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DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 SITE PLAN REVIEW MODIFICATION

APPLICATION NO.: 23-102370-PLN

NOTICE OF DECISION DATE: March 15, 2024

REQUEST: A Modification to a Class 2 Site Plan Review (22-119636-PLN) for the addition of covers over sidewalks along the new building, and minor changes to a small parking area for the new office and daycare development at Marietta Business Park, for properties totaling approximately 4.6 acres in size, zoned IC (Industrial Commercial), and located at 3315 and 3365 Marietta Street SE (Marion County Assessor Map and Tax Lot: 083W12D / 3300 and 3400).

APPLICANT: Jordan Sparks

LOCATION: 3315-3365 Marietta Street SE

FINDINGS: The findings are in the attached Decision dated March 15, 2024.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by March 15, 2028, or this approval shall be null and void.

Case Manager: Jamie Donaldson, Planner III, jdonaldson@cityofsalem.net, 503-540-2328

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days** after **March 15, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24 102370.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
MODIFICATION OF CLASS 2)
SITE PLAN REVIEW (22-119636-PLN))
CASE NO. 24-102370-PLN)
3315-3365 MARIETTA STREET SE) MARCH 15, 2024

In the matter of the application for a Modification to an existing Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Modification to a Class 2 Site Plan Review (22-119636-PLN) for the addition of covers over sidewalks along the new building, and minor changes to a small parking area for the new office and daycare development at Marietta Business Park, for properties totaling approximately 4.6 acres in size, zoned IC (Industrial Commercial), and located at 3315 and 3365 Marietta Street SE (Marion County Assessor Map and Tax Lot: 083W12D / 3300 and 3400).

PROCEDURAL FINDINGS

1. On March 20, 2023, an application for a Class 2 Site Plan Review (22-119636-PLN) was approved for development of a 40,500 square foot, three-story building and parking lot in Marietta Business Park for offices and daycare use, for property located at 3315 and 3365 Marietta Street SE.
2. On January 22, 2024, an application for a Modification to an existing Class 2 Site Plan Review (22-119636-PLN) for the addition of covers over sidewalks along the new building, with minor changes to a small parking area, for property located at 3315 and 3365 Marietta Street SE.
3. After additional requested information was provided by the applicant, the application was deemed complete on March 1, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 2 Site Plan Review affects properties located at the 3315 and 3365 Marietta Street SE (**Attachment A**). The Modification to the Class 2 Site Plan Review proposes to add covers over the sidewalks that run along the west and north sides of the new building approved under Case Number 22-119636-PLN, with a change to a landscaped planter bay and the loss of two parking spaces north of the building in order to accommodate a necessary transformer and an electrical panel for electric vehicle chargers. The modified site plan and construction details for the sidewalk covers are included as **Attachment B**, and the original approval being modified is included as **Attachment C**.

2. City Department Comments

Development Services – Reviewed the proposal and indicated no concerns with the proposal.

Building and Safety – Reviewed the proposal and indicated that structural permits are required.

Salem Fire Department – Reviewed the proposal and indicated no concerns with the proposal.

DECISION CRITERIA FINDINGS

3. Analysis of a Modification of Class 2 Site Plan Review Approval Criteria

Pursuant to Salem Revised Code (SRC) 220.010, a site plan review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review. Modification of a Class 1 or Class 2 site plan review approval is processed as a Type I procedure under SRC Chapter 300. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

SRC 220.010(d)(1): Modification of a Class 1 Site Plan Review shall be granted if all of the following criteria are met:

(A) The proposed modification does not change the class of site plan review of the original application;

Finding: The applicant has requested a modification to an existing Class 2 Site Plan Review that originally approved development of a 40,500 square foot, three-story building and parking lot in Marietta Business Park for offices and daycare use, with a secondary parking lot on an adjacent parcel to serve the development site, and associated site improvements to pedestrian connections and landscaping on both lots.

The applicant is requesting to add accessory structures to cover the sidewalks of two pedestrian paths that run along the west and north sides of the new building approved under Case Number 22-119636-PLN. In addition, a slight change is proposed in the amount of landscaping and parking proposed in the original approval.

The exterior changes proposed do not remove any pedestrian connection, parking, or landscaping required to meet the applicable standards of the UDC. As discussed below, the proposed modification to add accessory structures and slightly alter the configuration of the parking does not substantially change the original approval, and complies with this approval criterion. This approval criterion is met.

(B) The proposed modification meets all the applicable standards of the UDC;

Finding: The subject properties are zoned IC (Industrial Commercial); therefore, the proposed development is subject to the use and development standards of the IC (Industrial Commercial) zone, SRC Chapter 551. The following is a summary of the applicable use and development standards of the IC zone.

Development Standards – IC (Industrial Commercial) Zone:

SRC 551.005(a) – Uses:

The permitted, special, conditional, and prohibited uses in the IC zone are set forth in Table 551-1.

Finding: The proposal includes the additional of sidewalk covers and minor changes to a small parking area previously approved in the Class 2 Site Plan Review (22-119636-PLN). There are no changes to the *office* and *day care* uses proposed with the Class 2 Site Plan Review. This standard is met.

SRC 551.010(a) – Lot Standards:

There is no minimum lot size, lot width or lot depth for all uses in the IC zone. The minimum street frontage requirement for retail use is 16 feet.

Finding: The existing lots comply with the minimum lot standards of the IC zone and no changes to the lot size or dimensions are proposed.

SRC 551.010(b) – Setbacks:

Setbacks within the IC zone shall be provided as set forth in Table 551-4 and Table 551-5.

Abutting Street

South: Adjacent to the south is the right-of-way for Marietta Street SE. There is a minimum 5-foot setback for buildings and accessory structures adjacent to a street. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

Finding: There are no changes to the proposed building or vehicle use areas abutting the street. The accessory structure to cover the sidewalks are proposed to start at the sidewalk along Marietta Street SE and run north along the west side of the building. As a new accessory structure, the sidewalk cover should be setback at least five feet from the street. The applicant has agreed to move the sidewalk cover back five feet at the time of building permit review to meet the minimum setback requirement and allow approval of the building permit. The proposal meets the standards.

Interior Front, Side and Rear

North/East/West: The two lots abut IC zoned properties on all sides other than abutting Marietta Street to the south. In the IC zone, there is no minimum setback for buildings or accessory structures abutting IC zoned properties, and there is a five-foot vehicle use area setback with Type A landscaping.

Finding: There are no changes to the proposed building or vehicle use areas abutting other IC zoned properties. The accessory structures to cover the sidewalk are at least 15 feet from the nearest property line. The proposal meets the standards.

SRC 551.010(c) – Lot Coverage & Height:

Buildings and accessory structures within the IC zone shall conform to the lot coverage and height standards set forth in Table 551-5.

Finding: There is no maximum lot coverage requirement for all uses in the IC zone and the maximum building height allowance is 70 feet. The applicant's elevations for the sidewalk covers indicate that the structures will be less than ten feet in height. This standard is met.

SRC 551.010(d) - Landscaping:

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

Finding: The proposed modification includes a change to a landscaped planter and the loss of two parking spaces north of the building in order to accommodate a necessary transformer and an electrical panel for electric vehicle chargers. The loss of the two parking spots only adds more area towards the interior parking lot landscaped area, which already exceeded the minimum five percent requirement, as approved under Case Number 22-119636-PLN.

General Development Standards SRC 800

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 modification does not include any changes to the solid waste service area approved under 22-119636-PLN; therefore, this section does not apply to the modification review.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Finding: The proposed modification includes construction of accessory structures covering the sidewalks that are more than 200 square feet in total; therefore, the pedestrian access standards of SRC Chapter 800 apply to the proposed development.

SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets

(A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

Finding: Direct pedestrian access is provided from the proposed building on Lot 3 to Marietta Street SE. There are no changes to the location of the pedestrian connections provided under the previous approval. This standard is met.

