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October 6, 2020

BY EMAIL

Salem Planning Commission
c/o Olivia Dias
City of Salem
Planning Division
555 Liberty Street SE Room 305
Salem, OR 97301

Re: DevNW Planning Commission Submittal for Consolidated Land Use Application
File No. CPC-NPC-ZC-SPR-ADJ-DR20-03

Dear Commission President Griggs and Commissioners:

This office represents the applicant, DevNW ("Applicant" or "DevNW"), in the above-referenced file. DevNW requests approval of the consolidated land use applications inclusive of a change to the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone Change from Single Family Residential with RS (Single-Family Residential) to Multiple Family with RH (Residential High-Rise) zoning, including a Class 3 Site Plan Review, Class 1 Design Review, and five Class 2 Adjustments for the development of 19 affordable, multi-family units located at 905 & 925 Cottage St NE ("subject property" or "site"). Please accept the below information in support of approval of this application and include this letter in the record.

Preliminarily, DevNW is proposing consolidated applications to house low income residents who qualify for government assisted housing opportunities to provide stable shelter, so that these future residents can stabilize other aspects of their lives. The City can and should make special considerations for government funded housing in a close-in neighborhoods because the need is great. As identified throughout the record, Salem has a shortfall of 207 acres of multi-family zoned property. With the site measuring 0.30 acres, this zone change represents 0.14% of this need. The neighborhood has no government subsidized housing in its borders, and this location provides an opportunity for adaptive reuse of existing buildings. Many letters submitted from community groups and nearby neighbors support these applications for these very reasons.

While the general theme of the GNA comments is that all of the plans here should slow down and wait for a planning process to rezone other areas of the neighborhood so that a particular character of the single family zone can remain intact, this is exactly the kind of rhetoric that has historically excluded government subsidized housing from single-family

neighborhoods. For too long, neighbors have hidden behind land use planning as a tool to exclude and the GNA comments, taken together, propose to lean on that outdated crutch. In contrast, the City's policies to make affordable housing a top priority, to undertake a Housing Needs Analysis that evidences the need for more multi-family zoned land and affordable housing, and in adopting an incentivized multi-family code that places housing people over cars, the Applicant brings this proposal forward to carry out that vision. DevNW asks the Planning Commission to embrace the new policies of inclusion and approve this proposal.

I. The Applicant met the Open House requirement.

On May 4, 2020, the Applicant held an Open House. SRC 300.320(1)(A) requires that the Open House take place no more than 90 days prior to the land use application submittal. The Applicant submitted the consolidated land use application on May 22, 2020 – 18 days after the Open House. The purpose of the Open House is for the Applicant to engage with the local neighborhood association and surrounding residents and inform them about the proposed land use application. Members of the Grant Neighborhood Association ("GNA") attended the meeting.

DevNW held a virtual open house for all community members to hear about the project and ask questions. DevNW introduced the proposed development and described the possibility of building 19 bedrooms across 14 units and use of the parsonage as DevNW's office space and/or more residential units. DevNW has only made minor changes to the overall plan since that day. Instead of 19 bedrooms and an office space, DevNW's application includes 19 bedrooms across 19 units and no office space.

During the meeting, members of the public had the opportunity to express concerns and the Applicant addressed those concerns and adjusted its application accordingly. GNA claims that the Applicant "did not allow community members to ask them questions directly" which is not accurate as evidenced by the recording of the Open House and chat transcript that the Applicant submitted into the record with the application materials.¹ From minutes 45:39 – 1:28:31, DevNW answered all the questions posed in the chat.

During the Open House, the Applicant recognized the discomfort of some members of the public, including GNA members, to the proposal for a zone change that would allow office use in the parsonage. This objection grew more pronounced after the Applicant submitted its application and during the June 22, 2020 City Council meeting when the City Council considered funding a portion of the acquisition costs for DevNW's CHDO set aside. See City Council meeting agenda excerpt and excerpt from the 2020-2021 Annual Action Plan, attached here as Attachment 1. The Applicant requested that the City include the recording of the June 22, 2020 City Council meeting in the record and City staff confirmed it has been included. See

¹ Members of the public were informed that the Open House was being recorded.

Attachment 2. This recording shows that members of the public and GNA spoke in opposition to a zone change that would allow an office use in the parsonage, and many Council members expressed the same concern.

In addition to these meeting, the Applicant also had the following meetings with GNA and its committees:

- On June 4, 2020 – Representatives of DevNW's development team attended the GNA open house where GNA members asked the Applicant questions about the project. DevNW reiterated everything that was stated in the Applicant's Open House presentation at the May 4, 2020 Open House. The GNA unanimously voted to strongly oppose the project.
- On July 15, 2020 – Representatives of DevNW's development team met with a few members of the GNA via Zoom to discuss DevNW's amendments to its application. DevNW described that it was working on alternative solutions and other ways to fill the office use that was so strongly opposed by GNA, but the Applicant had not finalized its plan.

Based on the comments made at the Open House, the City Council meeting on June 22, 2020, and the Applicant's continued conversations with GNA's land use committee, the Applicant revised its application to address concerns as represented in these consolidated applications. This process shows that the Open House served its purpose to inform DevNW about how best to proceed with its development review.

After the application was modified in response to neighborhood comments, DevNW continued to keep a line of communication open with the GNA:

- On July 29, 2020 – Eric Bradfield, a GNA member, reached out and requested that DevNW attend the August GNA meeting (the next week) and DevNW responded on August 4, 2020, explaining that DevNW was not available to attend the meeting, but that GNA was invited to send over questions, comments, and concerns as they arise. Attachment 3.
- On August 29, 2020 – Mr. Bradfield reached out again to see if DevNW could attend the September 3, 2020 GNA meeting. DevNW unfortunately cancelled its attendance on September 3, 2020 due to a family medical emergency of its staff.²

² GNA complains that DevNW did not attend its August and September neighborhood meetings and demonizes the Applicant. This accusatory tone ignores the complexity of the time we are all living in. At this designated meeting date, only DevNW's project manager, Erin Dey, could attend. Unfortunately as the date approached, Ms. Dey was required to attend to family members who had contracted COVID-19. This, of course, is a personal health matter

Despite scheduling conflicts with GNA's meetings in August and September, DevNW maintained an open line of communication through email that its staff was always willing to respond to questions and inquiries related to this application.

Therefore, the Applicant met the Open House requirement, exceeded it in follow-up meetings with members of the GNA land use committee, and adjusted its application accordingly, evidencing that the spirit of the provision was adhered to in this case.

II. SRC 64.025 Plan Map Amendments.

GNA contends that the application for the rezoning of the subject property should be deemed a major plan map amendment. However, SRC 64.025(a) sets forth when a plan map amendment is a major or minor,

"Amendments to a plan map shall be adopted as provided in this section. The two types of plan map amendments are major and minor. As used in this section, the term "plan map" means the urban growth boundary, the comprehensive plan map, or a general land use map in a neighborhood plan.

