

# NOTICE OF DECISION

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



*Si necesita ayuda para comprender esta información, por favor llame 503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

### CLASS 2 EXTENSION OF DESIGN REVIEW, DRIVEWAY APPROACH PERMIT, AND ADJUSTMENT CASE NO.: DR-CU-SPR-ADJ-DAP20-02EXT1

APPLICATION NO.: 22-113471-DR

NOTICE OF DECISION DATE: August 22, 2022

**SUMMARY:** A request for a 2-year extension to the approved Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments for an 18-unit multiple family residential development.

**REQUEST:** A Class 2 Extension to extend the approval for a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments (Case Number DR-CU-SPR-ADJ-DAP20-02) by two years to August 11, 2024. DR-CU-SPR-ADJ-DAP20-02 granted approval for the development of an 18-unit multiple family residential complex with associated site improvements for property approximately .67 acres in size, zoned IC (Industrial Commercial), and located at 5611 Woodside Drive SE (Marion County Assessor map and tax lot number(s): 083W14CB / 02400).

**APPLICANT:** Michael Barnes, MRB Enterprises Inc

**LOCATION:** 5611 Woodside Dr SE, Salem OR 97306

**CRITERIA:** Salem Revised Code (SRC) Chapters 300.850(b)(4)(B) – Extensions

**FINDINGS:** The findings are in the attached Decision dated August 22, 2022.

**DECISION:** The **Planning Administrator APPROVED** Class 2 Extension Case No. DR-CU-SPR-ADJ-DAP20-02EXT1 based upon the application materials and the findings as presented in this report.

The rights granted by the attached decision must be exercised, or an extension granted, by August 11, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>July 15, 2022</u>
Notice of Decision Mailing Date:	<u>August 22, 2022</u>
Decision Effective Date:	<u>September 7, 2022</u>
State Mandate Date:	<u>November 12, 2022</u>

Case Manager: Austin Ross, Planner I, [aross@cityofsalem.net](mailto:aross@cityofsalem.net), 503-540-2431

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Tuesday, September 6, 2022. 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 300.

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 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

# BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

## DECISION

IN THE MATTER OF APPROVAL OF	)	FINDINGS & ORDER
CLASS 2 TIME EXTENSION	)	
CASE NO. DR-CU-SPR-ADJ-DAP20-02EXT1	)	
5611 WOODSIDE DR SE	)	August 22, 2022

In the matter of the application for Class 2 Time Extension application submitted by Brandie Dalton of Multi/Tech Engineering and signed by James Vick on behalf of the applicant, Michael Barnes of MRB Enterprises Inc, 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: A request for a 2-year extension to the approved Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments for an 18-unit multiple family residential development (Case No. DR-CU-SPR-ADJ-DAP20-02).

Request: A Class 2 Extension to extend the approval for a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments (Case Number DR-CU-SPR-ADJ-DAP20-02) by two years to August 11, 2024. DR-CU-SPR-ADJ-DAP20-02 granted approval for the development of an 18-unit multiple family residential complex with associated site improvements for property approximately .67 acres in size and zoned IC (Industrial Commercial) The subject property is located at 5611 Woodside Drive SE (Marion County Assessor map and tax lot number: 083W14CB / 02400). (**Attachment A**)

## PROCEDURAL FINDINGS

### 1. Background

On July 24, 2020, the Planning Commission issued a decision that became effective on August 11, 2020 for Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments to allow a future multi-family development on the subject property (**Attachment B**). The approval for the design review, conditional use permit, driveway approach permit, and adjustments expires on August 11, 2022. The approval for the site plan review expires on August 11, 2024.

On June 29, 2022, the applicant submitted a request to extend the approval of the design review, conditional use permit, driveway approach permit, and both adjustments for a period of two years. On July 15, 2022, the application for the Class 2 Extension was deemed complete, and public notice was provided pursuant to Salem Revised Code (SRC) requirements.

## SUBSTANTIVE FINDINGS

## **2. Summary of Record**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 113471.

## **3. Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the South Gateway Neighborhood Association.

Neighborhood Association Comment: Notice of the application was provided to the South Gateway Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. No comments were received from South Gateway Neighborhood Association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(vi) and (vii), to all property owners and tenants within 250 feet of the subject property. No public comments were received.

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

The Public Works Department, Building and Safety Division, and Fire Department have reviewed the proposal and indicated that they have no concerns.

## **5. Public and Private Service Provider Comments**

Notification and request for comments on the proposed extension was distributed to public and private agencies and service providers for the subject property. No comments were received from public or private service providers prior to the comment deadline.

