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503-588-6173*

REVISED DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / CLASS 3 SITE PLAN REVIEW CASE NO.: CU-SPR24-03

APPLICATION NO.: 24-106741-PLN

NOTICE OF DECISION DATE: July 9 10, 2024

SUMMARY: A Conditional Use Permit and Class 3 Site Plan Review for an Adult Day Care Center use.

REQUEST: A consolidated application for a Conditional Use Permit and Class 3 Site Plan Review to establish a new Adult Day Care Center within an existing single family residence, on property zoned RS (Single Family Residential) and located at 870 Alvina Street SE (Marion County Assessors Map and Tax Lot number: 083W15AC0/6000).

APPLICANT: Natalie Rybakov

LOCATION: 870 Alvina St SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use Permit; 220.005(f)(3) – Class 3 Site Plan Review

FINDINGS: The findings are in the attached Decision dated July 9, 2024.

DECISION: The **Hearings Officer APPROVED** Conditional Use / Class 3 Site Plan Review Case No. CU-SPR24-03 subject to the following conditions of approval:

Condition 1: The number of Applicant's clientele is limited to sixteen (16).

Condition 2: The operation of the center shall be limited to a maximum of eight hours between the hours of 7:00 a.m. and 6:00 p.m. and no overnight stay is permitted.

Condition 3: Clients shall be scheduled so that no more than two vehicles are allowed to arrive or depart within the same ten (10) minute period.

Condition 4: Facility staff must park their cars in the garage and in the driveway while preserving one parking space in the driveway for clients.

Condition 5: The Applicant will advise all client transport services to try to park in the driveway, if possible, or in front of or near the subject property if necessary, and never block access to a mailbox.

Condition 56: At the time of building permit, the applicant shall show a minimum of four bicycle parking spaces to be installed on the development site in conformance with the requirements of SRC 806.060.

NOTICE OF DECISION

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



The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

Conditional Use:	<u>July 25 26, 2026</u>
Class 3 Site Plan Review:	<u>July 25 26, 2028</u>
Application Deemed Complete:	<u>May 21, 2024</u>
Public Hearing Date:	<u>June 12, 2024</u>
Notice of Decision Mailing Date:	<u>July 9 10, 2024</u>
Decision Effective Date:	<u>July 25 26, 2024</u>
State Mandate Date:	<u>September 18, 2024</u>

