

# 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 HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW / CLASS 2 DRIVEWAY  
APPROACH PERMIT / CLASS 1 DESIGN REVIEW CASE NO.: CU-SPR-DAP-  
DR22-07**

**APPLICATION NO.: 22-117397-PLN**

**NOTICE OF DECISION DATE:** January 24, 2023

**SUMMARY:** Phased development of a motor vehicle sales use and motor vehicle services use, with vehicle display and vehicle storage areas.

**REQUEST:** A Conditional Use Permit, Class 3 Site Plan Review, Class 2 Driveway Approach Permits, and Class 1 Design Review request for development of a new motor vehicle sales and motor vehicle services use in two phases of development, with Phase 1 including a 900 square foot sales building and vehicle display area, and Phase 2 including a 7,500 square foot automotive services/warehouse building and vehicle storage area.

The subject property is approximately 1.24 acres in size, zoned CG (General Commercial), IC (Industrial Commercial), and located within the Pine Street Mixed-Use Overlay Zone at the time of application submittal, and located at 2410 Fairgrounds Road NE - 97301 (Marion County Assessor Map and Tax Lot number: 073W14DB / 01500).

**APPLICANT:** Ron Ped on behalf of Angie and Tyrone Jones

**LOCATION:** 2410 Fairgrounds Rd NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use; 220.005(f)(3) – Class 3 Site Plan Review; 804.025(d) – Class 2 Driveway Approach Permit; 225.005(e)(1) – Class 1 Design Review

**FINDINGS:** The findings are in the attached Decision dated January 20, 2023.

**DECISION:** The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review / Class 2 Driveway Approach Permit / Class 1 Design Review Case No. CU-SPR-DAP-DR22-07 subject to the following conditions of approval:

### **CONDITIONAL USE:**

**Condition 1:** Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM. When the use is not open for business, vehicle display area lighting shall be turned off, and only pedestrian and security lighting may be used.

### **SITE PLAN REVIEW:**

- Condition 2:** Prior to building permit approval for the first phase of development, the applicant shall demonstrate that a minimum of 15 percent of the development site will be landscaped. The applicant may request relief from this standard by submitting a future Class 2 Adjustment.
- Condition 3:** Cast iron or wrought iron fencing shall be installed along the Fairgrounds Road NE frontage.
- Condition 4:** The applicant shall demonstrate that all applicable off-street parking requirements of Chapter 806 are met at the time future use(s) are established for the Phase 2 building.
- Condition 5:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Smith Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 6:** Construct a half-street improvement along the frontage of Smith Street NE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 7:** Install street trees to the maximum extent feasible along Fairgrounds Road NE and Smith Street NE.
- Condition 8:** Dedicate a minimum 20-foot wide sewer easement along the existing 8-inch sewer main within the subject property.
- Condition 9:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

### **DESIGN REVIEW:**

- Condition 10:** 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 façade adjacent to sidewalks or pedestrian connections for the proposed building in Phase 2.

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Conditional Use:	<u>February 14, 2025</u>
All other case types:	<u>February 14, 2027</u>
Application Deemed Complete:	<u>December 6, 2022</u>
Public Hearing Date:	<u>December 28, 2022</u>
Notice of Decision Mailing Date:	<u>January 24, 2023</u>
Decision Effective Date:	<u>February 14, 2023</u>
State Mandate Date:	<u>April 5, 2023</u>

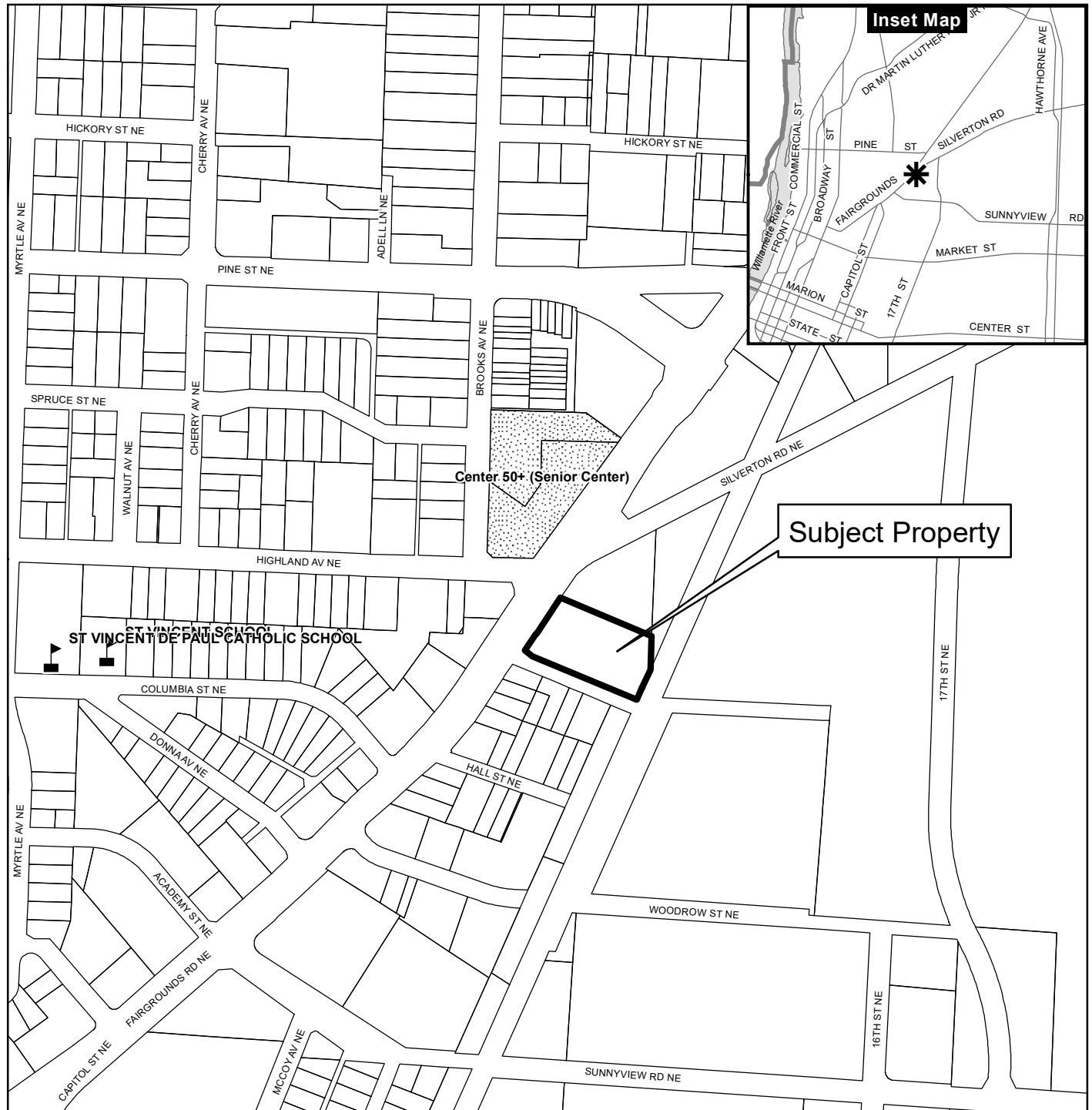
Case Manager: Aaron Panko, [APanko@cityofsalem.net](mailto:APanko@cityofsalem.net), 503-540-2356

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. Wednesday, February 8, 2023. 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(s) 240, 220, 804, 225. 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 Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission 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>

# Vicinity Map 2410 Fairgrounds Road NE



## Legend

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

0 100 200 400 Feet

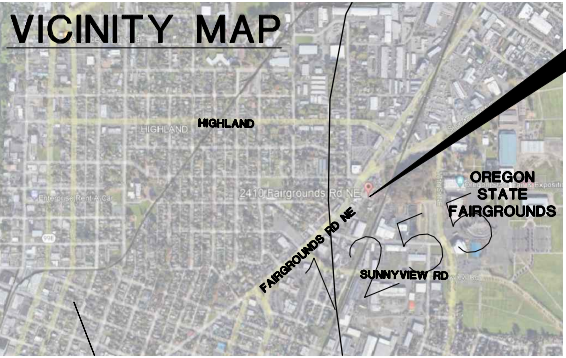


**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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VICINITY MAP



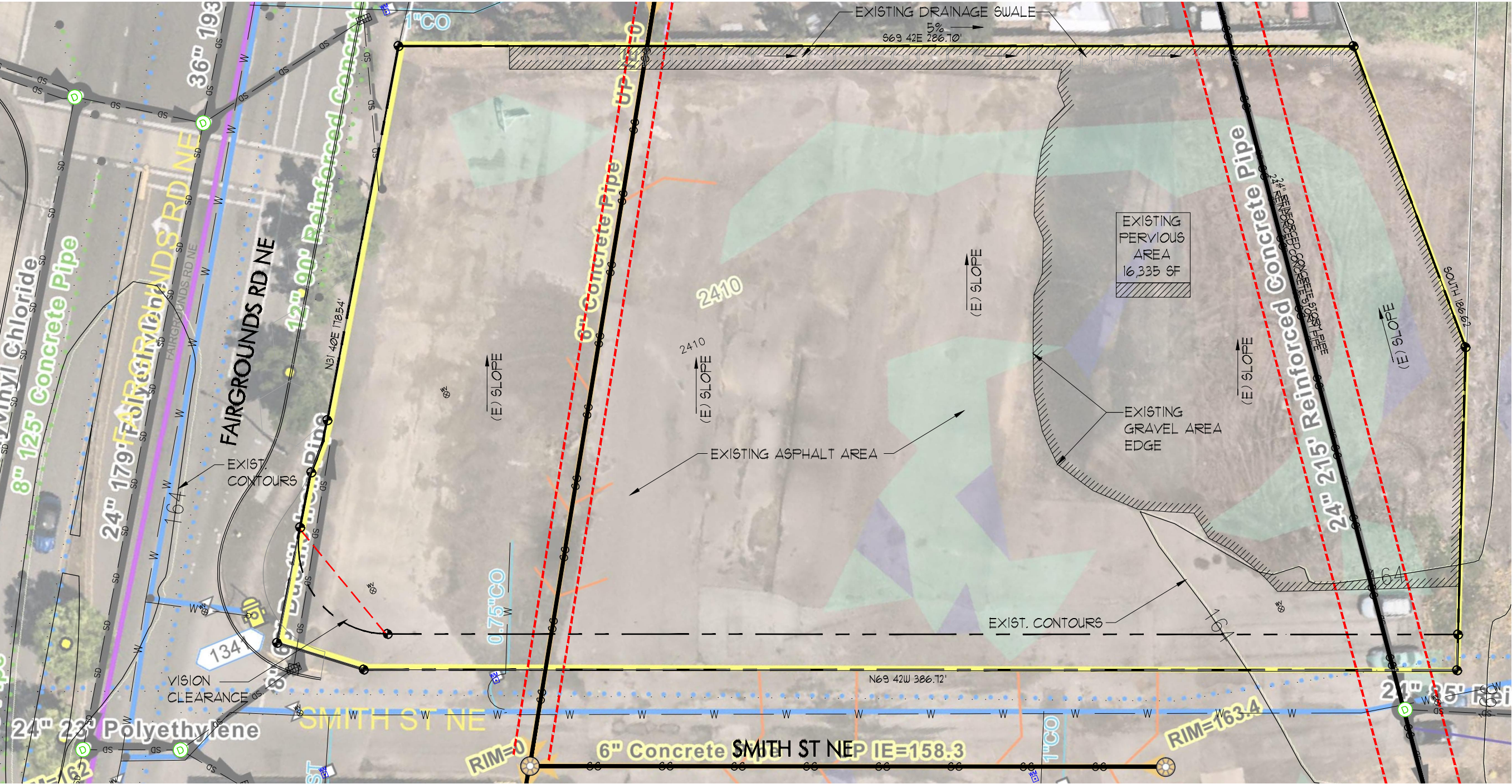
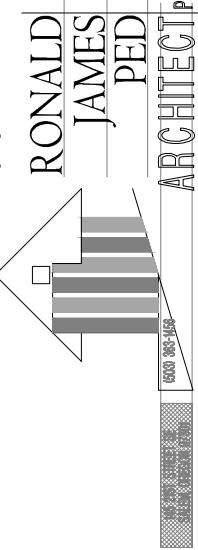
PROJECT LOCATION

COMPLETE SITE SUMMARY

PROPERTY SIZE	=50,429 SF	(1.15AC)
REQUIRED LANDSCAPE	=7,564 SF	(15%)
NEW LANDSCAPE AREA	=7,596 SF	(15%)
BUILDING FOOTPRINT	=8,400 SF	(16.7%)
HARDSCAPE AREA	=34,433 SF	(68.2%)