## **DECISION CRITERIA**

## **6. Analysis of Class 2 Time Extension Approval Criteria**

Under the City's Unified Development Code, extension requests are classified under one of the following two classes:

- **Class 1 Extension.** A Class 1 Extension is an extension that applies when there have been no changes to the standards and criteria used to approve the original application; or
- **Class 2 Extension.** A Class 2 Extension is an extension that applies when there have been changes to the standards and criteria used to approve the original application, but such changes to the standards and criteria would not require modification of the original approval.

Because there have been changes to the standards and criteria used to approve the original application, this new extension request is classified as a Class 2 Extension.

***SRC 300.850(b)(4)(B): A Class 2 Extension shall be granted if there have been no changes to the standards and criteria used to approve the original application that would require modification of the original approval.***

**Finding:** The original land use decision for case DR-CU-SPR-ADJ-DAP20-02 was approved in 2020 under the requirements of Salem Revised Code. Since the original approval, the City's development code was amended as part of the 2021 Unified Development Code (UDC) update project. The 2021 UDC update addressed a variety of issues that had arisen since the last major update of the UDC in 2019 and included policy-related changes in response to concerns from the community, minor housekeeping amendments, and updates to implement changes in State law.

The development code revisions included in the 2021 UDC update were not intended to invalidate existing land use decisions that were approved under prior code standards or preclude such previously approved land use decisions from being extended when there is time still remaining under their original approval. To that end, the adopted ordinance for the 2021 UDC update (*Ordinance Bill No. 13-21*) includes the following requirement for the review of extension requests of land use applications submitted and/or approved prior to the effective date of the ordinance on March 16, 2022:

***"Section 4. Extensions of Approval for Land use Applications Submitted and/or Approved Prior to Ordinance Effective Date. Land use applications submitted and/or approved prior to the effective date of this ordinance that would require a Class 2 extension approval as a result of changes to the standards or criteria included in this ordinance may, notwithstanding the approval criteria for Class 2 extensions included under SRC 300.850(b)(4)(B), receive Class 2 extension approval provided the decision has not expired and there are remaining extensions available."***

Because DR-CU-SPR-ADJ-DAP20-02 was approved in 2020 prior to the effective date of the ordinance for the 2021 UDC update; the decision has not expired; and because this is the first extension request for the conditional use where, pursuant to SRC 300.850(b) - Table 300-3, up to a maximum of two two-year extensions are allowed, the requested extension meets the requirements of Section 4 of Ordinance Bill No. 13-21 and may be approved notwithstanding SRC 300.850(b)(4)(B). The applicant is requesting one two-year extension which would extend the expiration date to **August 11, 2024**. This approval criterion is met.

## **CONCLUSION**

Based on the requirements of SRC 300.850(b)(4)(B), the proposed Class 2 Extension complies with the requirements for an affirmative decision.

## **IT IS HEREBY ORDERED**

A Class 2 Extension to extend the approval of a Class 3 Design Review, Conditional Use Permit, Class 2 Driveway Approach Permit, and two Class 2 Adjustments (Case No. DR-CU-SPR-ADJ-DAP20-02), on property approximately .67 acres in size, zoned IC (Industrial

