



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.

Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213

CASE NUMBER:	Appeal of Modification of Class 3 Site Plan Review Case No. DR-SPR-DAP18-04MOD1
PROPERTY LOCATION:	1233 River Bend Rd NW, Salem OR 97304
SUMMARY:	An appeal of an application to modify a previously approved Site Plan Review application. The modification adds a new plaza to be used for a temporary use (Mobile Food Units) and reduces the size of a previously approved retail building.
HEARING INFORMATION:	<p>Hearings Officer, August 10, 2022 at 5:30 pm held virtually via Zoom</p> <p>To view the meeting LIVE on YouTube please visit this link with any computer, tablet, or smart phone: http://bit.ly/planningpublicmeetings</p>
HOW TO PROVIDE TESTIMONY:	<p>Both written and oral testimony will be accepted on this case. Only those participating by submitting written testimony, or by testifying virtually at the hearing, have the right to appeal the decision.</p> <p>To provide written testimony: Direct written comment to the case manager listed below. Staff recommends emailing your comments to ensure receipt before the public hearing.</p> <p><i>Note: Comments submitted are <u>public record</u>. This includes any personal information provided in your comment such as name, email, physical address and phone number.</i></p> <p>To provide testimony digitally at the public hearing: Sign up by contacting Zachery Cardoso at zcardoso@cityofsalem.net or 503-540-2315 by <u>the date of the hearing at 3:00 p.m.</u> to receive instructions.</p>
CASE MANAGER:	Olivia Dias, Current Planning Manager , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2326; E-mail: odias@cityofsalem.net .
NEIGHBORHOOD ASSOCIATION:	<p><i>Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved:</i></p> <p>West Salem Neighborhood Association, Steven Anderson, Land Use Chair; Email: andersonriskanalysis@comcast.net.</p>
STAFF REPORT:	The Staff Report will be available seven (7) days prior to the hearing and will thereafter be posted on the Community Development website: https://www.cityofsalem.net/government/public-notices-and-hearings/planning-notices-and-decisions
ACCESS:	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
CRITERIA:	<p>Salem Revised Code (SRC) Chapter(s) 220.010(d)(2) – Modification of Class 3 Site Plan Review</p> <p>Salem Revised Code (SRC) is available to view at this link: http://bit.ly/salemorcode. Type in the chapter number(s) listed above to view the applicable criteria.</p>

OWNER(S):	Riverbend Viking LLC (Steven Nicholes, Deborah Bjornson), and 3030 Riverbend LLC (Scott Martin)
APPLICANT / AGENT(S):	Sam Thomas, Lenity Architecture Inc., on behalf of Scott Martin
PROPOSAL / REQUEST:	An appeal of an application to modify a previously approved Class 3 Site Plan Review application, case no. DR-SPR-DAP18-04. The modification adds a new plaza to be used for a temporary use (Mobile Food Units) and reduces the size of a previously approved retail building. 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).
HEARING PROCEDURE:	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. A hearing is not a venue to ask questions of staff, the applicant, or the decision maker(s) on this case but rather an opportunity to provide testimony to the decision maker(s) on the merits of the land use case; questions about the application, the recommended conditions of approval, or the Planning Administrator's recommendation, should be directed to the Case Manager prior to the hearing.</p> <p>Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony. Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p> <p>Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either virtually or in writing, and anyone who requested to receive notice of the decision.</p>
MORE INFORMATION:	All documents and evidence submitted by the applicant 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. Paper copies can be obtained for a reasonable cost.
NOTICE MAILING DATE:	July 21, 2022

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

For more information about Planning in Salem:

