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503-588-6173*

DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 3 DESIGN REVIEW / CLASS 2 ADJUSTMENT
CASE NO.: CU-SPR-ADJ17-07**

APPLICATION NO. : 16-120731-ZO, 16-122090-RP & 17-111414-ZO

NOTICE OF DECISION DATE: AUGUST 4, 2017

SUMMARY: An application to add a 20-unit, 36-bed memory care facility and 13 parking spaces to an existing 44-bed assisted living facility with 20 parking spaces.

REQUEST: A Conditional Use, Class 3 Site Plan Review, and Class 2 Adjustment to add a proposed 18,806-square foot, 20-unit, 36-bed memory care facility, a 225-square foot accessory structure, and 13 parking spaces to an existing 32,583-square foot, 44-bed assisted living facility with 20 parking spaces, all on a 5.8-acre property addressed as 1190 Oakhill Avenue SE and 3988 12th Street Cutoff SE 97302 (Marion County Assessor Map 083W03DD / 10200, 10201, 10301, 10302, 10400, and 10401). The adjustment is requested to reduce the minimum parking requirement from one space per 350 square feet (147 spaces) to one space per 3 beds (27 spaces), although 33 parking stalls are proposed.

APPLICANT: Josh Snodgrass, RJ Development

LOCATION: 1190 Oakhill Avenue SE and 3988 12th Street Cutoff SE / 97302

CRITERIA: Conditional Use: SRC Chapter 240.005(d)
Class 3 Site Plan Review: SRC Chapter 220.005(f)(3)
Class 2 Adjustment: SRC Chapter 250.005(d)(2)

FINDINGS: The findings are in the attached Order dated August 4, 2017.

DECISION: The Hearings Officer **APPROVED** Conditional Use/Class 3 Site Plan Review /Class 2 Adjustment Case No. CU-SPR-ADJ17-07 subject to the following 11 conditions of approval:

Condition 1: Provide a minimum of one plant unit per 16 square feet between the building addition and east property line, with a minimum of 40 percent of the plant units consisting of a combination of shade trees, evergreen trees, and ornamental trees.

Condition 2: Prior to building permit submittal, coordinate with the Fire Department and revise the proposal as necessary to meet Fire Department requirements.

Condition 3: Prior to building permit submittal, coordinate with PGE and revise the proposal as necessary to meet PGE requirements.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Condition 4: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B in the City Staff Report, as modified by the conditions of approval.

Condition 5: Prior to issuance of any building permits for the proposed addition or parking lot expansion, the applicant or successor shall apply for, receive approval for, and record either (1) Property Line Adjustments (SRC 205.055) to eliminate or relocate the common property line between 1190 Oakhill Avenue SE (Tax Lot 083W03DD10200) and Tax Lot 083W03DD10201 and the common property line between Tax Lot 083W03DD10201 and 3988 12th Street Cutoff SE (Tax Lot 083W03DD10301) or (2) a Property Boundary Verification (SRC 205.065) to establish the outside boundary of the subject property as the property line for purposes of application of the Building Code.

Condition 6: Provide a minimum of 14 bicycle spaces meeting the requirements of SRC 806.060.

Condition 7: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of 12th Street Cutoff SE, including a 25-foot property line radius at the intersection of 12th Street Cutoff and Oakhill Avenue SE.

Condition 8: Existing sidewalks, driveways, and curb ramps along the development frontage that are not in compliance with PWDS accessibility standards shall be replaced.

Condition 9: The existing unused driveway approaches to Oakhill Avenue SE and 12th Street Cutoff SE shall be removed and replaced with new curb and sidewalk.

Condition 10: Provide vehicle parking of a minimum of 0.41 space per bed for the assisted living facility and at least 0.35 space per bed for the memory care facility.

Condition 11: Provide a minimum of two vehicle parking spaces in addition to the calculated minimum.

The rights granted by the attached decision for Conditional Use and Class 2 Adjustment Case No. CU-SPR-ADJ17-07 must be exercised, or an extension granted, by **August 22, 2019**, or this approval shall be null and void.

The rights granted by the attached decision for Class 3 Site Plan Review Case No. CU-SPR-ADJ17-07 must be exercised, or an extension granted, by **August 22, 2021**, or this approval shall be null and void. A copy of the Order is attached.

Application Deemed Complete:	<u>June 15, 2017</u>
Public Hearing Date:	<u>July 26, 2017</u>
Notice of Decision Mailing Date:	<u>August 4, 2017</u>
Decision Effective Date:	<u>August 22, 2017</u>
State Mandate Date:	<u>October 13, 2017</u>

Case Manager: Pamela Cole, pcole@cityofsalem.net; 503.540.2309

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Monday, August 21, 2017.** Any person who presented evidence or testimony at the hearing may appeal the decision. 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 and 250. The appeal must be filed in duplicate with the City of Salem Planning Division. 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

