

## 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 informacion, por favor llame  
503-588-6173*

## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE AND SITE PLAN REVIEW CASE NO.: CU-SPR18-12**

**APPLICATION NO. : 18-120389-ZO & 18-120390-RP**

**NOTICE OF DECISION DATE: JANUARY 31, 2019**

**SUMMARY:** A conditional use and site plan review to allow a religious assembly.

**REQUEST:** A Conditional Use and Class 3 Site Plan Review to allow a religious assembly where the subject property and existing development does not meet the special use standards in SRC 700.050, at 1715 Capital Street NE 97302 (Marion County Assessor Map and Tax Lot 083W10BB06200).

**APPLICANT:** Bridge Covenant Church

**LOCATION:** 1715 Capitol St NE

**CRITERIA:** Salem Revised Code (SRC) Chapters 240.005(d) and 220.005(f)(3)

**FINDINGS:** The findings are in the attached Order dated January 31, 2019.

**DECISION:** The **Hearings Officer APPROVED** Conditional Use and Site Plan Review Case No. CU-SPR18-12 subject to the following conditions of approval:

**Condition 1.** The proposed development shall be in substantial conformance with the approved site plan.

**Condition 2.** Existing landscape areas shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.

**Condition 3.** The applicant shall install a sight-obscuring fence, wall, or hedge that complies with the vision clearance standards of SRC Chapter 805 and screening standards of SRC 807.015(e), and the minimum height of 6 feet shall be measured from the existing grade where the fence posts are currently installed.

**Condition 4.** Prior to the change of use, the applicant shall provide the City an executed lease agreement for 11 off-street spaces, located at 1605 Summer Street.

The rights granted by the attached Conditional Use decision must be exercised, or an extension granted, by February 16, 2021 or this approval shall be null and void.

The rights granted by the attached Site Plan Review decision must be exercised, or an extension granted, by February 16, 2023 or this approval shall be null and void.

Application Deemed Complete:	<u>December 17, 2018</u>
Public Hearing Date:	<u>January 9, 2019</u>
Notice of Decision Mailing Date:	<u>January 31, 2019</u>
Decision Effective Date:	<u>February 16, 2019</u>
State Mandate Date:	<u>April 16, 2019</u>

Case Manager: Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net), 503-540-2343

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., Friday, February 15, 2019.** Any person who presented evidence or testimony at the hearing 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 Chapters 240 and 220. 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>

