

NOTICE OF DECISION

PLANNING DIVISION
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PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 2 Site Plan Review and Class 1 Design Review.

AMANDA NO.: 22-120553-PLN

DATE OF DECISION: November 17, 2022

PROPERTY LOCATION: 3837 Portland Road NE

APPLICANT: Doug Groat

ZONE: IC (Industrial Commercial)

COMPREHENSIVE PLAN: Industrial Commercial

OVERLAY: Portland/Fairgrounds Road Overlay Zone

REQUEST

A Class 2 Site Plan Review and Class 1 Design Review application to install an approximately 600 square foot detached accessory storage structure for the Blue Star Gas Propane sales and service site. The subject property is 4.8 acres in size, zoned IC (Industrial Commercial) and located at 3837 Portland Road NE (Marion County Assessor map and tax lot number: 073W12CA / 200).

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 A**.

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, or prior to commencement of work for any of the activities identified under SRC 220.005(a)(1)(B) when a building permit is not otherwise required, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

1. Class 2 Site Plan Review 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.

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

Finding: The following applicable UDC standards are met as described below.

IC Zone (SRC Chapter 551) and Portland Fairgrounds Road Overlay (SRC Chapter 603)

Section 551.005 and 603.010 Uses

Finding: The existing use on the site is propane sales, this includes an approximately 4,000 square foot building for sales and an outdoor storage yard for equipment and materials that are a continued use. This use is classified under heavy wholesaling which is permitted per Table 551-1. The proposed 600 square foot detached accessory storage structure is considered a substantial addition and is subject to the standards of the zone. The accessory structure meets the standards of the zone and overlay, as demonstrated below.

Section 551.010 and 603.020 Development Standards

- a. *Lot Standards (SRC 551.010(a)) and SRC 603.020(b):*

For all uses in the IC zone, there is no minimum or maximum lot area, lot width, or lot depth standards. The minimum street frontage requirement is 16 feet for all uses. Portland Fairgrounds Road Overlay establishes minimums for Single Family Development.

Finding: The existing lot complies with the minimum lot standards of the IC zone, the use is not single family and no changes to the lot size or dimensions are proposed.

- b. *Setbacks and landscaping (SRC 551.010(b)) and SRC 603.020(d):*

Setbacks and landscaping for the proposed development shall be provided as set forth in SRC Table 551-3 and 551-4 and SRC Table 603-4

Finding: The site plan shows a front setback of over 130 feet far exceeding any front setback required and placed behind the main structure. The side yard setback on the south side is shown as ten feet. There is no zone to zone setback when adjacent to the industrial zone land. Setbacks identified in Table 603-4 are for single, two family, three family, four family and multi-family development, therefore are not applicable to the proposal. The proposed structure is over 470 feet from the rear setback. The proposal meets the standard.

- c. *Lot Coverage, Height (SRC 551.010(c)):*

In the IC zone, there is no maximum lot coverage or rear yard coverage for buildings and accessory structures. The maximum height of buildings and accessory structures for all uses is 70 feet.

Finding: The proposed development meets the applicable lot coverage standards as there is no maximum lot coverage standard in the IC zone. The accessory structure has a height of approximately 12 feet. The proposal meets the standard.

d. Landscaping (SRC 551.010(d)):

- (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 chapters [806](#) and [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 towards meeting this requirement.

Finding: The existing Blue Star Gas site has sufficient landscaping. The front entrance is landscaped as well as the parking lot. The overall site also exceeds the minimum 15 percent landscaping as over three acres are maintained with natural vegetation. These standards are met.

e. Industrial performance standards (SRC 551.010(e)):

Within the IC zone, no land or structure shall be used or occupied unless maintained and operated in continuing compliance with all applicable standards adopted by the Oregon Department of Environmental Quality (DEQ), including the holding of all licenses and permits required by DEQ regulations, local ordinance, and state and federal law.

Finding: The applicant has stated the site complies with all applicable standards adopted by the DEQ. This standard is met.

Development Standards for the Portland/ Fairground Overlay (SRC 603.020)

Development within the Portland/Fairgrounds Road Overlay Zone must comply with the development standards applicable in the underlying zone and the development standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(e) *Landscaping.* Berms, mounds, raised beds, and grade drops shall not be allowed as a landscaping treatment, unless a bioswale treatment system or approved landscaping exists to adequately collect water runoff and the berms, mounds, raised beds, and grade drops do not exceed a 3:1 slope.

