

Conditional Use Permit and Property Line Adjustment

Submittal Date: May 2024

Submitted To: City of Salem Planning

Project Location: 211 and 215 Boone Road SE
Salem, OR

Applicant(s): Bridgeway Recovery

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Aerial View of Subject Property and Existing Development



Section 1: Property Background and Request

The applicant, Bridgeway Recovery Services, is submitting an application for a property line adjustment and conditional use permit to utilize 211 and 215 Boone Road SE as residential care homes for adults recovering from addiction. The property line adjustment included in this application is necessary to ensure 211 Boone Road SE meets the minimum frontage requirement onto an arterial or collector street pursuant to SRC Chapter 511, Table 511-1 Uses.

Both the City of Salem's Comprehensive Plan map and zoning map designate the properties as single family residential, making the site subject to the provisions listed in SRC Chapter 511 for

uses. The subject properties were previously owned and operated by the Center for Hope and Safety as nonprofit shelters serving victims of domestic violence where 10 or fewer people are housed. The properties have now been acquired by Bridgeway Recovery Services in the hope of continuing to provide nonprofit services in the area.

Bridgeway's Chief Operating Officer offered the following definition of Bridgeway's residential program which would operate at the subject sites: "Bridgeway Recovery Services Residential programs provide safe shelter for individuals who are struggling with substance use. The purpose of residential shelters is to provide a positive structured social environment in which individuals can learn from the support of each other while they engage in clinical services. Clinical services include skill building groups and individual sessions. All individuals residing in the shelter are screened prior to admission to ensure they do not need assistance with day-to-day living tasks and are able to administer their own medications. No medications are administered. The shelter has 24-hour milieu staff who provide structured support and cohesion of residents."

Approval of the requested property line adjustment and conditional use permit will allow Bridgeway to open two new residential care locations at the subject site; totaling 20 new spaces for individuals seeking services to treat alcohol and substance addiction.

Section 2: Existing Conditions

The development site consists of two lawful units of land which are approximately 0.62 acres in size total and are described as Marion County Assessor Map and Tax Lots 083W09DD10900, and 083W09DD10901. The parcels were created through Partition Plat 2009-11; Partition Case NO. P08-07. A Marion County Tax Map is included within the exhibits list identifying the subject properties.

The site is located within the corporate city limits of the City of Salem. The Salem Area Comprehensive Plan (SACP) map designates the property as SF "Single Family Residential". The properties are located inside of the City's Urban Service Area (USA), making an urban growth preliminary declaration unnecessary for this project.

The Comprehensive Plan designations of surrounding properties include:

North: SF "Single Family Residential"

South: Across Boone Road SE SF "Single Family Residential"

East: SF "Single Family Residential"

West: SF "Single Family Residential"

The subject property is zoned RS - Single Family Residential.

Surrounding properties are zoned as follows:

North: RS (Single Family Residential)

South: RS (Single Family Residential)

East: RS (Single Family Residential)

West: RS (Single Family Residential)

Section 3: Applicable Zoning Codes

Salem Revised Code Chapter 205 – Land Division and Reconfiguration

Section 205.001 – Purpose

Section 205.055 – Property line adjustments

Salem Revised Code Chapter 240 – Conditional Use

Section 240.001 – Purpose

Section 240.005 – Conditional use permit

Salem Revised Code Chapter 300 – Procedures for Land Use Applications and Legislative Land Use Proposals

Section 300.001 – Purpose

Section 300.010 – Scope and Applicability

Section 300.020 – General Rule

Section 300.100 – Procedure Types

Section 300.110 – Review Authorities

Section 300.120 – Procedures for Review of Multiple Applications

Section 300.200 – Initiation of Applications

Section 300.210 – Application Submittal

Section 300.220 – Completeness Review

Section 300.300 – Pre-application Conference

Section 300.310 – Neighborhood Association Contact

Section 300.600 – General Description

Section 300.610 – Type III applications

Section 300.620 – Type III Procedure

Section 300.800 – Public Notice Compliance; Waiver of Notice

Section 300.810 – State Mandated Decision Date

Section 300.820 – Conditions of Approval

Section 300.840 – Issuance; Effective Date

Section 300.900 – Public hearings, generally

Section 300.910 – Responsibilities of the Planning Administrator

Section 300.920 – Rules of procedure

Section 300.930 – Conflicts of interest; ex parte contact; challenges to impartiality; and abstention or disqualification

Section 300.940 – Burden of proof

Section 300.950 – Evidence; witnesses; site visits; official notice

Section 300.960 – Order of proceedings

Section 300.970 – Continued hearing; extension of the record

Section 300.980 – Record of proceedings

Salem Revised Code Chapter 511 – RS-Single-Family Residential

Section 511.010 – Development standards

Section 4: Findings Applicable to Administrative Procedures

Chapter 300 – Procedures for Land Use Applications and Legislative Land Use Proposals

Section 300.001 – Purpose

The purpose of this chapter is to establish uniform procedures for the review and processing of land use applications, and to establish procedures for legislative land use proposals. This chapter is intended to make the land use application review process clear and understandable for applicants; to facilitate timely review of land use applications by the City; and to enable the public to effectively participate in the local land use decision making process.

Applicant's Findings: *The applicant understands the purpose of Chapter 300 and has provided findings in response to each applicable criterion to satisfy the burden of proof for approvability of the requested application.*

Section 300.010 – Scope and Applicability

This chapter applies to all land use actions and all legislative land use proceedings under the UDC.

Applicant's Findings: *The applicant understands the provisions of SRC Chapter 300 are applicable to the applications being proposed.*

Section 300.020 – General Rule

No person shall engage in or cause development, as defined under SRC chapter 111, to occur without first obtaining the necessary land use approvals required by, and according to the procedures in, this chapter.

Applicant's Findings: *The applicant understands they may not proceed with any development prior to obtaining land use approval.*

Section 300.100 – Procedure Types

- (a) Unless otherwise provided in the UDC, land use actions required under the UDC are classified as one of four procedure types set forth in Table 300-1. The procedure type governs the decision-making process for the specific land use application.

Applicant's Findings: *The applicant is submitting a consolidated review for a conditional use permit and property line adjustment. Because the application is consolidated, the entire land use application will be reviewed utilizing Type III procedures.*

- (b) The specific procedure type assigned to a land use application is specified in Table 300-2.

Applicant's Findings: *This application is a consolidated request for a conditional use permit and property line adjustment. In accordance with Table 300-2, the requested applications are processed using Type III procedures.*

- (c) When the procedure type for a land use application is not identified in Table 300-2, specified elsewhere in the UDC, or otherwise required by law, the Planning Administrator shall determine the applicable procedure based on the guidelines in this subsection. Questions as to the appropriate procedure shall be resolved in favor of the procedure type providing the greatest notice and opportunity to participate by the public.
 - (1) Type I procedures shall be used when the land use action will be based on standards and criteria that do not require interpretation or the exercise of policy or legal judgment.
 - (2) Type II procedures shall be used when the land use action will be based on standards or criteria that require only limited discretion or legal judgment.

- (3) Type III procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment.
- (4) Type IV procedures shall be used when the land use action will be based on standards and criteria that require the exercise of discretion or legal judgment, and where the land use application must first be referred to an advisory body for review and recommendation to the Council, which then makes the decision.

Applicant's Findings: *The review type for the highest application submitted is identified in Table 300-2 as Type III. The applicant understands the consolidated review is Type III as the review requires discretion or legal judgement. This criterion will be met.*

- (d) Notwithstanding any other provision in this section, and upon payment of the applicable fee, an applicant may choose to process a land use application that would be a Type I procedure as a Type II or Type III procedure, or to process a land use application that would be a Type II procedure as a Type III procedure.

Applicant's Findings: *The applicant will not ask for a higher review type as the application being submitted will be processed using Type III procedures.*

Section 300.110 – Review Authorities

- (a) *Review authorities, generally.* Review authorities are those designated individuals or bodies that make recommendations or decisions regarding land use actions. The applicable Review Authorities for specific land use actions are identified under Table 300-2. The Review Authority shall review an application following the applicable procedure type for the application and according to the applicable approval standards and criteria.

Applicant's Findings: *The applicant understands the review authority in this case to be the hearings officer pursuant to Table 300-2.*

- (b) *Review Authority hierarchy.* Review authorities are organized under the following hierarchy, from lowest to highest:
 - (1) Staff, including, but not limited to, the Planning Administrator, Community Development Director, Public Works Director, and Building Official;
 - (2) Historic Landmarks Commission;
 - (3) Hearings Officer;
 - (4) Planning Commission;
 - (5) Council.

Applicant's Findings: *The applicant understands the hierarchy of review authorities.*

- (c) *Historic Landmarks Commission jurisdiction over certain applications.* Notwithstanding any other provision of this section, the Historic Landmarks Commission shall have

exclusive jurisdiction over those land use applications under SRC chapter 230 requiring Historic Landmarks Commission review.

Applicant's Findings: *The subject property is not historic. Therefore, the Historic Landmarks Commission (HLC) does not have review authority in this case.*

Section 300.120 – Procedures for Review of Multiple Applications

When multiple land use actions are required or proposed by an applicant, the applications may be processed individually in sequence, concurrently, or through the consolidated procedure provided in this section. The applicant shall elect how the land use applications are to be processed, except where a specific review process or sequence is otherwise required or where the land use applications are subject to the same procedure type and decided upon by the same Review Authority. When multiple land use applications are subject to the same procedure type and decided upon by the same Review Authority, the land use applications shall be consolidated.

- (a) *Applications processed individually in sequence.* Multiple applications processed individually require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and processed sequentially, as follows:
 - (1) Applications with the highest numbered procedure type must be processed first;
 - (2) Notwithstanding any other provision in this subsection, where a particular sequence for the review of land use applications is established by another section of the UDC, the applications shall be processed in that sequence; and
 - (3) Notwithstanding any other provision in this subsection, where one land use application is dependent upon the approval of another land use application (e.g., conditional use permit is subject to prior approval of a zone change), the land use application upon which the other is dependent shall be processed first.
- (b) *Applications processed concurrently.* Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and processed simultaneously.
- (c) *Consolidated applications.* When multiple applications are consolidated, a single application is filed for all land use actions. The application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type required for any of the land use applications. The Review Authority shall be the highest applicable Review Authority under the highest numbered procedure type required for any of the land use applications. Notwithstanding the provisions of this subsection, where multiple applications that are proposed to be consolidated include an application

subject to review by the Historic Landmarks Commission, the application that is subject to Historic Landmarks Commission review shall be processed individually or concurrently.

Applicant's Findings: *This application includes a conditional use permit and property line adjustment. All required information and supporting documentation have been included with this consolidated application. A conditional use permit requires a Type III review process pursuant to Table 300-2; therefore, the entire consolidated application requires a Type III review process.*

Section 300.200 – Initiation of Applications

- (a) Type I, Type II, Type III, and Type IV land use applications may be submitted by one or more of the following persons:
 - (1) The owner of the subject property;
 - (2) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;
 - (3) A lessee in possession of the property, when the application is accompanied by the owners' written consent; or
 - (4) The agent of any of the foregoing, when the application is duly authorized in writing by a person authorized to submit an application by subsection (a)(1), (2) or (3) of this section, and accompanied by proof of the agent's authority.
- (b) Type III applications may be initiated by the City where identified in the UDC for specific application type.
- (c) Type IV applications may be initiated by the City.

Applicant's Findings: *The application is Type III and is being submitted by the owner of the subject property.*

Section 300.210 – Application Submittal

- (a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.
 - (1) A completed application form. The application form shall contain, at a minimum, the following information:
 - (A) The names and addresses of the applicant(s), the owner(s) of the subject property, and any authorized representative(s) thereof;

- (B) The address or location of the subject property and its assessor's map and tax lot number;
- (C) The size of the subject property;
- (D) The comprehensive plan designation and zoning of the subject property;
- (E) The type of application(s);
- (F) A brief description of the proposal; and
- (G) Signatures of the applicant(s), owner(s) of the subject property, and/or the duly authorized representative(s) thereof authorizing the filing of the application(s).

Applicant's Findings: *The required forms and information have been included with this application submittal for review by city staff.*

- (2) Recorded deed/land sales contract with legal description;

Applicant's Findings: *The recorded deed has been supplied along with this application submittal.*

- (3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;

Applicant's Findings: *The applicant sees no reason city staff would have a conflict of interest under any state or local ethics laws. This section is not applicable.*

- (4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310(a) and Table 300-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);

Applicant's Findings: *In accordance with Table 300-2, a pre-application conference is required. The applicant held the mandatory pre-application conference on December 28, 2023. A copy of the pre-application conference notes is included with this land use submittal. This criterion is met.*

- (5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;

Applicant's Findings: In accordance with Table 300-2, notice to the neighborhood association ahead of application submittal is required. The applicant emailed a letter to the chairs and co-chairs of the Faye Wright Neighborhood Association. The letter sent to the neighborhood association and supplemental exhibits are included with this submittal package. This criterion is met.

- (6) For applications requiring neighborhood association contact under SRC 300.310, a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;

Applicant's Findings: As stated previously, neighborhood association contact is required for this application. The applicant provided notice and has attached the emails and exhibits sent with this land use submittal. This criterion is met.

- (7) For applications requiring an open house under SRC 300.320:
 - (A) A copy of the sign-in sheet for the open house and a summary of the comments provided; or
 - (B) When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;

Applicant's Findings: Pursuant to SRC Table 300-2, an open house is not required for this submittal. This criterion is not applicable.

- (8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;

Applicant's Findings: Salem-Keizer Transit District was provided with the same information provided to the neighborhood association prior to submittal of this land use application. This criterion is met.

- (9) A written statement addressing each applicable approval criterion and standard;

Applicant's Findings: This narrative includes findings and responses to each applicable approval criterion and standard.

- (10) For Type II, Type III, and applicant initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.

Applicant's Findings: *The subject property is not incorporated into an HOA that is registered with the Oregon Secretary of State. This criterion is not applicable.*

- (11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.

Applicant's Findings: *This application is not for affordable multiple family housing. This section is not applicable.*

- (12) Any additional information required under the UDC for the specific land use action sought;

Applicant's Findings: *The applicant believes no additional information will be required to be submitted and staff will be able to move forward and write a favorable decision.*

- (13) Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;

Applicant's Findings: *The applicant believes no additional information will be required to be submitted and staff will be able to move forward and write a favorable decision.*

- (14) Payment of the applicable application fee(s) pursuant to SRC 110.090.

Applicant's Findings: *Upon population of the applicable application fees, the applicant will pay them within 5 days. This criterion will be met.*

- (b) The Planning Administrator may waive any submittal requirement if the Planning Administrator determines that the specific requirement would not provide evidence needed to satisfy any of the applicable criteria.

Applicant's Findings: *The applicant understands that the planning administrator has the authority to waive any submittal requirement. However, a thorough and complete application is being submitted to city staff for review and it is not anticipated any requirement will be waived.*

- (c) Each application, when received, shall be date-stamped with the date the application was received, and designated with a receipt number and a notation of the staff person who received the application.

Applicant's Findings: *The applicant understands this requirement of city staff for processing applications.*

Section 300.220 – Completeness Review

- (a) Except as otherwise provided under ORS 227.178, the Planning Administrator shall review an application for completeness within 30 days of its receipt.

Applicant's Findings: *The applicant understands the 30-day completeness review rule pursuant to ORS 227.178. The applicant anticipates having satisfied all code requirements for the proposal.*

- (b) Determination of completeness shall be based upon the information required under SRC 300.210 and shall not be based on opinions as to quality or accuracy. A determination that an application is complete indicates only that the application is ready for review on its merits, not that the City will make a favorable decision on the application.

Applicant's Findings: *The applicant understands the provisions for determining the completeness of this application. The applicant believes this application is able to be deemed complete and a favorable decision will be rendered.*

- (c) If an application is determined to be complete, review of the application shall commence.

Applicant's Findings: *The applicant anticipates the application submitted is complete and review of the application can proceed. However, it is understood staff will need a review period to examine the materials being submitted.*

- (d) If an application is determined to be incomplete, written notice shall be provided to the applicant identifying the specific information that is missing and allowing the applicant the opportunity to submit the missing information. An application which has been determined to be incomplete upon initial filing shall be deemed complete for purposes of this section upon receipt of:

- (1) All of the missing information;
- (2) Some of the missing information and written notice from the applicant that no other information will be provided; or
- (3) Written notice from the applicant that none of the missing information will be provided.