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

Finding: There is no transit route or planned transit stop abutting the development site; therefore, this standard is not applicable.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on same Development Site

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

Finding: There is an existing shop building on site, where a pedestrian connection is proposed from the proposed building to the existing building. There are no changes to the location of the pedestrian connections provided under the previous approval; therefore, this standard is met.

SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.

(A) *Surface parking areas.* Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

Finding: The proposed off-street parking areas on both Lots 2 and 3 are greater than 25,000 square feet in size. There are no changes to the location of the pedestrian connections provided under the previous approval, which met the required connections through both parking lots. This standard is met.

(B) *Parking structures and parking garages.* Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Finding: The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

(A) Be constructed, and a public access easement or dedication provided; or

(B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided. A pedestrian connection is not required, however:

- (a) To abutting properties used for activities falling within the following use classifications, use categories, and uses under SRC chapter 400:
- (i) Single-family;
 - (ii) Two-family;
 - (iii) Group living;
 - (iv) Industrial;
 - (v) Infrastructure and utilities; and
 - (vi) Natural resources.

Finding: The development site consists of six properties under same ownership, operating as a business park development. The applicant has proposed pedestrian pathways through the off-street parking areas, across shared driveways, and connecting to existing sidewalks on all abutting properties to the west, northwest, and northeast. There are no changes to the location of the pedestrian connections provided under the previous approval. The standard is met.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

(1) Walkways shall conform to the following:

- (A) Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards and shall be a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.
- (C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping, or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

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

Finding: The applicant has proposed to increase the width of the two pedestrian paths where the sidewalk covers will be installed, so that the pedestrian connections measure the minimum five feet in width along the length of the sidewalk when the posts are installed to hold up the

sidewalk covers. No other changes are proposed or required for the connections previously approved. This standard is met.

SRC 800.065(c) – Lighting.

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Finding: The application materials do not provide sufficient detail to determine compliance with this development standard. At the time of building permit review, the applicant shall ensure that the lighting standard is still met with the installation of the sidewalk covers to allow approval of the building permit.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 – Amount Off-Street Parking.

(a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: At the time of the original approval, the City had a standard for minimum parking requirements with each new use. Since then, code changes have removed the minimum parking requirements, and review for a maximum parking standard instead. Because the proposed modification removes two parking spaces when there is no longer a minimum standard, and the removal makes the site more conforming by lowering the amount of parking on site to a total of 505 spaces, the modification is still substantially conforming to the original approval. This standard is met.

(b) *Compact parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.

Finding: There are no changes to the two compact spaces previously approved. This standard is met.

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

Finding: There are no changes to the 12 compact spaces previously approved. This standard is met.

(d) *Required electric vehicle charging spaces.* For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417.

Finding: The development does not include residential uses; therefore, this standard is not applicable.

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:

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

Finding: The proposal does not include a new off-street parking and vehicle use area, and does not add or replace pavement; therefore, this section is not applicable to the proposed modification.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

Finding: The proposal addition of the sidewalk covers along the north side of the building required an expansion of the sidewalk to meet the minimum five-foot width, which is in close proximity to the bike rack location. As such, this section is not applicable to the proposed modification.

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.

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

Finding: The applicant's plans indicate 16 new parking spaces on Lot 3, directly north of the new building, to serve the new uses for the development, meeting the standard. There are no changes proposed to amount of bicycle parking provided. This standard is met.

SRC 806.060 - Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

(a) Location.

- (1) Short-term bicycle parking.* Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route

Finding: The site plan indicates the proposed bicycle parking is within 50 feet of a primary entrance, and the modification does not propose to move their location; therefore, this standard is met.

- (b) Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Finding: As shown on the site plan, each bicycle parking area has direct access to a primary building entrance through the proposed pedestrian pathways, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

(c) Dimensions. All bicycle parking areas shall meet the following dimension requirements:

- (1) Bicycle parking spaces.* Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.
- (2) Access aisles.* Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. The proposed bicycle parking spaces are located on a paved walkway, with adequate dimensions to provide pedestrian passage for all six proposed spaces as review with the original decision. The applicant's plans indicate that there is still adequate length for each proposed stall to be at least six feet with the addition of the sidewalk covers and posts. The applicant is also still providing a minimum five-foot-wide access aisle; therefore, the standard is met.

- (d) Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

Finding: The proposed bicycle parking spaces are placed on a hard surface material; therefore, the standard is met.

- (e) Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle frame in a stable position, in two or more places without damage to wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-11.

Finding: There are no changes to the type of bicycle racks proposed under the previous approval. This standard is met.

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; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: There are no changes to the uses or size of the building that would warrant additional loading spaces. The applicant's plans exceed the minimum two loading spaces required. This standard is met.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2. All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Finding: The proposed modification includes a change to a landscaped planter and the loss of two parking spaces north of the building, where the loss of the two parking spots adds more area towards the interior parking lot landscaped area. While some of the area will be occupied with a necessary transformer and electrical panel for electric vehicle chargers, the development site is already over the required number of plant units for the amount of landscape provided. However, changes in the landscaped area will be reviewed for conformance with the minimum requirements set forth in the original decision at building permit review. This standard is met.

4. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 2 Site Plan Review Modification is in conformance with the UDC and the approval criteria provided in SRC 220.010(d)(1), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 2 Site Plan Review Modification is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