DRAWING INDEX

SPR 1	EXISTING SITE PLAN	SPR II	FIRE ACCESS PLAN
SPR 2	PROPOSED SITE PLAN	A3.1	BUILDING ELEVATIONS
SPR 3	GRADING PLAN	A3.2	BUILDING ELEVATIONS
SPR 4	UTILITY PLAN	A3.3	NOT USED
SPR 5	DETAILS	A3.4	NOT USED
SPR 6	PHASE 1 & PHASE 2 LANDSCAPING	A3.5	NOT USED
SPR 7	COMPLETE LANDSCAPING & DETAILS		
SPR 8	SITE ENHANCEMENTS PLAN		
SPR 9	ENLARGED OFFICE PLAN		
SPR 10	STORM WATER MANAGEMENT PLAN		



EXISTING SITE PLAN

SCALE : 1" = 30'-0"



Site Plan Review Class 3

Creative Credit & Auto Sales

2410 Fairground Rd NE

DATE: 8.23.22  
DRAWN: KDG  
JOB NO.: 2261

SPR 1



COMPLETE SITE SUMMARY		
PROPERTY SIZE	=50,429 SF	(1.15AC)
REQUIRED LANDSCAPE	=7,564 SF	(15%)
NEW LANDSCAPE AREA	=7,596 SF	(15%)
BUILDING FOOTPRINT	=8,400 SF	(16.7%)
HARDSCAPE AREA	=34,433 SF	(68.2%)

PARKING SPACES	1 PER 900 sf (MOTOR VEHICLE SALES)
PHASE 1	1 SPACE REQ'D (900 sf / 900 = 1) 3 (1x2.5) SPACES PROVIDED
PHASE 2	WAREHOUSE 2 SPACE REQ'D (7,500 sf / 5000 = 2) 5 (2x2.5) SPACES PROVIDED

BICYCLE SPACES	1 PER 9,000 sf (MOTOR VEHICLE SALES)
PHASE 1	1 SPACE REQ'D (900 sf / 9,000 = .1) 1 SPACES PROVIDED
PHASE 2	1ST FLR WAREHOUSE 4 SPACES PROVIDED

FENCE KEY

6' ORNAMENTAL METAL FENCE W/ 3 FOOT HIGH HEDGE SEE DETAIL 1/SPR 5B

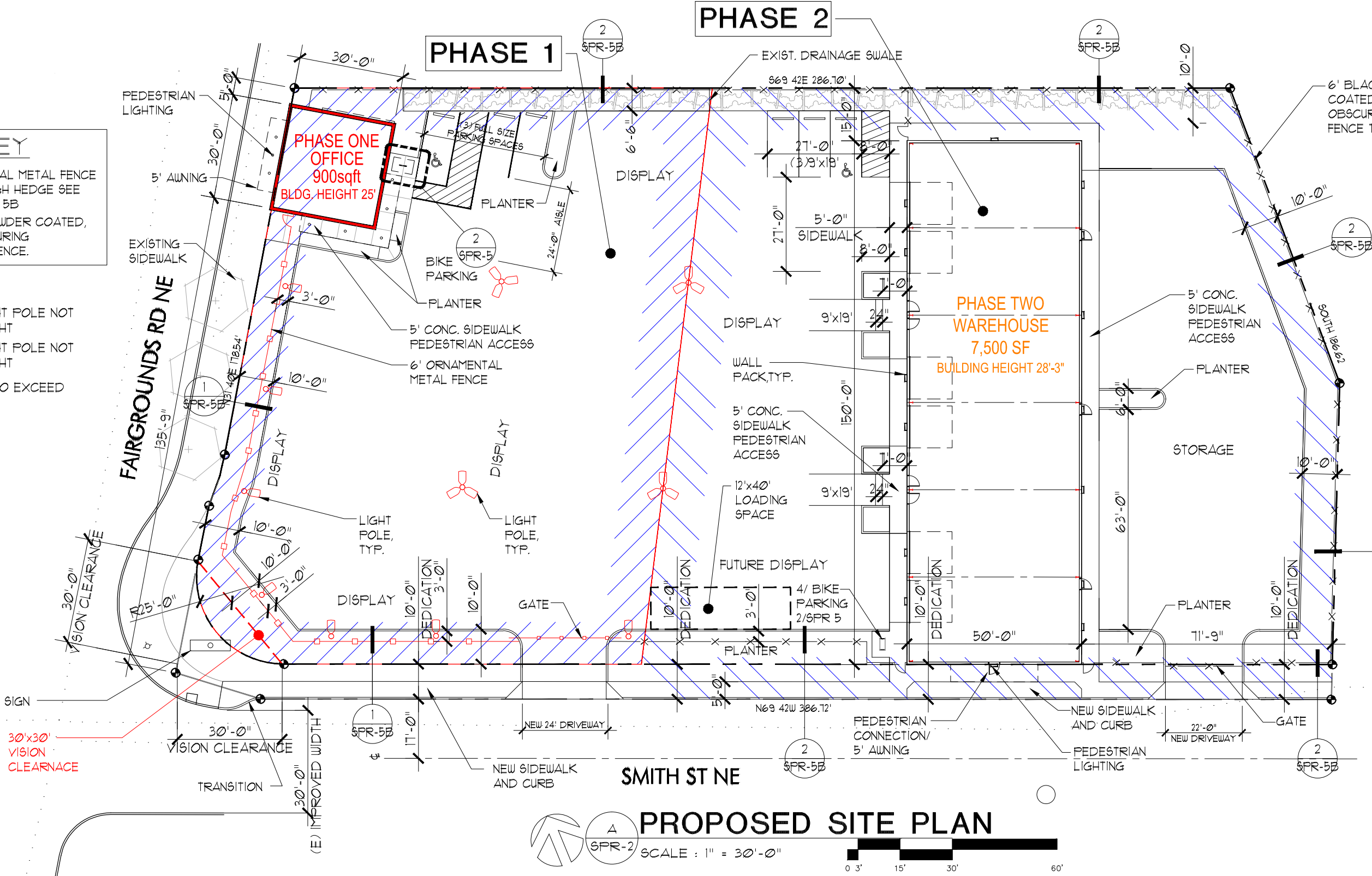
6' BLACK POWDER COATED, SIGHT- OBSCURING CHAIN-LINK FENCE.