Applicant's Findings: *The applicant understands written notice of an incomplete application will be provided, if applicable. The applicant also understands the three actions they may take to satisfy completeness.*

- (e) If an application was complete at the time it was first submitted, or if the applicant submits additional required information within 180 days of the date the application was first submitted, approval or denial of the application shall be based upon the standards and criteria that were in effect at the time the application was first submitted.

Applicant's Findings: *The applicant understands if there is a code amendment to the approval criteria during the review process of the application, the code in effect at the time the application was submitted will be used to determine approval.*

- (f) An application shall be deemed void if the application has been on file with the City for more than 180 days and the applicant has not provided the missing information or otherwise responded, as provided in subsection (d) of this section.

Applicant's Findings: *The applicant understands if the 180-days is surpassed and completeness is not satisfied, the application will be void.*

Section 300.300 – Pre-Application Conference

- (a) *Purpose.* Pre-application conferences are intended to familiarize applicants with the requirements of the UDC; to provide applicants with an opportunity to meet with city staff to discuss proposed projects in detail; and to identify approval criteria, standards, and procedures prior to filing a land use application. The pre-application conference is intended to be a tool to orient applicants and assist them in navigating the land use process, but is not intended to be an exhaustive review that identifies or resolves all potential issues, and does not bind or preclude the City from enforcing all applicable regulations or from applying regulations in a manner differently than may have been indicated at the time of the pre-application conference.
- (b) *Applicability and waiver of pre-application requirement.*
 - (1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.
 - (2) Nothing in this section shall preclude an applicant from voluntarily requesting a pre-application conference for any other land use action.
 - (3) Notwithstanding the provisions of this section, a mandatory pre-application conference may be waived by the Planning Administrator if the application is relatively simple, and good cause is shown by the applicant. An application for a waiver shall be made on forms provided by the Planning Administrator. The applicant for a waiver shall acknowledge that waiving the pre-application conference increases the risk of an application being rejected or processing delayed due to insufficient, incomplete, or incorrect information being provided. The decision of the Planning Administrator on an application to waive a pre-application conference is not appealable.
- (c) *Pre-application conference procedures.*

(1) *Application requirements.*

(A) *Application form.* Pre-application conference requests shall be made on forms provided by the Planning Administrator.

(B) *Submittal requirements.* Pre-application conference requests shall:

- (i) Include a completed application form;
- (ii) Include payment of the application fee;
- (iii) Be accompanied by the information required, if any, for the specific pre-application conference sought; and
- (iv) Be accompanied by any additional information the applicant deems necessary to demonstrate the nature and scope of the proposal in sufficient detail to allow city staff to review and comment.

(2) *Scheduling of pre-application conference.* Upon receipt of a complete application, the Planning Administrator shall schedule the pre-application conference. The Planning Administrator shall coordinate the involvement of other city departments, as appropriate, in the pre-application conference. Pre-application conferences are not open to the general public.

(3) *Pre-application conference summary.* Subsequent to the pre-application conference, the Planning Administrator will provide the applicant with a written summary of the conference. The purpose of the written summary is to provide a preliminary assessment of the proposal, but shall not be deemed to be a recommendation by the City or any other outside agency or service provider on the merits of the proposal.

(4) *Validity period for mandatory pre-application conferences; follow-up conferences.* A follow-up conference is required for those mandatory pre-application conferences that have already been held when:

- (A) A complete application relating to the proposed development that was the subject of the pre-application conference has not been submitted within 18 months of the pre-application conference;
- (B) The proposed use, layout, and/or design of the proposal have significantly changed; or
- (C) The owner and/or developer of a project changes after the pre-application conference and prior to application submittal.

Applicant's Findings: *The applicant understands the purpose of requiring a pre-application conference. In accordance with Table 300-2, a pre-application is required for this application and a conference was held on December 28, 2023. The applicant received a pre-application*

summary after the conclusion of the meeting and the applicant has included the summary in the exhibits of this submittal. This criterion is met.

Section 300.310 – Neighborhood Association Contact

- (a) *Purpose.* The purpose of neighborhood association contact is to provide an opportunity for neighborhood associations to learn of upcoming land use applications involving land within or adjacent to their boundaries in advance of applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.
- (b) *Applicability.*
 - (1) Neighborhood association contact, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring neighborhood association contact.
 - (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for neighborhood association contact and the other applications do not require neighborhood association contact, the entire consolidated application shall require neighborhood association contact.
 - (3) Nothing in this section shall be construed to preclude additional contact between an applicant and neighborhood association beyond the requirements of this section, or an applicant from contacting a neighborhood association where no neighborhood association contact is required.
- (c) *Process.* Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:
 - (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and
 - (2) Contain the following information:
 - (A) The name, telephone number, and e-mail address of the applicant;
 - (B) The address of the subject property;
 - (C) A summary of the proposal;
 - (D) A conceptual site plan, if applicable, that includes the proposed development; and
 - (E) The date on which the e-mail or letter is being sent;
- (d) *Effect on subsequent land use application submittal.* A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the

neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Applicant's Findings: Pursuant to Table 300-2, neighborhood association contact is required for this application. The applicant emailed a letter, including all of the required information listed above about the proposal, to both the chair and land use chair of the neighborhood association. The email and letter are included with this submittal. This criterion is met.

Section 300.600 – General description

Type III applications are quasi-judicial in nature, and involve land use actions governed by criteria and standards that require the use of discretion and judgment. The issues associated with the land use action may be complex and the impacts significant, and conditions of approval may be imposed to mitigate the impacts and ensure compliance with the UDC and Salem Area Comprehensive Plan. A Type III application is a quasi-judicial review process where the Review Authority receives evidence and testimony, reviews the application for conformance with the applicable standards and approval criteria and issues a decision. The Type III application process is illustrated in Figure 300-3.

Section 300.610 – Type III applications

The following land use actions are Type III applications:

- (a) Those identified in Table 300-2 as Type III applications;
- (b) Those identified in the UDC as Type III applications; or
- (c) Those identified by the Planning Administrator as Type III applications based upon the guidelines for classification of applications under SRC 300.100(c).

Applicant's Findings: The review type for the applications submitted is identified in Table 300-2. Because the application is consolidated, the entire application is subject to Type III review procedures.

Section 300.620 – Type III procedure

(a) Application requirements.

- (1) *Applicant initiated.* If the Type III application is applicant initiated, the following shall apply:

- (A) *Application form.* Type III applications shall be made on forms provided by the Planning Administrator.

- (B) *Submittal requirements.* Type III applications shall include the information required under SRC 300.210.

- (2) *City initiated.* If the Type III application is City initiated, the application shall be initiated by resolution of the Council or Planning Commission.

Applicant's Findings: *This submittal includes the required application forms provided by the city. Each submittal requirement is provided, and the applicant has demonstrated how the proposal meets each criterion.*

(b) *Public notice.* Public notice is required for Type III applications. With the exception of annexation applications, public notice shall be by first class mail and by posting on the subject property. Annexation applications require public notice to be provided by first class mail, posted in a public place, and published.

(1) *Oregon Department of Land Conservation and Development notice.* Notice to the Oregon Department of Land Conservation and Development is required for certain Type III applications, pursuant to ORS 197.610. Notice to the Oregon Department of Land Conservation and Development shall be provided as follows:

- (A) The City shall provide notice of the application to the Oregon Department of Land Conservation and Development no later than the minimum number of days required by ORS ch. 197. An affidavit of mailing shall be prepared and made part of the file.
- (B) Notice to the Oregon Department of Land Conservation and Development shall be made on forms provided by the Oregon Department of Land Conservation and Development. Notice shall be accompanied by information of sufficient detail to convey the nature and effect of the application, and a certificate of mailing.

(2) *Mailed notice.* Mailed notice shall be provided as follows:

- (A) The City shall mail notice of the public hearing not less than 20 days prior to the public hearing. An affidavit of mailing shall be prepared and made part of the file.
- (B) Notice of public hearing shall be mailed to:
 - (i) The applicant(s) and/or authorized representative(s);
 - (ii) The owner(s) or contract purchaser(s) of record of the subject property;
 - (iii) The address of the subject property, based on the City's current addressing records;
 - (iv) The tenants of a manufactured home or mobile home park, for applications involving a comprehensive plan map change and/or zone change affecting all or part of the manufactured home or mobile home park;
 - (v) All property owners whose property will become an enclave notifying them of the potential for their

property to become an enclave, for annexation applications resulting in the creation of an enclave;

- (vi) Any active and duly incorporated Homeowner's Association (HOA) involving the subject property that is registered with the Oregon Secretary of State and which includes an identified registered agent. For purposes of this subsection, the HOA shall be the HOA as identified by the applicant. Notice requirements to the HOA shall be deemed to have been met when notice is provided to the registered agent of the HOA utilizing the contact information provided by the applicant;
- (vii) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (viii) Property owners of record, as shown on the most recent property tax assessment roll, of properties located within 250 feet of the subject property;
- (ix) Addresses, based on the City's current addressing records, within 250 feet of the subject property;
- (x) The Salem Area Mass Transit District;
- (xi) Any governmental agency entitled to notice by law or under an intergovernmental agreement with the City;
- (xii) Any community organizations, public utilities, agencies, or individuals who have submitted written requests for notification to the City; and
- (xiii) All property owners within the historic district, for Class 3 major historic design review, historic resource demolition, Class 2 historic accessory structure demolition, and historic resource relocation applications within a historic district.

(C) Mailed notice shall include:

- (i) The names of the applicant(s), any representative(s) thereof, and the owner(s) of the subject property;
- (ii) The type of application and a concise description of the nature of the request;
- (iii) The proposed site plan, if any;

- (iv) The street address or other easily understood geographical reference to the subject property;
- (v) A vicinity map identifying the subject property with relation to nearby major streets or other landmarks;
- (vi) A list of the applicable criteria by name and code section;
- (vii) The date, time, and place of the public hearing;
- (viii) A statement that the application and all documents and evidence submitted by the applicant are available for review and that copies can be obtained at a reasonable cost;
- (ix) A brief summary of the decision making process for the application;
- (x) A general explanation of the requirements for submission of testimony and the procedure for conduct of hearings;
- (xi) A statement that all interested persons may appear either in person or with representation by an attorney and provide testimony; and that only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision;
- (xii) A statement that failure to raise an issue prior to the close of the public hearing, in person or in writing, or failure to provide statements or evidence with sufficient specificity to afford the applicant and Review Authority to respond to the issue precludes an appeal to the Oregon Land Use Board of Appeals on that issue;
- (xiii) A statement that a copy of the staff report with recommendation to the Review Authority will be available for inspection at no cost at least seven days prior to the hearing, and that copies will be provided at a reasonable cost;
- (xiv) A statement that after the close of the public hearing a decision shall be made that will be mailed to the applicant, property owner, affected neighborhood association, anyone who

participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision; and

- (xv) The name and contact information for the staff case manager.

(3) *Posted notice.* Posted notice shall be provided as follows:

(A) *Notice posted on subject property.* Except for annexation applications, notice for Type III applications shall be posted on the subject property as follows:

- (i) The applicant, or City, if the application is City-initiated, shall post notice on the subject property no earlier than 14 and no later than ten days prior to the public hearing. The notice shall remain in place through the day of the public hearing. An affidavit of posting shall be filed no later than five days after the date of the original posting. The affidavit shall be made a part of the file.
- (ii) Notice shall be posted on each street frontage of the subject property in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public.
- (iii) Posted notice shall be provided on signs as prescribed by the Planning Administrator.
- (iv) The applicant, or City, if the application is City-initiated, shall remove and return the signs within seven days after the close of the public hearing.

(B) *Notice posted in public place.* Notice for annexation applications shall be posted in a public place as follows:

- (i) The applicant, or City, if the application is City-initiated, shall post notice in four public places within the City for two weeks prior to the public hearing. The notice shall remain in place through the day of the public hearing. An affidavit of posting shall be filed no later than five days after the date of the original posting. The affidavit shall be made part of the file.

- (ii) Notice shall be posted in a conspicuous place that is visible from the public right-of-way.
- (iii) Posted notice shall be provided on signs as prescribed by the Planning Administrator.
- (iv) The applicant, or City, if the application is City-initiated, shall remove and return the signs within seven days after the close of the public hearing.

(4) *Published notice.* The City shall cause notice of the public hearing on an annexation application to be published in a newspaper of general circulation within the City at least once a week for two consecutive weeks prior to the hearing. An affidavit of publication from the newspaper shall be obtained and made part of the file.

Applicant's Findings: *The applicant understands the noticing procedures required under this section. Posting notice on the subject property is required for the requested application and the procedures outlined above will be followed.*

(c) *Application review and staff report.* Staff shall review the application, written comments, and evidence submitted prior to the public hearing and prepare a staff report summarizing the application, comments received to-date, and relevant issues associated with the application; and making a recommendation to the Review Authority. The staff report shall be made available to the public for review a minimum of seven days prior to the hearing.

Applicant's Findings: *The applicant understands staff will have an initial review of the application in order to prepare a staff report and recommendation for the hearing officer's consideration.*

(d) *Public hearing.* A public hearing shall be held before the Review Authority for the purpose of receiving evidence and testimony regarding the application. The hearing shall be conducted in accordance with the public hearing procedures established under SRC 300.900. The Review Authority shall consider in its review the application, all evidence and testimony submitted for the record, and the recommendation of staff.

Applicant's Findings: *The applicant understands the hearing officer to be the review authority for this case and understands a public hearing will be held.*

(e) *Decision.* The Review Authority shall approve, conditionally approve, or deny the application based upon the facts contained within the record and according to the applicable standards and criteria. The decision shall be a written order or, in the case of an annexation application, an ordinance that shall include:

- (1) A list of the approval criteria by section number;

- (2) A statement of facts upon which the Review Authority relied to find the application does or does not comply with each approval criterion and to justify any conditions of approval. The Review Authority may direct the party whose position is adopted to prepare the statement of facts, and may adopt or incorporate a staff report or written findings prepared by any party to the proceeding into the order;
- (3) A statement of conclusions based on the statement of facts; and
- (4) An order or ordinance approving, approving with conditions, or denying the application.

Applicant's Findings: *The applicant understands the options of the review authority for making a decision in this case.*

- (f) *Notice of decision.* Notice of the decision shall be mailed within seven days from the date the Review Authority adopts the written order or, in the case of an annexation application, within seven days from the date of adoption of the ordinance. An affidavit of mailing shall be prepared and made part of the file.

- (1) Notice of decision shall be mailed to:

- (A) The applicant(s) and/or authorized representative(s);
- (B) The owner(s) or contract purchaser(s) of record of the subject property;
- (C) Any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property;
- (D) Any group or individual who submitted testimony for the record prior to the close of the public hearing;
- (E) Any governmental agency which is entitled to notice by law or under an intergovernmental agreement with the City, and any governmental agency that submitted testimony prior to the close of the public hearing;
- (F) Any community organizations, agencies, or individuals who submitted written requests for notice of the decision to the City; and
- (G) The Oregon Department of Land Conservation and Development, for decisions which required notice to the Oregon Department of Land Conservation and Development.

Applicant's Findings: *The applicant understands who shall be entitled to receipt of the mailed notice of decision.*

- (2) Notice of decision shall include:
 - (A) A brief description of the application;

- (B) A description of the site sufficient to inform the reader of its location, including site address, if available, map and tax lot number, and its comprehensive plan designation and zoning;
- (C) A brief summary of the decision, and conditions of approval, if any;
- (D) A statement of the facts relied upon;
- (E) The date the Review Authority's decision becomes effective, unless appealed;
- (F) The date, time, and place by which an appeal must be filed, a brief statement explaining how to file an appeal, and where further information may be obtained concerning the appeal process;
- (G) A statement that all persons who presented evidence or testimony as part of the hearing may appeal the decision; and
- (H) A statement that the complete case file, including findings, conclusions, and conditions of approval, if any, is available for review. The notice shall state where the case file is available and the name and telephone number of the staff case manager to contact about reviewing the case file.

Applicant's Findings: *The applicant understands the information the city must include in the notice of decision, as outlined in this section.*

(g) Appeal and review.