(1) A major plan map amendment is:

(A) Any amendment to the urban growth boundary; or

(B) An amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.

(2) A minor plan map amendment is an amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances."

There is no justification for a major plan map amendment. First, the Applicant is not proposing an amendment to the urban growth boundary. Second, this plan and map amendment does not involve the "creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties." The application

that Ms. Dey is not required to disclose, but does so here to counter the narrative that the GNA was in any way being ignored.

would only affect two properties that will be consolidated into a single property of 0.30 acres, and a closely circumscribed set of factual circumstances.

GNA may view the application as having impacts on some surrounding properties. However, its sky is falling argument that approval here will somehow open the floodgates to other RH zoning in the Grant neighborhood has no basis in fact, especially upon your close review of the consolidated applications. The applications request approval of a development plan for an extremely small parcel of land, specifically conditioned to allow for the proposed affordable housing development that will re-use the existing buildings on the property. This application in no way binds the City to any policy change about where RH zones will be allowed in the future, and any other property owner's application will be judged based on its own merits. The City's decision is not precedent setting, as it cannot bind future Councils to act in a certain way.

Last, even if there were disagreement about whether to treat this application as major or minor, it is another instance of the City's code failing to apply clear and objective standards and procedures to needed housing applications and the Applicant objects to application of this standard here. Notwithstanding this objection, the Applicant agrees with City staff's approach to treat this plan map amendment to the minor plan amendment standards.

III. Traffic Impact Analysis

GNA raised several traffic related concerns, particularly about the Applicant's traffic impact analysis in the record. Applicant's traffic consultant, DKS has responded to these concerns. Attachment 4. The Oregon Highway Plan (OHP) threshold of 400 trips per day is commonly referenced in local jurisdictions where no alternate definition is provided. In particular the City of Salem has successfully applied this definition in many zone change applications, and its use here is a reasonable benchmark for analyzing traffic impacts. DKS reiterates that the expected traffic increase from the proposed zone change is 75 trips per day, well below this threshold.

Further, DKS explains that in calculating the potential trip generation for the site to analyze the reasonable worst-case development scenario as required by the Transportation Planning Rule was based on a reasonable range of uses given the site size constraints on development. The reasonable worst-case development scenario did not result in significant impacts to the City's transportation system. Further, GNA's reference to the possibility of the building being capable of "limitless" height is unreasonable within the context of the Transportation Planning Rule, particularly here where the Applicant has included a self-imposed condition limiting the use to 19 units in the existing buildings. Therefore, it was reasonable for the Applicant's traffic engineers to omit a limitless height building in its analysis of the worst-case development scenario.

DKS notes that the proposed zone change is expected to increase peak hour traffic by a maximum of seven (7) vehicle trips and, contrary to GNA's assertion, there is no evidence that such increase would negatively impact safety or mobility of the neighborhood. Additionally, the traffic data does not support GNA's opinion regarding the existing roadway as "incredibly impactful" and "highly problematic." DKS found that no vehicle crashes were reported on the segment of D Street between 5th Street and Winter Street from 2014 to 2018. Further, DKS describes that off-set T-intersections, like the intersection of Cottage Street and D Street, are common in the City and create a traffic-calming effect, making the street safer. Finally, GNA is misinterpreting Table 1 and Table 2 from DKS' memorandum. Table 1 shows trip generation rates for all allowable uses in the RS zone. Whereas, Table 2 shows trip generation estimates for reasonable worst-case for all uses that could be developed in the RS zone, not the current use.

Further, the GNA claims that in its opinion the neighborhood streets are not designed to serve this property.³ GNA also points out that the church has been operating at significant levels over the 100 year history of the site. Further, GNA includes photographs in Exhibit D of the surrounding streets. Taken together, the information GNA submitted into the record supports that a 19 unit affordable housing development can be supported by the existing street network. The photographs show a street system that has available on street parking, is designed to limit speeds in a residential area, and has adequate stop signage at the corner of the subject property to assure safe transit in the area for vehicles, pedestrians, and bicyclists. At no time does DevNW anticipate the kind of traffic impact as the current Sunday church services that have been adequately served by the existing street pattern.

IV. The Applicant has satisfied the quasi-judicial zone change requirements under SRC 265.005.

The GNA once again relies on a subjective standard to try to argue for denial of this conditioned zone change. Under SRC 265.005(2), "The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied." This again is a subjective term that cannot be applied to this needed housing application. This provision also makes no sense because the Applicant has the burden to establish the property qualifies for the zone change, and it is unclear how a greater burden could be applied in this context. Notwithstanding this objection, the Applicant provides the following response.

Once more, from the Applicant's perspective there are few land use impacts from the proposed reuse of existing buildings on the subject property such as existing services, and road capacities that were designed for residential use, and with a pre-existing church use at this location. Nonetheless, the Applicant has provided extensive information about how its proposal meets the zone change criteria, and is responding in additional detail to assertions by GNA,

³ GNA Attachment A, p. 21.

satisfying whatever the City could reasonably construe as a "greater burden" in this case.

V. Salem Area Comprehensive Plan Policies

The GNA comments that the Applicant may have inadvertently not included responses to applicable comprehensive plan policies. The Applicant supplements its response to the plan policies with the following information.

A. The Application meets the intent of the Land Use Plan Map.

GNA contends that the Applicant has not provided any justification or evidence as to why rezoning the subject property would be a benefit and meet the need of the local community. However, the Applicant has consistently provided justification and evidence as to how the rezoning of the subject property would meet the needs of the local community. The City's Housing Needs Analysis ("HNA") has identified the need for multi-family housing. Specifically, there is a need for 207 acres of multi-family. The proposed plan and map amendment would help the City achieve the goal of providing more multi-family housing. The change to Residential High Rise allows for the greatest diversity of housing options as compared to the current Single Family Residential zone, and also uses a zone that does not permit office use, as a response to neighborhood concerns. Moreover, the Intent portion of the Land Use Plan Map "recognizes that the land use and zoning are expected to change during the time span of the Plan as conditions change." Therefore, this zone change meets the intent of the Land Use Plan Map and takes advantage of the zone change process to meet the changing needs of the community.

B. The Applicant has followed the process envisioned in the Plan Map Designation section of the Comprehensive Plan.

GNA cherry picks provisions of the Comprehensive Plan to further push its agenda for exclusion. The SRC governs the zone change process and implements the Plan Map Designation section of the Comprehensive Plan that allows for zone changes such as the one proposed here. Further, this section of the Comprehensive Plan follows the intent section that also considers updates to the plan during the planning horizon.

