



Pre-Application Report

Community Development Department
Planning Division

555 Liberty Street SE/Room 305
Phone: 503-588-6173
www.cityofsalem.net/planning

Case Number / AMANDA No. PRE-AP19-36 / 19-106768-PA

Conference Date April 11, 2019

Applicant Bo Rushing
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Salem OR 97302
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Representative Brandie Dalton
Multi / Tech
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Salem OR 97302
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Case Manager Pamela Cole

Mandatory Pre-Application Conference: ☒ Yes ☐ No

Project Description & Property Information

Project Description	Multi-family units and commercial uses in a mixed use building.
Property Address	5775 Commercial Street SE (Attachment A)
Assessor's Map and Tax Lot Number	083W14CD / 300, 400, 700, and 1000
Existing Use	Vacant
Legal Units of Land	The current tax lots are not consistent with any land use action, and they may not be lawfully created units of land. Applicant is advised to research deeds, survey records, land use actions, and land use regulations to determine the lawfully created units of land.
Comprehensive Plan Map Designation	COM - Commercial
Urban Service Area	The subject property is located within the City's Urban Service Area.
Urban Renewal Area	None
Past Land Use Actions	CU15-10, REP05-03 (expired), REP12-05 (expired)

Planning Division Comments

Proposal

The preliminary site plan indicates commercial retail spaces and 10 apartment units on the ground floor and approximately 110 parking spaces on tax lot 083W14CD00700 (Attachment B). The applicant has not specified the gross floor area of the building or commercial uses or the total number of multi-family units.

Past Land Use Decisions

Conditional Use 15-10 (extended through 2/18/2020) was for a 61,500-square foot mixed-use building with approximately 16,500 square feet of commercial use and 52 multi-family dwelling units. No use for which a conditional use permit has been granted shall be expanded, relocated, or changed to another conditional use, and no building or structure devoted to such use shall be structurally altered or enlarged, unless a new conditional use permit, or a modification of an existing conditional use permit, has been granted pursuant to this chapter for such expansion, relocation, change, structural alteration, or enlargement. Any change in the area of the building or increase in the number of multi-family units would require a modification of Conditional Use 15-10 or a new conditional use permit. A modification of a conditional use permit approval would be granted if all of the following criteria are met:

(1) The proposed modification is not substantially inconsistent with the conditions of the original approval; and

(2) When compared with the original approval, the proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Conditions of approval from CU15-10 are:

Condition 1: Open space of 2,496 square feet, or 48 square feet times the number of dwelling units proposed, shall be provided in the following forms:

- a. Private balconies;
- b. Common open space within the building;
- c. Roof top garden; or
- d. Any combination of the above listed forms that equals 2,496 square feet, or 48 square feet times the number of units proposed.

Condition 2: Windows shall be provided in all habitable rooms of the dwellings, other than bathrooms, that face required setbacks, common open areas, and parking areas.

Condition 3: An offset of at least 4 feet in depth shall be provided along all exterior walls greater than 75 feet in length or width at 40-foot intervals, but shall not be required on the first floor.

Replat 12-05 (expired). Tentative approval to create a separate unit of land for a new retail building pad and better align the property lines with existing and planned development through the recording of a new plat over the various recorded surveys and plats that existed. The decision indicates that there was a 2012 record of survey showing the current configuration of property lines (four tax lots), but it was unclear how the current configuration of property lines was established.

Replat 05-03 (expired). Tentative approval to reconfigure eight lots into two lots and adjust an interior property line to better align with the location of a new commercial building. The existing conditions plan showed eight tax lots, and the proposed plan resulted in two parcels.

Required Land Use Applications

The land use applications checked in the table below have been preliminarily identified as being required for development of the subject property based upon the information provided by the applicant at the time

