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BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF)	FINDINGS & ORDER
CLASS 3 SITE PLAN REVIEW)	
MODIFICATION)	
CASE NO. SPR-ADJ-DAP20-33MOD1)	
5669 Commercial Street SE)	
)	
)	October 26, 2022

In the matter of the application for a Class 3 Site Plan Review Modification, submitted by Sam Thomas, Lenity Architecture, on behalf of the applicant, Cole Johnson Dragonfist LLC, 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 modification to a previously approved Site Plan Review application for the construction of an outpatient medical facility and the demolition of existing structures. The modification would allow additional impervious surfaces to be added to the overall building footprint.

Request: A Class 3 Site Plan Review Modification application for a previously approved development, case no. SPR-ADJ-DAP20-33, which would allow the construction of an outpatient medical facility and the demolition of existing structures. The modification would allow additional impervious surfaces to be added to the overall building footprint. The subject property is 3.11 acres in size, zoned CG (General Commercial), and located at 5669 Commercial Street SE 97306 (Marion County Assessors Map and Tax Lot number 083W14CA/01100).

A vicinity map illustrating the location of the property is attached hereto and made a part of this decision as **Attachment A**.

PROCEDURAL FINDINGS

1. Modification of Class 3 Site Plan Review Applicability

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. Pursuant to SRC 220.010(a), 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 site plan review approval is processed as a Type II procedure under SRC Chapter 300.

2. Background

On August 30, 2022, a Class 3 Site Plan Review Modification was filed for the proposed development. After additional information was provided, the application was deemed complete for processing on October 10, 2022, and notice of filing of the application was sent pursuant to SRC requirements on October 10, 2022. The 120-day state mandated decision deadline for this consolidated application is February 7, 2023.

The applicant's proposed modified site plan is included as **Attachment B**.

SUBSTANTIVE FINDINGS

3. Summary of Record

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 117757.

4. Neighborhood Association and Public Comments

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

Applicant Neighborhood Association Contact. SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to Table 300-2, the proposed Class 3 Site Plan Review modification does not require neighborhood association contact.

Neighborhood Association Comment: Notice of the application was provided to 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. Prior to the close of the comment period, no comments were received from the neighborhood association.

Homeowners Association

The subject property is not located within a Homeowners Association.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. One public comment was received during the comment period indicate approval with no written testimony.

Staff Response: Staff documented this public comment for the record.

5. City Department Comments

The Public Works Department reviewed the proposal and indicated no concerns.

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

The Fire Department reviewed the proposal and indicated no concerns.

6. Public and Private Agency Comments

No comments were received from public or private agencies.

DECISION CRITERIA

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.

Pursuant to SRC 220.010(a), 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 3 Site Plan Review approval is processed as a Type II procedure under SRC Chapter 300.

7. Modification of Class 3 Site Plan Review Approval Criteria

SRC 220.010(d)(2) provides that an application for a modification of a Class 3 Site Plan Review approval shall be granted if all of the following criteria are met:

SRC 220.010(d)(2)(A): The proposed modification does not substantially change the original approval.

Finding: The proposed modification is consistent with the original approval. The modification proposes relatively minor changes to the site, with an expansion of the primary building footprint of approximately 300 square feet and approximate reduction of landscaping of 183 square feet. No further changes to the site are proposed.

The original decision contained six conditions of approval which pertained to easements, pedestrian accessway, street improvement, and stormwater drainage. The proposal does not include changes to the site which would impact or conflict with any of the original conditions of approval.

The following is a summary of the applicable development standards for the proposal:

Use and Development Standards – CG (General Commercial) Zone:

SRC 523.005(a) – Uses:

Except as otherwise provided in this section, the permitted, special, conditional, and prohibited uses in the CG zone are set forth in Table 523-1.

Finding: The allowed uses within the CG zone are identified under SRC 523.005, Table 523-1. The proposed use is classified as an *Outpatient medical services and laboratories*, which is allowed as a permitted use in the CG zone.

SRC 523.010(b) – Setbacks:

Setbacks within the CG zone shall be provided as set forth in SRC Table 523-3 and Table 523-4.

North: Adjacent to the north is property zoned CG (General Commercial). There is no minimum building setback to commercial properties. Vehicle use areas require a minimum 5-foot setback adjacent to a commercial zone.

