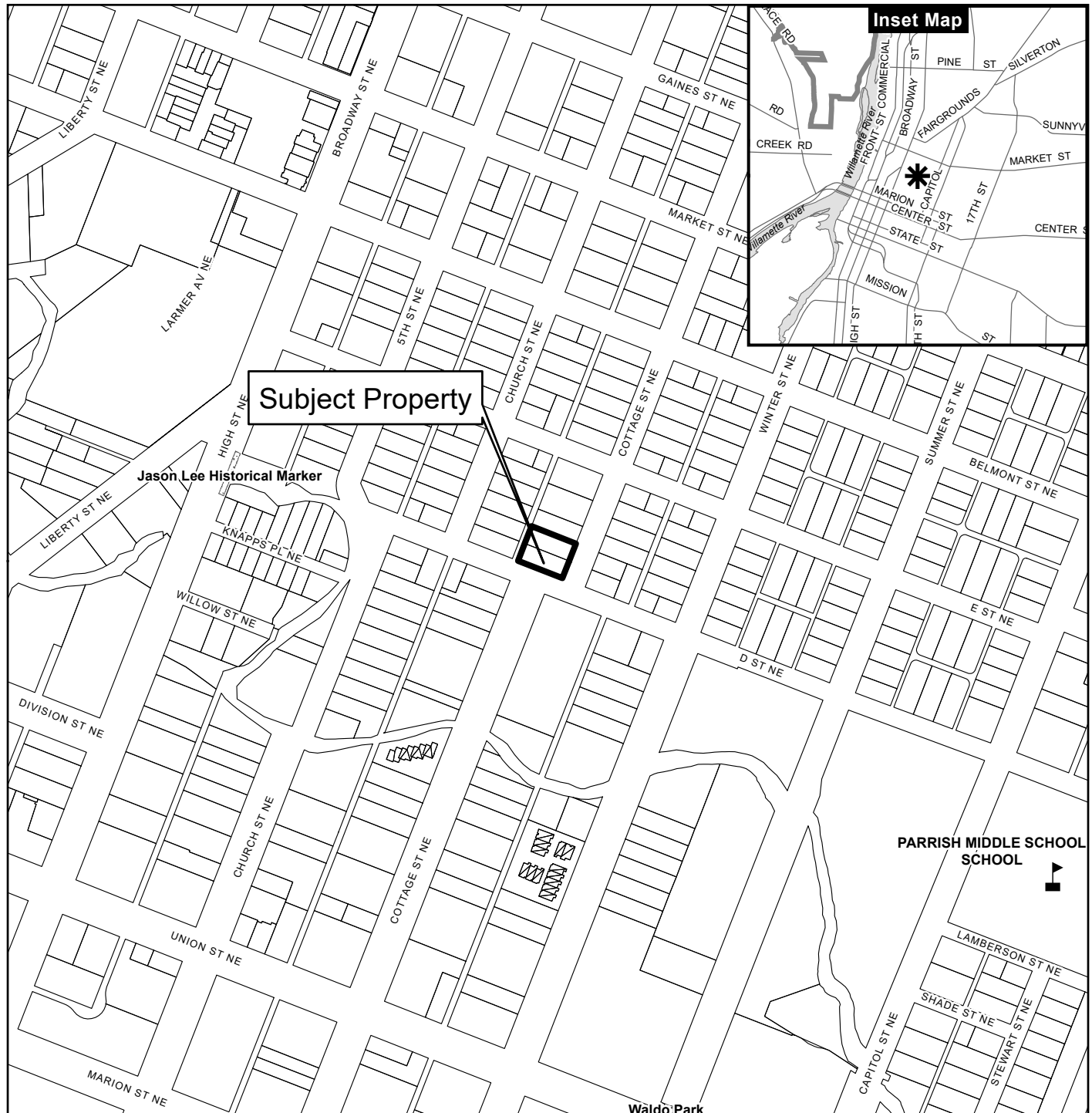


Vicinity Map

905 and 925 Cottage Street NE



Legend

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

0 100 200 400 Feet



CITY OF Salem
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Community Development Dept.

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Comprehensive Plan Map - 925 Cottage Street NE



Legend

- | | |
|---------------------------|---------|
| Comprehensive Plan | Taxlots |
| Urban Growth Boundary | Parks |
| Outside Salem City Limits | Schools |

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0 50 100 200 Feet



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Community Development Dept.

Vicinity Zoning - 925 Cottage Street NE



Legend

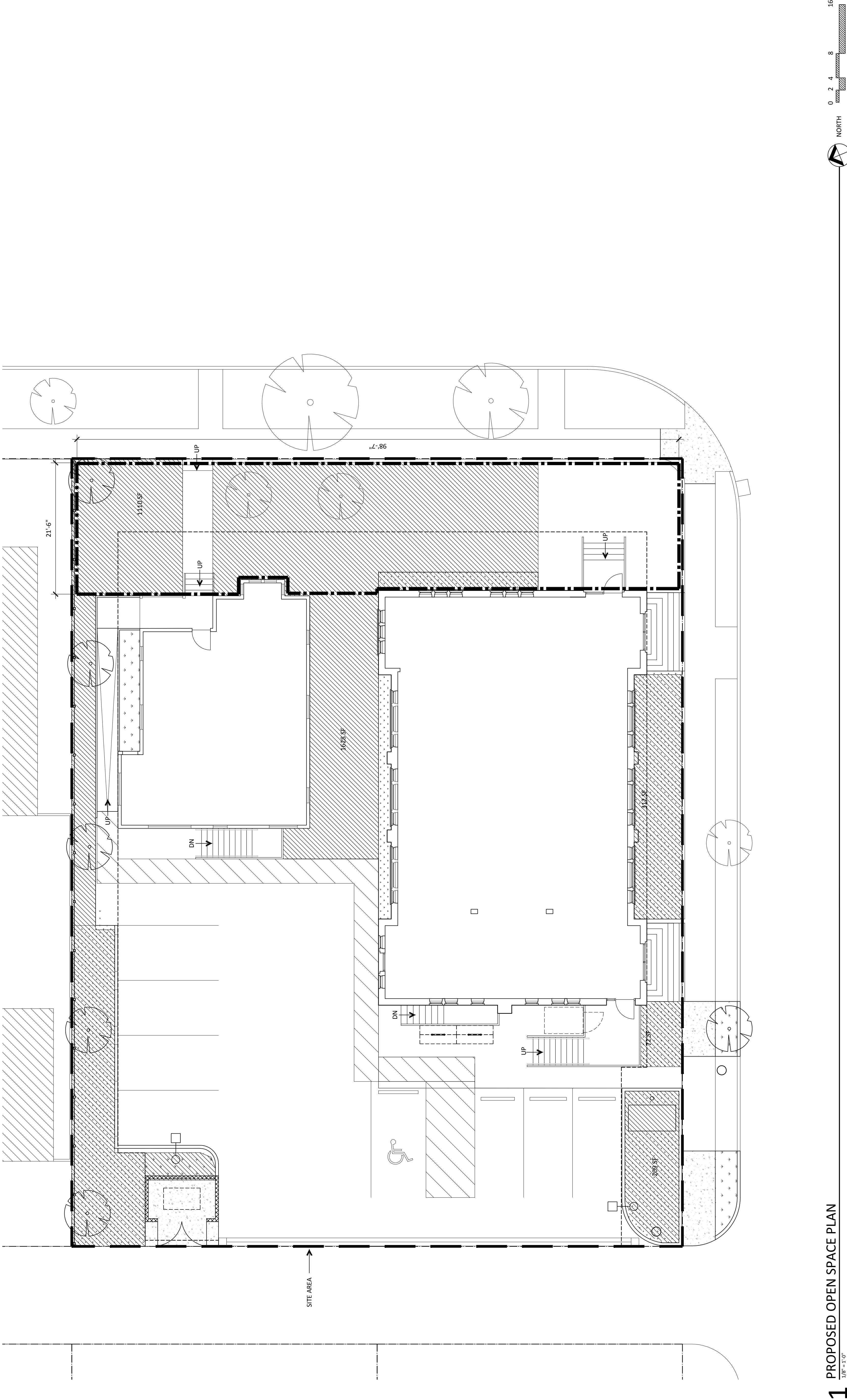
- | | |
|---------------------------|---------|
| RS Base Zoning | Taxlots |
| Urban Growth Boundary | Parks |
| Outside Salem City Limits | Schools |

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0 50 100 200 Feet



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Community Development Dept.