of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

Required Land Use Applications					
Zoning		Site Plan Review			
☒	Conditional Use (SRC 240.005) New conditional use or modification would be required if the proposal differs from the original approval	☐	Class 1 Site Plan Review (SRC 220.005)		
☐	Comprehensive Plan Change (SRC 64.020)	☒	Class 2 Site Plan Review (SRC 220.005) Required if the proposal does not require Class 3 Site Plan Review.		
☐	Zone Change (SRC 265.000)	☒	Class 3 Site Plan Review (SRC 220.005) Required if a Transportation Impact Analysis, new or modified conditional use approval, or adjustment is required.		
☐	Temporary use Permit – Class 1 (SRC 701.010)	Design Review			
☐	Temporary Use Permit – Class 2 (SRC 701.010)	☐	Class 1 Design Review (SRC 225.005)		
☐	Non-Conforming Use Extension, Alteration, Expansion, or Substitution (SRC 270.000)	☐	Class 2 Design Review (SRC 225.005)		
☐	Manufactured Dwelling Park Permit (SRC 235.010)	☐	Class 3 Design Review (SRC 225.005)		
Land Divisions		Historic Design Review (SRC 230.020)			
☐	Property Line Adjustment (SRC 205.055)	☐	Major Commercial	☐	Minor Commercial
☐	Property Boundary Verification (SRC 205.065)	☐	Major Public	☐	Minor Public
☒	Replat (SRC 205.025)	☐	Major Residential	☐	Minor Residential
☐	Partition (SRC 205.005)	Wireless Communication Facilities			
☒	Subdivision (SRC 205.010)	☐	Class 1 Permit (SRC 703.020)		
☐	Phased Subdivision (SRC 205.015)	☐	Class 2 Permit (SRC 703.020)		
☐	Planned Unit Development Tentative Plan (SRC 210.025)	☐	Class 3 Permit (SRC 703.020)		
☐	Manufactured Dwelling Park Subdivision (SRC 205.020)	☐	Temporary (SRC 703.100)		
Relief		☐	Adjustment (SRC 703.090)		
☐	Adjustment – Class 1 (SRC 250.005) (Applicable when a proposed deviation from standards is within 20 percent of the standard)	Other			
☐	Adjustment – Class 2 (SRC 250.005) (Applicable when a proposed deviation from standards exceeds 20 percent of the standard)	☐	Annexation – Voter Approval (SRC 260.035)		
☐	Variance (SRC 245.005)	☐	Annexation – Voter Exempt (SRC 260.035)		

Natural Resources		☐	Sign Adjustment (SRC 900.035)
☐	Tree Conservation Plan (SRC 808.035)	☐	Sign Conditional Use (SRC 900.045)
☐	Tree Conservation Plan Adjustment (SRC 808.040)	☐	Sign Variance (SRC 900.040)
☐	Tree Removal Permit (SRC 808.030)	☐	SWMU Zone Development Phasing Plan (SRC 531.015)
☐	Tree Variance (SRC 808.045)	☐	Urban Growth Preliminary Declaration (SRC 200.020)
☐	Willamette Greenway Permit – Class 1 (SRC 600.015)		
☐	Willamette Greenway Permit – Class 2 (SRC 600.015)	☐	Historic Clearance Review- High Probability Archaeological Zone (SRC 230.100)
		☐	Class 2 Driveway Approach Permit (SRC 804.025)
Staff Comments			
The site plan submitted with the pre-application conference request did not provide sufficient detail for staff to determine if conditional use modification or new conditional use, adjustment, or class 3 site plan review application is required. A replat or subdivision would be required to establish lot boundaries for four lots that are different from previously established lawfully created units of land.			

Online Application Submittal Packets

The City has electronic application submittal guides for the applications identified above. The webpages include a summary of the review procedure, submittal requirements, and approval criteria. The submittal guides can be found on the City's website at the following location:

<https://www.cityofsalem.net/Pages/conditional-use-permit.aspx>
<https://www.cityofsalem.net/Pages/submit-site-plan-review-application.aspx>
<https://www.cityofsalem.net/Pages/seek-an-adjustment-to-land-use-standards.aspx>
<https://www.cityofsalem.net/Pages/reconfigure-your-land.aspx>
<https://www.cityofsalem.net/apply-for-a-plat>

Land Use Application Fees

The applicable land use application fees for these applications can be found on the City's website at the location below. Land use application fees and descriptions start on **page 20** of the document.

<https://www.cityofsalem.net/CityDocuments/city-of-salem-fees.pdf>

Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternatives methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to Historic Landmarks Commission review may be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority, and processed simultaneously.

Zoning

The zoning of the subject property has been identified in the table below. For specific requirements of the applicable zone(s), click on the zone(s) in the table.