- (1) Unless appealed pursuant to SRC 300.1010 or review is initiated by the Council pursuant to SRC 300.1050, the decision of the Review Authority on a Type III application shall be the final decision of the City.
- (2) Only the applicant and persons who provided evidence or testimony prior to the close of the public hearing have standing to appeal a Type III application.
- (3) The Review Authorities for appeals are identified under Table 300-2. The decision of the Review Authority on appeal, or, if review is initiated by the Council, the Council on review, shall be the final decision of the City.
- (4) *Exceptions.* Notwithstanding any other provision of this subsection:
 - (A) The decision on a Class 3 major historic design review application is not subject to Council review unless the application is for new construction, as defined under SRC Chapter 230.
 - (B) The Council decision on an annexation application is the final decision of the City.
- (5) Appeal of the City's final decision is to the Oregon Land Use Board of Appeals.

Applicant's Findings: *The applicant understands the provisions applicable to an appeal of the decision as itemized above.*

- (h) *Expiration of approval.* Approval of a Type III application expires automatically as provided under SRC 300.850(a).

Applicant's Findings: *As demonstrated previously, the applicant understands the expiration and extension provisions of this application submittal.*

Section 300.800 – Public Notice Compliance; Waiver of Notice

Notice of land use approval under the procedures of this chapter shall be deemed to have been satisfied as follows:

- (a) *Compliance.* The requirements for notice shall be deemed satisfied for any person who, prior to the public hearing and in any manner, obtains actual knowledge of the date, time, place, and subject matter of the hearing. Requirements for the provision of mailed, posted or published public hearing notice shall be deemed satisfied as follows:
- (1) *Mailed notice.* Mailed notice shall be deemed to have been provided upon the date the notice is deposited in the mail. Failure of the addressee to receive such notice shall not invalidate the proceedings if it can be demonstrated by affidavit that such notice was deposited in the mail.
 - (2) *Posted notice.* Posted notice shall be deemed to have been provided upon the date when the sign is first posted. Subsequent removal of or damage to the sign by anyone other than the applicant or an officer of the City shall not invalidate the proceeding.
 - (3) *Published notice.* Published notice shall be deemed to have been provided upon the date when the notice appears within a newspaper of general circulation within the City.

Applicant's Findings: *The applicant understands the public notice requirements including mailed, posted, and published notice.*

- (b) *Waiver of notice.* The appearance or provision of testimony or comments on an application by any person subsequent to the initiation of the application or prior to the close of the record after a public hearing shall be deemed a waiver of such person to any claim of defect in the provision of notice.

Applicant's Findings: *The applicant understands the provisions of waiver of notice in accordance with this section.*

Section 300.810 – State Mandated Decision Date

- (a) Except as otherwise provided in this section, the City shall take final action on land use applications subject to ORS 227.178, including resolution of all local appeals, within 120 days after the application has been deemed complete pursuant to SRC 300.220, unless

the applicant provides written request or consent to an extension of such period pursuant to ORS 227.178(5).

Applicant's Findings: *The applicant understands the city must take final action on land use actions subject to ORS 227.178, including the resolution of appeals, within 120 days after the application has been deemed complete. The applicant understands they have the right to grant an extension to the 120-day rule.*

- (b) The City shall take final action on an application for affordable multiple family housing, including resolution of all local appeals, within 100 days after the application has been deemed complete pursuant to SRC 300.220, unless the applicant provides a written request or consent to an extension pursuant to ORS 227.178(5).

Applicant's Findings: *This application is not for affordable multiple family housing. Therefore, this section does not apply.*

Section 300.820 – Conditions of Approval

- (a) *Imposition of conditions, generally.* The Review Authority may impose conditions on land use actions to the extent allowed by law in order to protect the public and adjacent property owners from adverse impacts resulting from the proposed development, to fulfill an identified need for public services or infrastructure caused by or required for the proposed development, or to ensure conformance with the applicable development standards and criteria in the UDC. A condition of approval shall be valid and enforceable from and after the date the decision becomes effective.

- (1) Conditions of approval should be stated in clear and unambiguous terms; be reasonably related to the public health, safety, and welfare; and be designed to reasonably effectuate the intended purpose.

Applicant's Findings: *The applicant understands the review authority may impose conditions on the land use application included in this submittal. The conditions of approval should be clear, unambiguous, related to the public health, safety, and welfare, and designed in a manner to effectuate the intended purpose.*

- (2) The Review Authority shall not impose any permanent condition which would limit use of the subject property to one particular owner, tenant, or business. Permanent conditions may limit the subject property as to use, but shall not be so restrictive that other occupants who might devote the property to the same or substantially similar use would be unable to reasonably comply with the conditions.

Applicant's Findings: *The applicant understands the limits imposed on permanent conditions.*

- (b) *Effect of conditions.* Conditions of approval shall be construed and enforced, in all respects, as provisions of the UDC relating to the use and development of land.

Applicant's Findings: *The applicant understands the effect of conditions in accordance with this section.*

- (c) *Imposition of conditions on applications for housing developments.*

- (1) Except as otherwise provided in this subsection, the Review Authority may impose conditions on applications for housing developments. The Review Authority may not, however:

- (A) Impose a condition on an application for a housing development reducing its density if:

- (i) The density applied for is at or below the maximum density allowed; and
- (ii) At least 75 percent of the floor area applied for is reserved for housing.

- (B) Impose a condition on an application for a housing development reducing its height if:

- (i) The height applied for is at or below the maximum height allowed;
- (ii) At least 75 percent of the floor area applied for is reserved for housing; and
- (iii) Reducing the height would have the effect of reducing the proposed density.

- (2) Notwithstanding paragraph (1) of this subsection, the Review Authority may impose a condition on an application for a housing development reducing its density or height if the reduction is necessary to resolve a health, safety, or habitability issue or to comply with a protective measure adopted pursuant to a statewide land use planning goal.

Applicant's Findings: *This application is not for a housing development. Therefore, the provisions of this section are not applicable to this submittal.*

Section 300.840 – Issuance; Effective Date

- (a) Each decision shall be specific as to the approval granted and shall be subject to the standards and conditions set forth in UDC, including any variances or conditions authorized pursuant to the UDC.

Applicant's Findings: *The applicant understands each application, when granted, is subject to their own conditions and standards listed within the UDC.*

- (b) Decisions on land use actions become effective on:

- (1) The day the decision is issued, if no appeal is allowed;
- (2) The later occurring of either:
 - (A) The day after the appeal period expires, if an appeal is allowed, but no notice of appeal is timely filed; or
 - (B) The day after the decision appears on the City Council agenda, if the decision is eligible for Council Review pursuant to SRC 300.1050, but Council Review is not initiated;
- (3) The day the decision is issued by the final appeal body, if an appeal is allowed and notice of appeal is timely filed;
- (4) The day the decision is issued by the Council, if the decision is eligible for Council Review and Council Review is initiated pursuant to SRC 300.1050; or
- (5) The effective date of the ordinance, if the written decision is issued by ordinance.

Applicant's Findings: *The applicant understands the provisions related to when the land use action becomes effective.*

Section 300.900 – Public hearing, generally

The provisions of SRC 300.900 through 300.990 apply to all public hearings held pursuant to this chapter. Where the provisions of SRC 300.900 through 300.990 conflict with other sections of the Salem Revised Code the provisions of SRC 300.900 through 300.990 shall control.

Section 300.910 – Responsibilities of the Planning Administrator

For all public hearings held pursuant to this chapter, the Planning Administrator shall:

- (a) Schedule the public hearing before the applicable Review Authority.
- (b) Provide public notice of the hearing.
- (c) Prepare and make available to the public a staff report summarizing the proposal, the relevant issues, and any comments received as of the date of the report; and making recommendation based upon the proposal's conformance, or lack thereof, with the standards and criteria.
- (d) Mail notice of the decision to those entitled to notice under this chapter.
- (e) Maintain and prepare the record of the proceedings as required under SRC 300.980.

Applicant's Findings: *The applicant understands the responsibilities of the planning administrator for all public hearings.*

Section 300.920 – Rules of procedure

Public hearings shall be conducted in accordance with the provisions of this section and rules of procedure adopted by the Review Authority.

- (a) Any party may speak in person, through an attorney, or elect to have a representative from an officially recognized neighborhood association present the party's case.
- (b) A copy of any written testimony or physical evidence which a party desires to have introduced into the record at the time of hearing shall be submitted to the clerk of the Review Authority prior to, or at the time the party makes his or her presentation. If the testimony or evidence is not submitted to the secretary, it shall not be included in the record for the proceeding.
- (c) No person may speak more than once without obtaining permission from the Review Authority.
- (d) Upon being recognized by the presiding officer of the Review Authority, any member of the Review Authority, city staff or the City Attorney may question any person who testifies.
- (e) Testimony shall be directed towards the applicable standards and criteria which apply to the proposal.
- (f) The Review Authority may exclude or limit cumulative, repetitious, or immaterial testimony. To expedite hearings, the Review Authority may call for those in favor and those in opposition to rise, and the secretary of the Review Authority shall note the numbers of such persons for the record in the minutes.

Applicant's Findings: *The applicant and their representatives understand the rules of procedure for a public hearing. The applicant and their representatives will follow the above rules of procedure during the public hearing.*

Section 300.930 – Conflicts of interest; ex parte contact; challenges to impartiality; and abstention or disqualification

- (a) A member shall not participate in the discussion or vote in a quasi-judicial land use matter if:
 - (1) The member has an actual conflict of interest as defined by SRC 12.015(1), ORS 244.020(1), or ORS 244.120 or is prohibited from participating under section 62 of the Salem City Charter;
 - (2) The member was not present during the public hearing; provided, however, the member may participate if the member has reviewed the evidence, including recordings of the hearing, and declares such fact for the record.
- (b) Members shall reveal any ex parte contacts with regard to the proceeding at the commencement of the hearing, or any continuance thereof, of any quasi-judicial land use matter. If such contacts impair the member's impartiality, the member shall state this fact, and abstain from participation in the matter.
- (c) Upon a challenge to the qualifications or impartiality of a member of a Review Authority, the challenged member shall be given an opportunity to respond orally or in

writing to the challenge. The challenge and response shall be included in the record of the proceeding.

- (d) An abstaining or disqualified member of a Review Authority shall be counted for purposes of forming a quorum. A member who represents a personal interest at a hearing may do so only by making full disclosure to the Review Authority, abstaining from voting on the proposal, vacating the seat on the Review Authority, and physically joining the audience. A member representing a personal interest at a hearing shall not be counted for purposes of forming a quorum.

Applicant's Findings: *The applicant understands the provisions related to conflicts of interest; ex parte contact; challenges to impartiality; and abstention or disqualification.*

Section 300.940 – Burden of proof

- (a) The proponent has the burden of proof on all elements of the proposal, and the proposal must be supported by proof that it conforms to all applicable standards and criteria.
- (b) The decision shall be based on the applicable standards and criteria set forth in the UDC, the Salem Area Comprehensive Plan, and, if applicable, any other land use standards imposed by state law or administrative rule.
- (c) The applicant and any opponents may submit to the Review Authority a set of written findings or statements of factual information which are intended to demonstrate the proposal complies or fails to comply with any or all applicable standards and criteria.

Applicant's Findings: *The applicant understands have the burden of proof in this case and has presented evidence that all applicable criteria, both for local and state regulations, have been met.*

Section 300.950 – Evidence; witnesses; site visits; official notice

- (a) The technical rules relating to evidence and witnesses set forth in the Oregon Evidence Code shall not apply in hearings under this chapter, and any relevant evidence may be received by the Review Authority. Relevant evidence is any evidence having a tendency to make the existence or non-existence of a fact that is of consequence to the land use approval more or less probable than it would without the evidence.
- (b) For hearings under this chapter, evidence shall be anything offered for the record in the form of written or oral communication; or offered into the record as a representation or illustration of a fact or idea. The Review Authority shall be the exclusive judge as to what evidence may be received.
- (c) Witnesses shall not be sworn, provided that evidence of a factual nature in the form of a sworn affidavit may be given greater weight than unsworn contradictory evidence.

- (d) No decision shall be deemed invalid on the basis that any evidence was excluded, except where such exclusion was in error and caused harm to the substantive rights of the person offering the evidence.
- (e) Members of the Review Authority may inspect the subject property, provided that the date, time and place of the inspection are disclosed at the commencement of the hearing, along with the material facts observed during the inspection.
- (f) The Review Authority may take official notice either before or after the hearing, of official records, statutes, administrative rules and regulations, and ordinance. Any party may request on the record that official notice be taken of general, technical and scientific facts within the knowledge of the reviewing body. Any such general, technical and scientific facts need not be established by evidence and may be considered by the Review Authority in the determination of the matters. All other parties shall be given the opportunity to present rebuttal evidence for any general, technical or scientific fact for which official notice is requested.

Applicant's Findings: *The applicant understands the provisions regarding evidence; witnesses; site visits; and official notice, as outlined above.*

Section 300.960 – Order of proceedings

The order of proceeding for a hearing will depend in part on the nature of the hearing. The following shall be supplemented by the adopted rules of procedure of the Review Authority as appropriate:

- (a) *General.* Before receiving the staff report, testimony or evidence on the proposal, any objections on jurisdictional grounds shall be noted in the record and if there is objection, the Review Authority has the discretion to proceed or terminate the hearing.
- (b) *Land use hearing disclosure statement.* The secretary of the Review Authority shall read the land use disclosure statement, which shall include:
 - (1) A list of the applicable criteria;
 - (2) A statement that testimony, arguments and evidence must be directed toward the applicable criteria or other criteria in the plan or land use regulation which the person believes to apply to the decision;
 - (3) A statement that failure to raise an issue accompanied by statements or evidence sufficient to afford the decision maker and the parties an opportunity to respond to the issue precludes appeal to the Oregon Land Use Board of Appeals based on that issue; and
 - (4) If applicable, a statement that a failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

- (c) *Call for ex parte contacts.* The presiding officer of the Review Authority should inquire whether any member has had ex parte contacts. Any member announcing an ex parte contact shall state for the record the nature and content of the contact.
- (d) *Call for abstentions.* The presiding officer of the Review Authority should inquire whether any member must abstain from participation in the hearing due to conflicts of interest or due to any of the circumstances set forth in the Salem City Charter, section 62. Any member announcing a conflict of interest shall state the nature of the conflict, and shall not participate in the proceeding, unless the vote is necessary to meet a requirement of a minimum number of votes necessary to take official action; provided, however, that the member shall not participate in any discussion or debate on the issue out of which the conflict arises.
- (e) *Staff summary.* City staff shall present a summary and recommendation concerning the proposal.
- (f) *Presentation of the case.*
 - (1) Applicant's case.
 - (2) Persons in favor.
 - (3) Neighborhood associations. Appearance by a representative from any officially recognized neighborhood association which includes the affected area to present the association's position on the proposal.
 - (4) Persons opposed.
 - (5) Other interested persons.
 - (6) Rebuttal and surrebuttal. Rebuttal may be presented by the applicant. The scope of rebuttal is limited to matters which were introduced during the hearing. If new evidence is submitted by the applicant during rebuttal, all other persons shall have the opportunity for surrebuttal.
- (g) *Close of hearing.* No further information shall be received after the close of the hearing, except for specific questions directed to staff. If the response to any such questions requires the introduction of new factual evidence, all parties shall be afforded an opportunity to respond to the new factual evidence.
- (h) *Reopened hearings.* The hearing may be reopened by the Review Authority, upon majority vote, prior to decision, to receive additional testimony, evidence or argument. Notice shall be provided to the same persons who received notice of the original hearing.
- (i) *Deliberations and decision.* Deliberations shall immediately follow the hearing, except that the Review Authority may delay deliberations to a subsequent date and time certain.
- (j) *Findings and order.* The Review Authority may approve, approve with conditions, or deny an application. The Review Authority shall adopt findings to support its decision. The Review Authority may incorporate findings proposed by the applicant, an opponent,

staff, the hearings officer or the planning commission in its decision, or may direct the prevailing party to prepare draft findings for consideration by the Review Authority.