REVISIONS

03 AUG 2020

LAND USE APP - DESIGN REVIEW - CLASS 1

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

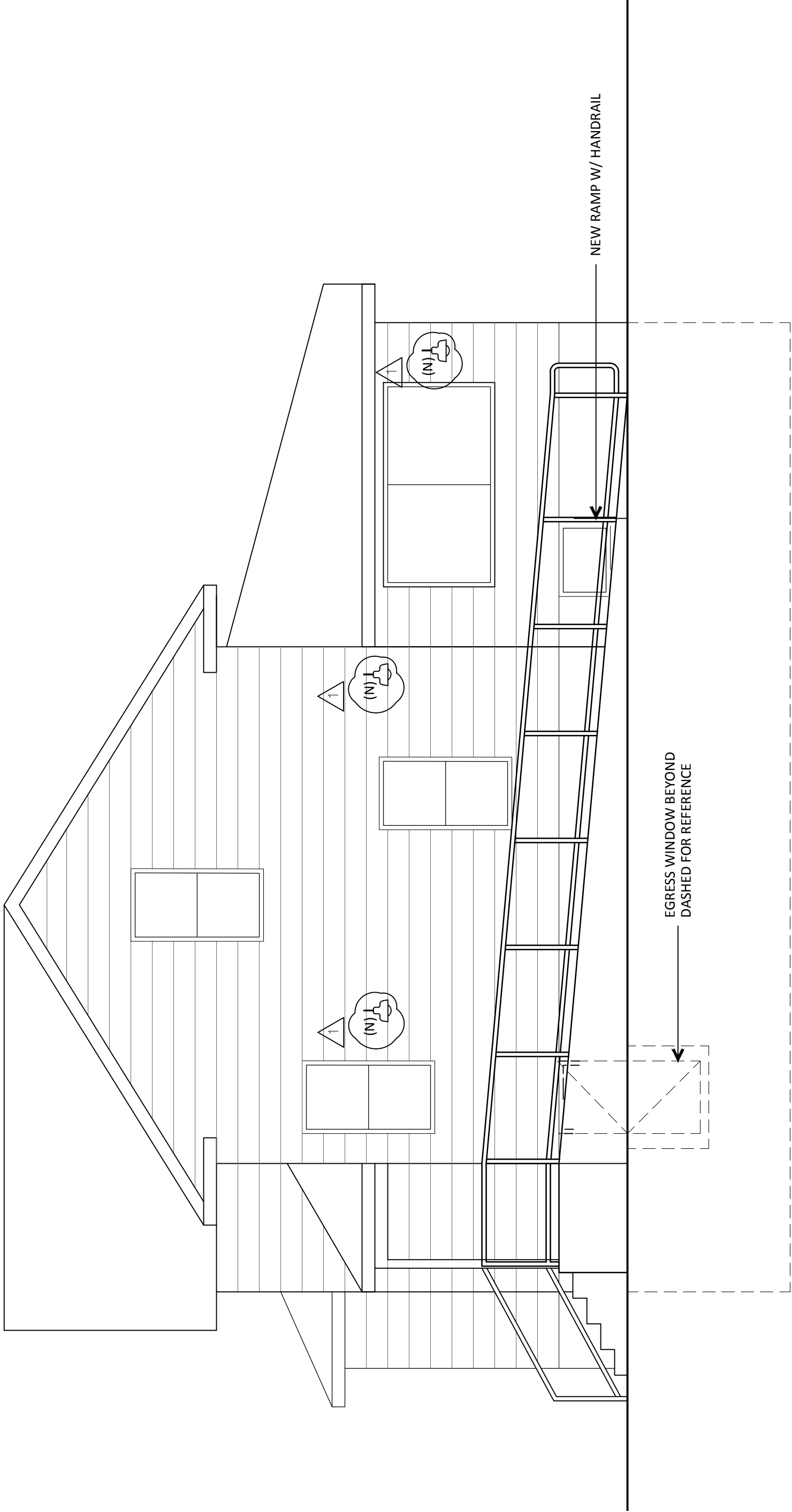
DEVNW

JOB NO: 20222
ISSUE DATE: 24 JULY 2020

BUILDING "B"
EXTERIOR
ELEVATIONS

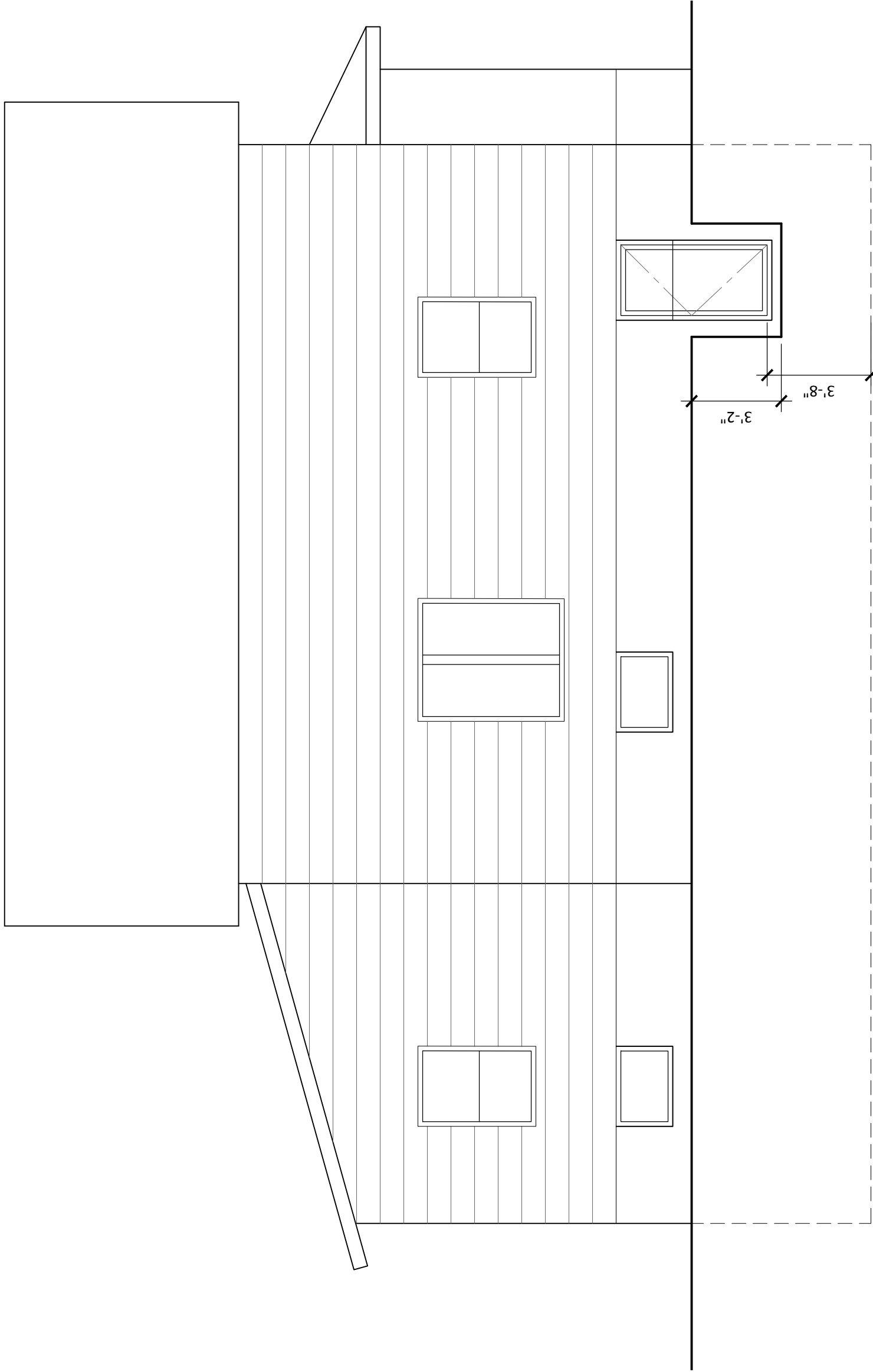
A610

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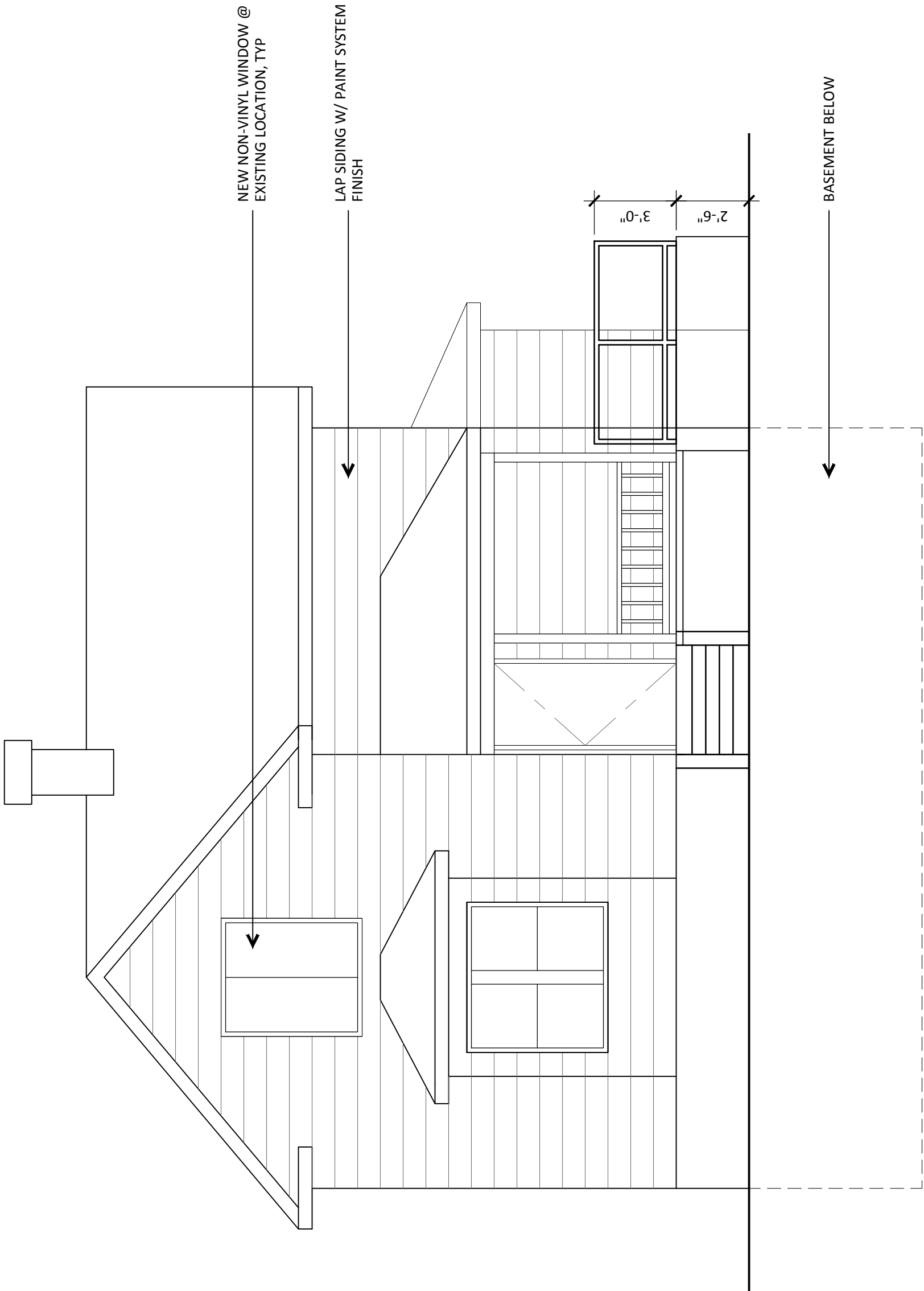
2 BUILDING "B" ELEVATION - NORTH

1/4" = 1'-0"



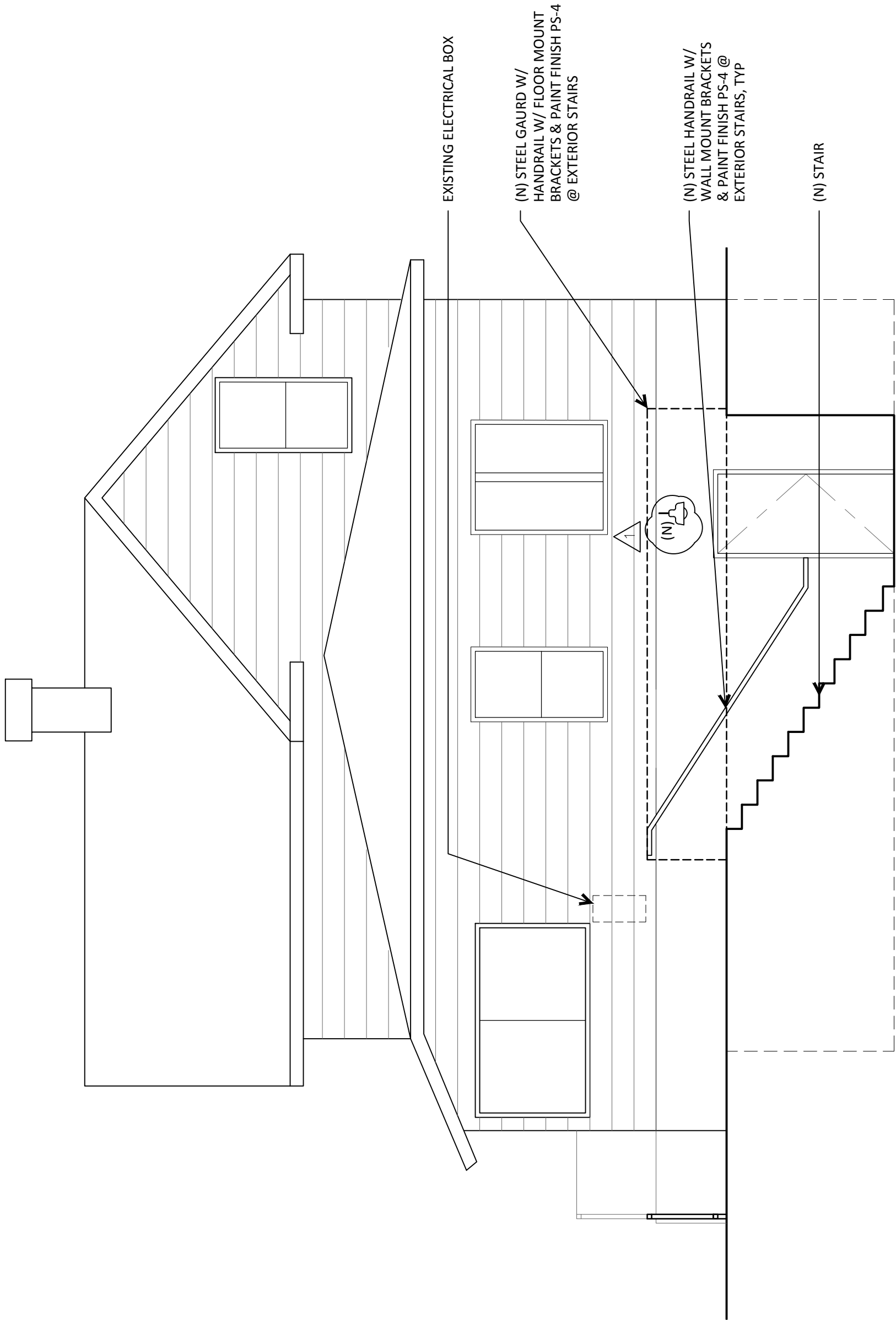
4 BUILDING "B" ELEVATION - SOUTH

1/16" = 1'-0"



1 BUILDING "B" ELEVATION - EAST

1/4" = 1'-0"



3 BUILDING "B" ELEVATION - WEST

1/16" = 1'-0"