# Vicinity Map

## 1715 Capital Street NE



### Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

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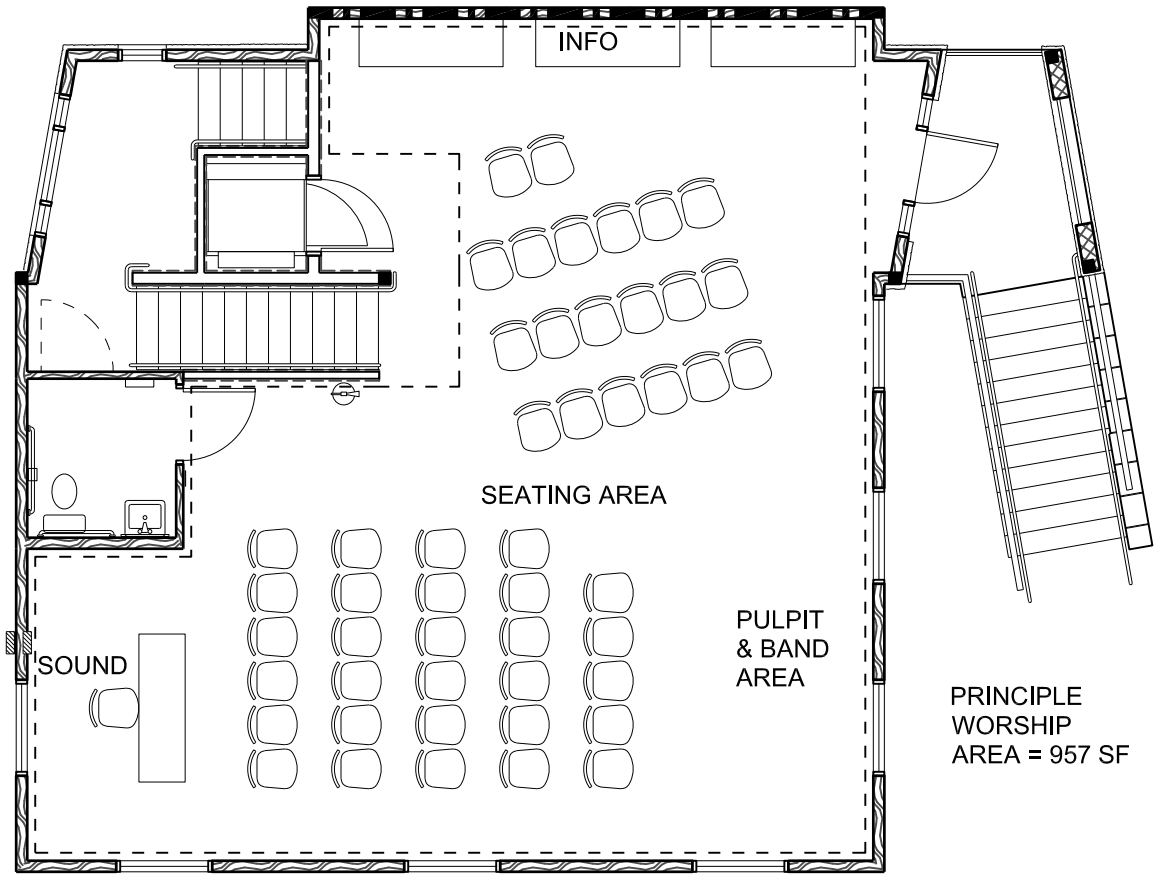
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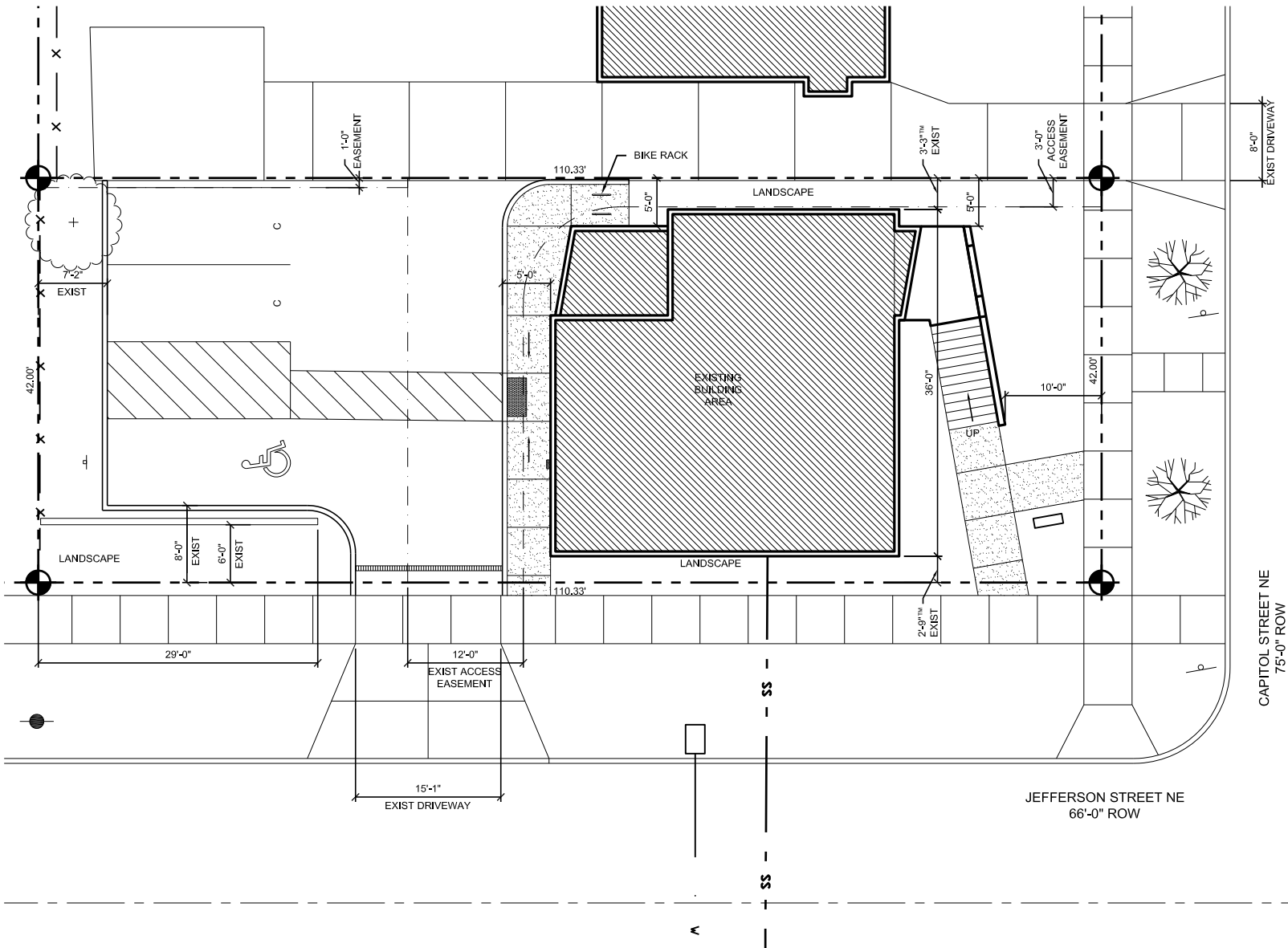
FLOOR PLAN

1/4" = 1'-0"



SITE PLAN

1/8" = 1'-0"



