

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta información, por favor llame
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PLANNING ADMINISTRATOR DECISION FOR SITE PLAN REVIEW

CASE TYPE: Class 1 Site Plan Review
AMANDA NO.: 22-109627-RP
DATE OF DECISION: August 15, 2022
PROPERTY LOCATION: 135 19th Street SE
APPLICANT: DGW Properties LLC
ZONE: MU-II (Mixed Use II)
COMPREHENSIVE PLAN: Mixed Use
OVERLAY: None

REQUEST

A Class 1 Site Plan Review to establish occupancy for a day care use serving 20 or fewer persons, and interior improvements, for property zoned MU-II (Mixed Use II), in an existing building located at 135 19th Street SE – 97301 (Marion County Assessor's Map and Tax Lot number: 073W26AC / 12600).

FINDINGS

The purpose of site plan review is to provide a unified, consistent, and efficient means to review 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)(1), Class 1 Site Plan Review is required for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

1. Approval Criteria

SRC 220.005(f)(1) provides that an application for Class 1 Site Plan Review shall be granted if:

- a) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision;

Finding: The applicant is requesting an interior only tenant improvement and is establishing a new use. There are no associated land use or limited land use decisions with this request.

- b) Only construction or improvements to the interior of the building or structure will be made;

Finding: The scope of work for the project only includes interior improvements to the existing building.

- c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or bufferyards;

Finding: Modification to the exterior of the site is not in the scope of work for the proposed use establishment.

- d) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

Finding: Only clear and objective standards apply to the proposed development. Complete findings are included in section (e) below.

- e) The application meets all applicable standards of the SRC.

Finding: The following is a summary of the applicable development standards of the SRC.

Land Use

The proposed development includes establishing a new use for the building address 135 19th Street SE. The proposed use is day care, which is a permitted use in the MU-II Zone.

Off-Street Parking and Loading

- i. Vehicle Parking Spaces:

SRC 806.005(a)(2) states that 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.

Finding: The applicant is proposing a day care use serving 20 or fewer persons. In accordance with SRC Chapter 806, three off-street parking spaces are required for day care serving 19 to 26 persons. To satisfy this requirement, the applicant has provided an agreement to lease four parking spaces under a joint parking agreement at a site approximately 400 feet from the subject property, meeting the standards of SRC 806.020(a)(5).

- ii. Bike Spaces:

SRC Chapter 806 states that bicycle parking shall be provided and maintained for each

proposed new use or activity; any change of use or activity; or any intensification, expansion, or enlargement of a use or activity.

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 proposed day care use requires four bicycle parking spaces. The applicant has provided a site plan showing four existing bicycle parking spaces on the property, meeting the standard.

iii. Loading Spaces:

SRC Chapter 806 states that off-street loading shall be provided and maintained for 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.

Finding: No additional off-street loading spaces are required for the proposed new use.

Historic Property Status

The subject property is not listed as a historic resource.

Previous Land Use Actions

CA18-02: Established and applied the Mixed Use-II Zone, including the subject property.

PAR87-1M: Minor partition to divide a single property into two parcels, including the subject property.

City Department Comments

No comments were received from other City departments.

2. Conclusion

Based on conformance with the preceding requirements, the Planning Administrator finds that the proposed site plan for property located at 135 19th Street SE complies with approval criteria provided in SRC 220.005(f)(1).

DECISION

Final approval of the attached site plan is hereby GRANTED subject to SRC Chapter 220 and the applicable standards of the Salem Revised Code and providing compliance occurs with any applicable items noted above. This decision is a final land use decision.

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. If you have any questions regarding items in this site plan review, please contact Austin Ross at 503-540-2431 or by email at aross@cityofsalem.net.



Austin Ross, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Application Deemed Complete:	<u>August 9, 2022</u>
Decision Mailing Date:	<u>August 15, 2022</u>
State Mandated Decision Date:	<u>December 7, 2022</u>