<p>A CONDITIONAL USE, CLASS 3 SITE PLAN REVIEW, AND CLASS 2 ADJUSTMENT TO ADD A PROPOSED 18,806-SQUARE FOOT, 20-UNIT, 36-BED MEMORY CARE FACILITY, A 225-SQUARE FOOT ACCESSORY STRUCTURE, AND 13 PARKING SPACES TO AN EXISTING 32,583-SQUARE FOOT, 44-BED ASSISTED LIVING FACILITY WITH 20 PARKING SPACES, ALL ON A 5.8-ACRE PROPERTY ADDRESSED AS 1190 OAKHILL AVENUE SE AND 3988 12TH STREET CUTOFF SE 97302 (MARION COUNTY ASSESSOR MAP 083W03DD / 10200, 10201, 10301, 10302, 10400, AND 10401). THE ADJUSTMENT IS REQUESTED TO REDUCE THE MINIMUM PARKING REQUIREMENT FROM ONE SPACE PER 350 SQUARE FEET (147 SPACES) TO ONE SPACE PER 3 BEDS (27 SPACES), ALTHOUGH 33 PARKING STALLS ARE PROPOSED.</p>	<p>CU-SPR-ADJ17-07</p> <p>FINDINGS OF FACT, CONCLUSIONS, AND DECISION</p>
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July 26, 2017, Salem City Council Chambers, Room 240, Civic Center, 555
Liberty Street SE, Salem, Oregon.

<u>Staff:</u>	Pamela Cole, Planner II
<u>Neighborhood Association:</u>	N/A
<u>Proponents:</u>	Applicant, Josh Snodgrass, RJ Development
<u>Opponents:</u>	N/A

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on July 26, 2017 regarding an application requesting a Conditional Use and Class 3 Site Plan Review, and Class 2 Adjustment to add a proposed 18,806-square foot, 20-unit, 36-bed memory care facility, a 225-square foot accessory structure, and 13 parking spaces to an existing 32,583-square foot, 44-bed assisted living facility with 20 parking spaces, all on a 5.8-acre property addressed as 1190 Oakhill Avenue SE and 3988 12th Street Cutoff SE, Salem.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Single-Family Residential." The subject property is within the Urban Growth Boundary and the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned RS (Single Family Residential). The property at 1190 Oakhill Avenue SE is currently occupied by a single-family dwelling. The property at 3988 12th Street Cutoff SE is currently occupied by an existing 32,583-square foot, 44-bed assisted living facility, which is classified as a residential care use. The proposed use at the northern end of the subject property is an 18,806-square foot, 20-unit, 36-bed memory care facility. The applicant indicates that the memory care facility is a Residential Facility as defined under ORS 197.660, which is also classified as a residential care use:

400.035. Group Living. Group Living consists of the residential occupancy of a structure on a wholly or primarily non-transient, long term basis, typically 30 days or more, by a group of people not meeting the characteristics of Household Living, either because the structure does not provide self-contained dwelling units or because the structure is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include common facilities that are shared by residents, including, but not limited to, facilities for dining, social and recreational activities, and laundry.

(b) Residential Care.

(1) Characteristics. Residential Care is characterized by Group Living facilities where any combination of personal care, training, or treatment is provided to children, the elderly, or individuals with

disabilities or limits on their ability for self-care, but where medical care is not a major element.

(2) Examples. Assisted living facilities; group foster homes for six or more individuals; homes for the deaf or blind; orphanages; Residential Facilities, as defined under ORS 197.660; permanent supportive housing facilities where self-contained dwelling units are not provided.

Residential care is allowed as a conditional use in the RS (Single Family Residential) zone.

The zoning of surrounding properties includes:

North: Across Oakhill Avenue SE, RM2 (Multiple Family Residential) – apartments

East: RS (Single Family Residential) – duplex and single-family dwellings

South: RM2 (Multiple Family Residential) – assisted living; RS (Single Family Residential) – single family dwellings

West: Across 12th Street Cutoff SE, RS (Single Family Residential) – single family dwellings

3. Site Analysis

The subject property is approximately 5.8 acres in size and includes an existing single-family dwelling with frontage on Oakhill Avenue SE and 12 Street Cutoff SE and an existing assisted living facility with frontage on 12th Street Cutoff SE.

The subject property abuts 12th Street Cutoff SE to the west and Oakhill Avenue SE to the north. Oakhill Avenue SE is designated as a local street and 12th Street Cutoff SE is designated as a major arterial within the Salem TSP (Transportation System Plan). Surrounding properties are zoned RS (Single Family Residential) and RM2 (Multiple Family Residential.)

A single existing driveway onto 12th Street Cutoff SE in the southern area of the subject property is proposed to be used to access the existing and proposed parking spaces. In the northern area of the subject property, an existing driveway onto Oakhill Avenue SE and another onto 12th Street Cutoff SE are proposed to be closed.

The southern area of the property includes a riparian zone, floodway, and 100-year floodplain of Pringle Creek. A paved sidewalk is proposed outside of

the riparian zone but inside the floodplain. The other proposed development is located outside of the riparian zone, floodway, and floodplain.

4. Neighborhood and Citizen Comments

The subject property is located within the Morningside Neighborhood Association (Morningside). Notice was provided to Morningside and surrounding property owners within 250 feet of the subject property. As of the date of the staff report, no comments were received.

5. City Department and Public Agency Comments

The Hearings Officer notes that the entire staff report, its attachments and the power point presentation prepared by staff was entered into the record. There was no testimony expressing concern about the facts, analysis or recommended conditions of approval from the staff report. The Hearings Officer adopts the analysis and findings as presented.

