

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 SITE PLAN REVIEW

APPLICATION NO.: 23-120861-PLN

NOTICE OF DECISION DATE: December 5, 2023

REQUEST: A Class 2 Site Plan Review for the change of use to *Residential Care Facility* in an existing building and the addition of a ramp on the north side of the building, on a property .55 acres in size, zoned CR (Commercial Retail) and located at 1880 Fisher Road NE- 97306 (Marion County Assessors Map and Tax Lot Number 072W19BB/7300).

APPLICANT: Andrei Shupenka

LOCATION: 1880 Fisher Road NE

FINDINGS: The findings are in the attached Decision dated December 5, 2023.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by December 5, 2027, or this approval shall be null and void.

Case Manager: Lydia Keller, Planner I, lkeller@cityofsalem.net, 503-540-2326

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days after December 26, 2023**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 23 120861.

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

**BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM
DECISION**

IN THE MATTER OF APPROVAL OF CLASS 2 SITE PLAN REVIEW 23-120861-PLN 1880 FISHER ROAD NE))))	FINDINGS & ORDER December 5, 2023
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In the matter of the application for a Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

A Class 2 Site Plan Review for the change of use to *Residential Care Facility* in an existing building and the addition of a ramp on the north side of the building, on a property .55 acres in size, zoned CR (Commercial Retail) and located at 1880 Fisher Road NE - 97305 (Marion County Assessors Map and Tax Lot Number 072W19BB/7300).

PROCEDURAL FINDINGS

1. On October 18, 2023, an application for a Class 2 Site Plan Review was submitted for property located at 1880 Fisher Road NE.
2. After additional requested information was provided by the applicant, the application was deemed complete on December 4, 2023.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 2 Site Plan Review affects the property located at the 1880 Fisher Road NE (**Attachment A**). The Class 2 Site Plan Review proposes to change the use to a *Residential Care Facility* and the addition of a ramp on the north side of the building. The proposed development plans are included as **Attachment B**.

2. City Department Comments

Public Works Department – Reviewed the proposal and provided no comments.

Building and Safety Division – Reviewed the proposal and provided no comments.

Salem Fire Department – Reviewed the proposal and provided no comments.

DECISION CRITERIA FINDINGS

3. Analysis of Class 2 Site Plan Review Approval Criteria

The purpose of Site Plan Review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to,

standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(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, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

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. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

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

Finding: The proposal includes the change of use to a *Residential Care Facility* and the addition of a ramp on the north side of the building. The subject property is zoned CR (Commercial Retail); therefore, the proposed development is subject to the use and development standards of the CR zone, SRC Chapter 522. The following is a summary of the applicable use and development standards of the CR zone.

Development Standards – CR (Commercial Retail) Zone:

SRC 522.010(a) – Uses:

The permitted, special, conditional, and prohibited uses in the CR zone are set forth in Table 522-1.

Finding: The proposal includes a change of use to *Residential Care Facility*. *Residential Care Facility* use are permitted uses in the CR zone.

SRC 522.010(a) – Lot Standards:

There is no minimum lot size, lot width or lot depth for all uses in the CR zone. The minimum street frontage requirement is 16 feet.

Finding: The existing lots comply with the minimum lot standards of the CR zone and no changes to the lot size or dimensions are proposed.

SRC 522.010(b) – Setbacks:

Setbacks within the CR zone shall be provided as set forth in Table 522-3 and Table 522-4.

Abutting Street

West: The subject property is adjacent to Fisher Road SE to the west. There is a minimum five-foot with no maximum setback. Vehicle use areas shall be setback pursuant to SRC

Chapter 806.

Finding: The proposed development does not alter the setbacks for the existing buildings or vehicle use areas.

Side and Rear

North: The subject property is adjacent to the Single-Family Residential (RS) zone to the north. There is a 15-foot minimum and no maximum. Vehicle use areas shall be setback pursuant to SRC Chapter 806.

Finding: The proposed development does not alter the setbacks for the existing buildings or vehicle use areas.

South and West: The subject property is adjacent to an CR zone to the south and west. There is no minimum setback for buildings and a five-foot setback for vehicle use areas when abutting a mixed use zoned property.

Finding: The proposed development does not alter the setbacks for the existing buildings or vehicle use areas, except for additional landscaping that is being provided at the south property line.

SRC 535.015(d) – Lot Coverage & Height:

There is no maximum lot coverage requirement for all uses in the CR zone and the maximum building height allowance is 50 feet.

Finding: The proposed development does not alter the existing building height.

SRC 522.010(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 vehicular use areas, may count toward meeting this requirement.

