

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: CONDITIONAL USE CASE NO. 18-01; 1415 JEFFERSON STREET NE 97301; AMANDA NO. 18-124274-ZO

REQUEST

Summary: A conditional use application for a short-term rental use in a single family dwelling.

Request: An application for a conditional use permit for a short-term rental use of an existing single family dwelling in the RS (Single Family Residential) zone and located at 1415 Jefferson Street NE 97301 (Marion County Assessor Map and Tax Lot 073W23AB06800).

APPLICANT/OWNER: Carole Smith

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use permit to allow a short-term rental use of an existing single family dwelling subject to the following conditions of approval:

Condition 1: The short-term rental shall be rented to only one party at a time.

Condition 2: The total number of occupants in the short-term rental may not exceed 6 persons.

BACKGROUND

The subject property contains an existing single family dwelling.

On December 22, 2017, the owners, Carole Smith and Eric Kittleson, submitted a conditional use permit application to use the existing single family dwelling as a short-term rental. Staff deemed the application complete for processing on February 2, 2018.

The public hearing before the City of Salem Hearings Officer is scheduled for February 28, 2018, at 5:30 p.m. in the Salem City Council Chambers, Civic Center Room 240, located at 555 Liberty Street SE. Staff mailed notice of public hearing to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on February 8, 2018. The applicant posted public hearing notice on the property pursuant to SRC requirements.

PROPOSAL

The applicant is requesting a conditional use permit to use an existing single family dwelling as a short-term rental. The applicant's site plan is included as Attachment B. A generalized site plan including landscaping is included as Attachment C.

APPLICANT'S STATEMENT

The applicant's statement addressing the applicable approval criteria for the conditional use permit request is included as Attachment D.

FACTS AND FINDINGS

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). When the applicant for a short-term rental does not live in the home to be rented, and the home is in the RS zone, the short-term rental requires a Conditional Use approval as well as a license.

SRC Chapter 240 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. A conditional use permit is required to establish short-term rental in the existing single family dwelling on the subject property.

The zoning and uses of surrounding properties include:

North: Across alley, CG (General Commercial) – commercial cleaning service and construction contractor
South: Across Jefferson Street NE, RS (Single Family Residential) – single family dwellings
East: RS (Single Family Residential) – single family dwelling
West: RS (Single Family Residential) – single family dwelling

3. Site Analysis

The subject property is approximately 5,000 square feet. The subject property abuts Jefferson Street NE on the south, which is designated as a local street within the Salem TSP (Transportation System Plan). The property abuts an alley to the north.

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.

No trees are identified for removal on the proposed site plan.

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 wetlands 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.

The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetland areas but does identify hydric soils on the subject property. No grading or construction activities are planned.

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 subject property; therefore, a geological assessment is not required.

4. Neighborhood and Citizen Comments

The subject property is located within the Northeast Neighbors (NEN) area. Notice was provided to NEN and surrounding property owners within 250 feet of the subject property. No comments were received from surrounding property owners.

A comment was received from NEN stating that the NEN board voted to support the application with the following recommendation for a condition: that the house be rented to only one party at a time.

Staff Response: Staff will recommend this condition to mitigate impacts on the neighborhood.

5. City Department and Public Agency Comments

The Building and Safety Division has reviewed the proposal and commented that they need to know the number of bedrooms and total number of occupants.

Staff Response: The applicant has submitted a short-term rental license application indicating that the dwelling has 3 bedrooms. Building and Safety responded that the building occupancy may remain as single family and no sprinklers will be required if no more than 10 occupants would be present. The applicant indicates that occupancy will be limited to 6 persons. Staff will recommend a condition limiting the use to 6 persons.

The Fire Department has reviewed the proposal and indicated they have no issues for the Conditional Use Permit application, but a change in use from an R-3 occupancy to a commercial occupancy, or an increase in fire flow, may require an additional fire hydrant be installed within an allowable distance (depending on the occupancy classification).

Staff Response: The applicant does not intend to change the occupancy of the building to a commercial occupancy. The applicant indicates that occupancy will be limited to 6 persons. Staff will recommend a condition limiting the use to 6 persons.

The Public Works Department identified no issues with the request.

Portland General Electric has reviewed the proposal and commented, "Development cost per current tariff and service requirements. 10' Public Utility Easement required on all front street lots."