Applicant's Findings: *The applicant is familiar with, and understands, the order of proceedings for the public hearing that is required for this case.*

Section 300.970 – Continued hearing; extension of the record

- (a) *Procedure when hearing does not constitute the first evidentiary hearing.* If additional evidence or documents are provided by any party after the date the staff report is made available to the public, the Review Authority may allow a continuance or leave the record open to allow the parties a reasonable opportunity to respond. Any continuance or extension of the date for closing the record requested by an applicant shall result in a corresponding extension of the state mandated decision date set forth under ORS 227.178—227.179.
- (b) *Procedure when hearing constitutes the first evidentiary hearing.* Prior to the conclusion of a quasi-judicial land use proceeding which constitutes the first evidentiary hearing on the matter, any party may request an opportunity to present additional evidence, arguments or testimony regarding the proposal. Upon such request, the Review Authority shall either continue the hearing or hold the record open as provided in this subsection.
- (c) *Continuances.*
 - (1) If the Review Authority grants a continuance, the hearing shall be continued to a time certain at least seven days after the date of the hearing. The continued hearing shall provide an opportunity for persons to present and rebut new evidence, arguments and testimony.
 - (2) If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven days to submit additional written evidence, arguments or testimony for the purpose of responding to the new written evidence.
 - (3) Only one continuance is available of right under this subsection; provided, however, nothing in this subsection shall restrict the Review Authority, in its discretion, from granting additional continuances.
- (d) *Holding the record open.*
 - (1) If the Review Authority holds the record open for additional written evidence, arguments or testimony, the record shall be left open for at least seven days after the close of the hearing.
 - (2) Any participant may file a written request with the City Recorder for an opportunity to respond to any new evidence submitted during the period the record was left open. Any such request shall be filed no later than the end of the

last business day the record is held open. If such a request is filed, the Review Authority shall reopen the record.

- (e) *Reopening the record.* If the record is reopened, any person may submit additional evidence, arguments or testimony to respond to the new evidence or new testimony submitted during the period the record was left open, or raise new issues or make new arguments which relate to the new evidence, new arguments or new testimony. Notice of the reopened record shall be provided to any person who presented evidence or testimony in the proceedings prior to the date the record was reopened.
- (f) *Presentation of final written argument.* Prior to the close of the record, the applicant may, in writing, request an opportunity to submit final written argument. If an applicant makes such a request, as provided in this subsection, the applicant shall have at least seven days after the record is closed to all other parties to submit final written argument in support of the application. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence. A failure by an applicant to make a request to submit final written argument, as provided by this subsection, shall be deemed a waiver by the applicant of this right.
- (g) *Effect on state mandated decision date.* Any continuance of the hearing or extension of the date for closing the record which is agreed to or requested by the proponent shall result in a corresponding extension of the state mandated decision date imposed by ORS 227.178—227.179. A seven-day period for submittal of final written argument provided to the proponent shall likewise result in a corresponding extension of the state mandated decision date. Any other continuance or extension shall be subject to the state mandated decision date.
- (h) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Argument means assertions and analysis regarding the satisfaction or violation of legal standards or policy believed relevant by the proponent of a decision. Argument does not include facts.

Evidence means facts, documents, data or other information offered to demonstrate compliance or noncompliance with the standards and criteria believed by the proponent to be relevant to the proposal.

Applicant's Findings: *The applicant understands the hearing may be continued or the record held open. It is understood if this is to happen, the procedures outlined above will be followed.*

Section 300.980 – Record of proceedings

- (a) *Record content.* A record of the proceedings shall be prepared and maintained for all public hearings. The record of proceedings is comprised of:

- (1) The Charter of the City, the Salem Area Comprehensive Plan, and the Salem Revised Code, all of which shall be automatically incorporated into the record by virtue of this subsection;
 - (2) The application, resolution, or other action which initiated the proceeding;
 - (3) All testimony, evidence, and exhibits submitted prior to the close of the record of the proceeding. Where practicable, exhibits submitted shall be marked to show the identity of the person offering the item and whether the person is in favor, or opposed to, the application;
 - (4) Any staff reports submitted prior to and after the hearing;
 - (5) An electronic recording of the hearing;
 - (6) Minutes of the hearing;
 - (7) Minutes of any public meeting after the close of the hearing at which the proceeding is discussed or acted upon by the hearing body; and
 - (8) The written decision.
- (b) *Access to record.* Access to the record shall be made available to the public at a reasonable time and place; any person may obtain copies of the record at the person's own expense.

Applicant's Findings: *The applicant understands an official record will be made and access to the record must be made available to the public at a reasonable time and place.*

Section 5: Findings Applicable to Conditional Use Permit

Chapter 240 – Conditional Use

Section 240.001 – Purpose

The purpose of this chapter is to allow uses that are similar to other uses permitted outright in a zone but because of the manner in which the use may be conducted, or the land and buildings developed for the use, review is required to determine whether the imposition of conditions is necessary to minimize the negative impacts on uses in the surrounding area.

Applicant's Findings: *The applicant understands the purpose of the conditional use permit. The applicant is seeking approval to expand the number of occupants from five persons to a room and board use serving 6 to 75 persons, triggering the requirement of a conditional use permit.*

Section 240.005 – Conditional Use Permits

(a) *Applicability.*

- (1) 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.
- (2) No use for which a conditional use permit has been granted shall be expanded, relocated, or changed to another conditional use, and no building or structure

devoted to such use shall be structurally altered or enlarged, unless a new conditional use permit, or a modification of an existing conditional use permit, has been granted pursuant to this chapter for such expansion, relocation, change, structural alteration, or enlargement; provided, however, a new conditional use permit, or modification of an existing conditional use permit, shall not be required for interior construction or tenant improvements that involve no change of use, or for alterations required to address a building code violation or to comply with the Americans with Disabilities Act.

Applicant's Findings: *The applicant purchased the subject properties in 2023 with the intent of serving 5 or more people in a residential care setting, triggering a conditional use permit pursuant to SRC Chapter 511, Table 511-1.*

(b) *Procedure type.* A conditional use permit is processed as a Type III procedure under SRC chapter 300.

Applicant's Findings: *The applicant understands the procedure type for this conditional use permit and has demonstrated familiarity with Type III procedures.*

(c) *Submittal requirements.* In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a conditional use permit shall include the following:

- (1) A site plan, of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of all proposed primary and accessory structures and other improvements, including fences, walls, and driveway locations, indicating distance to such structures from all property lines and adjacent on-site structures;
 - (C) Loading areas, if included with proposed development;
 - (D) All proposed landscape areas on the site, with an indication of square footage and as a percentage of site area;
 - (E) The location, height, and material of fences, berms, walls, and other proposed screening as they relate to landscaping and screening required by SRC chapter 807;
 - (F) The location of all trees and vegetation required to be protected under SRC chapter 808; and
 - (G) Identification of vehicle, pedestrian, and bicycle parking and circulation areas, including handicapped parking stalls, disembarking areas, accessible routes of travel, and proposed ramps.

- (2) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:
 - (A) The total site area, dimensions, and orientation relative to north;
 - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines and whether they are to be removed;
 - (C) The location of the 100-year floodplain, if applicable; and
 - (D) The location of drainage patterns and drainage courses, if applicable.
- (3) A completed Trip Generation Estimate for the proposed development, on forms provided by the City.
- (4) A traffic impact analysis, if required SRC chapter 803.

Applicant's Findings: All items listed above, as applicable, are included in the exhibits for this submittal. This criterion is met.

(d) *Criteria.* An application for conditional use permit shall be granted if all of the following criteria are met:

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

Applicant's Findings: In accordance with Salem Revised Code Chapter 511.005, Table 511-1; Uses group living, residential care, serving 5 or more persons is permitted as a conditional use in the zone. The applicant wishes to serve more than 5 individuals, triggering the conditional use permit standards. 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; and

Applicant's Findings: The applicant believes there will be no adverse impacts on the immediate neighborhood due to a number of existing factors. The subject site has historically been utilized in a similar capacity and has successfully operated within the neighborhood. Most of the individuals being served by Bridgeway Recovery Services do not have a vehicle on site, minimizing the likelihood of vehicular congestion. Thick, mature landscaping exists between the existing structures screening the use from adjacent developments. Where thick landscape is not present, the site is screened with an opaque cedar fence. No exterior alterations are proposed or needed in order to increase the capacity of services at this location.

The proposed expansion will benefit the immediate neighborhood and the greater Faye Wright community by helping individuals experiencing addiction become contributing members of society. This criterion is met.

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

Applicant's Findings: *The applicant believes the proposed use will be reasonably compatible with the livability of surrounding developments and there will be no adverse impacts on the immediate neighborhood due to a number of existing factors. The subject site has historically been utilized in a similar capacity and has successfully operated within the neighborhood. Most of the individuals being served by Bridgeway Recovery Services do not have a vehicle on site, minimizing the likelihood of vehicular congestion. Thick, mature landscaping exists between the existing structures screening the use from adjacent developments. Where thick landscape is not present, the site is screened with an opaque cedar fence. No exterior alterations are proposed or needed in order to increase the capacity of services at this location.*

The proposed expansion will benefit the immediate neighborhood and the greater Faye Wright community by helping individuals experiencing addiction become contributing members of society. This criterion is met.

- (e) *Transfer of conditional use permit.* Unless otherwise provided in the decision granting the conditional use permit, conditional use permits shall run with the land.

Applicant's Findings: *The applicant understands any rights granted by this conditional use permit will run with the land and will transfer ownership if the property is sold.*

Section 6: Findings Applicable to Property Line Adjustment

Chapter 205 – Land Division and Reconfiguration

Section 205.001 – Purpose

The purpose of this chapter is to provide regulations governing the division and reconfiguration of land.

Applicant's Findings: *The applicant understands the regulations of this section. Because the application requests the reconfiguration of two properties by relocating the common property line, the provisions of this section are applicable.*

Section 205.055 – Property line adjustments

- (a) ***Applicability.*** A property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a), or to incorporate into another unit of land, as provided by ORS 92.010(9)(e), excess right-of-way that was acquired for street or other right-of-way purposes and subsequently sold by a public body. Property line adjustments shall not be used to create an additional unit of land, or to create units

of land that are non-conforming. No property line shall be relocated or eliminated without property line adjustment approval as set forth in this section.

Applicant's Findings: *The applicant is seeking to adjust the common property line between parcels 1 and 2 allowing parcel 2 to have street frontage onto Boone Road SE, triggering the applicability of this section.*

(b) *Procedure type.* A property line adjustment is processed as a Type I procedure under SRC chapter 300.

Applicant's Findings: *The applicant understands the above criterion. However, this application is consolidated with a conditional use permit which requires a Type III review.*

(c) *Submittal requirements.* In addition to the submittal requirements for a Type I application under SRC chapter 300, an application for a property line adjustment shall include:

- (1) A copy of recorded deeds for the existing units of land;
- (2) A site plan, drawn to scale, indicating:
 - (A) The dimensions and areas of the units of land before and after the proposed property line adjustment;
 - (B) Setbacks, building separations, lot coverage, vehicular access, and public and private utilities;

Applicant's Findings: *All required information has been provided in the attached exhibits. This criterion is met.*

- (3) Proof of ownership including, but not limited to, a preliminary title report not older than 30 days for each affected property at the time the application is submitted;

Applicant's Findings: *Proof of ownership is included with this application submittal. This criterion is met.*

- (4) Any additional documents required to establish that the unit(s) of land were legally created;

Applicant's Findings: *Deed information is provided; the properties were lawfully established. This criterion is met.*

- (5) A copy of the draft property line adjustment deed(s), in a form approved by the Director, containing:
 - (A) The names of the owners;

- (B) Legal descriptions of the adjusted property(ies) and the transacted property prepared and sealed by an Oregon-registered Professional Land Surveyor;
- (C) References to original recorded deeds including the creation date and instrument used to lawfully establish each unit of land; and
- (D) A place for the signatures of all parties, along with proper notary acknowledgment.

Applicant's Findings: *The applicant's surveyor has prepared draft deeds and exhibits for review. This criterion is met.*

- (d) *Criteria.* A property line adjustment shall be approved if all of the following criteria are met:

- (1) The property line adjustment will not create an additional unit of land;

Applicant's Findings: *As demonstrated by the PLA exhibit provided with this application submittal, the PLA does not propose to create an additional unit of land. Property A is proposed to increase in size from 16,449 square feet to 19,689 square feet and Property B is proposed to decrease in size from 10,355 square feet to 7,115 square feet. This criterion is met.*

- (2) The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development;

Applicant's Findings: *The proposed final configuration of the properties will comply with the development and lot configuration standards of the RS zone, as demonstrated below in the applicant's responses to the applicable provisions of SRC Chapter 511. This criterion is met.*

- (3) The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Applicant's Findings: *Deed information is provided; the properties were lawfully established. This criterion is met.*

- (4) The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Applicant's Findings: *There are no known city land use approval or previous condition of approval, affecting the properties which would prohibit the applicant's request. This criterion is met.*

- (5) The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way; and

Applicant's Findings: *The applicant's surveyor has demonstrated, on the preliminary plats provided, that the PLA will not relocate or eliminate any public easement or right-of-way. This criterion is met.*

- (6) The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Applicant's Findings: *As demonstrated, the proposed property line adjustment will not impact the manner in which public or private utilities are accessed, nor will it impact any access to the public street. This criterion is met.*

- (e) *Multiple property line adjustments.* If more than three property line adjustment applications affecting the same unit of land are proposed within a six-month period, the property line adjustments shall be processed as follows:

- (1) When the units of land are within a recorded plat, the property line adjustments affecting the units of land shall be by replat; and
- (2) When the units of land are not within a recorded plat, the property line adjustments affecting the units of land shall be by partition.

Applicant's Findings: *The applicant is seeking approval of just one property line adjustment and no other adjustments have been requested or granted within the last six months for the subject properties. This criterion is not applicable.*

- (f) *Monumentation recording.*

- (1) Property line adjustments shall be surveyed, monumented, and recorded as required by state law. Prior to recording the record of survey map with the county:

- (A) The City Surveyor shall review the final property line adjustment deed document(s) and an updated preliminary title report, not older than 30 days from the date of the review, and certify that it:

- (i) Identifies the correct owners of each property;
- (ii) Identifies the grantor and grantee in the correct manner;
- (iii) Includes, when applicable, references to any easements of record;
- (iv) Includes a legal description(s) that:

- (aa) Accurately describes the adjusted property(ies) and the properties being conveyed;
 - (bb) Contains bearing and distance calls that mathematically close; and
 - (cc) Contain, when applicable, correct references to artificial and natural monuments along adjoining property(ies).
- (v) Correctly represents the areas in each legal description; and
- (vi) Complies with the requirements of state law.
- (B) The applicant shall record the final property line adjustment deed(s) document; and
- (C) The City Surveyor shall review the record of survey map to ensure:
 - (i) That the record of survey map conforms with the property line adjustment deeds; and
 - (ii) Compliance with state law and this section.

Applicant's Findings: *The applicant has retained a professional land surveyor to complete the final recording and monumentation required. These criteria will be met.*

(g) *Expiration.*

- (1) Property line adjustment approval shall expire as provided in SRC 300.850, unless the approved property line adjustment deed and record of survey map are recorded with the county.
- (2) Multiple property line adjustments processed according to subsection (e) of this section shall expire as provided in SRC 300.850 according to the expiration period specified for the required application.
- (3) Evidence demonstrating that the approved property line adjustment deed and record of survey map, when required under subsection (f) of this section, have been recorded with the county shall be provided to the Director.

Applicant's Findings: *The applicant understands the provisions surrounding expiration of any approval granted by the city. If applicable, these criteria will be met.*

Chapter 511 – RS – Single Family Residential
Section 511.010 – Development Standards

Development within the RS zone must comply with the development standards set forth in this section.

- (a) *Land divisions in the RS zone.* When land is subdivided in the RS zone that is at least ten acres in size, includes or abuts an existing or planned collector or minor arterial street, and is located more than one-quarter mile from all commercial, mixed-use, and neighborhood hub zones; neighborhood hub uses shall be allowed on at least two of the lots that are created, provided all of the following standards are met:
- (1) The lots shall be contiguous. For the purposes of this standard, any lots that are only separated by right-of-way may be considered contiguous.
 - (2) At least one of the lots shall be located on an existing or planned collector or minor arterial street.

Applicant's Findings: *The applicant is not seeking approval of a land division. This criterion is not applicable.*

- (b) *Lot standards.* Lots within the RS zone shall conform to the standards set forth in Table 511-2.