Finding: The property's use for *Residential Care Facility*. The site is approximately 24,067 square feet, requiring a minimum of 3,610.05 square feet of landscaped area ($24,067 \times 0.15 = 3,610.05$). The site indicates a total of 3,681.42 square feet (15.3 percent) of the landscaped area is provided on the site. The 15.3 percent meets the standard of 15 percent landscaping. Landscaping plans will be reviewed at the building permit to verify the site meets Type A standards.

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 proposed development does not include a new solid waste service area; therefore, the standards of SRC 800.055 do not apply.

SRC 800.065 – Pedestrian Access.

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

Finding: The proposal includes the change of use to *Residential Care Facility* and the addition of a ramp on the north side of the building. The development requires a pedestrian circulation system to the property.

SRC 800.065(a)(1) – Pedestrian Connection Between Entrances and Streets

- A. A pedestrian connection shall be provided between the primary entrance of each building on the development site and each adjacent street. Where a building has more than one primary building entrance, a single pedestrian connection from one of the building's primary entrances to each adjacent street is allowed, provided each of the building's primary entrances is connected, via a pedestrian connection, to the required connection to the street.

Finding: The development will incorporate a four-foot-wide walkway connecting the primary entrance to Fisher Road NE. Additionally, a striped path will connect the ADA parking spaces to the main building entrance, traversing the vehicular use area. From there, the pathway will continue through the landscaped area and exit through a gate onto the east sidewalk.

Additional on-site pedestrian connections under SRC 800.065 (a)(2-5) are not triggered under this proposal.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.015 – Amount of Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts does not exceed than those set forth in Table 806-1.
- (b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.
- (c) *Carpool and Vanpool Parking.* New developments with 60 or more off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.

Finding: The proposed change of use to a *Residential Care Facility* is located within an existing building. The maximum number of parking for a *Residential Care Facility* is one space per 250 square feet ($5,824/250 = 23.3$) or 23 parking spaces. The property currently has 23 parking space, meeting the standard.

Bicycle Parking

SRC 806.045 – General Applicability.

Bicycle parking shall be provided and maintained for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a 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.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: The minimum bicycle parking requirement for Residential Care use is the greater of 4 spaces or 1 per 3,500 sq. ft. of the gross floor area for the first 50,000 square feet. Based on the gross floor area of the existing buildings, the bicycle parking requirement would be four spaces ($5,824/3,500 = 1.6$); therefore, the greater requirement of four bicycle parking spaces applies. The applicant's site plan includes construction details for the four bike parking spaces to be installed on the southeast corner of the existing building. This standard is met.

SRC 806.060 - Bicycle Parking Development Standards.

Bicycle parking areas shall be developed and maintained as set forth in this section.

(a) Location.

(1) Short-term bicycle parking. Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.

Finding: The proposal includes four bicycle parking spaces directly outside and to the south of the main entering and within convenient distance of the building entrance, meeting the standard for short-term bicycle parking location.

(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 to access the bicycle parking area.

Finding: As shown on the site plan, the bicycle parking area has direct access to the primary building entrance, free of obstruction or barriers, in conformance with the requirements of SRC 806.060(b).

(c) Dimensions. Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-

foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: The proposed bicycle parking spaces are located on a paved area adjacent to a pedestrian walkway, providing a minimum five-foot-wide access aisle. The length of each proposed stall is at least six feet, while the width is at least two feet wide. The proposal meets the standards.

(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.

Finding: The proposed bicycle parking spaces are indicated to be placed on a hard surface material or Portland Concrete Cement or Asphalt Concrete. Further conformance with this standard will be verified at the time of building permit review.

(e) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:

- (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.*
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock.*
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and*
- (4) Racks shall be securely anchored.*
- (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.*

Finding: The site plan indicates inverted U-style bike racks will be provided. The proposed bike racks conform to material requirements of SRC 806.060(e). This standard is met.

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; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: The proposal will change the use of a 5,824-square-foot existing building to Residential Care Facility. Pursuant to SRC 806.075(a), an off-street parking area meeting

the requirements of this chapter may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building or the use or activity that it serves. Therefore, no additional loading areas are required for the proposed development.

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: Approximately 3,681.42 square feet of landscape area is proposed for the subject property, requiring a minimum of 184 plant units ($3,681.42 / 20 = 184.05$). Of the required plant units, a minimum of 74 plant units shall be trees ($184 \times 0.4 = 73.6$).

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

4. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 2 Site Plan Review is in conformance with the UDC, and the approval criteria provided in SRC 220.005(f)(2), provided compliance occurs with any applicable items noted above.