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

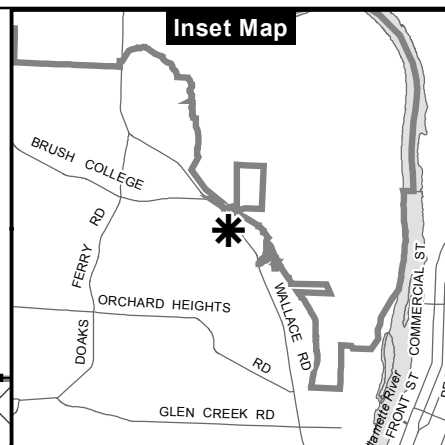
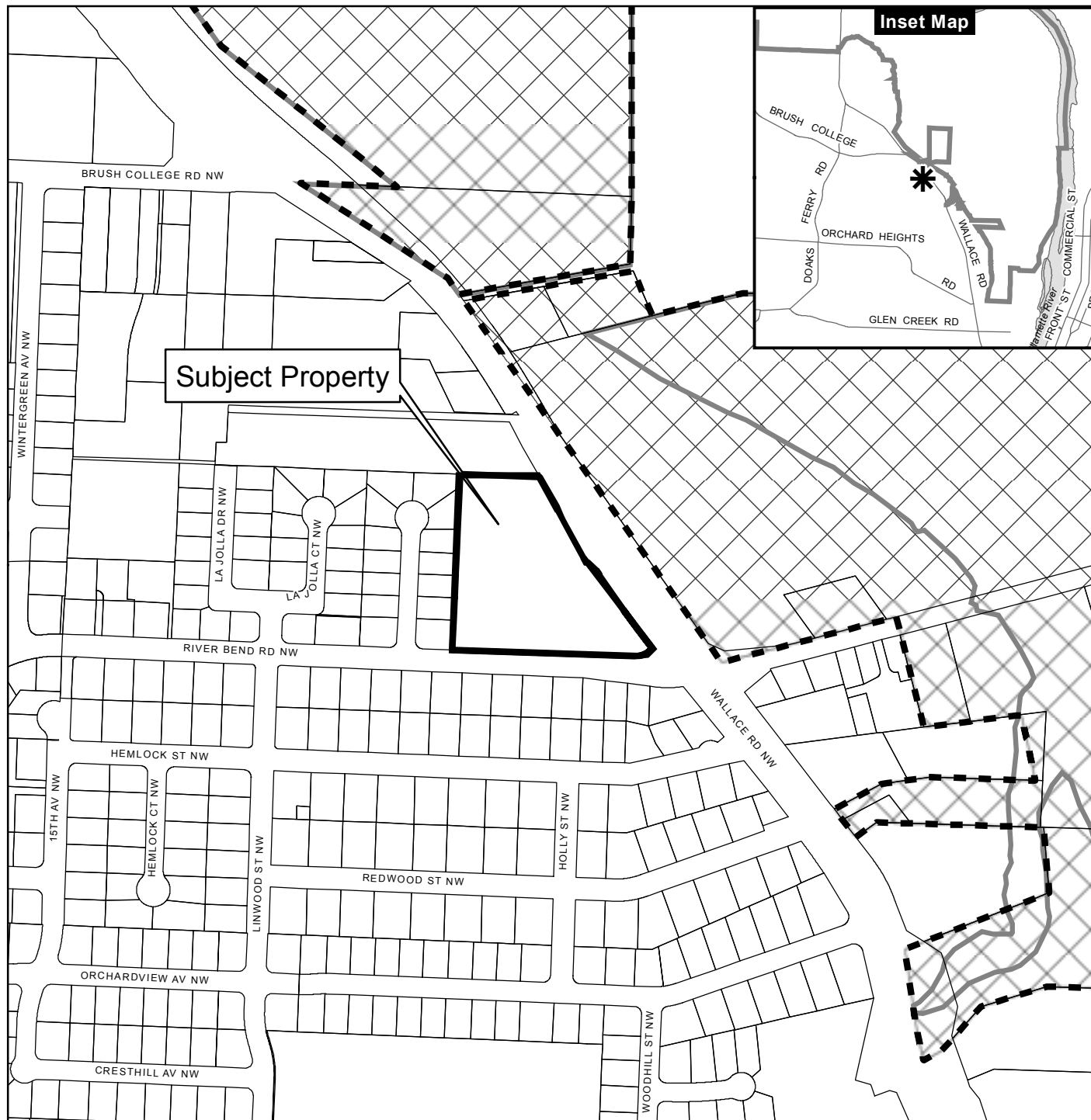
It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map