Moreover, the plan discusses that residential land use patterns are allowed to change as desirability for redevelopment occurs and infill opportunities present themselves within existing neighborhoods. Further, proximity to the urbanized core is key for multi-family development – close to existing services, and public transit opportunities. DevNW's affordable housing mission means that this transparent proposal to construct affordable housing in existing buildings on the site will provide for a nonexistent housing type – government supported housing – in the Grant neighborhood. Further, the site is located close to a school, park, and shopping facilities. This proposal continues the residential land use pattern in the neighborhood.

C. Historic resource associated with the Evergreen Church and Parsonage

DevNW has reviewed the supplemental staff report that identifies that the Applicant should mitigate impacts to the buildings that would be eligible for listing on the National Register of Historic Places. However, the Applicant clarifies that no historic designation listing has been applied to the subject property. The Applicant accepts the recommended condition of approval in the supplemental staff report.

D. The proposed development encourages economic growth in the urban area.

When addressing the economic impacts of the proposed use the GNA fails to view how the proposed use will improve and strengthen the City's economic base. The proposed use will create jobs for the Salem community. All aspects of the construction and retrofitting of the properties, including contractors, engineers, and others will be sourced from the local contractors. The exact population to be served by the proposed housing has not been identified. Nonetheless, the housing will provide affordable workforce housing options for residents who work in jobs that pay below 60% median income who contribute to the local economy – whether as home health care workers, childcare workers, serving the tourism industry, or providing restaurant services, to name just a few. In meetings that DevNW holds with local business, lack of affordable workforce housing is one of the most-cited challenges for those businesses looking to expand or retain employees. This response also bolsters the Staff Report's Goal 9 findings.

E. Several GNA-focused comments are to aspirational goals, or misread the policy.

The Activity Nodes and Corridors section of the comprehensive plan does not include any mandatory language. As set forth in the Staff Report, the site is with ¼ mile of the public transit system, and in close proximity to the downtown core. Therefore, this application is appropriately sited near transit and job opportunities.

One comprehensive plan policy speaks to the cumulative effect of all new residential development in the Salem urban area to average 6.5 dwelling units per acre. The City uses cumulative effect purposefully here, to prevent the GNA from succeeding in an argument that this individualized rezone density should be compared the urban area-wide average. As stated in the application, this rezoning on only 0.30 acres of land helps to increase the cumulative average across the urban area.

GNA points to a plan provision regarding accommodation of vehicle access and avoiding existing nuisances. The GNA has not identified any existing nuisances. The GNA complains about on-street parking impacts, but public parking areas are available to all members of the public, not just the residence abutting a street parking space. In any event, this letter has addressed parking requirements for multi-family housing elsewhere. Other general plan policies that speak to encouraging particular behavior are not directly applicable to this project and

require no further response as they are aspirational City objectives. See generally, GNA Attachment A, p. 26, items 3 and 4.

F. The application meets the screening, landscaping, setback, height, and mass regulations, and encourages open space, with approval of the modifications, or with optional conditions of approval.

The subject property is large enough to allow development of affordable housing and implement measures to reduce impacts on adjacent properties. In contrast to the GNA's claim, the cost of doing so is not a measure to determine the Applicant's ability to achieve these goals.

The subject property is 12,900 square feet in size with a planned 19-units of housing. According to SRC 702.020(a)(1)(A) the subject property needs 3,870 square feet of open space. The Applicant currently has 3,331 square feet set aside for open space (with 1,628 square feet designated as common open space). The Applicant is currently requesting an adjustment to the standard to allow for 3,331 square feet to meet the criterion. GNA contends that the subject property is outside of the 0.25 mile from a public park standard to allow for a 50% reduction of common open space on site. The Applicant disputes the GNA's measurement, but instead of spending money to survey the shortest line to the park, the Applicant's pursued an adjustment. This adjustment request was made to preserve parking onsite, another concern raised by the GNA.

However, as well-stated by GNA, onsite parking is not required to build multi-family housing. Therefore, instead of requesting an adjustment to the open space requirement, the Applicant is willing to reduce the number of on-site parking spacing by one parking space in order to provide the required amount of common open space under SRC 702.020. See Attachment 5. The amount of parking spaces reduced would be the equivalent of at least 539 square feet in order for the subject property to reach at least the 30% or 3,870 square feet of open space required by SRC 702.020. The proposed condition of approval is provided at the end of this letter as an optional condition.

Thus, the proposed use will satisfy the open space requirements, either through the modification process or by reduction of onsite parking.

G. GNA's engineering feasibility challenges do not withstand scrutiny.

At various points of its submission, GNA questions the engineering feasibility of the proposed applications. However, these concerns are unfounded and the Applicant's experts have provided additional information that establishes the development can be constructed to meet safety and habitability requirements, as well as be served by adequate public facilities.

DevNW's architect, GMA Architects, responded to GNA's concerns about the ability of the Applicant to modify the interior of the church building to design safe and habitable residences. Attachment 6. As the architects describe, the building's existing construction was reviewed to the extent possible in key areas that allow the wall, floor, and roof assemblies to be visually observed. Even though the proposed use does not trigger an increased risk category under the Oregon Structural Specialty code, the current design includes new construction of a framed shell within the existing building that will help protect residents in a seismic event. On July 9, 2020, the proposed design, which included preliminary structural design, was reviewed with a Salem Building Official. These plans were deemed to be generally acceptable to the Salem Building Official. These drawings and other detailed architectural plans have enabled the applicant to confirm constructability for the proposed design.

Further, DevNW's structural engineers, MSC Engineers, responds to GNA noting that it was under the mistaken belief that the building code requires the current subject property infrastructure to be upgraded to be fully compliant in the same way as brand new construction. Attachment 7. In addition, MSC Engineers explains that the proposed use is a less intensive use than the existing church, as defined by the building code, because of the high occupant load of the church use. As a result, this impacts the required retrofits to make the existing infrastructure complaint with the building code. The proposed development and retrofit, which has been agreed to and endorsed by a Salem Building Official, is reasonable, feasible, and likely that the Applicant can construct the development in a manner to meet the safety requirements for future residents.

The Applicant is unclear why the GNA believes the church building will not be ADA accessible. The site plan proposes six ADA-accessible units and the installation of a platform lift to allow people with mobility issues to access the building.

Moreover, the staff report and letter from AKS in Attachment 8 confirm that adequate public facilities are available to serve the proposed used.

Therefore, it is reasonable, feasible, and likely that the renovation of the existing buildings will meet safety and habitability requirements, and that the site will be served by adequate public facilities.

VI. The application meets Oregon Statewide Planning Goal 6 Air, Water and Land Resources Quality: To maintain and improve the quality of the air, water and land resources of the state.