ZONING NOTES

PLANNING ZONE	C0 (COMMERCIAL OFFICE)
LOT SIZE (42.0' X 110.33')	= 4,634 SF (0.11 ACRE)
BUILDING USE	= RELIGIOUS ASSEMBLY
MINIMUM LANDSCAPING REQUIRED	15%
LANDSCAPING	= 1,156 SF
	= 24.9% OF LOT AREA
MAXIMUM LOT COVERAGE (60% x4,634 SF)	= 2,780 SF
EXISTING LOT COVERAGE	= 1,168 SF
	= 25.2% OF LOT AREA
PROPOSED LOT COVERAGE	= 1,283 SF
	= 27.7% OF LOT AREA
PARKING REQUIRED (1 SPACE/80 SF SEATING) @ 957 SF	= 13 SPACES
PARKING PROVIDED ON SITE	= 3 SPACES
LEASED PARKING PROVIDED	= 11 SPACES
TOTAL PARKING PROVIDED	= 14 SPACES
BICYCLE PARKING REQUIRED	= 1 SPACES MIN
BICYCLE PARKING PROVIDED	= 4 SPACES
MAXIMUM ALLOWABLE BUILDING HEIGHT	= 70'-0"
EXISTING BUILDING HEIGHT	= 25'-2"



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ARCHITECTURE • INTERIOR DESIGN  
503-390-0281 • FAX 503-390-2459 • WWW.CARLSONVEIT.COM  
3095 RIVER ROAD NORTH, SALEM, OREGON 97303  
MEMBER AMERICAN INSTITUTE OF ARCHITECTS



Project: BRIDGE COVENANT CHURCH

1715 CAPITOL STREET NE  
SALEM, OREGON 97301

consultants:

revisions:



date: 10-3-2018

project: 08318

dwg file: A-101-08318

drawn by: MJ

checked by: MJ

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Carlson Veit Architects P.C.

SITE PLAN  
FLOOR PLAN

sheet:

A-101

of:

1

DRAWINGS AT HALF-SCALE WHEN PRINTED ON 11x17

CONDITIONAL USE & CLASS 3 SITE PLAN REVIEW

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A CONDITIONAL USE AND	}	
CLASS 3 SITE PLAN REVIEW TO ALLOW A	}	CU-SPR18-12
RELIGIOUS ASSEMBLY WHERE THE	}	
SUBJECT PROPERTY AND EXISTING	}	FINDINGS OF FACT, CONCLUSIONS, AND
DEVELOPMENT DO NOT MEET THE	}	DECISION
SPECIAL USE STANDARDS IN SRC 700.055,	}	
AT 1715 CAPITAL STREET NE 97302	}	
(MARION COUNTY ASSESSOR MAP AND	}	
TAX LOT 083W10BB06200).	}	

**DATE AND PLACE OF HEARING:**

January 9, 2019, Salem City Council Chambers, Room 240, Civic Center, 555  
Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

<u>Staff:</u>	Olivia Glantz, Planner III
<u>Neighborhood Association:</u>	Sadie Carney, Land Use Chair for Grant Neighborhood Association; Letter of December 29, 2018; Letter of January 3, 2019.
<u>Proponents:</u>	Michael Junge for Carlson Veit Architects, Agent of Applicant; Ian Levin, Owner of Property; and Kim Ogren, Chair Member of Bridge Covenant Church
<u>Opponents:</u>	None
<u>Neutral Parties:</u>	Susan Friesen, Neighbor

**SUMMARY OF THE APPLICATION AND HEARING  
BACKGROUND**

The City of Salem held a duly authorized and noticed public hearing on January 9, 2019, regarding a Conditional Use and Class 3 Site Plan Review application to allow a religious assembly where the subject property and existing development does not meet the special use standards in SRC 700.005, at 1715 Capital Street NE 97302. 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 Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Commercial." 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 CO (Commercial Office). Religious Assembly uses are Special Uses in the CO zone. SRC Chapter 700.005(d) provides that modifications to special use standards shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240, and in no case shall Conditional Use approval allow a standard that is less restrictive than the development standards established in the zone or overlay zone.

A Conditional Use permit is requested to:

- Reduce the frontage requirement of SRC 700.050(f), from 150-feet to 42 feet abutting Capital Street and 110 feet abutting Jefferson Street.
- Reduce a setback-requirements of SRC 700.050(g) for buildings from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street.
- Reduce a setback requirement SRC 700.050(g) for vehicle use areas abutting residential from 50-feet to 3-feet abutting the west property line.
- Reduce setback requirement SRC 700.050(g) for vehicle use areas abutting CO zone from 5-feet to 0-feet abutting the north property line.

The zoning of surrounding properties includes:

**North:** CO (Commercial Office) – offices

**East:** Across Capitol St NE, RM-II (Multiple Family Residential) – apartments and single-family dwellings

**South:** Across Jefferson St NE, CO (Commercial Office) – Medical office

**West:** RM-II (Multiple Family Residential) –single family dwellings

### **3. Site Analysis**

The subject property is approximately 4,610 square feet, or 0.1 acres, in size and abuts Capitol St. NE to the east and Jefferson St. NE to the south. Surrounding properties are zoned CO and RM-II. Capitol St NE is designated as a major arterial street and Jefferson St NE a local within the Salem TSP (Transportation System Plan).