6. 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:

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

Staff Finding: SRC 511.005, Table 511-1, requires Conditional Use approval for a short-term rental in the RS zone. 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.

Applicant's Statement: The reasonably likely impacts on the immediate neighborhood will be minimized by conditions placed on persons renting the unit. Parties are not permitted. There is a maximum of 6 persons allowed in the 3 bedroom home. I have contacted my adjacent neighbors and alerted them to the possibility of a short-term rental on our property. All have indicated approval. I have left my business card with all adjacent neighbors in the event of any problem. I am at the property, or visit the property daily to prevent any problems. Airbnb and I rate our guests. Any guest proposing to stay in our property has also been screened by Airbnb, and by all hosts of properties visited by this guest. Airbnb does not allow problem guests to use their booking system.

Staff Finding: The most likely adverse impacts of the proposed use as a short-term rental would be guests parking on the street and creating noise.

Salem Revised Code 806.015, Table 806-1, requires one off-street parking space per guest room or suite for short-term commercial lodging, including short-term rentals in the RS zone. Three parking spaces would be required for the three-bedroom short-term rental. The property has existing paved parking in the rear yard and on a paved driveway leading to the rear yard. The applicant's site plan indicates that up to eight vehicles could be parked on the paved surfaces.

The applicant indicates that a maximum of 6 persons will be allowed and no parties will be allowed. The neighborhood association has requested a condition that the applicant rent the property to only one party at a time. These conditions will minimize noise impacts and ensure that adequate parking is available for all guests.

Staff recommends the following conditions to mitigate the impacts:

Condition 1: The short-term rental shall be rented to only one party at a time.

Condition 2: The total number of occupants in the short-term rental may not exceed 6 persons.

As proposed and conditioned, the short-term rental will have a minimal impact on the immediate neighborhood. The proposal meets 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.

Applicant's Statement: The conditional use will be reasonably compatible with, and have minimal impact on, the livability and appropriate development around the property. We are not changing the way the property has been used since 1941; people are living, eating, and sleeping in the house. The use of the

property is unchanged and is in accordance with how neighboring properties are used.

Staff Finding: The subject property is located within an existing established residential neighborhood. If the conditional use permit is granted, the property will retain its existing appearance as a single family dwelling.

With the proposed conditions, guests' vehicles will be parked on the subject property, and the number of occupants will be similar to the number of occupants in the nearby residences.

As proposed and conditioned, the short-term rental will have a minimal impact on the livability or development of the surrounding property. The proposal meets this criterion.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a conditional use permit to allow a short-term rental use of an existing single family dwelling subject to the following conditions of approval:

Condition 1: The short-term rental shall be rented to only one party at a time.

Condition 2: The total number of occupants in the short-term rental may not exceed 6 persons.