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

The Hearings Officer notes that the Fire Department commented that they have no issues with the zoning (conditional use) request; however, the Hearings Officer notes that the Fire Department had the following concerns with the layout of the proposed addition:

Required Fire Department access is nonexistent to the rear of both the new and existing [portions of the development]. Fire shall have requirements at the time plans are submitted for building permits, such as access within 150 feet of all portions of the exterior; water supply, fire sprinklers, alarms, emergency generator, fuel supply, lock box, smoke zones, fire department turn radius, and dead ends; if there is a gate on fire department access, there will be an Opticom [required].

The Hearings Officer notes the applicant further addressed this issue during the public hearing and expressed a willingness to accommodate the Fire Department, agreeing that the condition recommended by staff gives sufficient guidance. The Hearings Officer will impose a condition of approval in the findings for the Conditional Use, below.

The Hearings Officer notes the Public Works Department reviewed the proposal and provided a memo included with the City Staff Report.

The Hearings Officer notes Portland General Electric reviewed the proposal and commented:

Maintain national electric safety code and OSHA working clearances to the building. Note that PGE facilities [are] to remain at the NE corner of the project. Coordinate with PGE. We do have a safety concern and potential building clearance issues at the NE corner of the project with our pole and anchor with down guys (hidden in the picture) that will remain in place. A scaled civil drawing with building elevations would be needed to review. The attached Line Clearance flyer does not cover all installations but generally 12.5 feet of building clearance plus 10 feet of working clearance is needed from the nearest conductor. The remaining conductors can be removed with coordination with the owner.

PGE also provided a map and information on high voltage overhead line safety and crane and derrick standards for construction.

The City staff forwarded the PGE comments and informational materials to the applicant on June 16, 2017. The Hearings Officer notes the applicant addressed this issue during the public hearing, explaining that after discussing the issue with PGE and demonstrating that the single-story height of the structure is unlikely to cause a safety issue, the condition proposed by staff to ensure that the proposal meets PGE's requirements is acceptable. The Hearings Officer will impose a condition of approval in the findings for the Conditional Use, below.

6. 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.

The Hearings Officer notes that residential care uses are allowed in the RS (Single Family Residential) zone as conditional uses.

Criterion 2:

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

The Hearings Officer notes that the proposal includes a building addition at the north end of the subject property; an expanded parking and vehicle use area and turnaround between the existing and proposed buildings and 12th Street Cutoff SE; new landscaping; a new gazebo/trellis and patio southwest of the addition; and new sidewalks around the south end and east side of the existing building.

The Hearings Officer finds that the reasonably likely adverse impacts of the use are visual impacts, increased traffic, and increased demand for on-street parking.

The Hearings Officer notes that the proposed addition would be similar in height and setbacks to single-family dwellings that could be developed on the subject property without a conditional use. It would be one story in height and set back 14 feet from the east property line, where the subject property abuts properties occupied by a duplex and single-family dwellings, which are two stories in height. If the northern area of the subject property was redeveloped with single family dwellings, they would be set back a minimum of 14 to 20 feet from the east property line.

The Hearings Officer notes the proposed development would include one long building façade, while single family dwellings that could be developed on the property without conditional use approval would likely have multiple facades, broken up by open space in side yards. The existing development includes trees along the east property line, which are not shown on the site plan as being retained. The minimum requirement for landscaping for a required setback for a commercial use is generally one plant unit per 20-square feet. At the public hearing, the Applicant's representative expressed no concern with the proposed condition of approval. To mitigate the visual impacts of the long building facade, staff recommends and the Hearings Officer imposes the following condition:

Condition 1: Provide a minimum of one plant unit per 16 square feet between the building addition and east property line, with a minimum of 40 percent of the plant units consisting of a combination of shade trees, evergreen trees, and ornamental trees.

The Hearings Officer notes that the proposed development would reduce the potential for traffic conflicts near the intersection of the two

streets by eliminating a driveway on 12th Street Cutoff SE and a driveway on Oakhill Avenue SE.

The Hearings Officer finds that the proposed development would not create significant traffic impacts. The applicant has provided an analysis of trip generation as part of the written statement for the parking adjustment. The applicant states that the ITE Trip Generation Manual peak hour trip rate for assisted living (0.38 trips/bed) is the best estimate for the existing facility and the rate for nursing home (0.37 trips/bed) is the best estimate for the proposed facility. Using these rates, the traffic generated by the proposed development will be approximately 30 trips per hour at the peak hour, with peak trip generation on Sunday afternoon. To calculate average daily trips, the City's Assistant Traffic Engineer found that the ITE average rate for assisted living (2.66 trips per bed) was the best fit for the proposed facility, resulting in a calculation of 96 average daily trips for the proposed 36 beds. This net increase in average daily trips is far below the threshold of 1,000 trips/day that would trigger a requirement for a full Transportation Impact Analysis (TIA). Using the rate for assisted living, the total average daily trips for the entire facility would be 213 (80 beds x 2.66 = 212.8). In comparison, if the property at 1190 Oakhill Avenue SE was redeveloped with a residential subdivision at an average density of 6.5 units per acre, approximately six dwelling units would be possible, and the average daily trips would be approximately 57.

