

NOTICE OF DECISION

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

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 1 SITE PLAN REVIEW

APPLICATION NO.: 23-115075-PLN

NOTICE OF DECISION DATE: August 18, 2023

REQUEST: A Class 1 Site Plan Review to change the use from a *commercial use to a residential single-family home* for a property zoned CO (Commercial Office) in an existing building located at 1785 Capitol Street NE – 97301 (Marion County Assessor's Map and Tax Lot number: 073W23BA/5000).

APPLICANT: CH Homes LLC

LOCATION: 1785 Capitol Street NE

FINDINGS: The findings are in the attached Decision dated August 3, 2023.

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 August 18, 2025, or this approval shall be null and void.

Case Manager: Lydia Keller, Planner I, lkeller@cityofsalem.net, 503-540-2326

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 August X, 2023**. 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: 23 115075.

<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 SITE PLAN REVIEW)
23-115075-PLN)
1785 Capitol Street NE) August 18, 2023

In the matter of the application for a Class 1 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 1 Site Plan Review to change the use from a *commercial use to a residential single-family home* use for a property zoned CO (Commercial Office) in an existing single family detached dwelling located at 1785 Capitol Street NE – 97301 (Marion County Assessor’s Map and Tax Lot number: 073W23BA/5000).

PROCEDURAL FINDINGS

1. On July 24, 2023, an application for a Class 1 Site Plan Review was submitted for property located at 1785 Capitol Street NE.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review affects properties located at the 1785 Capitol Street NE (**Attachment A**). The Class 1 Site Plan Review proposes a change of use from a commercial use to a *residential single-family home*.

DECISION CRITERIA FINDINGS

2. Analysis of Class 1 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)(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.

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 change of 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 buffer yards.

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

(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 subject property is zoned CO (Commercial Office). Development of the property is therefore subject to the use and development standards of the CO zone (SRC Chapter 521) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 521 and all other applicable development standards of the UDC as follows:

Development Standards – CO (Commercial Office) Zone:

SRC 521.005(a) – Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 521-1.

Finding: The subject property is zoned Commercial Office (CO). Development in the CO zone is subject to the standards in SRC Chapter 521 and all other applicable provisions of the Salem Revised Code. The proposed changed of use from *postal services and retail financial services* to *retail sales* which is permitted within the CO zone according to SRC 521.005.

Off-Street Parking and Driveways

SRC 806.015 – Amount of Off-Street Parking.

- (a) *Maximum Off-Street Parking.* Unless otherwise provided under the UDC, off-street parking shall be provided in amounts does not exceed than those set forth in Table 806-1.
- (b) *Compact Parking.* Up to 75 percent of the off-street parking spaces provided on a development site may be compact parking spaces.
- (c) *Carpool and Vanpool Parking.* 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 5 percent of their total off-street parking spaces for carpool or vanpool parking.

Finding: The proposed change of use is to single family dwelling unit. The maximum number of off-street parking spaces for a single-family dwelling is three. The existing parking area contains more than three vehicle parking spaces. The proposal is for a change of use only with no exterior improvements, therefore the property would contain nonconforming development, since more than three spaces currently exist.

Bicycle Parking

SRC 806.045 – General Applicability.

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.

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 *single-family* use does not require the addition of any new bike parking spaces. The bike parking standards have been met.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

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.

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: No additional off-street loading spaces are required for the proposed change of use.

3. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 1 Site Plan Review is in conformance with the UDC, and the approval criteria provided in SRC 220.005(f)(1), 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 1 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.