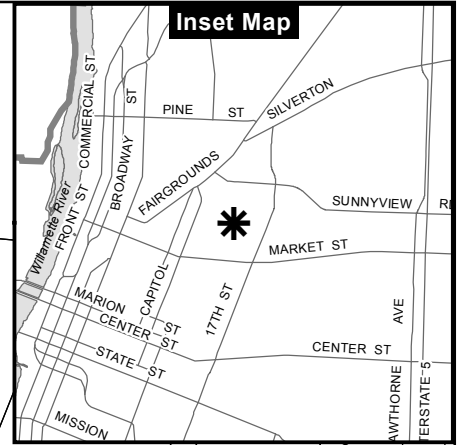
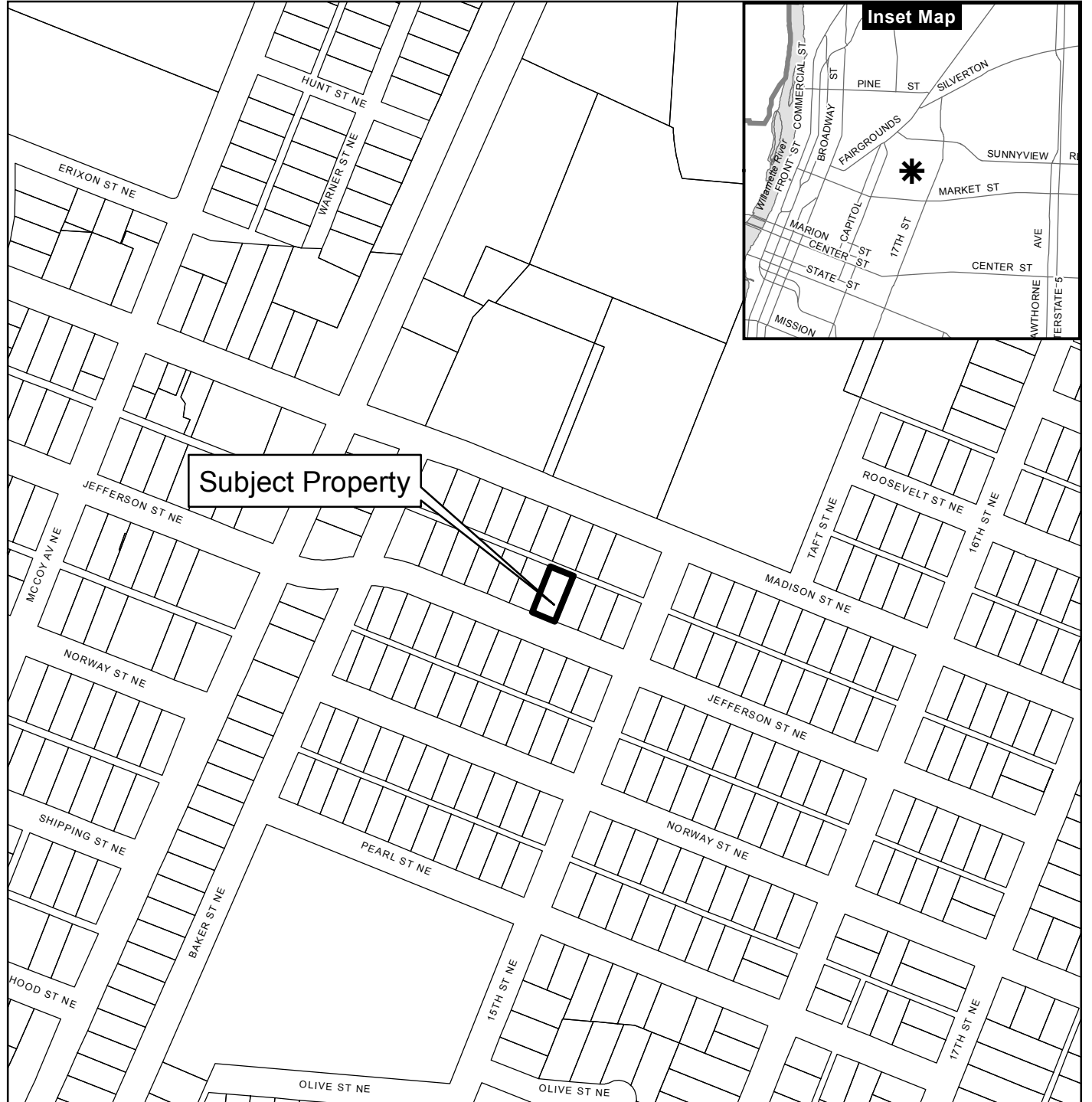
Prepared by Pamela Cole, Planner II

Application Deemed Complete Date: February 2, 2018








State Mandated Decision Date: June 2, 2018

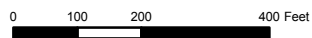
Attachments: A. Vicinity Map
B. Proposed Site Plan
C. Generalized Site Plan with Landscaping
D. Applicant's Statement

