas of new and replaced impervious surface in compliance with SRC Chapter 71 and the current Public Work Design Standards (PWDS).

Aaron Panko, Planning Administrator Designee

Prepared by Aaron Panko, Planner III

Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Applicant’s Written Statement
D. Neighborhood Association Testimony
E. Public Testimony
F. Public Works Memo
G. Oregon Department of Transportation Comments

Application Deemed Complete: September 4, 2018
Notice of Decision Mailing Date: October 23, 2018
Decision Effective Date: November 8, 2018
State Mandated Decision Date: February 1, 2019

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., November 7, 2018. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 220 and 804. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

http://www.cityofsalem.net/planning
Vicinity Map
2500-2600 Block of Boone Road SE

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

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.
NOTE:
ORDERS FOR 27TH AVE. SE ARE APPROXIMATE AND TO BE COORDINATED WITH DEVELOPER.

SEE ESC PLANS FOR EROSION & SEDIMENT CONTROL MEASURES

SCREEN WALL GRADES FOR 27TH AVE SE ARE APPROXIMATE AND TO BE COORDINATED WITH DEVELOPER.
### NOTES:

1. PERIMETER STONE MUST BE EXTENDED HORIZONTALLY TO THE EXCAVATION WALL FOR BOTH VERTICAL AND SLOPED EXCAVATION WALLS.

2. "ACCEPTABLE FILL MATERIALS" TABLE ABOVE PROVIDES MATERIAL LOCATIONS, DESCRIPTIONS, GRADATIONS, AND COMPACTION REQUIREMENTS FOR FOUNDATION, EMBEDMENT, AND FILL MATERIALS.

3. THE SITE DESIGN ENGINEER IS RESPONSIBLE FOR ASSESSING THE BEARING RESISTANCE (ALLOWABLE BEARING CAPACITY) OF THE SUBGRADE SOILS AND THE DEPTH OF FOUNDATION STONE WITH EQUIPMENT. FOR SPECIAL LOAD DESIGNS, CONTACT STORMTECH FOR COMPACTION REQUIREMENTS.

4. STORMTECH COMPACTION REQUIREMENTS ARE MET FOR 'A' LOCATION MATERIALS WHEN PLACED AND COMPACTED IN 9" (230 mm) (MAX) LIFTS USING TWO FULL COVERAGES WITH A VIBRATORY COMPACTOR.

5. THE LISTED AASHTO DESIGNATIONS ARE FOR GRADATIONS ONLY. THE STONE MUST ALSO BE CLEAN, CRUSHED, ANGULAR. FOR EXAMPLE, A SPECIFICATION FOR #4 STONE WOULD STATE: "CLEAN, CRUSHED, ANGULAR STONE IN A & B LAYERS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED SURFACE." WHERE INFILTRATION SURFACES MAY BE COMPROMISED BY COMPACTION, FOR STANDARD DESIGN LOAD CONDITIONS, A FLAT SURFACE MAY BE ACHIEVED BY RAKING OR DRAGGING WITHOUT COMPACTION.

6. BASEMENT WALL (UNDERSIDED): CLEAN, CRUSHED, ANGULAR STONE IN A & B LAYERS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED SURFACE. FILL MATERIAL FOR LAYER 'D' STARTS FROM THE TOP OF THE 'C' LAYER TO THE BOTTOM OF FLEXIBLE PAVEMENT OR UNPAVED FINISHED SURFACE. FILL MATERIAL FOR LAYER 'C' STARTS FROM THE TOP OF THE EMBEDMENT GRANULAR WELL-GRADED SOIL/AGGREGATE MIXTURES, <35% FINES OR PROCESSED AGGREGATE.

### ACCEPTABLE FILL MATERIALS: STORMTECH MC-3500 CHAMBER SYSTEMS

<table>
<thead>
<tr>
<th>MATERIAL LOCATION</th>
<th>DESCRIPTION</th>
<th>AASHTO MATERIAL CLASSIFICATIONS</th>
<th>COMPACTION REQUIREMENT</th>
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<tr>
<td>1</td>
<td>MC-3500 CHAMBERS</td>
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STORMWATER MANAGEMENT PLAN LIMITS.

KUEBLER BOULEVARD S.E.

CONNECT TO EXIT STORM

RETAINING WALL

CONNECT TO EXIT STORM

STORMWATER MANAGEMENT PLAN LIMITS.

GREEN STORMWATER INFRASTRUCTURE FOR 50% OF BUILDING ROOF AREA PER SUBDIVISION STORMWATER PLAN.

EXISTING UNDERGROUND DETENTION

BOONE ROAD S.E.

LOT 5

LOT 6

LOT 2

LOT 4

LOT 3

BATTLE CREEK ROAD S.E.