The applicant provided evidence that the proposed development will have adequate off-street parking if the proposed parking adjustment is approved. The applicant also stated that the ITE estimated peak parking demand of 0.41 spaces per bed for assisted living is the best estimate for the existing 44 beds and the peak parking demand of 0.35 spaces per bed for a nursing home is the best estimate for the proposed 36 beds. Using these rates, the estimated peak parking demand is 31 spaces. The applicant is proposing 33 spaces. The applicant explained at the hearing that the ratio of staff to beds for the proposed memory care use would not differ considerably from the ratio of staff to beds in current assisted living care use, accordingly the off-street parking required to accommodate staff at the facility remains the same, supporting the ITE estimates. To ensure that off-street parking is adequate, the Hearings Officer imposes conditions of approval in the findings for the Class 2 Adjustment later in this Order.

The Hearings Officer notes that other possible adverse impacts of the proposal were brought to staff's attention through comments by the Fire Department and PGE:

As discussed in the comment section earlier in this order, the Fire Department has expressed concerns that the proposed development does not comply with emergency vehicle access and other fire code requirements. At the public hearing, the Applicant's representative expressed his understanding of the specific concerns, and the Applicant's willingness to address these issues in the building permit process. The Applicant's representative expressed no concern with the proposed condition of approval. To ensure that the development meets these requirements and does not create fire safety hazards, the Hearings Officer imposes the following condition:

Condition 2: Prior to building permit submittal, coordinate with the Fire Department and revise the proposal as necessary to meet Fire Department requirements.

As discussed in the comment section earlier in this order, PGE has expressed concerns that the proposed development would result in potential building clearance issues at the NE corner of the project. At the public hearing, the Applicant's representative explained that PGE's concerns were likely due to a review of the site plan without access to the site elevation in relation to the street, and without building elevations showing the proposed single-story in the area of PGE's concern. The Applicant's representative expressed no concern with the proposed condition of approval. To ensure that the development complies with applicable safety standards, staff has forwarded PGE's comments to the applicant and the Hearings Officer imposes the following condition:

Condition 3: Prior to building permit submittal, coordinate with PGE and revise the proposal as necessary to meet PGE requirements.

The development, as proposed and with these three conditions, minimizes reasonably likely adverse impacts of the use 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.

The Hearings Officer finds that the proposed residential care use is a use that is generally allowed in residential zones and is generally compatible with surrounding residential uses.

The proposed memory care addition would be similar in impact to the existing assisted living facility that has been located on the subject property since the early 1990s. The Hearings Officer finds that the proposed addition will meet development standards other than the minimum parking requirement. The applicant has requested an adjustment to reduce that requirement and has provided justification for the reduction.

As proposed and with conditions of approval, the memory care addition would be compatible with and have minimal impact on the surrounding neighborhood. The Applicant's representative expressed no concern with the proposed condition of approval. The Hearings Officer imposes the following condition of approval to ensure that the final plans for the proposed development are in substantial conformance with the site plan:

Condition 4: The proposed development shall be in substantial conformance with the approved site plan included as Attachment B in the staff report, as modified by the conditions of approval.

With this condition of approval, the Hearings Officer finds the proposal satisfies this criterion.

7. Analysis of Class 3 Site Plan Review Approval Criteria

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

Criterion 1:

The application meets all applicable standards of the UDC.

The proposed development includes a request to add a 36-bed memory care facility to an existing assisted living facility and expand an existing parking and vehicle use area. The proposed use requires conditional use approval. In addition, the proposal does not provide the minimum number of parking spaces for a residential care facility required under SRC Chapter 806; the applicant has requested an adjustment to these standards. The proposed development otherwise complies with all applicable development standards of the Salem Revised Code.

Development Standards – RS Zone:

SRC 511.005(a) - Uses:

Except as otherwise provided in Chapter 511, the permitted, special, conditional and prohibited uses in the RS zone are set forth in Table 511-1.

Residential care uses are allowed as conditional uses in the RS zone when located on a lot with frontage on an arterial or collector street. The proposed residential care addition and existing residential care facility are located on an arterial street, and the applicant has requested conditional use approval.

SRC 511.010(a) – Lot Standards:

The minimum lot area for a residential care use in the RS zone is 6,000 square feet. The minimum lot width is 40 feet and the minimum lot depth is 80 feet. Residential care uses are required to have a minimum of 40 feet of street frontage.

The subject property is approximately 5.8 acres, 450 feet deep, and 970 feet wide, exceeding the lot standards. The subject property has approximately 850 feet of street frontage along 12th Street Cutoff SE and Oakhill Avenue SE, exceeding the minimum frontage requirement.

SRC 511.010(b) – RS Zone Setbacks:

The subject property includes six separate parcels: 1190 Oakhill Avenue SE (Tax Lot 083W03DD10200, owned by Stanley and Shorten LLC); Tax Lot 083W03DD10201, owned by Health Care REIT Inc; 3988 12th Street Cutoff SE (Tax Lot 083W03DD10301, owned by Health Care REIT Inc); Tax Lot 083W03DD10401, owned by Health Care Reit Inc; 3990 12th Street Cutoff SE (Tax Lot 083W03DD10302, owned by Meadow Creek LP); and Tax Lot 083W03DD10400, owned by Meadow Creek LP.

The proposed building and parking lot expansion would cross the common property line between 1190 Oakhill Avenue SE (Tax Lot 083W03DD10200) and Tax Lot 083W03DD10201 and the common property line between Tax Lot 083W03DD10201 and 3988 12th Street Cutoff SE (Tax Lot 083W03DD10301).