### **4. Neighborhood and Citizen Comments**

The subject property is located within the Grant Neighborhood Association (GRANT). Notice was provided to GRANT and surrounding property owners within 250 feet of the subject property. No comments were received at the time the staff report was drafted.

GRANT did provide two letters after the date of the staff report, one dated December 29, 2018, raising specific concerns with parking and pedestrian safety, the second dated January 3, 2019, withdrawing those objections. At the hearing, Ms. Carney testified about the timing issues regarding the notice to the neighborhood association and the regular meeting schedules, asking if the City had a separate Committee for Citizen Involvement (CCI) or if the Planning Commission served that function, with the thought that a CCI or the Planning Commission might take up the issue of how to coordinate notices so that neighborhood association meetings would be in sequence.

Ms. Friesen, neighbor of the property in questioned, testified regarding her concerns about parking with a specific concern that her larger wheel base vehicle would be able to maneuver out of her driveway while the religious assembly is operating.

### **5. City Department and Public Agency Comments**

The Building and Safety Division reviewed the proposal and commented, "This structure is existing non-compliant for the distance to property lines on the north side. It is acceptable due to being existing."

The Fire Department reviewed the proposal and commented, "Building is existing. Any increase to the fire flow requirements will require an approved water supply. The existing fire hydrant is across Capitol Street, a major arterial."

The Public Works Department has reviewed the proposal and provided a memo that is included as Attachment D of the staff report.

## 6. Analysis of Conditional Use Criteria

Religious Assembly uses are subject to special use standards in the CO (Commercial Office) zone. SRC Chapter 700.005(d) provides:

Modifications to special use standards shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240, and in no case shall Conditional Use approval allow a standard that is less restrictive than the development standards established in the zone or overlay zone.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

### Criterion 1:

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

The Hearings Officer notes that while the use is allowed as a Special Use, conditional use approval is required to deviate from the applicable Special Use standards.

The Hearings Officer finds that the proposal meets this criterion.

### Criterion 2:

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

The Conditional Use is requested to reduce the following special use standards:

- (1) Reduce the frontage requirement of SRC 700.050(f), from 150-feet to 42 feet abutting Capital Street and 110 feet abutting Jefferson Street.
- (2) Reduce a setback requirements of SRC 700.050(g) for buildings from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street.
- (3) Reduce a setback requirement SRC 700.050(g) for vehicle use areas abutting residential from 50-feet to 3-feet abutting the west property line.
- (4) Reduce setback requirement SRC 700.050(g) for vehicle use areas abutting CO zone from 5-feet to 0-feet abutting the north property line.

All of the non-conforming standards are able to be modified through a Conditional Use Permit process and there is no proposed change to the site or the existing building with the request. The existing property was redeveloped



from a derelict house to a commercial building in 2009. The previous redevelopment required several Variances, due to the small parcel and existing structures.

The Hearings Officer adopts the following findings:

- (1) Reduce the frontage requirement of SRC 700.050(f), from 150-feet to 42 feet abutting Capital Street and 110 feet abutting Jefferson Street.

The Hearings Officer notes that the special use standards require a minimum of 150-feet of frontage abutting a street. The Hearings Officer finds that the requested reduction of the frontage will not create additional adverse impacts on the neighboring area because approval of the reduction will simply allow the existing property to remain at its current size. The Hearings Officer finds that the proposal will meet this criterion.

- (2) Reduce the setback requirements of SRC 700.050(g) for buildings from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street.

The Hearings Officer notes that the special use standards require a minimum setback of 20 feet for buildings and 12 feet for vehicle use areas abutting a street. The Hearings Officer finds that the requested reduction of the setback will not create additional adverse impacts on the neighboring area because approval of the reduction will simply allow the applicant to retain the existing setback. The Hearings Officer finds that the proposal will meet this criterion.

- (3) Reduce a setback requirement SRC 700.050(g) for vehicle use areas abutting residential from 50-feet to 7-feet abutting the west property line.

The Hearings Officer notes that the special use standards require that off-street parking areas shall be screened from abutting residential zoned property, and the screening standards of SRC Chapter 807 require screening to be a minimum of 6 feet in height and at least 75 percent opaque when viewed from any angle at a point 25 feet away. There is an existing fence and landscaping between the neighboring property and subject property. The height of the existing fence is somewhat unclear, although the neighboring property owner would like it to be six feet in height, and the current owner of the property testified that it is currently six feet in height, but not from the paved surface, which is somewhat higher than the grade where the posts have been installed. To ensure that the proposal minimizes the impacts on the

neighboring property now and in the future, the Hearings Officer imposes the following conditions:

**Condition 1:** The proposed development shall be in substantial conformance with the approved site plan.

**Condition 2:** Existing landscape areas shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area. A minimum of 40 percent of the required number of plant units shall be a combination of shade trees, evergreen/conifer trees, or ornamental trees.