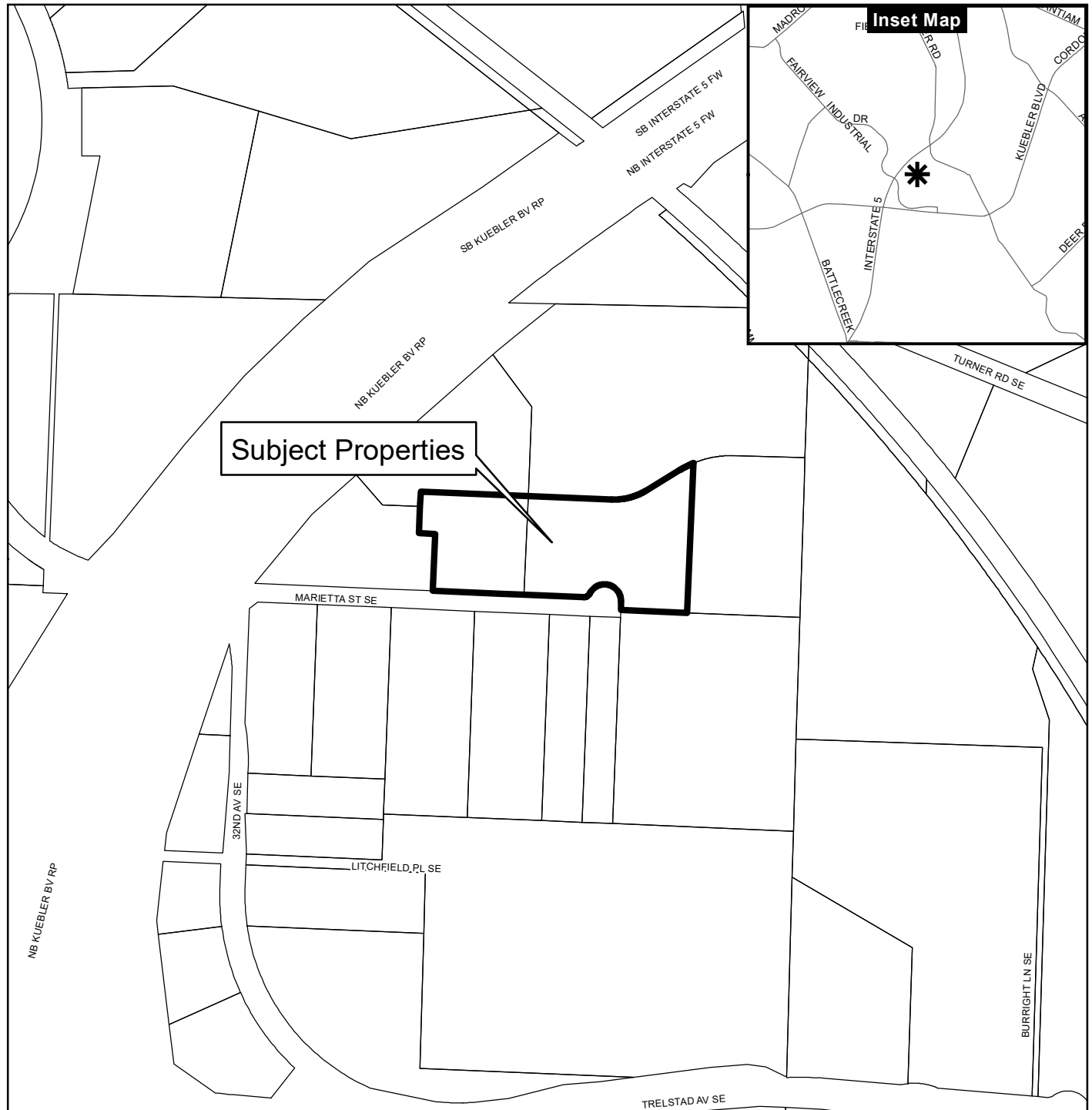


Jamie Donaldson, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Modified Site Plan and Elevations
 C. Original 22-119636-PLN Decision

Vicinity Map

3315 & 3365 Marietta Street SE



Legend

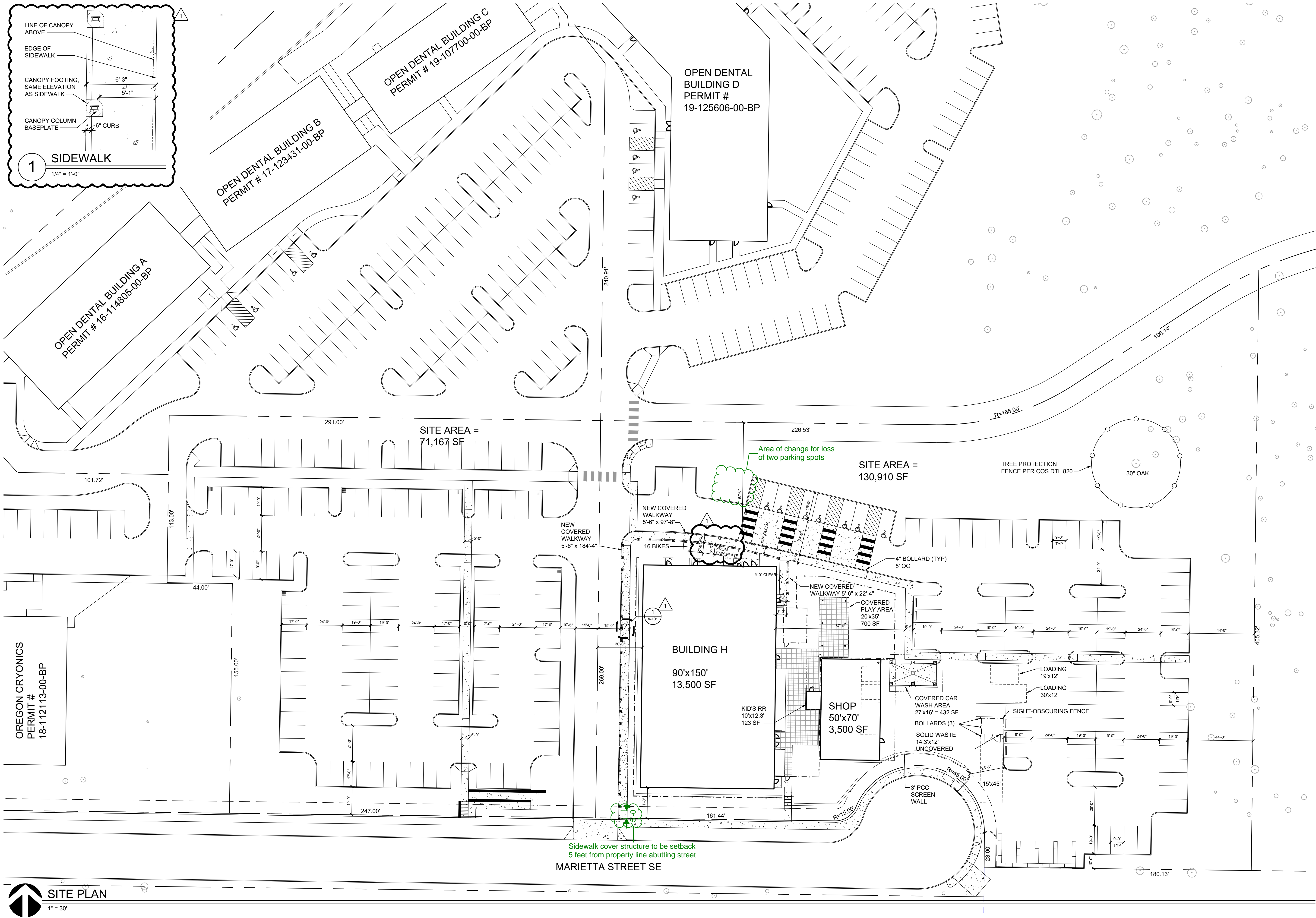
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- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks

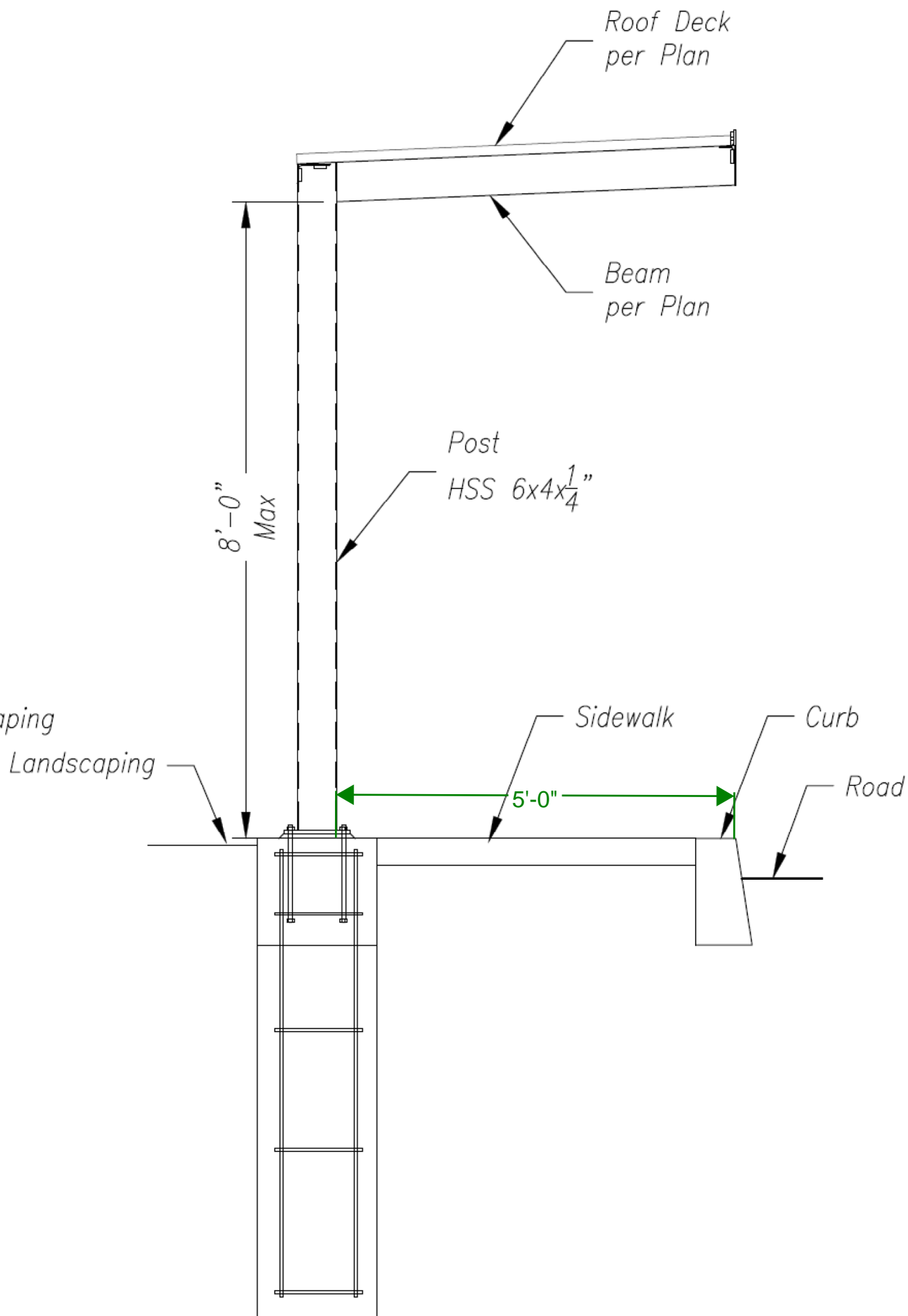
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Community Development Dept.

