

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING ADMINISTRATOR

MODIFICATION OF CLASS 3 SITE PLAN REVIEW CASE NO.: DR-SPR-DAP18-04MOD1

APPLICATION NO.: 22-102265-RP

NOTICE OF DECISION DATE: June 22, 2022

SUMMARY: A modification to a previously approved Site Plan Review application for a new 48-unit multi-family apartment complex and two new retail commercial buildings. The modification would allow a food cart pod north of the proposed commercial buildings.

REQUEST: A Class 3 Site Plan Review Modification application for a previously approved development, case no. DR-SPR-DAP18-04, which included a new 48-unit multi-family apartment complex and two new retail commercial buildings. The modification would allow a food cart pod north of the proposed commercial buildings. The subject property is approximately four acres in size, zoned CO (Commercial Office) and CR (Retail Commercial), and located at 1233 River Bend Road NW (Polk County Assessor map and tax lot numbers: 073W16BA / 10000 and 10003).

APPLICANT: Sam Thomas, Lenity Architecture Inc., on behalf of Scott Martin

LOCATION: 1233 River Bend Rd NW, Salem OR 97304

CRITERIA: Salem Revised Code (SRC) Chapters 220.010(d)(2) – Modification of Class 3 Site Plan Review

FINDINGS: The findings are in the attached Decision dated June 22, 2022.

DECISION: The **Planning Administrator APPROVED** Modification of Class 3 Site Plan Review Case No. DR-SPR-DAP18-04MOD1 subject to the following conditions of approval:

- Condition 1:** All trees designated for preservation shall be marked and protected during construction. Any significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of final occupancy.
- Condition 2:** Where the existing street condition along the frontage of River Bend Road NW is underimproved, as defined in SRC 803.040(a), construct a half-street improvement to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The sidewalk may be located along the curb line as needed to reduce conflicts between the existing water mains and proposed street trees.

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



- Condition 3:** Permits shall be obtained for the removal of any street trees, and all street trees removed shall be replaced pursuant to SRC Chapter 86 and PWDS.
- Condition 4:** To comply with the requirements of SRC 73.032, the applicant shall enter into a temporary service agreement with the City to ensure the future connection to gravity sewer in Wallace Road NW when it becomes available, and pay a connection fee in lieu of assessment pursuant to SRC 21.230.
- Condition 5:** Design and construct a storm drainage system for the new and replaced impervious surfaces in compliance with SRC Chapter 71.

The rights granted by the attached decision must be exercised, or an extension granted, by July 8, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>April 22, 2022</u>
Notice of Decision Mailing Date:	<u>June 22, 2022</u>
Decision Effective Date:	<u>July 8, 2022</u>
State Mandate Date:	<u>August 20, 2022</u>

Case Manager: Brandon Pike, bpike@cityofsalem.net, 503-540-2326

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, no later than 5:00 p.m. Thursday, July 7, 2022. 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) 220. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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>

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

**IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 3 DESIGN REVIEW, CLASS 3)
SITE PLAN REVIEW MODIFICATION,)
AND CLASS 2 DRIVEWAY)
APPROACH PERMIT CASE NO.)
DR-SPR-DAP18-04MOD1)
1233 RIVER BEND ROAD NW) JUNE 22, 2022**

In the matter of the application for the Class 3 Design Review, Class 3 Site Plan Review Modification, and Class 2 Driveway Approach Permit, submitted by Sam Thomas, Lenity Architecture, on behalf of the applicant, Scott Martin Construction LLC, and property owners, Riverbend Viking LLC and 3030 Riverbend LLC, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

REQUEST

Summary: A modification to a previously approved Site Plan Review application for a new 48-unit multi-family apartment complex and two new retail commercial buildings. The modification would allow a food cart pod north of the proposed commercial buildings.

Request: A Class 3 Site Plan Review Modification application for a previously approved development, case no. DR-SPR-DAP18-04, which included a new 48-unit multi-family apartment complex and two new retail commercial buildings. The modification would allow a food cart pod north of the proposed commercial buildings. The subject property is approximately four acres in size, zoned CO (Commercial Office) and CR (Retail Commercial), and located at 1233 River Bend Road NW (Polk County Assessor map and tax lot numbers: 073W16BA / 10000 and 10003).