**Condition 3:** The applicant shall install a sight-obscuring fence, wall, or hedge that complies with the vision clearance standards of SRC Chapter 805 and screening standards of SRC 807.015(e), and the minimum height of 6 feet shall be measured from the existing grade where the fence posts are currently installed.

The Hearings Officer finds that the development, with the imposed conditions of approval, minimizes the reasonably likely adverse impacts of the use on the immediate neighborhood, satisfying the criteria.

(4) Reduce setback requirement SRC 700.050(g) for vehicle use areas abutting CO zone from 5-feet to 0-feet abutting the north property line.

The special use standards require a minimum setback of 5 feet for vehicle use areas abutting an interior side property line. A variance was granted (VAR08-9) in 2009 to reduce the interior side property line from 5-feet to 0-feet. The requested reduction of the special use setback will not create additional adverse impacts on the neighboring area because approval of the reduction will simply allow the applicant to retain the existing setback and is consistent with the approved variance. The Hearings Officer finds that the proposal will meet this criterion.

Criterion 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 requested reduction of the frontage and setbacks will be reasonably compatible with and have minimal impact on the livability of the surrounding property because it will allow the applicant to retain the existing setback.

The requested elimination of the requirement for additional screening will be reasonably compatible with and have minimal impact on the livability of the

surrounding property because it will allow the applicant to retain the existing screening along most of the property line. The Hearings Officer finds that with the imposed conditions for screening and landscaping above, the proposal will meet this criterion.

## **7. 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:

### Criterion 1:

The application meets all applicable standards of the UDC.

The Hearings Officer finds that the proposal is only for a change of occupancy to a religious assembly, as no site work is proposed. The proposal does not comply with requirements for setbacks and frontage of SRC Chapter 700 and the applicant has requested conditional use approval to reduce those requirements. The subject property has previously been approved for a variance (VAR08-9) to reduce setbacks, minimum parking, lot size, and vehicle use area standards. The proposed development otherwise complies with all applicable development standards of the Salem Revised Code. The Hearings Officer finds that the application satisfies this criterion.

### **Development Standards – CO Zone:**

#### *SRC 521.005(a) - Uses:*

Except as otherwise provided in Chapter 521, the permitted, special, conditional and prohibited uses in the CO zone are set forth in Table 521-1.

The Hearings Officer notes that a religious assembly use is allowed in the CO zone per SRC 521, Table 521-1 as a special use, subject to the standards of SRC 700.055.

#### *SRC 521.010(a) – Lot Standards:*

In the CO zone, religious assembly uses are required to have a minimum lot area of 6,000 square feet.

The Hearings Officer notes that the subject property is approximately 4,610 square feet in area. Variance 08-09 approved a reduction to the minimum lot size for non-residential use.

### **SRC 521.010(b) – Setbacks:**

*North:* Adjacent to the north is a CO (Commercial Office) zone. There is no minimum building setback. A minimum 5-foot vehicle use area setback is required. The existing building footprint and parking area are not changing.

*South:* Adjacent to the south is the right-of-way for Jefferson St NE. A minimum 12-foot setback is required for buildings and vehicle use areas adjacent to a street. The existing building footprint and parking area are not changing.

*West:* Adjacent to the west is a RM-II (Multiple Family Residential) zone. A minimum 15-foot building setback and vehicle use area setback are required. The existing building footprint and parking area are not changing.

*East:* Adjacent to the south is the right-of-way for Jefferson St NE. A minimum 12-foot setback is required for buildings and vehicle use areas adjacent to a street. The existing building footprint and parking area are not changing.

The Hearings Officer notes that variance 08-09 approved a reduction of the minimum 5-foot vehicle use area setback to 0 feet along the north property line, a reduction of the minimum 12-foot vehicle use area setback to 8 feet with a 3-foot tall screening wall and landscaping along the south property line, and a reduction of the minimum vehicle use area setback to 7 feet with a 6-foot tall screening wall or fence and additional landscaping along the west property line. The Hearings Officer finds that with the variance, the existing site complies all applicable setback requirements of the CO zone.

*SRC 521.010(c) - Lot Coverage, Height:*

The maximum lot coverage standard for a religious assembly use is 60 percent. The maximum building height for a religious assembly use is 70 feet.

The existing building is less than 70 feet in height and covers approximately 29 percent of the lot. Therefore, the development complies with the maximum height standard and existing lot coverage. The existing building or parking area is not increasing. The Hearings Officer finds that the application satisfies this criterion.

**Special Use Standards SRC 700.055**

The Hearings Officer notes that the special use standards set forth in Chapter 700 apply where a use is designated as a “special use” and are in addition to the standards that apply to uses generally within a zone or overlay zone. The special use standards set forth in Chapter 700 may be modified, unless otherwise specially provided in the chapter. Modification to a special use standard shall be made pursuant to Conditional Use approval, as provided in SRC Chapter 240. In no case shall Conditional Use approval allow a

standard that is less restrictive than the development standards established in the zone or overlay zone.

*SRC 700.055(c) - Seating Capacity:*

The seating capacity of the largest space within a religious assembly shall not exceed the standards set forth in Table 700-2. Maximum seating capacity cannot be modified through Conditional Use approval. In the CO zone, a maximum seating capacity of 500 is applicable to lots abutting a local, collector, or Arterial Street.