Vicinity Map 1415 Jefferson Street NE

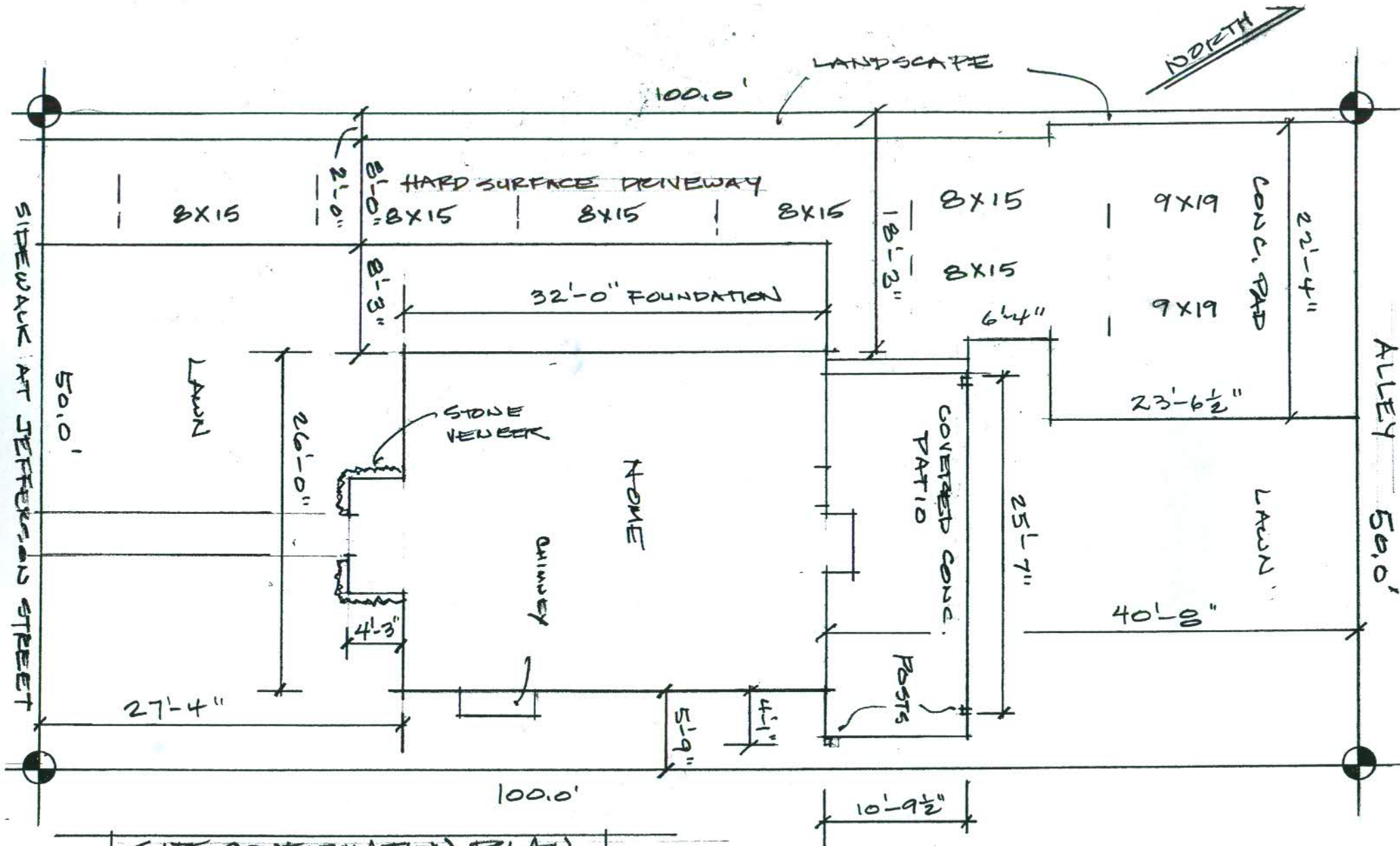


Legend

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



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SITE CONFIRMATION PLAN

FOR 1415 JEFFERSON ST. NE., SALEM, OREGON

MEASUREMENTS OF FOUNDATIONS AND SITE PERIMETER

SCALE: 1"=10'-0"