The GNA raised concerns regarding the cost of potential remediation of hazardous material and retrofitting cost as is pertains to the overall redevelopment cost to the subject property. The GNA provide nothing support to the contention that there are hazardous materials on the site. Notwithstanding this shortcoming, given the age of the buildings on the subject

property the Applicant is aware that asbestos and lead based paint could be found. Attachment 8. Updates to the interior of the buildings will be done in accordance with all laws related to safe removal of any such materials, and it is reasonable, feasible, and likely that DevNW could hire contractors who specialize in the lawful removal of such substances, if any are discovered. In all other respects, the cost of potential remediation or rehabilitation of the building are not approval criteria under Goal 6 or the City Code.

VII. Applicant's Request for Modification of Conditions of Approval and Potential Conditions of Approval

The Applicant requests that one condition of approval be removed, and that the Planning Commission consider two optional conditions of approval be considered to alleviate concerns raised by the public in this proceeding. Existing conditions of approval are referred to based on the numbering in the Supplemental Staff Report, and optional conditions add numbers to the end of that list.

A. Removal of Condition of Approval 8

SRC 86.015(e) is not a clear and objective standard that can be applied to needed housing because the standard does not provide an objective measure of how many street trees are required to meet this criterion. Further, the number of street trees depends on the spacing available between existing trees to ensure that both new and existing trees will survive. DevNW will endeavor to plant one additional tree on each street frontage (Cottage Street and D Street) if a landscape architect determines the existing trees can survive. However, DevNW requests that Condition of Approval 8 be removed because it is not clear and objective.

B. Optional Conditions of Approval

As set forth above, the modification of the open space requirement could be alleviated by the reduction of the onsite parking proposed in the application. If the Planning Commission determines that reduction in parking in favor of open space better meets the design standards and goals of the City, then the Applicant proposes the following condition:

Optional Condition 10: The amount of parking spaces shall be reduced by one space, from 8 to 7, to provide an additional 539 square feet of open space to reach at least the 30% or 3,870 square feet of open space required by SRC 702.020.

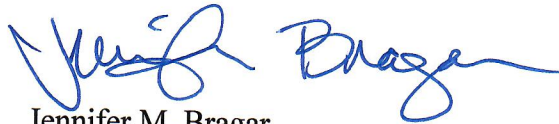
In addition, the Applicant is more than willing to accommodate GNA's request to only extend the 8-foot-high wooden fence to the eastern end of the 925 Cottage St NE building and not having the fence extend into the front yard.

Optional Condition 11: The eight (8) foot high wooden fence proposed along the north property line at 925 Cottage St NE shall not extend past the northeast corner of the existing structure into the front yard of that lot.

CONCLUSION

Based on the foregoing information, all of the application materials, and the established need for affordable housing in Salem, the Applicant respectfully requests that the Planning Commission approve these applications. Thank you for your consideration of these materials.

Sincerely,



Jennifer M. Bragar

Enclosures

cc: client

- Attachments:** [Charles Weathers Application Redacted](#)
[Felipe Gonzales Application Redacted](#)
[Keith Norris Application Redacted](#)
[Dan Augustyn Application Redacted](#)
[Jordan Truitt Application Redacted](#)
[Spencer Emerick Application Redacted](#)

4. PUBLIC HEARINGS

4.a. [20-203](#) Public Hearing for 2020-2024 Consolidated Plan, Analysis of Impediments to Fair Housing Choice, and 2020-2021 Annual Action Plan

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods
Result Area(s): Strong and Diverse Economy; Welcoming and Livable Community

Recommendation: Adopt the 2020-2024 Consolidated Plan (Attachment 1), Analysis of Impediments to Fair Housing Choice (Attachment 2), the 2020-2021 Annual Action Plan (Attachment 3), Amend the 2019 Annual Action Plan (Attachment 4), and direct staff to submit the documents and required forms to the U.S. Department of Housing and Urban Development (HUD).

- Attachments:** [2020-2024 Consolidated Plan](#)
[Analysis of Impediments to Fair Housing Choice](#)
[2020-2021 Annual action Plan](#)
[Amendment of 2019 Annual Action Plan](#)
[Public Hearing PowerPoint Presentation](#)
[Public Comments and Responses](#)
[Grant Neighborhood Response](#)
[Written Testimony 2](#)
Add - Written Testimony

5. SPECIAL ORDERS OF BUSINESS: (Items deferred from the Consent Calendar; Mayor and Councilor Items; Items which require a selection among options; or of special importance to Council; management reports; presentations by City boards, commissions, committees, or outside agencies)

5.a. [20-248](#) Motion from Councilor Tom Andersen regarding a work session to consider the City’s agreement with the Salem Keizer School District for School Resource Officers

HOME		
Organization	Program Name	Proposed Award
DevNW	CHDO Set-aside – Acquisition of 925 and 905 Cottage Street, Salem, OR and Predevelopment Expenses	\$393,539
DevNW	CHDO Admin – Operation Expenses	\$30,000
MWVCAA	ARCHES TBRA	\$300,000
St. Francis Shelter	SFS TBRA	\$100,000

CDBG & HOME		
City of Salem	HOME	\$126,573
City of Salem	CDBG	\$307,427

Table 3 – Project Information

Describe the reasons for allocation priorities and any obstacles to addressing underserved needs –

The priority needs for the 2020-2024 Consolidated Plan were determined through analysis of information gathered from a variety of sources. The final priorities were included in the Notice of Funding Availability issued November 20, 2019. Interested nonprofit and for-profit entities were asked to identify which priority their program most closely related. During the evaluation phase, all applications were screened to ensure the proposed project or activity met one of the priority needs. The ConPlan was updated to include the impact of COVID-19 on the local community.

The cities also listened to the public during the Consolidated Plan consultations and citizen participation process. The availability of resources to address these needs was the basis for the projects listed in this and the recently amended 2018 and 2019 AAPs.

Project selection and funding award considers the applicants’ proposal and demonstrated financial need, the sub-recipient’s experience and capacity, performance goals, and ability to leverage other resources. The defined need includes:

AP-35 Projects – 91.220(d)

Introduction

A panel of citizens residing in the regional area reviewed eligible applications to determine which programs or projects are recommended to City Government for funding. Historically funded projects must meet the objectives, and outcomes of suitable living environment, decent housing, and the creation of economic opportunities. The City's distribution of HOME and CDBG funds are based on the type of project and how they meet the goals of addressing the needs of low to moderate income citizens.