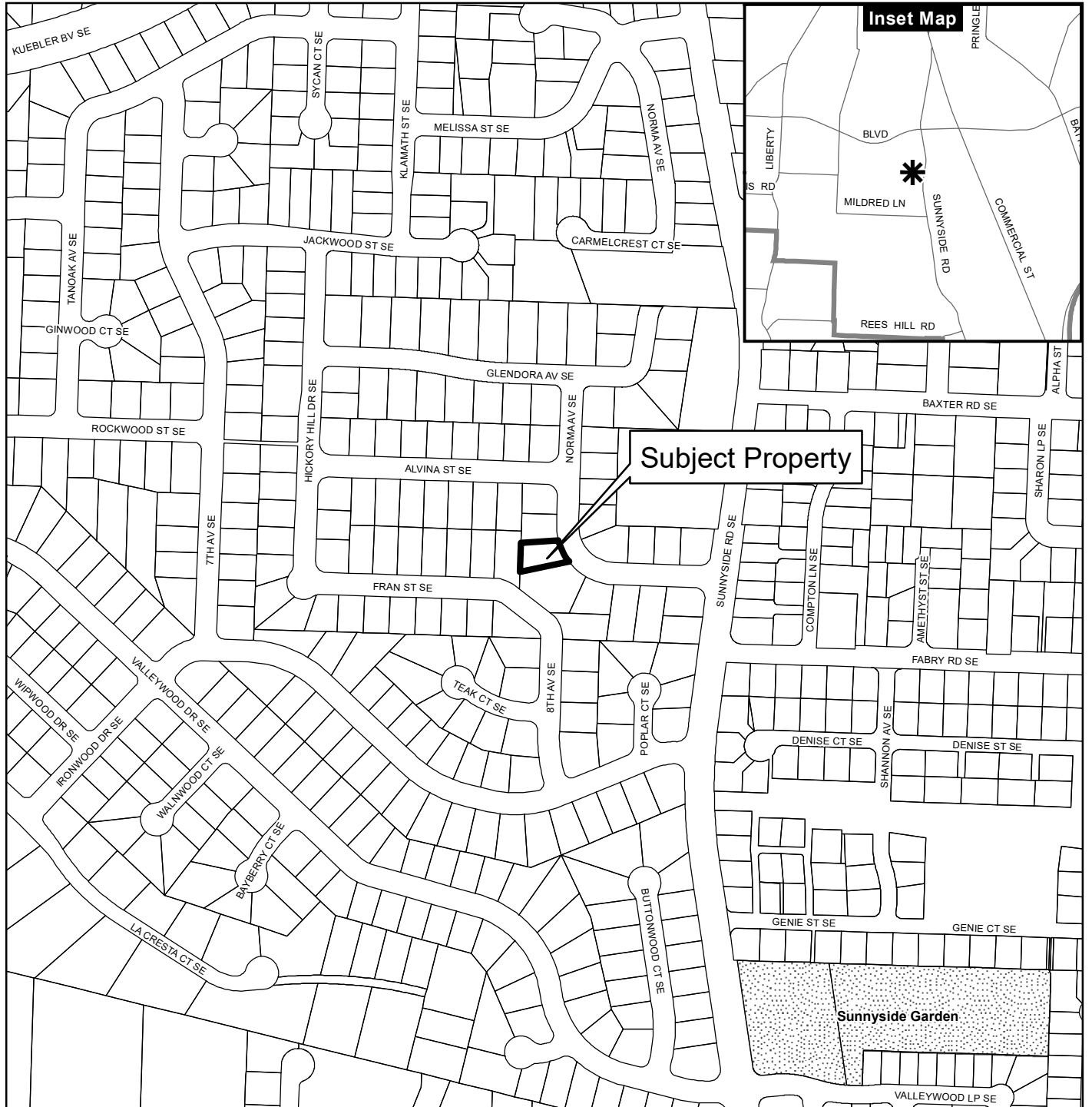
Case Manager: Jacob Brown, jrbrown@cityofsalem.net, (503) 540-2347

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. ~~Wednesday~~ Thursday, July 24 ~~25~~, 2024. Any person who presented evidence or testimony for the case 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. 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

Vicinity Map 870 Alvina Street SE



Legend

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

 Parks



0 100 200 400 Feet



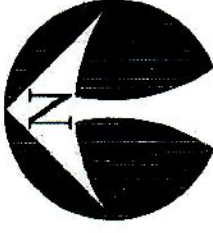
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

OR:

& NATALIE RYBAKOV

9-3024

LOT 8
7997 SF



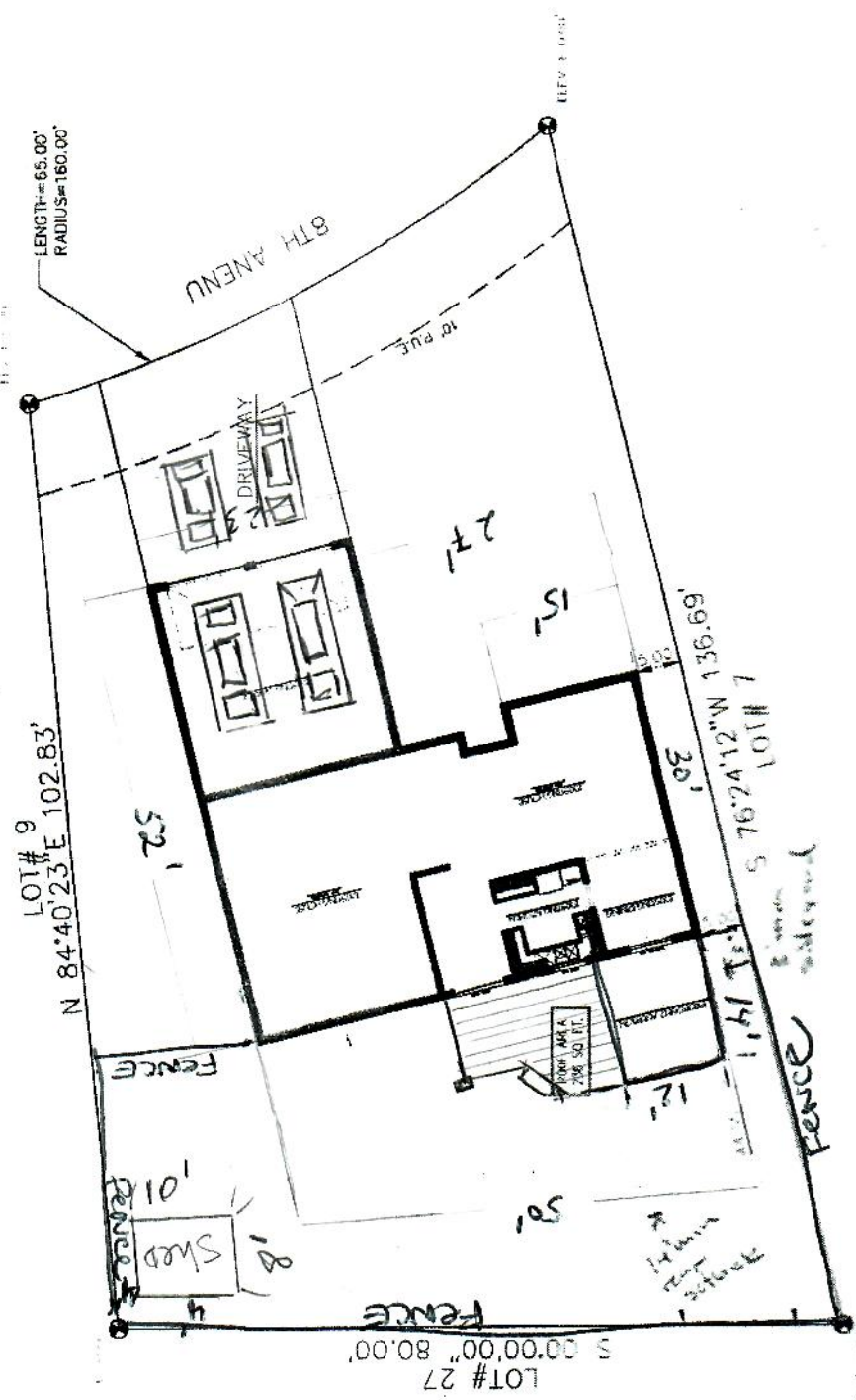
1" = 20'

ADDRESS: _____
ASBUILT # _____
STORM DRAINAGE: _____
WATER SERVICE LEVEL: _____
SIDEWALK: _____

APPR

CITY
PUBLIC WORKS
APPROVED:
[Signature]

PLANNING
APPROVAL
DEVELOPER
NOTES
10/13/14
Date and Sign



SITE PLAN
LOT 8, 890 ALVINA ST. S.E.
SALEM, OREGON
SCALE: 1" = 20.00'

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A CONSOLIDATED APPLICATION FOR A)
CONDITIONAL USE PERMIT AND CLASS) CU-SPR24-03
3 SITE PLAN REVIEW TO ESTABLISH A)
NEW ADULT DAY CARE CENTER USE) FINDINGS OF FACT, CONCLUSIONS,
WITHIN A SINGLE FAMILY) AND DECISION
RESIDENTIAL ZONE ON PROPERTY 0.19)
ACRES IN SIZE, AND LOCATED AT 870)
ALVINA STREET SE (MARION COUNTY)
ASSESSOR'S MAP AND TAX LOT)
NUMBER 083W15AC0 / 6000)

DATE AND PLACE OF HEARING:

On June 12th, 2024, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

APPEARANCES:

Staff: Jacob Brown, Planner I
Neighborhood Association: South Gateway Neighborhood Association
Proponents: Natalie Rybakov
Opponents: See Attachment A.

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on June 12th, 2024, regarding the Applicant's request. During the hearing, Jacob Brown requested that the Staff Report be entered into the Record, and the Hearings Officer granted the request. The Hearing Notice was provided on May 23, 2024, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was June 12th, 2024.