Applicant's Findings: *The proposed property line adjustment will reconfigure two previously platted parcels of land. In accordance with the preliminary plat provided, Property A is proposed to increase in size from 16,449 square feet to 19,689 square feet and Property B is proposed to decrease in size from 10,355 square feet to 7,115 square feet. Table 511-2 Lot Standards indicates nonprofit shelters and all other uses require a minimum lot size of 6,000 square feet. The minimum lot depth requirement is 40-feet. Excluding the accessway, both lots exceed 50-feet in width. The proposed lots meet these standards.*

- (c) *Dwelling unit density...* (code text removed due to inapplicability).

Applicant's Findings: *Dwelling unit density is not applicable to this application.*

- (d) *Setbacks.* Setbacks within the RS zone shall be provided as set forth in Table 511-3.

Applicant's Findings: *The existing structure at 215 Boone Road SE will maintain a minimum 5-foot setback from the new property line for the northern parcel's flagpole. All other setbacks will remain the same. This criterion is met.*

- (e) *Lot coverage; height.* Buildings and accessory structures within the RS zone shall conform to the lot coverage and height standards set forth in Table 511-4.

Applicant's Findings: *The applicant analyzed the lot coverage standards for 215 Boone Road SE because this parcel is proposed to be smaller upon recordation of the PLA. The newly proposed parcel size is 7,115 square feet. The existing dwelling has a footprint of 2,637 square feet and the accessory structure has a footprint of 500 square feet. In accordance with Table 511-4, the maximum lot coverage allowed is 35 percent, or 2,490 square feet. Because the site was originally developed as a single family use, at the time of development, 60 percent lot coverage*

was the maximum. Because this is an existing development, the maximum lot coverage of 35 percent for the new use is not applicable.

- (f) *Maximum square footage for all accessory structures.* In addition to the maximum coverage requirements established in Table 511-4, accessory structures to single family and two family uses shall be limited to the maximum aggregate total square footage set forth in Table 511-5.
- (g) *Development standards for continued uses.* Buildings or structures housing a continued use may be structurally altered or enlarged, or rebuilt following damage or destruction, provided such alteration, enlargement, or rebuilding complies with the following standards:
 - (1) The altered, enlarged, or rebuilt building or structure shall conform to development standards set forth in this chapter, and to all other applicable provisions of the UDC; or
 - (2) Any building or structure rebuilt shall be located on the same location on the lot as the original building or structure and may be enlarged, provided the enlargement does not increase the building or structure's nonconformity to development standards set forth in this chapter and all other applicable provisions of the UDC.
- (h) *Development standards for neighborhood hub uses.* In lieu of the development standards in this zone, neighborhood hub uses allowed pursuant to SRC 511.005(c) shall comply with the development standards set forth in the NH zone.

Applicant's Findings: *Criteria (f), (g), and (h) are not applicable to the proposal.*

Section 7: Conclusion

Based on the facts and findings presented by the applicant within this detailed written narrative, the applicant believes they have satisfied the burden of proof required by the Unified Development Code. The applicant has also demonstrated how the proposed property line adjustment and conditional use permit not only satisfies all applicable criteria but would also be a benefit to the community by providing additional opportunities for individuals suffering from addiction in our community to receive treatment.

Section 8: Exhibits

Exhibit A	Marion County Tax Map
Exhibit B	Deeds
Exhibit C	Articles of Organization
Exhibit D	Existing Conditions Plan
Exhibit E	Proposed PLA Plat
Exhibit F	Proposed PLA Deeds
Exhibit G	TGE Form
Exhibit H	HCRPZ Acknowledgement

Exhibit I	HOA Statement
Exhibit J	Pre-Application Conference Notes
Exhibit K	Neighborhood Association Contact

Exhibit A – Marion County Tax Map

08 3W 09DD

SEE MAP
083W09DB

08 3W 09DD
SALEM



MARION COUNTY, OREGON
SE1/4 SE1/4 SEC9 T8S R3W W.M.
SCALE 1" = 100'

LEGEND

- LINE TYPES
- | | |
|--------------------------|-----------------------|
| Taxlot Boundary | Historical Boundary |
| Road Right-of-Way | Easement |
| Railroad Right-of-Way | Railroad Centerline |
| Private Road ROW | Taxcode Line |
| Subdivision/Plat Bndry | Map Boundary |
| Waterline - Taxlot Bndry | Waterline - Non Bndry |

- CORNER TYPES
- | | |
|-----------------------|------------------|
| + 1/16TH Section Cor. | 1/4 Section Cor. |
| ⊙ DLC Corner | Section Corner |

NUMBERS
Tax Code Number
00 00 0

Acreage
0.25 AC

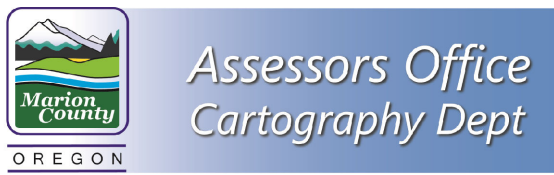
All acres listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES
Tick Marks: A tick mark in the road indicates that the labeled dimension extends into the public ROW

200.00
175.00

CANCELLED NUMBERS			
10902			
11000			
12300			
12400			
13201			

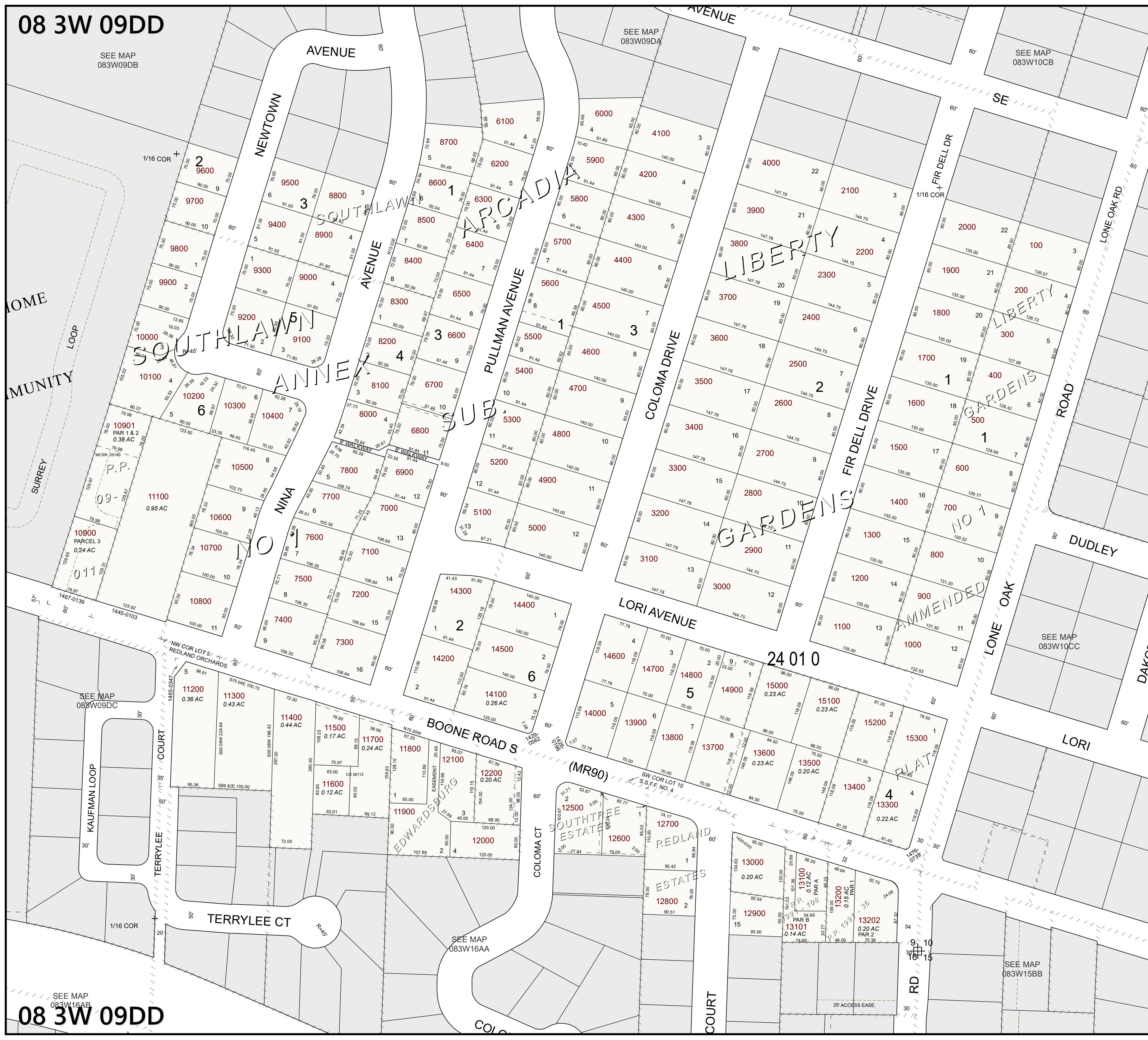
DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY



FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT
www.co.marion.or.us

PLOT DATE: 10/16/2020

SALEM
08 3W 09DD



08 3W 09DD

Exhibit B – Deeds

Parcel Information

Parcel #:	531942
Tax Lot:	083W09DD10900
Site Address:	215 Boone Rd SE
	Salem OR 97302
Owner:	Wsh LLC
Owner2:	
Owner Address:	PO Box 4712
	Salem OR 97302
Twn/Range/Section:	08S / 03W / 09 / SE
Parcel Size:	0.24 Acres (10,355 SqFt)
Plat/Subdivision:	
Lot:	3
Block:	
Census Tract/Block:	002102 / 3004
Waterfront:	

**Tax Information**

Levy Code Area:	24010
Levy Rate:	19.6269
Tax Year:	2023
Annual Tax:	\$0.00
Exempt Desc:	N/A

Assessment Information

Market Value Land:	\$85,000.00
Market Value Impr:	\$387,720.00
Market Value Total:	\$472,720.00
Assessed Value:	\$0.00

Legal

P.P. 2009-011, PARCEL 3

Land

Zoning:	RS - Single Family Residential	Cnty Bldg Use:	141 - Residential - One Story Only
Cnty Land Use:	981	Neighborhood:	
Std Land Use:	RSFR - Single Family Residence	Recreation:	
School District:	24J - Salem-Keizer	Primary School:	Liberty Elementary School
Middle School:	Crossler Middle School	High School:	Sprague High School

Improvement

Year Built:	2008	Stories:	1	Finished Area:	2,530
Bedrooms:	5	Bathrooms:	2.5	Garage:	500 Detached Finished Garage
Basement Fin:					

Transfer Information

Rec. Date:	09/16/2016	Sale Price:	\$650,000.00	Doc Num:	38610430	Doc Type:	Deed
Owner:	Wsh LLC			Grantor:	M & M ENTS LLC		
Orig. Loan Amt:	\$300,000.00			Title Co:	FIRST AMERICAN TITLE		
Finance Type:		Loan Type:	Conventional	Lender:	WILLAMETTE CMNTY BK		

Sentry Dynamics, Inc. and its customers make no representations, warranties or conditions, express or implied, as to the accuracy or completeness of information contained in this report.



After recording return to:
WSH LLC
PO Box 4712
Salem, OR 97302

Until a change is requested all tax
statements shall be sent to the
following address:
WSH LLC
PO Box 4712
Salem, OR 97302

File No.: 7081-2723423 (ST)
Date: August 22, 2016

THIS SPACE RESERVED FOR RECORDER'S USE

REEL 3861 PAGE 430
MARION COUNTY
BILL BURGESS, COUNTY CLERK
09-16-2016 11:50 am.
Control Number 427562 \$ 61.00
Instrument 2016 00044848

STATUTORY WARRANTY DEED

M and M Enterprises, LLC, an Oregon limited liability company, Grantor, conveys and warrants to **WSH, LLC, a limited liability company**, Grantee, the following described real property free of liens and encumbrances, except as specifically set forth herein:

LEGAL DESCRIPTION: Real property in the County of Marion, State of Oregon, described as follows:

PARCELS 1, 2 AND 3 OF PARTITION PLAT 2009-11, RECORDED, IN BOOK OF PARTITION PLATS AND IN REEL 2009, PAGE 11, DEED RECORDS, MARION COUNTY, OREGON.

TOGETHER WITH AN 25 FEET ACCESS EASEMENT AS DISCLOSED ON RECORDED PLAT MAP FOR PARCELS 1 AND 2.

Subject to:

1. The **2016-2017** Taxes, a lien not yet payable.
2. Covenants, conditions, restrictions and/or easements, if any, affecting title, which may appear in the public record, including those shown on any recorded plat or survey.

The true consideration for this conveyance is **\$650,000.00**. (Here comply with requirements of ORS 93.030)

FATCO 2723423

APN: R345420

Statutory Warranty Deed
- continued

File No.: 7081-2723423 (ST)

BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON'S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301 AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.


Dated this 15th day of September, 2016 ST

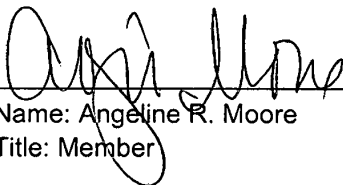
APN: R345420

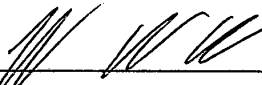
Statutory Warranty Deed
- continued


File No.: 7081-2723423 (ST)

M and M Enterprises, LLC, a limited liability
company

By: 
Name: Sue Miller formerly known
Sue Robinson
Title: Member

By: 
Name: Angeline R. Moore
Title: Member

By: 
Name: Ty M. Moore
Title: Member

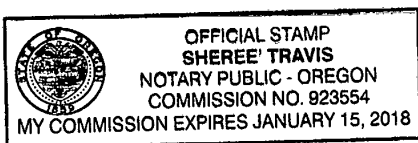
By: 
Name: Dana Miller
Title: Member

STATE OF Oregon)
)ss.
County of Marion)

This instrument was acknowledged before me on this 15th day of September, 2016
by Sue Miller formerly known as Sue Robinson and Dana Miller as Members of M and M Enterprises, LLC,
on behalf of the limited liability company.



Notary Public for Oregon
My commission expires: 11/15/18



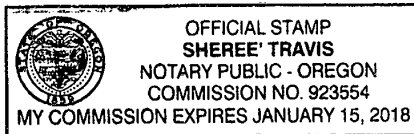
APN: R345420

Statutory Warranty Deed
- continued

File No.: 7081-2723423 (ST)

STATE OF Oregon)
)ss.
County of Marion)

This instrument was acknowledged before me on this 15th day of September, 2016
by Angeline R. Moore and Ty M. Moore as Members of M and M Enterprises, LLC, on behalf of the limited
liability company.



[Handwritten Signature]

Notary Public for Oregon
My commission expires: 1/15/18

REEL: 3861

PAGE: 430

September 16, 2016, 11:50 am.

CONTROL #: 427562

State of Oregon
County of Marion

I hereby certify that the attached
instrument was received and duly
recorded by me in Marion County
records:

FEE: \$ 61.00

**BILL BURGESS
COUNTY CLERK**

THIS IS NOT AN INVOICE.

Exhibit C – Articles of Organization

ARTICLES OF ORGANIZATION
OF
BRIDGEWAY HOLDINGS, LLC

FILED
AUG 02 2017
OREGON
SECRETARY OF STATE

The undersigned individual, being a natural person of the age of eighteen (18) years or more, acting as organizer under the Oregon Limited Liability Company Act, adopts the following Articles of Organization:

1. **Name**

The name of the limited liability company shall be **BRIDGEWAY HOLDINGS, LLC**.

2. **Duration**

The existence of the limited liability company shall be perpetual.

3. **Initial Registered Office and Registered Agent**

The name and address of the initial registered office and agent are as follows:

Name

Address

Timothy Murphy

250 Church Street SE, Suite 202
Salem, OR 97301

4. **Notice**

The name and address of the person to whom the Corporation Division may mail notices until the principal office of the limited liability company has been designated in an annual report are as follows:

Name

Address

Timothy Murphy

PO Box 17818
Salem, OR 97305

5. **Organizer**

The name and address of the organizer are as follows:

Name

Address

Timothy Murphy

PO Box 17818
Salem, OR 97305



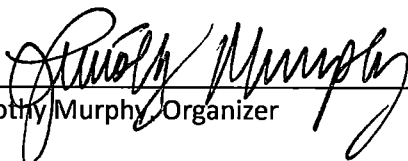
6. Member Managed

This limited liability company shall be member managed.