1200 Block of River Bend Road NW

073W16BA10000



Subject Property

Legend

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

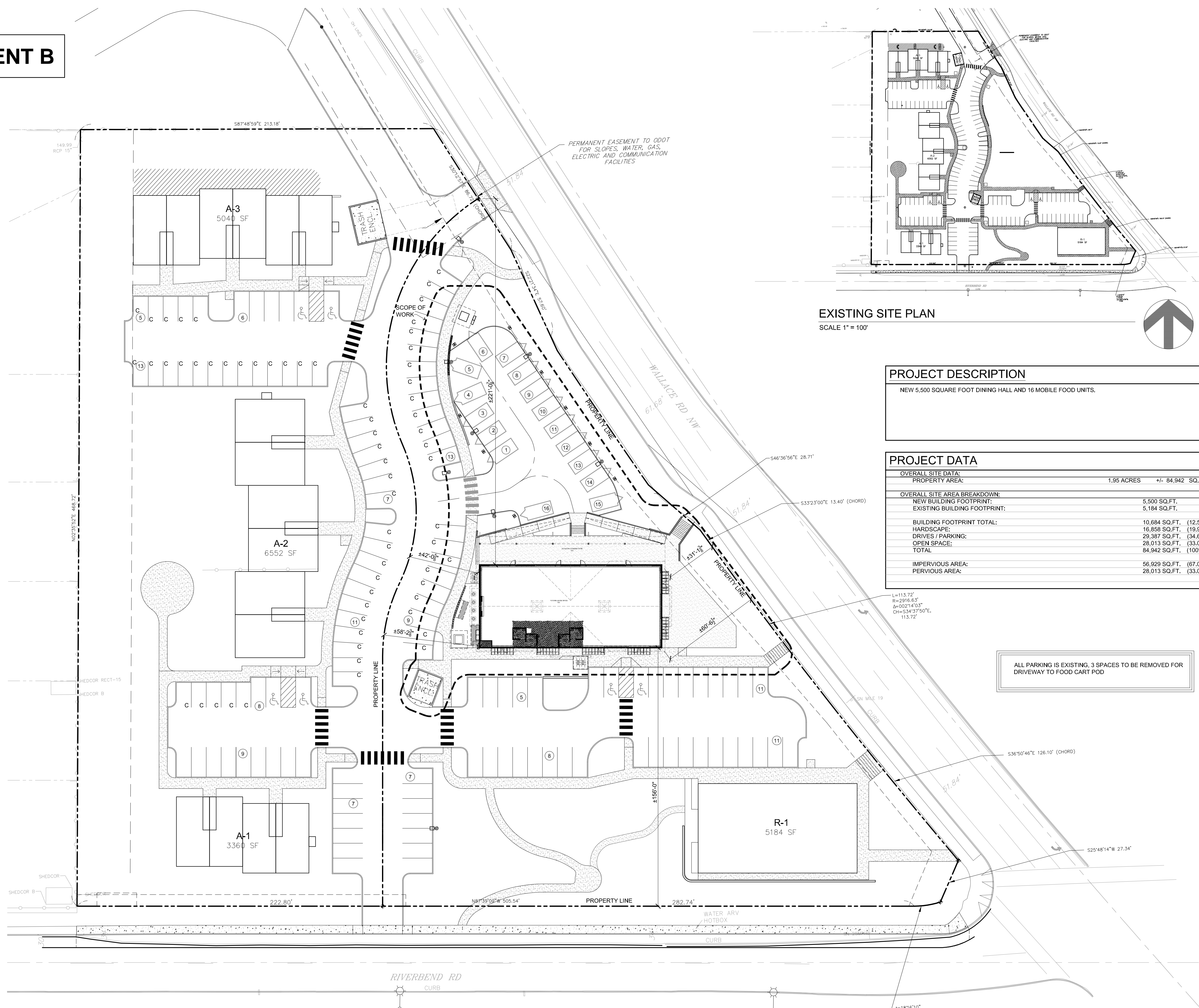
CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

0 100 200 400 Feet

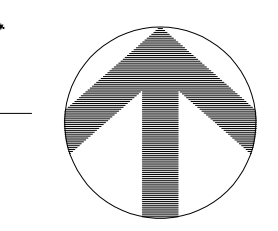


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ATTACHMENT B



EXISTING SITE PLAN
SCALE 1" = 100'