The property was posted on June 2, 2024 consistent with the requirements of SRC 300.620(b)(3) for a Type III application. The applicant signed a notarized affidavit stating the notice was posted according to those requirements and the record shows a photograph of the posted notice. Per SRC 300.620(b)(2), posted notice is deemed to have been provided upon the date that the sign was first posted. Subsequent removal or damage to the sign by anyone other than the applicant or an officer of the City does not invalidate the

proceeding although if there was evidence that the Applicant purposely took down the sign the Hearings Official would continue the hearing after a reposting of the sign. In the present case, there is no evidence that the Applicant took down the sign, although it apparently was observed face-down on the property, but any insufficiency of notice was addressed by leaving the record open for additional testimony.

Multiple comments were submitted prior to the hearing and during the open record or the open rebuttal periods, and the applicant submitted a final written argument.

The public hearing was held on June 12th, 2024. At the conclusion of the hearing, the record was held open for three weeks as follows: until 5:00 p.m. on June 19th, 2024 for comments from any interested party; until 5:00 p.m. on June 26th, 2024, for comments from any interested party responding to the comments submitted into the record during the prior week; and until 5:00 on July 3rd, 2024, for final rebuttal by the Applicant if she chooses.

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 zoning and uses of the surrounding properties include:

North: RS (Single Family Residential)

South: RS (Single Family Residential)

East: RS (Single Family Residential)

West: RS (Single Family Residential)

2. Site Analysis

The subject property is 0.19 acres and has approximately 65 feet of frontage on Alvina Street, which is designated as a local street in the Salem Transportation Plan (TSP). Alvina Street has a 30-foot wide improvement within a 60-foot wide right-of-way. The property is occupied by a 1,714 square-foot residence.

3. Neighborhood and Citizen Comments

The subject property is located within the South Gateway Neighborhood Association (SGNA). Pursuant to SRC Chapter 300, the applicant is required to contact the Neighborhood Association prior to submittal of this consolidated application. On March 30, 2024, the applicant contacted SGNA, meeting the requirements of SRC 300.310(c). Notice was provided to the SGNA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property.

The South Gateway Neighborhood Association did not submit comments.

At the time of this decision, public comments had been received. (See Attachment A)

4. City Department and Public Agency Comments

The Public Works Department reviewed the proposal and provided a memo.

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

The Salem Fire Department reviewed the proposal and indicated no concerns.

5. 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 (SRC 240.005(d)(1): *The proposed use is allowed as a conditional use in the zone.*

Finding 1: SRC Chapter 511, Table 511-1, in conjunction with the definition of Adult Day Care Center in SRC Section 111.001, provides that an adult day care facility that provides for more than five (5) adults qualifies as an Adult Day Care Center and is allowed in the RS (Single-Family Residential) zone with a conditional use permit. The Applicant's proposal calls for a maximum of eighteen (18) adult clients during the hours of 7:00 a.m through 6:00 p.m. weekdays. The facility qualifies as a non-residential unit because the structure will not be occupied by an on-site resident and will be vacant at night and on weekends.

Discussion: The proposal requires a conditional use permit because the number of clients exceed that of an adult day care home (5 adults) and thus qualifies as an adult day care center.

Conclusion: The Hearings Officer concludes that the proposal meets this criterion.

Criterion 2 (SRC 240.005(d)(2): *The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.*

Finding 2: Based upon testimony offered by the Applicant, there will be no adverse impacts on the immediate neighborhood from the internal operation of the facility. The clients are elderly, some of which have physical impairments, and will primarily be socializing within the confines of the house. Normal activities will include playing games, watching TV, and other forms of socializing. At times, clients may utilize the backyard patio but will not be engaged in any noisy or any other behavior that would be noticeable by neighbors.

Finding 3: Testimony offered by many neighbors, however, identify potentially adverse external impacts regarding parking in the area. Specifically, vehicles, that drop off and pickup clients, primarily taxis, may be parked in a manner that will cause dangerous vision situations since the proposed adult care center is located near a bend in Alvina Street, adjacent to a steep slope in the road. The reduction in sight distance caused by a combination of the bend in the street, the adjacent hill, and existing vegetation, increase the chances of vehicle and pedestrian collisions. There also exists the potential blockage of a central mailbox structure and the reduction in spaces on the street may significantly reduce the availability of visitor parking for short periods of time.