East: Adjacent to the east is right-of-way for Commercial Street SE and property zoned CG (General Commercial). Buildings and accessory structures are required to have a 5-foot setback adjacent to a street. Vehicle use areas require a minimum 6-10-foot setback adjacent to a street per SRC Chapter 806. There is no minimum building setback to commercial properties. Vehicle use areas require a minimum 5-foot setback adjacent to a commercial zone.

West: Adjacent to the west is property zoned IC (Industrial Commercial). There is a 5-foot minimum building setback to IC zoned properties. Vehicle use areas require a minimum 5-foot setback adjacent to an industrial zone.

South: Adjacent to the south is property zoned IC (Industrial Commercial). There is a 5-foot minimum building setback to IC zoned properties. Vehicle use areas require a minimum 5-foot setback adjacent to an industrial zone.

Finding: The proposed building is greater than 20-feet from the west and the north property lines, and greater than 100-feet from the south and the east property lines. There is an existing driveway serving the site which crosses the property line shared by the neighboring property to the north. This development proposal will utilize portions of the adjacent property for driveway access to the site. All other portions of the proposed off-street parking area are located on the same development site as the use that it serves. This modification does not change any proposed or existing off-street parking or encroach into the setback standards.

SRC 523.010(c) - Lot Coverage, Height:

Buildings and accessory structures within the CG zone shall conform to the lot coverage and height standards set forth in Table 523-5. There is no maximum lot coverage standard in the CG zone, buildings and accessory structures shall not exceed 70 feet in height.

Finding: The applicant's initial site plan indicates the construction of a two-story outpatient medical and office facility. The highest portion of the proposed building is 37-feet in height; the proposed modification does not alter the height of the proposed structures. Because the height is less than 70-feet, it complies with this standard.

SRC 523.010(d) – Landscaping:

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

Finding: The modified site plan submitted for the proposed development indicates that the setback and vehicle use area landscaping will still comply with SRC 807. The property is approximately 135,235 square feet in size requiring a minimum of 20,285 square feet of landscape area ($135,235 \times 0.15 = 20,285.3$). The proposed modification would reduce landscaping by 183 square feet, which would still provide approximately 22,942 square feet of landscape area, or 17 percent, exceeding the minimum requirement.

At the time of building permit review, landscape and irrigation plans shall be provided that demonstrate compliance with the requirements of SRC Chapter 807.

General Development Standards SRC Chapter 800:

SRC 800.055 - Solid Waste Service Area Development Standards

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 site plan indicates that a new solid waste enclosure with receptacles greater than one cubic yard in size is proposed.

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 one foot beyond the sides and rear of the receptacle.
- b. The pad area shall extend a minimum three 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 site plan indicates that the base of the enclosure will be a 4" thick concrete slab, consistent with these design standards. Design and materials for the trash enclosure will be reviewed for conformance with Chapter 800 at the time of building permit review.

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.

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: The site plan indicates an unobstructed vertical clearance in the enclosure, which meets the minimum 14 feet of vertical clearance requirement.

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 subject property is located within a commercial zone, there are no residentially zoned properties in the area. An enclosure is provided for the solid waste service area that is proposed to be constructed of structural bricks which screens the solid waste service area from abutting properties and streets.

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

When enclosures area 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 the enclosure is approximately 15 feet, exceeding the minimum standard.

- 2) Measures to Prevent Damage to Enclosure. Enclosures constructed wood or chainlink fencing 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 to prevent damage from receptacle impacts.

Finding: The proposed site plan indicates that the enclosure walls will be constructed of brick. A 2" x 6" bumper will be provided inside the perimeter of the enclosure walls to prevent damage from receptacle impacts.

- 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 proposed gates can swing to 90 degrees in compliance with this provision.

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

- 1) Vehicle Operation Area. 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 meets the minimum dimensional requirements for service vehicle access.

Off-Street Parking, Loading, and Driveways (SRC Chapter 806)

SRC 806.005 - Off-Street Parking; When Required.

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

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

Required off-street parking shall be located on the same development site as the use or activity it serves, or per 806.010, within nonresidential zones, required off-street parking may be within 500 feet of the development site containing the use or activity it serves.

Finding: All off-street parking provided for the use will be located on the same development site as the proposed use.