Projects

CDBG		
Organization	Program Name	Proposed Award
Center for Hope and Safety	HOPE Plaza – New Construction Housing Units (limited to infrastructure and eligible predevelopment expenses, per the CDBG regulations)	\$300,000
Garten Services	Recycle Center Baler Replacement Equipment	\$170,000
Integrated Supports for Living	Rehab of existing housing	\$144,734
Center for Hope and Safety	Victims of Dom. Violence – Case Mgmt.	\$90,000
Congregations Helping People	Emergency Rent, Utilities, Security Deposits	\$100,000
MWVCAA	HOME Youth	\$55,000
Marion Polk Food Share	Increased Meals on Wheels	\$83,227
MWVCAA	Salem Warming Network	\$100,000
NWHS	HOST Emergency - (Homeless Youth)	\$32,445
SIHN	Case Management	\$70,000
St Francis Shelter	Case Management	\$40,000
Women at the Well	Case Management	\$44,300

AP-38 Project Summary

Project Summary Information

Project Name	DevNW
Target Area	Grant Neighborhood
Goals Supported	Expand Affordable Housing
Needs Addressed	Affordable Housing
Funding	HOME: \$393,539
Description	The project, in conjunction with previous funding and tax credits, will provide acquisition and rehabilitation of up to 14 units of affordable housing.
Target Date	6/30/2021
Estimate the number and type of families that will benefit from the proposed activities	This project consists of the acquisition and conversion of a religious facility for the purpose of adding up to 14 affordable housing units. The units will include a combination of SRO, 1-bedroom, and 2-bedroom units. The addition of a single-family home to be used as offices for DevNW and partners.
Location Description	905 and 925 Cottage Street NE, Salem, Oregon 97301
Planned Activities	The project consists of acquiring the two properties, extensive rehabilitation, including, but not limited to window replacement, replacement of utilities, accessibility modifications, heating and electrical upgrades as needed, etc.
Project Name	Integrated Supports for Living
Target Area	Citywide
Goals Supported	Expand Affordable Housing
Needs Addressed	Affordable Housing
Funding	CDBG: \$144,734
Description	This project consists of rehabilitation of an existing housing complex. Roofs, decking, windows, etc. are to be replaced. 12 units (two buildings with 6 units in each building)
Target Date	6/30/2021
Estimate the number and type of families that will benefit from the proposed activities	This project will serve 12, 2-bedroom households.
Location Description	This project is located at 1870 Fisher Road NE, Salem, OR 97305
Planned Activities	This project consists of rehabilitation of an existing housing complex. Roofs, decking, windows, siding, flooring, etc. are to be replaced.

From: Natasha Zimmerman <NZimmerman@cityofsalem.net>
Sent: Monday, September 21, 2020 1:44 PM
To: Jennifer Bragar
Subject: 00536594.000.MSG - RE: June 22, 2020 Council Tape

Categories: Profiled

Jennifer,

I will verify that it has been put in the record, but that was my discussion with our staff last week. I just haven't received confirmation that they have it in the record yet. It will be before the continued hearing.

Thank you for checking on it.

Natasha

Natasha A. Zimmerman
Deputy City Attorney, 503-588-6056

Due to the COVID-19 Pandemic, City of Salem offices are closed to walk-in visitors and most of our employees are working remotely. I am working remotely on most Mondays, Wednesdays, and Fridays, and do have access to my email and voicemail.

From: Jennifer Bragar <jbragar@tomasilegal.com>
Sent: Monday, September 21, 2020 1:17 PM
To: Natasha Zimmerman <NZimmerman@cityofsalem.net>
Subject: June 22, 2020 Council Tape

Hi Natasha,

I am following up on our conversation last week. Were you able to get a hard copy disk/drive of the June 22, 2020 City Council meeting in the record for the DevNW zone change and related applications? Thank you.

Jennifer Bragar | jbragar@tomasilegal.com
Tomasi Salyer Martin | 121 SW Morrison Street, Suite 1850 | Portland, Oregon 97204
Tel: 503-894-9900 | Fax: 971-544-7236 | <http://www.tomasilegal.com>



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From: Adam Dallimore <adam.dallimore@devnw.org>
Sent: Tuesday, August 04, 2020 6:24 PM
To: Eric Bradfield; Erin Dey; Emily Reiman
Cc: Samuel Skillern; Paul Tigan; Jeanne Boatwright; Christopher Bechtel
Subject: RE: 905/925 Cottage Street NE Presentation at Grant NA

Good afternoon Eric,

All is well over here! I hope that the same is true for you/GNA community. Erin and I had a chance to circle up RE: this week's agenda.

We have reached out to planners to confirm that our application was passed along to the GNA. It's good to hear that you have it and are reviewing it. Unfortunately, we are not available to attend the GNA neighborhood meeting this Thursday, but please feel free to send along any specific questions/concerns/comments that arise and we will do our best to answer them as promptly as possible. Also, please pass along the invite for next month's meeting date/time so we can get it on the calendar.

As always, we will continue to make sure that every update to our application is passed along to the GNA and greater community.

Kind Regards,

—

Adam Dallimore
DevNW // Development Associate

»Where to find us

O 541.345.7106 x2071

—

NEDCO and Willamette Neighborhood Housing Services have merged to form DevNW! Together, we're committed to developing thriving communities.

In light of recent events and the state's recommendations to contain the spread of COVID-19, DevNW offices will be closed to the public until further notice. We continue to operate and are available to our clients and partners remotely via email, and tele/video conferencing.

A la luz de eventos recientes y recomendaciones del estado para contener la proliferación de COVID-19, oficinas de DevNW permanecerán cerradas al público hasta nuevo aviso. Continuamos ser disponible a nuestros clientes y socios remotamente por correo electrónico y conferencia de video.

-----Original Message-----

From: Eric Bradfield [<mailto:ebradfield@gmail.com>]

Sent: Wednesday, July 29, 2020 2:35 PM

To: Erin Dey <erin.dey@devnw.org>; Adam Dallimore <adam.dallimore@devnw.org>; Emily Reiman <emily.reiman@devnw.org>

Cc: Samuel Skillern <sam@salemlf.org>; Paul Tigan <paultigan@gmail.com>; Jeanne Boatwright <cjboat835@yahoo.com>; Christopher Bechtel <bechtelcr@gmail.com>

Subject: 905/925 Cottage Street NE Presentation at Grant NA

Please be cautious

This email was sent outside of your organization _____

DevNW Team,

Olivia Davis from the City's Planning department sent a preliminary packet to our Neighborhood Association Executive team Monday morning. I spoke with Adam earlier today about possibly presenting at the Grant Neighborhood Association your new plans for 905/925 Cottage St NE. He told me that he couldn't commit to anything, since Erin was out on leave. I, sincerely, hope all is well and it's nothing too serious. He could commit to someone attending the meeting and, possibly answering questions. Is it possible that someone could attend our August to formally see the new proposal and allow for neighbors to comment or as questions?