LAND USE REVIEW

03 AUG 2020

REVISIONS

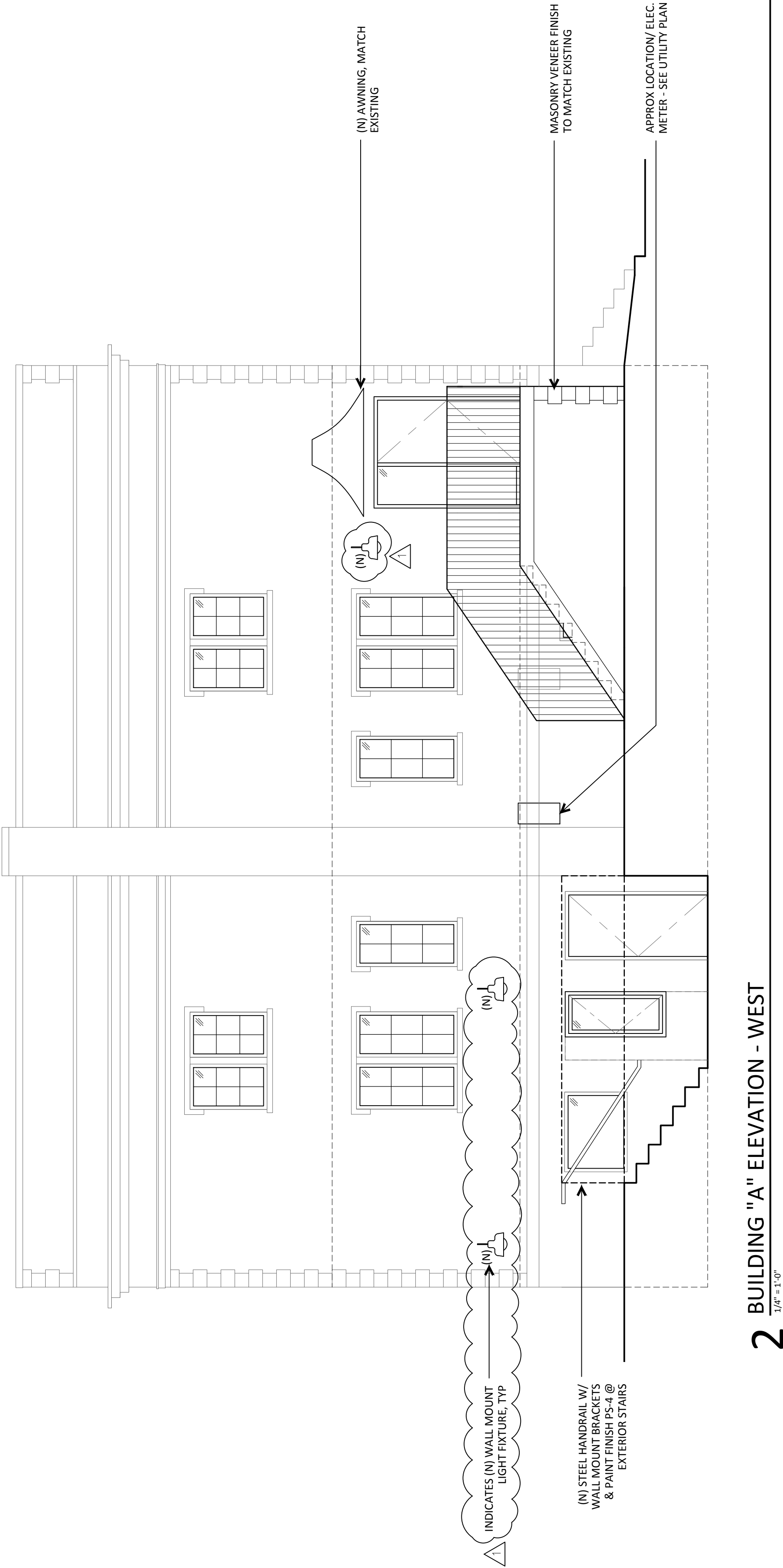
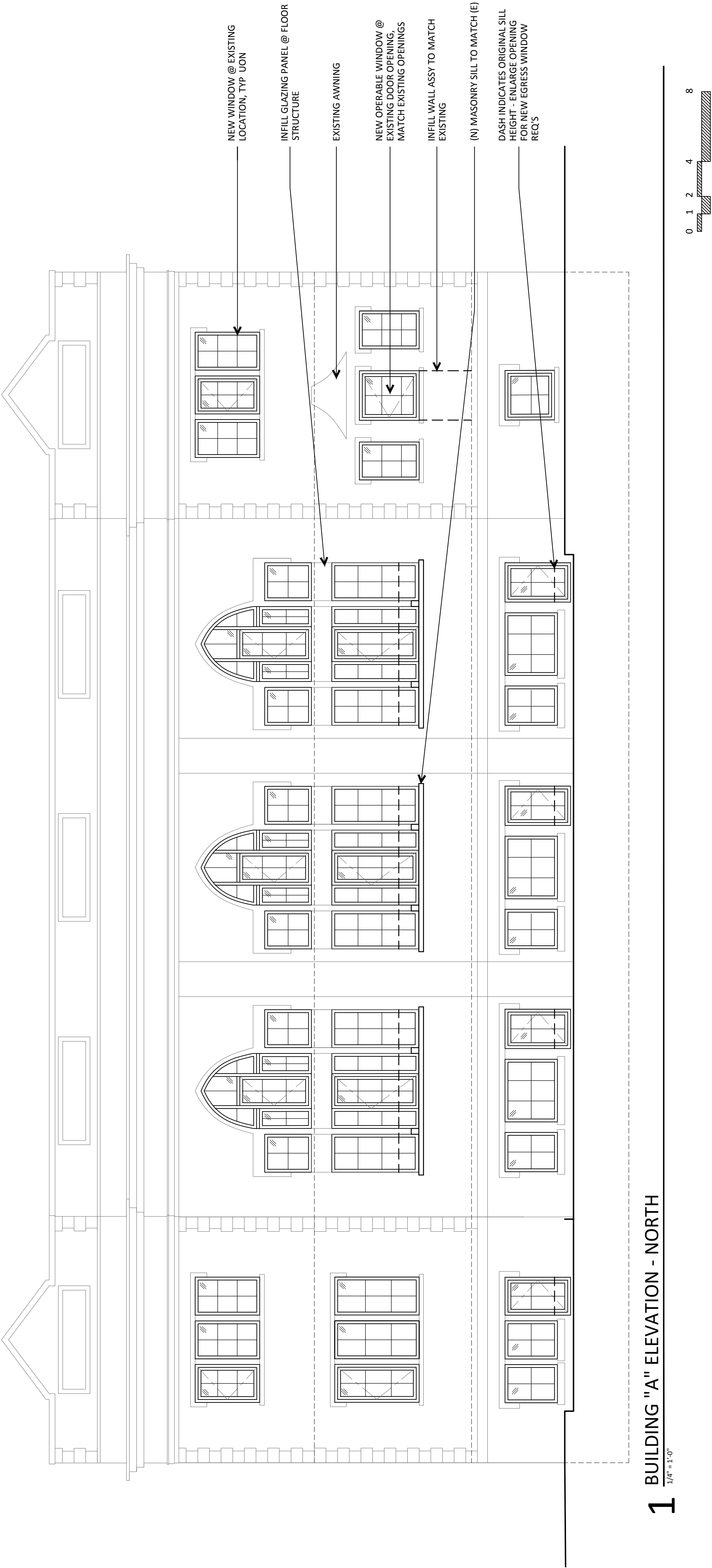
DEVNW
905 AND 925 COTTAGE ST NE SALEM, OR 97301
BUILDING RENOVATION