The Hearings Officer finds there are 50 seats in the principal worship area. The facility is located on an Arterial street. The proposal meets the standard.

*SRC 700.055(d) - Locational Standards:*

Religious assemblies shall be located on streets as set forth in Table 700-3. In the CO zone, location on a local street is allowed for seating capacity of 500 seats or less. Location on a Collector or Arterial Street is allowed for seating capacity of 500 seats or less, when not located at the intersection of a collector and Arterial Street, 2 collector streets, or 2 arterial streets. Location on a Collector or Arterial Street is allowed, regardless of seating capacity, when located at the intersection of a collector and Arterial Street, 2 Collector Streets, or 2 Arterial Streets.

The Hearings Officer finds that there are 50 seats in the principal worship area. The facility is located on an Arterial Street. The proposal meets the standard.

*SRC 700.055(e) - Access:*

Access point for religious assemblies shall be located not more than 125 feet from a collector or arterial street.

The Hearings Officer finds that existing access to and from the site is from a local street. The proposal meets the standard.

*SRC 700.055(f) - Lot Standards:*

Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700-5. In the CO zone, a maximum of 3.5 acres applies to a lot abutting a local street, a lot abutting a collector or arterial street, but which is not located at the intersection of a collector and Arterial Street, 2 collector streets, or 2 arterial streets.

The Hearings Officer finds that the subject property is 4,610 square feet. The minimum lot size in the CO zone is 6,000 square feet for non-residential uses, the subject property was granted a variance to reduce the

minimum lot size to 4,610 square feet (VAR08-9). The Hearings Officer finds that because of the prior variance, the proposal meets the standard.

**SRC 700.055(g) – Setbacks:**

*South and East – abutting street:* The setback requirements of SRC 700.050(g) for buildings is 20-feet and vehicle use areas are required setback 12-feet abutting a street.

*North – abutting CO zone:* The zoning district requires no setback for buildings a 5-foot setback for vehicle use areas.

*West – abutting RM-II zone:* The zoning district requires a 15-foot setback for both buildings and vehicle use areas, but the special use standards increases his to 50-feet for buildings and vehicles areas.

The Hearings Officer adopts the following findings:

*South and East – abutting street:* The setback requirements of SRC 700.050(g) for buildings is 20-feet and vehicle use areas have a required setback of 12-feet abutting a street. As part of the condition use permit the applicant is requesting that the building and vehicle use area be reduced. Based on the existing building footprint, the building setback would be reduced from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, the vehicle use area required setback would be reduced from 12-feet to 8-feet (with a 36" existing wall) abutting Jefferson Street. The subject property was previously approved for a variance (VAR08-9) to reduce the parking area adjacent to Jefferson Street to 8- feet with a three-foot-tall screening wall. The Hearings Officer finds that given the existing variance and improvements, maintaining the reduction is warranted.

*North – abutting CO zone:* The zoning district requires no setback for buildings, with a 5-foot setback for vehicle use areas. The existing building is more than 50 feet from the west property, meeting the standard. The applicant is requesting as part of the conditional use permit for the parking and vehicle use area to be 0 feet from the north property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 5-foot setback to zero feet. The Hearings Officer finds that given the existing variance and improvements, maintaining the reduction is warranted.

*West – abutting RM-II zone:* The zoning district requires a 15-foot setback for both buildings and vehicle use areas, but the special use standards increases his to 50-feet for buildings and vehicles areas. The existing building is more than 50 feet from the west property, meeting the standard. The applicant is requesting as part of the conditional use permit for the parking and vehicle

use area to be 7 feet from the property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 15-foot setback to seven feet. The Hearings Officer finds that given the existing variance and improvements, maintaining the reduction is warranted.

*SRC 700.055(h) - Lot Coverage; Height:*

Buildings and accessory structures for religious assemblies shall conform to the lot coverage and height standards set forth in Table 700-7. In the CO zone, the maximum lot coverage by buildings and accessory structures is 40%. In the CO zone, the maximum height is 35 feet for buildings and 50 feet for spires, steeples, and towers without usable floor space.

The Hearings Officer finds that the lot coverage by the existing/proposed building is approximately 34% of the lot area. The height of the building meets the standards of the special use and the underlying zone. The proposal meets this standard.

*SRC 700.055(i) - Off-Street Parking:*

(1) Location.

(A) Off-street parking may be located on-site or off-site. When parking is provided offsite, it shall be located:

- (i) On a lot or lots that are contiguous to the lot containing the main building or use; or
- (ii) Within 600 feet of the lot containing the main building or use, on a lot or lots within a non-residential zone.

(B) For the purposes of this paragraph, contiguous shall include a lot or lots that are separated from the lot containing the main building or use by an alley.

(2) Screening. Off-street parking areas shall be screened from abutting residential zoned property.

The Hearings Officer finds that some of the required parking spaces are located on the lot with the building and some are located (through a parking agreement) within 600-feet of the subject property at 1605 Summer Street. The off-street parking area is screened from abutting residentially zoned property to the west. The proposal meets this standard.