Please Note: Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 2 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.



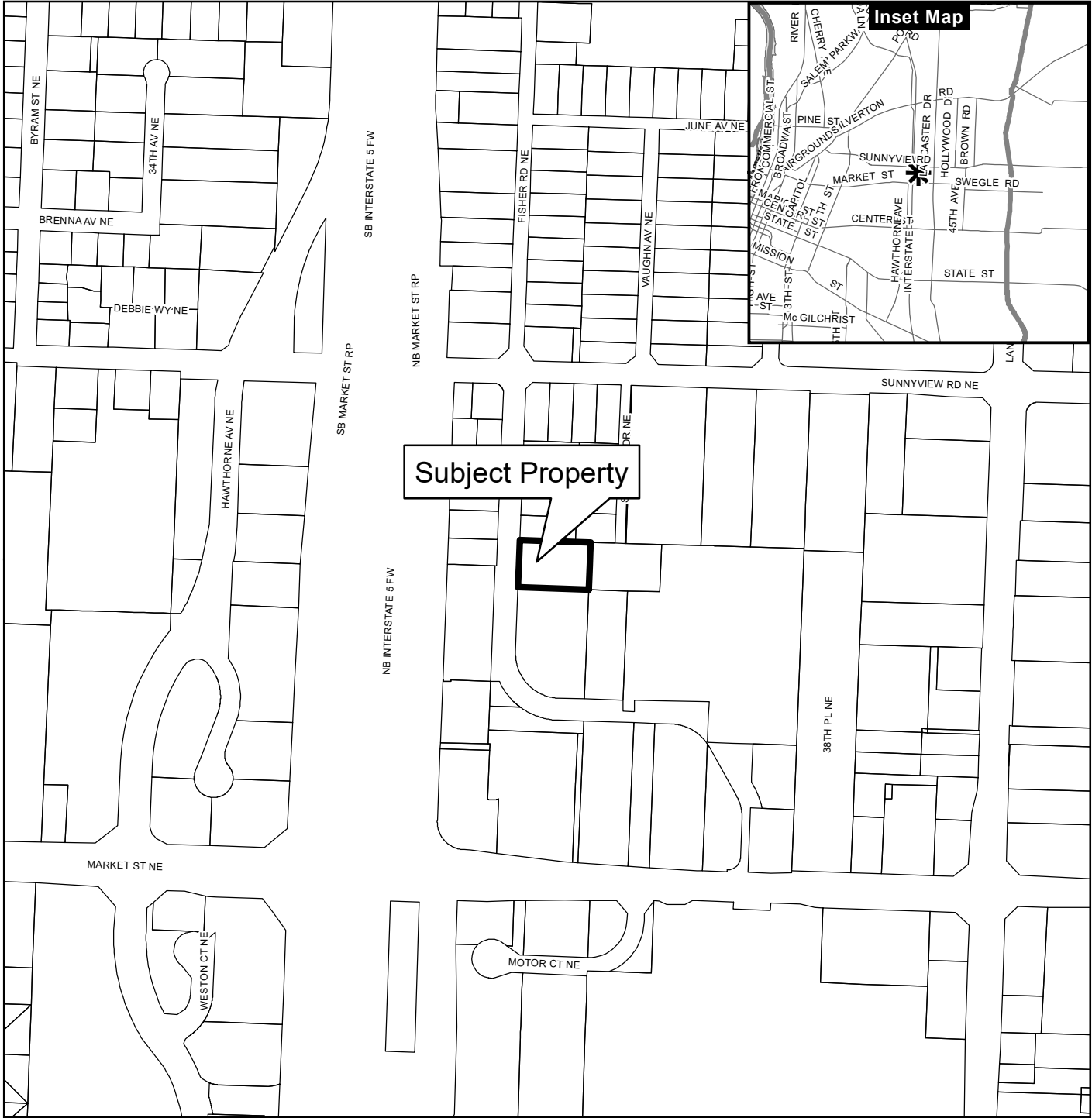
Lydia Keller, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Proposed Site Plan

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Vicinity Map

1880 Fisher Road NE



Legend

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

Parks

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Community Development Dept.

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0 100 200 400 Feet



1880 FISHER RD T1

1880 FISHER RD NE., SALEM, OR 97305

 JHA CHECK SHEET
TAX MAP:
CLASS 2 SITE PLAN REVIEW
CLASS 2 SITE PLAN REVIEW CHECK SHEET

PERMIT SET



PROJECT NUMBER	A22-006
DATE	5/19/23
DRAWN BY	AMS

SITE PLAN

C1.0