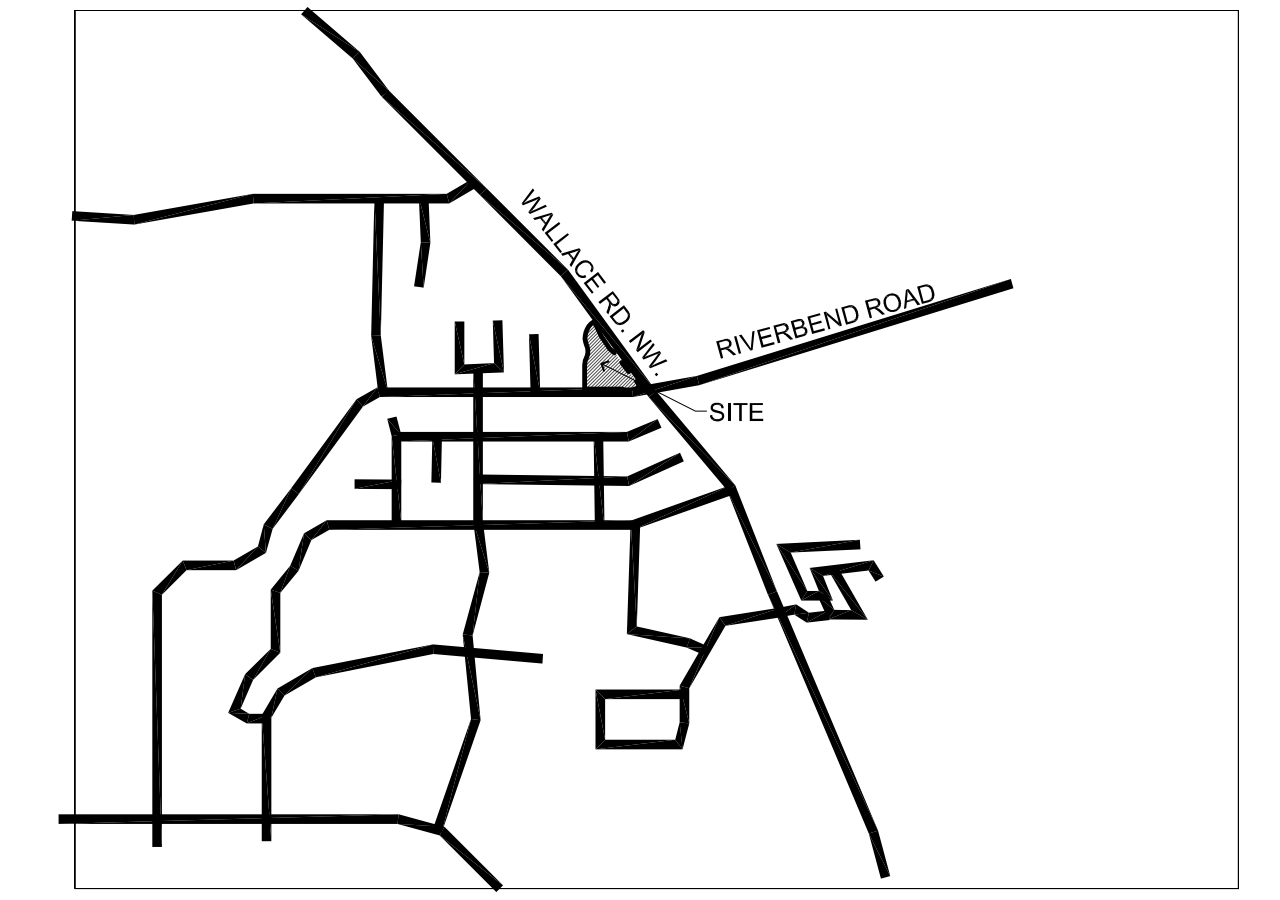


PROJECT DESCRIPTION

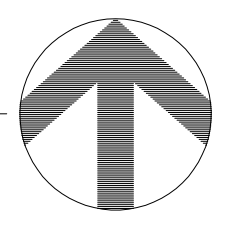
NEW 5,500 SQUARE FOOT DINING HALL AND 16 MOBILE FOOD UNITS.

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: N/A

EXISTING PARKING SPACES:

STANDARD:	58 SPACES
COMPACT:	66 SPACES
ACCESSIBLE:	06 SPACES
TOTAL EXISTING:	130 SPACES

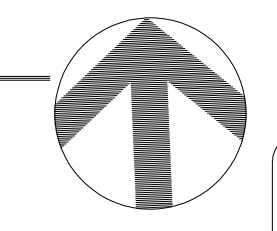
NOTE: REMOVING 3 SPACES AT FOR DRIVEWAY AT FOOD CART POD AREA

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



Lisa Anderson-Ogilvie

From: Debbie Bjornson <bjornsonbd@comcast.net>
Sent: Thursday, July 7, 2022 10:43 AM
To: Salem Planning
Subject: Notice of Appeal: 22-102265-RP

July 7, 2022

City of Salem Planning Division
Room 320
555 Liberty Street SE
Salem, Or. 97301

RE: Notice of Appeal
Application No.: 22-102265-RP
Site Plan Case No.: DR-SPR-DAP 18-04MOD1

To Whom it May Concern:

I am the neighboring property owner of the Riverbend Apartment Complex situated next door to the proposed Food Cart Pod. I am appealing the Decision of the Planning Administrator dated June 22, 2022 referenced above. I feel that the decision of the Planning Administrator did not take into consideration the following burdens that will be created by this use being allowed instead of the commercial building that was previously planned and approved:

1. It was not in the original plan when I purchased the property. He was going to have two buildings with retail spaces;
2. With food carts/trucks there will be added rodents and garbage. With the added garbage around the property, this will have to be taken on by my apartment manager. Excess garbage and pest control were not addressed in this decision;
3. I have a shared driveway and with sixteen (16) food carts that will bring a lot of traffic between the retail side and the apartments;
4. There is not enough retail parking spaces for customers and the employees of the food carts and the retail building;
5. The noise level can be high with outdoor eating, especially if the hours of operation are not controlled. The hours of operation were not addressed in the decision;
6. Kitchen/grill venting will bring strong smoke and/or odors that are not addressed in the decision.

Food cart pods are generally located in dense urban areas and not in suburban locations. The parking on the site is already an issue, and will only be negatively impacted further by customers and employees having to travel to this location by vehicle.

Furthermore, trash and hours of operation were not dealt with in the approval.

Regards,

RIVERBEND VIKING, LLC

Deborah Bjornson
Managing Member