

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 2 SITE PLAN REVIEW

APPLICATION NO.: 24-111359-PLN

NOTICE OF DECISION DATE: June 28, 2024

REQUEST: A Class 2 Site Plan Review for a change of use to establish a new Office space and minor alterations to an existing building and vehicle use area. The subject property 0.09 acres in size, zoned MU-I (Mixed Use I), and located at 1243 Marion Street NE (Marion County Assessor Map and Tax Lot Number: 073W23CD / 5000).

APPLICANT: Jason Cravenho, JB Painting Plus, Inc.

LOCATION: 1243 Marion Street NE

FINDINGS: The findings are in the attached Decision dated June 28, 2024.

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

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by June 28, 2028, or this approval shall be null and void.

Case Manager: Peter Domine, Planner II, pdomine@cityofsalem.net, 503-540-2311

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days after June 28, 2024**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. To view the materials without registering, you may use the search function and enter the permit number listed here: 24 111359.

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

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 2 SITE PLAN REVIEW)
24-111359-PLN)
1243 MARION STREET NE) JUNE 28, 2024

In the matter of the application for a Class 2 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings, and adopts the following order as set forth herein.

REQUEST

A Class 2 Site Plan Review for a change of use to establish a new Office space and minor alterations to an existing building and vehicle use area. The subject property 0.09 acres in size, zoned MU-I (Mixed Use I), and located at 1243 Marion Street NE (Marion County Assessor Map and Tax Lot Number: 073W23CD / 5000).

PROCEDURAL FINDINGS

1. On May 24, 2024, an application for a Class 2 Site Plan Review was submitted for property located at 1243 Marion Street NE.
2. After additional requested information was provided by the applicant, the application was deemed complete on June 24, 2024.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 2 Site Plan Review affects property located at 1243 Marion Street NE (**Attachment A**). The Class 2 Site Plan Review proposes a change of use to an Office use and minor alterations to existing building and vehicle use area, including an addition to rear of the building, and minor alterations and installation of a gate to the off-street parking area. The proposed development plans are included as **Attachment B**.

2. City Department Comments

Development Services Division – Reviewed the proposal and indicated no concerns with the scope of work.

Building and Safety Division – Reviewed the proposal and indicated no concerns with the scope of work.

Salem Fire Department – Reviewed the proposal and indicated no concerns with the scope of work.

DECISION CRITERIA FINDINGS

3. Analysis of Class 2 Site Plan Review Approval Criteria

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

Pursuant to SRC 220.005(b)(2), Class 2 Site Plan Review is required for any development that requires a building permit, other than development subject to Class 1 Site Plan Review, and that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

SRC 220.005(f)(2) provides that an application for Class 2 Site Plan Review shall be granted if:

(a) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the application.

Finding: Only clear and objective standards apply to the proposed development. Complete findings addressing the proposal's conformance with these standards are included within the findings addressing approval criterion SRC 220.005(f)(2)(B) below. This approval criterion is met.

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

Finding: The proposal is for minor alterations to an existing building and off-street parking area. The subject property is zoned MU-I (Mixed Use I); therefore, the proposed development is subject to the use and development standards of the MU-I (Mixed Use I) Zone, SRC Chapter 533. The following is a summary of the applicable use and development standards of the MU-I zone.

Development Standards – IP (Industrial Park) Zone

SRC 533.010(a) – Uses:

The permitted, special, conditional, and prohibited uses in the MU-I zone are set forth in Table 533-1.

Finding: The proposal includes a change of use to an *Office*, which is a permitted use in the MU-I zone. This standard is met.

SRC 533.015(a) – Lot Standards:

Lots within the MU-I zone shall conform to the standards set forth in Table 533-2.

Finding: There is no minimum lot size, lot width or lot depth for all uses in the MU-I zone, and all uses require a minimum of 16 feet of street frontage. The existing lot complies with the minimum lot standards of the MU-I zone and no changes to the lot size or dimensions are proposed.

SRC 533.015(c) – Setbacks:

Setbacks within the MU-I zone shall be provided as set forth in Table 533-3 and Table 533-4.