Our meeting is next Thursday, August 6th at 6:15PM and will be held via Zoom. If you're interested, we'd like to keep the presentation to no more than 7 minutes and focused on the changes between the old proposal and the new. Then, we'd allow another 7-10 minutes for questions. The goal being that we'd only need about 15 minutes of your time.

Thank you,
Eric



MEMORANDUM

DATE: September 14, 2020
TO: Joseph Moore | GMA Architects
FROM: Lacy Brown, Ph.D., P.E. | DKS Associates

SUBJECT: Salem Cottage Street TPR Analysis Response to Neighborhood Comments Project #P20082-000

DKS Associates previously prepared a memorandum (dated July 23, 2020) documenting the expected traffic impacts and transportation planning rule (TPR) findings associated with a proposed zone change for two parcels (905 and 925 Cottage Street, each 0.15 acres) in Salem, Oregon. The lots are currently both zoned as Single Family Residential (RS) and the applicant desires to change the zoning to Multiple Family High-Rise Residential (RH) to allow for the development of multifamily units. The two lots will be combined into one parcel for a total of 0.30 acres.

On September 2, 2020, the Grant Neighborhood Association (GNA) submitted testimony challenging aspects of the methodology and findings contained in the DKS TPR memo. The concerns raised by the GNA are addressed below.

- GNA statement (Page 2):** *"The 400 trips per day per property is a benchmark set by the Oregon Dept. of Transportation (ODOT) in its Oregon Highway Plan (OHP) and, as stated in the DKS traffic analysis document, ". . . the OHP is not applicable to city streets . . ." The analysis also states that "The definition of a significant effect varies by jurisdiction and no such definition is provided by the City of Salem code.""*
 - DKS Response:** As one of the only available definitions of a TPR "significant effect" in the state, the OHP threshold of 400 trips per day is commonly referenced in local jurisdictions where no alternate definition is provided. Numerous zone change applications in the City of Salem have successfully applied this definition. As shown in Table 4 of our memo, the expected increase in traffic resulting from the proposed zone change is 75 trips per day, nowhere near the threshold being applied.
- GNA statement (Page 2):** *"The main issue with the provided traffic impact analysis is that it greatly understates the "worstcase" traffic scenario allowable under the proposed zone. The proposed zone - RH - could provide many, many more units than what the applicant is proposing, but by analyzing a low-rise multifamily building and a daycare center, they obscure what could be a real impact."*

- **DKS Response:** The TPR clearly requires the analysis of the reasonable worst-case development scenario under existing and proposed zoning. The reasonable worst-case land uses outlined in our memorandum were coordinated with, and approved by City of Salem staff. While a higher density of residential units is allowed within RH zones, the size of the parcel limits what could reasonably be developed on the property given other development review requirements (e.g., setbacks, parking, open space), as well as the proposed conditions of approval limiting development to 19 residential units.

3. **GNA statement (Page 11):** *"We would ask the Planning Commission to consider that the proposed high-density zone (and subsequent proposed use) is so out of character with the neighborhood that the additional traffic contemplated by the applicant themselves would have a major impact on the parking and safety of the immediate vicinity of the property. These include:*

- *Increases in trips during "rush hours" - this is also the time when kids are walking to school (Grant Community School, Parrish Middle School, North Salem High School).*
- *The incongruent nature of the streets north and south of D Street between 5th Street and Winter Street, where streets and sidewalks do not line up, is incredibly impactful to traffic and driving behavior. There are no marked crosswalks and the lack of traffic calming and wide intersections is highly problematic."*

- **DKS Response:** As indicated in Table 4 of our memo, the proposed zone change is expected to increase peak hour traffic by a maximum of seven (7) vehicle trips. There is no evidence that an increase of seven vehicle trips per hour would have a negative impact on safety or mobility.

Additionally, GNA only expresses its opinion that the existing roadway system is "incredibly impactful" and "highly problematic". A review of the Oregon statewide crash database indicates that no vehicle crashes were reported on the segment of D Street between 5th Street and Winter Street from 2014 to 2018 (the most recent five years of available crash data). Off-set T-intersections, like those where Cottage Street meets D Street, are common throughout the City and actually create a traffic-calming effect (they create an inconvenient route for through-traffic and encourage slower travel speeds).

4. **GNA statement (Page 37):** *"It states, in Table 1, what the church and single-family trip generation rates are, and then proceeds, in Table 2, to calculate for the church building being used as a church, but the home being used as a daycare, which it is not."*

- **DKS Response:** Table 1 presents the trip generation rates for all allowed land uses in the RS zone. Table 2 presents the trip generation estimates for the reasonable

worst-case land uses that could be developed in the RS zone, not what currently exists on the property. TPR analysis requires a comparison of the reasonable worst-case development scenarios for both existing and proposed zoning.

5. **GNA statement (Page 37):** *"If the goal is to address the worst-case land use in the RH zone, as was at least part of the exercise for the RS zone figures, a multi-storied building with 10 living units per floor and no height limitation is the scenario that needs to be addressed. Based on the applicant's floor plans for the church, this is what could fit easily into the 68' by 105' building envelope that would be allowed under the RH development standards. Unfortunately, with no maximum building height limit, there is no way to calculate the potential trip generation for this site."*

- **DKS Response:** Again, TPR analysis must be based on a reasonable worst-case development scenario. A building of "limitless" height is not reasonable, which is why it was not evaluated. As stated in our memo, the requirements for open space for multi-family units increase significantly when more than 20 units are developed, and there is not a feasible way to accommodate the amount of greenspace needed and more than 20 residential units on a parcel that is 0.30 acres.

A cursory review of apartment buildings in downtown Salem did not reveal any buildings with more than four (4) floors of residential units. Even if a total of 50 units were assumed for this site under RH zoning (which is much larger than what is reasonable or feasible), the net increase in daily trips would be only 132 trips, still well-within the established acceptable threshold of 400 daily trips.

Please feel free to contact me with any questions.