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

PROCEDURAL FINDINGS

1. Modification of Class 3 Site Plan Review Applicability

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015. Pursuant to SRC 220.010(a), a site plan review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that

do not meet the criteria in this section require submittal of a new application for site plan review. Modification of a site plan review approval is processed as a Type I procedure under SRC Chapter 300.

2. Background

On January 21, 2022, a Class 3 Site Plan Review Modification was filed for the proposed development. After additional information was provided, the application was deemed complete for processing on April 22, 2022, and notice of filing of the application was sent pursuant to SRC requirements on April 25, 2022. The 120-day state mandated decision deadline for this consolidated application is August 20, 2022.

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

SUBSTANTIVE FINDINGS

3. Summary of Record

The following items are submitted to the record and are available upon request: 1) All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 22 102265.

4. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association.

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

Neighborhood Association Comment: Notice of the application was provided to West Salem Neighborhood Association pursuant to SRC 300.520(b)(1)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. Prior to the close of the comment period, no comments were received from the neighborhood association.

Homeowners Association

The subject property is not located within a Homeowners Association.

Public Comment

Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Two public comments were received during the comment period. Concerns can be summarized as follows:

- *Parking.* Two comments stated that allowing a food cart pod on the property would create a shortage of off-street parking.

Staff Response: As addressed within this decision, the applicant has demonstrated that they meet the minimum off-street parking requirements of the SRC.

- *Trash.* One comment stated that the addition of food carts at the development would lead to more trash being placed in residents' trash receptacles.

Staff Response: The applicant's plans call for a solid waste service area near the southwest corner of the proposed food hall building. While the UDC does regulate the design of solid waste service areas, it does not deal with management of waste created by tenants or customers, as that is a civil matter to be arranged by the property owners.

5. City Department Comments

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

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

The Fire Department reviewed the proposal and indicated no concerns.

6. Public and Private Agency Comments

No comments were received from public or private agencies.

DECISION CRITERIA

FINDINGS

The purpose of Site Plan Review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.010(a), a site plan review approval may be modified after its effective date if the proposed modification meets the criteria in this section. Proposed modifications that do not meet the criteria in this section require submittal of a new application for site plan review. Modification of a Class 3 Site Plan Review approval is processed as a Type II procedure under SRC Chapter 300.

7. Modification of Class 3 Site Plan Review Approval Criteria

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

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

Finding: The proposed modification is consistent with the original approval. The modification proposes relatively minor changes to the site, with an area which was previously undeveloped proposed to accommodate approximately 16 mobile food units (food carts). The applicant notes this change is necessary to use the proposed building as a food hall with outdoor food carts. No further changes to the site are proposed.

The original decision contained five conditions of approval which pertained to tree preservation, street improvements, street trees, sewer connections, and stormwater drainage. The proposal does not include changes to the site which would impact or conflict with any of the original conditions of approval.

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

Use and Development Standards – CR (Retail Commercial) Zone:

SRC 522.005(a) – Uses:

Except as otherwise provided in this section, the permitted, special, conditional, and prohibited uses in the CR zone are set forth in Table 522-1.

Finding: The allowed uses within the CR zone are identified under SRC 522.005, Table 522-1. The proposed food carts and food hall are classified as an *eating and drinking establishments* use, which is allowed as a permitted use in the CR zone.

SRC 522.010(b) – Setbacks:

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

Abutting Street

South and East: Adjacent to the south is right-of-way for River Bend Road, and adjacent to the east is right-of-way for Wallace Road. There is a minimum setback of five feet for buildings and accessory structures, and a minimum setback of six to ten feet for vehicle use areas, pursuant to SRC chapter 806.

Finding: The applicant's site plan shows a setback of 16 feet between the proposed vehicle use area and the east property line along Wallace Road, and no changes are proposed to the existing improvements adjacent to the south property line along River Bend Road. The proposal meets the standard. The applicant's development plans show required setbacks landscaped as required under SRC chapters 806 and 807.

Interior Property Lines

Finding: No changes to the existing setbacks along interior property lines are proposed under this Modification.

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 vehicle use areas, may count towards meeting this requirement.