SITE LIGHTING KEY

SINGLE HEAD LED LIGHT POLE NOT TO EXCEED 25' IN HEIGHT

SINGLE HEAD LED LIGHT POLE NOT TO EXCEED 25' IN HEIGHT

LED WALL PACK, NOT TO EXCEED 16' IN HEIGHT



RONALD JAMES PED ARCHITECT P

Site Plan Review Class 3

Creative Credit & Auto Sales

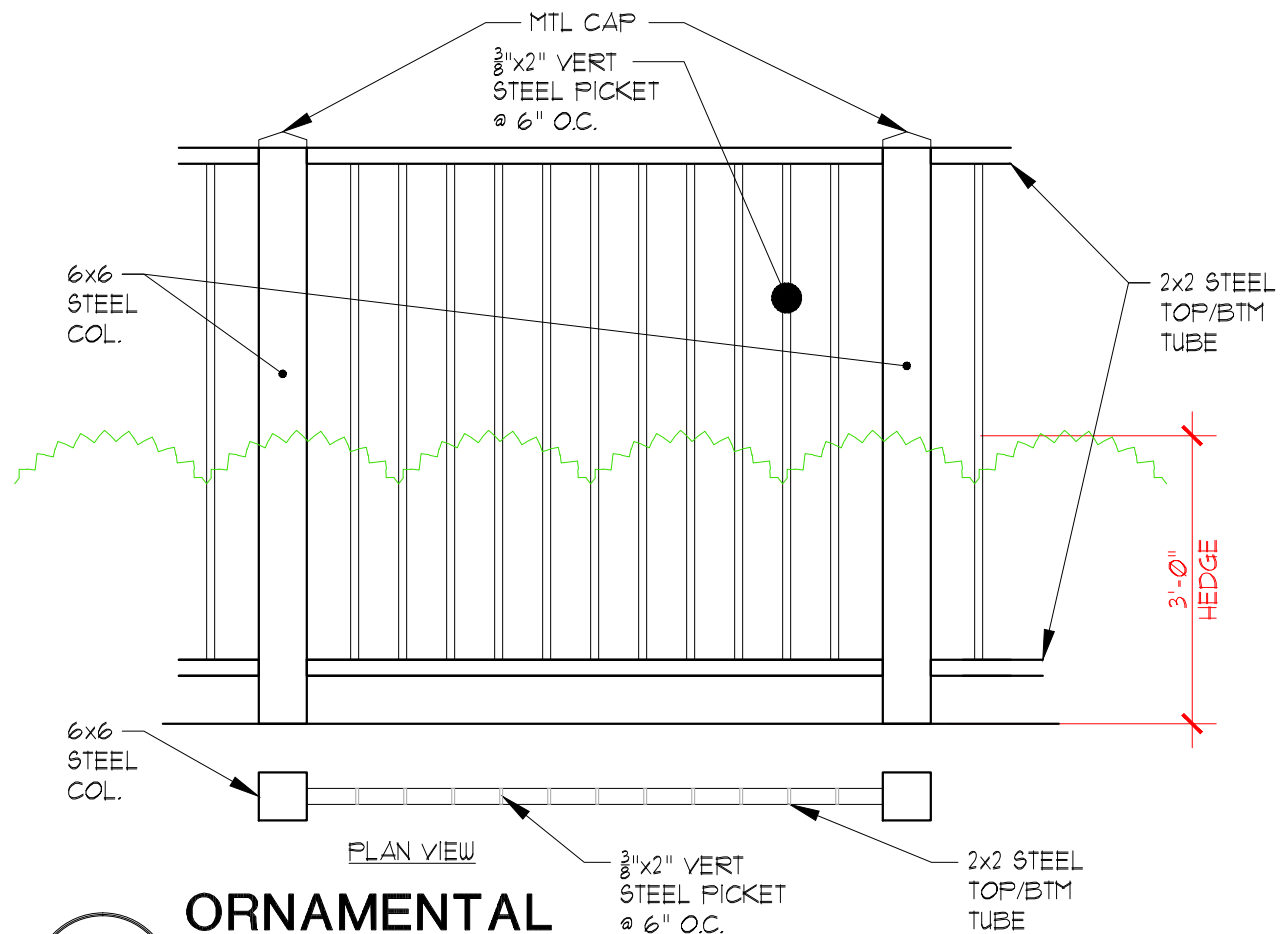
2410 Fairground Rd NE

DATE: 8.23.22

DRAWN: KDG

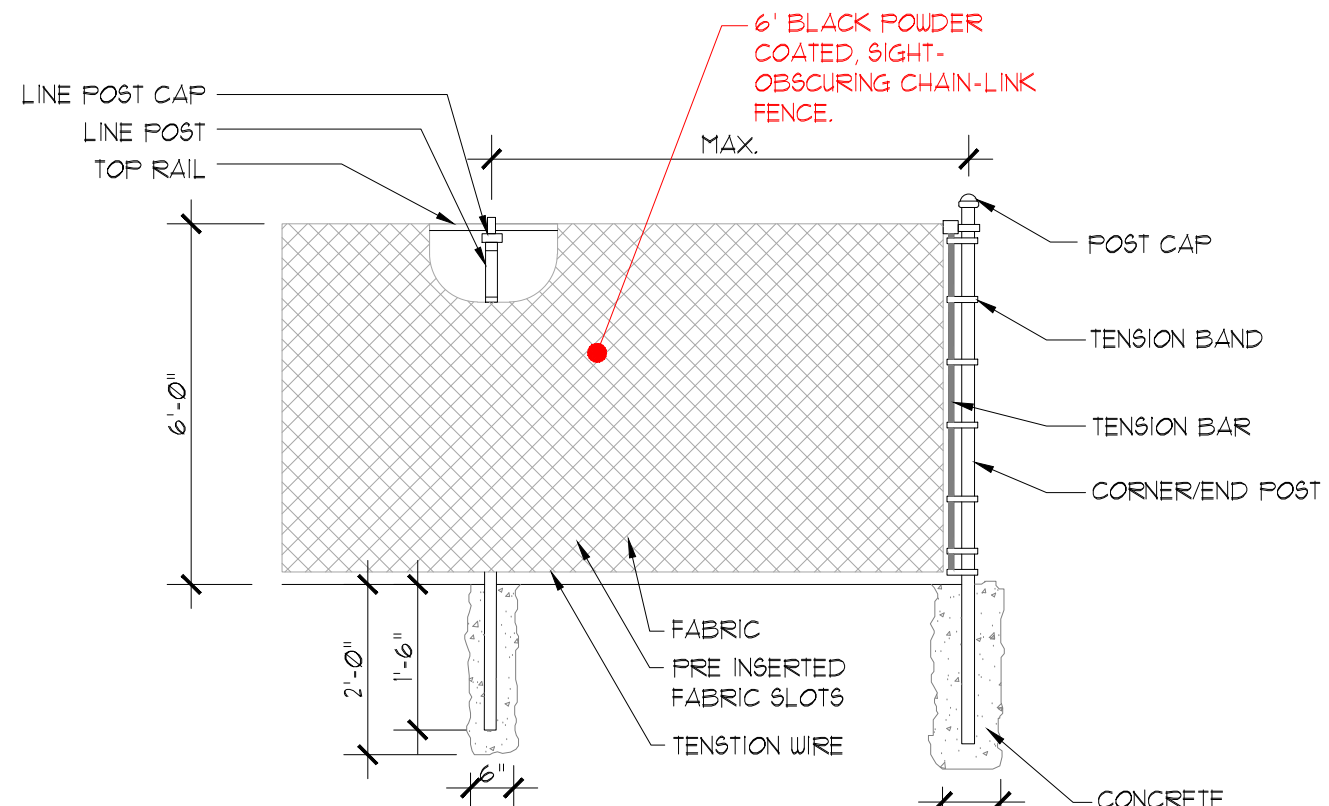
JOB NO.: 2261

SPR 2

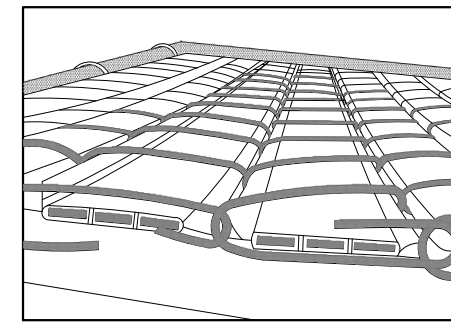
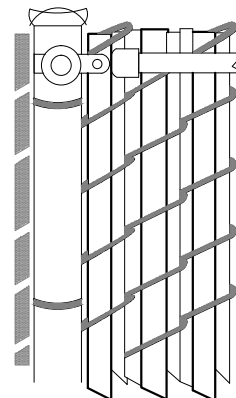


## ORNAMENTAL METAL FENCE DETAIL

SCALE: 1/2" = 1'-0"



## ELEVATION



### NOTES:

1. INSTALLATION TO BE COMPLETED IN ACCORDANCE WITH MANUFACTURER'S SPECIFICATIONS.
2. DO NOT SCALE DRAWING.
3. THIS DRAWING IS INTENDED FOR USE BY ARCHITECTS, ENGINEERS, CONTRACTORS, CONSULTANTS AND DESIGN PROFESSIONALS FOR PLANNING PURPOSES ONLY. THIS DRAWING MAY NOT BE USED FOR CONSTRUCTION.
4. ALL INFORMATION CONTAINED HEREIN WAS CURRENT AT THE TIME OF DEVELOPMENT BUT MUST BE REVIEWED AND APPROVED BY THE PRODUCT MANUFACTURER TO BE CONSIDERED ACCURATE.
5. CONTRACTOR'S NOTE: FOR PRODUCT AND COMPANY INFORMATION VISIT [www.CADdetails.com/info](http://www.CADdetails.com/info) AND ENTER REFERENCE NUMBER 3437-001.

## CHAIN LINK FENCE

3 1/2" x 5" MESH W/ SUPREME PRIVACY SLATS (PRE-INSERTED IN FENCE)

SCALE: 1/2" = 1'-0"

# Phase 1 Site Summary

PROPERTY SIZE	= 20,531 S.F. (.41 AC)
REQ'D LANDSCAPE AREA	= 3,079 S.F. (15%)
EXISTING LANDSCAPE AREA	= 0# S.F. (0%)
NEW LANDSCAPE AREA	= 3,107 S.F. (15.1%)
BUILDING FOOTPRINT AREA	= 900 S.F. (4.4%)
HARDSCAPE AREA	= 16,524 S.F. (80.5%)
	(100%)
TOTAL IMPERVIOUS AREA	= 17,424 S.F. (84.9%)

## PHASE 1 LANDSCAPE REQUIREMENTS

LANDSCAPE AREA: 3,107#/20 PU PU REQ.: 155  
TREES: 62 PU \*  
\* 40% OF TOTAL PU TO BE TREES

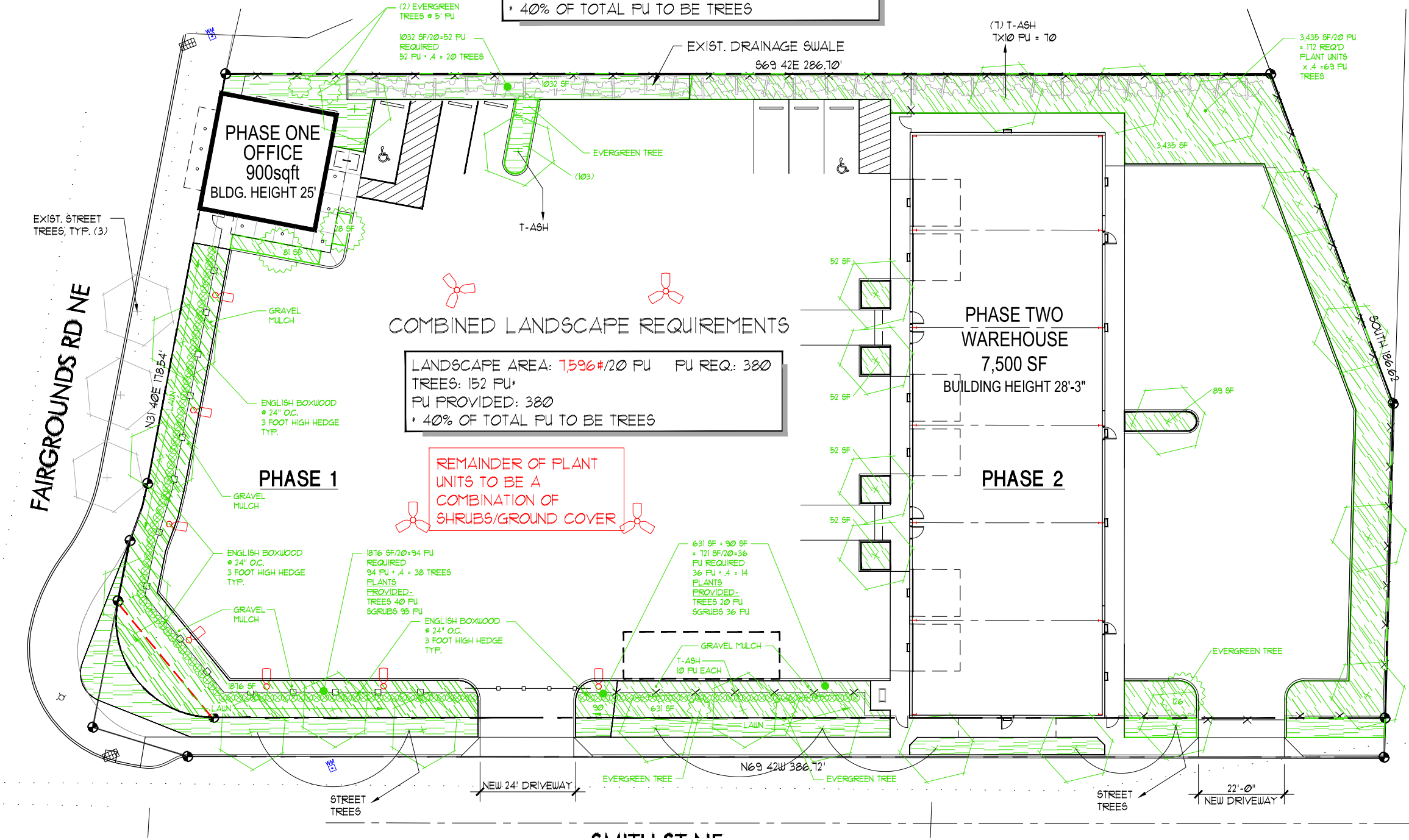
40% OF TOTAL REQ'D  
PU TO BE TREES, SEE  
COMBINED LANDSCAPE  
REQUIREMENTS BELOW

# Phase 2 Site Summary

PROPERTY SIZE	= 29,898 S.F. (.68 AC)
REQ'D LANDSCAPE AREA	= 4,485 S.F. (15%)
EXISTING LANDSCAPE AREA	= 0 S.F. (0%)
NEW LANDSCAPE AREA	= 4,489 S.F. (15.1%)
BUILDING FOOTPRINT AREA	= 7,500 S.F. (25.0%)
HARDSCAPE AREA	= 17,909 S.F. (59.9%)
	(100%)
TOTAL IMPERVIOUS AREA	= 25,409 S.F. (85%)

## PHASE 2 LANDSCAPE REQUIREMENTS

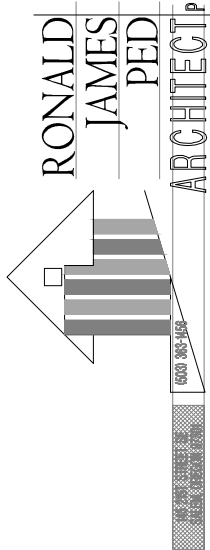
LANDSCAPE AREA: 4,489#/20 PU PU REQ.: 224  
TREES: 90 PU \*  
\* 40% OF TOTAL PU TO BE TREES



## COMBINED LANDSCAPE REQUIREMENTS

LANDSCAPE AREA: 7,596#/20 PU PU REQ.: 380  
TREES: 152 PU\*  
PU PROVIDED: 380  
\* 40% OF TOTAL PU TO BE TREES

REMAINDER OF PLANT  
UNITS TO BE A  
COMBINATION OF  
SHRUBS/GROUND COVER







# PROJECT ENHANCEMENTS (SRC 604.020)

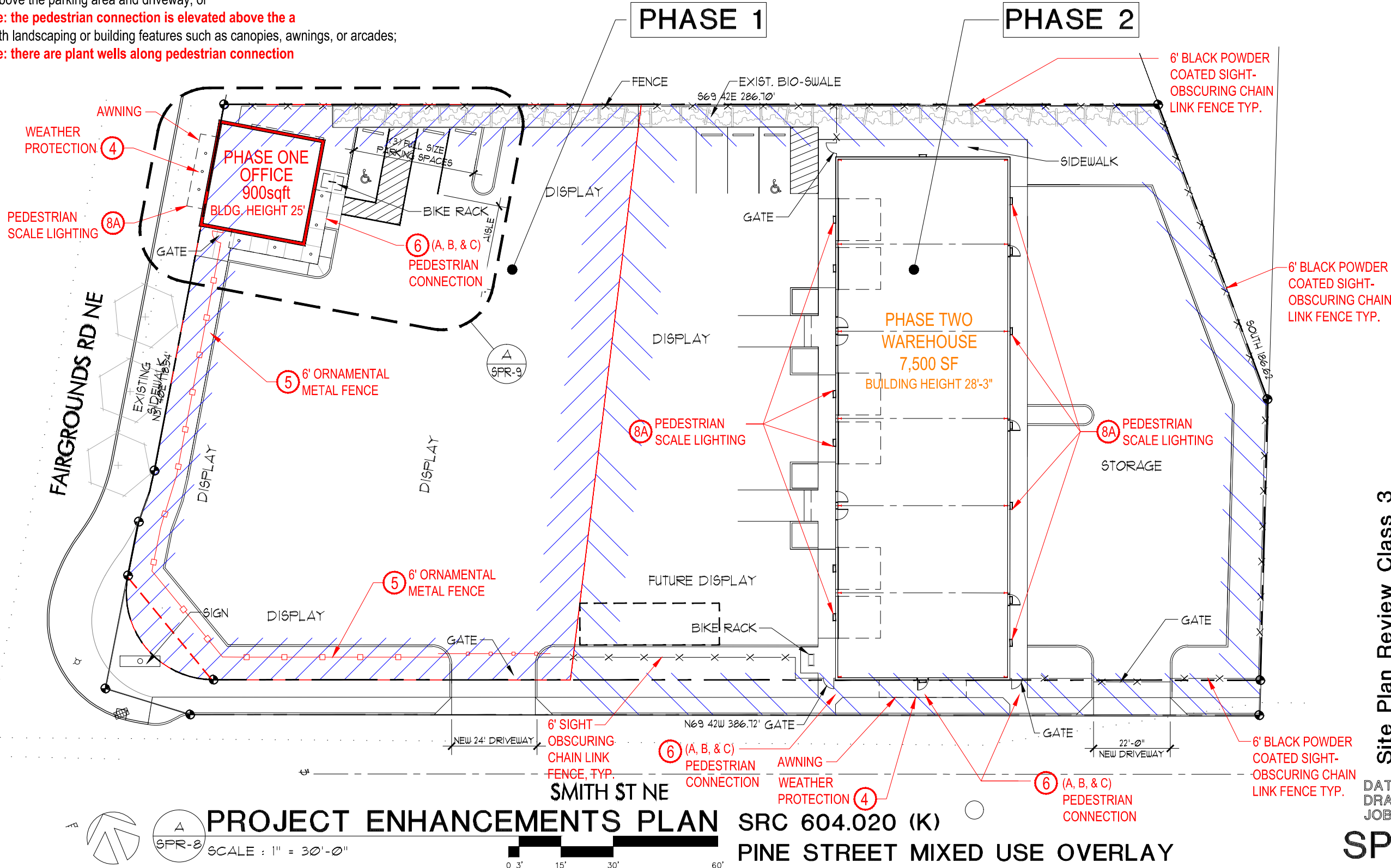
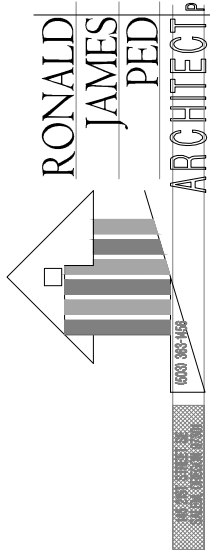
- (4) Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building facade adjacent to sidewalks or pedestrian connections;  
**Response: 50 percent of the building façade has pedestrian covered connection**