Buildings cannot be constructed over property lines. Additionally, a separate 5-foot parking and vehicle use area perimeter setback would be required on each side of the two property lines that the expanded parking lot and vehicle use area would cross. The Applicant's representative explained at the public hearing that bringing the property into common ownership was a goal of the applicant. The Applicant's representative expressed no concern with the propose condition of approval. In order to construct the building and parking and vehicle use area as proposed, staff recommends and the Hearings Officer imposes the following condition:

Condition 5: Prior to issuance of any building permits for the proposed addition or parking lot expansion, the applicant or successor shall apply for, receive approval for, and record either (1) Property Line Adjustments (SRC 205.055) to eliminate or relocate the common property line between 1190 Oakhill Avenue SE (Tax Lot 083W03DD10200) and Tax Lot 083W03DD10201 and the common property line between Tax Lot 083W03DD10201 and 3988 12th Street Cutoff SE (Tax Lot 083W03DD10301) or (2) a Property Boundary Verification (SRC 205.065) to establish the outside boundary of the subject property as the property line for purposes of application of the Building Code.

With this condition of approval, the Hearings Officer finds that the proposal satisfies the requirement that the building may not be constructed over lot lines.

North: Adjacent to the north is the right-of-way of Oakhill Avenue SE. For a residential care use, there is a minimum 12-foot setback for buildings and a minimum 6- to 10-foot setback for vehicle use areas abutting a local street.

The Hearings Officer finds that the proposed addition is set back 12 feet from the property line abutting the street. The vehicle use area is not located adjacent to the Oakhill Avenue SE right-of-way.

South: Adjacent to the south (interior side property line) are an RM2 (Multiple Family Residential) zone and RS (Single Family Residential) zone. For a residential care use, there is a minimum 5-foot setback for buildings not more than 35 feet in height and a minimum 5-foot setback for vehicle use areas.

The Hearings Officer finds that the existing building and vehicle use area are more than 150 feet from the south property line and are not being modified in this area.

East: Adjacent to the east (interior rear property line) is an RS zone. For a residential care use, there is a minimum 14-foot setback for any portion of a building not more than one story in height, a minimum 20-foot setback for any portion of a building greater than one story in height, and a 5-foot setback for vehicle use areas. For accessory structures, there is no setback for accessory structures not more than 9 feet in height and there is a minimum setback of one foot for each one foot of height over 9 feet.

The Hearings Officer finds that the proposed addition is one story in height and is set back 14 feet from the rear property line. The proposed gazebo is limited to 15 feet in height and is set back approximately 20 feet from the rear property line.

West: Adjacent to the west is the right-of-way for 12th Street Cutoff SE, an arterial street. For a residential care use, there is a minimum 20-foot setback for buildings and a minimum 6- to 10-foot setback for vehicle use areas.

To comply with development standards, dedication of right-of-way to equal 48 feet from centerline is required as a condition of approval. Measured from the new right-of-way, the proposed addition would be set back 20 feet, the nearest new parking space would be set back 11 feet, and the existing building is set back approximately 45 feet. The existing interior driveway is legally nonconforming and will be set back approximately 4 feet from the new right-of-way.

SRC 511.010(c) - Lot Coverage, Height:

There is a 35 percent maximum lot coverage standard in the RS zone for residential care uses. The maximum building height allowance for a residential care use is 50 feet. The maximum accessory structure height is 15 feet.

The Hearings Officer finds that the proposed development complies with the lot coverage and maximum height standards of the RS zone.

Solid Waste Service Area Development Standards SRC 800

SRC 800.055 - Applicability.

Solid waste service area design standards shall apply to all new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed.

The Hearings Officer finds that no new solid waste, recycling, and compostable service areas are proposed.

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 any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity and for any intensification, expansion, or enlargement of a use or activity.

When off-street parking is required to be added to an existing off-street parking area that has a nonconforming number of spaces, the number of spaces required under this Chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served. Required off-street parking shall be located on the same development site as the use or activity it serves; or, within the RS (Single Family Residential) zone, required off-street parking may be located within 200 feet of the development site containing the use or activity it serves.

SRC 806.015 - Amount of Off-Street Parking.

- a) Minimum Required Off-Street Parking. The minimum number of off-street parking spaces required for a residential care use is 1 space per 350 square feet.
- 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 shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) Maximum Off-Street Parking. Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

The Hearings Officer notes that both the existing assisted living facility and the proposed memory care addition are classified as residential care uses. The current parking requirement for this use is one space per 350 square feet. The existing 32,583-square foot facility would require 93 spaces but is legally nonconforming, with only 20 existing spaces. To remedy the deficiency and provide minimum parking for the proposed addition, at least 147 spaces would be required. The applicant has requested an adjustment to reduce the parking requirement to the minimum of one space per three beds (27 spaces) that would be required for a nursing care use, but the site plan is proposing 33 spaces. Findings for the adjustment are included in Section 8 of this order.

The applicant is proposing five compact spaces. Carpool/vanpool spaces are not required because fewer than 60 parking spaces are required for the proposed use.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family and Two Family shall be developed and maintained as provided in this section.

- a) General Applicability. The off-street parking and vehicle use area development standards set forth in this section apply to:
1. The development of new off-street parking and vehicle use areas.
 2. The expansion of existing off-street parking and vehicle use areas, where additional paved surface is added.
 3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 4. The paving of an un-paved area.