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Section B
Scale: $\frac{3}{8}" = 1'-0"$

NOTICE OF DECISION

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



PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 2 Site Plan Review
AMANDA NO.: 22-119636-PLN
DATE OF DECISION: March 20, 2023
PROPERTY LOCATION: 3315-3365 Marietta Street SE
APPLICANT: Jordan Sparks
ZONE: IC (Industrial Commercial)
COMPREHENSIVE PLAN: Industrial
OVERLAY: None

REQUEST

A Class 2 Site Plan Review for development of a 40,500 square foot, three-story building and parking lot in Marietta Business Park for offices and daycare use, for properties totaling approximately 4.6 acres in size, zoned IC (Industrial Commercial), and located at 3315 and 3365 Marietta Street SE - 97305 (Marion County Assessor Map and Tax Lot: 083W12D / 3300 and 3400). (**Attachment A**)

FINDINGS

The purpose of Site plan review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure. The proposed development plans are included as **Attachment B**.

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

1. Approval Criteria

SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:

- (a) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

Finding: Only clear and objective standards apply to the proposed development. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

(b) The application meets all the applicable standards of the UDC.

Finding: The proposal is part of a development site for Marietta Business Park, where phases of the development were previously approved under UGA-SUB-SPR-DAP-ADJ16-01. The proposal includes construction of a 40,500 square foot, three-story building for Open Dental Software, Inc. on Lot 3 of Marietta Business Park, and a new parking lot to serve the development site on Lot 2. The subject properties are zoned IC (Industrial Commercial); therefore, the proposed development is subject to the use and development standards of the IC (Industrial Commercial) zone, SRC Chapter 551. The following is a summary of the applicable use and development standards of the IC zone.

SRC Chapter 551 – IC (Industrial Commercial) Zone Development Standards

SRC 551.005(a) – Uses:

Per Table 551-1, Retail Sales are listed as a permitted use in the IC Zone.

Finding: The proposal includes construction of a 40,500 square foot, three-story building for Open Dental Software, Inc., operating offices on the second and third floor, and a dedicated day care on the first floor. *Office* and *day care* uses are permitted uses in the IC zone. This standard is met.

SRC 551.010(a) – Lot Standards:

There is no minimum lot size, lot width or lot depth for all uses in the IC zone. The minimum street frontage requirement for retail use is 16 feet.

Finding: The existing lots comply with the minimum lot standards of the IC zone and no changes to the lot size or dimensions are proposed.

SRC 551.010(b) – Setbacks:

Setbacks within the IC zone shall be provided as set forth in Table 551-4 and Table 551-5.

Abutting Street

South: Adjacent to the south is the right-of-way for Marietta Street SE. There is a minimum 5-foot building setback adjacent to a street. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

Finding: The proposed building on Lot 3 is setback 21 feet from Marietta Street SE to the south. There is an existing shop building on site, where no changes are proposed to the location of the existing building. The new vehicle use area on Lot 2 is setback 19 feet from the Marietta Street SE to the south. The proposal meets the standards.

Interior Front, Side and Rear

North/East/West: The two lots abut IC zoned properties on all sides other than abutting Marietta Street to the south. In the IC zone, there is no minimum building setback abutting IC zoned properties, and there is a five-foot vehicle use area setback with Type A landscaping.

Finding: Pursuant to SRC 806.040, perimeter setbacks and landscaping are not required where there is a shared driveway located over the common lot line and providing access to

two or more uses. Because these two lots are part of a larger development site and the interior property lines are located over shared driveways that provide access throughout the site, the five-foot landscaped setback is not required for most of the property lines involved with this proposal. However, the east property line of Lot 3 and a portion of the west property line on Lot 2 are not located over a driveway, and do require the five-foot vehicle use area setback. In both cases, the site plan indicates there is well over the five-foot minimum provided from the vehicle use area to the property line. The proposal meets the standards.

SRC 551.010(c) – Lot Coverage & Height:

There is no maximum lot coverage requirement for all uses in the IC zone and the maximum building height allowance is 70 feet.

Finding: The applicant's building elevations indicate that the new building will be 49 feet in height. This standard is met.

SRC 551.010(d) – Landscaping:

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

Finding: Lot 2 is approximately 71,167 square feet in size, requiring a minimum of 10,675 square feet of landscaped area ($130,900 \times 0.15 = 10,675.05$). The site plan indicates a total of 12,163 square feet (17.1 percent) of landscaped area is provided on site. Lot 3 is approximately 130,910 square feet in size, requiring a minimum of 19,637 square feet of landscaped area ($130,910 \times 0.15 = 19,636.5$). The site plan indicates a total of 38,678 square feet (29.5 percent) of landscaped area is provided on site. Each phase of the development site has been evaluated for the minimum 15 percent landscaping, providing at least 15 percent for the development site as a whole. Per the landscape totals provided under Case Number UGA-SUB-SPR-DAP-ADJ16-01, the following is an updated summary of the landscape area coverage for each lot of the development site:

	Lot Area (Acres)	Minimum Requirement (Square Feet)	Proposed Landscape Area (Square Feet)
Lot 1	2.137	13,963	52,490 (68%)
Lot 2	1.634	10,675	12,167 (17%)
Lot 3	3.005	19,637	38,678 (30%)
Lot 4	2.590	16,923	18,480 (31%)
Lot 5	7.995	52,239	251,230 (69%)
Lot 6	2.981	19,478	NA
Total	20.342	132,915	373,045 (42%)

Additionally, the proposal includes new off-street parking and vehicle use area; therefore, the off-street parking and vehicle use area development standards of SRC 806.035(a) are applicable. Vehicle use areas greater than 5,000 square feet in size require interior

landscaping. The applicant's plans indicate that the proposed off-street parking area on Lot 2 is approximately 47,016 square feet in size, requiring a minimum of five percent of interior landscaping, or 2,351 square feet ($47,016 \times 0.05 = 2,350.8$). The applicant's plans indicate approximately 6,483 square feet (13.7 percent) of interior landscape is provided on Lot 2, thereby meeting the standard. For Lot 3, the applicant's plans indicate that the proposed off-street parking area is approximately 42,519 square feet in size, requiring a minimum of five percent of interior landscaping, or 2,126 square feet ($42,519 \times 0.05 = 2,125.9$). The applicant's plans indicate approximately 4,605 square feet (10.8 percent) of interior landscape is provided on Lot 3, thereby meeting the standard.

