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503-588-6173*

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE CASE NO.: CU18-11

APPLICATION NO. : 18-121151-ZO

NOTICE OF DECISION DATE: DECEMBER 19, 2018

SUMMARY: A conditional use application to allow a hair salon within an existing building in the RH zone.

REQUEST: A conditional use application to allow a hair salon within an existing building in the RH (Multiple Family High-Rise Residential) zone and located at 1020 Liberty Street NE - 97301 (Marion County Assessor Map and Tax Lot 073W22AD 10800).

APPLICANT: Belmont Group, LLC (Chris Blackburn)

LOCATION: 1020 Liberty St NE

CRITERIA: Salem Revised Code (SRC) Chapter 240.005 (d)

FINDINGS: The findings are in the attached Order dated December 19, 2018.

DECISION: The **Hearings Officer APPROVED** Conditional Use CU18-11 subject to the following conditions of approval:

Condition 1. The area identified as “gravel parking” shall meet the off-street parking standards of SRC Chapter 806 if in the future more off-street is required.

Condition 2. No off-street parking, or vehicle use shall be allowed on the portion of the site that is graveled.

The rights granted by the attached decision must be exercised, or an extension granted, by **January 4, 2021** or this approval shall be null and void.

Application Deemed Complete:	<u>November 19, 2018</u>
Public Hearing Date:	<u>December 12, 2018</u>
Notice of Decision Mailing Date:	<u>December 19, 2018</u>
Decision Effective Date:	<u>January 4, 2019</u>
State Mandate Date:	<u>March 19, 2019</u>

Case Manager: Britany Randall, brandall@cityofsalem.net, 503.540.2304

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later **than 5:00 p.m., January 3, 2019**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain

NOTICE OF DECISION

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



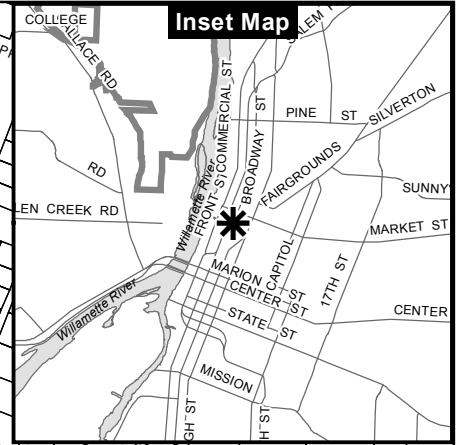
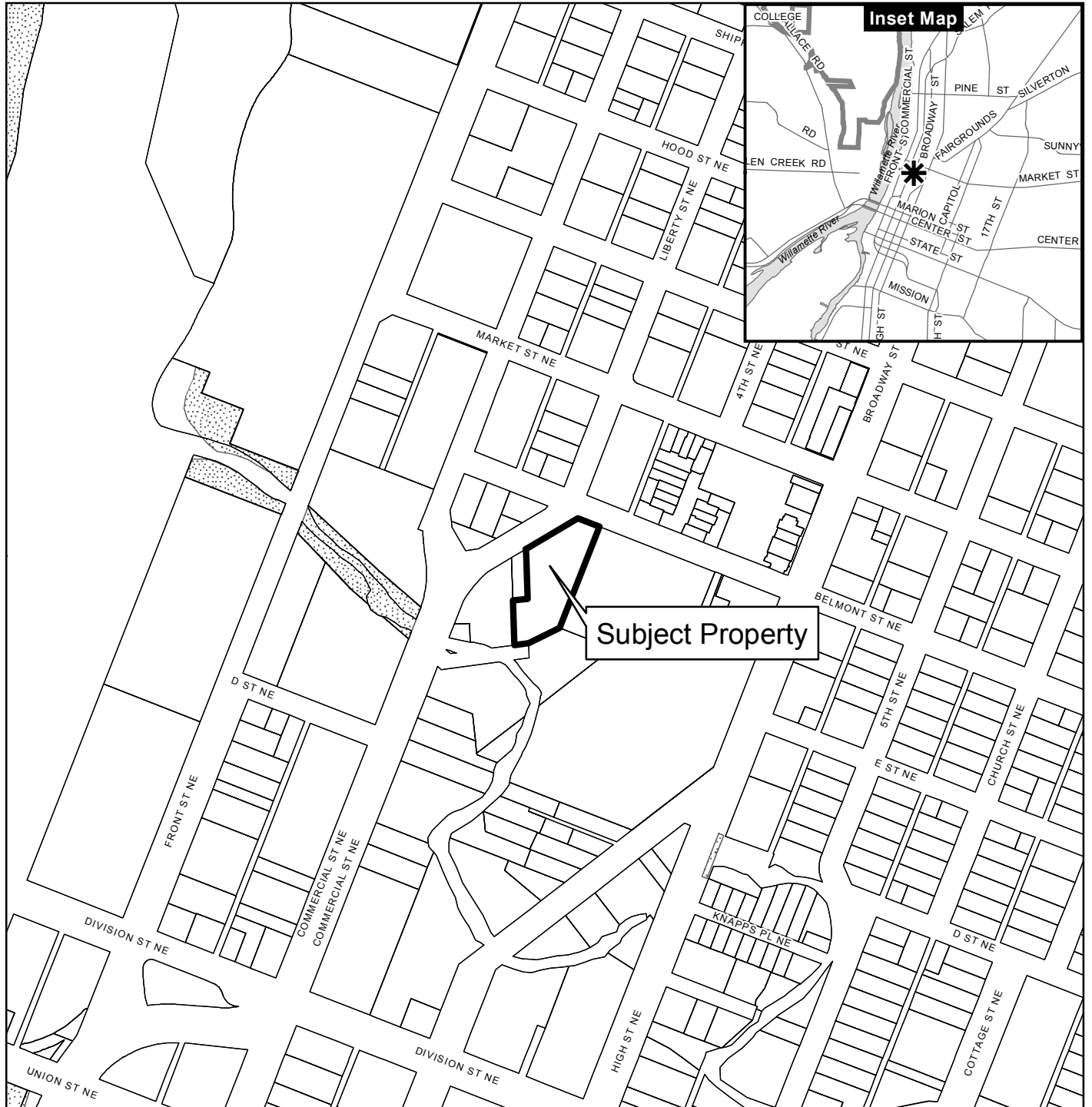
the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the 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 at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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Vicinity Map 1020 Liberty Street NE