The Hearings Officer notes that the proposed development includes an expanded off-street parking area. Off-street parking and vehicle use area development standards apply to the expanded off-street parking area.

- b) Location. Off-street parking and vehicle use areas shall not be located within required setbacks.

The Hearings Officer finds that off-street parking spaces are not 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.

Where an off-street parking or vehicular use area is located adjacent to a building or structure, 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.

The Hearings Officer finds that the proposed expansion of the off-street parking area and the proposed restriping of existing spaces meet the standards for perimeter setbacks and landscaping.

- d) Interior Landscaping. Interior landscaping shall be required for off-street parking areas 5,000 square feet or greater in size.

The Hearings Officer notes that the proposed expanded off-street parking area is approximately 22,000 square feet in size and is subject to a requirement of 5 percent interior parking lot landscaping per SRC Chapter 806. The Hearings Officer finds that the proposal meets the standard.

- e) Off-Street Parking Area Dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

The Hearings Officer finds that the proposed off-street parking spaces meet the minimum dimensions for standard and compact sized parking spaces.

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

The Hearings Officer finds that the proposed off-street parking area is developed consistent with the additional standards for grade, surfacing, and drainage. Bumper guards, wheel barriers, striping, marking and signage and lighting will meet the standards of SRC 806. Lighting shall be consistent with SRC Chapter 806.

Bicycle Parking

SRC 806.045 - General Applicability.

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

When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this Chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

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.

A residential care use is required to have a minimum of the greater of 4 spaces or 1 space per 3,500 square feet for the first 50,000 square feet plus 1 space per 7,000 square feet for 50,000 to 100,000 square feet.

The Hearings Officer notes the gross floor area of the addition plus existing facility would be 51,389 square feet, which requires a minimum of 14 bicycle parking spaces ($50,000 / 3,500 = 14.29$ spaces; $1,389 / 7,000 = 0.20$ space). The proposed development includes 16 new bicycle parking spaces near the main entrance for the facility.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- a) **Location.** 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.
- b) **Access.** Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) **Dimensions.** Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) **Bicycle Racks.** Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

The Hearings Officer notes that not all of the proposed bicycle parking spaces are within 50 feet of the main entry for the building. To ensure the bicycle spaces meet the requirements, the Hearings Officer imposes the following condition:

Condition 6: Provide a minimum of 14 bicycle spaces meeting the requirements of SRC 806.060.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

Off-street loading areas shall be provided and maintained for any intensification, expansion, or enlargement of a use or activity.

SRC 806.075 - Amount of Off-Street Loading.

A residential care use is required to have a minimum of one off-street loading space 12 feet wide by 30 feet long by 14 feet high for building area between 5,000 to 60,000 square feet.

When off-street loading is required to be added to an existing off-street loading area that has a nonconforming number of spaces, the number of spaces required under this Chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.075(a) - Off-Street Parking Used for Loading.

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.

The Hearings Officer finds that the site plan indicates adequate loading areas.

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.

The Hearings Officer notes that the landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Floodplain Development

SRC 601 – Floodplain Overlay Zone: The Director of Public Works shall administer and enforce this Chapter and shall have to authority to grant, deny, suspend, and revoke floodplain development permits.

The Hearings Officer notes that Public Works found that a portion of the subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone AE floodplain. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601. The applicant's site plan indicates the proposed addition will be structurally separate so as to not alter the load bearing features of the existing facility. The footprint of the proposed addition is not located within the regulatory floodplain and the addition is structurally separate from the existing facility; therefore, the provisions of SRC Chapter 601 do not apply to the building addition. Proposed site work improvements to the southern portion of the property will require a floodplain development permit.

Natural Resources

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 (Oregon White Oak greater than 24 inches in diameter at breast height) (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.

A riparian corridor is present in the southern area of the subject property. No protected trees have been identified on the site plan for removal.

SRC 809 - Wetlands: The Salem-Keizer Local Wetland Inventory (LWI) identifies a wetland channel in the southern area of the subject property. Hydric soil areas are mapped on the property but not in the area proposed for new development. The applicant should contact the Department of State Lands to determine whether any permits are required.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The applicant's proposal does not appear to disturb any portion of a mapped landslide hazard area with regulated activities; therefore, a geological assessment is not required.

With the two conditions of approval set out above, the Hearings Officer finds that this criterion is satisfied.

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.

The Hearings Officer notes that the 12th Street Cutoff SE is a major arterial street that has been fully-improved to an interim minor arterial standard. The existing configuration of 12th Street Cutoff SE meets an adequate interim improvement standard and the proposed development is approximately 50 percent of the gross floor area of the existing facility; therefore, additional improvements to the street frontage of 12th Street Cutoff SE are not warranted (SRC 803.040(d)(3)). Right-of-way dedication is required to meet the half width major arterial standard of 48 feet in compliance with SRC Chapter 803. As required by PWDS 6.11(e) and SRC 803.035(g)(2), a 25-foot property line radius shall be dedicated as a condition of building permit issuance:

Condition 7: Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of 12th Street Cutoff SE, including a 25-foot property line radius at the intersection of 12th Street Cutoff and Oakhill Avenue SE.

Oakhill Avenue SE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

As a condition of building permit issuance, the applicant is required to demonstrate the existing public sidewalks along all frontage(s) of the property meet current City of Salem Design Standards as required by SRC 77.160, including curb ramps:

Condition 8: Existing sidewalks, driveways, and curb ramps along the development frontage that are not in compliance with PWDS accessibility standards shall be replaced.