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

SRC Chapter 601 – Floodplain Overlay Zone

Development in the floodplain shall be regulated to preserve and maintain the capability to the floodplain to convey the flood water discharges and to minimize danger to life and property.

Finding: Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist within the development area.

SRC Chapter 800 – General Development Standards

Solid Waste Service Areas

SRC 800.055(a) – Applicability.

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

Finding: The proposed development includes a new solid waste service area. The standards of SRC 800.055 apply. Full adherence with these standards will be ensured at the time of building permit review.

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

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

(1) *Pad area.* In determining the total concrete pad area for any solid waste service area:

- (a) The pad area shall extend a minimum of 1-foot beyond the sides and rear of the receptacle.
- (b) The pad area shall extend a minimum 3 feet beyond the front of the receptacle.
- (c) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.

Finding: The proposed plans indicate an adequate pad area surrounding the trash enclosures. Further compliance will be verified at the time of building permit review, as conditioned below.

(2) Minimum Separation.

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

Finding: Adequate separation distance is provided within the enclosure. Receptacles will not be placed within 5 feet of a building or structure. Further compliance will be verified at the time of building permit review.

(3) Vertical Clearance.

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

Finding: No cover is proposed for this enclosure; therefore, this standard is not applicable.

SRC 800.055(d) – Solid Waste Service Area Screening Standards.

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

Finding: The applicant's development plans show the proposed solid waste service areas will be screened with a six-foot-tall sight-obscuring chain link fence with slats and gates. The proposal meets the standard.

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

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

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

Finding: The width of the proposed front opening for all enclosures is approximately 12 feet, meeting the minimum standard.

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

high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.

Finding: The trash enclosure plans appear to indicate a wheel stop is provided 12 inches inside the perimeter of the enclosure walls. Further compliance will be verified at the time of building permit review.

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

Finding: The plans note the proposed gates can swing to 120 degrees in compliance with this provision.

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

(1) *Vehicle Operation Area.*

(A) A vehicle operation area shall be provided for solid waste collection service vehicles that are free of obstructions and no less than 45 feet in length and 15 feet in width. Vehicle operation areas shall be made available in front of every receptacle.

Finding: The proposed vehicle operation area shows an area 45 feet in length and 15 feet in width, perpendicular to the enclosure and extending into the cul-de-sac of Marietta Street SE, meeting the minimum dimensional requirements for service vehicle access.

(B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:

- (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
- (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
- (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.

Finding: The proposal includes receptacles greater than two cubic yards in size. This standard does not apply.

(C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.

(D) Vehicle operation areas shall have a minimum vertical clearance of 14 feet.

(E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

Finding: The proposed site plan shows a vehicle operation within a parking lot drive aisle, where the plans indicate a direct approach into position and adequate room for a turnaround. The area will be kept free of parked vehicles and other obstructions; therefore, the proposal meets the standard.

Pedestrian Access

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Finding: The development site is comprised of two lots under the same ownership; pedestrian access standards of SRC Chapter 800 apply to the proposed development.

SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets

(A) A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed; provided each of the building's primary entrances are connected, via a pedestrian connection, to the required connection to the street.

Finding: Direct pedestrian access is provided from the proposed building on Lot 3 to Marietta Street SE. This standard is met.

(B) Where an adjacent street is a transit route and there is an existing or planned transit stop along street frontage of the development site, at least one of the required pedestrian connections shall connect to the street within 20 feet of the transit stop.

Finding: There is no transit route or planned transit stop abutting the development site; therefore, this standard is not applicable.

SRC 800.065(a)(2) – Pedestrian Connection Between Buildings on the same Development Site

Where there is more than one building on a development site, a pedestrian connection(s), shall be provided to connect the primary building entrances of all of the buildings.

Finding: There is an existing shop building on site, where a pedestrian connection is proposed from the proposed building to the existing building; therefore, this standard is met.

SRC 800.065(a)(3) – Pedestrian Connection Through Off-Street Parking Areas.

(A) *Surface parking areas.* Except as provided under subsection (a)(3)(A)(iii) of this section, off-street surface parking areas greater than 25,000 square feet in size or including four or more consecutive parallel drive aisles shall include pedestrian connections through the parking area to the primary building entrance as provided in this subsection.

Finding: The proposed off-street parking areas on both Lots 2 and 3 are greater than 25,000 square feet in size. The applicant's plans include a pedestrian connection on Lot 2 from an existing pedestrian walkway along the north side of the property, through the proposed parking lot and connecting to Marietta Street SE. The applicant's plans also include a pedestrian connection on Lot 3 from the far east side of the property, through the proposed parking lot and connecting to the proposed building, and extending around the building to provide pedestrian access to Lot 2 and Marietta Street SE. This standard is met.

(B) *Parking structures and parking garages.* Where an individual floor of a parking structure or parking garage exceeds 25,000 square feet in size, a pedestrian connection shall be provided through the parking area on that floor to an entrance/exit.

Finding: The development site does not include any existing or proposed parking structures or garages; therefore, this standard is not applicable.

SRC 800.065(a)(4) – Pedestrian Connection to Existing or Planned Paths and Trails.

Where an existing or planned path or trail identified in the Salem Transportation System Plan (TSP) or the Salem Comprehensive Parks System Master Plan passes through a development site, the path or trail shall:

- (A) Be constructed, and a public access easement or dedication provided; or
- (B) When no abutting section of the trail or path has been constructed on adjacent property, a public access easement or dedication shall be provided for future construction of the path or trail.

Finding: There are no planned paths or trails passing through the development site; therefore, this standard is not applicable.

SRC 800.065(a)(5) – Pedestrian Connection to Abutting Properties

Whenever a vehicular connection is provided from a development site to an abutting property, a pedestrian connection shall also be provided.

Finding: The development site consists of six properties under same ownership, operating as a business park development. The applicant has proposed pedestrian pathways through the off-street parking areas, across shared driveways, and connecting to existing sidewalks on all abutting properties to the west, northwest, and northeast. The standard is met.

SRC 800.065(b) – Design and materials

Required pedestrian connections shall be in the form of a walkway, or may be in the form of a plaza.

(1) Walkways shall conform to the following:

- (A) Walkways shall be paved with a hard-surface material meeting the Public Works Design Standards and shall be a minimum of five feet in width.
- (B) Where a walkway crosses driveways, parking areas, parking lot drive aisles, and loading areas, the walkway shall be visually differentiated from such areas through

the use of elevation changes, a physical separation, speed bumps, a different paving material, or other similar method. Striping does not meet this requirement, except when used in a parking structure or parking garage.

(C) Where a walkway is located adjacent to an auto travel lane, the walkway shall be raised above the auto travel lane or separated from it by a raised curb, bollards, landscaping, or other physical separation. If the walkway is raised above the auto travel lane it must be raised a minimum of four inches in height and the ends of the raised portions must be equipped with curb ramps. If the walkway is separated from the auto travel lane with bollards, bollard spacing must be no further than five feet on center.

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

Finding: The pedestrian connections proposed measure at least five feet in width in all locations. The type of material proposed for the pedestrian connections is not listed in the application materials. At the time of building permit, the applicant shall demonstrate that all applicable standards of this section are met.

SRC 800.065(c) – Lighting.

The on-site pedestrian circulation system shall be lighted to a level where the system can be used at night by employees, customers, and residents.

Finding: The application materials do not provide sufficient detail to determine compliance with this development standard. To ensure compliance, the following condition applies.

SRC Chapter 802 – Public Improvements

SRC 802.015 – Development to be served by city utilities: Except as provided under SRC 802.035 and 802.040, all development shall be served by city utilities designed and constructed according to all applicable provisions of the Salem Revised Code and the Public Works Design Standards.

