

# NOTICE OF DECISION

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



*Si necesita ayuda para comprender esta información, por favor llame  
503-588-6173*

## DECISION OF THE PLANNING ADMINISTRATOR

**CLASS 1 ADJUSTMENT CASE NO.: ADJ22-09**

**APPLICATION NO.: 22-112599-ZO**

**NOTICE OF DECISION DATE:** July 28, 2022

**SUMMARY:** An adjustment to reduce minimum lot size required in the CO zone to construct a duplex with six bedrooms.

**REQUEST:** A Class 1 Adjustment to reduce the minimum lot size allowed under SRC 521.010(a) for a 6-bedroom duplex from 7,400 square feet to approximately 6,250 square feet for property approximately 0.14 acres in size in the CO (Commercial Office) zone at 1056 Jefferson Street NE (Marion County Assessor Map and Tax Lot 073W23BA / 9300).

**APPLICANT:** Edwin Solis Cendejas on behalf of Francisco Barocio

**LOCATION:** 1056 Jefferson St NE, Salem OR 97301

**CRITERIA:** Salem Revised Code (SRC) Chapters 250.005(d)(1) – Class 1 Adjustment

**FINDINGS:** The findings are in the attached Decision dated July 28, 2022.

**DECISION:** The **Planning Administrator APPROVED** Class 1 Adjustment Case No. ADJ22-09.

The rights granted by the attached decision must be exercised, or an extension granted, by August 13, 2024, or this approval shall be null and void.

Application Deemed Complete:	<u>July 1, 2022</u>
Notice of Decision Mailing Date:	<u>July 28, 2022</u>
Decision Effective Date:	<u>August 13, 2022</u>
State Mandate Date:	<u>October 29, 2022</u>

Case Manager: Austin Ross, aross@cityofsalem.net, 503-540-24131

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](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Friday, August 12, 2022. 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 250. 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 Hearings Officer will review the appeal at a public hearing. After the hearing, the Hearings Officer 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>

# BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

## DECISION

IN THE MATTER OF APPROVAL OF	) FINDINGS & ORDER
CLASS 1 ADJUSTMENT	)
CASE NO. ADJ22-09	)
1056 JEFFERSON ST NE	) July 28, 2022

In the matter of the application of a Class 1 Adjustment, submitted by the applicant Francisco Barocio, the Planning Administrator, having received and reviewed evidence and the application materials, makes the following findings and adopts the following order as set forth herein.

## REQUEST

Summary: An adjustment to reduce minimum lot size required in the CO zone to construct a duplex with six bedrooms.

Request: A Class 1 Adjustment to reduce the minimum lot size allowed under SRC 521.010(a) for a six-bedroom duplex from 7,400 square feet to approximately 6,250 square feet for property approximately 0.14 acres in size in the CO (Commercial Office) zone. The subject property is located at 1056 Jefferson Street NE (Marion County Assessor Map and Tax Lot 073W23BA / 9300). (**Attachment A**)

## PROCEDURAL FINDINGS

### 1. Proposal

The applicant is proposing to construct a duplex with three bedrooms in each unit on a property that is approximately 6,250 square feet in size.

### 2. Background

On June 16, 2022, an application for a Class 1 Adjustment was filed for the proposed development. The application was deemed complete for processing on July 1, 2022. The 120-day state mandated decision deadline for this consolidated application is October 29, 2022.

The applicant's proposed site plan is included as **Attachment B** and the applicant's written statement addressing the approval criteria is included in the record.

## SUBSTANTIVE FINDINGS

### 3. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online

Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 112599.

#### **4. Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the Grant Neighborhood Association.

Applicant Neighborhood Association Contact: Neighborhood Association Contact is not required for this application.

Neighborhood Association Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(v) to the neighborhood association. Comments were received from the Grant Neighborhood Association expressing a desire to see the driveways for the duplex proposed on the subject property to take access from the alley rather than Jefferson Street NE in order to support neighborhood walkability.