Abutting Street

South: The subject property is adjacent to right-of-way for Marion Street NE to the south. There are no minimum building setbacks and vehicle use areas require a minimum setback of five feet with Type A landscaping.

Finding: The proposal is for the alteration of a portion of the rear side of the building. No changes are proposed to the buildings or vehicle use areas directly abutting the south property line abutting the street.

Interior Front, Side and Rear

North/East/West: The subject property is adjacent to MU-I zoned properties to the north, east, and west. For interior property lines, there is a minimum zone-to-zone setback of 10 feet with Type A landscaping and screening for buildings, accessory structures, and vehicle use areas.

Finding: The proposal is for minor building alterations to a portion of the rear of the building and vehicle use area. No changes are proposed to the buildings or vehicle use areas directly abutting the north, east, or west property lines that would affect the required setbacks.

SRC 533.015(d) – Lot Coverage & Height:

Buildings and accessory structures within the MU-I zone shall conform to the lot coverage and height standards set forth in Table 533-5.

Finding: The proposal includes the alteration of the rear side of the building, increasing the height of an existing addition to 11 feet. No changes are proposed to the lot coverage or building frontage. These standards are met.

SRC 553.015(e) – Parking:

Off-street parking shall not be located on a new standalone surface parking lot in the MU-I or MU-II zone.

Finding: The proposal does not include the development of new standalone surface parking lot. This standard is met.

SRC 533.015(f) – Landscaping:

- (1) *Setbacks areas.* Except setback areas abutting a street that provide pedestrian amenities or horizontal separation pursuant to SRC 533.015(h), all setbacks shall be landscaped conforming to the standards set forth in SRC Chapter 807.
- (2) *Vehicle Use Areas.* Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) *Development Site.* A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter

807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count toward meeting this requirement.

Finding: The proposed building and vehicle use area alterations do not affect the existing setbacks or landscaping; therefore, there are no landscaping requirements for the proposed development.

SRC 533.015(g) – Continued Development:

Buildings and structures existing within the MU-I zone on September 12, 2018, that would be made non-conforming development by this chapter are hereby deemed continued development.

Finding: Pursuant to SRC 533.015(g)(2), the existing building is considered continued development and may be structurally altered, enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding conforms to the standards of this section. The proposed alterations are considered a minor alteration, being less than 20 percent of an existing building façade area facing a primary street, and are exempt from these standards.

SRC 533.015(h) – Pedestrian-oriented design:

Development within the MU-I zone, excluding development requiring historic design review, shall conform to the pedestrian-oriented design standards set forth in Table 533-6.

Finding: The proposal does not include any alteration to the ground floor height; does not include any ground floor residential uses; does not propose any changes to the building façade articulation or ground floor windows. The building includes a primary entrance facing the street and includes weather protection by a cover over the front porch. The existing off-street parking area is located behind the building; and no mechanical or service equipment is proposed requiring screening. These standards are met.

General Development Standards (SRC Chapter 800)

SRC 800.055(a) – Solid Waste Service Areas.

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

Finding: The site plan does not propose any new solid waste enclosure; therefore, this section is not applicable.

SRC 800.065 – Pedestrian Access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, three family, four family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section. For purposes of this section development means the construction of, or addition to, a building or accessory structure or the construction of, or alteration or addition to, an off-street parking or vehicle use area. Development does not include construction of, or additions to, buildings or accessory structures that are less than 200 square feet in floor area.

When a development site is comprised of lots under separate ownership, the pedestrian access standards set forth in this section shall apply only to the lot, or lots, proposed for development, together with any additional contiguous lots within the development site that are under the same ownership as those proposed for development.

Finding: The proposal is for a minor alteration of an existing building. No expansion of square footage to the existing building is proposed. The proposal includes closing a parking space in the vehicle use area and adding a security gate; therefore, these standards are not applicable.

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

SRC 806.015 – Amount Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Except as otherwise provided in this section, and unless otherwise provided under the UDC, off-street parking shall not exceed the amounts set forth in Table 806-1. For the purposes of calculating the maximum amount of off-street parking allowed, driveways shall not be considered off-street parking spaces.

Finding: The proposed Office use is allowed a maximum of one off-street parking space per 250 square feet of finished floor area. The proposal includes closing one of two existing off-street parking spaces, and is in compliance with this section.