(5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road;  
**Response: an ornamental fence is installed along Fairgrounds**

(6) Pedestrian connections that are:  
(A) Constructed with pavers, scored or colored cement, and/or stamped asphalt;  
**Response: the concrete has integral color.**  
(B) Elevated above the parking area and driveway; or  
**Response: the pedestrian connection is elevated above the a**  
(C) Defined with landscaping or building features such as canopies, awnings, or arcades;  
**Response: there are plant wells along pedestrian connection**
- (7) Development on surface parking lots existing on October 1, 2001;  
**Response: the parking lot/vehicular use are existing prior to 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  
**Response: Pedestrian lighting will be provide on the building**

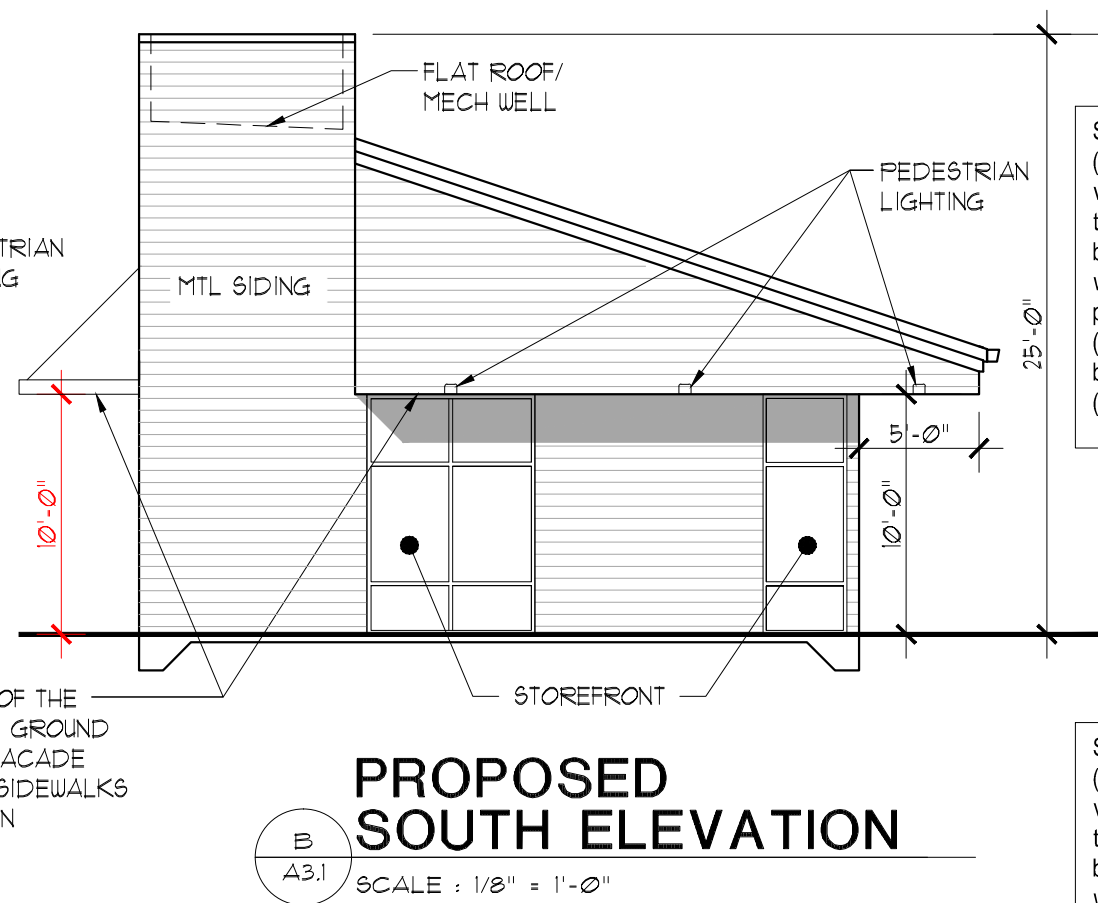
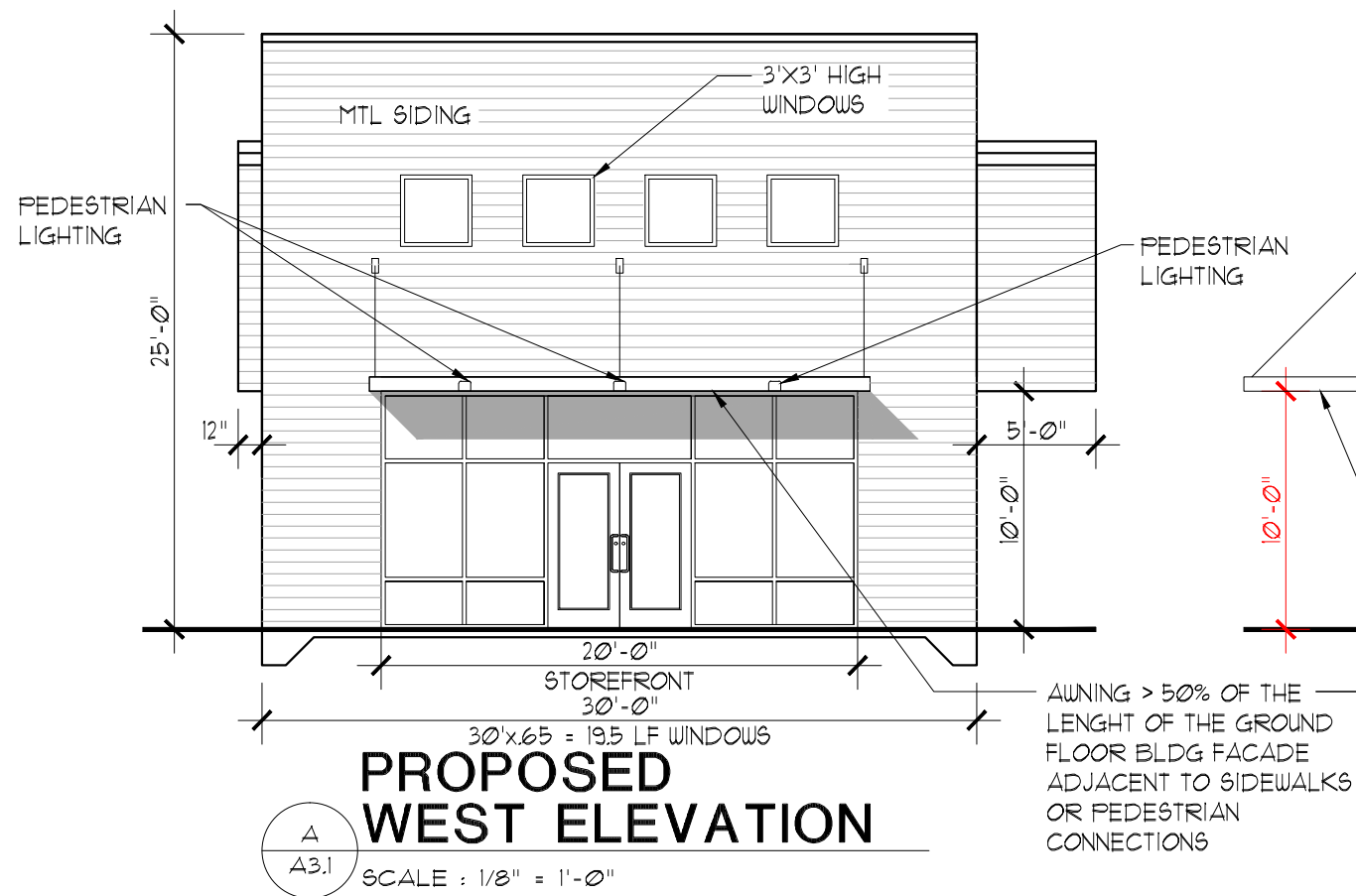
FENCE KEY	
	6' ORNAMENTAL METAL FENCE W/ 3 FOOT HIGH HEDGE SEE DETAIL 1/SPR 5B
	6' BLACK POWDER COATED, SIGHT- OBSCURING CHAIN-LINK FENCE.