**Staff Response:** The adjustment requested through this land use application does not relate to driveway location, though development of a duplex rather than a single-family home does create the need for an additional driveway approach on this property. The dwelling permit associated with this adjustment was received on January 24, 2022. At that time Salem Revised Code did not require that new two-family development take driveway access from the alley, so this cannot now be required.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Notice was provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. Two comments were received; both indicated no concerns with the proposal.

#### **5. City Department Comments**

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

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

#### **6. Public Agency Comments**

Notice was provided, pursuant to SRC 300.520(b)(1)(B) (viii), (ix) & (x), to numerous public agencies, including Salem Area Mass Transit District. Salem-Keizer Public Schools provided comments assessing the potential impact of the proposed development on school capacity in the public schools that would serve this property. The comments concluded that the proposed development would not have a significant impact on school enrollment or capacity.

### **DECISION CRITERIA FINDINGS**

#### **7. Analysis of Class 1 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(1) provides that an application for a Class 1 Adjustment shall be granted if the following criteria are met. The following subsections are organized with approval criteria, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial or for the issuance of conditions of approval to satisfy the criteria.

**SRC 250.005(d)(1)(A): The purpose underlying the specific development standard proposed for adjustment is:**

- (i) Clearly inapplicable to the proposed development; or**
- (ii) Clearly satisfied by the proposed development.**

**Finding:** When multiple dwelling units are located on the same property in the Commercial Office zone, lot size is required to increase based on the number of bedrooms within each dwelling unit. This ensures adequate lot size to provide open space and setbacks for higher-density development and to provide a buffer for adjacent properties. Larger setbacks are required for multiple family development, while two-family development is required to have the same setbacks as single-family development. The proposed duplex is two stories, which allows for each unit to have three bedrooms while providing for adequate open space and the same setbacks that would be required of single-family development. This will result in a building footprint and lot coverage that is similar to other residential development in the surrounding area. Therefore, the purpose of the standard is clearly satisfied by applicant's proposal. This criterion has been met.

**SRC 250.005(d)(1)(B): The proposed adjustment will not unreasonably impact surrounding existing or potential uses or development.**

**Finding:** The development site is located on the border of a residential area and a commercial corridor. The applicant notes in their written statement that this property is surrounded on three sides by residential development, and the adjacent properties to the east and north are zoned Multiple Family Residential II, which permits a variety of residential uses, including duplexes.

The architecture of the proposed duplex includes features that are typical of residential development in Salem and the Grant Neighborhood and will be similar in mass and scale to other nearby development. The applicant's written statement also notes that the proposed development will not affect the future use or development of surrounding properties, and it does not preclude conversion of the proposed duplex to an office use in the future.

Therefore, the proposed adjustment will not unreasonably impact surrounding existing or potential uses or development. This criterion has been met.

## **CONCLUSION**

Based upon review of SRC Chapter 250, the applicable standards of the Salem Revised Code, and the findings contained herein, the application complies with the requirements for an affirmative decision.

## ORDER

Class 1 Adjustment, Case No. ADJ22-09 is hereby **APPROVED** subject to SRC Chapter 250, the applicable standards of the Salem Revised Code and conformance with the approved site plan included as **Attachment B**.