8. Effective Date

Pursuant to ORS 63.011(1) these Articles of Organization shall be effective the date they are filed with the Secretary of State.

DATED: 8/2/17, 2017



Timothy Murphy, Organizer

PERSON TO CONTACT ABOUT THIS FILING:

Wayne A. Kinkade
(503) 399-1070

Exhibit D – Existing Conditions Plan



0' 30' 60'
SCALE: 1 INCH = 30 FEET

EXISTING CONDITIONS

IN THE SE 1/4 OF SECTION 9, T.8S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

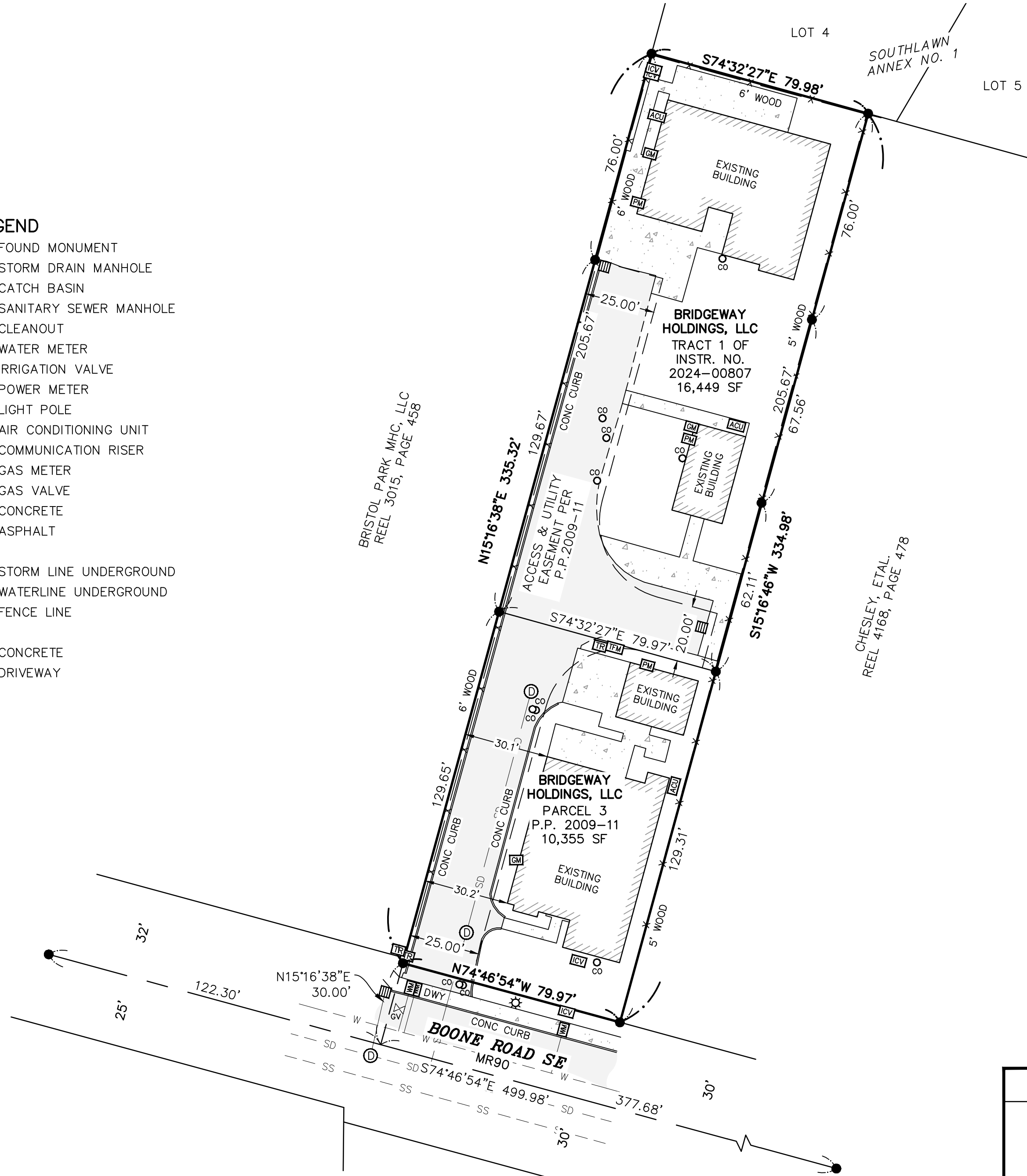
DATE: MARCH 08, 2024

LEGEND

- FOUND MONUMENT
- ⊙ STORM DRAIN MANHOLE
- ▤ CATCH BASIN
- ⊙ S SANITARY SEWER MANHOLE
- ∞ ○ CLEANOUT
- WM WATER METER
- ICV IRRIGATION VALVE
- PM POWER METER
- ☼ LIGHT POLE
- ACU AIR CONDITIONING UNIT
- TR COMMUNICATION RISER
- GM GAS METER
- GV GAS VALVE
- CONCRETE
- ASPHALT

SD STORM LINE UNDERGROUND
W WATERLINE UNDERGROUND
X FENCE LINE

CONC CONCRETE
DWY DRIVEWAY



PROPERTY INFORMATION

TRACT 1, INSTR. NO. 2024-00807
OWNER: BRIDGEWAY HOLDINGS, LLC
ADDRESS: 211 BOONE ROAD SE

PARCEL 3, P.P. 2009-11
OWNER: BRIDGEWAY HOLDINGS, LLC
ADDRESS: 215 BOONE ROAD SE

REGISTERED
PROFESSIONAL
LAND SURVEYOR
DRAFT
OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569
RENEWS: 6-30-2025

SURVEYED FOR: BRIDGEWAY RECOVERY SERVICES



FFN SURVEYING

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 24-493

SHEET 1/1

Exhibit E – Proposed PLA Plat



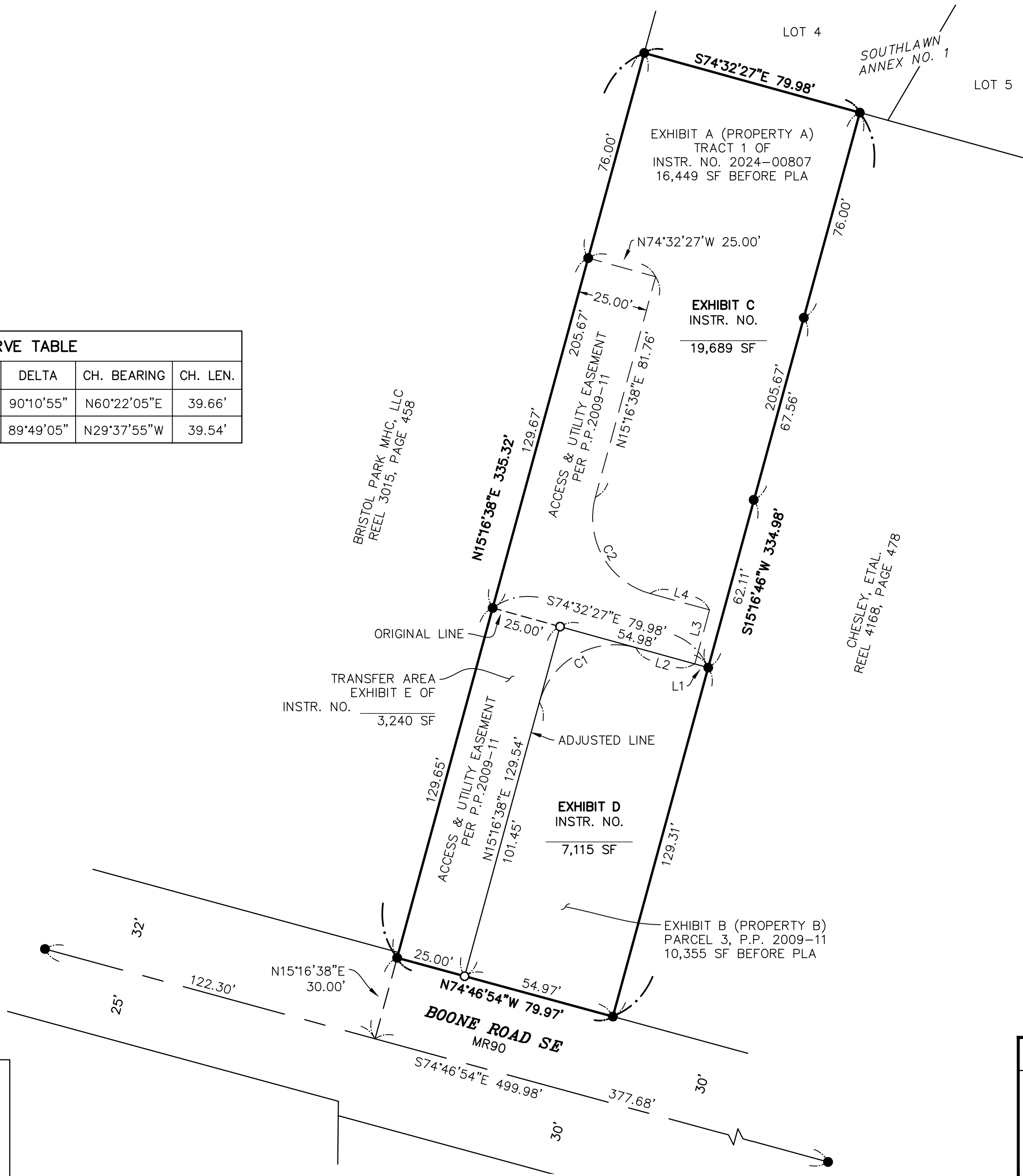
0' 30' 60'
SCALE: 1 INCH = 30 FEET

RECORD OF SURVEY
FOR PROPOSED PROPERTY LINE ADJUSTMENT
IN THE SE 1/4 OF SECTION 9, T.8S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

DATE: MARCH 08, 2024

CURVE TABLE					
CURVE #	LENGTH	RADIUS	DELTA	CH. BEARING	CH. LEN.
C1	44.07'	28.00'	90°10'55"	N60°22'05"E	39.66'
C2	43.89'	28.00'	89°49'05"	N29°37'55"W	39.54'

LINE TABLE		
LINE #	DIRECTION	LENGTH
L1	S74°32'27"E	4.98'
L2	S74°32'27"E	21.90'
L3	N15°16'38"E	20.00'
L4	N74°32'27"W	22.08'



REGISTERED
PROFESSIONAL
LAND SURVEYOR
DRAFT
OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569
RENEWS: 6-30-2025

RECEIVED ____/____/____ BY
MARION COUNTY SURVEYOR.
APPROVED FOR FILING ON
____/____/____
MCSR _____

SURVEYED FOR: BRIDGEWAY RECOVERY SERVICES



FFN SURVEYING

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 24-493

SHEET 1/1

Exhibit F – Proposed PLA Deeds

After recording, return to:

Bridgeway Holdings, LLC
PO Box 17818
Salem, OR 97305

Send tax statements to:

Bridgeway Holdings, LLC
PO Box 17818
Salem, OR 97305

Property Line Adjustment Deed

Bridgeway Holdings, LLC, hereinafter called Grantor, PO Box 17818, Salem, OR 97305, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property A, and more particularly described on Exhibit A, which is attached hereto and by this reference incorporated herein. Bridgeway Holdings, LLC, hereinafter called Grantee, PO Box 17818, Salem, OR 97305, is the owner of real property located in City of Salem, Marion County, Oregon, referred to herein as Property B, more particularly described on Exhibit B, which is attached hereto and by this reference incorporated herein.

The purpose of this Property Line Adjustment Deed (Deed) is to effect a property line adjustment between Property A and Property B such that Property A will be increased in size by approximately 3,240 square feet and will hereafter consist of only the land described on Exhibit C, which is attached hereto and incorporated herein by this reference, and Property B will be decreased in size by approximately 3,240 square feet and will hereafter consist of the land more particularly described on Exhibit D, which is attached hereto and incorporated herein by this reference.

NOW THEREFORE, in order to effect the property line adjustment and to create the reconfigured properties as described on Exhibits C and D, Grantor does hereby grant, transfer, and convey unto Grantee all of that certain real property situated in Marion County, Oregon, described on Exhibit E, which is attached hereto and by this reference incorporated herein.

“BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON TRANSFERRING FEE TITLE SHOULD INQUIRE ABOUT THE PERSON’S RIGHTS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336, AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010. THIS INSTRUMENT DOES NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE LAND USE LAWS AND

REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THE PROPERTY SHOULD CHECK WITH THE APPROPRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY THAT THE UNIT OF LAND BEING TRANSFERRED IS A LAWFULLY ESTABLISHED LOT OR PARCEL, AS DEFINED IN ORS 92.010 OR 215.010, TO VERIFY THE APPROVED USES OF THE LOT OR PARCEL, TO DETERMINE ANY LIMITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES, AS DEFINED IN ORS 30.930, AND TO INQUIRE ABOUT THE RIGHTS OF NEIGHBORING PROPERTY OWNERS, IF ANY, UNDER ORS 195.300, 195.301, AND 195.305 TO 195.336 AND SECTIONS 5 TO 11, CHAPTER 424, OREGON LAWS 2007, SECTIONS 2 TO 9 AND 17, CHAPTER 855, OREGON LAWS 2009, AND SECTIONS 2 TO 7, CHAPTER 8, OREGON LAWS 2010.”

The true and actual consideration for this transfer, stated in terms of dollars is \$0; however, the actual consideration consists of other property or values which is the whole consideration. The purpose of this Deed is to effect a property line adjustment, and the two parcels are to remain separate and distinct.

This property line adjustment deed is executed this _____ day of _____, 20____.

Grantor:

Bridgeway Holdings, LLC

By: _____
Isaac Vandergon, Manager

STATE OF OREGON)
) ss.

County of _____)

This instrument was acknowledged before me on _____, 20____,
by Isaac Vandergon as Manager of Bridgeway Holdings, LLC.

Notary Public—State of _____
My commission expires: _____

Grantee:

Bridgeway Holdings, LLC

By: _____
Isaac Vandergon, Manager

STATE OF OREGON)
) ss.

County of _____)

This instrument was acknowledged before me on _____, 20____,
by Isaac Vandergon as Manager of Bridgeway Holdings, LLC.

Notary Public—State of _____
My commission expires: _____

EXHIBIT A

TRACT I:

Parcels 1 and 2 of Partition Plat 2009-11, recorded in Book of Partition Plats and in Reel 2009, Page 11, Deed Records, Marion County, Oregon.

ALSO DESCRIBED AS:

Beginning at a 5/8 inch iron rod at the northwest corner of Partition Plat 2009-11, as the same is platted and recorded in Volume 2009, Page 11 of the Marion County Book of Partition Plats and further recorded in Reel 3046, Page 322 of the Marion County Deed Records, and running thence South 72°42'48" East, along the north line of said Plat, 79.98 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "LS 909" at the northeast corner thereof; thence South 17°06'25" West, along the east line of said Plat, 205.67 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Landmarkers, Inc." at the northeast corner of Parcel 3 of said Partition Plat. thence North 72°42'48" West, along the north line of said Parcel 3, 79.98 feet to a 5/8 inch iron rod with a yellow plastic cap stamped "Landmarkers, Inc." at the northwest corner thereof; thence North 17°06'17" East, along the west line of said Plat, 205.67 feet to the point of beginning. All being situated within the southwest quarter of the southeast quarter of Section 9 in Township 8 South, Range 3 West of the Willamette Meridian in the City of Salem in Marion County, Oregon.

Containing 16,449 square feet, more or less.



EXHIBIT B

A unit of land situated in the southeast one-quarter of Section 9, Township 8 South, Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon, being more particularly described as follows:

Parcel 3 of Partition Plat 2009-11, Marion County Plat Records.

Containing 10,355 square feet, more or less.