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. Necessary improvements were established with the Marietta Business Campus Subdivision decision (UGA-SUB-SPR-DAP-ADJ16-01). Pursuant to UGA-SUB-SPR-DAP-ADJ16-01, the proposed development shall pay a Temporary Access fee in lieu of constructing S-1 Water System Master Plan improvements needed to serve the property.

For development within Phase 2D: Pay a temporary access fee of \$9,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 6.g).

For development within Lot 2: Pay a temporary access fee of \$9,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 7.g).

For development within Future development Lot 6: Pay a temporary access fee of \$22,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 10.g).

Design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

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

Finding: Marietta Street SE meets the minimum right-of-way and improvement requirements for its classification according to the Salem TSP. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to SRC 803.040(a). Therefore, no right-of-way dedication or street improvements are required. The existing driveways are adequate and do not warrant modification to serve the proposed development.

The subject property is within the Trelstad Reimbursement District pursuant to Resolution 2016-12, and as amended through Resolution 2021-9. Prior to issuance of building permits, the applicant shall pay the applicable reimbursement district fee

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

Vehicle Parking

SRC 806.005(a) – Off-Street Parking; When Required.

Off-street parking shall be provided and maintained as required under SRC Chapter 806 for each proposed new use or activity.

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

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

Finding: The proposal includes development of a new off-street parking area located on the same development site as the proposed building.

SRC 806.015 – Amount of Off-Street Parking.

- (a) Minimum Required Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.
- (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 new building is within the Marietta Business Park with multiple uses. The proposed building is three-stories of 13,500 square feet per floor, for a total of 40,500 square feet in size. The office uses require a minimum of one off-street parking spaces per 350

square feet of gross floor area, for floors two and three; the minimum required off-street parking is 77 spaces ($27,000 / 350 = 77.14$). At the time the application was submitted, the *day care* use serving 27 persons or more on the first floor requires a minimum four parking spaces. The existing 3,500 square foot shop building on site requires a minimum of one space per 5,000 square feet, for a total of one parking space required. The development of the subject properties requires a total of 82 parking spaces, with a maximum allowance of 144 spaces ($82 \times 1.75 = 143.5$). The applicant's plans indicate 90 new parking spaces on Lot 3 to serve the new and existing buildings; however, the properties are part of a development site with multiple uses and shared parking, including the new parking lot on Lot 2 with no associate buildings. The following is an updated summary of the vehicle parking for the entire development site:

Lot #	Building	Floor Area	Use	Parking Ratio	Parking Requirement		Spaces Provided
					Min.	Max.	
1	E	11,000 SF	Office	1/350 SF	31	54	12
2	None	N/A	Parking	N/A	-	-	113
3	H	14,323 SF	Day Care	>27 persons	4	144	88
		27,000 SF	Office	1/350 SF	77		
		3,932 SF	Grounds Services	1/5,000 SF	1		
4	A, B, C	34,834 SF	Office	1/350 SF	100	175	98
5	D	55,500 SF	Office	1/350 SF	159	278	196
6	None	None	Future	N/A	-	-	-
Total					372	651	507

The applicant's plans indicate the development site has a total of 507 parking spaces provided, meeting the minimum and maximum requirements. The site plan indicates that two off-street parking spaces are designated compact spaces, meeting the standard for the maximum amount of compact parking permitted for the proposed development ($507 \times .75 = 380.25$). The applicant's plans indicate 12 carpool/vanpool spaces provided for the new uses on Lot 3, exceeding the minimum requirement for Business and Professional Services use category ($88 \times .05 = 4.4$). The proposal meets these standards.

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.

Finding: The proposal includes new off-street parking and vehicle use areas and the development standards of SRC Chapter 806 are applicable to this proposal. The proposed off-street parking area is in compliance with the minimum setback requirements of SRC Chapters 551 and 806, as outlined above and within this section.

(d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5.

Finding: Vehicle use areas greater than 5,000 square feet in size require interior landscaping. The applicant's plans indicate that the proposed off-street parking area on Lot 2 is approximately 47,016 square feet in size, requiring a minimum of five percent of interior landscaping, or 2,351 square feet ($47,016 \times 0.05 = 2,350.8$). The applicant's plans indicate approximately 6,483 square feet (13.7 percent) of interior landscape is provided on Lot 2, thereby meeting the standard. For Lot 3, the applicant's plans indicate that the proposed off-street parking area is approximately 42,519 square feet in size, requiring a minimum of five percent of interior landscaping, or 2,126 square feet ($42,519 \times 0.05 = 2,125.9$). The applicant's plans indicate approximately 4,605 square feet (10.8 percent) of interior landscape is provided on Lot 3, thereby meeting the standard.

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

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

Finding: The proposed off-street parking spaces comply with the minimum aisle width and dimensional requirements for compact and standard vehicle parking spaces established in Table 806-6.

(f) *Off-street parking area access and maneuvering.* In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-7.

Finding: The proposed off-street parking spaces are designed to allow safe and convenient access through the new vehicle use area, and do not require any turnaround areas.

(g) *Additional Off-Street Parking Development Standards 806.035(g)-(n).*

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 proposed where required. The parking area striping, marking, signage, and lighting shall comply with the standards of SRC Chapter 806. Further conformance with these standards will be verified at the time of building permit review.

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.

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

Finding: The proposed building is three-stories of 13,500 square feet per floor, for a total of 40,500 square feet in size. The *office* uses requires the greater of four spaces or one space per 3,500 square feet for first 50,000 square feet of gross floor area; requiring a minimum of eight bicycle parking spaces for floors two and three ($27,000 / 3,500 = 7.7$). The *day care* use on the first floor requires a minimum four bicycle parking spaces; and the existing 3,500 square foot shop building on site requires a minimum of four bicycle parking spaces. The development of the subject properties requires a total of 16 bicycle parking spaces for all uses. The applicant's plans indicate 16 new parking spaces on Lot 3, directly north of the new building, to serve the new uses for the development, meeting the standard.

SRC 806.060 - Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) *Location.* Short-term bicycle parking located outside a building shall be located within a convenient distance of, and 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, as measured along a direct pedestrian access route.
- (b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area
- (c) *Dimensions.* Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- (d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- (e) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
 - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding: The applicant's site plan including construction details for the 16 bike parking spaces to be installed on the north side of the new building, meeting the minimum dimensions, design, location and access requirements for this chapter. This standard is met.

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 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: Based on the uses and the size of the buildings on the development site, two loading spaces are required. The applicant has shown more than two on the development site.

SRC Chapter 807 – 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: Approximately 50,841 square feet of landscape area is proposed for the subject properties. For the required landscaped setbacks and vehicle use areas on Lot 2, approximately 12,163 square feet of landscape area is being provided, requiring a minimum of 608 plant units ($12,163 / 20 = 608.15$). Of the required plant units, a minimum of 243 plant units shall be trees ($608 \times 0.4 = 243.2$). For the required landscaped setbacks and vehicle use areas on Lot 3, approximately 19,261 square feet of landscape area is being provided, requiring a minimum of 963 plant units ($19,261 / 20 = 963.05$). Of the required plant units, a minimum of 385 plant units shall be trees ($963 \times 0.4 = 385.2$).

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

SRC Chapter 808 – Preservation of Trees and Vegetation

SRC Chapter 808, the City's tree preservation ordinance, establishes requirements for the protection of trees and trees and native vegetation in riparian corridors. SRC Chapter 808 specifically requires protection of:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves.”

Finding: The applicant’s site plans identify one significant Oregon White Oak Lot 3 that is designated for preservation with the appropriate protection measures. There are no other significant trees and no existing trees designated for removal on the portion of the subject properties where the proposed development activity is located. The proposal conforms to the requirements of SRC Chapter 808.