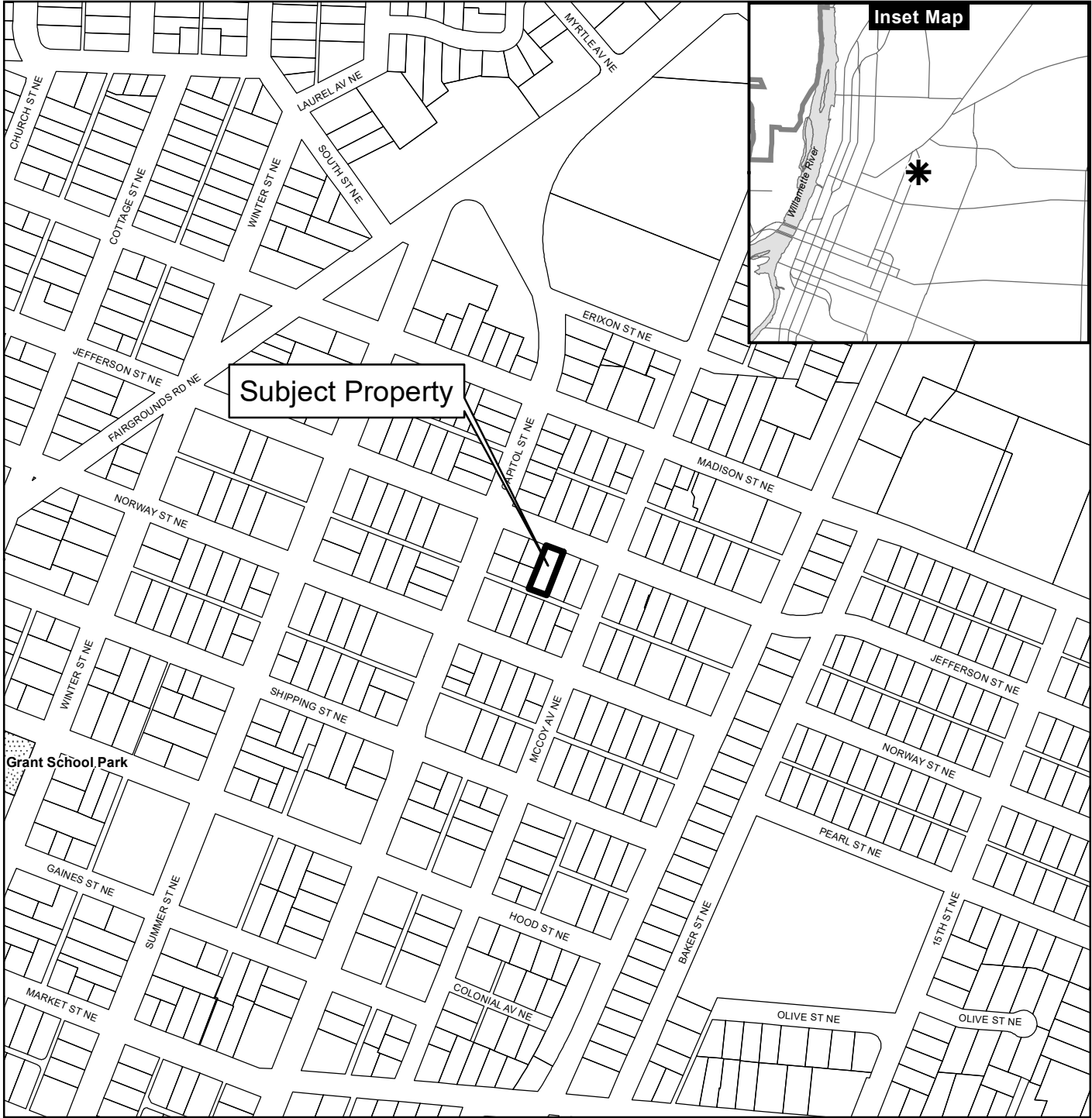
Austin Ross, Planner I, on behalf of Lisa  
Anderson-Ogilvie, AICP, Planning  
Administrator