Finding: The applicant's development plans indicate setbacks and vehicle use areas which are landscaped as required under the CR zone, with approximately 33 percent of the total development site set aside as landscaped area. The proposal meets the standard.

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

SRC 806.015 - Amount of Off-Street Parking:

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for an *eating and drinking establishments* use is one space per 250 square feet of gross floor area.

Finding: The original decision applied the minimum off-street parking standard for shopping centers to the commercial buildings in the development, which is also one space per 250 square feet. The proposed modification does not include changes to the approved off-street parking area, except for the removal of three parking spaces to accommodate a driveway leading to the storage area which will include food carts. As addressed within the original decision, a minimum of 117 off-street parking spaces were required for the development site. The proposal calls for 127 spaces, thereby meeting the standard.

SRC 220.010(d)(2)(B): The proposed modification will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

Finding: The previous site plan review approval was for a new 48-unit apartment complex and two commercial buildings, with associated site improvements. The modified site plan proposes the same building layout, parking areas, and landscaped areas, with an expanded vehicle use area to accommodate mobile food units (food carts). Staff finds the proposed modification is in substantial conformance with the original approval and will not result in significant changes to the physical appearance of the development, the use of the site, and the impacts on surrounding properties.

SRC 220.010(e) – Expiration:

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

Finding: The rights granted by the attached decision for Class 3 Site Plan Review case no. DR-SPR-DAP18-04MOD1 must be exercised by July 8, 2026 or this approval shall be null and void.

8. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds the proposed site plan for property located at 1233 River Bend Road NW complies with approval criteria provided in SRC 220.010(d)(2) for a Modification of a Class 3 Site Plan Review.

ORDER

Final approval of Class 3 Site Plan Review Modification case no. DR-SPR-DAP18-04MOD1 is hereby **APPROVED** subject to SRC Chapter 220, the applicable standards of the Salem Revised Code, conformance with the approved site plan included as **Attachment B**, and the following conditions of approval:

- Condition 1:** All trees designated for preservation shall be marked and protected during construction. Any significant tree shall require that at least 70 percent of a circular area beneath the tree measuring one foot in radius for every one inch of dbh be protected by an above ground silt fence, or its equivalent. Protection measures shall continue until the issuance of final occupancy.
- Condition 2:** Where the existing street condition along the frontage of River Bend Road NW is underimproved, as defined in SRC 803.040(a), construct a half-street improvement to Collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803. The sidewalk may be located along the curb line as needed to reduce conflicts between the existing water mains and proposed street trees.
- Condition 3:** Permits shall be obtained for the removal of any street trees, and all street trees removed shall be replaced pursuant to SRC Chapter 86 and PWDS.
- Condition 4:** To comply with the requirements of SRC 73.032, the applicant shall enter into a temporary service agreement with the City to ensure the future connection to gravity sewer in Wallace Road NW when it becomes available, and pay a connection fee in lieu of assessment pursuant to SRC 21.230.
- Condition 5:** Design and construct a storm drainage system for the new and replaced impervious surfaces in compliance with SRC Chapter 71.