Site Plan Review Class 3  
Creative Credit & Auto Sales  
2410 Fairground Rd NE

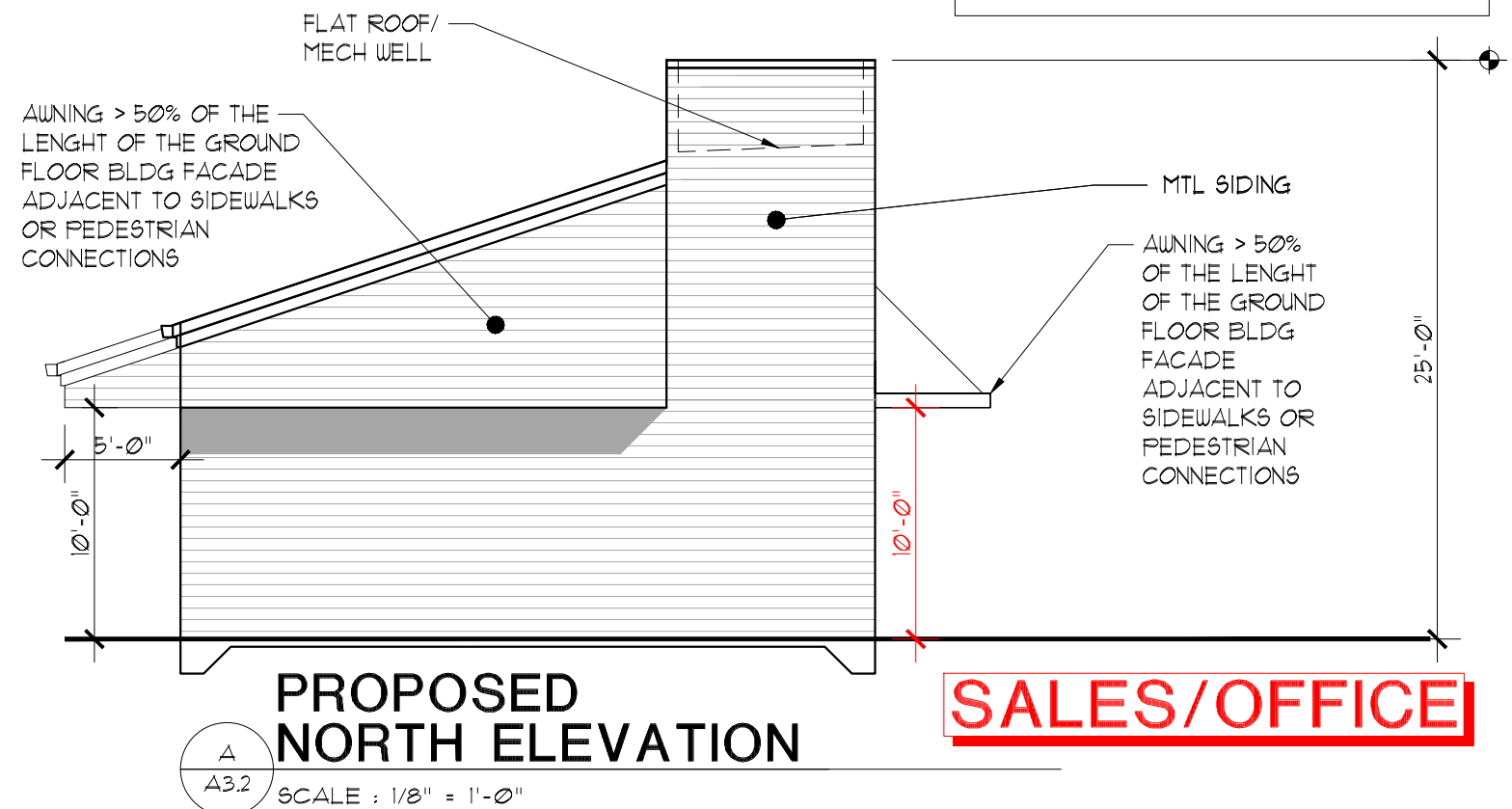
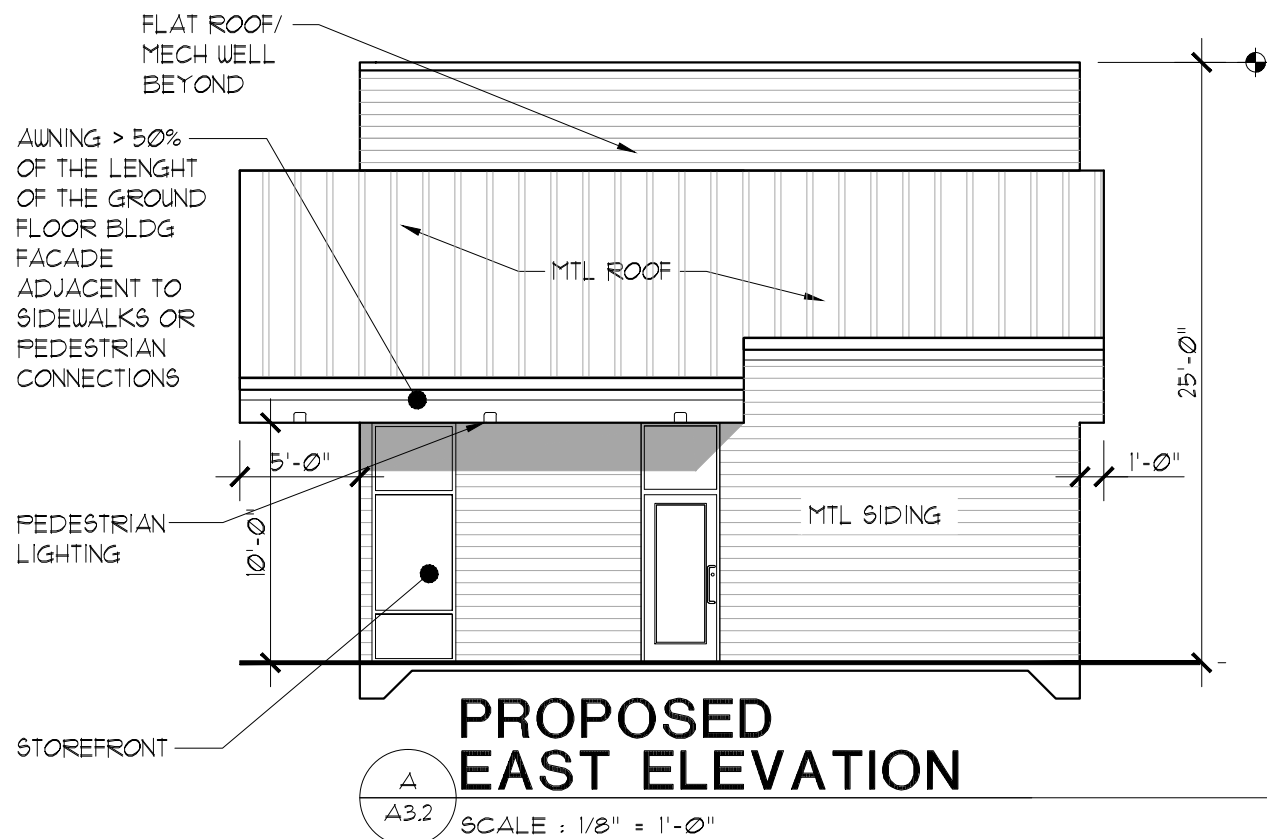
DATE: 8.23.22  
DRAWN: KDG  
JOB NO.: 2261

SPR 8

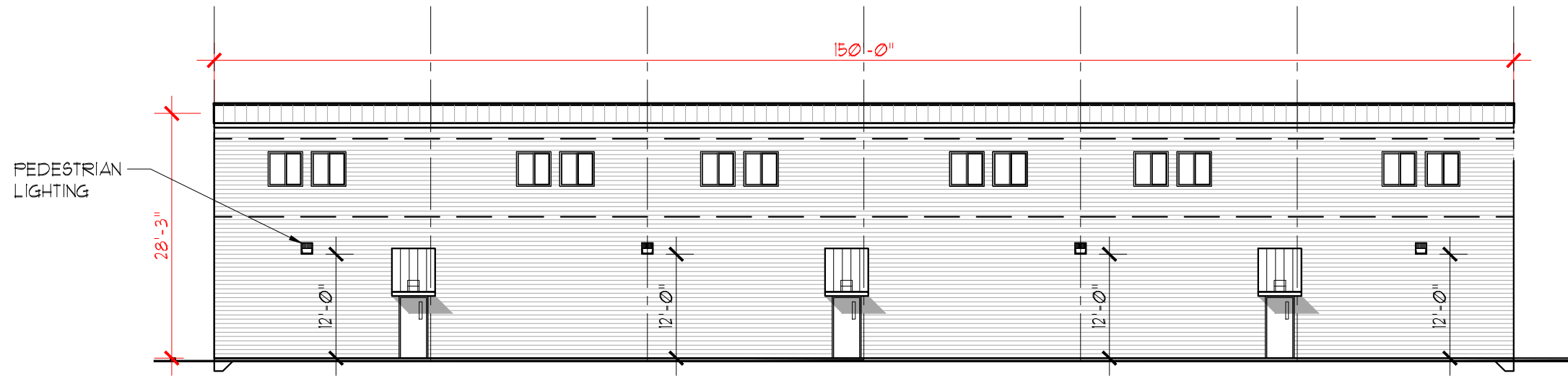


Sec. 112.035. - Height.  
 (a) Calculation. Height is calculated by measuring the vertical distance between two points, a base point and a top point. Unless otherwise provided under the UDC, the base point is the lowest point on the grade abutting that which is being measured, and the top point is the highest point on that which is being measured.  
 (2) Top point. The top point for purposes of measuring building and structure height shall be:  
 (A) The highest point of the coping of a flat roof

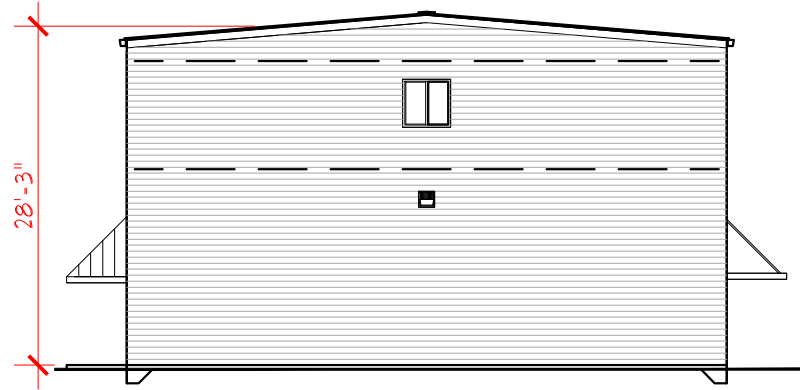
Sec. 112.035. - Height.  
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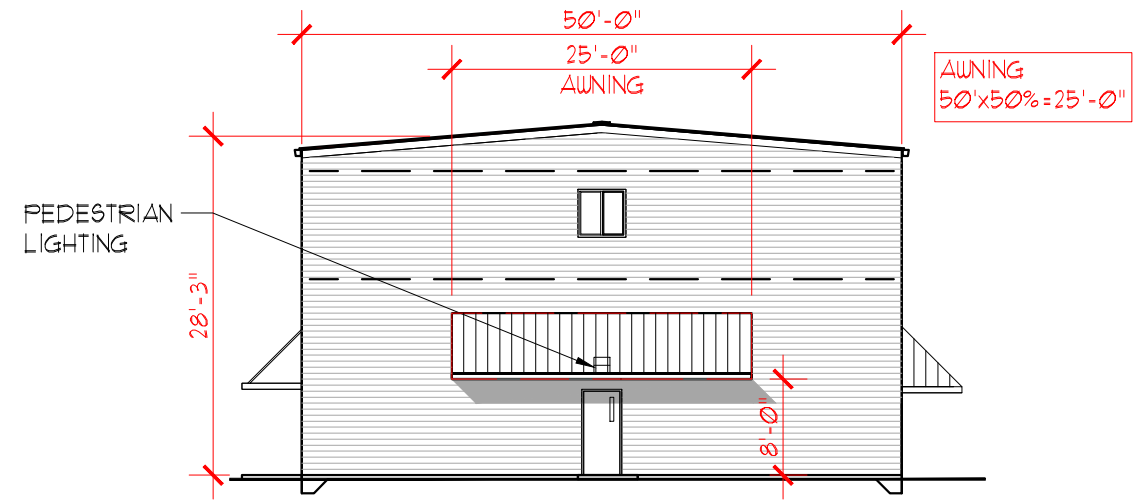
**SALES/OFFICE**



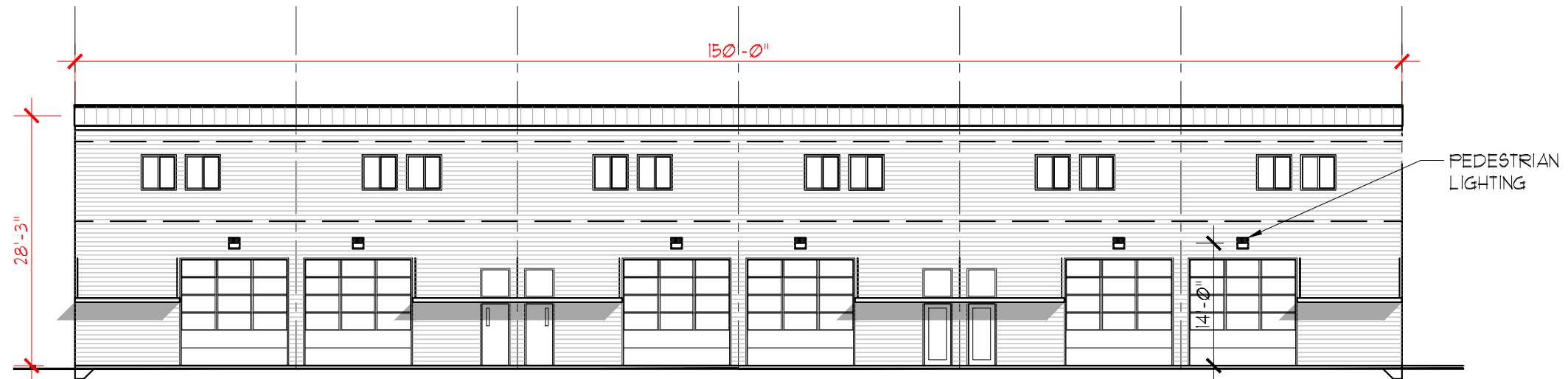
**WAREHOUSE BUILDING - EAST ELEVATION**  
A  
A32  
SCALE : 1/16" = 1'-0"



**WAREHOUSE BUILDING  
NORTH ELEVATION**  
B  
A32  
SCALE : 1/16" = 1'-0"



**WAREHOUSE BUILDING  
SOUTH ELEVATION**  
C  
A32  
SCALE : 1/16" = 1'-0"



**WAREHOUSE BUILDING - WEST ELEVATION**  
D  
A32  
SCALE : 1/16" = 1'-0"



**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

CONDITIONAL USE / CLASS 3 SITE PLAN  
REVIEW / CLASS 2 DRIVEWAY APPROACH  
PERMIT / CLASS 1 DESIGN REVIEW FOR  
2410 FAIRGROUNDS ROAD NE - 97301

**CASE NO. CU-SPR-DAP-DR22-07**

FINDINGS OF FACT, CONCLUSIONS, AND  
DECISION

**DATE AND PLACE OF HEARING:**

A properly noticed public hearing before the City of Salem Hearings Officer was held remotely December 28<sup>th</sup>, 2022 due to social distancing measures put in place to slow the spread of the COVID-19 virus.

**APPEARANCES:**

Staff: Aaron Panko, Planner III

Neighborhood Association: No Appearances.

Proponents: Ron Ped, Applicant

Opponents: No Appearances

**SUMMARY OF THE APPLICATION AND HEARING**

**BACKGROUND**

On August 23, 2022, Class 3 Design Review, Conditional Use Permit, and Class 3 Site Plan Review applications were accepted for processing. After receiving additional information including withdrawal of the Class 3 Design Review application, and submittal of Class 1 Design Review and Class 2 Driveway Approach Permit applications, the collective

applications were deemed complete for processing on December 6, 2022. The 120-day state mandated decision deadline for this collective application is April 5, 2023.