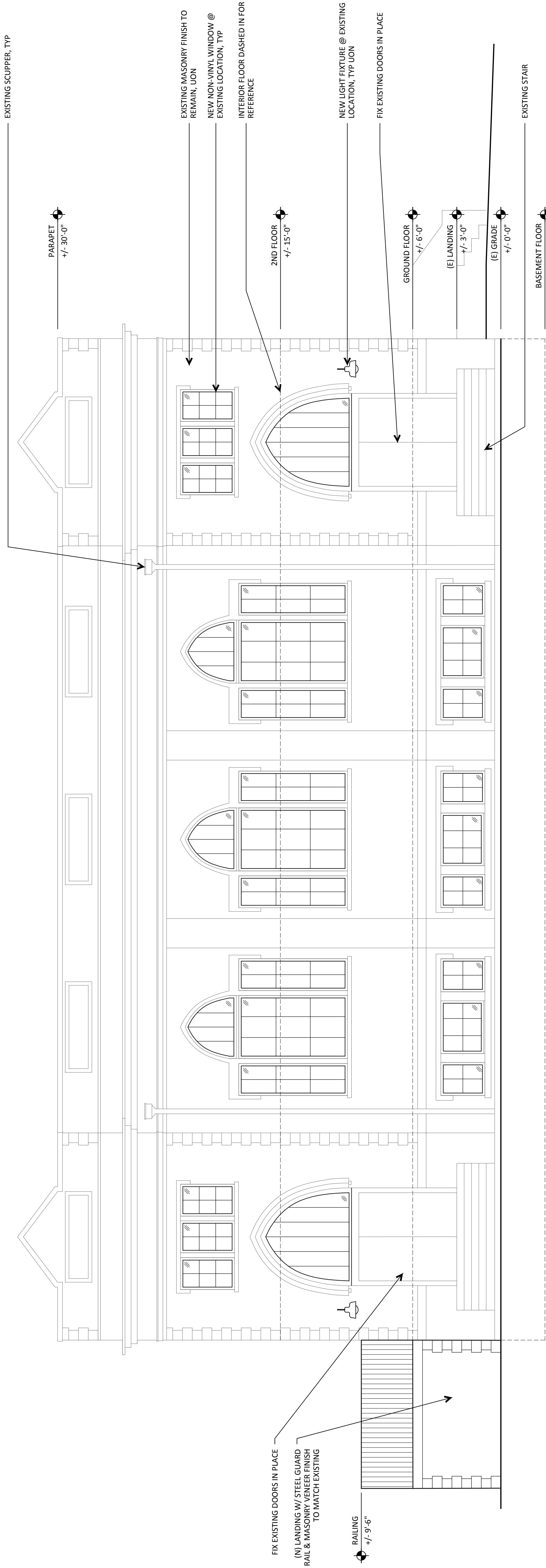
JOB NO: 20222
ISSUE DATE: 24 JULY 2020

BUILDING "A"
EXTERIOR
ELEVATIONS

A520

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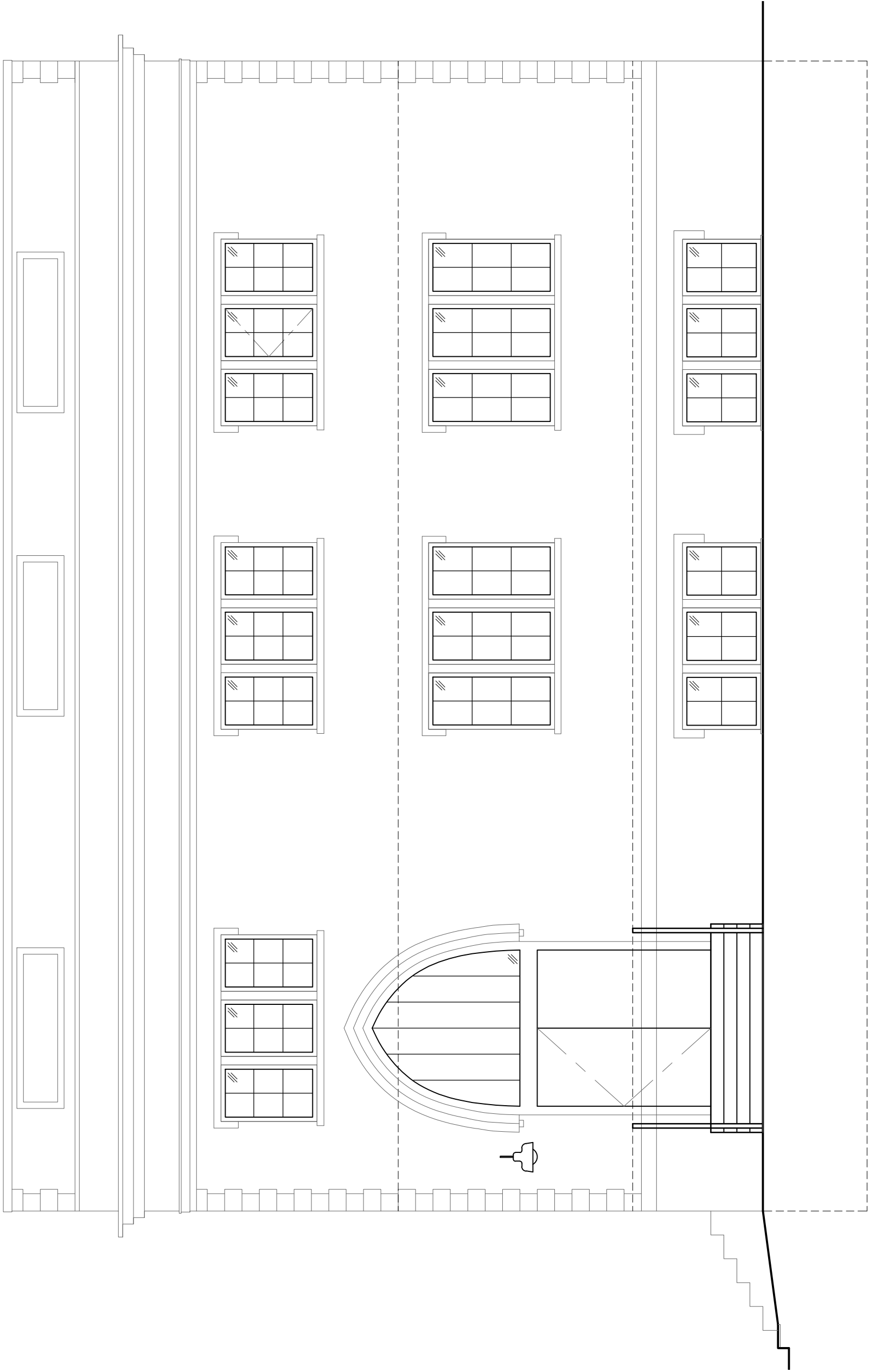




1

BUILDING "A" ELEVATION - SOUTH

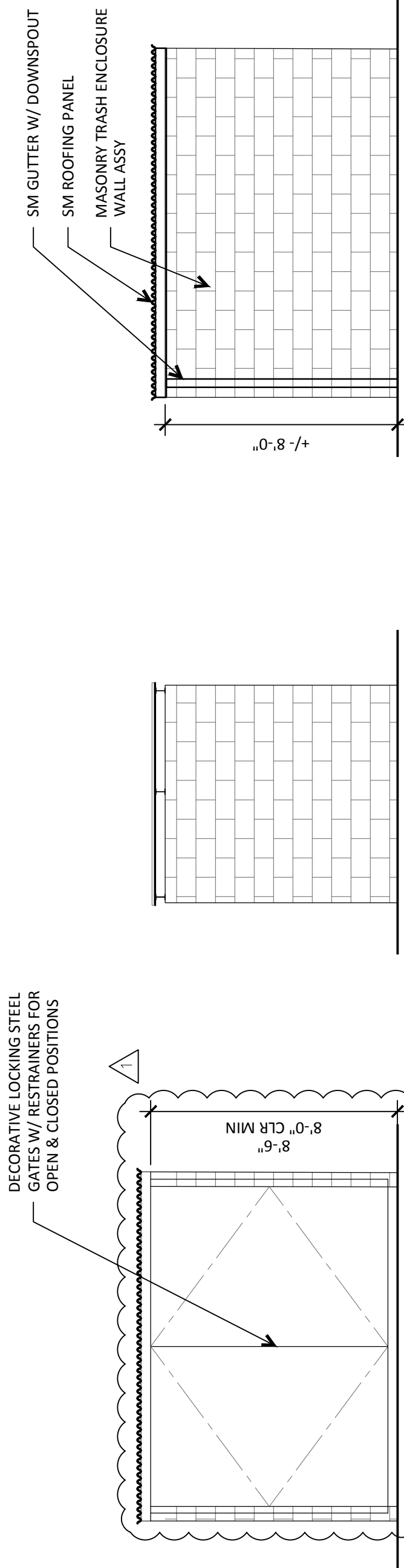
1/4" = 1'-0"



2

BUILDING "A" ELEVATION - EAST

1/8" = 1'-0"



3

TRASH ENCLOSURE - WEST

1/16" = 1'-0"

4

TRASH ENCLOSURE - NORTH

1/16" = 1'-0"

5

TRASH ENCLOSURE - EAST

1/16" = 1'-0"

PROPOSED SITE PLAN KEYNOTES

- 1

SETBACK
- 2

(N) 8'-0" HIGH WOOD FENCE
- 3

(N) PARKING BUMPER
- 4

(N) CONCRETE CURB TO MATCH CITY OF SALEM STANDARD
- 5

PATCH LAWN AS REQ'D FOR CONTINUOUS LAWN MOW STRIP
- 6

(N) BIKE PARKING
- 7

(N) SIDEWALK AND ADA RAMP TO MEET CITY OF SALEM STANDARD
- 8

PROPERTY LINE
- 9

LANDSCAPE AREA. SEE LANDSCAPE PLAN
- 10

(N) PAVEMENT MARKING
- 11

(N) AC PAVING OVER COMPACT ROCK FILL SUBGRADE
- 12

(N) STAIR. SEE FLOOR PLAN
- 13

(N) RAMP W/ HANDRAIL
- 14

(N) CONCRETE WALKWAY
- 15

(N) LANDING, STAIRS W/ RAILING, LIFT
- 16

(N) TWO WAY ADA CURB RAMP AT SIDEWALK TO MEET CITY OF SALEM STANDARDS
- 17

(N) TREE PLANTING TO MATCH THE CITY OF SALEM STANDARDS
- 18

(N) SIDEWALK AND RAMP TO MEET CITY OF SALEM STANDARD
- 19

(E) TREE
- 20

ACCESSIBLE PARKING SPACE W/ SIGNAGE, ACCESS ASLE
- 21

(N) 4" CONCRETE PAD
- 22

(N) MASONRY TRASH ENCLOSURE W/ ROOF, SWINGING GATES (MIN 120 DEGREE SWING) & FIXED INTERIOR BUMPER RAIL, SEE ELEVATIONS
- 23

EXISTING LAWN AREA, PATCH AS REQ'D BY (N) WORK
- 24

(N) WINDOW WELL W/ CONC RETAINING WALL, SEE ELEVS
- 25

(N) LANDING 30" MAX ABOVE SURROUNDING GRADE
- 26

(E) POWER POLE
- 27

APPROX LOCATION/ (N) 16'-0" TALL LIGHT POLE ON CONCRETE BASE W/ SINGLE HEAD FIXTURE, FULL CUT-OFF FIXTURE DESIGN
- 28

(N) 36" TALL BOLLARD W/ DOWN-FACING PATHWAY LIGHTING
- 29

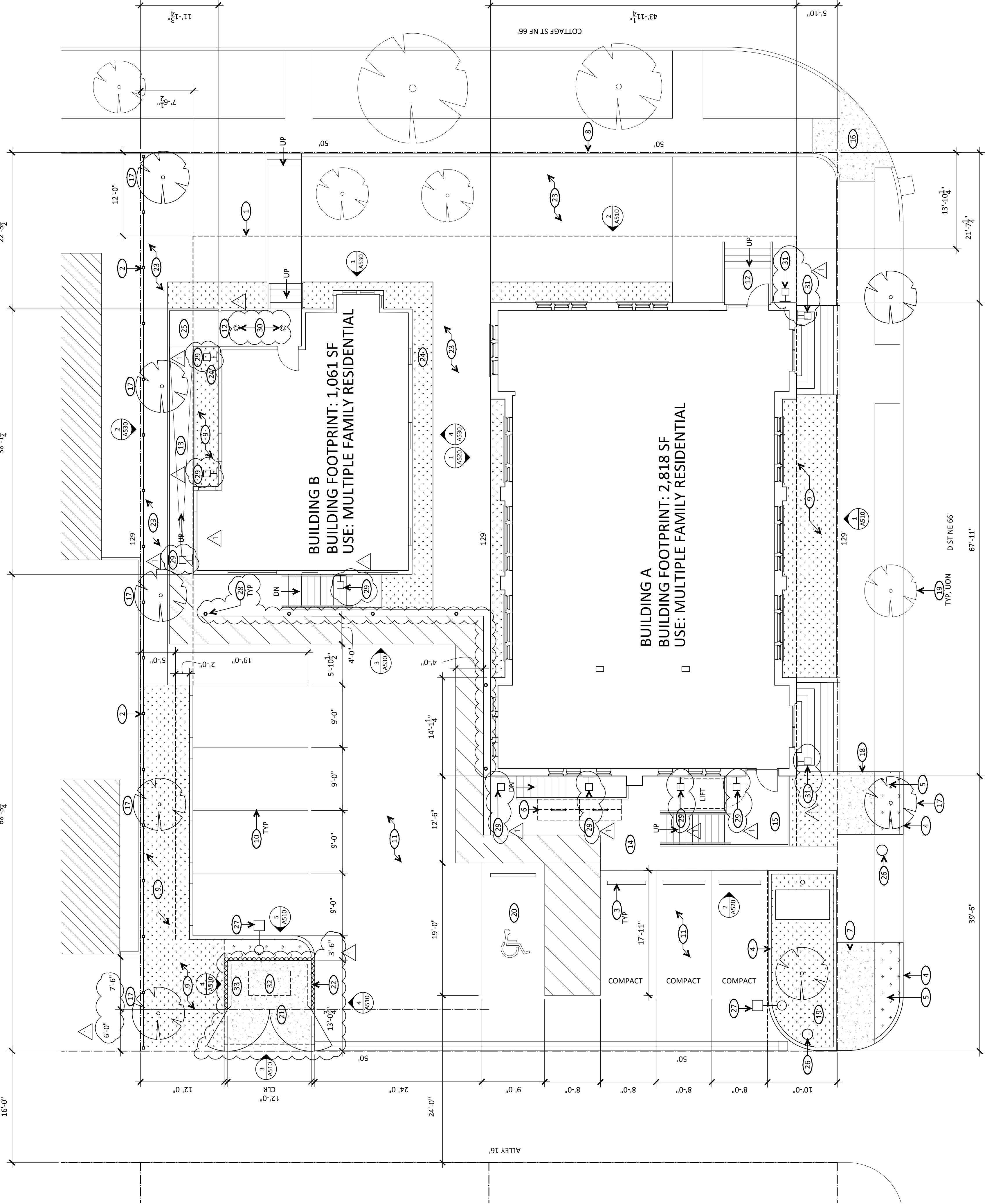
(N) WALL-MOUNT LIGHT FIXTURE, SEE ALSO EXTERIOR ELEVATIONS
- 30

(E) CEILING MOUNT LIGHT FIXTURE TO REMAIN
- 31

(N) WALL-MOUNT LIGHT FIXTURE @ (E) LOCATION, SEE ALSO EXTERIOR ELEVATIONS
- 32

(N) 6'x3.5' TRASH RECEPTACLE W/ 1.5' MIN CUR BTWN WALL & RECEPTACLE
- 33

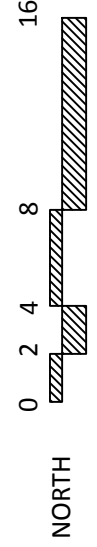
(N) FIXED BUMPER RAIL ABOVE



1 PROPOSED SITE PLAN
1/8" = 1'-0"

MAP NUMBER: 07 3W 23CB

LOT 14300 & LOT 14301 TOTAL COMBINED SITE AREA: 12,900 SF



DEVNW

905 AND 925 COTTAGE ST NE SALEM, OR 97301

BUILDING RENOVATION

LAND USE REVIEW

REVISIONS

03 AUG 2020

A210

SITE PLAN



6 August 2020

City of Salem
 Planning/ Permit Application Center
 City Hall, 555 Liberty St. SE, Room 320
 Salem, OR 97301

Land Use Applications

Project Address: 905 & 925 Cottage St NE, Salem, OR 97301

Project team:

Applicant: DevNW
 212 Main St, Springfield, OR 97477
 POC: Adam Dallimore, 541.345.7106 x2071

Architect: GMA Architects
 860 W Park St, Suite 300, Eugene, OR 97401
 POC: Joseph E. Moore, AIA, (541) 344-9157

Attorney: Tomasi Salyer Martin
 121 SW Morrison St, Suite 1850, Portland, OR 97204
 POC: Jennifer Bragar, (503) 894-9900

Traffic Engineer: DKS Associates
 117 Commercial St NE, Suite 310, Salem, OR 97301
 POC: Lacy Brown, Ph.D, P.E., RSP1, (503) 313-1880

Civil Engineer: AKS Engineering & Forestry, LLC
 3700 River Rd N, Suite 1, Keizer, OR 97303
 POC: Richard Walker, PE-Associate, (503) 400-6028

Structural Engineer: MSC Engineers, Inc
 3470 Pipebend Place NE, Suite 120, Salem, Oregon 97301
 POC: Kenneth Coblentz, EI, (503) 399-1399

WRITTEN STATEMENT

July 24, 2020

Project: Site Plan Review

Address: 905 & 925 Cottage St NE, Salem, OR 97301

Tax Map: 07 3W 23CB

Parcel Number: 14300 & 14301

Neighborhood: Grant Neighborhood Association

LAND USE REQUEST:

The Applicant requests Site Plan Review, Design Review, and a Class II Adjustment. Applicant submits herewith the materials required for a Type III application procedure for consolidated review under SRC Section 300.120(c).