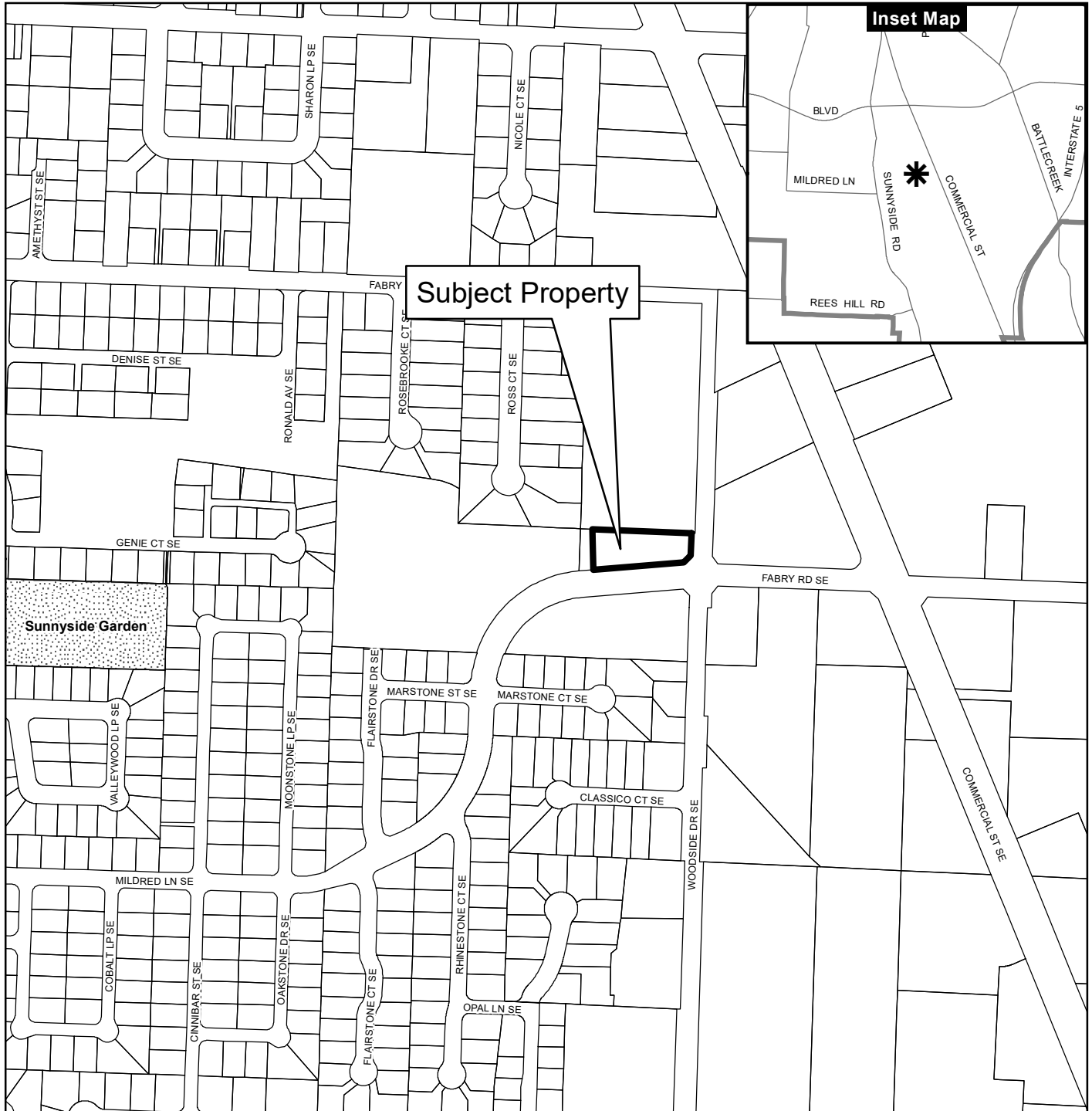
Commercial), and located at 5611 Woodside Drive SE (Marion County Assessor map and tax lot number: 083W14CB / 02400) is hereby **APPROVED**.



Austin Ross, Planner I, on behalf of Lisa  
Anderson-Ogilvie, AICP, Planning  
Administrator

- Attachments: A. Vicinity Map  
B. Decision of the Planning Administrator approving Conditional Use Case No.  
DR-CU-SPR-ADJ-DAP20-02