Finding: No additional landscaping is proposed. The site currently does not have any existing berms, mounds, raised beds or grade drops incorporated into the landscaping. This standard has been met.

(f) *Off-street parking and loading areas.*

- (1) Planter bays or islands shall have a minimum planting area of 50 square feet.

- (2) A minimum of one tree per eight parking spaces is required, of which a maximum of 25 percent may be evergreen trees. Trees shall be planted within 20 feet of the parking lot perimeter. Trees within the public street right-of-way shall not count toward the tree planting requirements.
- (3) Off-street parking may be provided no more than 800 feet from the edge of the lot, or contiguous lots, upon which the main building is located.
- (4) Employee off-street parking may be provided no more than 2,000 feet from the edge of the lot, or contiguous lots, upon which the main building is located.
- (5) Parking lot light structures shall not exceed 25 feet in height.

Finding: No additional off-street parking or loading areas are proposed or necessary with the proposed accessory structure. The existing development utilizes more than seven percent landscaping within the parking area and along the frontage. There are eight trees existing in the eleven-stall parking lot. All parking remains within approximately 100 feet from the building on the same property. Existing parking lot light poles are not changed. These standards continue to be met.

(g) Screening.

- (1) Trash receptacles shall be screened from adjacent household living uses and streets by a sight-obscuring fence, wall, or hedge.
- (2) Concertina or barbed wire fencing shall not be located within 60 feet of the street right-of-way, unless such fencing is obstructed by a building or structure.
- (3) Concertina or barbed wire fencing shall be screened from public view and adjacent property by sight-obscuring landscaping.

Finding: The existing barbed wire fence will remain unchanged and is not within 60 feet of Portland Road NE. No additional trash receptacles are proposed. These standards have been met.

(h) Outdoor storage.

- (1) Outdoor storage areas shall not be located within required setbacks.
- (2) Outdoor storage areas shall be enclosed by a minimum six-foot-high sight-obscuring fence, wall, hedge, or berm; provided, however, items more than six feet in height above grade shall be screened by sight-obscuring landscaping.
- (3) Items stored within outdoor storage areas shall not exceed a maximum height of 14 feet above grade.

Finding: The proposed accessory structure is setback approximately 130 feet from the front property line. It is proposed to be used as a storage shed and will be placed behind the existing six-foot-high sight obscuring fence. Existing vegetation also screens the outdoor storage area. These standards have been met.

(i) Pedestrian access.

- (1) A pedestrian connection shall be provided from the public sidewalk to the primary building entrance.
- (2) A pedestrian connection through the parking area to the primary building entrance shall be provided when the parking area is greater than 60 feet in depth.
- (3) Within shopping centers, office complexes, and mixed-use developments,

pedestrian connections shall be provided to connect the buildings. Pedestrian connections shall be the most practical, direct route.

- (4) Pedestrian connections shall be a minimum of five feet in width and defined by visual contrast or tactile finish texture.
- (5) Wheel stops or extended curbs shall be provided along required pedestrian connections to prevent the encroachment of vehicles onto pedestrian connections.

Finding: The existing development has an enhanced pedestrian connection with stamped asphalt elevated above the parking area leading to the entry canopy. No changes are made to the existing pedestrian connection. These standards continue to be met.

(j) *Project enhancements.* Development within the Portland/Fairgrounds Road Overlay Zone shall include four or more of the following project enhancements:

- (1) Closure of one driveway approach on Portland/Fairgrounds Road;
- (2) Joint parking agreement under SRC 806.020(a)(5), or implementation of a plan to satisfy off-street parking requirements through alternative modes of transportation under SRC 806.015(e)(2);
- (3) Freestanding sign not more than five feet in height and placed upon a foundation;
- (4) Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections;
- (5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;
- (6) Pedestrian connections that are:
 - a. Constructed with pavers, scored or colored cement, and/or stamped asphalt;
 - b. Elevated above the parking area and driveway; or
 - c. Defined with landscaping or building features such as canopies, awnings, or arcades;
- (7) Development on surface parking lots existing on October 1, 2001;
- (8) Provision of one or more of the following pedestrian-oriented design features on private property adjacent to Portland/Fairgrounds Road:
 - a. Pedestrian scale lighting not more than 16 feet in height; or
 - b. Plazas or other outdoor spaces open to the public;
- (9) A minimum of seven percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of ten percent interior landscaping within parking areas greater than 50,000 square feet in size;
- (10) Installation of landscaping and irrigation using a plan designed by an Oregon landscape architect;
- (11) Development of a mixed-use building; or
- (12) Construction of a building where at least 50 percent of the building frontage is constructed contiguous to the minimum building setback line.