SRC 806.015 - Amount of Off-Street Parking:

- a) *Minimum Required Off-Street Parking.* Each potential use has a unique off-street parking requirement per SRC Chapter 806, Table 806-1. The original decision applied the minimum off-street parking standard of one space per 350 square feet of floor area.
- 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.

Finding: The proposed modification does not include changes to the off-street parking area, but increases the overall building square footage by approximately 300 square feet. A minimum of 38 off-street parking spaces are required for outpatient medical services when accounting for the modification ($13,216 / 350 = 37.76$). A maximum of 67 off-street parking

spaces are allowed ($38 \times 1.75 = 66.5$). The site plan indicates that 60 off-street parking spaces are provided. No compact spaces are proposed. No carpool/vanpool spaces are required for uses falling within the outpatient medical and office use classifications. The proposed development complies with the minimum and maximum number of off-street parking areas, and no carpool/vanpool spaces are required.

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, expansion or alteration of existing off-street parking and vehicle use areas where existing paved surface is replaced with a new paved surface, or the paving of an unpaved area.

Finding: The proposed development includes development of a new off-street parking area to serve the new building. The off-street parking area development standards of this section are applicable.

- 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 proposed off-street parking area complies with all applicable location and perimeter setback requirements.

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

Finding: The applicant's statement indicates that the proposed off-street parking area is 32,617 square feet in size. Per Table 806-5, a minimum of 5 percent interior parking area landscaping is required, or 1,631 square feet ($32,617 \times 0.05 = 1,631$). The applicant indicates that the proposed off-street parking area has approximately 5,705 square feet (17.4 percent) of interior parking area landscaping, exceeding the minimum requirement.

- 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 and drive aisles are in compliance with the minimum dimensional requirements of Table 806-6.

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

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. Bumper guards and wheel stops are provided for interior off-street parking spaces near or abutting pedestrian walkways. The parking area striping, marking, signage and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area screening per SRC 806.035(m) is not required for the proposed parking area.

Bicycle Parking

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

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

SRC 806.055 - Amount of Bicycle Parking. Per SRC Chapter 806, Table 806-8, outpatient medical services and office uses both require the greater of four bicycle parking spaces or a minimum of one bicycle parking space per 3,500 square feet of floor area.

Finding: The proposed modification does not include alterations to the provide bicycle parking. The proposed development includes the construction of a 13,216 square foot outpatient medical and office use building, which requires four bicycle parking spaces ($13,216 / 3,500 = 3.78$). The site plan proposed for this development indicates four bicycle parking space are provided; therefore, this standard is met.

SRC 806.060 – Bicycle Parking Development Standards.

- (a) Location. Except as otherwise provided in this section, bicycle parking shall be located outside a building
 - (1) 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 be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
 - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.
- (b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance 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 in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
 - (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and two 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.
 - (2) Access aisles. Bicycle parking spaces shall be served by a minimum fourfoot-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: A minimum of four bicycle parking spaces are required for the proposed development. The site plan submitted for this development proposal shows four bicycle parking racks that are in compliance with the design and development standards established in SRC 806.060.

SRC 220.010(d)(2)(B): 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.

Finding: The previous site plan review approval was for a new two-story commercial building, with associated site improvements. The modified site plan proposes the same building layout, parking areas, and landscaped areas, with minor expansion of the building footprint and other impervious surfaces. Staff finds the proposed modification is in substantial conformance with the original approval and will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

SRC 220.010(e) – Expiration:

The effect of a modification upon the expiration period of the original approval, if any, shall be established in the modification decision.

Finding: The rights granted by the attached decision for Class 3 Site Plan Review case no. SPR-ADJ-DAP20-33MOD1 must be exercised by October 26, 2026 or this approval shall be null and void.

8. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds the proposed site plan for property located at 5669 Commercial Street SE complies with approval criteria provided in SRC 220.010(d)(2) for a Modification of a Class 3 Site Plan Review.

ORDER

Final approval of Class 3 Site Plan Review Modification case no. SPR-ADJ-DAP20-33MOD1 is hereby **APPROVED** subject to SRC Chapter 220, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**.