With these two conditions of approval, the Hearings Officer finds that the proposal satisfies this criterion.

Criterion 3:

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

The Hearings Officer notes that the existing driveway access onto 12th Street Cutoff provides for safe turning movements into and out of the

property. As shown on the applicant's site plan, the existing unused driveways to Oakhill Avenue SE and 12th Street Cutoff SE shall be closed pursuant to SRC 804.060(7):

Condition 9: The existing unused driveway approaches to Oakhill Avenue SE and 12th Street Cutoff SE shall be removed and replaced with new curb and sidewalk.

With this condition of approval, the Hearings Officer finds that this criterion is satisfied.

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.

The Hearings Officer notes that the Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development. The applicant's site plan does not propose any new connection to public infrastructure. No development permits shall be approved for this property until a sewer disconnect permit is acquired for the existing building lateral to 1190 Oakhill Avenue SE, and a City inspector has verified that the existing service has been disconnected and capped.

The applicant's engineer submitted a statement demonstrating compliance with Stormwater PWDS Appendix 004-E(4)(a) and SRC Chapter 71. The preliminary stormwater design demonstrates the use of green stormwater infrastructure to the maximum extent feasible. The Hearings Officers finds that this criterion is satisfied.

8. Analysis of Class 2 Adjustment Approval Criteria

SRC 250.005(d)(2) establishes the following approval criteria for a Class 2 Adjustment. The applicant's complete written statement addressing the Class 2 Adjustment approval criteria is included as Attachment D in the City Staff Report.

Criterion 1:

The purpose underlying the specific development standard proposed for adjustment is:

- i) Clearly inapplicable to the proposed development; or
- ii) Equally or better met by the proposed development.

The Hearings Officer notes that the applicant has stated that the existing building is an assisted living facility and the proposed memory care facility would be a Residential Facility as defined under ORS 197.660. Both would be classified as residential care under SRC Chapter 300. However, the applicant has provided a written statement explaining that the facilities function more like nursing homes for purposes of trip generation and parking demand. The parking requirement notes on the site plan indicate that the applicant is calculating parking at the nursing home ratio of one stall per three beds, for a minimum of 27 required spaces for 80 beds.

In order to meet minimum code requirements of one parking space per 350 square feet for the residential care use, the applicant would be required to add 127 parking spaces to the property and provide a total of 147 spaces on the subject property. Due to the constraints of developing in the riparian area and floodplain in the southern area of the property, and the desirability of retaining open space between the building and the abutting residential properties to the east, the applicant would have great difficulty providing this number of spaces on the site.

The applicant's statement indicates that applying the rate of 1 space per 350 square feet for the entire existing building, including gathering and common areas, would result in two parking spaces per 44 beds. The applicant proposes that a peak parking demand ratio of 0.41 spaces per bed more accurately reflects the actual parking demand for the assisted living units, and a peak parking demand ratio of 0.35 spaces per bed is more reflective of projected parking demand for the proposed memory care addition. The proposed memory care facility will operate similarly to a nursing home and the residents will not own or drive vehicles. Using these rates, the estimated peak parking demand for the proposed total of 80 beds is 31 spaces. The applicant is proposing 33 spaces, or 0.4125 space per bed for the entire development as proposed.

The applicant has demonstrated that the proposed parking equally or better meets the intent of the off-street parking requirements of SRC Chapter 806.

To ensure that off-street parking is adequate and consistent with the proposed site plan, the Hearings Officer imposes the following conditions:

Condition 10: Provide vehicle parking of a minimum of 0.41 space per bed for the assisted living facility and at least 0.35 space per bed for the memory care facility.

To retain the applicant's proposal to provide additional parking above the minimum, the Hearings Officer imposes the following condition:

Condition 11: Provide a minimum of two vehicle parking spaces in addition to the calculated minimum.

With these two conditions, the Hearings Officer finds this criterion is satisfied.

Criterion 2:

If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

The subject property is located within a residential zone. The proposed adjustment is requested to establish adequate parking spaces on the property for the existing facility and proposed addition in a manner that will not require development within the riparian corridor or floodplain. Limiting the parking area to the area adjacent to 12th Street Cutoff SE will preserve open space between the existing and proposed buildings and the adjacent residential areas to the east. The requested adjustment will not detract from the livability or appearance of the residential area. The Hearings Officer finds this criterion is satisfied.

Criterion 3:

If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

The Hearings Officer notes that only one adjustment has been requested. This criterion is not applicable.

DECISION

The Hearings Officer APPROVES the application for a consolidated conditional use, site plan review and adjustment for the addition of a memory care facility and parking spaces to the existing assisted living facility and parking spaces at 1190 Oakhill Avenue SE and 3988 12th Street Cutoff SE subject to the following eleven conditions of approval:

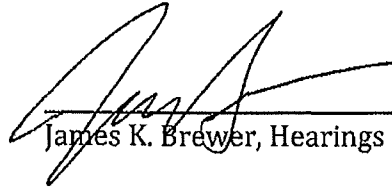
Condition 1: Provide a minimum of one plant unit per 16 square feet between the building addition and east property line, with a minimum of 40

percent of the plant units consisting of a combination of shade trees, evergreen trees, and ornamental trees.