EXHIBIT C

A unit of land situated in the southeast one-quarter of Section 9, Township 8 South, Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon, being a portion of Parcel 3 of Partition Plat 2009-11, Marion County Plat Records, and all of that property as described in Tract 1 of Instrument Number 2024-00807, Marion County Deed Records, and more particularly described as follows:

Beginning at the southeast corner of said Tract 1, being coincident with the west line of that property conveyed to Chesley, et al., by Reel 4168, Page 478, Marion County Deed Records;

thence, along the south line of said Tract 1, North 74°32'27" West, 54.98 feet;

thence, leaving said south line, South 15°16'38" West, 129.54 feet to the north line of Boone Road SE;

thence, along the north line of said Boone Road SE, North 74°46'54" West, 25.00 feet to the southerly extension of the east line of that property conveyed to Bristol Park MHC, LLC, by Reel 3015, Page 458, Marion County Deed Records;

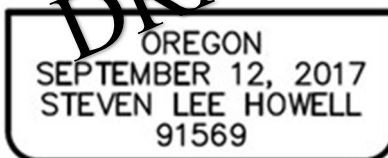
thence, along said southerly extension, and continuing along the east line of said Bristol Park MHC, LLC property, North 15°16'38" East, 335.32 feet to the southwest corner of Lot 4 of SOUTHLAWN ANNEX NO. 1, Marion County Plat Records;

thence, along the south line of said Lot 4, South 74°32'27" East, 79.98 feet to the northwest corner of said Chesley property;

thence, along the west line of said Chesley property, South 15°16'46" West, 205.67 feet to the Point of Beginning.

Containing 19,689 square feet, more or less.

The Basis of Bearing for this description is the Oregon Coordinate Reference System "Salem" Zone, NAD83(2011), epoch 2010.00.



RENEWS: 6-30-2025

EXHIBIT D

A unit of land situated in the southeast one-quarter of Section 9, Township 8 South, Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon, being a portion of Parcel 3 of Partition Plat 2009-11, Marion County Plat Records, and more particularly described as follows:

Beginning at the southeast corner of that property as described in Tract 1 of Instrument Number 2024-00807, Marion County Deed Records, being coincident with the west line of that property conveyed to Chesley, etal., by Reel 4168, Page 478, Marion County Deed Records;

thence, along the west line of said Chesley property, South $15^{\circ}16'46''$ West, 129.31 feet to the north line of Boone Road SE;

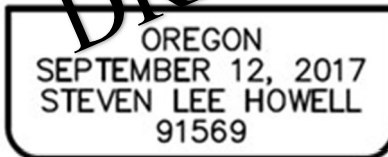
thence, along the north line of said Boone Road SE, North $74^{\circ}46'54''$ West, 54.97 feet;

thence, leaving said north line, North $15^{\circ}16'38''$ East, 129.54 feet to the south line of said Tract 1;

thence, along the south line of said Tract 1, South $74^{\circ}32'27''$ East, 54.98 feet to the Point of Beginning.

Containing 7,115 square feet, more or less.

The Basis of Bearing for this description is the Oregon Coordinate Reference System "Salem" Zone, NAD83(2011), epoch 2010.00.



RENEW: 6-30-2025

EXHIBIT E

A unit of land situated in the southeast one-quarter of Section 9, Township 8 South, Range 3 West, of the Willamette Meridian, City of Salem, Marion County, Oregon, being a portion of Parcel 3 of Partition Plat 2009-11, Marion County Plat Records, and more particularly described as follows:

Beginning on the south line of that property as described in Tract 1 of Instrument Number 2024-00807, Marion County Deed Records, at a point which bears North $74^{\circ}32'27''$ West, 54.98 feet from the southeast corner thereof;

thence, leaving said south line, South $15^{\circ}16'38''$ West, 129.54 feet to the north line of Boone Road SE;

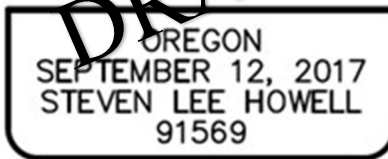
thence, along the north line of said Boone Road SE, North $74^{\circ}46'54''$ West, 25.00 feet to the southerly extension of the east line of that property conveyed to Bristol Park MHC, LLC, by Reel 3015, Page 458, Marion County Deed Records;

thence, along said southerly extension, and continuing along the east line of said Bristol Park MHC, LLC property, North $15^{\circ}16'38''$ East, 129.65 feet to the southwest corner of said Tract 1;

thence, along the south line of said Tract 1, South $74^{\circ}32'27''$ East, 25.00 feet to the Point of Beginning.

Containing 3,240 square feet, more or less.

The Basis of Bearing for this description is the Oregon Coordinate Reference System "Salem" Zone, NAD83(2011), epoch 2010.00.



RENEWS: 6-30-2025

Exhibit G – TGE Form



CITY OF Salem
AT YOUR SERVICE

Traffic Engineering Section
Public Works Department
555 Liberty Street SE, Room 325 Telephone: 503-588-6211
Salem, Oregon 97301-3513 TTY: 503-588-6292

Trip Generation Estimate

Street _____

Bin # _____ TGE # _____

Date Received _____

Section 1 (To be completed by applicant.)

Applicant Name: _____ Telephone: _____

Applicant Mailing Address: _____

Location of New Development: _____

(Please provide street address. If unknown, provide approximate address and geographical description/nearest cross streets.)

Description and Size of New Development: _____

(e.g., 150 single-family homes, 20,000 sq. ft. office addition, 12-pump gas station, 50-student day care, additional parking, etc.)

Description and Size of Existing/Past Development, if any (note whether to remain or be removed): _____

Planning Action Involved, if any: _____ Building Permit Involved: _____

(e.g., zone change, subdivision, partition, conditional use, PUD, mobile home park, etc.)

Yes ☐ No ☐

Section 2 (To be completed by City staff.)

Proposed Use

Development Quantity: _____

ITE Land Use Code: _____

Trip Generation Rate/Equation: _____

Average Daily Trips: _____

ELNDT Adjustment Factors

Trip Length: _____ Linked Trip: _____

TSDC Trips: _____

Existing Use

Development Quantity: _____

ITE Land Use Code: _____

Trip Generation Rate or Equation: _____

Average Daily Trips: _____

ELNDT Adjustment Factors

Trip Length: _____ Linked Trip: _____

TSDC Trips: _____

Section 3 (To be completed by City staff.)

Transportation Impact Analysis (TIA)

Net Increase in Average Daily Trips: _____

(Proposed use minus existing use.)

☐ A TIA **will** be required:

☐ Arterial/Collector—1000 Trip/day Threshold

☐ Local Street/Alley—200 Trip/day Threshold

☐ Other: _____

☐ A TIA **will not** be required.

Transportation Systems Development Charge

Net Increase in TSDC Trips: _____

(Proposed use minus existing use.)

☐ A TSDC **will** be required.

(Fee determined by Development Services.)

☐ A TSDC **will not** be required.

(For additional information, refer to the back of this application.)

Section 4 (To be completed by City staff.)

Remarks: _____

Date: _____

cc: ☐ Chief Development Services Engineer

☐ Community Development

☐ Building Permit Application

☐ _____

By: _____

Information Required to Assess the Need for a Traffic Impact Analysis and Transportation Systems Development Charge



The following information is required in order to assess the need for a Traffic Impact Analysis (TIA) and to calculate the Transportation Systems Development Charge (TSDC) to be levied on a proposed new development.

TIA Determination:

The City of Salem may require that a TIA be prepared as part of the approval process for major new development. The purpose of a TIA is to estimate the traffic impacts created by a new development on the surrounding street system. Any significantly adverse traffic impacts identified in the TIA must be mitigated by the applicant.

The estimated daily traffic generation of a new development is used as the criteria for determining whether a TIA is needed. If the new development access is located on an arterial or collector and the estimated daily traffic generation is more than 1000 trips, a TIA may be required. If access is located on a local street or alley and the generated trips exceed 200, a TIA may be required. Other criteria such as site access issues, driveway restrictions, and existing facilities deficiencies may also be used, if recommended by City Traffic Engineering staff.

The City Traffic Engineer makes the determination as to whether a TIA is required. (For more information on TIA criteria, see Development Bulletin No. 19 dated January 20, 1995.) When the determination has been made, copies of the Trip Generation Estimate form are sent to Public Works Development Services Division and the applicant. If a planning action is required, a copy is also forwarded to the Community Development Department.

TSDC Analysis:

The City of Salem charges a TSDC on all new development that creates a net increase in traffic on the surrounding street system. The total charge is assessed on a per trip fee times the TSDC trips calculated for the development. For more information on the TSDC, see Council Staff Report dated October 9, 1995.

To assist in estimating the daily trips generated by a new development, please answer the questions in Section 1 of this sheet and return it to Room 325 of the Civic Center. If you have any questions, Traffic Engineering staff are available at 503-588-6211. A copy of the completed trip generation estimate will be returned to you at the address provided in Section 1.

No Land Use, Planning, or Development Approval applications requiring Trip Generation Estimates will be processed until this information has been provided and the TIA/TSDC assessment has been made by City Traffic Engineering staff.

Exhibit H – HCRPZ Acknowledgement

BRAND

Historic and Cultural Resources Protection Zone Acknowledgement

The applicant is aware the subject site is identified on the City of Salem's Historic and Cultural Resources Protection Zone map. The applicant's consultant has discussed properties within these areas with the city's Historic Preservation Officer, Kimberli Fitzgerald. No public funding will be utilized to develop the subject site. At the time the site is developed, the applicant's contractors will have an inadvertent discovery plan on file with the city.

Exhibit I – HOA Statement

BRAND

Homeowners Association Information

The applicant is submitting this statement to confirm there is no homeowners association (HOA) which is active or registered with the Oregon Secretary of State which impacts the subject property.

Exhibit J – Pre-Application Conference Notes



Pre-Application Report

Community Development Department
Planning Division

555 Liberty Street SE/Room 305

Phone: 503-588-6173

www.cityofsalem.net/planning

Case Number / AMANDA No. PRE-AP23-95 / 23-123292-PA
Conference Date December 28, 2023
Applicant/Representative Britany Randall
Brand Land Use, LLC
britany@brandlanduse.com
(503) 680-0949
Case Manager Aaron Panko

Mandatory Pre-Application Conference: ☒ Yes ☐ No

Project Description & Property Information	
Project Description	To discuss a proposed Conditional Use Permit and change of use from single family residential to group living, for property approximately 0.62 acres in size
Property Address	211-215 Boone Road SE
Assessor's Map and Tax Lot Number	083W09DD / 10900 and 10901
Existing Use	Single Family Dwellings
Neighborhood Association	Faye Wright Neighborhood Association
Adjacent Neighborhood Association	NA
Comprehensive Plan Map Designation	Single Family Residential
Zoning	RS (Single Family Residential)
Overlay Zone	NA
Urban Service Area	The subject property is located within the Urban Service Area
Urban Renewal Area	NA
Past Land Use Actions	PAR08-07 and PLA19-05

Attendees:

Sean Mansfield, Salem Fire Department – smansfield@cityofsalem.net
Noelle Hall, Building and Safety Division – nhall@cityofsalem.net
Shelby Guizar, Public Works Department – sguizar@cityofsalem.net
Aaron Panko, Planning Division – apanko@cityofsalem.net

Planning Division Comments

Proposal

A pre-application conference to discuss a proposed Conditional Use Permit and change of use from single family residential to group living, for property approximately 0.62 acres in size, zoned RS (Single Family Residential), and located at 211-215 Boone Road SE - 97306 (Marion County Assessors Map and Tax Lot numbers: 083W09DD / 10900 and 10901).

Prior Land Use Actions for Property

PAR08-07: To divide approximately 0.6 acres into three parcels with Parcel 1 consisting of approximately 6,080 square feet, Parcel 2 consisting of approximately 10,374 square feet (approximately 6,063 square feet exclusive of the flag lot accessway), and Parcel 3 consisting of approximately 10,360 square feet (approximately 7,126 square feet exclusive of the flag lot accessway); for property zoned RS (Single Family Residential) and located at 215 Boone Road SE (Marion County Assessor's Map and Tax Lot Number 083W09DD/10900).

PLA19-15: A property line adjustment to eliminate the common property line between two abutting units of land. The property line adjustment will result in a single property approximately 0.38 acres (16,449 square feet) in size. The subject properties are zoned RS (Single Family Residential), and located at 211 Boone Road SE and 213 Boone Road SE (Marion County Assessor Map and Tax Lot numbers: 083W09DD / 10901 and 10902).

Required Land Use Applications

The land use applications checked in the table below have been preliminarily identified as being required for development of the subject property based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

Required Land Use Applications					
Zoning		Site Plan Review			
<input checked="" type="checkbox"/>	Conditional Use (SRC 240.005)	<input type="checkbox"/>	Class 1 Site Plan Review (SRC 220.005)		
<input type="checkbox"/>	Comprehensive Plan Change (SRC 64.020)	<input type="checkbox"/>	Class 2 Site Plan Review (SRC 220.005)		
<input type="checkbox"/>	Zone Change (SRC 265.000)	<input checked="" type="checkbox"/>	Class 3 Site Plan Review (SRC 220.005)		
<input type="checkbox"/>	Temporary use Permit – Class 1 (SRC 701.010)	Design Review			
<input type="checkbox"/>	Temporary Use Permit – Class 2 (SRC 701.010)	<input type="checkbox"/>	Class 1 Design Review (SRC 225.005)		
<input type="checkbox"/>	Non-Conforming Use Extension, Alteration, Expansion, or Substitution (SRC 270.000)	<input type="checkbox"/>	Class 2 Design Review (SRC 225.005)		
<input type="checkbox"/>	Manufactured Dwelling Park Permit (SRC 235.010)	<input type="checkbox"/>	Class 3 Design Review (SRC 225.005)		
Land Divisions		Historic Design Review (SRC 230.020)			
<input checked="" type="checkbox"/>	Property Line Adjustment (SRC 205.055)	<input type="checkbox"/>	Major Commercial	<input type="checkbox"/>	Minor Commercial
<input type="checkbox"/>		<input type="checkbox"/>	Major Public	<input type="checkbox"/>	Minor Public
<input checked="" type="checkbox"/>	Replat (SRC 205.025)	<input type="checkbox"/>	Major Residential	<input type="checkbox"/>	Minor Residential

<input type="checkbox"/>	Partition (SRC 205.005)	Wireless Communication Facilities	
<input type="checkbox"/>	Subdivision (SRC 205.010)	<input type="checkbox"/>	Class 1 Permit (SRC 703.020)
<input type="checkbox"/>	Phased Subdivision (SRC 205.015)	<input type="checkbox"/>	Class 2 Permit (SRC 703.020)
<input type="checkbox"/>	Planned Unit Development Tentative Plan (SRC 210.025)	<input type="checkbox"/>	Class 3 Permit (SRC 703.020)
<input type="checkbox"/>	Manufactured Dwelling Park Subdivision (SRC 205.020)	<input type="checkbox"/>	Temporary (SRC 703.100)
<input type="checkbox"/>	Validation of Unit of Land (SRC 205.060)	<input type="checkbox"/>	Adjustment (SRC 703.090)
Relief		Other	
<input type="checkbox"/>	Adjustment – Class 1 (SRC 250.005)	<input type="checkbox"/>	Annexation – Without Comprehensive Plan Change and/or Zone Change (SRC 260.010)
<input type="checkbox"/>	Adjustment – Class 2 (SRC 250.005)	<input type="checkbox"/>	Annexation – With Comprehensive Plan Change and/or Zone Change (SRC 260.010)
<input type="checkbox"/>	Variance (SRC 245.005)	<input type="checkbox"/>	Sign Adjustment (SRC 900.035)
Natural Resources		<input type="checkbox"/>	Sign Conditional Use (SRC 900.045)
<input type="checkbox"/>	Tree Conservation Plan (SRC 808.035)	<input type="checkbox"/>	Sign Variance (SRC 900.040)
<input type="checkbox"/>	Tree Conservation Plan Adjustment (SRC 808.040)	<input type="checkbox"/>	SWMU Zone Development Phasing Plan (SRC 531.015)
<input type="checkbox"/>	Tree Removal Permit (SRC 808.030)	<input type="checkbox"/>	Urban Growth Preliminary Declaration (SRC 200.020)
<input type="checkbox"/>	Tree Variance (SRC 808.045)	<input checked="" type="checkbox"/>	Historic Clearance Review- High Probability Archaeological Zone (SRC 230.020)
<input type="checkbox"/>	Willamette Greenway Permit – Class 1 (SRC 600.015)	<input type="checkbox"/>	Class 2 Driveway Approach Permit (SRC 804.025)
<input type="checkbox"/>	Willamette Greenway Permit – Class 2 (SRC 600.015)	<input type="checkbox"/>	
Staff Comments			
<ul style="list-style-type: none"> • Conditional Use Permit. The purpose of the Conditional Use Permit process is to allow uses that are similar to other uses permitted outright in a zone but because of the manner in which the use may be conducted, or the land and buildings developed for the use, review is required to determine whether the imposition of conditions is necessary to minimize the negative impacts on uses in the surrounding area. A Conditional Use Permit is required to operate a Residential Facility as noted. • Class 3 Site Plan Review. Site plan review is intended to ensure that the development meets all applicable requirements of the Salem Revised Code (SRC). Class 3 Site Plan Review: is required for any development that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015, or that requires discretion to be used to issue a decision. Site Plan Review is required if the applicant changes the use of the existing dwellings to a Residential Facility. Because of the need for a Conditional Use Permit, a Class 3 Site Plan Review is required for this development proposal. • Property Line Adjustment. If you want to change or remove all or a portion of a property line between two neighboring pieces of land, you will need to apply for a property line adjustment. Property line adjustments cannot be used to create an additional unit of land or to create units of land that do not meet zoning requirements. • Archeological Review. In addition to the land use applications identified above, the subject property appears to be within the Historic and Cultural Resources Protection Zone, if the project results in group disturbance, archeological review for the project may be required. 			