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

- (a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to:
- (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 unpaved area.

Finding: The proposal includes removing one parking space to an existing off-street parking area where there is not room for two-way circulation or maneuvering for more than one vehicle; therefore, these standards are applicable.

- (b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- (c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

Finding: As described above, the removal of one parking space will bring the site into conformity with the development standards of this section. The proposed alteration of the vehicle use area complies with all applicable location and perimeter setback requirements.

- (d) *Interior Landscaping.* Vehicle use areas greater than 5,000 square feet in size require interior landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces within an off-street parking area.

Finding: The vehicle use area is less than 5,000 square feet; therefore, there are no landscaping requirements for the proposed development.

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

Finding The proposal includes removing one space and retaining one standard space. The space on the proposed plan is in conformance with the dimension of Table 806.-6. The standard is met.

(f) Off-street parking area access and maneuvering. In order to ensure safe and convenient vehicular access and maneuvering, off-street parking areas shall:

- (1) Be designed so that vehicles enter and exit the street in a forward motion with no backing or maneuvering within the street; and
- (2) Where a drive aisle terminates at a dead-end, include a turnaround area as shown in Figure 806-9. The turnaround shall conform to the minimum dimensions set forth in Table 806-6.

Finding: The proposal includes removing one parking space to allow single-vehicle circulation in and out of the property by an existing nonconforming driveway. The applicant's site plan indicates a turnaround area meeting the dimensions of Table 806-6. This standard is met.

(g) Additional Off-Street Parking Development Standards 806.035(g)-(n).

Finding: The proposed off-street parking area is developed consistent with the additional development standards for grade, surfacing, and drainage. These standards are met.

Bicycle Parking

SRC 806.045 – General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to change of use of existing building in Central Business District (CB) zone.* Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) *Applicability to nonconforming bicycle parking area.* 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.

Finding: The proposal includes a change of use to an *Office* use; therefore, the standards of this subsection are applicable.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 – Amount of Bicycle Parking.

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

Finding: The applicant is requesting a change of use to an *Office* use. Per Table 806-9, an *Office* use requires the greater of 4 spaces or 1 per 3,500 square feet for the first 50,000 square feet; plus 1 per 7,000 square feet for 50,000 to 100,000 square feet; plus 1 per 14,000 square feet for remaining square footage over 100,000 square feet, 25 percent of which may be long-term spaces. The building has a floor area of less than 3,500 square feet, requiring four bicycle parking spaces. The applicant's site plan indicates the installation of four new bicycle parking spaces in the form of two staple-style racks allowing side-by-side parking. This standard is met.

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.

(1)(A) Short-term bicycle parking. Short-term bicycle parking shall be located outside a building within a convenient distance of, and clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.

Finding: The site plan indicates four new bicycle parking spaces (two staple-style racks) located in front of the building and within 50 feet and clearly visible from the primary building entrance. This standard is met.

(b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

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

(c) Dimensions. All bicycle parking areas shall meet the following dimension requirements:

(1) Bicycle parking spaces. Bicycle parking spaces shall conform to the minimum dimensions set forth in Table 806-10.

(2) Access aisles. Bicycle parking spaces shall be served by access aisles conforming to the minimum widths set forth in Table 806-10.

Finding: The applicant's site plan indicates staple-style in-ground mounted racks with a minimum space of six feet in length, two feet in between the rack and the wall and stairs, three feet in between racks to allow for side-by-side parking, and more than four feet of access aisle width, meeting the dimensional standards of Table 806-10. The proposal meets the standard.

(d) *Surfacing.* Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

Finding: The site plan indicates the spaces will be placed on a paved surface, meeting the standard.

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

- (1) For vertical racks, the rack must support the bicycle in a stable vertical position in two or more places without damage to the wheels, frame, or components.
- (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
- (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
- (4) Racks shall be securely anchored.

Finding: The site plan indicates staple-style racks, meeting the materials standards of this section.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

- (a) Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.
- (b) *Applicability to nonconforming off-street loading area.* 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 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served.

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

SRC 806.075 – Amount of Off-Street Loading.