Base Zones			
☐	EFU – Exclusive Farm Use (SRC 500.000)	☐	MU-I – Mixed Use I (SRC 533.000)
☐	RA – Residential Agriculture (SRC 510.000)	☐	MU-II – Mixed Use II (SRC 534.000)
☐	RS – Single Family Residential (SRC 511.000)	☐	EMSU – Edgewater/Second Street Mixed-Use Corridor (SRC 535.000)
☐	RD – Duplex Residential (SRC 512.000)	☐	PA – Public Amusement (SRC 540.000)
☐	RM-1 – Multiple Family Residential (SRC 513.000)	☐	PC – Public/Private Cemetery (SRC 541.000)
☐	RM-2 – Multiple Family Residential (SRC 514.000)	☐	PE – Public/Private Education (SRC 542.000)
☐	RH – Multiple Family High-Rise Residential (SRC 515.000)	☐	PH – Public/Private Health Services (SRC 543.000)
☐	CN – Neighborhood Commercial (SRC 520.000)	☐	PS – Public Service (SRC 544.000)
☐	CO – Commercial Office (SRC 521.000)	☐	PM – Capitol Mall (SRC 545.000)
☒	CR – Rental Commercial (SRC 522.000)	☐	EC – Employment Center (SRC 550.000)
☐	CG – General Commercial (SRC 523.000)	☐	IC – Industrial Commercial (SRC 551.000)
☐	CB – Central Business District (SRC 524.000)	☐	IBC – Industrial Business Campus (SRC 552.000)
☐	WSCB – West Salem Central Business District (SRC 525.000)	☐	IP – Industrial Park (SRC 553.000)
☐	FMU – Fairview Mixed-Use (SRC 530.000)	☐	IG – General Industrial (SRC 554.000)
☐	SWMU – South Waterfront Mixed-Use (SRC 531.000)	☐	II – Intensive Industrial (SRC 555.000)
☐	NCMU – Neighborhood Center Mixed-Use (SRC 532.000)	☐	SCI – Second Street Craft Industrial Corridor (SRC 556.000)
Overlay Zones			
☐	Willamette Greenway (SRC 600.000)	☐	Mixed-Use (SRC 619.000)
☐	Floodplain (SRC 601.000)	☐	Salem Hospital (SRC 620.000)
☐	Airport (SRC 602.000)	☐	Superior-Rural (SRC 621.000)
☐	Portland Fairgrounds Road (SRC 603.000)	☐	Oxford-West Nob Hill (SRC 622.000)
☐	Pine Street Mixed-Use (SRC 604.000)	☐	Oxford-Hoyt (SRC 623.000)
☐	Northgate Mixed-Use (SRC 605.000)	☐	Hoyt-McGilchrist (SRC 624.000)
☐	Wallace Road Corridor (SRC 606.000)	☐	Saginaw Street (SRC 625.000)
☐	West Salem General Industrial (SRC 608.000)	☐	Commercial High-Density Residential (SRC 626.000)
☐	Patterson Street Corridor (SRC 609.000)	☐	22 nd and Electric (SRC 627.000)

☐	Walker School Residential Area (SRC 612.000)	☐	State Street (SRC 628.000)
☐	Broadway-High Street Retail (SRC 613.000)	☐	McNary Field (SRC 629.000)
☐	Broadway-High Street Housing (SRC 614.000)	☒	South Gateway (SRC 630.000)
☐	Broadway-High Street Transition (SRC. 615.000)	☐	Compact Development (SRC 631.000)
☐	Riverfront High Density Residential (SRC 616.000)	☐	General Retail/Office (SRC 632.000)
☐	Riverfront (SRC 617.000)	☐	Front Street (SRC 633.000)
☐	Chemawa-I-5 Northeast Quadrant Gateway (SRC 618.000)		
Staff Comments			
The CR zone requires development site landscaping of 15%. The entire development (four tax lots) is considered the development site.			

Development Standards

The proposed development will be primarily subject to the provisions of the chapters identified in the table below. For specific requirements, click on chapters in the table.

Development Standards			
☐	Multiple Family Design Review Guidelines and Standards (SRC 702.000)	☒	Off-Street Parking, Loading and Driveways (SRC 806.000)
☒	General Development Standards (SRC 800.000)	☒	Landscaping and Screening (SRC 807.000)
☒	Public Improvements (SRC 802.000)	☒	Preservation of Trees and Vegetation (SRC 808.000)
☒	Streets and Right-Of-Way Improvements (SRC 803.000)	☒	Wetlands (SRC 809.000)
☐	Driveway Approaches (SRC 804.000)	☒	Landslide Hazards (SRC 810.000)
☐	Vision Clearance (SRC 805.000)	☒	Sign Code (SRC 900.000)
Staff Comments			
The proposed development area includes a riparian zone and wetlands.			

Neighborhood Association Contact Information

Staff recommends that applicants/property owners contact the relevant neighborhood association(s) regarding their proposals as soon as possible. This allows for the neighborhood association(s) to be involved early in the process and helps to identify any potential issues that might arise.

For your convenience, neighborhood association(s) contact information is included below. Please note that the identified neighborhood association chair(s), and their corresponding contact information, is current as of the date of the pre-application conference, but this information is subject to change if the chair(s) or their contact information has changed subsequent to the date of the pre-application conference.