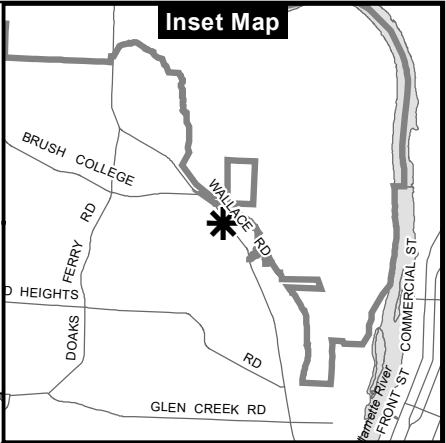
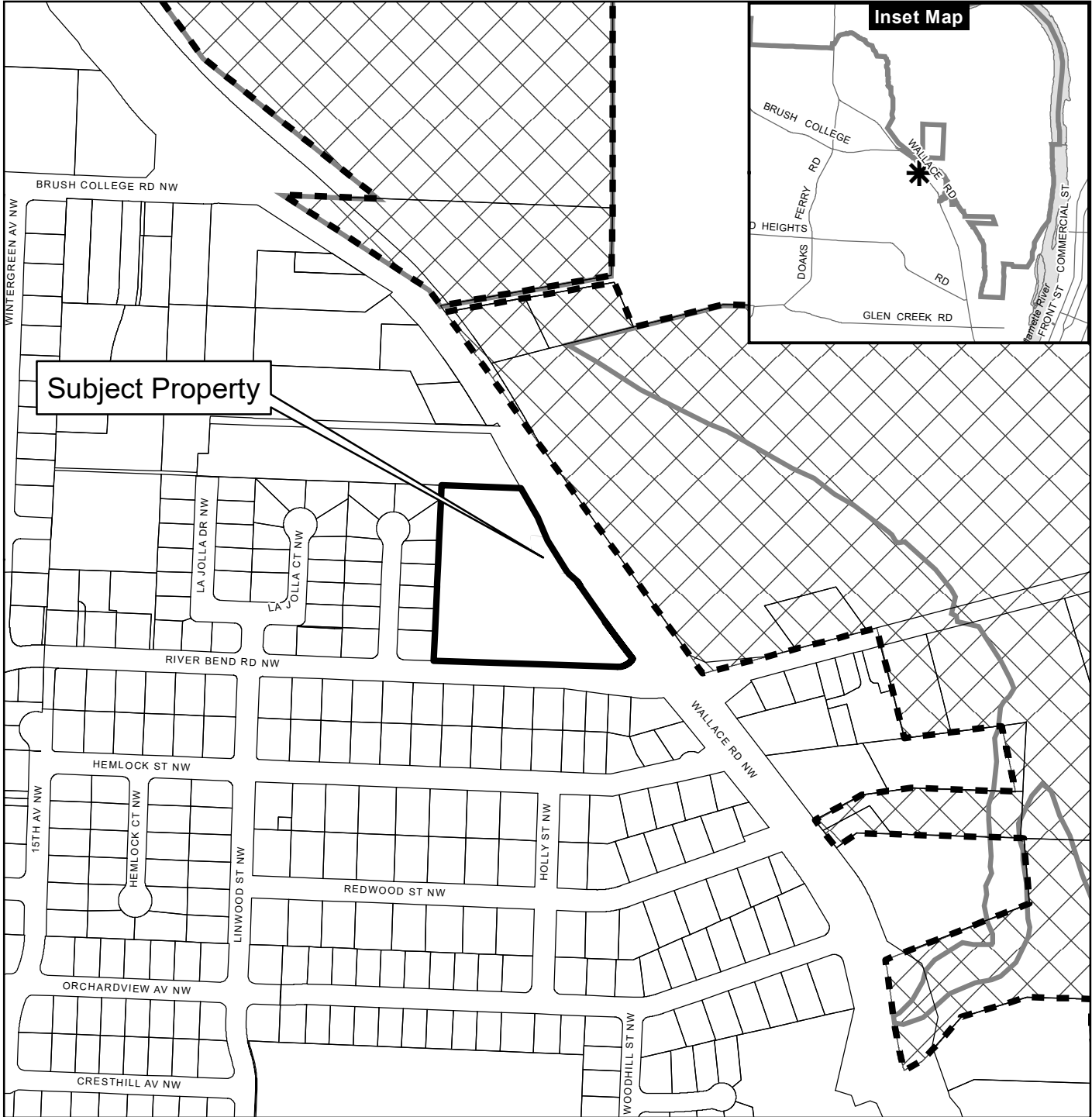