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

Finding: Per Table 806-11, an *Office* use does not require an off-street loading space; therefore, this section is not applicable.

4. Conclusion

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

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

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

IT IS HEREBY ORDERED

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

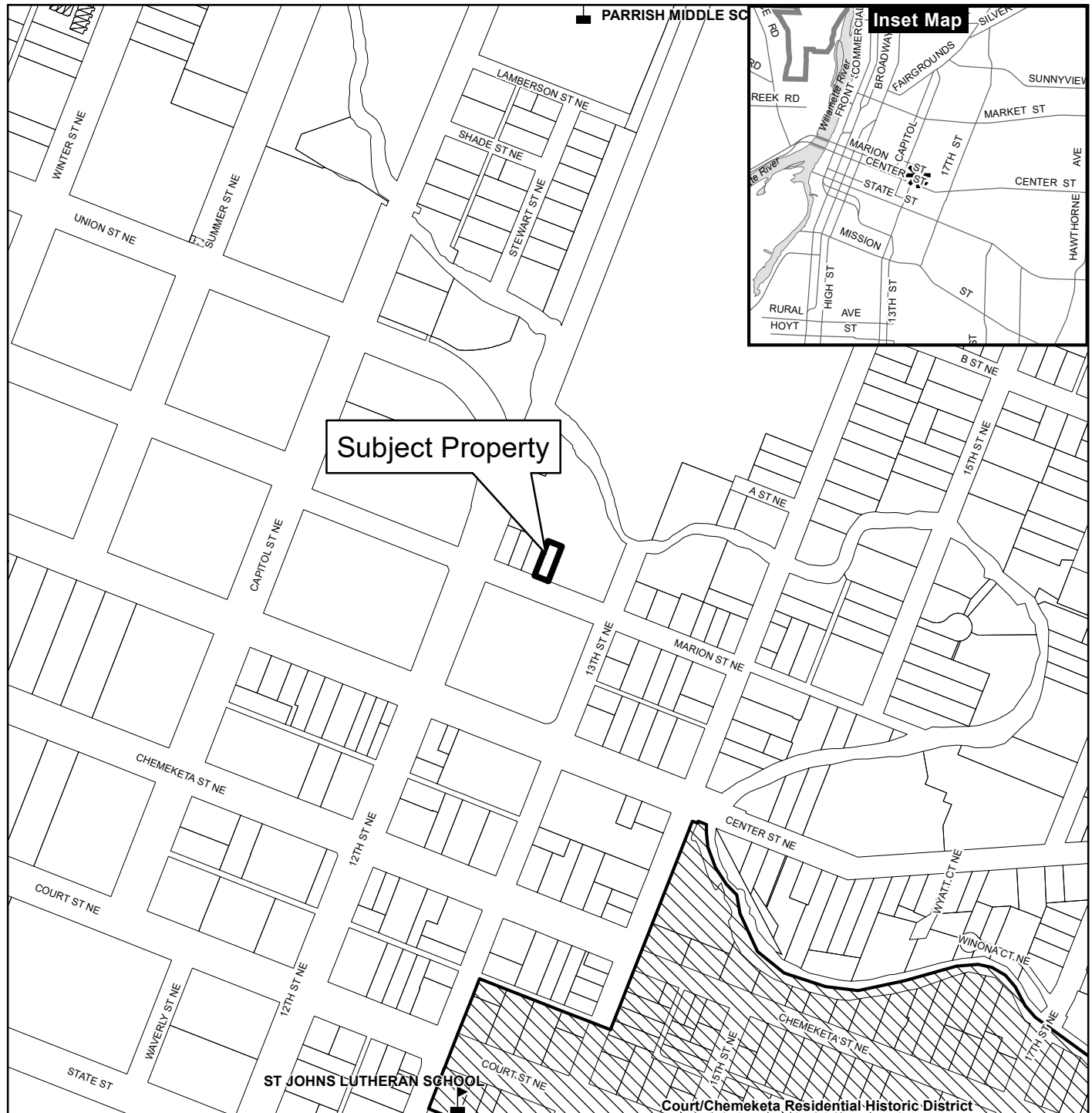


Peter Domine, Planner II, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map
 B. Proposed Site Plan