Finding: The existing development utilizes the following enhancements: (3) an existing freestanding sign on a brick foundation located in the front landscaping. (4) There is existing weather protection along more than 50 percent of the front façade of the main structure. (6) existing pedestrian connection with stamped asphalt elevated above the parking area leading to the entry canopy. These areas are also defined with

landscaping. (9) existing landscaping consists of seven percent within the parking area and along the frontage. These standards have been met.

2. Class 1 Design Review

(a) Building location, orientation, and design (SRC 603.030(a))

1. Building location

(B) Design Review Standards

- i. Building setbacks abutting street. Buildings shall have the following setbacks abutting a street:

(aa) Minimum: zero feet.

(bb) Maximum: 60 feet.

Finding: The accessory structure is located behind and to the south of the existing building. The setback of 130 feet exceeds the 60 feet maximum setback, although this is an accessory structure and not the primary building. These standards are met.

- ii. Accessory structures shall be located no closer to the street than the primary building. (SRC 603.030(a.1.B.ii)):

Finding: The accessory structure is located behind and to the south of the existing building. The proposed location and existing landscaping on the side will minimize the appearance in relation to the primary building. This standard is met.

2. Building orientation and design

(B) Design Review Standards

- (i) A primary building entrance shall be provided for each building facade facing a street. If a building has frontage on more than one street, a single primary building entrance may be provided at the corner of the building where the streets intersect (see Figure 603-2).

(aa) Alternative standard for existing buildings. Notwithstanding subsection (a)(2)(B)(i) of this section, where a building existing on October 1, 2001, has a primary building entrance facing a street, such entrance may be relocated but not eliminated. The relocated entrance must face a street.

- (ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows on a minimum of 65 percent of the ground floor facade. The windows shall not be mirrored or treated in such a way as to block visibility into the building. The windows shall have a minimum Visible Transmittance (VT) of 37 percent.

(aa) Alternative standard for existing buildings. Notwithstanding subsection (a)(2)(B)(ii) of this section, where a building existing on October 1, 2001, does not include transparent windows on a minimum of 65 percent of the ground floor facade facing Portland/Fairgrounds Road, the percentage of transparent windows existing on the ground floor facade shall not be reduced. Additional windows meeting the transparency requirements of subsection (a)(2)(B)(ii) of this section may be added without meeting the minimum ground floor facade window percentage of 65 percent.

(iii) Building offsets shall be provided for building frontages greater than 75 feet in width. Building frontages two or more stories in height may be constructed without required building offsets on the first floor, but all additional floors shall incorporate building offsets. Building offsets shall be a minimum four feet in depth and shall be provided at intervals of not more than 40 feet along the building frontage. Building offsets may extend into required setbacks.

(iv) Weather protection, in the form of awnings or canopies, shall be provided along a minimum of 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections. Awnings or canopies shall have a minimum clearance height above the sidewalk of eight feet, and may encroach into the street right-of-way as provided in SRC [76.160](#).

(aa) Alternative standard for existing buildings. Notwithstanding subsection (a)(2)(B)(iv) of this section, where a building existing on October 1, 2001, does not include weather protection, in the form of awnings or canopies, along a minimum of 50 percent of the length of the ground floor facade adjacent to sidewalks or pedestrian connections, the percentage of weather protection along the ground floor facade shall not be reduced. Additional weather protection meeting the sidewalk clearance requirements in subsection (a)(2)(B)(iv) of this section may be added without meeting the minimum weather protection standard of 50 percent.

Finding: The existing buildings public entrance is provided under a canopy adjacent to the public right-of-way. There is over 68 percent window coverage on the ground floor, and the building has a four-foot horizontal offset between the first and second floor along Portland Road. There is also an existing canopy approximately 20 feet wide, over fifty percent of the ground floor façade. The canopy is nine-feet above grade. The proposed accessory structure will not result in any façade changes to the main building. These standards continue to be met.

(b) Landscaping (SRC 603.030(b))

(B) Landscaping for open sales and off-street parking.