Up-to-date contact information for neighborhood representatives may also be obtained by contacting the City's Neighborhood Enhancement Division at 503-588-6207 or by visiting the City's website at the following location: <https://www.cityofsalem.net/my-neighborhood>

Applicable Neighborhood Association(s):	Meeting Date, Time, & Location	Neighborhood Association Chair(s)
South Gateway Neighborhood Association	2nd Thursday, 6:45 p.m. at Battle Creek Elementary School, 1640 Waln Dr SE, Salem OR 97306	Glenn Baly glennbaly12345@gmail.com

Salem Revised Code Available Online

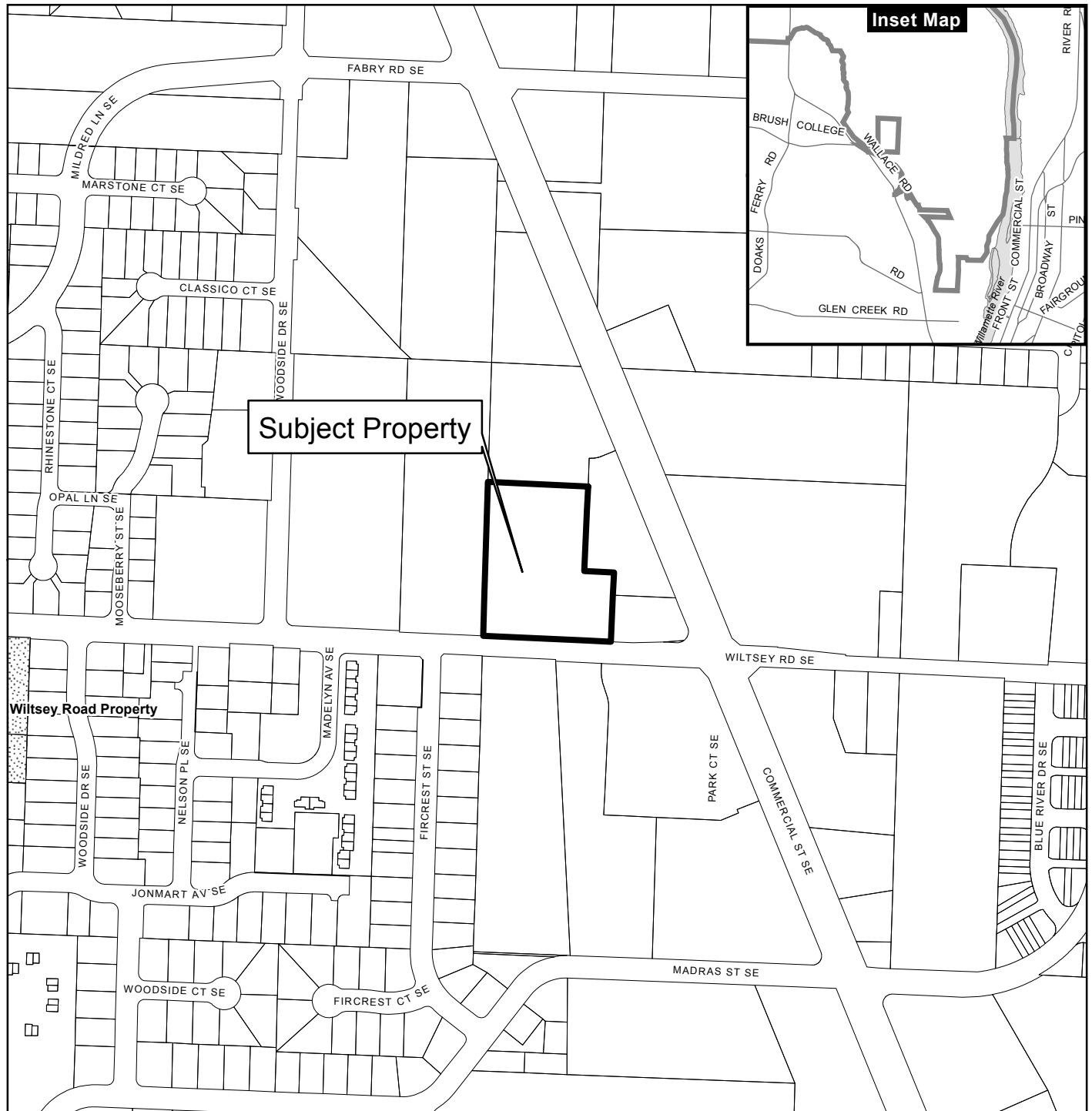
The entire Salem Revised Code can be accessed online through the City's website at:

<http://www.cityofsalem.net/Departments/Legal/Pages/SalemRevisedCodes.aspx>

Attachment: A. Vicinity Map
 B. Preliminary Site Plan

Vicinity Map

5775 Commercial Street SE



Legend

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

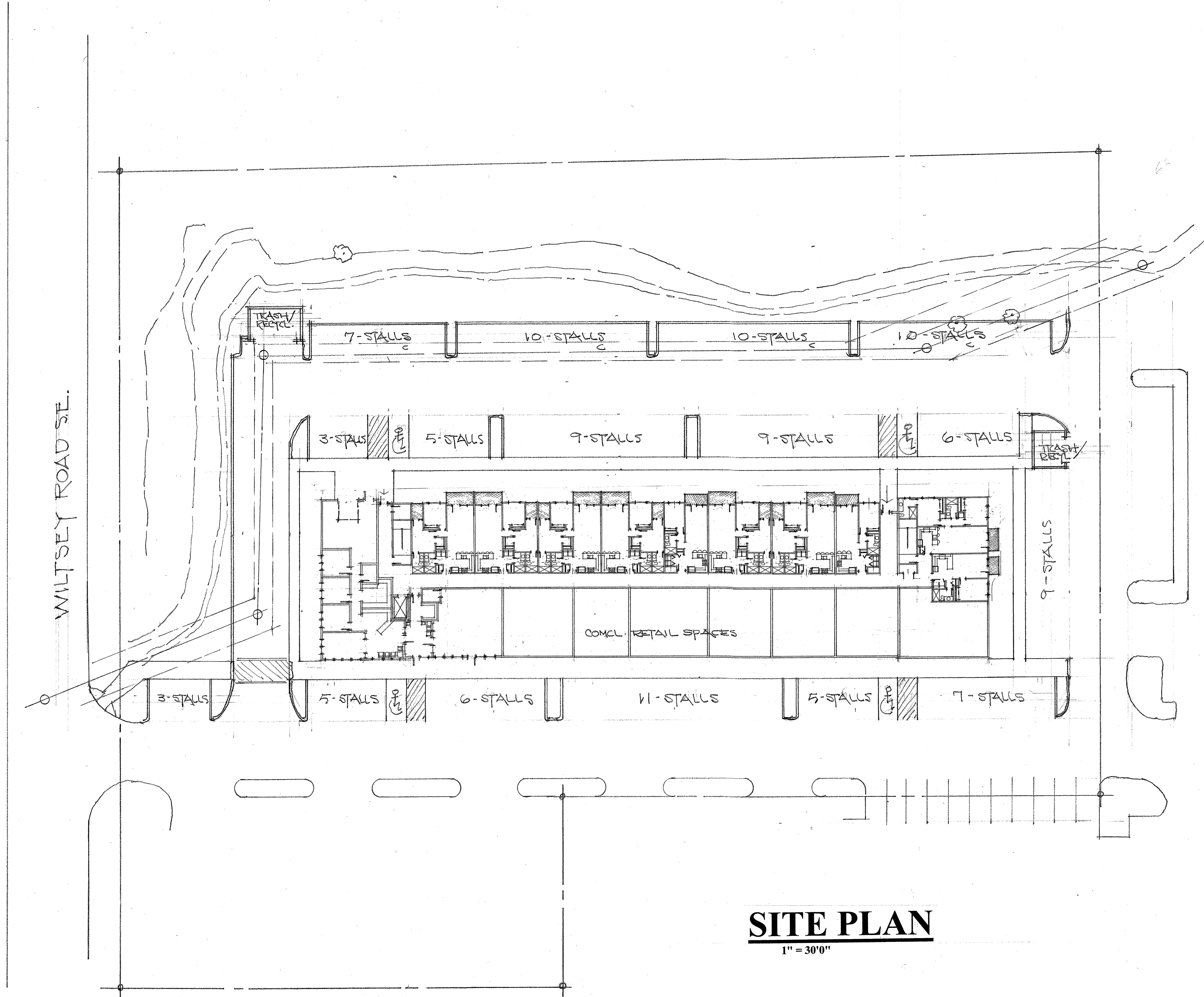
Parks

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Community Development Dept.

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0 100 200 400 Feet





SITE PLAN
1" = 30'0"

PROPOSED: "Anthony's Corner"
RESIDENTIAL & COMMERCIAL
DEVELOPMENT
by: Bo Rushing Group