Hugo Agosto

Hugo Agosto, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP

Planning Administrator

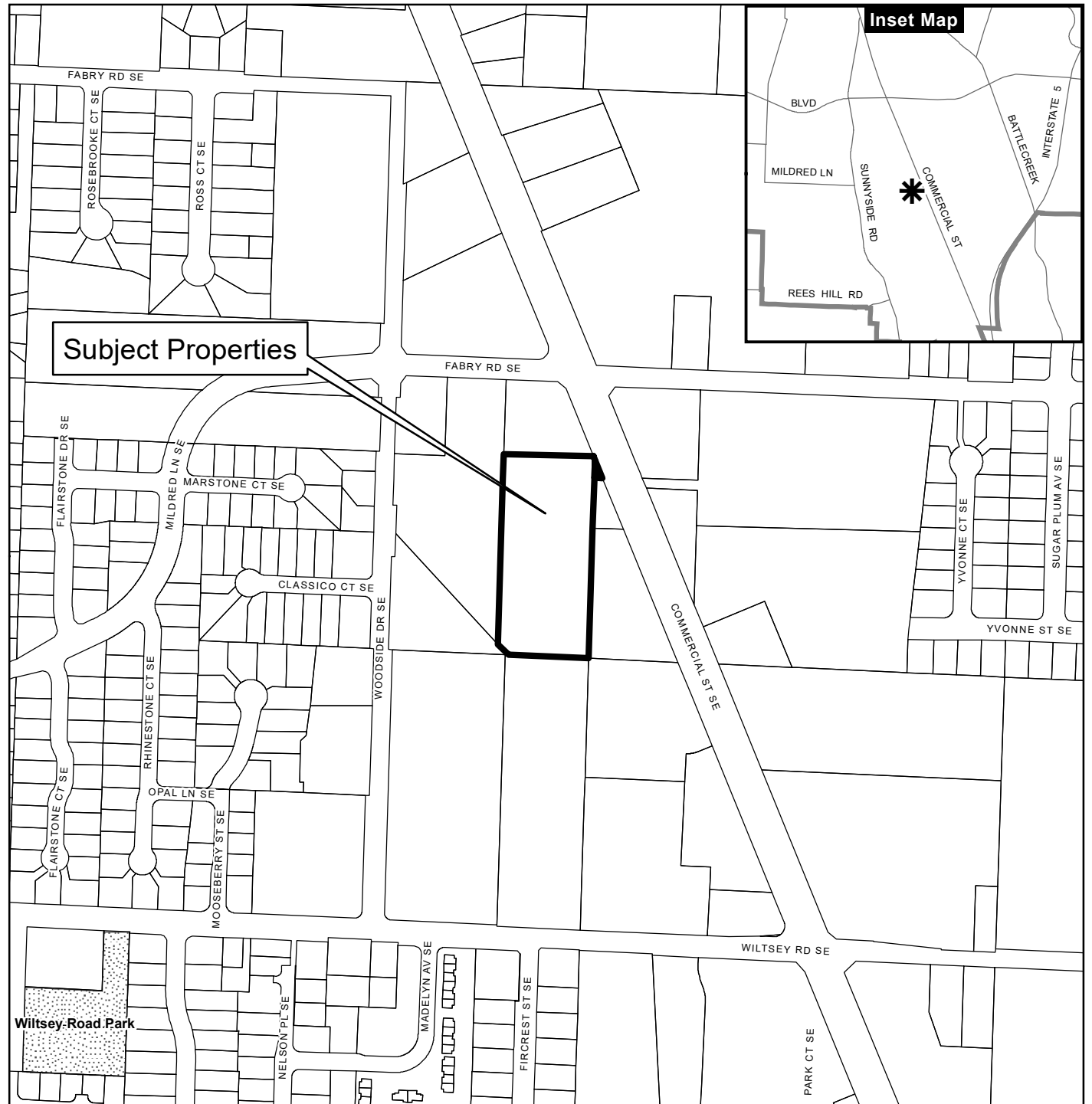
Attachments: A. Vicinity Map
 B. Proposed Modified Site Plan

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

\\commdev\cdgroup\CD\PLANNING\Agosto\2022 (New)\SPR Class 2 & 3\Modification\22-117757 (5669 COMMERCIAL STREET SE)

Vicinity Map

5669 Commercial Street SE and adjacent Tax Lot 083W14CA01200



Legend

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

Parks

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