The public hearing before the City of Salem Hearings Officer occurred December 28, 2022, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on December 8, 2022. SRC 300.620(b)(3) requires the applicant to post notice on the subject property no earlier than 14 and no later than ten days prior to the public hearing. Public hearing notice was posted on the property on December 20, 2022, eight days prior to the public hearing, which does not comply with the public notice requirements for this application. To mediate this defect, the Hearings Officer left the record open for additional testimony to be provided following the December 28, 2022 public hearing.

### **PROPOSAL**

The applicant has submitted Conditional Use Permit, Class 3 Site Plan Review, Class 2 Driveway Approach Permit, and Class 1 Design Review applications for phased development of a new motor vehicle sales use and motor vehicle services use, with associated vehicle display and vehicle storage areas for property located at 2410 Fairgrounds Road NE.

The applications were submitted on August 23, 2022. At the time this application was submitted, the subject property was zoned CG (General Commercial) and IC (Industrial Commercial), and the property was located within the Pine Street Mixed-Use Overlay Zone. On August 24<sup>th</sup>, as a result of the Our Salem project, the zoning map for the subject property was changed to MU-I (Mixed Use-I) and the Pine Street Mixed-Use Overlay Zone was removed.

### **FINDINGS OF FACT AND CONCLUSIONS**

#### **1. Salem Area Comprehensive Plan (SACP) designation**

The applications were submitted on August 23, 2022. At the time this application was submitted, the Salem Area Comprehensive Plan (SACP) map designation for the subject property was Commercial and Industrial Commercial. On August 24<sup>th</sup>, as a result of the Our Salem project, the comprehensive plan map designation for the subject property was changed to Mixed-Use.

#### **2. Zoning and Surrounding Land Uses**

The applications were submitted on August 23, 2022. At the time this application was submitted, the subject property was zoned CG (General Commercial) and IC (Industrial Commercial), and the property was located within the Pine Street Mixed-Use Overlay Zone. On August 24<sup>th</sup>, as a result of the Our Salem project, the zoning map for the subject property was changed to MU-I (Mixed Use-I) and the Pine Street Mixed-Use Overlay Zone

was removed.

The zoning designation of surrounding properties prior to the August 24<sup>th</sup> Our Salem map changes is as follows:

- North: CG (General Commercial) zone and Pine Street Mixed-Use Overlay Zone
- South: Across Smith Street NE, CG (General Commercial) and IC (Industrial Commercial) and Portland-Fairgrounds Road Overlay Zone
- East: Right-of-way for Union Pacific Railroad
- West: Across Fairgrounds Road NE, CG (General Commercial) and Pine Street Mixed-Use Overlay Zone

The current zoning designation of surrounding properties following the August 24<sup>th</sup> Our Salem map changes is as follows:

- North: MU-I (Mixed Use-I)
- South: Across Smith Street NE, MU-I (Mixed Use-I)
- East: Right-of-way for Union Pacific Railroad
- West: Across Fairgrounds Road NE, MU-I (Mixed Use-I)

## **2. Site Analysis**

The subject property is approximately 1.24 acres and has approximately 170 feet of frontage on Fairgrounds Road NE and approximately 330 feet of frontage along Smith Street NE. Fairgrounds Road NE is designated as a Major Arterial street in the Transportation System Plan and Smith Street NE is designated as a Local street. The subject property is located within the Urban Growth Boundary and within the Urban Service Area.

## **3. Neighborhood and Citizen Comments**

The subject property is located within the Highland Neighborhood Association. Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On August 23, 2022, the applicant contacted the Highland Neighborhood Association meeting the requirements of SRC 300.310(c). Notice was provided to the Highland Neighborhood Association and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time of the hearing, no written public comments had been received and no one appeared to testify at the hearing.



Prior to deeming the application complete, comments were received from the Highland Neighborhood Association expressing objections to the proposed motor vehicle sales use, with a concern that there are too many motor vehicle sales uses in the immediate area and that an office or restaurant use would be better suited for the property.

**Response:** The criteria for approval of the conditional use application do not require the applicant to demonstrate that there is a market demand for a proposed use in a given geographic area, and City staff cannot compel the applicant to develop the property with uses they do not wish to develop. The zoning code allows the proposed motor vehicle sales and motor vehicle services uses, provided that they are conducted in accord with the conditions of approval to reduce and mitigate the negative impacts of the proposed uses.

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

The Public Works Department reviewed the proposal and provided a memo.

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

The Salem Fire Department reviewed the proposal and indicated no concerns.

The Historic Preservation Officer/City Archaeologist has reviewed the proposal and commented that the proposed work involves ground disturbing activity within Salem's Cultural Resource Protection Zone (CRPZ). An Inadvertent Discovery Plan (IDP) is required to be on site during ground disturbing activity.

Portland General Electric has reviewed the proposal and provided the following comments:

- 1) Provide space for a PGE pad-mounted transformer on project site. Coordinate location with PGE Design Project Manager.
- 2) Transformer must be located within 10 feet of a vehicle access surface. Pedestrian sidewalks do not fulfill the requirement.
- 3) There's an existing power vault in the planter strip between the curb and sidewalk. Based on submitted site plan, the proposed awning on the west side of the office building may overhang the vault lid. Full access above the vault lid is necessary for maintenance and repair. Suggest sliding the building east or reducing the depth of the awning to provide clear access above vault lid.

**Response:** The applicant is required to coordinate with PGE on the final building location to ensure there are no conflicts with existing PGE facilities. The building location may need to be shifted further south to ensure PGE access can be provided to the existing power vault, this would be minor change to the site plan that would be in substantial conformance with this decision. If significant changes are required to the building location or layout of the site, a modification of this decision may be needed.

## 5. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that no building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

### Criterion 1:

The proposed use is allowed as a conditional use in the zone.

**Finding:** SRC Chapter 523, Table 523-1 and SRC Chapter 551, Table 551-1 provides that motor vehicle and manufactured dwelling and trailer sales, and motor vehicle services uses are permitted uses in the CG (General Commercial) and IC (Industrial Commercial) zones. However, per SRC Chapter 604, Table 604-1, motor vehicle and manufactured dwelling and trailer sales, and motor vehicle services uses require a Conditional Use Permit; therefore, a Conditional Use Permit is required to establish the proposed uses on the subject property.

### Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

**Finding:** The proposed motor vehicle sales use is consistent with the character of the Fairgrounds Road and Portland Road corridor, in which other motor vehicle sales uses can be found, and is a reasonably compatible use for the area.

The proposed development includes a new motor vehicle sales office building at the northwest corner of the subject property facing Fairgrounds Road NE. The building will have ground floor windows, awning and an entrance directly to the public sidewalk. The site is currently vacant with no landscaping. The applicant will be required to provide landscaping for a minimum of 15 percent of the development site, including along the perimeter of the property. Smith Street NE does not currently comply with street standards for its classification and will need to be rebuilt to comply with current standards, including sidewalks and street trees. Two driveways will serve the proposed development from Smith Street NE, the amount of average daily trips expected to the site does not require a traffic impact analysis and is expected to have minimal impact on the immediate area.

A combination of landscaping and non-sight-obscuring fencing will be provided along the frontage of Fairgrounds Road NE and Smith Street NE to mitigate the visual impacts while allowing the applicant to display vehicles. Along the north and east boundaries of the project area, new landscape plantings and fencing are proposed to minimize the visual impact and potential noise generated by the activities occurring on the site.

As proposed, the Hearings Officer finds that the proposed development will have a minimal impact on the immediate neighborhood.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

**Finding:** The subject property was previously used for sales and stockpiling of sand, gravel, bark dust and other aggregate and landscaping materials (Highway Fuel Co.). Adjacent neighboring properties include the following uses:

*North:* Motor vehicle sales.

*South:* Across Smith Street NE; marijuana sales and appliance repair uses

*East:* Union Pacific Railroad.

*West:* Across Fairgrounds Road NE; mixed-use building

The property is located in an area with uses that share a similar impact, with a separate motor vehicle sales use abutting directly to the north. Across Fairgrounds Road NE is a new mixed-use development with retail sales and six residential dwelling units. While Fairgrounds Road provides a buffer where noise generated from the use would have a limited impact, lighting for the display lot could adversely impact nearby residents. To minimize the impact of lighting, the Hearings Officer adopts a condition of approval limiting the normal hours of operation where the business is open to the public to between the hours of 8 AM and 8 PM. When the use is not open for business, vehicle display area lighting shall be turned off, and only pedestrian and security lighting may be used.

**Condition 1:** Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM. When the use is not open for business, vehicle display area lighting shall be turned off, and only pedestrian and security lighting may be used.

Given the location of the proposed buildings, addition of landscaping and fencing along the perimeter, and limits on the hours of operation, the Hearings Officer finds that the proposed development will have a minimal impact on the livability of the surrounding property.

The Hearings Officer approves the Conditional Use Permit, as conditioned as set forth above.

## **6. Analysis of Class 3 Site Plan Review Approval Criteria**



SRC 220.005(f)(3) establishes the following approval criteria for a Class 3 Site Plan Review:

Criterion 1:

The application meets all applicable standards of the UDC.

**Finding:** The applicant is requesting phased site plan approval for development of a motor vehicle sales use and motor vehicle services use, with vehicle display and vehicle storage areas. The proposed site plan complies with all applicable development standards of the Unified Development Code (UDC).

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

*SRC 523.005(a) – Uses:*

**Finding:** Permitted, special and conditional uses for the CG zone are found in SRC Chapter 523, Table 523-1. Motor vehicle sales and motor vehicle services uses are permitted uses in the CG zone per Table 523-1; however, a Conditional Use Permit is required for these uses due to the Pine Street Mixed-Use Overlay Zone.

*SRC 523.010(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the CG zone. All uses are required to have a minimum of 16 feet of street frontage.

**Finding:** The subject property is approximately 1.24 acres in size and has approximately 170 feet of frontage on Fairgrounds Road NE and approximately 330 feet of frontage along Smith Street NE, exceeding minimum lot standards of the CG zone.

*SRC 523.010(b) – Setbacks:*

**North:** Adjacent to the north is property zoned CG (General Commercial) that is occupied by a motor vehicle sales use. There is no minimum building setback required adjacent to a commercial zone, vehicle use areas require a minimum 5-foot setback adjacent to an interior property line.

**Finding:** The proposed sales office building is setback approximately five feet, and the vehicle use area is setback approximately five feet from the northern boundary, in compliance with the minimum setback requirements.

**South:** Adjacent to the south is right-of-way for Smith Street NE. Within the CG zone, there is a minimum five-foot building setback adjacent to a street; however, the Pine Street Mixed-Use Overlay Zone has setback requirements that replace the standards of the CG zone. Vehicle use areas require a minimum 6-10 foot setback adjacent to a street per SRC Chapter 806.

**Finding:** The proposed vehicle use area is setback approximately 10 feet from the right-of-way for Smith Street NE, and is in compliance with this setback requirement.

**East:** The eastern portion of the development site is located within the IC zoned portion of the site.

**West:** Adjacent to the west is right-of-way for Fairgrounds Road NE. Within the CG zone, there is a minimum five-foot building setback adjacent to a street; however, the Pine Street Mixed-Use Overlay Zone has setback requirements that replace the standards of the CG zone. Vehicle use areas require a minimum 6-10 foot setback adjacent to a street per SRC Chapter 806

**Finding:** The proposed vehicle use area is setback approximately 10 feet from the right-of-way for Fairgrounds Road NE, in compliance with this setback requirement.

*SRC 523.010(c) – Lot Coverage, Height:*

There is no maximum lot coverage standard in the CG zone, the maximum height allowance for all buildings and structures is 70 feet.

**Finding:** The proposed Phase 1 motor vehicle sales office building is approximately 25 feet in height, in compliance with the maximum height allowance of the CG zone.

*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 subject property is split zoned CG (General Commercial) and IC (Industrial Commercial), each of these zones require a minimum of 15 percent of the development site to be landscaped. The subject property, after dedication of right-of-way, is approximately 1.15 acres in size which requires a minimum of 7,564 square feet of landscaping ( $50,429 \times 0.15 = 7,564.4$ ). The summary table indicates that approximately 7,596 square feet (15.1 percent) of landscape area is provided for the entire development site, exceeding the minimum requirement.

However, it appears that the landscaping provided for the development site will be phased. The zoning code does not provide for an allowance to phase the minimum development site landscaping requirement in cases where phased development is proposed. Prior to building permit approval for the first phase of development, the applicant shall

demonstrate that the minimum landscape requirement for the development site is met.

**Condition 2:** Prior to building permit approval for the first phase of development, the applicant shall demonstrate that a minimum of 15 percent of the development site will be landscaped. The applicant may request relief from this standard by submitting a future Class 2 Adjustment.