1/23/2012



Conditional Use Permit Application

Date: Dec 21, 2017 Applicant: Carole Smith

Location: 1415 Jefferson Street NE, Salem, OR 97301

Lot = 5000 sq ft

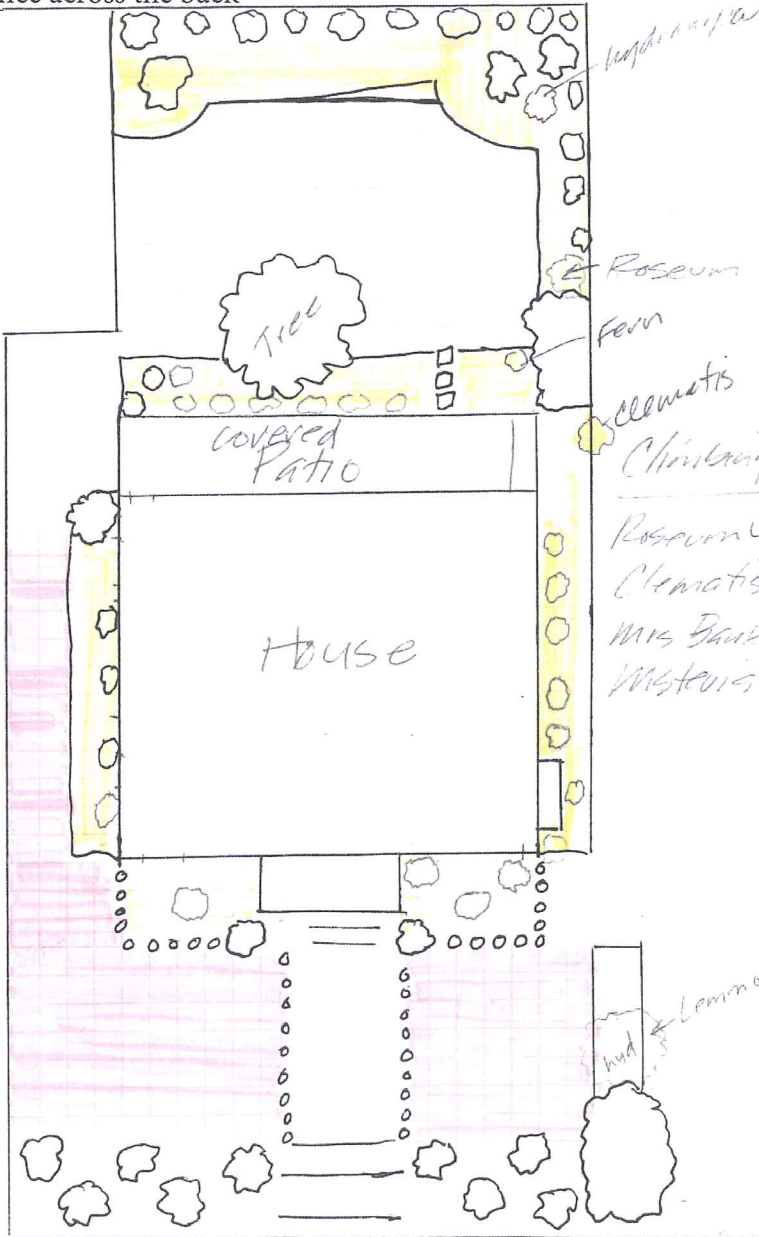
Public Alley

Chain Link Fence across the back

Parking space for two cars

Wood fence

DRIVEWAY
(Parking for 2 cars)



CITY SIDEWALK

Large Maple Tree

Parking Strip

City Street

January 15, 2018,

Pamela Cole
Planner II
City of Salem
Community Development Department
555 Liberty St SE/Room 305
Salem, OR 97301

Dear Pamela,

Thank you for your request for additional information on our Conditional Use Permit application for 1415 Jefferson ST NE, Salem, OR.

I have attached the amended site plan showing orientation and measurements.

I already submitted the Trip Generation Estimate to Public Works last year. They indicated they would not need to do a study and said they would contact your department stating no TIS or TSDC will be required.

WRITTEN STATEMENT:

The proposed conditional use is allowed as a conditional use in this area.

The reasonable likely impacts from the conditional use on the immediate neighborhood will be minimized by conditions placed on persons renting the unit. Parties are not permitted. There is a maximum of 6 persons allowed in the 3 bedroom home. I have contacted my adjacent neighbors and alerted them to the possibility of an Short Term Rental on our property. All have indicated approval. I have left my business card with all adjacent neighbors in the event of any problem. I am at the property, or visit the property daily to prevent any problems. Airbnb and I rate our guests. Any guest proposing to stay in our property has also been screened by Airbnb, and by all hosts of properties visited by this guest. Airbnb does not allow problem guests to use their booking system.

The conditional use we are seeking will be reasonably compatible with, and have minimal impact on, the livability and appropriate development around the property. We are not changing the way the property has been used since 1941, people are living, eating and sleeping in the house. The use of the property is unchanged and is in accordance with how neighboring properties are used.

I am on the agenda for the February meeting of NEN. If you need any further information please do not hesitate to contact me.

Sincerely,



Carole Smith