Discussion: The staff has proposed three conditions of approval. These conditions limit the operation to 18 adults, limit the operating hours to eight hours per weekday, and require the Applicant to provide of four bicycle parking spaces. None of these conditions address the parking concerns in a relevant manner. The fact that illegal parking can be addressed through citations does not address whether or not the parking impacts generated by the proposed facility will actually have an adverse impact on the neighborhood. If they do have adverse impacts it is truly speculative whether parking citations would adequately minimize those impacts. Nor does it address the criteria of SRC 240.005(d)(3), below, which requires a determination of the livability of the surrounding area and whether the proposed use will have a minimal impact on that standard.

The clients will be limited to five hour sessions but those sessions may or may not be spread out throughout the workday. It appears that the sessions are determined by the needs and availability of the client and are not generally determined by the Applicant. Thus, all clients could conceivably arrive and depart at the same time. This would be a worse-case scenario that could result in very crowded and dangerous street conditions.

Parking issues can be addressed in a number of ways. One way is to limit the number of clients who access the facility. The Applicant has indicated that it takes about fourteen (14) clients to make the facility profitable. However, child daycare homes, a permitted use in the Single-Family Residential District, allow up to 16 children. In terms of traffic patterns, there does not appear to be any difference between a child daycare home and an adult daycare center in the sense that the major traffic impact is the dropping off and

picking up of the children and adults. In this regard, the Hearings Official will limit the scope of the proposed use to sixteen adult clients. Second, it is important to orchestrate the comings and goings of the clients so that there will not be too great an impact on available parking of vision . In this respect, the Hearings Official will limit the number of clients arriving to a maximum of two per every ten minutes. Finally, it is important to keep the maximum number of vehicles from parking on the street. In this regard, the facility staff must park their cars within the garage and/or in the driveway while preserving at least one available space on the driveway for a client transport vehicle.

Conclusion: As discussed above, there is a high probability that delivery and departure of clients will cause hazardous parking situation depending upon how many client vehicles will be vying for a parking spot at one time. To reduce this potential to a reasonable figure the following conditions of approval are adopted by this Decision:

Condition #1: The number of Applicant's clientele is limited to sixteen (16).

Condition #2: The operation of the center shall be limited to a maximum of eight hours between the hours of 7:00 a.m. and 6:00 p.m. and no overnight stay is permitted.

Condition #3: Clients shall be scheduled so that no more than two vehicles are allowed to arrive or depart within the same ten (10) minute period.

Condition #4: Facility staff must park their cars in the garage or in the driveway while preserving at least one parking space in the driveway for a client drop-off or pickup.

Condition #5: The Applicant will advise all client transport services to try to park in the driveway, if possible, or in front of or near the subject property if necessary, and never block access to a mailbox.

Criterion 3 (SRC 240.005(d)(3): *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.*

Finding 4: The subject property has been previously used as a single-family residential use. The proposed adult day care center will be located within the existing building, and no new development is proposed. The Hearings Officer considers uses that are permitted outright within the single-family residential district to be appropriate development for that district. These uses include single-family residential units, child and adult day care homes, which allow up to sixteen children and five adults, respectively, and room and board uses that allow up to six rooms. Other uses that are permitted conditionally or through the special use process are appropriate if they have a minimal impact on the livability of surrounding property.

The term "livability" is derived from the word "livable," which means the quality of being suitable for living in.¹ The livability of a neighborhood (i.e. surrounding property) varies

¹ Random House Webster's College Dictionary, 1991, Pg. 794.

with the neighborhood being considered and a large number of neighbors testified in opposition to the proposed use by describing how they perceived the proposed use would change the character of their neighborhood. In specific, many neighbors were concerned about the impact of traffic generated by the proposed use and the negative impact that traffic would have on traffic safety, parking availability, and mailbox access. Other concerns include noise, negative impact on property values and privacy.