### **Use and Development Standards – IC (Industrial Commercial) Zone:**

#### *SRC 551.005(a) – Uses:*

**Finding:** Phase 2 of the proposed development site is located within the IC zoned portion of the subject property. It is anticipated that a motor vehicle services use(s) will occupy this building. Permitted, special and conditional uses for the IC zone are found in SRC Chapter 551, Table 551-1. Motor vehicle sales and motor vehicle services uses are permitted uses in the IC zone per Table 551-1; however, a Conditional Use Permit is required for these uses due to the Pine Street Mixed-Use Overlay Zone.

#### *SRC 551.010(a) – Lot Standards:*

There are no minimum lot area or dimension requirements in the IC zone. All uses are required to have a minimum of 16 feet of street frontage.

**Finding:** The subject property is approximately 1.24 acres in size and has approximately 170 feet of frontage on Fairgrounds Road NE and approximately 330 feet of frontage along Smith Street NE, exceeding minimum lot standards of the CG zone.

#### *SRC 551.010(b) – Setbacks:*

**North:** Adjacent to the north is property zoned CG (General Commercial) that is occupied by a motor vehicle sales use. There is no minimum building setback required adjacent to a commercial zone, vehicle use areas require a minimum 5-foot setback adjacent to an interior property line.

**Finding:** The proposed warehouse building is setback approximately fifteen feet, and the vehicle use area is setback approximately five feet from the northern boundary, in compliance with the minimum setback requirements.

**South:** Adjacent to the south is right-of-way for Smith Street NE. Within the IC zone, there is a minimum five-foot building setback adjacent to a street; however, the Pine Street Mixed-Use Overlay Zone has setback requirements that replace the standards of the IC zone. Vehicle use areas require a minimum 6–10-foot setback adjacent to a street per SRC Chapter 806.

**Finding:** The proposed vehicle use area is setback approximately 10 feet from the right-of-way for Smith Street NE, in compliance with this setback requirement.



**East:** Adjacent to the east is right-of-way for Union Pacific Railroad and a PA (Public Amusement) zone. Buildings and vehicle use areas require a minimum five-foot setback.

**Finding:** The proposed vehicle use area is setback approximately 10 feet from the eastern property line, in compliance with setback requirements.

**West:** The western portion of the development site is located within the CG zone.

*SRC 551.010(c) – Lot Coverage, Height:*

There is no maximum lot coverage standard in the IC zone, the maximum height allowance for all buildings and structures is 70 feet.

**Finding:** The proposed Phase 2 building is located within the IC zoned portion of the site. The applicant indicates that the building is approximately 28 feet in height, in compliance with the maximum height allowance of the IC zone.

*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 vehicle use areas, may count towards meeting this requirement.

**Finding:** The subject property is split zoned CG (General Commercial) and IC (Industrial Commercial), each of these zones require a minimum of 15 percent of the development site to be landscaped. As indicated in the findings above for the CG zone, as proposed and conditioned, the development is in compliance with the minimum landscape requirement of the IC zone.

**Use and Development Standards – Pine Street Mixed-Use Overlay Zone:**

*SRC 604.015(a) – Uses:*

**Finding:** Permitted, special and conditional uses for the Pine Street Mixed-Use Overlay Zone are found in SRC Chapter 604, Table 604-1. A Conditional Use Permit is required for motor vehicle sales and motor vehicle services uses within the Pine Street Mixed-Use Overlay Zone. Findings for the Conditional Use Permit can be found in Section 6 of this decision.

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*SRC 604.020(d) – Building Area:*

The aggregate floor area, of a single development shall not exceed 50,000 square feet, unless developed as part of a mixed-use development.

**Finding:** The proposal does not meet the definition of mixed-use development. The sales office building is approximately 900 square feet in size and the proposed phased two building is approximately 7,500 square feet in size for a total floor area of 8,400 square feet, less than the maximum aggregate floor area allowance.

*SRC 604.020(f) – 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:** The applicant's statement indicates that no berms or grade drops are proposed in the landscape treatment areas.

*SRC 604.020(g) – 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:** The planter bays provided within the off-street parking areas in Phase 1 and Phase 2 are a minimum of 50 square feet in size, in compliance with the minimum standard. The site plan indicates that five planter bays are provided within the off-street parking areas, each to include a shade tree. Employee and customer parking is provided on-site. The applicant indicates that lighting structures provided on site will be pedestrian scale and not more than 16 feet in height in the compliance with SRC 604.020(k)(8)(A).

*SRC 604.020(i) – 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 applicant indicates that there are no outdoor storage areas within required setback areas. Outdoor storage areas are enclosed by a six-foot tall sight obscuring fence and landscaping. No stored items will exceed a height of 14 feet above grade.

*SRC 604.020(j) – Pedestrian access:*

- (1) A pedestrian connection shall be provided from the public sidewalk to the primary building entrance.

**Finding:** The proposed office building is located on the property line abutting Fairgrounds Road NE. A primary building entrance will be provided to the abutting public sidewalk.

- (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.

**Finding:** The proposed parking areas are less than 60 feet in depth; therefore, pedestrian connections are not required through the parking areas.

- (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.

**Finding:** The proposed development is not a shopping center, office complex, or mixed-use development; therefore, a pedestrian connection is not required between buildings.

- (4) Pedestrian connections shall be a minimum of five feet in width, and defined by visual contrast or tactile finish texture.

**Finding:** Proposed pedestrian connections are five feet in width, and will be raised and use a different paving material than the vehicle use areas.

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

**Finding:** Wheel stops, and curbs are provided to prevent vehicles from encroaching on pedestrian connections.

*SRC 604.020(k) – Project enhancements:*

Development within the Pine Street Mixed-Use Overlay Zone shall include four or more of the following project enhancements.

The applicant has selected the following four project enhancements:

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*604.020(k)(5) Cast iron or wrought iron fencing adjacent to Portland/Fairgrounds Road.*

**Finding:** The applicant indicates that an ornamental steel fence will be provided along Fairgrounds Road NE; however, an ornamental steel fence does not comply with this requirement which specifies a cast iron or wrought iron fence.

**Condition 3:** Cast iron or wrought iron fencing shall be installed along the Fairgrounds Road NE frontage.

*604.020(k)(6) Pedestrian connections that are:*

*(A) Constructed with pavers, scored or colored cement, and/or stamped asphalt;*

**Finding:** The applicant indicates that pedestrian walkways are constructed with colored cement, in compliance with this project enhancement.

*(B) Elevated above the parking area and driveway; or*

**Finding:** The applicant indicates that pedestrian walkways will be elevated above the parking areas in compliance with this project enhancement.

*(C) Defined with landscaping or building features such as canopies, awnings, or arcades.*

**Finding:** The applicant indicates that pedestrian walkways will be both defined by plant wells provided along pedestrian connections, and by canopies which cover much of the pedestrian connections.

*604.020(k)(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.*

**Finding:** The pedestrian lighting provided will be less than 16 feet in height. Lighting will be focused downward with cut-off fixtures.

*604.020(k)(9) A minimum of seven percent interior landscaping within parking areas not more than 50,000 square feet in size.*

**Finding:** The combined off-street parking area for Phase 1 and Phase 2 is approximately 3,500 square feet in size, less than 50,000 square feet, and requiring a minimum of 245 square feet, or seven percent interior landscaping. The site plan shows approximately 300 square feet of interior landscaping provided exceeding the minimum requirement.

*SRC 604.025 – Design Review:*

Design review under SRC Chapter 225 is required for development within the Pine Street Mixed-Use Overlay Zone.

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**Finding:** Design Review is required for the proposed development. Findings addressing applicable Design Review Standards can be found in Section 9 of this decision.

### **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 applicant indicates that there are no solid waste service areas proposed on the site plan. The waste and recycling requirement is small for this use and will be accommodated with small rolling carts stored inside the building. The development standards of SRC 800.055 are not applicable.

#### *SRC 800.065 – Pedestrian Access.*

Except where pedestrian access standards are provided elsewhere under the UDC, and unless otherwise provided in this section, all developments, other than development of single family, two family, three family, four family, and multiple family uses, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

**Finding:** Because the Pine Street Mixed-Use Overlay Zone includes specific pedestrian access standards to new development, the pedestrian access standards in SRC 800.065 are not applicable to the proposed development.

### **Off-Street Parking, Loading, and Driveways SRC 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.

#### *SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* For motor vehicle sales and motor vehicle services uses, a minimum of one off-street parking space is required per 900 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 five percent of their total off-street parking spaces for carpool or vanpool parking.

- d) *Maximum Off-Street Parking.* The maximum number of off-street parking spaces shall not exceed 1.75 times the minimum number of spaces required.

**Finding:** The proposal includes two phases of development.

Phase 1 includes development of a motor vehicle sales office building that is approximately 900 square feet in size, requiring a minimum of one off-street parking spaces ( $900 / 900 = 1$ ). The maximum off-street parking allowance is 2.5 times the minimum requirement, or 3 spaces ( $1 \times 2.5 = 2.5$ ). The site plan indicates that 3 spaces are proposed for Phase 1, with each of the spaces proposed to be full sized.

Phase 2 includes development of a 7,500 square foot building that could be used for motor vehicle services or warehousing. If a motor vehicle services use occupies the entire building, a minimum of eight off-street parking spaces ( $7,500 / 900 = 8.3$ ) would be required. The proposed Phase 2 development area shows five off-street parking spaces which is not enough to meet the minimum requirement for a motor vehicle services use. However, there is space available in the proposed vehicle storage area on the east side of the building to dedicate towards required customer/employee parking if additional spaces are needed based on the type of uses.

**Condition 4:** The applicant shall demonstrate that all applicable off-street parking requirements of Chapter 806 are met at the time future use(s) are established for the Phase 2 building.

There are not enough off-street parking spaces proposed to trigger the requirement for carpool or vanpool parking spaces. As proposed and conditioned, the site plan complies with the parking requirements of this section.

*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.

**Adjacent to Buildings and Structures:** The off-street parking or vehicle use area shall be

setback from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot wide paved pedestrian walkway.

**Finding:** As indicated in the setback findings in the CR and IC zone above, the vehicle use area setbacks comply with required setbacks abutting streets, interior lot lines, and exterior walls of buildings or structures.

- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped.

A minimum of 1 deciduous shade tree shall be planted for every 12 parking spaces within the off-street parking area. Landscape islands and planter bays shall have a minimum planting area of 25 square feet and shall have a minimum width of 5 feet.

**Finding:** The combined off-street parking area for Phase 1 and 2 is approximately 3,500 square feet in size. Interior landscaping is not required by this section, but is being provided, the minimum dimensions for the landscape planter bays provided is approximately 50 square feet with no dimension less than 5 feet.

- 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 parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- 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 vehicle use areas allow vehicles to enter and exit the site in a forward motion. The proposed off-street parking area does not include drive aisles that terminate in a dead-end.

- 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 maneuvering, grade, surfacing, and drainage. Bumper guards and wheel barriers are not required for the proposed vehicle use area. The parking area striping, marking, signage and lighting shall comply with the standards of SRC Chapter 806. Off-street parking area lighting and screening standards per SRC 806.035(m-n) are not

required for the proposed off-street parking area because the subject property does not abut residentially zoned property.

## **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, motor vehicle and manufactured dwelling and trailer sales uses and motor vehicle services uses are required to provide one bicycle parking space per 9,000 square feet of floor area.

**Finding:** The floor area for the building in Phase 1 is approximately 900 square feet and the floor area for the building in Phase 2 is approximately 7,500 square feet. The total number of bicycle parking spaces required for the development site is one space ( $8,400 / 9,000 = 0.93$ ). One bicycle parking space is provided with the Phase 1 development. However, the final user(s) for the Phase 2 building have not been determined at this time, and additional bicycle parking may be required if the future use(s) for this building is changed from motor vehicle services.

### *SRC 806.060 – Bicycle Parking Development Standards.*

#### (a) Location.

(1) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building 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.

(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. 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 access aisles conforming to the minimum widths set forth in Table 806-10. 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 horizontal or vertical racks mounted to the ground, floor, or wall. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle frame in a stable position.
  - i. For horizontal racks, the rack must support the bicycle frame in a stable position in two or more places a minimum of six inches horizontally apart without damage to the wheels, frame, or components.
  - ii. For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the 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.

**Finding:** The site plan shows that one bicycle parking space is provided on the east side of the proposed motor vehicle sales office building in Phase 1. The required bicycle parking space complies with the development standards of this section for location, access, dimensions, surfacing and bicycle rack standards. Bicycle parking development standards will be verified with Phase 2 at the time of future development.

### **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 806.075 - Amount of Off-Street Loading.*

For motor vehicle services uses with a floor area between 5,000–100,000 square feet in size, a minimum of one off-street loading space is required. Loading spaces shall be a minimum 12 feet in width, 40 feet in length and 14 feet of unobstructed vertical clearance.