(B) Design review standards.

(i) Open sales areas for items such as vehicles, boats, recreational vehicles, satellites, hot tubs, and other similar items shall be screened from the public right-of-way with a minimum three-foot tall sight-obscuring fence, masonry wall, or hedge, and a minimum three-foot wide landscape strip. The fence, masonry wall, or hedge shall not encroach into the vision clearance area.

(ii) A minimum ten-foot-wide landscape strip shall be provided between surface parking lots and the street right-of-way. The landscape strip shall be planted with a minimum of one plant unit per 20 square feet of planting area. Berms, mounds, raised beds, and grade drops are allowed if they meet the standards in SRC [603.020](#)(e).

Finding: The accessory structure is proposed in an existing outdoor storage area for storage of propane tanks. This area has existing six-foot tall, site-obscuring chain link fence with barbed wire located over sixty feet from Portland Road NE. There is also an

existing ten-foot landscape strip between the property line and the vehicle use are. This standard is met.

(c) Off Street parking and loading (SRC 603.030(c))

(1) Off-street parking.

(B) Design review standards.

(i) Parking structures located adjacent to Portland/Fairgrounds Road shall include space for ground floor commercial uses along their entire Portland/Fairgrounds Road frontage.

Finding: The accessory structure is for the sole purpose of storage and therefore no additional parking is proposed. No parking structure is proposed or located on the site. This standard is met.

Natural Resources

Floodplain Overlay Zone (SRC Chapter 601)

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. No floodplain or floodway areas are impacted by the proposed accessory storage addition. All floodway and floodplain areas are located on the western half of the site that is maintained in a natural state.

Wetlands (SRC Chapter 809)

There are mapped wetlands on the site, although not within the development area.

Landslide Hazards (SRC Chapter 810)

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no areas of landslide susceptibility within the development area.

Historic Property Status

The subject property is not listed as a historic resource.

Previous Land Use Actions

ORD 63-1 Established the Portland/ Fairgrounds Road Overlay Zone and rezoned the property within the Portland Road corridor.

SPR09-27 – Type II Site Plan Review for development of the 4,000 square foot building for propane sales, to include sales area, office, parking, and outside storage.

City Department Comments

The Public Works Department reviewed the proposal and indicated no concerns

3. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 3837 Portland Road NE 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.

If you have any questions regarding items in this site plan review, please contact Monica Bilodeau at 503-540-2326 or by email at mbilodeau@cityofsalem.net



Monica Bilodeau, Planner III, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Application Deemed Complete:	<u>November 1, 2022</u>
Decision Mailing Date:	<u>November 17, 2022</u>
State Mandated Decision Date:	<u>March 1, 2023</u>