The subject properties total combined area equals 12,900 SF, with 6,450 SF on each parcel. The existing structure on lot 14300 equals approximately 6,269 SF floor area and is currently used for religious assembly. The existing structure on lot 14301 equals approximately 1,978 SF floor area and is currently in residential use. The subject properties lie within Grant Neighborhood, a central Salem neighborhood located north of the downtown area. The subject properties are located within ¼ mile of Salem's Transportation Core Network. Applicant's proposed use includes publicly supported Affordable Residential Dwelling units. The proposed use in the existing building located on parcel 14300 includes 14 dwelling units ranging in size from 340 to 646 square feet. The proposed use in the building located on parcel 14301 includes 5 dwelling units ranging in size from 421 to 593 square feet. The Applicant proposes to retain and repurpose the existing buildings proposed with no increase in building footprint or height. Proposed alterations include site work to reconfigure parking and landscape areas, accessibility upgrades for vehicle and pedestrian access, upgrades to the building exterior for access and safety, and interior remodel. Design for proposed uses prioritizes maintaining the historic character of the existing buildings.

Preliminarily, Applicant reminds the City that this consolidated application is for needed housing under state law. See ORS 197.303(1)(a). As a result, the Applicant reserves the right to request that the City apply only "clear and objective standards, conditions, and procedures" to the development. ORS 197.307(4). The Applicant specifically identifies those criteria that do not contain clear and objective standards in this response and objects to the use of such standards in review of this application.

Criteria applying to this matter for the application includes:

Part I: Salem Revised Code

- Title X, Chapter 220 Site Plan Review

Part II: Salem Revised Code

- Title X, Chapter 225 Design Review

Part III: Salem Revised Code

- Title X, Chapter 250 Adjustment

PART I | Salem Revised Code

SRC TITLE X – CHAPTER 220 SITE PLAN REVIEW

Sec. 220.005. – Site Plan Review

(f) Criteria

(3) Class 3 site plan review. An application for Class 3 site plan review shall be granted if:

(A) The application meets all applicable standards of the UDC;

Findings: The proposed alterations of subject properties meet all applicable standards of the UDC. See [Part II](#) Design Review Findings.

(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

Findings: The Applicant objects to the application of this criterion because use of "safe, orderly, and efficient," "negative impacts," and "adequately" are subjective terms, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The proposed transportation system provides safe, orderly, and efficient circulation of traffic by meeting all requirements of SRC Chapter 806 Off-Street Parking, Loading, and Driveway standards. In addition, the Applicant's Transportation Planning Analysis report attached hereto, discusses that the existing transportation system is adequate to serve the proposed development. In addition, the subject properties are located within ¼ mile of Salem's Transportation Core Network.

(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Findings: The Applicant objects to the application of this criterion because use of "safe and efficient" are subjective terms, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The subject properties are located within ¼ mile of Salem's Transportation Core Network. The proposed transportation system provides safe,

orderly, and efficient circulation of traffic by meeting all requirements of SRC Chapter 806 Off-Street Parking, Loading, and Driveway standards. The proposed solid waste service area meets the requirements of SRC chapter 800 General Development subsection (f) Solid Waste Service Area Vehicle Access. In addition, the Applicant's Transportation Planning Analysis report, "based on the reasonable worst-case trip generation evaluation, the proposed [development] would result in a daily increase of less than 400 trips at each property. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed [development] will not significantly impact and would cause 'no further degradation' to the City of Salem transportation system."

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

Findings: The Applicant objects to the application of this criterion because the term "adequately" is subjective, not a clear and objective term. Notwithstanding this objection, the Applicant provides the following response. Water and sewer facilities have adequate capacity for the intended use. An 8" existing sewer main is located in the alley, a 10" main water supply is located in Cottage St, a 1" water service line serves each building. The Applicant submits Public Works Recommendation Letter stating, "the subject property is located inside the Urban Service Area and adequate facilities are available." Attachment 6, page 2. The Applicant proposes to upgrade the existing 1" water service line to 2" to accommodate increase flow and flush fixtures on site. Electrical service proposed upgrades are included in proposed development. The Applicant also proposes to upgrade the existing building sewage lines to 6" sewage line. The proposed parking lot design and development will minimize the potential for erosion and adverse effects upon the existing topography and soil conditions by utilizing Salem's Small Project Storm Water Design requirements.

PART II | Salem Revised Code

SRC TITLE X – CHAPTER 225 DESIGN REVIEW

Sec. 225.005. – Design Review

(e) Criteria

(1) A Class 1 design review shall be approved if all of the applicable design review standards are met.

Findings: The proposed development on the subject properties meets all applicable design review standards with adjustments. Applicable standards include SRC Chapter 702. – Multiple Family Design Review Standards, SRC Chapter 515 RH-Multiple Family High Rise Residential, and applicable portions of SRC Chapter 800 General Development Standards. See findings below. See also [Part III](#) for applicable adjustments.

SRC TITLE X – CHAPTER 702 MULTIPLE FAMILY DESIGN REVIEW STANDARDS

Sec. 702.010 – Multiple Family Design Review Standards.

Multiple family development shall comply with all of the applicable design review standards as follows:

(a) Multiple family development with five to 12 dwelling units shall comply with the design review standards set forth in SRC 702.015 or the design review standards set forth in SRC 702.020.

(b) Multiple family development with 13 or more dwelling units shall comply with the design review standards set forth in SRC 702.020.

(c) The design review standards set forth in this chapter are in addition to, and not in lieu of, all other applicable development standards in the UDC. Where the design review standards conflict with the development standards in the UDC, the design review standards shall be the applicable development standard.

Findings: The proposed development complies with the design review standards for development with 13 or more dwelling units under SRC 702.020 and subsection (c) UDC development standards.

Sec. 702.020 - Design review standards for multiple family development with thirteen or more units.

(a) Open space standards.

(1) To encourage the preservation of natural open qualities that may exist on a site and to provide opportunities for active and passive recreation, all newly constructed multiple family developments shall provide a minimum 30 percent of the gross site area in designated and permanently reserved open space. For the purposes of this subsection, the term "newly constructed multiple family developments" shall not include multiple family developments created through only construction or improvements to the interior of an existing building(s). Indoor or covered recreation space may count toward this open space requirement.

(A) To ensure usable open space that is of sufficient size, at least one common open space area shall be provided that meets the size and dimension standards set forth in Table 702-3.

(B) To ensure the provided open space is usable, a maximum of 15 percent of the common open space shall be located on land with slopes greater than 25 percent.

(C) To allow for a mix of different types of open space areas and flexibility in site design, private open space, meeting the size and dimension standards set forth in Table 702-4, may count toward the open space requirement. All private open space must meet the size and dimension standards set forth in Table 702-4.

(D) To ensure a mix of private and common open space in larger developments, private open space, meeting the size and dimension standards set forth in Table 702-4, shall be provided for a minimum of 20 percent of the dwelling units in all newly constructed multiple family developments with 20 or more dwelling units. Private open space shall be located contiguous to the dwelling unit, with direct access to the private open space provided through a doorway.

(E) To encourage active recreational opportunities for residents, the square footage of an improved open space area may be counted twice toward the total amount of required open space, provided each such area meets the standards set forth in this subsection. Example: a 750-square-foot improved open space area may count as 1,500 square feet toward the open space requirement.

(i) Be a minimum 750 square feet in size with a minimum dimension of 25 feet for all sides; and

(ii) Include at least one of the following types of features:

a. Covered pavilion.

b. Ornamental or food garden.

c. Developed and equipped children's play area, with a minimum 30-inch tall fence to separate the children's play area from any parking lot, drive aisle, or street.

d. Sports area or court (e.g., tennis, handball, volleyball, basketball, soccer).

e. Swimming pool or wading pool.

(F) To encourage proximity to and use of public parks, the total amount of required open space may be reduced by 50 percent for developments that are located within one-quarter mile of a public urban, community, or neighborhood park as measured along a route utilizing public or private streets that are existing or will be constructed with the development.

Findings: Findings: SRC 702.020(a)(1) states that "'newly constructed multiple family developments' shall not include multiple family developments created through only construction or improvements to the interior of existing building(s)." For purposes of the open space requirement only, the multiple family development is only constructing improvements to the interior of existing buildings. While other design standards require other changes to outdoor areas, such as parking and landscaping, all standards that this applications meets, the open space standard is limited in this proposal to the type of multifamily development occurring. The

Applicant understands that staff views this exclusion to include other improvements on the site as the multiple family development. This difference in opinion exemplifies that the standard is not clear and objective as it applies to the Applicant's proposal to reuse all of the existing buildings onsite for the multifamily development. Therefore, the Applicant objects to the application of these open space standards to this needed housing development. Moreover, the additional cost associated with additional adjustments is another unnecessary barrier to affordable housing that results from the lack of clear and objective standards. Notwithstanding this objection, the Applicant proposes the following response.

The Proposed Open Spaces plan demonstrates 25.8% of site area is dedicated to Open Space. The subject properties do not include slopes greater than 25%, proposed Open Space is usable. The Applicant proposes 19 affordable residential dwelling units and Private Open Space is neither required nor proposed. Improved Open Space is neither required nor proposed. The subject properties are within 0.25 mile to Grant School Park and .14 mile of Oregon State Capitol State Park, and under subsection (F) above, the Applicant proposes to reduce required onsite open space by 50% in order to encourage use of public parks. If the City disagrees with the subsection (F) reduction, see also [Part III](#) for applicable adjustments. If the City ultimately agrees that Adjustments 2 and 3 are not required, the Applicant requests a refund of the fees associated with these adjustments.

(b) Landscaping standards.

(1) To encourage the preservation of trees and maintain or increase tree canopy, a minimum of one tree shall be planted or preserved for every 2,000 square feet of gross site area.