SRC Chapter 809 – Wetlands

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

Finding: The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and linear wetland area(s) mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). A wetland delineation may be required.

SRC Chapter 810 – Landslide Hazards

A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area.

Finding: According to the City’s adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 2 mapped site points for the property pursuant to SRC Chapter 810. The proposed activity of a commercial building adds two activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required. As part of the Marietta Business Campus Subdivision application, a geologic assessment, which was prepared by Westech Engineering, Inc., was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

Historic Property Status

The subject property is not located within a historic district and is not individually listed as a historic resource.

Previous Land Use Actions

CPC-ZC14-07: A consolidated Comprehensive Plan Map Amendment and Zone Change for two abutting lots on the north side of Marietta Street SE, just east of the I-5 freeway. The applicant proposes to change the Comprehensive Plan Map designation and zoning of both lots to IC (Industrial Commercial) to allow future development of facilities for firms engaging in software development and cryopreservation of biological tissue.

UGA-SUB-SPR-DAP-ADJ16-01: A consolidated application for an integrated phased development to accommodate five new buildings, including headquarters, and research and development buildings for Open Dental Software (medical software development), medical office facilities, and a warehouse building. The application includes the following:

- 1) An Urban Growth Preliminary Declaration to determine the required public facilities for the proposed development;
- 2) A 7-lot Subdivision;
- 3) A Class 3 Site Plan Review for the proposed phased development;
- 4) A Class 2 Adjustment to increase the number of driveway approaches allowed on a local street (Marietta from one to three; and
- 5) A Class 2 Driveway Approach Permit.

The subject property is approximately 20.58 acres in size, zoned IC (Industrial Commercial), and located at 3311-3325 Marietta Street SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 083W12A / 01300).

UGA-SUB-SPR-DAP-ADJ16-01MOD1: A request to modify the building and off-street parking area configuration for proposed Lots 4 and 5 from a previously approved Class 3 Site Plan Review decision (UGA-SUB-SPR-DAP-ADJ16-01), for property approximately 20.58 acres in size, zoned IC (Industrial Commercial), and located at the 3311 Marietta Street SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 083W12A / 01300 and 01302).

The previous land use actions for phased development of Marietta Business Park included conditions of approval applicable to the proposed development and referenced earlier in this decision.

City Department Comments

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

The Building and Safety Division and Fire Department reviewed the proposal and identified no apparent issues with the site plan.

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 3315-3365 Marietta Street SE complies with approval criteria provided in SRC 220.005(f)(2).

DECISION

Final approval of the attached site plan is hereby GRANTED subject to SRC Chapter 220 and the applicable standards of the Salem Revised Code and providing compliance occurs with any applicable items noted above. This decision is a final land use decision.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

If you have any questions regarding items in this site plan review, please contact Jamie Donaldson at 503-540-2328 or by email at jdonaldson@cityofsalem.net.



Jamie Donaldson, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

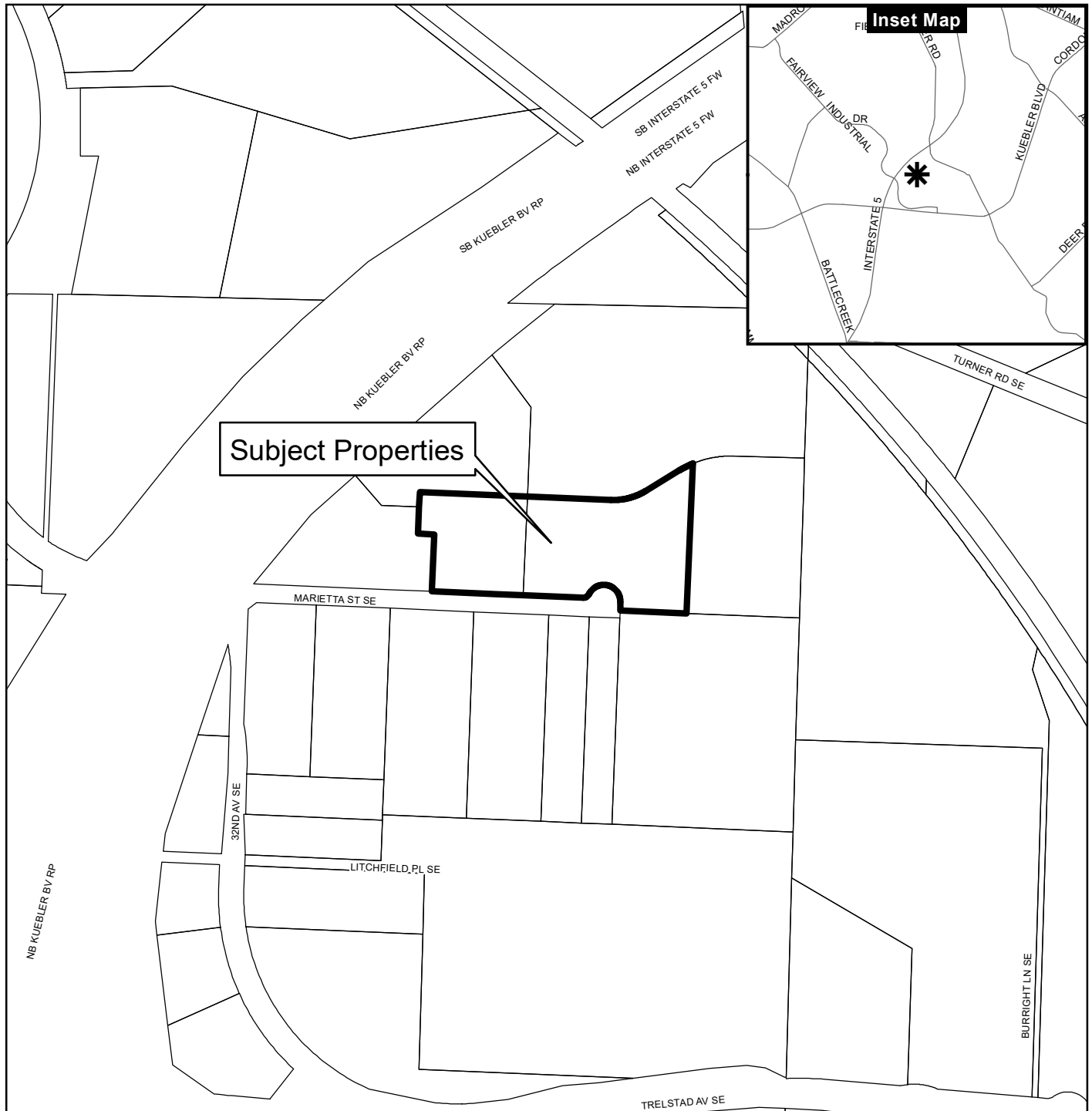
Application Deemed Complete:	<u>February 21, 2023</u>
Decision Mailing Date:	<u>March 20, 2023</u>
State Mandated Decision Date:	<u>September 15, 2023</u>

Attachments:

- A. Vicinity Map
- B. Proposed Development Plans
- C. Memo from the Public Works Department