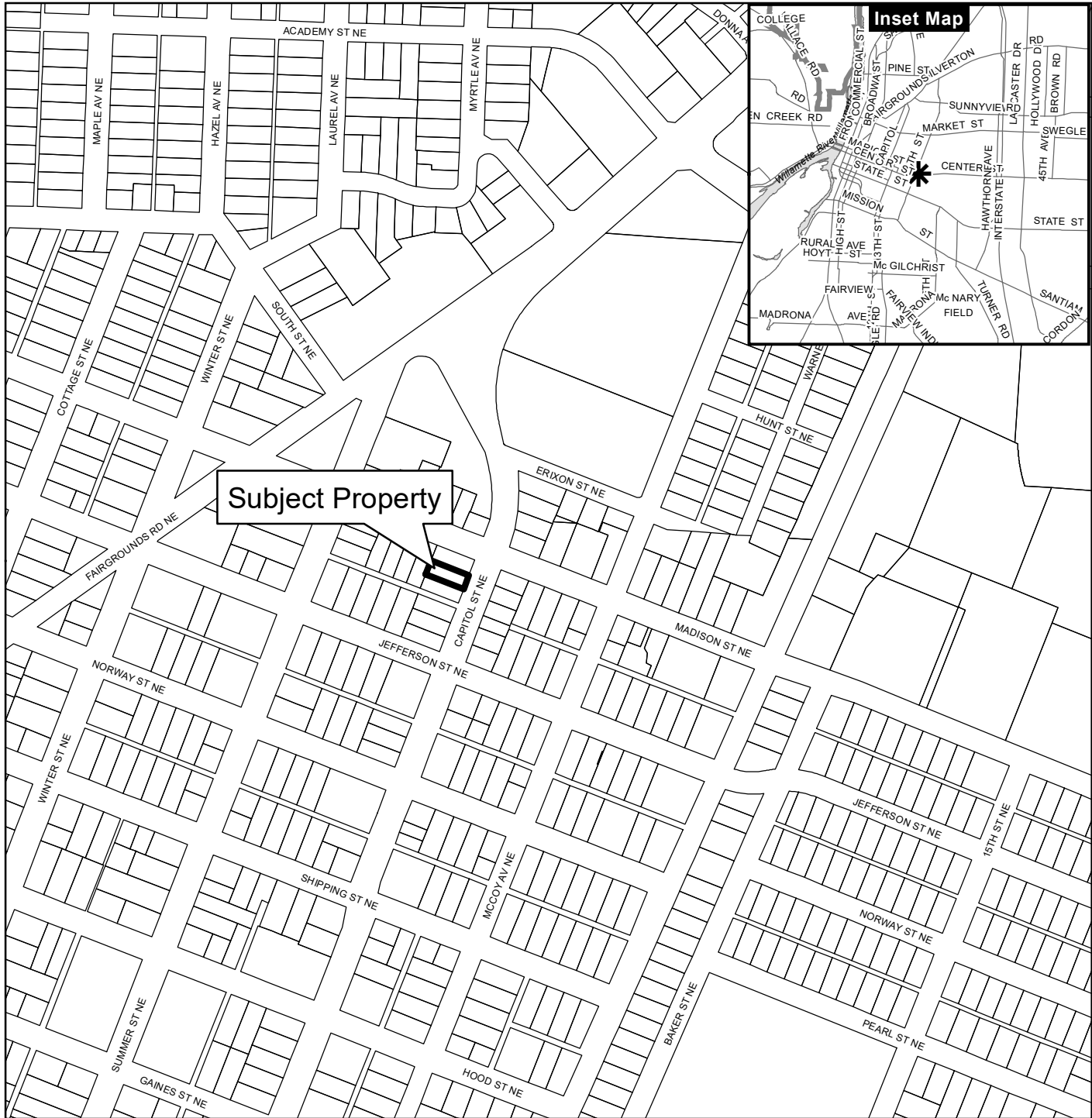


Lydia Keller, Planner I, on behalf of
Lisa Anderson-Ogilvie, AICP
Planning Administrator

Attachments: A. Vicinity Map

Vicinity Map

1785 Capitol Street NE



Legend

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

Parks

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AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





1785 CAPITOL ST NE SAI FM OR 97301

SCALE: 1" = 4'FT