GMA ARCHITECTS
 860 West Park Street / Ste 300
 Eugene / Oregon / 97401
 p 541.344.9157
 gma-arch.com

REVISIONS

LAND USE REVIEW

DEVNW

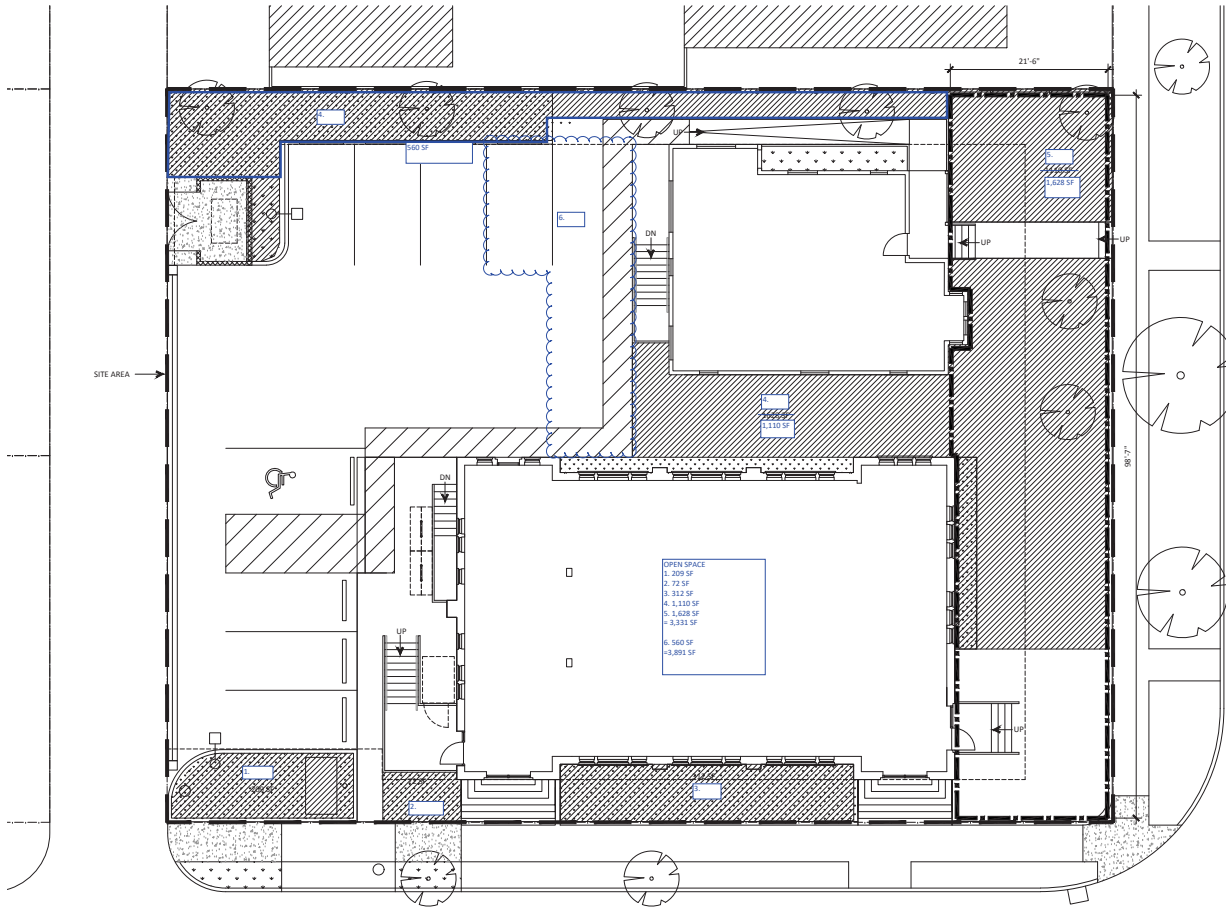
905 AND 925 COTTAGE ST NE SALEM, OR 97301
 BUILDING RENOVATION

JOB NO: 20222
 ISSUE DATE: 24 JULY 2022

PROPOSED OPEN SPACE PLAN

A340

COPYRIGHT GMA ARCHITECTS



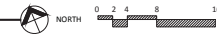
1 PROPOSED OPEN SPACE PLAN
 1/8" = 1'-0"

- TOTAL SITE AREA : 12,900 SF
- VEGETATED OPEN SPACE : 3,331 SF
- COMMON OPEN SPACE (> 750 SF) : 2,040 SF

GRANT SCHOOL PARK LOCATED WITHIN 0.25 MILE FROM DEVELOPMENT SITE
 PER CITY OF SALEM STANDARDS SEC 702.020 (a)(1)(F) OPEN SPACE
 REQUIREMENT OF 30% MAY BE REDUCED TO 15% OF SITE AREA

% SITE DEDICATED TO OPEN SPACE (>15%) : 25.8%

NOTE: ENTIRE SITE IS W/IN THE 500 YEAR FLOODPLAIN
 MODERATE FLOOD RISK AREA



September 11, 2020

TO: PLANNING COMMISSION

**FROM: JOSEPH E. MOORE, AIA
PRESIDENT, PRINCIPAL ARCHITECT
GMA ARCHITECTS**

**SUBJECT: COMPREHENSIVE PLAN CHANGE, NEIGHBORHOOD PLAN CHANGE, ZONE
CHANGE, CLASS 3 SITE PLAN REVIEW, CLASS 2 ADJUSTMENT & CLASS 1 DESIGN
REVIEW CASE NO. CPC-NPC-ZC-SPR-ADJ-DR20-03; FOR PROPERTY LOCATED AT
905 AND 925 COTTAGE STREET NE**

**(AMANDA APPLICATION NO. 20-108811-ZO; 20-113783-ZO; 20-108812-ZO; 20-
112373-RP / 20-112375-ZO / 20-112374-DR)**

STAFF REPORT RESPONSE

GMA Architects previously prepared Drawings and Findings documenting the proposed design for the above-mentioned Land Use Applications. On September 2, 2020, the Grant Neighborhood Association (GNA) submitted testimony challenging aspects of the design proposed. Certain concerns raised by GNA are addressed below.

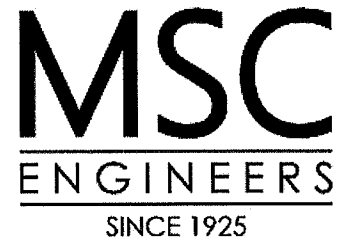
GNA Statement (Attachment A, Page 31): *“The applicant does not provide with their application any consideration of the engineering challenges associated with retrofitting an unreinforced masonry structure such as this church. On Page G100 of the site plan, the architects state: “Information is approximate and based on aerial surveys, tax maps, and minimal site observation.” The only detail about the condition of the existing walls is a cut-and-pasted “typical” on Sheet G200 of their site plan review. They do provide this statement: “The exterior walls are multi-wythe brick above the ceiling of the sanctuary and presumably are a single wythe of brick over hollow clay tile below this level for the sanctuary.” Allow us to translate: “we have no idea what the walls are made of and no idea what it will take to retrofit them to code.””*

- **GMA Response:** Existing construction was reviewed to the extent possible given that the building is currently occupied and for sale, and selective demolition was not an option for the Applicant. Still, existing construction is visible in key areas that allow the wall, floor, and roof assemblies to be visually observed. On July 9th, in collaboration with MSC Engineers, GMA reviewed the proposed design with the Salem Building Official. The meeting included review of preliminary structural design drawings that addressed adaptive reuse of the existing masonry structure in the context of the residential use. Since the proposed use does not trigger an increased risk category according to the

Oregon Structural Specialty Code, seismic upgrades are, to a large degree, optional. However, the current design includes accommodations for construction of a new plywood and wood stud framed shell within the existing building that will add lateral force resisting elements and help protect residents from the masonry construction in a seismic event. The Building Official found the design to be generally acceptable as proposed. These drawings, along with more detailed architectural plans, elevations, and sections, have been utilized by the applicant to work with multiple contractors to determine a probable cost of construction and confirm constructability for the proposed design.