Vicinity Map

3315 & 3365 Marietta Street SE



Legend

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

- Parks

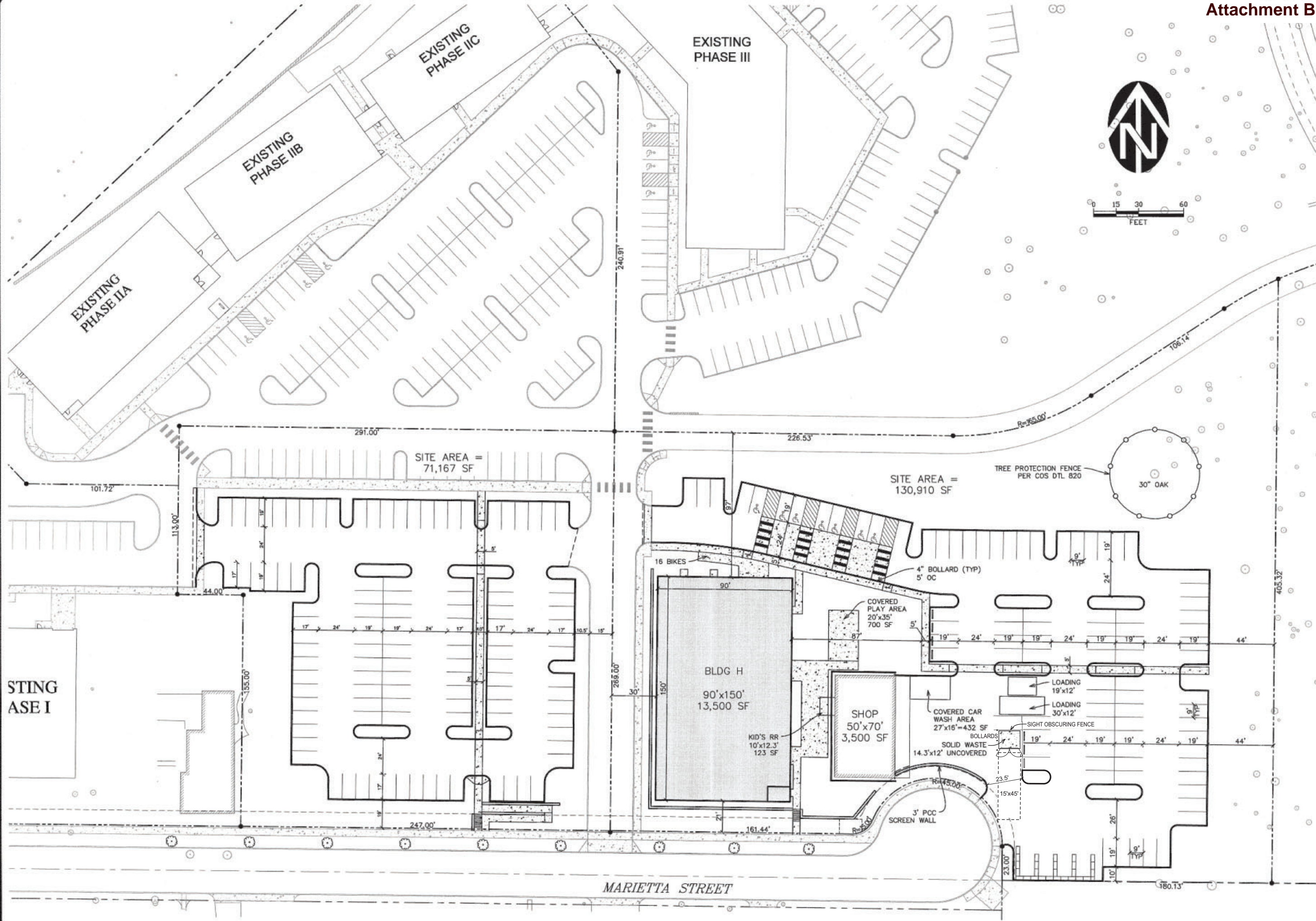
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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VERIFICATION SCALE				DATE: AUG 2022			
BAR IS ONE INCH ON ORIGINAL DRAWING	1"	DSN.	SAW	DRN.	AR	NO.	DATE
IF NOT ONE INCH ON ORIGINAL DRAWING, SCALES ACCORDINGLY		CKD.	SAW	NO.	DATE	DESCRIPTION	REVISIONS
JORDAN SPARKS				BUILDING H CONSTRUCTION			
SITE PLAN (NORTH)				DRAWING C2.1			
				JOB NUMBER 2822.0000.0			



MEMO

TO: Jamie Donaldson, Planner II
Community Development Department

FROM: Laurel Christian, Development Services Planner II
Public Works Department

DATE: March 8, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CLASS 2 SITE PLAN REVIEW (22-119636)
3365 MARIETTA STREET SE
OFFICE AND DAYCARE BUILDING**

PROPOSAL

A Class 2 Site Plan Review for development of a 40,500-square-foot, three-story building, and parking lot in Marietta Business Park for offices and daycare use, for properties totaling approximately 4.6 acres in size, zoned IC (Industrial Commercial), and located at 3315 and 3365 Marietta Street SE - 97305 (Marion County Assessor Map and Tax Lot: 083W12D / 3300 and 3400).

SUMMARY OF FINDINGS

1. For development within Phase 2D: Pay a temporary access fee of \$9,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 6.g).
2. For development within Lot 2: Pay a temporary access fee of \$9,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 7.g).
3. For development within future development Lot 6: Pay a temporary access fee of \$22,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 10.g).
4. Pay the applicable reimbursement fee as established in the Trelstad Reimbursement District pursuant to Resolution 2016-12, and as amended through Resolution 2021-9.

FACTS

Streets

1. Marietta Street SE

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 50-foot-wide right-of-way for cul-de-sac streets.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Marietta Street SE.

Water

1. Existing Conditions

- a. The subject property is located in the S-1 water service level.
- b. An 8-inch water main is located in Marietta Street SE. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.
- c. A 12-inch water main is located on adjacent property in an easement to serve the Marietta Business Campus. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. The Marietta Business Campus is served by a private sewer system that connects to the 24-inch public sewer main in Turner Road SE.

FINDINGS

1. Utility Services

Finding—The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. Necessary improvements were established with the Marietta Business Campus Subdivision decision (UGA-SUB-SPR-DAP-ADJ16-01). Pursuant to UGA-SUB-SPR-

DAP-ADJ16-01, the proposed development shall pay a Temporary Access fee in lieu of constructing S-1 Water System Master Plan improvements needed to serve the property.

For development within Phase 2D: Pay a temporary access fee of \$9,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 6.g).

For development within Lot 2: Pay a temporary access fee of \$9,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 7.g).

For development within Future development Lot 6: Pay a temporary access fee of \$22,000 in lieu of constructing S-1 water System Master Plan improvements needed to serve the development (UGA-SUB-SPR-DAP-ADJ16-01 Condition 10.g).

Design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. Construction plans shall be approved and secured per SRC Chapter 77 prior to building permit issuance, and the improvements shall be completed and accepted to the satisfaction of the Public Works Director prior to occupancy.

2. Streets

Finding—Marietta Street SE meets the minimum right-of-way and improvement requirements for its classification according to the Salem TSP. The existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to SRC 803.040(a). Therefore, no right-of-way dedication or street improvements are required. The existing driveways are adequate and do not warrant modification to serve the proposed development.

The subject property is within the Trelstad Reimbursement District pursuant to Resolution 2016-12, and as amended through Resolution 2021-9. Prior to issuance of building permits, the applicant shall pay the applicable reimbursement district fee.

3. Storm Drainage System

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

4. Natural resources

Finding—Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist within the development area.

The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and linear wetland area(s) mapped on the property. The applicant should contact the Oregon Department of State Lands to verify if any permits are required for development or construction in the vicinity of the mapped wetland area(s). A wetland delineation may be required.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are areas of landslide susceptibility on the subject property. There are 2 mapped site points for the property pursuant to SRC Chapter 810. The proposed activity of a commercial building adds two activity points to the proposal, which results in a total of 4 points. Therefore, the proposed development is classified as a low landslide risk and no additional information is required. As part of the Marietta Business Campus Subdivision application, a geologic assessment, which was prepared by Westech Engineering, Inc., was submitted to the City of Salem. This assessment demonstrates the subject property could be developed without increasing the potential for slope hazard on the site or adjacent properties.

Prepared by: Laurel Christian, Development Services Planner II
cc: File