(2) Where a development site abuts property that is zoned Residential Agricultural (RA) or Single Family Residential (RS), a combination of landscaping and screening shall be provided to buffer between the multiple family development and the abutting RA or RS zoned property. The landscaping and screening shall include the following:

- (A) A minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width; and*
- (B) A minimum six-foot tall, decorative, sight-obscuring fence or wall. The fence or wall shall be constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials.*
- Chainlink fencing with slats shall be not allowed to satisfy this standard.*
- (3) To define and accentuate primary entryways, a minimum of two plant units, shall be provided adjacent to the primary entryway of each dwelling unit, or combination of dwelling units.*
- (4) To soften the visual impact of buildings and create residential character, new trees shall be planted, or existing trees shall be preserved, at a minimum density of ten plant units per 60 linear feet of exterior building wall. Such trees shall be located not more than 25 feet from the edge of the building footprint.*
- (5) Shrubs shall be distributed around the perimeter of buildings at a minimum density of one plant unit per 15 linear feet of exterior building wall.*
- (6) To ensure the privacy of dwelling units, ground level private open space shall be physically and visually separated from common open space with perimeter landscaping or perimeter fencing.*
- (7) To provide protection from winter wind and summer sun and to ensure trees are distributed throughout a site and along parking areas, a minimum of one canopy tree shall be planted along every 50 feet of the perimeter of parking areas. Trunks of the trees shall be located within ten feet of the edge of the parking area (see Figure 702-3).*
- (A) A minimum of one canopy tree shall be planted within each planter bay.*
- (B) A landscaped planter bay a minimum of nine feet in width shall be provided at a minimum spacing of one for every 12 spaces. (see Figure 702-3).*
- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.*

Findings: The gross site area of the subject properties total 12,900 SF. The Applicant is required to preserve or plant onsite 6.45 trees. In order to meet this requirement, Applicant proposes to preserve (2) existing trees, and plant (6) new trees onsite. In addition, (2) new street tree plantings are proposed. New tree plantings located along abutting (RS) zone, with max spacing 30' on center. The Applicant proposes an 8'-0" high wood fence along abutting (RS) zone. New landscape plantings per subsection (3) are proposed at new building entry locations. Shrub and ground cover plantings are proposed along the perimeter of buildings. New tree plantings located within 10' of proposed parking area are proposed and will include installation of (1) new landscaped planter bay provided at proposed vehicle parking area. See proposed landscape plan for tree and planting locations.

(c) Site safety and security.

(1) Windows shall be provided in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk.

(2) Lighting shall be provided that illuminates all exterior dwelling unit entrances, parking areas, and pedestrian paths within the development to enhance visibility and resident safety.

(3) Fences, walls, and plant materials shall not be installed between street-facing dwelling units and public or private streets in locations that obstruct the visibility of dwelling unit entrances from the street. For purposes of this standard, the term "obstructed visibility" means the entry is not in view from the street along one-half or more of the dwelling unit's frontage.

(4) Landscaping and fencing adjacent to common open space, parking areas, and dwelling unit entryways shall be limited to a maximum height of three feet to encourage visual surveillance of such areas.

Findings: Existing buildings and openings to remain, existing windows and new relites provided at each habitable room. Existing exterior entry lights proposed to be replaced at existing locations,

new exterior light fixture proposed at all remaining entries, see building elevations for locations. Proposed parking illumination provided, see site plan for locations. Building entry unobstructed visibility proposed at all street facing entries. Proposed shrubs and groundcover shall not exceed maximum 3' of height for areas listed in subsection (4). See also [Part III](#) adjustments.

(d) Parking and site design.

(1) To minimize large expanses of continuous pavement, parking areas greater than 6,700 square feet in area shall be physically and visually separated with landscaped planter bays that are a minimum of nine feet in width. Individual parking areas may be connected by an aisle or driveway (see Figure 702-3).

(2) To minimize the visual impact of on-site parking and to enhance the pedestrian experience, off-street surface parking areas and vehicle maneuvering areas shall be located behind or beside buildings and structures. Off-street surface parking areas and vehicle maneuvering areas shall not be located between a building or structure and a street.

(4) To ensure safe pedestrian access to and throughout a development site, pedestrian pathways shall be provided that connect to and between buildings, common open space, and parking areas, and that connect the development to the public sidewalks.

Findings: Approximately 3,591 SF of proposed parking area is to be located behind the existing residence and beside existing church. Pedestrian pathways are proposed to connect common open space, parking areas, and public sidewalks.

(e) Façade and building design.

(1) To preclude long monotonous exterior walls, buildings shall have no dimension greater than 150 feet.

(2) Where a development site abuts property zoned Residential Agricultural (RA) or Single Family Residential (RS), buildings shall be setback from the abutting RA or RS zoned property as set forth in Table 702-5 to provide appropriate transitions between

new buildings and structures on site and existing buildings and structures on abutting sites.

- (A) A 5-foot reduction is permitted to each required setback in Table 702-5 provided that the height of the required fence in Sec. 702.020(b)(2)(B) is increased to eight feet tall.***
- (3) To enhance compatibility between new buildings on site and abutting residential sites, balconies located on building facades that face RA or RS zoned properties, unless separated by a street, shall have fully sight-obscuring railings.***
- (4) On sites with 75 feet or more of buildable width, a minimum of 40 percent of the buildable width shall be occupied by building placed at the setback line to enhance visual interest and activity along the street. Accessory structures shall not apply towards meeting the required percentage.***
- (5) To orient buildings to the street, any ground-level unit, cluster of units, interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing that street, with direct pedestrian access to adjacent sidewalks.***
- (6) A porch or architecturally defined entry area shall be provided for each ground level dwelling unit. Shared porches or entry areas shall be provided to not more than four dwelling units. Individual and common entryways shall be articulated with a differentiated roof, awning, stoop, forecourt, arcade or portico.***
- (7) Roof-mounted mechanical equipment, other than vents or ventilators, shall be screened from ground level view. Screening shall be as high as the top of the mechanical equipment, and shall be integrated with exterior building design.***
- (8) To reinforce the residential character of the neighborhood, flat roofs, and the roof ridges of sloping roofs, shall not exceed a horizontal length of 100 feet without providing differences in elevation of at least four feet in height. In lieu of providing differences in elevation, a cross gable or dormer that is a minimum of four feet in length may be provided. (See Figure 702-4)***

(9) To minimize the appearance of building bulk, each floor of each building's vertical face that is 80 feet in length or longer shall incorporate one or more of the design elements below (see examples in Figure 702-5). Design elements shall vary from other wall surfaces by a minimum of four feet and such changes in plane shall have a minimum width of six feet.

(10) To visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors by at least one of the following (see examples in Figure 702-6):

Findings: Existing buildings located on subject properties do not exceed dimensions greater than 150'. Proposed development includes 8' high wood fence along abutting (RS) property allowing a 5' setback at north property line, new ramp permitted to be located in setback per table 800-2. Existing building to remain, no balconies proposed. Due to the historical significance of the existing facade, existing entries remain. The Applicant proposes (1) new entry located on the west facade of the building. Existing buildings ground level located 30-36" above grade, porch or architecturally defined entries not provided along the facade of the building. Building entry points lead to common areas and interior dwelling unit entries. No new roof-mounted equipment proposed. Existing roof elevations and building facade to remain. See also [Part III](#) adjustments.

PART III | Salem Revised Code

SRC TITLE X – CHAPTER 250 ADJUSTMENT

Sec. 250.005. – Adjustments

(d) Criteria

(2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:

(A) The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

Findings: The Applicant objects to the application of these subjective criteria as applied to needed housing. Not one of the subsections includes clear and objective standards.

Notwithstanding this objection, the Applicant provides the following response. The Applicant requests Class II adjustment to the following Multiple Family Design Review Standards and RH Zone Setback Requirements:

1. Reduce required setback from 12' abutting a street to 6' for proposed ADA landing **(SRC 515.010(b))**. Setbacks states Min. 12' Setback required at Abutting Streets. To improve the accessibility of the existing church the Applicant requests a Class II adjustment to reduce the required setback of 12' to 6'. This allows for the preservation of the historically significant façade along D Street while accommodating accessible entries to the building and dwelling units.

2. Reduce overall open space from 3,870 square feet to 3,331 square feet. **(SRC 702.020(a)(1))**. The Applicant requests a Class II adjustment to Multiple Family Design Review SRC 702.020(a)(1) to reduce overall common space to 3,331 square feet in order to preserve existing buildings, site configurations and to accommodate proposed parking area. Proposed development is created through improvements to the interior of an existing building and site reconfiguration.
3. Reduce the common open space dimension standard reduced from 25' on all sides to 20-feet. **(SRC 702.020(a)(1)(A))**. The Applicant requests a Class II adjustment to Multiple Family Design Review SRC 702.020 Table 702-3 Common Open Space Area Size Requirements. Table 702-3 states the minimum horizontal dimension for developments with (13)-(20) units is 25'. The Applicant requests the minimum horizontal dimension be reduced to 20' in order to accommodate existing site configuration and proposed parking area.
4. Reduce windows in all habitable rooms, other than bathrooms, on each wall that faces common open space, parking areas, and pedestrian paths to encourage visual surveillance of such areas and minimize the appearance of building bulk to only provide windows on one wall. **(SRC 702.020(c)(1))**. Preserving the historical context of the existing buildings is the priority of the proposed development. Existing façade openings proposed to remain. Applicant requests Class II adjustment to allow existing window openings to remain without the addition of new openings.

With respect to the adjustments 1-4 as applied to the existing church building, preserving the historical context and fabric of the neighborhood is the main goal of the proposed development. In connection with this application, the Applicant held a neighborhood meeting and learned that the historical character of the church building was an important aspect of livability to project neighbors. In addition, the neighborhood expressed concerns about project density, and Applicant has separately proposed a conditioned zoned change to limit the number of dwelling units on the subject properties to 19 affordable, publicly assisted dwelling units. Taking both of these comments together, the Applicant has

determined that reuse of the existing building, where the church building has been in place over more than 100 years, preserves or better meets these design standards because no new building construction or change in footprint is required, and this approach takes into account neighborhood comments. Maintaining the same architecture as the previous, more than century-old use does not detract from the livability or appearance of the residential area. Further, the cumulative effect of the adjustments results in a project that is more consistent with the overall purpose of the zone, Multiple Family Residential, by maintaining the historical character of the building, while achieving needed housing development through reuse and repurposing the existing church.

5. To allow the building to not provide an architectural detail which is intended to visually break up the building's vertical mass, the first floor of each building, except for single-story buildings, shall be distinguished from its upper floors. **(SRC 702.020(e)(10))**. The existing Church meets this standard, but the existing residence does not.

With respect to Adjustments 4-5 as they apply to the existing residence, the Applicant requests Class II adjustment to allow the existing building facade to remain. The existing residence matches the single family character of the neighborhood and allows it to remain in place to continue to provide a buffer from the larger middle family housing developments to the south and the single family residences to the north. The site configuration and multifamily use proposed will allow ample visual surveillance of the property and the bulk of the existing residence will remain unchanged. Similarly, the design of the single family house does not required breaking up vertical mass because the residence has been in historic use as designed to match the scale of surrounding single family residential uses.



24 July 2020

City of Salem
Planning/ Permit Application Center
City Hall, 555 Liberty St. SE, Room 320
Salem, OR 97301

Land Use Applications

Project Address: 905 & 925 Cottage St NE, Salem, OR 97301
Project team:

Applicant: DevNW
212 Main St, Springfield, OR 97477
POC: Adam Dallimore, (541).345.7106

Architect: GMA Architects
860 W Park St, Suite 300, Eugene, OR 97401
POC: Joseph E. Moore, AIA, (541) 344-9157

Attorney: Tomasi Salyer Martin
121 SW Morrison St, Suite 1850, Portland, OR 97204
POC: Jennifer Bragar, (503) 894-9900

Traffic Engineer: DKS Associates
117 Commercial St NE, Suite 310, Salem, OR 97301
POC: Lacy Brown, Ph.D, P.E., RSP1, (503) 313-1880

Civil Engineer: AKS Engineering & Forestry, LLC
3700 River Rd N, Suite 1, Keizer, OR 97303
POC: Richard Walker, PE-Associate, (503) 400-6028

Structural Engineer: MSC Engineers, Inc
3470 Pipebend Place NE, Suite 120, Salem, Oregon 97301
POC: Kenneth Coblentz, EI, (503) 399-1399

WRITTEN STATEMENT

July 24, 2020

Project: Zone Change and Minor Comprehensive Plan Map Amendment

Address: 905 & 925 Cottage St NE, Salem, OR 97301

Tax Map: 07 3W 23CB

Parcel Number: 14300 & 14301

Neighborhood: Grant Neighborhood Association

Current Zoning: RS, Single Family Residential with Religious Special Use

Current Comprehensive Plan Map Designation: SF, Single Family Residential

Proposed Zoning: RH, Multiple Family High-Rise Residential

Proposed Comprehensive Plan Map Designation: MFR, Multi-Family Residential

LAND USE REQUEST:

Applicant requests a Zone Change and a Minor Comprehensive Plan Map Amendment to change zoning designation of the subject properties to RH Multiple Family High-Rise Residential and MFR Multi-Family Residential, respectively. Proposed Conditions of Approval include limiting density to 19 residential units, the permitted uses onsite, and limiting building lot coverage and building height. See proposed conditions under SRC 265.020(a). Applicant submits herewith the materials required for a Type III application procedure for consolidated review.