Brandon Pike, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

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








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

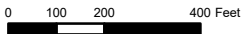
Vicinity Map 1233 River Bend Road NW



Subject Property

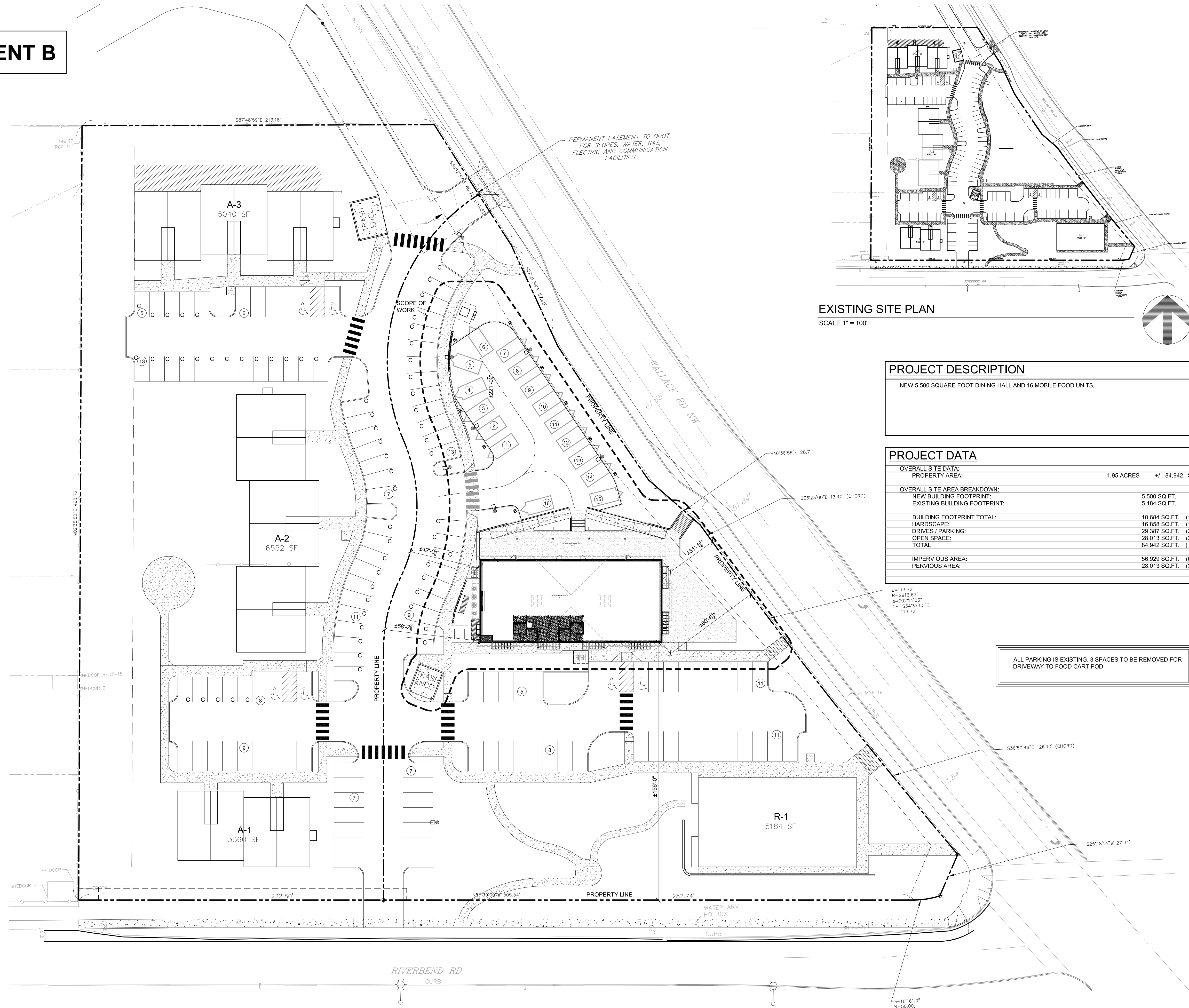
Legend

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

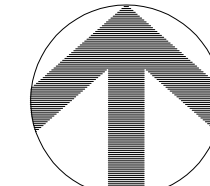


This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

ATTACHMENT B



EXISTING SITE PLAN
SCALE 1" = 100'