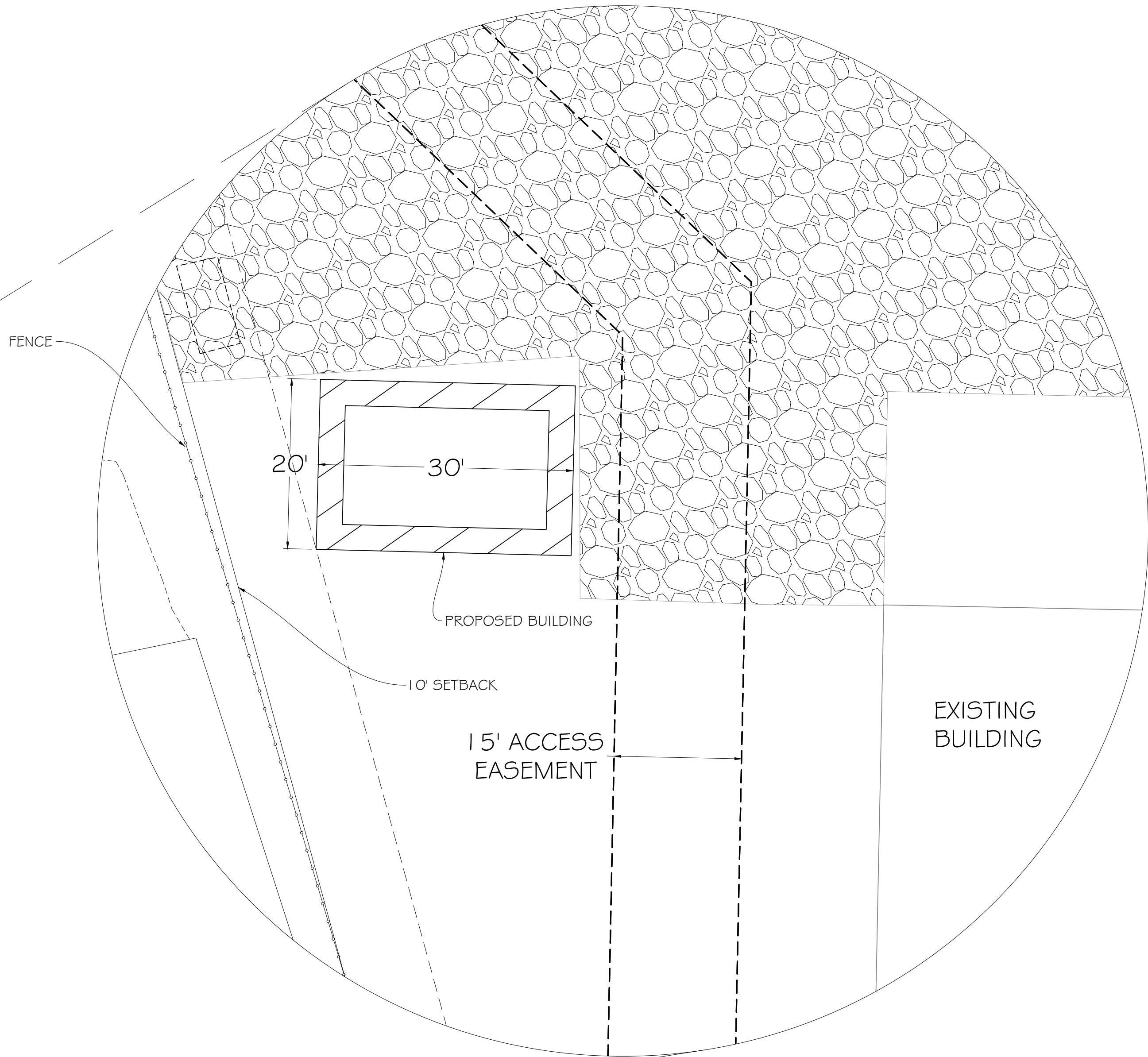
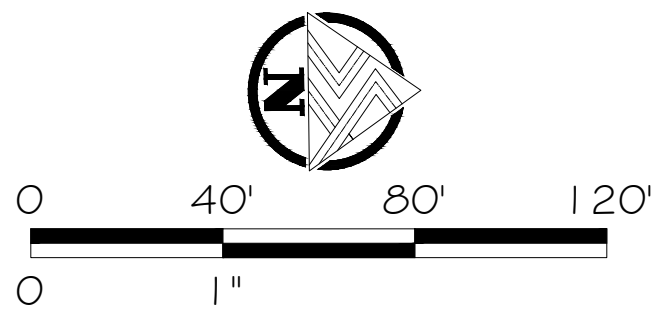
Attachments:

- A. Proposed Development Plan

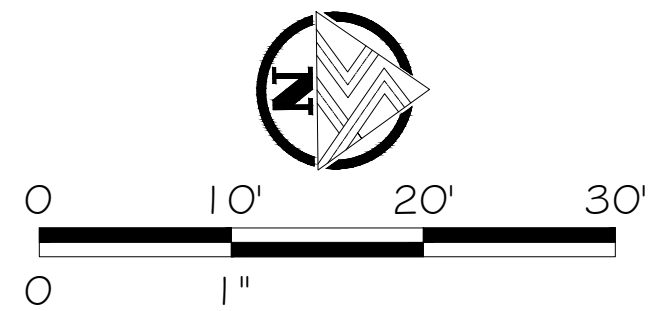
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1 SITE PLAN
SCALE: REF BAR SCALE



1 PLAN ENLARGEMENT
SCALE: REF BAR SCALE



- LANDSCAPED AREAS
(75% OF ENTIRE LOT)
- PAVED AREAS
- GRAVELED AREAS

PRELIMINARY
NOT FOR
CONSTRUCTION

DATE SIGNED:

PORTLAND RD PROJECT

REASON FOR ISSUANCE		DATE	BY
NO.	DESCRIPTION		
1	SUBMITTED FOR AGENCY REVIEW	8/17/22	KW

SHEET TITLE:

SITE PLAN EXHIBIT