In order to determine what archeological requirements, if any, may be applicable to development of the property it is strongly recommended you contact **Kimberli Fitzgerald**, the City's Historic Preservation Officer. Kimberli can be reached at 503-540-2397 or KFitzgerald@cityofsalem.net.

Online Application Submittal Packets

The City has electronic application submittal guides for the applications identified above. The webpages include a summary of the review procedure, submittal requirements, and approval criteria. The submittal guides can be found on the City's [Land Use Applications](#) page.

Land Use Application Fees

The applicable land use application fees for these applications can be found in the City's [Fee Schedule](#). Land use application fees and descriptions start on **page 21** of the document.

Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternatives methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to Historic Landmarks Commission review may be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority and processed simultaneously.

Zoning

The zoning of the subject property has been identified in the table below. For specific requirements of the applicable zone(s), click on the zone(s) in the table.

Base Zones			
<input type="checkbox"/>	EFU – Exclusive Farm Use (SRC 500.000)	<input type="checkbox"/>	MU-II – Mixed Use II (SRC 534.000)
<input type="checkbox"/>	RA – Residential Agriculture (SRC 510.000)	<input type="checkbox"/>	MU-III – Mixed Use III (SRC 535.000)
<input checked="" type="checkbox"/>	RS – Single Family Residential (SRC 511.000)	<input type="checkbox"/>	MU-R – Mixed Use Riverfront (RSC 536.000)
<input type="checkbox"/>	RD – Duplex Residential (SRC 512.000)	<input type="checkbox"/>	ESMU – Edgewater/Second Street Mixed-Use Corridor (SRC 537.000)
<input type="checkbox"/>	RM-1 – Multiple Family Residential (SRC 513.000)	<input type="checkbox"/>	PA – Public Amusement (SRC 540.000)
<input type="checkbox"/>	RM-2 – Multiple Family Residential (SRC 514.000)	<input type="checkbox"/>	PC – Public and Private Cemeteries (SRC 541.000)
<input type="checkbox"/>	RM-3 – Multiple Family Residential (SRC 515.000)	<input type="checkbox"/>	PE – Public and Private Education (SRC 542.000)
<input type="checkbox"/>	CO – Commercial Office (SRC 521.000)	<input type="checkbox"/>	PH – Public and Private Health Services (SRC 543.000)

<input type="checkbox"/>	CR – Retail Commercial (SRC 522.000)	<input type="checkbox"/>	PS – Public Service (SRC 544.000)
<input type="checkbox"/>	CG – General Commercial (SRC 523.000)	<input type="checkbox"/>	PM – Capitol Mall (SRC 545.000)
<input type="checkbox"/>	CB – Central Business District (SRC 524.000)	<input type="checkbox"/>	EC – Employment Center (SRC 550.000)
<input type="checkbox"/>	WSCB – West Salem Central Business District (SRC 525.000)	<input type="checkbox"/>	IC – Industrial Commercial (SRC 551.000)
<input type="checkbox"/>	FMU – Fairview Mixed-Use (SRC 530.000)	<input type="checkbox"/>	IBC – Industrial Business Campus (SRC 552.000)
<input type="checkbox"/>	SWMU – South Waterfront Mixed-Use (SRC 531.000)	<input type="checkbox"/>	IP – Industrial Park (SRC 553.000)
<input type="checkbox"/>	MU-I – Mixed Use I (SRC 533.000)	<input type="checkbox"/>	IG – General Industrial (SRC 554.000)
Overlay Zones			
<input type="checkbox"/>	Willamette Greenway (SRC 600.000)	<input type="checkbox"/>	Chemawa-I-5 Northeast Quadrant Gateway (SRC 618.000)
<input type="checkbox"/>	Floodplain (SRC 601.000)	<input type="checkbox"/>	Superior-Rural (SRC 621.000)
<input type="checkbox"/>	Airport (SRC 602.000)	<input type="checkbox"/>	Saginaw Street (SRC 625.000)
<input type="checkbox"/>	Portland Fairgrounds Road (SRC 603.000)	<input type="checkbox"/>	McNary Field (SRC 629.000)
Staff Comments			
<ul style="list-style-type: none"> The subject property is located within the RS (Single Family Residential) zone. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the RS zone are set forth in Table 511-1. Current Use: A nonprofit shelter serving victims of domestic violence is currently operating on the subject property which is licensed by the City of Salem to serve 20 individuals between both dwellings at 211-215 Boone Road SE. Per SRC 400.040(c), nonprofit shelters are characterized by lodging establishments operated by nonprofit organizations that provide overnight accommodations and temporary shelter for the homeless and other vulnerable populations. Individual bath and cooking facilities may or may not be provided. Per Table 511-1, nonprofit shelters for victims of domestic violence serving 10 or fewer persons are allowed as an outright permitted use in the RS zone. Proposed Uses: <ul style="list-style-type: none"> Alternative 1, Residential Home. Residential home is defined in SRC Chapter 111 and means a residential treatment or training home, as defined in ORS 443.400, a residential facility registered under ORS 443.480 to 443.500, or an adult foster home licensed under ORS 443.705 to 443.825 that provides residential care alone or in conjunction with treatment or training or a combination thereof for five or fewer individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential home. Residential home is a limited type of single-family activity falling under the household living use. Per Table 511-1, a residential home is an outright permitted use for the subject properties. A residential home serving five or fewer individuals may operate without requiring Site Plan Review for a change of use by the Planning Division. Applicant is advised to contact the Fire Department and Building and Safety Division for more information. Alternative 2, Residential Facility. Residential Facility is defined in SRC Chapter 111 and means a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet 			

licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.

Residential facility is a limited type of residential care activity falling under the group living use.

Per Table 511-1, a residential facility, as defined under ORS 197.660, is allowed as a conditional use when located on a lot with frontage on an arterial or collector street.

The property located at 215 Boone Road SE (083W09DD / 10900) has frontage along Boone Road SE, which is designated as a collector street. The property located at 211-213 Boone Road SE (083W09DD / 10901) is a flag lot served by an access easement that crosses over 215 Boone Road SE, no portion of the flag lot touches Boone Road SE.

Under the current lot configuration, a residential facility would be prohibited at the 211-213 Boone Road SE location. The applicant may request a Property Line Adjustment or Replat to reconfigure the boundaries of the subject properties, if 211-213 Boone Road SE can be reconfigured so that a portion of the boundary has frontage along Boone Road SE, then it would be eligible for application of a Conditional Use Permit.

If either existing building is changed from a nonprofit shelter use to a residential facility, Site Plan Review (Class 3) would be required for the change of use. Applicant is advised to contact the Fire Department and Building and Safety Division for more information.

- Alternative 3, Nonprofit Shelter.

The applicant is proposing a change in ownership and operation of the subject property. The applicant may potentially be able to continue using the properties as a nonprofit shelter, with the only difference being property ownership and the organization responsible for operations, if it is determined that new operation is consistent with all applicable use requirements of the RS zone.

Staff recommends that the applicant request a Land Use Verification Letter and provide a written summary of the proposed use, describing the nature and characteristics of the proposed use, accommodations provided, anticipated population served, and type of personal care, training, or treatment that will be provided on-site, if any.

Per Table 511-1, a nonprofit shelter for victims of domestic violence serving 10 or fewer persons is an outright permitted use for the subject properties, continuing this use does not require Site Plan Review for a change of use by the Planning Division. Applicant is advised to contact the Fire Department and Building and Safety Division for more information.

Development Standards

The proposed development will be primarily subject to the provisions of the chapters identified in the table below. For specific requirements, click on chapters in the table.

Development Standards			
<input type="checkbox"/>	Special Use Provisions (SRC 700.000)	<input checked="" type="checkbox"/>	Off-Street Parking, Loading and Driveways (SRC 806.000)
<input checked="" type="checkbox"/>	General Development Standards (SRC 800.000)	<input checked="" type="checkbox"/>	Landscaping and Screening (SRC 807.000)
<input checked="" type="checkbox"/>	Public Improvements (SRC 802.000)	<input checked="" type="checkbox"/>	Preservation of Trees and Vegetation (SRC 808.000)
<input checked="" type="checkbox"/>	Streets and Right-Of-Way Improvements (SRC 803.000)	<input checked="" type="checkbox"/>	Wetlands (SRC 809.000)

<input checked="" type="checkbox"/>	Driveway Approaches (SRC 804.000)	<input checked="" type="checkbox"/>	Landslide Hazards (SRC 810.000)
<input checked="" type="checkbox"/>	Vision Clearance (SRC 805.000)	<input type="checkbox"/>	
Staff Comments			
<ul style="list-style-type: none"> Per Chapter 806, Table 806-1, the maximum off-street parking allowance for a single-family dwelling (residential home) is three spaces per dwelling unit, the maximum allowance for a residential care use is one space per 250 square feet of floor area, and the maximum allowance for a nonprofit shelter use is one space per 200 square feet of floor area. Per Chapter 806, Table 806-8, there is no bicycle parking requirement for a single-family dwelling (residential home). The minimum bicycle parking requirement for a residential care and nonprofit shelter uses is four spaces, or one space per 3,500 square feet of floor area. 100% of required bicycle parking spaces can be long term spaces. 			

Natural Resources

Trees: There are trees present on the subject property. The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (*including Oregon White Oaks with diameter-at-breast-height of 20 inches or greater and any other tree greater than 30 inches in dbh except Tree of heaven (Ailanthus altissima), Empress tree (Paulownia tomentosa), Black cottonwood (Populus trichocarpa), and Black locust (Robinia pseudoacacia)*), 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."

Wetlands: According to the Salem-Keizer Local Wetland Inventory (LWI) there are no areas of mapped wetlands present on the subject property. However, the applicant is advised that the City will provide notification of any development applications to the Department of State Lands who may require additional wetland studies of the subject property.

Landslide Hazard Susceptibility: According to the City's adopted landslide hazard susceptibility maps the subject property does not contain mapped landslide hazards. A change of use is not assigned any activity points. A total of 0 points indicates a low landslide risk, a geological assessment is not required.

Neighborhood Association Contact and Open House

Applicants are required to contact the applicable neighborhood association for certain types of land use applications prior to application submittal. For a limited number of application types, an open house or presentation at a neighborhood association meeting is required. This allows the neighborhood association to be involved early in the process and helps to identify any potential issues that might arise.

The table below indicates if the proposed development must meet either the neighborhood association contact requirement or open house/neighborhood association meeting requirement prior to application submittal.

Pre-Submittal Requirement			
<input checked="" type="checkbox"/>	Neighborhood Association Contact (SRC 300.310)	<input type="checkbox"/>	Open House (SRC 300.320)
Staff Comments			
<ul style="list-style-type: none"> Neighborhood association contact is required prior to submittal of a Conditional Use Permit application. 			

Neighborhood Association Contact

When a land use application requires neighborhood association contact, the applicant must contact the City-recognized neighborhood association(s) whose boundaries include, and are adjacent to, the subject property via e-mail or letter.

The e-mail or letter must be sent to **both** the Neighborhood Association Chair(s) and Land Use Chair(s) of the applicable neighborhood association and contain the following information:

- 1) The name, telephone number, and e-mail address of the applicant;
- 2) The address of the subject property;
- 3) A summary of the proposal;
- 4) A conceptual site plan, if applicable, that includes the proposed development; and
- 5) The date on which the e-mail or letter is being sent.

Note: Land use applications requiring neighborhood association contact will not be accepted unless they are accompanied by a copy of the e-mail or letter that was sent to the neighborhood association and a list of the e-mail or postal addresses to which the e-mail or letter was sent.

Open House

When a land use application requires an open house, the applicant must arrange and attend one open house to share the development proposal with the neighborhood and surrounding property owners and residents prior to application submittal.

The open house must be within the boundaries of the City-recognized neighborhood association in which the subject property is located or within two miles of the subject property. The applicant must provide written notice of the open house to the applicable neighborhood association(s) and the Planning Administrator and must post notice of the open house on the subject property. **Note: Applicants can choose to present their proposals at a neighborhood association meeting in-lieu of arranging and attending an open house.**

Neighborhood Association Information

For your convenience, neighborhood association(s) contact information is included below. Please note that the identified neighborhood association chair(s), and their corresponding contact information, is current as of the date of the pre-application conference, but this information is subject to change if the chair(s) or their contact information has changed subsequent to the date of the pre-application conference.

Up-to-date contact information for neighborhood representatives may also be obtained by visiting the [Neighborhood Association page](#) on the City's website or by contacting the City's Neighborhood Program Coordinator at 503-540-2303.

Applicable Neighborhood Association(s):	Meeting Date, Time, & Location	Neighborhood Association Chair(s)
Faye Wright Neighborhood Association	2 nd Tuesday each month @ 6:30 PM <i>See calendar for specific dates and meeting locations</i>	Sylvia Machado (<i>Chair</i>) fayewright@saalemneighbors.org Bev Ecklund (<i>Land Use Chair</i>) bev.ecklund@gmail.com

Salem Revised Code Available Online

The entire [Salem Revised Code](#) can be accessed online through the link.

Exhibit K – Neighborhood Association Contact

Shelby Guizar

From: Shelby Guizar
Sent: Thursday, May 16, 2024 3:41 PM
To: fayewright@salemneighbors.org; Bev.ecklund@gmail.com
Cc: planning@cherriots.org; Britany Randall; Chris Randall
Subject: Notice of Land Use Application
Attachments: Neighborhood Contact - Bridgeway Boone.pdf; Existing Conditions.pdf

Dear Neighborhood Chairs and Co-Chairs,

Please find notice of a conditional use permit and property line adjustment within or abutting your neighborhood attached. If you have questions, please feel free to contact me.

Thank you,

Shelby Guizar

BRAND

Project Manager
Office: (503) 370-8704
Place: 1720 Liberty Street SE
Salem, OR 97302
www.brandlanduse.com



Notice of Land Use Application Submittal

May 16, 2024

Faye Wright Neighborhood Association

Sylvia Machado

fayewright@saalemneighbors.org

Bev Ecklund

Bev.ecklund@gmail.com

RE: Conditional Use Permit and Property Line Adjustment property identified as [Marion County Map and Tax lot Numbers 083W09DD10900, and 083W09DD10901]

Dear Faye Wright Neighborhood Association Chair and Land Use Chair,

We are reaching out to you regarding a project within the boundaries of your Neighborhood Association.

The applicant/property owners are seeking approval of a conditional use permit and property line adjustment to utilize the existing structures as residential care homes.

This application will be processed using Type III procedures. The neighborhood association, property owners, and tenants within 250-feet of all portions of the property will receive notice of the application and have an opportunity to provide comments. Additionally, a public hearing will be held with notice of the hearing being sent by the city, and hearing notice signs posted on the development site.

We hope that you find this letter and attached conceptual plan informative. If you have any questions regarding this notice, please contact the applicant's land use representative.

Thank you.

Applicant Information

Bridgeway Recovery Services

Applicant Representative Information

BRAND Land Use, LLC | Brittany Randall

Ph: 503-680-0949

Britany@BRANDlanduse.com