There is no evidence that the proposed use will create noise in excess of what is normal within a residential neighborhood. As proposed, the use would consist of elderly clients who socialize within the residence; watching TV, playing games, etc. No outside activities, other than allowing clients to lounge in the backyard at times, are planned.² Certainly, any noise from activities conducted inside the residence would pale in relation to the gardening assistance (e.g. lawn mowing and leaf blowing) that was alleged to occur on two of the houses near the subject property. In summary, the proposed use will be compatible with and not have an adverse effect upon the livability of the surrounding area in regard to noise.

Concern was voiced that the proposed use would have a negative effect upon the property values in the neighborhood. While one can argue that property values are a component of livability, there is absolutely no evidence in the record that the proposed use, as conditioned, will have a negative impact on surrounding property values.

Concern was also raised in regard to impacts to privacy. Given the fact that the clientele are elderly and will be predominately confined to inside the residence, there does not appear a reasonable potential that the privacy of surrounding neighbors will be impacted. At the most, clients will be dropped off and picked up, in the Applicant's driveway or near or in front of the subject property, during brief moments during the weekdays. During the day they will be confined primarily to the residence or its backyard and there does not appear to be any reasonable likelihood that the clients will be allowed to wander through the neighborhood.

The major and most consistent concern was about the impact on vehicular and pedestrian safety from traffic generated by the proposed use. The subject property is located within a fairly homogeneous neighborhood of single-family residential uses. Normal traffic does not appear to be heavy and includes mail delivery from the United States Post Office and other private mail services, garbage disposal, and an occasional van with wheelchair lifts. Neighbors and guests often park on Alvina Street and commercial landscaping/gardening companies also occasionally park in the street. While Alvina Street's 34-foot width is wider than the minimum standard for local streets, neighbors testified that the characteristics of the area contribute to reduced sight visibility. In specific, it is pointed out that the subject property sits on the west side of the northern end of an S-curve on a hill that slopes down to Norma Avenue and then Sunnyside Road SE. Sight visibility is constrained by a vegetated, three-foot tall retaining wall on the east side of Alvina and at

² Staff point to the City's noise regulations as a deterrent. However, if those regulations were required to be enforced, one would have to conclude that the proposed use was having more than a minimal effect upon the livability of the surrounding area.

times when vehicles are parked on the east side of the S-curve, reducing visibility for vehicles moving north up Alvina Street.

Discussion: The Applicant's description of the characteristics of her client base was relatively vague as she currently doesn't know what clients she will be serving. However, based upon her assurances, the clients will be elderly and will be transported to the subject property by a third party. The Applicant is not licensed to handle the severely disabled so that the use of a van with handicapped lifts will be infrequent. The Applicant also warranted that clients will not be driving to the subject property themselves so that no additional off-site parking space need will be created

While the current sight conditions on Alvina Street leave something to be desired, the record contains no documentation that this situation has led to any accidents. The concerns of the neighbors appear to be based upon a worst-case scenario where a majority of clients of the proposed use arrive at the same time and that staff will park in the street. Conditions of approval have the staff parking on-site with a reservation of at least one driveway spot available for clients. Further, the conditions of approval require the Applicant to schedule client arrivals and departures so that no more than two clients will arrive or depart within a ten minute period. Finally, commercial van services that transfer elderly and infirm customers only discharge and pickup customers on the street as they avoid having to back-up onto a street.

Given the proposed conditions of approval, I believe that the traffic generated by the proposed adult daycare home will be compatible with the current development in the area and only affect the livability of the neighborhood to a minimal degree. Required scheduling will ensure that client pickup and drop-off will not exceed normal traffic patterns at any one time and Condition of Approval #4 will prohibit staff from reducing existing parking spaces on the street.

The Hearings Officer finds that the proposal meets this criterion. Accordingly, the Hearings Officer will grant the Conditional Use Permit.

6. Analysis of Class 3 Site Plan Review Approval Criteria

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

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC.

Finding 5: The applicant is requesting to establish an Adult Day Care Center within an existing 1,714-square-foot building. The proposed site plan complies with all applicable development standards of the Unified Development Code (UDC) as follows.

SRC 511.005(a) – Uses

Finding 6: Table 511–1 of the SRC lists adult day care facilities as being allowed subject to conditional use approval. The application is for an adult day care facility.