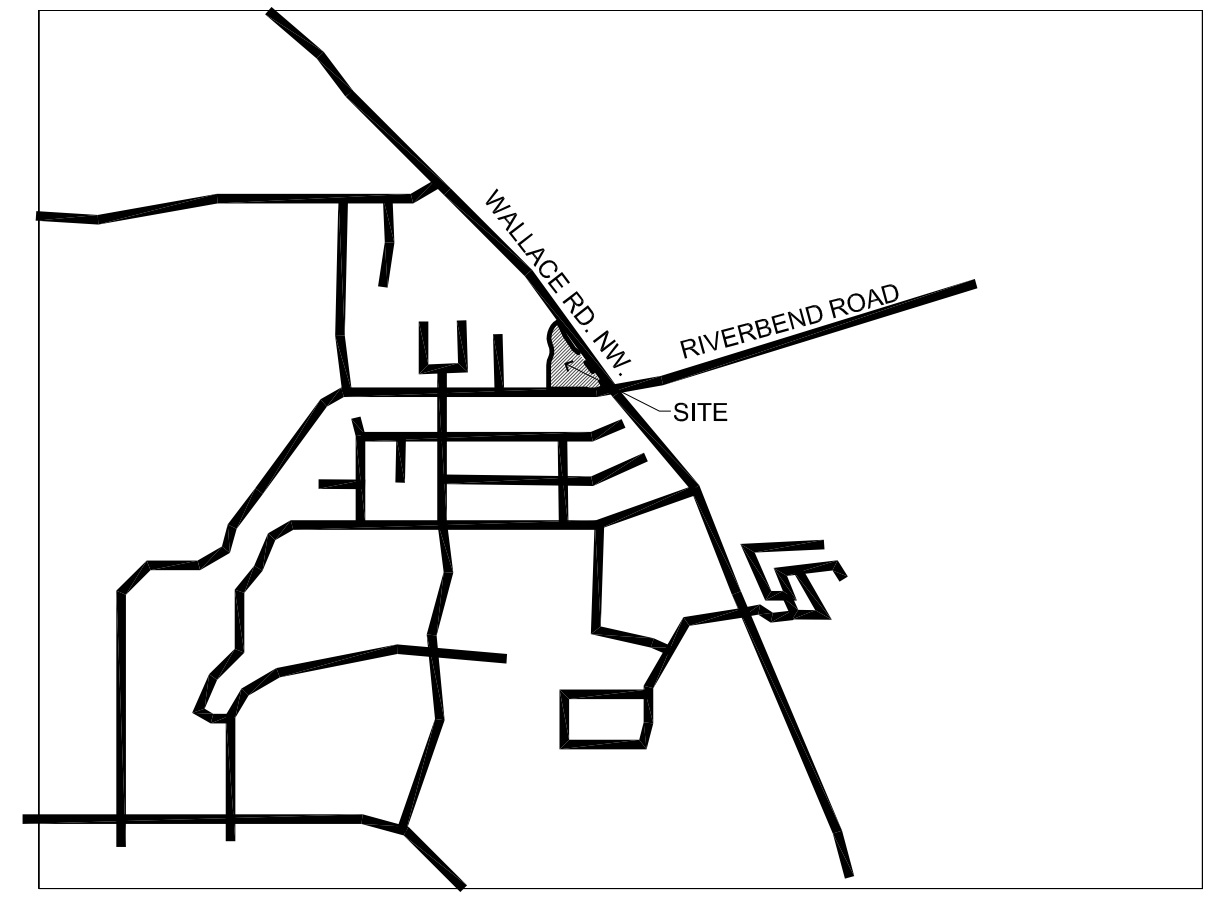


PROJECT DESCRIPTION

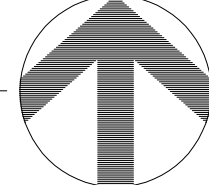
NEW 5,500 SQUARE FOOT DINING HALL AND 16 MOBILE FOOD UNITS.

PROJECT DATA

OVERALL SITE DATA:	
PROPERTY AREA:	1.95 ACRES +/- 84,942 SQ. FT.
OVERALL SITE AREA BREAKDOWN:	
NEW BUILDING FOOTPRINT:	5,500 SQ.FT.
EXISTING BUILDING FOOTPRINT:	5,184 SQ.FT.
BUILDING FOOTPRINT TOTAL:	10,684 SQ.FT. (12.5%)
HARDSCAPE:	16,858 SQ.FT. (19.9%)
DRIVES / PARKING:	29,387 SQ.FT. (34.6%)
OPEN SPACE:	28,013 SQ.FT. (33.0%)
TOTAL:	84,942 SQ.FT. (100%)
IMPERVIOUS AREA:	56,929 SQ.FT. (67.0%)
PERVIOUS AREA:	28,013 SQ.FT. (33.0%)