The combined area of the subject properties equals 12,900 SF, each parcel measuring 6,450 SF. The existing structure on lot 14300 has an approximate floor area of 6,269 SF and is currently used for religious assembly. The existing structure on lot 14301 equals approximately 1,978 SF floor area and is currently in residential use. The subject properties lie within Grant Neighborhood, a central Salem neighborhood located north of the downtown area and are within ¼ mile of Salem's Transportation Core Network. Applicant's proposed use includes Affordable Residential Dwelling units. The proposed use in the existing building located on parcel 14300 includes approximately (14) dwelling units ranging in size from 340 to 646 square feet. The proposed use in the existing building located on parcel 14301 includes approximately (5) dwelling units ranging in size from 421 to 593 square feet. The Applicant is proposing reuse of the existing

buildings, with no increase in building footprint or height. Proposed alterations contemplated include site work to reconfigure parking and landscape areas, accessibility upgrades for vehicle and pedestrian access, upgrades to the building exterior for access and safety, and interior remodel. The design for the proposed uses prioritizes maintaining the historic character of the existing buildings.

Preliminarily, Applicant reminds the City that the zone change is an application for needed housing under state law. See ORS 197.303(1)(a). As a result, the Applicant reserves the right to request that the City apply only "clear and objective standards, conditions, and procedures" to the development. ORS 197.307(4). The Applicant specifically identifies those criteria that do not contain clear and objective standards in this response and objects to the use of such standards in review of this application.

Applicable Criteria to this matter for the application includes:

Part I: Salem Revised Code

- Title V, Chapter 64 Comprehensive Planning
- Title X, Chapter 265 Zone Changes, Chapter 300 Procedures for Land Use Applications and Legislative Land Use Proposals

Part II: Salem Area Comprehensive Plan

- Comprehensive Policies Plan, Neighborhood Plan, Public Facilities Plan, Transportation System Plan

Part III: Oregon's Statewide Planning Goals

PART I | Salem Revised Code

SRC TITLE V – CHAPTER 64 COMPREHENSIVE PLANNING

Sec. 64.025. - Plan map amendments

(a) Applicability

- (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.***

(b) Standing to initiate plan map amendments.

- (2) Notwithstanding SRC 300.1110, a minor plan map amendment may only be initiated by the Council, the Planning Commission, or an owner of property that is the subject of the amendment, or that owner's agent.***

(c) Procedure type.

- (2) Minor plan map amendments are quasi-judicial decisions, and are processed as a Type III procedure under SRC chapter 300.***

Findings: The applicant requests a Minor Comprehensive Plan Map Amendment for parcels 14300 & 14301. The applicant is the contracted purchaser of the property and submits this application with the owner's consent.

(d) Submittal requirements

- (2) In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for an applicant-initiated minor plan map amendment shall include the following:***
 - (A) 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:***
 - (i) The total site area, dimensions, and orientation relative to north;***
 - (ii) The location of existing structures and other improvements on the site, including, but not limited to, buildings, accessory***

structures, fences, walls, parking areas, and driveways, noting their distance from property lines;

(iii) The location of drainage patterns and drainage courses, if applicable;

(B) A traffic impact analysis, if required by the Director.

Findings: Existing conditions plan submitted herewith. A Transportation Planning Rule Analysis is also submitted herewith.

(e) Criteria

(2) Minor plan map amendment. The greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A minor plan map amendment may be made if it complies with the following:

(A) The minor plan map amendment is justified based on the existence of one of the following:

Findings: SRC 604.025(e)(2)(A) only requires the Applicant to meet one circumstance among the subsections. However, the Applicant's proposed zone change is justified by responses to both subsection (i) and (ii) as set forth below.

(i) Alteration in circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

Findings: The Applicant objects to the application of this criterion because use of "nearby vicinity", "so altered" and "no longer appropriate" are not clear and objective terms.

Notwithstanding this objection, the Applicant provides the following response. Grant Neighborhood is primarily a residential neighborhood with a mix of uses including Single Family (RS), Multi-Family (RM2), and their respective special or conditional uses. Businesses in this neighborhood operate out of Single Family residences or approved conditional or special use buildings. Multi-Family zone uses within 300' south of the subject properties include multi-family apartment residences, a rehabilitation center, and small lodging facilities.

The existing church located on the subject properties acts as a buffer between the large scale developments to the south and the small scale single family residential neighborhood. The existing residence located on the subject properties further acts as a buffer between the larger scale and more intensive uses to the south, and the single family residential lots to the north. The proposed zone and use allow the existing church and residential buildings to be repurposed as a Missing Middle Housing development – where this type of housing is often integrated into city blocks with primarily single-family residences. The Applicant is not seeking to match the traditional larger scale surrounding multi-family uses, but rather serve a distinct segment of the population that will benefit from stable, affordable housing in smaller units as they work to stabilize other aspects of their lives.

The State of Oregon is in a housing crisis and increasing Affordable Fair Housing opportunities is one of the City's top priorities. The site's size, existing footprint, and proximity to both public transit as well as large selection of social service agencies, educational, health, and vocational services make it an ideal location for affordable, fair rental housing. The Applicant's Goal 10 findings provide additional support for the change in demographics that justify a zone change under this criterion. The Applicant submits portions of the City's Housing Needs Analysis ("HNA") from 2015. Attachment 2. City staff confirmed that on February 8, 2016, the City Council accepted the HNA consistent with the resolution attached here. See Attachment 3. The HNA, Table 12, determined that Salem has a deficit of 207-acres of land designated for multifamily housing and a shortfall of 2,897 dwelling units. Attachment 2, p 46. In contrast, the City has a surplus of 1,975 gross acres of single family residential land, with an anticipated surplus of 9,131 units during the planning period. *Id.* This substantial deficit of multifamily housing means that a large portion of the housing need will go unmet if additional land is not designated multifamily. The Grant Neighborhood completely lacks federally supported affordable housing options. All of these economic hardships and social hierarchies will only be exacerbated by the current COVID-19 public health emergency. The demand for more affordable housing for all Salem residents, and particularly the City's most diverse populations who will be inordinately affected by the virus will increase the pressures on the already limited supply of affordable housing in the City. See Attachment 1. This proposal intends to help fill this need.

At the same time that economic realities have changed for many people within the City of Salem, driving the need for more affordable housing options, the concerns raised by the neighborhood at the required neighborhood association meeting influenced the Applicant's decision to repurpose the existing buildings. Further, the Applicant proposes Conditions of Approval to maintain the scale of development currently onsite and to preserve the sense of scale that the neighborhood is already accustomed to at this location. These conditions of approval will allow the existing buildings to accommodate the intended density of (19) units while limiting potential future use of the site to Multiple Family Residential use. This proposal allows the existing neighborhood fabric to remain intact, preserves the historical context of the site, and supports additional affordable housing stock for the City of Salem.

The existing buildings, constructed in 1910, have provided a sense of character and historic context in this neighborhood. The proposed use of subject properties maintains existing buildings with minimal impact to the facades. Updates to the interior layout better serve the Grant Neighborhood community by providing additional housing stock.

Based on the foregoing, the proposed use aligns with the current social, economic, and demographic pattern of the vicinity of the Grant Neighborhood and surrounding neighborhoods.

(ii) Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.

Findings: The Applicant objects to the application of this criterion because terms like "equally or better suited" are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The proposed permanent affordable residences on the subject properties better align with the intended housing originally contemplated by the Residential (RS) zoning than the existing conditional religious assembly use. For many of the same reasons as Applicant identifies in its Goal 10 findings below, the site is better suited for multi-family use than single family because the need for affordable, multi-family housing is so great. In addition,

the site is bordered by multi-family housing, and this proposed designation does not disrupt the pattern of development.

In addition, the existing designation made sense for more than 100 years the church was able to operate on the site. However, this church use is not viable because of on-site physical limitations. The existing church intends to relocate to a new site that will both provide greater flexibility for their growing congregation, as well as improve ADA accessibility for their most vulnerable members. Evergreen Church's decision to relocate was primarily due to the physical limitations of the subject properties and existing buildings, namely the minimal on-site parking, and the cost to improve ADA accessibility. The existing main level of the Church is significantly sloped and only accessible by non-compliant stairs. If the zone remains unchanged, these physical limitations will continue to hinder the existing allowed uses of the site, regardless of ownership, and will prevent the site from achieving its highest and best use.

If the single-family zoning remained, the church building would most likely require redevelopment to occur, causing the loss its historical character. The proposed RH designation with the Applicant's proposed conditions of approval will allow multi-family residential use, which is better suited for the property, and supports reuse of the church building to maintain the neighborhood character.

(B) 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 plan map designation;

Findings: Existing water, sewer, storm drains, roadway, electrical, and fire hydrant facilities are located on or near site. The subject properties are served by an 8" existing sewer main in alley, 10" main water supply located in Cottage St, 1" water service line to each building. There is an existing fire hydrant at the southwest corner of D Street and Cottage Street. Public water and sewer facilities have adequate capacity for the intended use. The Applicant proposes to upgrade the existing 1" building water service line to 2" to accommodate increase flow and flush fixtures on site. Electrical and fire service proposed upgrades are included on site in proposed

development. The Applicant also proposes to upgrade the existing building sewage lines to 6" sewage line. The Applicant submits Public Works Recommendation Letter stating, "the subject property is located inside the Urban Service Area and adequate facilities are available."

Attachment 6, page 2.

The subject properties are sufficient in size to accommodate new or renovated public facilities and services as required. The intended use requires driveway demolition in lieu of alley access to the proposed parking lot, and access to public roadway will remain in place. The subject properties are of sufficient size to accommodate required small project stormwater treatment infrastructure. Per the Transportation Planning Rule Analysis, traffic from the proposed use will increase compared to the existing use. However, the increase is within the threshold for acceptable trip generation increases, existing roadways have sufficient capacity to serve this use.

(C) The proposed plan map designation provides for the logical urbanization of land;

(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Findings: The Applicant objects to the application of these criteria because words like "logical" and "consistent " are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The subject properties are existing urban developments within the Salem Urban Growth Boundary. See also the findings incorporated under [Part II](#) and [Part III](#) that provide further support to show these criteria are met.

(E) The amendment is in the public interest and would be of general benefit.

Findings: The Applicant objects to the application of this criterion because "public interest" and "general benefit" are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. For all the reasons stated in the findings under SRC 64.025(e)(2)(A)(i), and the Goal 10 findings below, this amendment is in the public interest to

serve as part of the remedy to the affordable housing crisis in the City of Salem. In addition, the amendment allows the historical character of the neighborhood to remain intact by reusing the existing buildings on the subject properties.

SRC TITLE X – CHAPTER 265

ZONE CHANGES

Sec. 265.005. - Quasi-judicial zone changes

(d) Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a quasi-judicial zone change shall include the following:

- (1) 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***
 - (C) The location of drainage patterns and drainage courses, if applicable;***
- (2) A traffic impact analysis, if required, in the format specified, and based on thresholds specified in standards established, by the Director.***

Findings: Existing conditions plan submitted herewith. A Transportation Planning Rule Analysis is also submitted herewith.

(e) Criteria.

- (1) A quasi-judicial zone change shall be granted if all of the following criteria are met:***
 - (A) The zone change is justified based on the existence of one or more of the following:***
 - (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or***
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone***

is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

(iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Findings: See findings above under SRC 64.025(e)(2)(A)(i) and (ii) and incorporated here by reference.

(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Findings: See findings under [Part II](#) for Salem Area Comprehensive Plan compliance and incorporated here by reference.

(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Findings: See findings under [Part III](#) for statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development compliance and incorporated here by reference.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Findings: See the Transportation Planning Rule Analysis submitted herewith that shows no significant affect on a transportation facility.