*SRC 700.055(j) - Landscaping:*

All lot area not developed for buildings, structures, parking, loading, or driveways shall be landscaped as provided in SRC Chapter 807.

The Hearings Officer finds no changes to the site is proposed. All lot area not developed for buildings, structures, parking, loading, or driveways is currently landscaped. The proposal meets this standard.

*SRC 700.055(k) – Related Uses:*

Schools, day care facilities, kindergartens, meeting facilities for clubs and organizations, and other similar activities operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation shall be permitted. When such activities are not operated primarily for the purpose of religious instruction, worship, government of the church, or the fellowship of its congregation, the activities shall be allowed only if they are an allowed use in the zone.

The Hearings Officer finds that the proposal does not include any related activities.

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

*SRC 806.005 - Off-Street Parking; When Required.*

Off-street parking 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 parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

*SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.*

Required off-street parking shall be located on the same development site as the use or activity it serves; or, within the CO (Commercial Office) zone, required off-street parking may be located within 500 feet of the development site containing the use or activity it serves. The special use standards for Religious Assemblies requires off-street parking to be located within 600-feet, which applies to the proposal.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) Minimum Required Off-Street Parking. The minimum number of off-street parking spaces required for a Religious Assembly use is 1 space per 5 seats or 10 feet of bench length within the principal worship area or 1 per 80 square feet within the principal worship area, when no fixed seating or benches are provided.
- b) Compact Parking. Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.



- c) Carpool and Vanpool Parking. New developments with 60 or more required off-street parking spaces shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) Maximum Off-Street Parking. Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

The Hearings Officer notes that principal worship area does not provide fixed seating or benches and is approximately 957 square feet in size. Based on the square footage the religious facility is required to have a minimum of 12 off-street parking spaces ( $80 / 957 = 11.96$ ). The maximum off-street parking allowance for the use is 51 spaces ( $12 \times 1.75 = 21$ ). There are 3 off-street parking spaces provided on the subject property, and the church has provided an executed agreement to use up to 11 stalls on the property located at 1605 Summer Street, approximately 400 feet southwest of the subject property in the RM-II (Multi-Family Residential) zone, which allows religious assemblies. No carpool or vanpool parking is required. The proposed and existing parking spaces are adequate. To ensure that the required off-street parking is memorialized and maintained for this use, the Hearings Officer imposes the following condition:

**Condition 4:** Prior to the change of use, the applicant shall provide the City an executed lease agreement for 11 off-street spaces, located at 1605 Summer Street.

#### **SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.**

Unless otherwise provided under the UDC, off-street parking and vehicle use areas, other than driveways and loading areas, for uses or activities other than Single Family and Two Family shall be developed and maintained as provided in this section.

- a) General Applicability. The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas; the expansion of existing off-street parking and vehicle use areas, where additional paved surface is added; the alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and the paving of an un-paved area.
- b) Location. Off-street parking and vehicle use areas shall not be located within required setbacks.

- c) Perimeter Setbacks and Landscaping. Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

The Hearings Officer finds that the proposed development does not involve alteration of existing parking and vehicle use areas.

*South and East – abutting street:* The setback requirements of SRC 700.050(g) for buildings is 20-feet and vehicle use areas are required setback 12-feet abutting a street.

The Hearings Officer notes that the applicant is requesting as part of the conditional use permit above, for the building and vehicle use area to be reduced. The existing building from 20-feet to 2.5-feet abutting Jefferson Street and 10-feet abutting Capital Street feet; in addition, reduce the vehicle use area required setback from 12-feet to 8-feet (with 36" exiting wall) abutting Jefferson Street. The subject property was previously approved for a variance (VAR08-9) to reduce the parking area adjacent to Jefferson Street to 8- feet with a three-foot-tall screening wall.

*North – abutting CO zone:* The zoning district requires no setback for buildings a 5-foot setback for vehicle use areas. The existing building is more than 50 feet from the west property, meeting the standard.

The Hearings Officer notes that the applicant is requesting with a conditional use permit above for the parking and vehicle use area to be 0 feet from the north property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 5-foot setback to zero feet.

*West – abutting RM-II zone:* The zoning district requires a 15-foot setback for both buildings and vehicle use areas, but the special use standards increases his to 50-feet for buildings and vehicles areas. The existing building is more than 50 feet from the west property, meeting the standard.

The Hearings Officer finds that the applicant is requesting with a conditional use permit above for the parking and vehicle use area to be 7 feet from the property line. The subject property was granted approval of a Variance (VAR08-9) to reduce the 15-foot setback to seven feet.

*Adjacent to Buildings and Structures:* The off-street parking or vehicle use area shall be set back from the exterior wall of the building or structure by a minimum 5-foot-wide landscape strip or by a minimum 5-foot-wide paved pedestrian walkway per SRC Chapter 806.035(c)(4).