VICINITY MAP



PROJECT STATISTICS:

SITE PLAN

1221 & 1233 RIVER BEND ROAD
SALEM, OR 97304
CITY OF SALEM, POLK COUNTY
OREGON

ZONE:	COMMERCIAL RETAIL (CR)
USE:	OFFICE/RETAIL (R1)
EXISTING TO REMAIN:	FOOD CART POD/DINING BUILDING (R2/R3)
PROPOSED:	

BLDG. HEIGHT (TABLE 522-5 HEIGHT): MAX 50 FEET 34'-11"

BLDG. SETBACK (TABLE 522-4 SETBACKS):

STREET SIDE:	5'
INTERIOR FRONT:	NONE (ZONE TO ZONE)
SIDE:	NONE (ZONE TO ZONE)
REAR:	NONE (ZONE TO ZONE)

PARKING, SETBACK (SEC 806.035):

STREET:	10' (METHOD A)
FRONT:	5' (ZONE TO ZONE)
SIDE:	5' (ZONE TO ZONE)
REAR:	5' (ZONE TO ZONE)
BUILDING:	5' (ZONE TO ZONE)

SITE AREA: 1.95 AC (84,942 SQ. FT.)

TOTAL LOT COVERAGE: NO MAX.

TOTAL LANDSCAPE AREA: 28,013 S.F. (33.0%)
(15% SEC. 522.010(j)(3))

REQUIRED MINIMUM VEHICLE PARKING SPACES (TABLE 806.1 MINIMUM OFF-STREET PARKING)

DINING HALL (1 STALL PER 250 S.F. / 5,500 SF / 250 SF = 22)
MULTIPLE FAMILY (1 SPACE PER STUDIO/1 BED, 1.5 SPACE / 2 BED) 30 1 BEDS, 18 2 BEDS
1 SPACE X 30 ONE BED UNITS = 30 SPACES, 1.5 SPACE X 18 2 BED UNITS = 27 SPACES
OFFICE/NAIL SALON (1 SPACE PER 350 SQ. FT.) = 5,184 SF / 350 SF = 15 SPACES

TOTAL SPACES REQUIRED: 94 SPACES

REQ'D. TOTAL BICYCLE SPACES: 19 SPACES
EATING AND DRINKING ESTABLISHMENTS (4 SPACES OR 1/1000 SF) = 6 SPACES
MULTIPLE FAMILY (GREATER OF 4 SPACES OR 0.1 PER DU = 5 SPACES
OFFICE (4 SPACES OR 1 PER 3,500 SF FOR FIRST 50,000 SF) = 4 SPACES
NAIL SALON (1 SPACE PER 350 SF) = 1,312 / 350 = 4 SPACES

LOADING ZONE

LOADING ZONE	N/A
EXISTING PARKING SPACES:	
STANDARD:	58 SPACES
COMPACT:	66 SPACES
ACCESSIBLE:	06 SPACES
TOTAL EXISTING:	130 SPACES

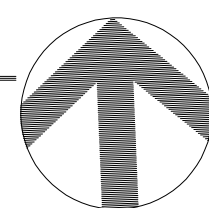
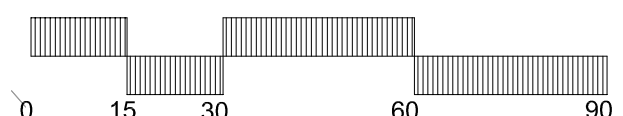
NOTE: REMOVING 3 SPACES AT FOR DRIVEWAY AT FOOD CART POD AREA

PROPOSED VEHICLE PARKING SPACES:

TOTAL:	127 SPACES
MAXIMUM ALLOWED:	94 X 1.75 = 165 SPACES
EXISTING BICYCLE SPACES:	20 SPACES
NEW BICYCLE SPACES:	8 SPACES
NEW BICYCLE SPACES:	28 SPACES

SITE PLAN

DATE: 01/24/2022
1" = 30'



A1.0



1233 RIVERBEND RD. NW - RETAIL

SALEM, OREGON



3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com