Vicinity Map

1243 Marion Street NE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Planning and Development

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SHEET INDEX

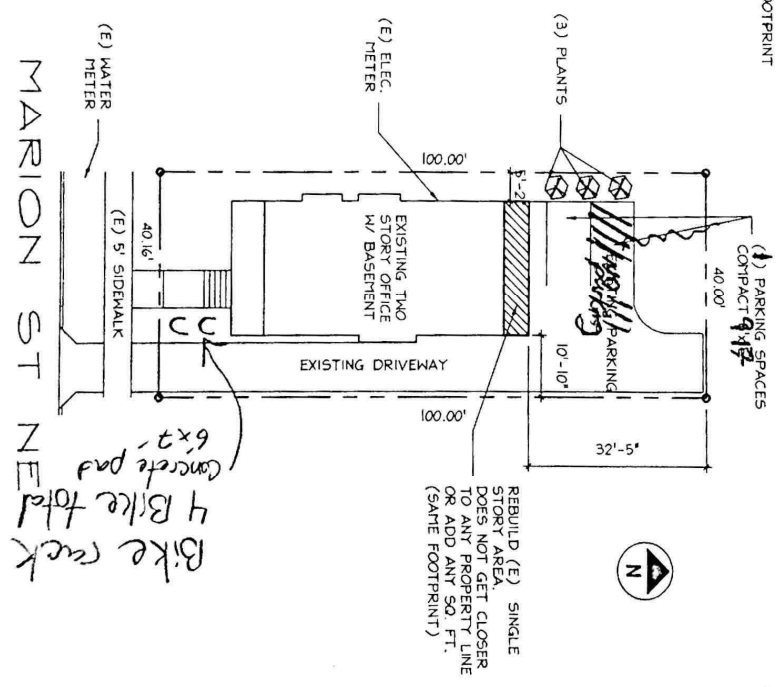
- 1. NOTES/ SITE PLAN
- 2. NORTH ELEVATION
- 3. EAST + WEST ELEVATIONS
- 4. EXISTING 1ST FLOOR
- 5. EXISTING 2ND FLOOR
- 6. FOUNDATION PLAN + DETAIL B-6
- 7. PROPOSED 1ST FLOOR
- 8. SECTION A-8
- 9. ROOF FRAMING PLAN
- * ATTACHED ENGINEERING

GENERAL NOTES

- 1. FRAMER TO VERIFY ALL DIMENSIONS. DISCREPANCIES OF MORE THAN 2" + OR - REQUIRE CONSULTATION WITH DESIGNER.
- 2. ALL ROUGH AND FINISH FLOORS IN NEWLY CONSTRUCTED SPACES TO BE SET FLUSH WITH EXISTING FLOORS. VERIFY EXISTING FLOOR HEIGHT FOR FOUNDATION AND SECOND STORY AND ADJUST WALL HEIGHT AND FLOOR JOIST AS NEEDED.
- 3. REFER TO MANUFACTURER'S LITERATURE FOR DETAILS AND SPECIFICATIONS FOR PROPER USAGE AND INSTALLATION OF "TRUSS JOIST," "SIMPSON," AND OTHER PROPRIETARY ITEMS.
- 4. REFER TO "2023 OREGON RESIDENTIAL SPECIALTY CODE" FOR PROPER NAILING AND FASTENING OF ALL FRAMING MEMBERS INCLUDING BRACE PANELS AND ALTERNATIVE BRACE PANELS.
- 5. ALL MEASUREMENTS ARE FACE OF STUD, UNLESS OTHERWISE NOTED.

CITY OF SALEM
SALEM, OR 97301
073W23CD 05000
4002 SQ. FT. FLAT LOT
NO CHANGE TO FOOTPRINT
OF BUILDING

TIE RAIN DRAINS INTO
(E) RAIN DRAIN
SYSTEM



SITE PLAN

SCALE 1"=20'-0"

DESIGNS IV
PAUL G. WILLETS
DESIGN/ DRAFTING
503-932-5473 PW4DESIGNS@YAHOO.COM

AOCE
1243 MARION ST NE
SALEM, OR 97301

3-14-2024
AOCE 2024
JASON C.
CRAIGHND CONST.
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