# Vicinity Map 5611 Woodside Drive SE



## Legend

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

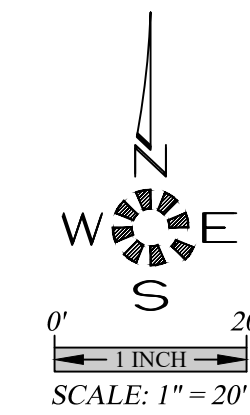
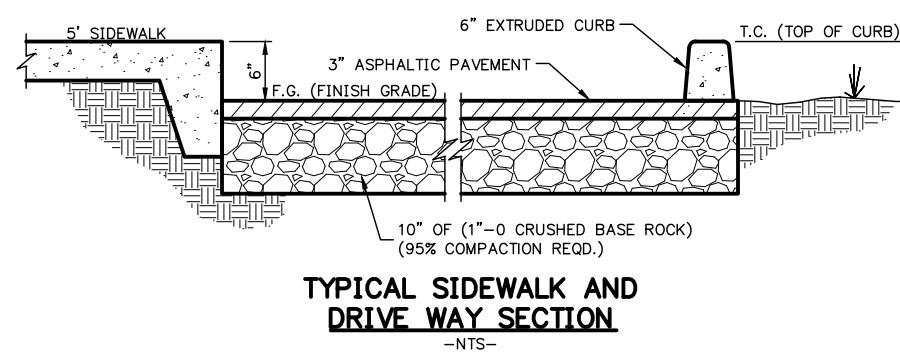
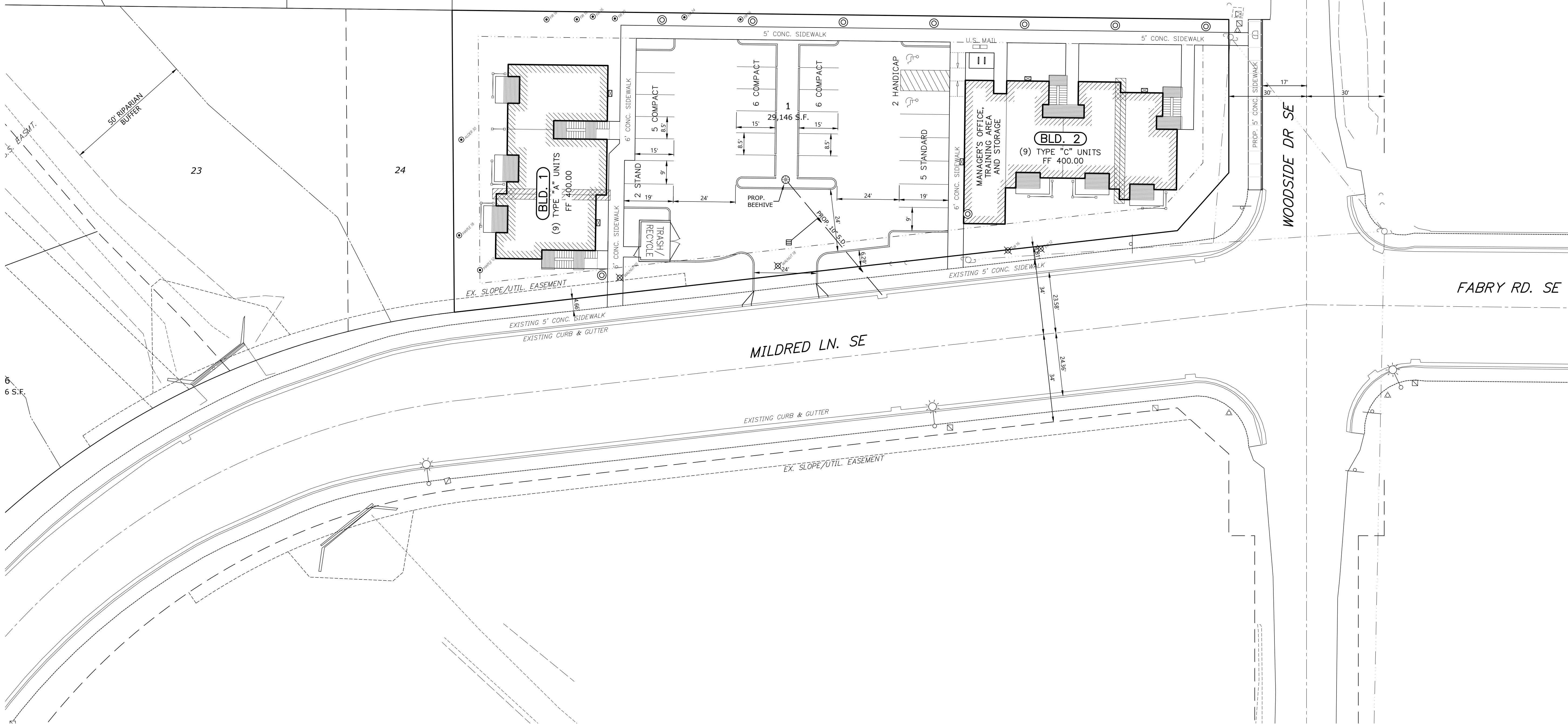
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AT YOUR SERVICE  
Community Development Dept.

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LIMITS OF DETENTION  
10 YEAR STORM EVENT

- 19 = EXISTING TREES
- 19 = EXISTING TREE MAY BE REMOVED

18 TOTAL APARTMENT UNITS  
9 TYPE "A" 2-Bd, 1-Ba (844 S.F.) UNITS  
9 TYPE "C" 1-Bd, 1-Ba (728 S.F.) UNITS

26 TOTAL PARKING STALLS  
7 STANDARD STALLS  
17 COMPACT STALLS  
2 HANDICAP STALLS

1 MANAGER'S OFFICE / STORAGE  
1 TRASH / RECYCLE  
1 PLAY AREA  
1 U.S. MAIL BOX AREA

- - WALL PACK LIGHTS MOUNTED ON BUILDINGS
- ⊙ - POLE LIGHT MAXIMUM 14' TALL
- ⊙ - POST LIGHT MAXIMUM 5' TALL
- ▨ - LOCATION OF ELECTRICAL SEPARATION WALL
- ① - MAXIMUM 1:12 SLOPE ON SIDEWALK END RAMPS
- ▢ - 4 BICYCLE SPACES

## PRELIMINARY SITE PLAN

CHARLENE'S HOUSE  
APARTMENTS

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

DESIGN: M.D.G.  
DRAWN: C.D.S.  
CHECKED: J.J.G.  
DATE: SEPT 19  
SCALE: AS SHOWN



EXPIRES: 06-30-2021

JOB # 6818

SDR3