Legend

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

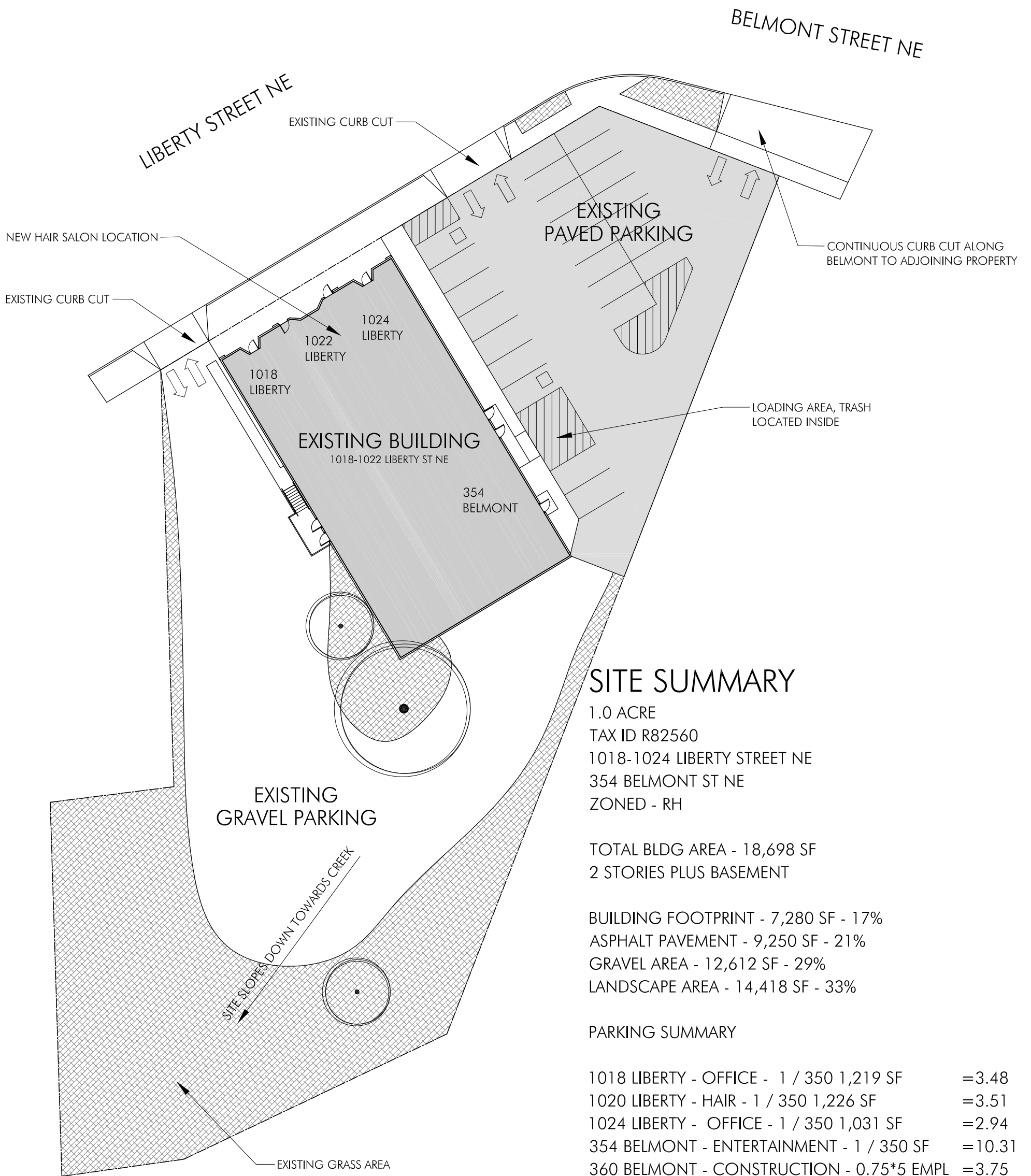
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet





SITE SUMMARY

1.0 ACRE
TAX ID R82560
1018-1024 LIBERTY STREET NE
354 BELMONT ST NE
ZONED - RH

TOTAL BLDG AREA - 18,698 SF
2 STORIES PLUS BASEMENT

BUILDING FOOTPRINT - 7,280 SF - 17%
ASPHALT PAVEMENT - 9,250 SF - 21%
GRAVEL AREA - 12,612 SF - 29%
LANDSCAPE AREA - 14,418 SF - 33%

PARKING SUMMARY

1018 LIBERTY - OFFICE - 1 / 350	1,219 SF	=3.48
1020 LIBERTY - HAIR - 1 / 350	1,226 SF	=3.51
1024 LIBERTY - OFFICE - 1 / 350	1,031 SF	=2.94
354 BELMONT - ENTERTAINMENT - 1 / 350	SF	=10.31
360 BELMONT - CONSTRUCTION - 0.75*5 EMPL		=3.75
TOTAL		=23.99

PROVIDED PAVED	=24.00
PROVIDED UNPAVED	=12.00



EXISTING SITE PLAN - NO CHANGES

$\frac{1}{32}'' = 1'-0'' @ 11 \times 17$ (R) 14 NOV 2018

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A CONDITIONAL USE	}	CU18-11
APPLICATION TO ALLOW A HAIR SALON		
WITHIN AN EXISTING BUILDING IN THE RH	}	FINDINGS OF FACT, CONCLUSIONS, AND DECISION
(MULTIPLE FAMILY HIGH-RISE		
RESIDENTIAL) ZONE AND LOCATED AT		
1020 LIBERTY STREET NE - 97301		
(MARION COUNTY ASSESSOR MAP AND TAX LOT 073W22AD 10800).		

DATE AND PLACE OF HEARING:

December 12, 2018, Salem City Council Chambers, Room 240, Civic Center,
555 Liberty Street SE, Salem, Oregon.

APPEARANCES:

<u>Staff:</u>	Britany Randall, Planner II
<u>Neighborhood Association:</u>	None
<u>Proponents:</u>	Chris Blackburn, Belmont Group, LLC, Applicant
<u>Opponents:</u>	None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing December 12, 2018, regarding a conditional use application to allow a hair salon within an existing building in the RH (Multiple Family High-Rise Residential) zone located at 1020 Liberty St. NE. Prior to the close of the public hearing, the applicant waived the additional 7-day period for additional testimony.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The subject property is designated “Multi-Family Residential” on the Salem Area Comprehensive Plan map and is located within the Urban Growth Boundary and the City’s Urban Service Area.

2. Zoning

The subject property is zoned RH (Multiple Family High-Rise Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across Belmont St NE and Liberty Street NE - CR (Retail Commercial)
South	RH (Multiple Family High-Rise Residential)
East	RH (Multiple Family High-Rise Residential)
West	RH (Multiple Family High-Rise Residential)

3. Existing Conditions

The subject property at 1020 Liberty Street NE – 97301 is approximately 1 acre (43,766 square feet). The property is improved with a two-story, 9,856 square-foot building, built in 1936, according to assessor’s records. The site also includes an existing off-street parking area.

A. Circulation & Access: The subject property abuts Liberty Street NE along its northwesterly boundary. Liberty Street NE is designated as a Major Arterial street under the City’s Transportation System Plan (TSP). Primary vehicular access to the subject property is provided via the existing driveway onto Liberty Street NE.

B. Natural Features:

Trees: The City’s tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines “tree” as, “any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves.”