SRC 511.010(b) – Lot Standards

Finding 7: SRC 511.010(b) states that all uses, other than household uses, are required to have a minimum lot size of 6,000 square feet, a lot width of 40 feet, a lot depth of 80 feet, and a street frontage of 40 feet. The subject property is 8,276 square feet in size, a lot depth of 139 feet, and a street frontage of 65, exceeding the lot width standard of 40 feet.

SRC 511.010(c) – Dwelling Unit Density

Finding 8: This standard is not applicable as the subject property is already developed

SRC 511.010(d) – Setbacks

Finding 9: Required setbacks are set forth in Table 511–3. Setbacks for local streets, i.e. non–collector or non–arterial streets, is 12 feet. Interior front yard setbacks are 12 feet and interior side yard setbacks are 3 feet. Interior rear yard setbacks are 20 feet for two–story structures. The existing structure on the subject property meets these setback standards.

SRC 511.010(e) – Lot Coverage, Height

Finding 10: There is no maximum lot coverage requirement in the RS zone and the maximum height is 50 feet. Lot coverage of the subject property is 60 percent and the two–story structure is less than 50 feet in height.

General Development Standards – SRC 800

SRC 800.055(a) – Applicability

Finding 11: Solid waste service area design standards apply to all new solid waste, recycling, and compostable service areas. This standard is not applicable as the proposal does not include the development of a new trash enclosure.

SRC 800.065 – Pedestrian Access.

Finding 12: All development, except for residential developments, shall include an on–site circulation system. This requirement does not apply as the proposal does not meet the definition of development and therefore does not trigger compliance with the pedestrian access standards of SRC 800.065.

Off-Street Parking, Loading, and Driveways – SRC 806

SRC 806.015(a) - Maximum Off-Street Parking.

Finding 13: Except as otherwise provided, 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. The proposed adult day care center is allowed one parking space per 250 square feet of gross building floor area. The existing building is 1,714 square feet and there has an allowable maximum of 6.8 parking spaces. The building has a two-car garage that meets the allowable maximum.

SRC 806.015(b) - Compact Parking.

Finding 14: Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces. The proposal includes two existing parking spaces in the vehicle use area, meeting the standard.

SRC 806.015(c) - Carpool and Vanpool Parking.

Finding 15: New developments with 60 or more off-street parking spaces, and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of five percent of their total off-street parking spaces for carpool or vanpool parking. The proposal is not for development of a new Public Services or Industrial use with 60 or more parking spaces; therefore, this standard is not applicable.

SRC 806.015(d) - Required electric vehicle charging spaces.

Finding 16: For any newly constructed building with five or more dwelling units on the same lot, including buildings with a mix of residential and nonresidential uses, a minimum of 40 percent of the off-street parking spaces provided on the site for the building shall be designated as spaces to serve electrical vehicle charging. In order to comply with this subsection, such spaces shall include provisions for electrical service capacity, as defined in ORS 455.417. The proposed development does not include any dwelling units and therefore this standard is not applicable.

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

Finding 17: These standards apply to new, expanded, and altered off-street parking and vehicle use areas and the paving of an unpaved area. The development does not change off-street parking and vehicle use area nor does it include paving unpaved areas.

Bicycle Parking

SRC 806.045 – General Applicability

Finding 18: Bicycle parking must be provided and maintained for each proposed new use

or activity. The required number of bicycle parking spaces shall be a condition of approval.

SRC 806.050 – Proximity to Bicycle Parking to Use or Activity Served

Finding 19: Unless otherwise provided, bicycle parking shall be provided in amounts not less than those set forth in Table 806–9. Table 806–9 provides that one bicycle parking space must be provided for each 3,500 square feet of the first 50,000 square feet of a residential care facility

SRC 806.055 – Amount of Bicycle Parking

Finding: Since the proposed adult day care center is 1,714 square feet in size, four bicycle parking spaces are required.

SRC 806.060 – Bicycle Parking Development Standards.

Finding 20: The bicycle parking standards of SRC 80.060 address the location, regarding convenience and visibility, from the building structure; its accessibility, dimensions , surfacing and the provision of bicycle racks. Compliance with these standards are a condition of approval.

Condition #6: At the time of building permit, the applicant shall show a minimum of four bicycle parking spaces to be installed on the development site in conformance with the requirements of SRC 806.060.