- Condition 2:** Prior to building permit submittal, coordinate with the Fire Department and revise the proposal as necessary to meet Fire Department requirements.
- Condition 3:** Prior to building permit submittal, coordinate with PGE and revise the proposal as necessary to meet PGE requirements.
- Condition 4:** The proposed development shall be in substantial conformance with the approved site plan included as Attachment B in the City Staff Report, as modified by the conditions of approval.
- Condition 5:** Prior to issuance of any building permits for the proposed addition or parking lot expansion, the applicant or successor shall apply for, receive approval for, and record either (1) Property Line Adjustments (SRC 205.055) to eliminate or relocate the common property line between 1190 Oakhill Avenue SE (Tax Lot 083W03DD10200) and Tax Lot 083W03DD10201 and the common property line between Tax Lot 083W03DD10201 and 3988 12th Street Cutoff SE (Tax Lot 083W03DD10301) or (2) a Property Boundary Verification (SRC 205.065) to establish the outside boundary of the subject property as the property line for purposes of application of the Building Code.
- Condition 6:** Provide a minimum of 14 bicycle spaces meeting the requirements of SRC 806.060.
- Condition 7:** Convey land for dedication to equal a half-width right-of-way of 48 feet on the development side of 12th Street Cutoff SE, including a 25-foot property line radius at the intersection of 12th Street Cutoff and Oakhill Avenue SE.
- Condition 8:** Existing sidewalks, driveways, and curb ramps along the development frontage that are not in compliance with PWDS accessibility standards shall be replaced.
- Condition 9:** The existing unused driveway approaches to Oakhill Avenue SE and 12th Street Cutoff SE shall be removed and replaced with new curb and sidewalk.
- Condition 10:** Provide vehicle parking of a minimum of 0.41 space per bed for the assisted living facility and at least 0.35 space per bed for the memory care facility.

Condition 11: Provide a minimum of two vehicle parking spaces in addition to the calculated minimum.

DATED: August 4, 2017



James K. Brewer, Hearings Officer



PROJECT SCOPE	MEMORY CARE ADDITION, 20 UNITS
PARCEL	R84900
PROJECT LOCATION	3988 12TH STREET CUT OFF SE SALEM, OR 97302
SITE ZONING	RS - SINGLE FAMILY RESIDENTIAL
ZONING JURISDICTION	CITY OF SALEM
SITE USE	MEMORY CARE FACILITY
SET BACK - WEST:	20'-0"
SET BACK - NORTH:	12'-0"
SET BACK - SOUTH:	5'-0"
SET BACK - EAST:	14'-0"
LOT COVERAGE TOTAL	51,389 S.F.
UNIT DENSITY	
BUILDING HEIGHT LIMIT	50'-0"
MAX PROPOSED/EXISTING HEIGHT	<35'-0"

CODE:	2015 IBC, 2014 OSSC, 2009 ICC A117.1-2009
OCCUPANCY:	RS - SINGLE FAMILY RESIDENTIAL
CONSTRUCTION TYPE:	V-A WOOD CONSTRUCTION

PROPERTY	AREA	AREA (SF)
10400	0.99 acres	43,041.98 SF
10401	0.54 acres	23,603.47 SF
10302	1.17 acres	51,051.54 SF
10301	2.21 acres	96,107.26 SF
10201	0.03 acres	1,338.71 SF
10200	0.86 acres	37,443.57 SF
	5.8 acres	252,586.52 SF

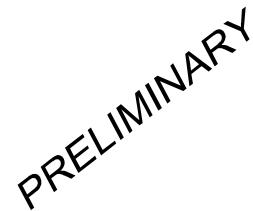
FLOOR LEVEL	TOTAL AREA
FINISH FLOOR - L1	18,806 SF

AREA AFTER PROPOSED ROW DEDICATION		241,470 SF
MAX LOT COVERAGE	35%	84,515 SF MAX ALLOWED
MAX LOT COVERAGE EXISTING	13.5%	32,583 SF
MAX LOT COVERAGE PROPOSED	7.8%	18,806 SF
TOTAL LOT COVERAGE	21.3%	51,389 SF

PROPOSED LANDSCAPE	13.3%	32,000 S.F.
PROPOSED LANDSCAPE IN ADDITION TO EXISTING LANDSCAPE REMAINING UNALTERED		

USE / ACTIVITY	TOTAL UNITS	STALLS REQUIRED
PARKING CALCULATIONS		1 STALL PER 3 BEDS
ASSISTED LIVING UNITS	44 EXISTING BEDS	15 STALLS
MEMORY CARE	36 PROPOSED BEDS	12 STALLS
TOTAL STALLS REQUIRED		27 STALLS REQUIRED

PROPOSED PARKING TYPE	PROPOSED PARKING COUNT
STANDARD - PARKING SPACE	26
COMPACT - PARKING SPACE	5
ADA - PARKING SPACE	2
	33 TOTAL PROPOSED SPACES



486 E Street
Coos Bay, Oregon 97420

REV.	DATE	DESCRIPTION	BY
1	5/29/17	CUP COMPLETENESS REVIEW REVISIONS	ADM

Designed By: ADM

Project No: 2710-007

Drawn By: ADM

Checked By: MDW

PLAN SCALE

MEADOW CREEK ASSISTED LIVING

CONDITIONAL USE APPLICATION PROPOSED SITE PLAN

Sheet No. 1 of 1