GNA Statement (Attachment B, Page 4): *“The Site Plan shows that there would be an ADA accessible entrance to 925 Cottage St. NE, but there would be no ADA accessibility to 905 Cottage St. NE, the building with the predominant number of proposed units. It is difficult to overstate the Neighborhood Association’s displeasure over the fact that this building will not be ADA accessible upon the completion of this project. This has been a focal point of the reason that this building is not viable as a church and why it had to be redeveloped. Now - incredibly - it will not be ADA accessible. This is an affront to the concept of equity and the city should not accept a redevelopment plan for this site that does not include ADA accessibility to both of the buildings being redeveloped.”*

- **GMA Response:** The Site Plan shows ramp access to 925 Cottage St. NE and a vertical platform lift at 905 Cottage St. NE, which is an allowable accessible means of access to the building. The lift was selected in lieu of a ramp to minimize any impact on the historical significance of the building – an exterior ramp accessing an interior floor approximately 5-6 feet above grade would require over 75 feet of elevated walkway around the building. We acknowledge this lift could have been more clearly labeled, but the entire ground floor of 905 Cottage St. NE will have access without need for stairs. Further, the existing sloped floor will be built over to establish one consistent accessible floor level and ground floor units in both buildings will be designed to include accessible features such as ADA compliant plumbing fixtures, appliances, controls, and doors.



September 15, 2020

Joseph Moore
GMA Architects
860 W. Park Street, Suite 300
Eugene, OR 97401

Re: Dev NW
905 Cottage Street

Joe;

You asked MSC Engineers to respond to the Grant Neighborhood Association's September 2, 2020 submittal of Attachment A, pages 9, 30-31.

During the Pre-Application meeting, the extent of required seismic retrofit requirements was discussed and resolved with the City of Salem Building Official (B.O.). We concur that the existing building is constructed of URM (Unreinforced Masonry) and that the shell of the building is "pre-existing non-compliant". However, the G.N.A is mistaken in its belief that the currently adopted building code mandates existing infrastructure must be upgraded to full compliance as applicable for new construction. The applicable section of the code is Chapter 34 as adopted by BCD (Oregon Building Code Divisions) which is being complied with as it relates to this development.

The depiction and description of the existing construction is expressed accurately and the seismic vulnerability of this existing construction is understood and is being considered in the proposed development and retrofit as agreed and endorsed by the B.O. Based on these discussions and the applicable building code provisions, it is feasible to renovate the existing building in a structurally safe manner.

As defined by the building code, the existing church is a more intensive use due to the higher occupant load of the building. Therefore, the proposed development is a less intensive use of the facility despite being a Change of Use. This influences the applicable mandatory upgrades to all

CONSULTING STRUCTURAL ENGINEERS

3470 Pipebend Place NE, Suite 120 • Salem, OR 97301 • Phone: 503.399.1399 • mscengineersinc.com

Attachment 7
Page 1 of 2

aspects of the infrastructure and its proposed, as well as, any future potential development prospects in the event the building was to be sold and/or converted to an alternate use. The fundamental approach is "betterment" with the baseline consideration given to safe egress pathways. Overall, this proposal will include retrofit measures to improve the safety for future residents, as proposed here.

Sincerely,



Douglas S. Meltzer, PE, SE
MSC Engineers, Inc.



September 29, 2020

Joseph Moore, AIA
GMA Architects
860 W. Park St Suite 300 | Eugene, OR 97401

RE: CITY OF SALEM APPLICATION NOS. 20-108811-ZO; 20-113783-ZO; 20-108812-ZO; 20-112373-RP / 20-112375-ZO / 20-112374-DR

Mr. Moore:

As requested, we have prepared the following responses to comments submitted on the land use applications listed above by Grant Neighborhood Association and dated September 2, 2020.

Page 11 of Grant Neighborhood Association Response. SRC 265.005 (G):

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Grant Neighborhood Association Response:

The Public Works department's response is that the site is not currently served with the facilities necessary to support the proposed use. The Neighborhood Association remains concerned that the cost of retrofitting the property to the proposed use will be so prohibitive that it cannot be completed as currently intended. At that time, holding a property not appropriate for the project described here, the applicant could seek a new project or resell the property. The new choice of projects (by DevNW or the new owner) may then be anything within the full latitude of the High-Rise Residential zoning, and that new choice may be far different from the purposes that have been contemplated in this application so far.

AKS Response: Findings provided by the Public Works Department for this application confirm that the property is capable of being served with public facilities and services necessary to support the uses allowed by the proposed zone. This criterion has been met.

Pages 38 & 39 of Grant Neighborhood Association Response. Oregon Statewide Planning Goal 6:

6. AIR, WATER AND LAND RESOURCES QUALITY

Goal: To maintain and improve the quality of the air, water and land resources of the state. This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.

Grant Neighborhood Association Response:


The more intense use of the site will have little impact on land resources, however, it will have a substantial impact on water and sewer. The current use, as a church, is used at most a few hours a day with a kitchen and two bathrooms. However, DevNW is proposing to add 19 units to the properties, which will increase the number of kitchens and bathrooms to as much as 19 bathrooms and kitchens. Kitchens in each unit will be used considerably more frequently than the one kitchen in the church, which is used about once or twice a week.

While the city's analysis of the site states that the city's existing infrastructure can handle the increase in use of these properties, the amount of investment necessary to retrofit both properties for this kind of use, including remediating existing hazardous materials and connections to the city-provided infrastructure, put major question marks on the redevelopment costs of the site. The estimated costs of these retrofits (and others, such as seismic) have not been provided by the developer and strain the possibility that the project will be carried out as "proposed" in this application.

AKS Response: Findings provided by the Public Works Department for this application confirm existing infrastructure is capable of serving the uses allowed by the proposed zone. The proposed zoning and development do not violate, or threaten to violate, applicable state or federal environmental quality statutes, rules and standards. Construction/demolition/site work and any abatement/removal of hazardous materials will be completed in accordance with applicable laws and regulations. As such, Statewide Goal #6 is met.

Sincerely,

AKS ENGINEERING & FORESTRY, LLC



Richard Walker, PE, Associate
3700 River Road North, Suite 1
Keizer, OR 97303
503-400-6028 | RichardW@aks-eng.com