The Hearings Officer notes that there are no proposed changes to the vehicle use are nor any building additions to the existing building. The applicant has requested a conditional use to address the frontage and setbacks in in SRC Chapter 700 and the property has been granted several variances for the existing development (VAR08-9). The proposed parking and vehicle use area setbacks adjacent to buildings and structures would not meet the standard for 5 feet of separation from the building. The proposal meets these standards as described above.

- d) Interior Landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas between 5,000 and 50,000 square feet in size a minimum of 5 percent of the interior parking area shall be landscaped. A minimum of one deciduous shade tree is required for every 12 parking spaces. The minimum planting area for a landscape island or planter bay is 25 square feet, with a minimum width of 5 feet.

The Hearings Officer notes that the parking area is less than 5,000 square feet; therefore, the standard is not applicable.

- e) Off-Street Parking Area Dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.

The Hearings Officer notes that the proposed parking spaces, driveways, and drive aisles meet the minimum dimensional requirements of SRC Chapter 806 and/or approved by VAR08-9.

- f) Additional Off-Street Parking Development Standards 806.035(f)-(m).

The Hearings Officer notes that there is no proposed change to the off-street parking.

#### **SRC 806.040 - Driveway Development Standards.**

- a) Access. Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available or a loop to the single point of access.
- b) Location. Driveways shall not be located within required setbacks except where the driveway provides direct access to the street, alley, or abutting property or the driveway is a shared driveway located over the common lot line and providing access to two or more uses.
- c) Additional Development Standards 806.040(c)-(g).

The Hearings Officer notes that the existing driveway has been reviewed by Public Works. The existing access onto Jefferson Street NE provides for safe turning movements into and out of the property.

### **Bicycle Parking**

#### *SRC 806.045 - General Applicability.*

Bicycle parking 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 parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

#### *SRC 806.055 - Amount of Bicycle Parking.*

A Religious Assembly use is required to have a minimum of 1 bicycle parking space per 30 vehicle parking spaces.

The Hearings Officer notes the proposal is required to have 11 parking spaces, which would require a minimum of one bicycle parking space. The site plan indicates a bicycle rack for bicycles, meeting the standard.

### **Off-Street Loading Areas**

#### *SRC 806.065 - General Applicability.*

Off-street loading 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 parking ratio requiring a greater number of spaces than the previous use or activity; and for any intensification, expansion, or enlargement of a use or activity.

#### *SRC 806.075 - Amount of Off-Street Loading.*

A Religious Assembly use between 5,000 and 60,000 square feet is required to have a minimum of one 12 foot by 30 foot by 14-foot loading space. An off-street parking space may be used in place of a required off-street loading space when the use or activity does not require a delivery vehicle which exceeds a maximum combined vehicle and load rating of 8,000 pounds and the off-street parking area is located within 25 feet of the building.

The Hearings Officer finds that the existing church use is not an increase in intensity of use or expanded or enlarged. The proposed development does not result in any additional off-street loading spaces being required for the development site.

## **Landscaping**

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

The Hearings Officer notes that the applicant is not proposing any changes or development to the site. If a building permit is required, landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

## **Natural Resources**

SRC 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045.

The Hearings Officer notes that no protected trees have been identified on the site plan for removal.

SRC 809 - Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. Wetlands are not identified on the subject property and the entire property is mapped with hydric soil.

SRC 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. There are no mapped landslide hazard areas on the property. Therefore, no geological assessment of the property is required.

Criterion 2:

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.

The Hearings Officer notes that the existing street system is adequate to serve the proposed development and the development is not proposing a building addition subject to 803.040(a); therefore, no right-of-way dedication or street improvements are required.

No special setback is required because the existing rights-of-way meet or exceed the standards or requirements for the abutting streets.

Criterion 3:

Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.

The Hearings Officer finds that the driveway access onto Jefferson Street NE provides for safe turning movements into and out of the property.

Criterion 4:

The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

The Hearings Officer notes that the water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development. The applicant is not proposing any new connections to City infrastructure.

## **DECISION**

The Hearings Officer **APPROVES** the request a consolidated conditional use, site plan review and adjustment to modify an existing parking area and associated landscaping and screening for a religious assembly for property located at 1715 Capital Street NE subject to the following conditions of approval:

**Condition 1: The proposed development shall be in substantial conformance with the approved site plan.**

**Condition 2: Existing landscape areas shall be planted with a minimum of 1 plant unit per 20 square feet of landscape area. A minimum of 40 percent of the required number of plant units shall be a**

**combination of shade trees, evergreen/conifer trees, or ornamental trees.**

**Condition 3: The applicant shall install a sight-obscuring fence, wall, or hedge that complies with the vision clearance standards of SRC Chapter 805 and screening standards of SRC 807.015(e), and the minimum height of 6 feet shall be measured from the existing grade where the fence posts are currently installed.**

**Condition 4: Prior to the change of use, the applicant shall provide the City an executed lease agreement for 11 off-street spaces, located at 1605 Summer Street.**

DATED: January 31, 2019.

A handwritten signature in black ink, appearing to read 'James K. Brewer', with a long horizontal line extending to the right.

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James K. Brewer, Hearings Officer