Attachments: A. Vicinity Map  
B. Site Plan

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

# Vicinity Map

## 1056 Jefferson Street NE



**Legend**

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

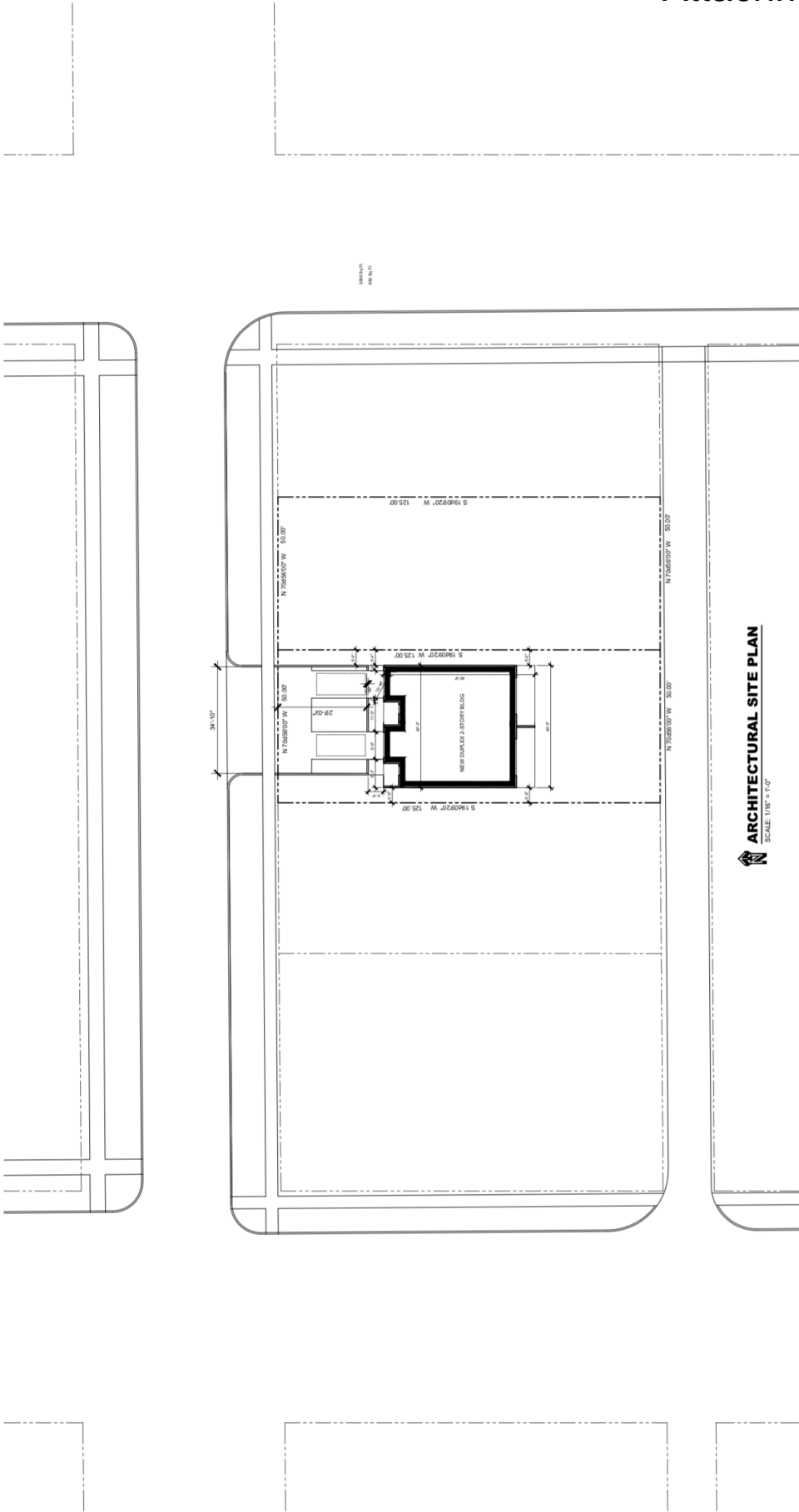
Parks

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Community Development Dept.


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0 100 200 400 Feet





ARCHITECTURAL SITE PLAN  
SCALE: 1/8" = 1'-0"

LEAD PROJECT COORDINATOR:				<b>A NEW DUPLEX PROJECT</b>		<b>A1.0</b>
<b>the Right Home Solution, INC.</b>		REGISTERED ARCHITECT PETER LYLE STRIMLING STATE OF OREGON NO. 22044		<b>FRANCISCO BAUTISTA</b>		
Home Design / Approval Processing / Project Management		PROJECT ADDRESS:		Peter Lyle Strimling, AIA, LEED AP		SITE PLAN
805 298 5457		1058 JEFFERSON ST NE		PO Box 3184, Salem, OR 97302		PROJ.#: 22044
<a href="mailto:therighthomesolution@gmail.com">therighthomesolution@gmail.com</a>		SALEM, OR 97301		ph: 971.238.1519, fax: 239		DATE: 05-12-22