The Hearings Officer notes that no trees have been identified for removal by the applicant as part of this conditional use permit application. Any removal of trees from the property must comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The Salem-Keizer Local Wetlands Inventory (LWI) does not identify mapped wetlands or waterways as being present on the subject property. No grading or construction activities are planned. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the proposal.

Landslide Hazards: The topography of the subject property is relatively flat. According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is not required in conjunction with the proposal.

4. Neighborhood Association Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CAN-DO). The neighborhood association was notified of the proposal. As of the close of the hearing and record, no written comments were received from the neighborhood association, and the neighborhood association did not appear.

5. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property. As of the close of the hearing and the record, no comments have been received. Other than the applicant, no member of the public appeared.

6. City Department Comments

- A.** The Building and Safety Division reviewed the proposal and provided comments indicating they have no concerns with the proposal.

- B. The Fire Department reviewed the proposal and provided comments indicating they have no concerns with the proposal.
- C. The Public Works Department reviewed the proposal and provided comments indicating they have no concerns with the proposal.

7. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. As of the close of the hearing and record, one comment was received from the Oregon Department of Transportation (ODOT) stating they have no objections to the proposal.

Comments were received from Salem Electric that services will be provided.

Portland General Electric (PGE) reviewed the proposal and provided the following comment: Development cost per current tariff and service requirements.

8. Conditional Use Permit Approval Criteria

The Hearings Officer notes that the subject property at 1020 Liberty Street NE - 97301 is zoned RH (Multiple Family High-Rise Residential). Within the RH zone, hair salons are allowed as a conditional use pursuant to SRC 515.005(a), Table 515-1. In order for a use that is allowed as a conditional use in a zone be established it must first receive approval of a Conditional Use Permit pursuant to the requirements of SRC Chapter 240 (Conditional Use).

Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit application, or for the issuance of certain conditions to ensure the criteria are met.

(1) The proposed use is allowed as a conditional use in the zone.

The Hearings Officer notes that the subject property at 1020 Liberty Street NE - 97301 is zoned RH (Multiple Family High-Rise Residential). Within the RH zone, hair salons are allowed as a conditional use pursuant to SRC 515.005(a), Table 515-1. Because hair salons are specifically identified as being allowed as a conditional use within the RHS zone, the Hearings Officer finds this criterion is met.

(2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

The Hearings Officer notes that hair salons are allowed as a conditional use within the RH zone. Given the nature of the existing conditions of the subject site, such as the location, the Hearings Officer finds that the adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions. The subject site is located adjacent to a major arterial street and is directly across from CR (Retail Commercial) zones. Though the properties adjacent to the east, west, and south of the subject property are zoned RM2 (Multiple Family Residential 2), they are developed with commercial uses. Additionally, as indicated in the applicant's written statement, the existing building is used for commercial tenants and doesn't have any residential uses. As the applicant noted at the hearing, the prior use for the space likely had a greater traffic impact than the proposed hair salon.

The existing development, including the number of off-street parking spaces, appears to be sufficient to support the proposed hair salon and the other existing uses within the building. However, the site does include a non-conforming graveled parking area which is not allowed within the RH zone. If additional parking is required in the future, the area identified as gravel off-street parking on the applicant's site plan, should be developed pursuant to the requirements of Salem Revised Code (SRC) Chapter 806. The Hearings Officer finds that imposing conditions to address this gravel parking area in the future mitigates the likely adverse impacts on the neighborhood.

In order to ensure the off-street parking area will meet the standards of SRC Chapter 806 at the time more parking is needed in the future, the following conditions shall be imposed:

Condition 1: The area identified as "gravel parking" shall meet the off-street parking standards of SRC Chapter 806 if in the future more off-street is required.

Condition 2: No off-street parking, or vehicle use shall be allowed on the portion of the site that is graveled.

The Hearings Officer finds that with these two conditions, this criterion is satisfied.

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

The Hearings Officer notes that the existing building includes commercial uses and the surrounding areas are developed with mostly commercial uses. The proposed hair salon will not require an expansion or alteration of the existing building or development site. The Hearings Officer notes that with the imposed conditions, the hair salon will have a minimal impact on the livability or development of the surrounding property. The Hearings Officer finds that as conditioned, this approval criterion is satisfied.

DECISION

The Hearings Officer **APPROVES** the Conditional Use Permit to allow the existing building located at 1020 Liberty Street NE to be used for a hair salon, subject to the following conditions of approval:

Condition 1: The area identified as “gravel parking” shall meet the off-street parking standards of SRC Chapter 806 if in the future more off-street is required.

Condition 2: No off-street parking, or vehicle use shall be allowed on the portion of the site that is graveled.

DATED: December 19, 2018

A handwritten signature in black ink, appearing to read 'James K. Brewer', written over a horizontal line.

James K. Brewer, Hearings Officer