**Finding:** The proposed development includes a new building in Phase 2 that is greater than 5,000 square feet in size that requires one off-street loading space. The proposed site plan indicates that one off-street loading space is provided near the southwest corner of the building in compliance with all applicable off-street loading development standards of SRC Chapter 806.

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

## **Natural Resources**

*SRC 601 – Floodplain Overlay Zone:* Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

*SRC 808 – Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (an Oregon White Oak greater than 20 inches in diameter at breast height (dbh), or any other tree with a dbh of 30 inches or greater, excluding Tree of Heaven, Empress Tree, Black Cottonwood, and Black Locust) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

**Finding:** There are no protected trees located on the subject property and no trees are proposed for removal.

*SRC 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:** According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas or hydric soils.

*SRC 810 – Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped 2-to-3-point landslide hazard areas on the subject property. The subject property is generally flat and is not depicted on landslide hazard maps generated by the Oregon Department of Geologic and Mineral Industries (DOGAMI) as shown in SRC Table 810-1B. Therefore, the proposed development is a low landslide hazard risk and does not require a geological assessment or geotechnical report.

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Criterion 2:

The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately.

**Finding:** Fairgrounds Road NE is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Smith Street NE does not meet the current standards for its classification of street per the *Salem Transportation System Plan*. Smith Street NE appears to have been previously paved and used as a vehicular circulation area. Smith Street NE lacks curbs, sidewalks, and street trees on the development side of the street. The applicant shall construct a half-street improvement to local street standards as specified in the Public Works Design Standards and consistent with the provisions of SRC Chapter 803.

In addition, the applicant shall convey for dedication a half-width right-of-way up to 30-feet to local street standards as specified in the Public Works Design Standards and based on a rational nexus calculation.

The applicant's tentative plan shows curb line sidewalks along Smith Street NE. Smith Street NE is designated as a local street according to the Salem TSP. Pursuant to SRC 803.025(a), the ultimate right-of-way width for Smith Street NE is 60-feet. An Alternative Street Standard request for a reduced right-of-way width along Smith Street NE was not requested, nor has it been approved. Because the ultimate width of the Smith Street NE right-of-way is 60-feet, street standards require that sidewalks shall be located parallel to and one foot from the adjacent right-of-way (SRC 803.035(l)(2)(A)). As part of the required half-street improvement, the applicant shall construct property-line sidewalks as specified in the City Street Design Standards and consistent with SRC Chapter 803.

**Condition 5:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Smith Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**Condition 6:** Construct a half-street improvement along the frontage of Smith Street NE to local street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

Pursuant to SRC 86.015(e), anyone undertaking development along public streets shall plant new street trees to the maximum extent feasible. Along Fairgrounds Road NE, street trees can be placed near the northwestern property corner within the right-of-way. Along Smith Street NE, street trees are warranted along the entire development frontage.

**Condition 7:** Install street trees to the maximum extent feasible along Fairgrounds

Road NE and Smith Street NE.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

**Finding:** The applicant proposed two new driveways onto Smith Street NE. The driveway accesses onto Smith Street NE provide for safe turning movements into and out of the property.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

**Finding:** The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. There are existing public utility mains on-site. The existing 8-inch sewer main on-site is within a 10-foot easement; current PWDS require a 20-foot easement for the main. The applicant shall dedicate a 20-foot easement to the City of Salem for continued maintenance and access to the main in accordance with PWDS.

**Condition 8:** Dedicate a minimum 20-foot-wide sewer easement along the existing 8-inch sewer main within the subject property.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. However, the design shows an existing swale/pipe that will be utilized in the proposed design, but this swale/pipe is not shown on the City's GIS mapping and there is conflicting information in the submitted plans. There's also no indication of where this swale/pipe discharges to, or where the applicant is proposing to tie the GSI into. In addition, it does not appear the applicant is managing the runoff from the proposed Phase 1 building/sidewalks, nor the runoff from the frontage improvements. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**Condition 9:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

## **7. Analysis of Class 2 Driveway Approach Permit Criteria**

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit.

The applicant proposes two driveways onto Smith Street NE, a local street. As described in the findings below, the proposed driveway approaches meet the Class 2 Driveway Approach Permit criteria of approval.

### Criterion 1:

The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.

**Finding:** The proposed driveway meets the standards for SRC Chapter 804 and Public Works Design Standards (PWDS).

### Criterion 2:

No site conditions prevent placing the driveway approach in the required location.

**Finding:** There are no site conditions prohibiting the location of the proposed driveways.

### Criterion 3:

The number of driveways onto an arterial is minimized.

**Finding:** The subject property has frontage on Fairgrounds Road NE (arterial street) and Smith Street NE (local street). The proposed driveways are not accessing onto an arterial street.

### Criterion 4:

The proposed driveway approach, where possible:

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

**Finding:** The proposed driveways are located with access to the lowest classification of street abutting the subject property.

### Criterion 5:

The proposed driveway approach meets vision clearance standards.

**Finding:** The proposed driveways meet the PWDS vision clearance standards set forth in SRC Chapter 805.

Criterion 6:

The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.

**Finding:** No evidence has been submitted to indicate that the proposed driveway will create traffic hazards or unsafe turning movements. Additionally, staff analysis of the proposed driveways indicates that they will not create a traffic hazard and will provide for safe turning movements for access to the subject property.

Criterion 7:

The proposed driveway approach does not result in significant adverse impacts in the vicinity.

**Finding:** Staff analysis of the proposed driveways and the evidence that has been submitted indicate that the location of the proposed driveways will not have any adverse impacts to the adjacent properties or streets.

Criterion 8:

The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.

**Finding:** The property is located on the corner of Fairgrounds Road NE (arterial street) and Smith Street NE (local street). The applicant is proposing driveways to the lower classification of street which meet the spacing requirements of SRC Chapter 803. By complying with the requirements of this chapter the applicant has minimized impacts to the functionality of adjacent streets and intersections.

Criterion 9:

The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.

**Finding:** The proposed driveway approach is not located in the vicinity of a residentially zoned area. The driveway will not have an effect on the functionality of the adjacent streets.

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## 8. Analysis of Class 1 Design Review Criteria

Salem Revised Code (SRC) 225.005(e)(1) provides that a Class 1 Design Review application shall be approved if all of the applicable design review standards are met.

### Development Standards – Pine Street Mixed-Use Overlay Zone Design Review Standards SRC 604

#### SRC 604.030(a) - Design review standards for building location, orientation, and design

##### *(1)(B) Building location standards.*

- (i) Building setbacks abutting street. Buildings shall have the following setbacks abutting a street:
  - (aa) Minimum: zero feet.
  - (bb) Maximum: ten feet.

**Finding:** The motor vehicle sales office building in Phase 1 is placed on the property line abutting Fairgrounds Road NE, and the proposed building in Phase 2 is placed on the property line abutting Smith Street NE. Both buildings are in compliance with this setback standard.

- (i) Accessory structures shall be located no closer to the street than the primary building.

**Finding:** Accessory structures are not proposed with this development; therefore, this standard is not applicable.

##### *(2)(B) Building orientation and design standards.*

- (i) A primary building entrance shall be provided for each building façade 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.

**Finding:** The motor vehicle sales office building in Phase 1 has a primary entrance facing Fairgrounds Road NE and the proposed building in Phase 2 has a primary building entrance facing Smith Street NE. Both buildings are in compliance with this standard.

- (ii) Ground floor building facades facing Portland/Fairgrounds Road shall include transparent windows on a minimum of 65 percent of the ground floor façade. 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.



**Finding:** The motor vehicle sales office building in Phase 1 includes a ground floor building façade facing Fairgrounds Road NE that is approximately 30 feet wide. Ground floor windows are provided along 20 feet (or 66%) of the length of the building, exceeding the ground floor window standard. Ground floor windows are not required for the proposed building in Phase 2 with frontage on Smith Street NE.

- (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.

**Finding:** The motor vehicle sales office building in Phase 1 has a width of approximately 30 feet along the Fairgrounds Road NE frontage, and the proposed building in Phase 2 has approximately 50 feet of width along the Smith Street NE frontage. This standard is not applicable to either building.

- (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 façade 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.

**Finding:** The motor vehicle sales office building in Phase 1 has approximately 75 feet of sidewalks and pedestrian connections abutting the western, southern, and eastern building façades. The elevation plan indicates that awnings or canopies will be provided above approximately 60 feet (80 percent) of the adjacent walkways, in compliance with this standard.

The building in Phase 2 has approximately 325 feet of sidewalks and pedestrian connections abutting the building façades. The elevation plan indicates that awnings or canopies will be provided above approximately 115 feet (35.4 percent) of the adjacent walkways, which does not comply with the minimum standard. Additional awnings or canopies will need to be provided above adjacent sidewalks and pedestrian connections.

**Condition 10:** 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 façade adjacent to sidewalks or pedestrian connections for the proposed building in Phase 2.

- (v) New buildings shall be a minimum of 25 feet in height.

**Finding:** The proposed sales office building in Phase 1 is approximately 25 feet in height, and the proposed warehouse building in Phase 2 is approximately 28 feet in height, in compliance with this standard.

SRC 604.030(b) - Design review standards for landscaping.

*(1)(b) Landscaping for open sales and off-street parking.*

- (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.

**Finding:** The applicant's written statement and site plan indicates that the proposed vehicle display area will be screened from Fairgrounds Road NE and Smith Street NE using a six-foot-tall ornamental fence and a minimum three-foot wide landscape strip in compliance with this design standard.

- (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 604.020(f).

**Finding:** The proposed site plan indicates that proposed vehicle use areas will be setback from Fairgrounds Road NE and Smith Street NE by a ten-foot-wide landscape strip, meeting the landscaping requirements in this section.

SRC 604.030(c) - Design review standards for off-street parking and loading.

*(1)(B) Off-street parking.*

- (i) Off-street parking areas shall not occupy more than 50 percent of the street frontage of a lot, except that where a lot has frontage on Portland/Fairgrounds Road and a side street, an off-street surface parking area may occupy more than 50 percent of a side street frontage.

**Finding:** Off-street parking areas are defined as the area of a development site used for short-term off-street parking of vehicles. The proposed development includes off-street parking area that is located on the east side of the motor vehicle sales office building. The motor vehicle sales use will include a vehicle display area adjacent to Fairgrounds Road NE and Smith Street NE. Vehicle display areas are defined as the area of a development site where motor vehicles, recreational vehicles, trailers, boats, or other vehicles are display for sale or lease. This design

standard only applies to the off-street parking area, not the vehicle display area; therefore, the proposed site plan is in conformance with this standard.

(ii) 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 proposed development does not include parking structures; therefore, this standard is not applicable.

## **DECISION**

Based upon the Facts and Findings contained herein, the Hearings Officer **APPROVES** the request for a conditional use, site plan review, driveway approach permit, and design review collective applications for the proposed phased development of a motor vehicle sales use and motor vehicle services use, with vehicle display and vehicle storage areas and located at 2410 Fairgrounds Road NE, subject to the following conditions of approval:

### **CONDITIONAL USE:**

**Condition 1:** Normal hours of operation where the business is open to the public may only be between the hours of 8 AM and 8 PM. When the use is not open for business, vehicle display area lighting shall be turned off, and only pedestrian and security lighting may be used.

### **SITE PLAN REVIEW:**

**Condition 2:** Prior to building permit approval for the first phase of development, the applicant shall demonstrate that a minimum of 15 percent of the development site will be landscaped. The applicant may request relief from this standard by submitting a future Class 2 Adjustment.

**Condition 3:** Cast iron or wrought iron fencing shall be installed along the Fairgrounds Road NE frontage.

**Condition 4:** The applicant shall demonstrate that all applicable off-street parking requirements of Chapter 806 are met at the time future use(s) are established for the Phase 2 building.

**Condition 5:** Convey land for dedication to equal a half-width right-of-way of 30-feet on the development side of Smith Street NE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**Condition 6:** Construct a half-street improvement along the frontage of Smith Street NE to local street standards as specified in the City Street Design

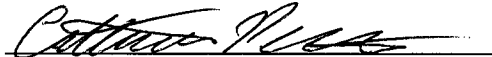
Standards and consistent with the provisions of SRC Chapter 803.

- Condition 7:** Install street trees to the maximum extent feasible along Fairgrounds Road NE and Smith Street NE.
- Condition 8:** Dedicate a minimum 20-foot wide sewer easement along the existing 8-inch sewer main within the subject property.
- Condition 9:** Design and construct a storm drainage system at the time of development in compliance with *Salem Revised Code* (SRC) Chapter 71 and *Public Works Design Standards* (PWDS).

**DESIGN REVIEW:**

- Condition 10:** 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 façade adjacent to sidewalks or pedestrian connections for the proposed building in Phase 2.

DATED: January 20, 2023

  
Catherine M. Pratt, Hearings Officer