Off-Street Loading Areas

SRC 806.075 – Amount of Off-Street Loading

Finding 21: Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806–11. Table 806–11 provides that structures with a floor area less than 5,000 square feet require no loading space. The existing adult day care center is 1,714 square feet in size and therefore requires no off-street loading area.

Natural Resources

SRC 601 – Floodplain Overlay Zone.

Finding 22: The subject property is not located within a floodplain overlay zone.

SRC 808 - Preservation of Trees and Vegetation.

Finding 22: The City's tree preservation ordinance, under SRC Chapter 808, provides requirements regarding the removal of significant trees. The current proposal does not

require the expansion of the existing building or the removal of trees and therefore this standard is not applicable.

SRC 809 - Wetlands:

Finding 23: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.

SRC 810 - Landslide Hazards:

Finding 24: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property. The development proposal includes a change of use within an existing building, and no activity points are assigned to the proposed development. Therefore, the proposed development is a low landslide hazard risk and does not require a geological assessment or geotechnical report.

Conclusion: The application meets all applicable standards of the UDC.

SRC 220.005(f)(3)(B): 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.

Finding 25: The subject property abuts Alvina Street SE which is classified as a local street according to the Salem Transportation System Plan. Alvina Street SE is fully developed and meets the right-of-way width and pavement width standards pursuant to the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Conclusion: The application meets SRC 220.005(f)(3)(B).

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

Finding 26: The subject property is served by an existing driveway approach onto Alvina Street SE. The driveway access onto Alvina Street SE provides for safe turning movements into and out of the property.

Conclusion: The application meets SRC 220.005(f)(3)(C).

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding 27: The subject property is located inside the Urban Service Area and adequate facilities are available. No Urban Growth Area permit is required. The Public Works Department has reviewed the applicant's preliminary plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the proposed development. The existing structure on the subject property is connected to City utilities and additional services are not proposed or necessary to serve the proposed development.

Conclusion: The application meets SRC 220.005(f)(3)(D).

DECISION

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the collective applications for a conditional use and site plan review for the proposed new *Adult Day Care Center* use within an existing building located at 870 Alvina Street SE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition #1: The number of Applicant's clientele is limited to sixteen (16).

Condition #2: The operation of the center shall be limited to a maximum of eight hours between the hours of 7:00 a.m. and 6:00 p.m. and no overnight stay is permitted.

Condition #3: Clients shall be scheduled so that no more than two vehicles are allowed to arrive or depart within the same ten (10) minute period.

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Condition #6: At the time of building permit, the applicant shall show a minimum of four bicycle parking spaces to be installed on the development site in conformance with the requirements of SRC 806.060.

DATED: July 9, 2024



Gary Darnielle, Hearings Officer

ATTACHMENT A – CU–SPR24–03
OPPONENTS OFFERING ORAL OR WRITTEN TESTIMONY

1. Anna Alexander
2. Paul Andrews
3. Jeffrey Barratt
4. Renee Barratt
5. Rebekah Bartel
6. Tim Bartel
7. Belinda Bayliss
8. Janalyn Blanchard
9. Gary Bosak
10. Felicia Cobb
11. Brendan Compton
12. Guen Cornutt
13. Mary Jo Corrado
14. Conny Crisalli
15. Zackary Curtis
16. Steve Dellinges
17. Jim Edmonds
18. Sally Edmonds
19. Brad Duell
20. Lesli Ficker
21. Gloria Fiedler
22. Dan Fisher
23. Juli Foscoli
24. June Galvin
25. Laura Greaves
26. Margaret Helm–Duell
27. Rye Houck
28. Nancy Humphry
29. Curtis Kemp
30. Kelly Kemp
31. Sally Kemp
32. Nell Klumph
33. Randy Klumph
34. Joan MacDonald
35. Lou McCanna
36. Vicky McCloskey
37. Roger Miller
38. Jan Moore
39. Sarah Moore
40. Jan Ohnstad
41. Collen Olson

42. David Stern
43. Debra Stern
44. Karen Swanson
45. Joanne Terry
46. Howard Wanner
47. Lori Wanner
48. Bill Wyle
49. Penny Wyle