(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.

Findings: See findings above, SRC 64.025(e)(2)(B) and incorporated here by reference.

Sec. 265.020. - Conditions of approval.

(a) Conditions may be imposed on zone changes including limits on use, uses permitted, and any development standards.

Findings: The Applicant proposes Conditions of Approval to maintain the scale of development currently onsite and to preserve the sense of scale that the neighborhood is already accustomed to at this location. These conditions of approval will allow the existing buildings to accommodate the intended density of 19 units while limiting potential future use of the site to Multiple Family Residential use. This proposal allows the existing neighborhood fabric to remain intact, preserves the historical context of the site, and supports additional affordable housing stock for the City of Salem. While the density component under the RH is sought, the Applicant intends the development to match many of the RM-II characteristics and use types. To accomplish these goals, the Applicant proposes the following conditions of approval:

1. The density on the subject properties is limited to a maximum of 19 residential units.
2. Use of the subject properties is limited to RM-II permitted uses under SRC Table 514-1.
3. Maximum building lot coverage and maximum height on the subject properties are limited to RM-II permitted lot coverage and height under SRC Table 514-6. Lot Coverage; Height.

Sec. 265.025. - When zone change requires comprehensive map amendment.

A zone change may require an amendment to the comprehensive plan map. A zone change requires an amendment to the comprehensive plan map when the zone proposed with the change requires a different corresponding plan map designation. If an amendment to the

comprehensive plan map is required, the zone change and comprehensive plan map amendment shall be consolidated under SRC chapter 300.

Findings: The proposed Zone Change requires a corresponding change to the Comprehensive Plan Map. Applicant requests that the Zone Change and Amendment be consolidated as outlined under SRC Chapter 300.

SRC TITLE X – CHAPTER 300

PROCEDURES FOR LAND USE APPLICATIONS AND LEGISLATIVE LAND USE PROPOSALS

Sec. 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.

(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.

Findings: The Applicant requests that the proposed Zone Change and Minor Amendment to Comprehensive Plan Map be reviewed as a Consolidated application.

Sec. 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;***

Findings: The Applicant has submitted proof of purchaser's status and seller's consent herewith.

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

Findings: The Applicant has submitted the above-mentioned information herewith.

- (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);**

Findings: A pre-application conference for this project occurred on April 13th, 2020. The applicant has submitted the Pre-application written summary herewith.

- (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;**

Findings: The applicant contacted the Grant Neighborhood Association and has submitted a summary of contact herewith.

- (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;**

Findings: The Comprehensive Plan amendment does not require neighborhood association contact. However, the Zone Change proposed does require neighborhood association contact. Applicant contacted the Grant Neighborhood Association and has submitted proof herewith.

- (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;**

Findings: The Applicant conducted an Open House May 4, 2020 and has submitted required documentation herewith.

- (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;**

Findings: Not applicable.

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

Findings: Submitted here.

- (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.**

Findings: 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.**

Findings: Not applicable.

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

Findings: No additional information required under the Unified Development Code for the specific land use action identified. Applicant will respond to additional requests of the Planning Administrator accordingly.

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

Findings: Applicant submits payment herewith.

Sec. 300.300. - Pre-application conference

(b) Applicability

- (1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.**

Findings: A pre-application conference for this project occurred on April 13, 2020.

Sec. 300.310. - Neighborhood association contact

(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.*

Findings: The applicant contacted the Grant Neighborhood Association and has submitted proof herewith.

Sec. 300.320. - Open house

(a) Purpose. *The purpose of an open house is to provide an opportunity for applicants to share plans for certain types of proposed land use applications with the public in advance of the applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.*

(b) Applicability.

- (1)** *An open house, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring an open house.*

(2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for an open house and the other applications require a combination of neighborhood association contact or no neighborhood association contact, the entire consolidated application shall require an open house.

(c) Process. Prior to submitting a land use application requiring an open house, the applicant shall arrange and attend one open house for the purpose of providing the applicant with the opportunity to share their proposal with the neighborhood and surrounding property owners and residents prior to application submittal. The open house shall be open to the public and shall be arranged, publicized, and conducted as follows:

(1) Date and time. The public open house shall be held:

(A) Not more than 90 days prior to land use application submittal and at least seven days after providing notice as required under SRC 300.320(c)(3) and (c)(4);

(B) At a time between 5:30 p.m. and 9:00 p.m. Monday through Friday, or between 9:00 a.m. and 9:00 p.m. on Saturday or Sunday; and

(C) Shall not be held on a legal holiday.

(2) Location. The open house shall be held:

(A) Within the boundaries of the City-recognized neighborhood association the property is located within or within two miles of the subject property; and

(B) In a location where there is an accessible route from outside the building to the space where the open house will be held.

(3) Written notice. Written notice of the public open house is required and shall be provided as follows:

(A) The applicant shall provide written notice of the public open house a minimum of seven days prior to the public open house to:

- (i) Any City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property; and**
- (ii) The Planning Administrator.**

(4) Posted notice. Posted notice of the public open house is required and shall be provided as follows:

(A) The applicant shall post notice on the property affected by the proposal a minimum of seven days prior to the open house.

(d) Open house requirements. The applicant shall provide a sign-in sheet at the open house requesting the name, address, telephone number, and e-mail address of those in attendance.

(e) Effect on subsequent land use application submittal. A land use application requiring an open house shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the sign-in sheet from the open house and a summary of the comments provided.

Findings: The Zone Change proposed does not require an Open House. However, the Comprehensive Plan amendment does require an Open House. The Applicant conducted an Open House May 4, 2020 according to the above-mentioned requirements and has submitted the documentation herewith.

PART II | Salem Area Comprehensive Plan

SALEM COMPREHENSIVE POLICIES PLAN – II. DEFINITIONS AND INTENT STATEMENTS

As the Comprehensive Plan states, "Changes in use designation to permit higher residential densities is governed by the goals and policies of this Plan and the local rezoning process." The following narrative discusses goals and policies in the Plan that balance in favor of this rezoning application to allow Multi-Family use for the development of needed, affordable housing.

3. Plan Map Designations:

The criteria that will be used to develop an acceptable residential land use pattern will include the following:

(a) The changing social, physical, and economic factors which take place within an area and its potential long-range effect on land use.

(b) The desirability for redevelopment and infill within existing neighborhoods to higher densities.

(c) The necessity of managing urban growth over time in accordance with the ability to provide urban support services such as sewer, water, streets, and recreation, which would occur after annexation.

(d) The provision of a transitional land use pattern from the urbanized core to the rural area outside the Urban Growth Boundary.

(e) The need to ensure opportunities for a variety of housing alternatives throughout the urban area.

(f) The need to provide land for support services to the residents of an area, such as neighborhood shopping facilities, schools, parks, and churches.

Findings: The Applicant objects to the application of these criteria because they use subjective terms that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The proposed use is multi-family housing. Properties directly south of the subject property are designated as Multi-Family Residential according to the Salem Comprehensive Plan, indicating that multi-family is appropriate for subject properties. The proposed designations also allows for an increase in the existing housing stock, maintains the overall land use pattern of the surrounding urban area, stabilizes and protects the essential

characteristics of the existing residential environment, and permits multifamily housing developments to blend into the overall fabric of the Salem urban area. As stated in the findings for code specific provisions that implement the plan, the proposal takes into account changing social, physical and economic factors, and is served by adequate public facilities. Further, the area is served by adequate schools, parks and other services. Moreover, part of Applicant's mission with its provision of affordable housing is to link residents with other community service providers to help them stabilize other aspects of their lives. In addition, the proposed development demonstrates proximity to employment centers, shopping areas, transit service, parks, and public buildings. The subject properties are within half a mile of the Oregon Employment Department, one mile of the Salem Central Business District, ¼ mile of the Salem Transit Core Network, ¼ mile of Grant School Park, and 1 mile of Parrish Middle School, North Salem High School, and Grant Community School.

B. SPECIAL RESOURCE INFORMATION

Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner. The following outlines sources of information on these special conditions and resources.

- 1. Floodplains**
- 2. Geologic Conditions**
- 3. Soils**
- 4. Aggregate Resources**
- 5. Fish and Wildlife**
- 6. Willamette River Greenway Boundary**
- 7. Historic Resources**
- 8. Airspace Obstruction Limitations**

Findings: No special conditions or resources found on site. For additional information regarding historic character, see findings below in **Part III Oregon Statewide Planning Goal** incorporated here by reference.

C. URBAN GROWTH POLICIES:

The intent of the urban growth policies is:

- 1. To contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.***
- 2. To conserve resources by encouraging orderly development of land.***
- 3. To preserve farmland and open space.***
- 4. To make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area. Since urban services are interrelated, coordination is best achieved by a single general purpose governmental unit.***
- 5. To provide property owners greater security in long-range planning and investments.***
- 6. To make it possible for utility extensions, transportation facilities, and schools to be designed and located so as to more closely match population growth.***
- 7. To preserve and enhance the livability of the area.***
- 8. To use public facilities and services as a framework for urban development.***

Findings: The Applicant objects to the application of these policies because they use subjective terms that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The subject properties are within an existing urban development within Salem's existing Urban Growth Boundary as established by the Salem Comprehensive Plan. The proposed zone change and affordable housing development represents orderly infill development and reuses existing buildings that preserves the livability of the area by virtue of maintaining the same scale of development as already exists.

D. GROWTH MANAGEMENT PROGRAM:

The intent of a growth management program is to encourage urban development to occur in such a way that the expansion of urban services can be accomplished in a fiscally sound manner while still providing the required city services on an equitable basis to all community residents.

Findings: The Applicant objects to the application of this policy because they use subjective terms that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The subject properties are currently urbanly developed with sufficient existing urban services.

E. ACTIVITY NODES AND CORRIDORS

The intent of Activity Nodes and Corridors is to encourage development to orient to the pedestrian, and provide accessibility to transit services, major roads, and connectivity with the surrounding neighborhood, while accommodating the use of the automobile.

Activity Nodes and Corridors are typically located on or near transit routes and arterial streets, providing for a variety of land uses. Activity Nodes and Corridors may be composed of continuous, narrow bands of denser development or concentrated development, typically located near major intersections, as shown on Map #1 (Page 51).

Findings: Existing building orientation, existing access to transit service, and existing connectivity to the surrounding neighborhood will remain intact under the proposed zone change with the proposed Conditions of Approval. The proposed use will include development of increased parking availability on site. In addition, the subject properties located within ¼ mile of Salem's Transportation Core Network.

SALEM COMPREHENSIVE POLICIES PLAN – IV. SALEM URBAN AREA GOALS AND POLICIES

B. GENERAL DEVELOPMENT

GOAL: To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Citizen Involvement

1. Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.

Findings: The Applicant has contacted the Grant Neighborhood Association and conducted an Open House fulfilling the requirements for citizen involvement as required by Rezoning and Minor Comprehensive Plan Map Amendment. This application is subject to a public hearings process open to the public.

3. Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The proposed use allows for permanent residence on site, increasing contributions to the economy more than the existing religious use. In addition, access to stable housing relieves other city service budgets and fair, affordable housing allows families to move into areas where wages and employment prospects increase. Access to these opportunities further stimulates the economic growth.

6. All public and private development shall meet the requirements of applicable local, state and federal standards.

Findings: The application demonstrates that the proposed Zone Change and Minor Comprehensive Map change meet the requirements of applicable local, state, and federal standards.

7. Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.

Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

Findings: The Applicant objects to the application of this policy because it uses the subjective terms like "optimize" and "minimize adverse alteration" and "adverse effects" that are not clear and objective. Notwithstanding this objection, the Applicant offers the following response. The proposed use optimizes use of the land by preserving existing structures. The subject properties support the ability to implement stormwater treatment infrastructures. Higher densities on the subject properties will offset lower densities in other parts of Salem's urban area will allow the City to reach its goal of an average of 6.5 dwelling units per gross acre of residential development. Proposed parking lot development will minimize the potential for erosion and

adverse effects upon the existing topography and soil conditions by utilizing Salem's Small Project Storm Water Design requirements.

8. The city shall consider zoning and other site regulations for utilization of solar energy, wind power, on-site conversion of clean fossil fuels to electricity, and other renewable and increased efficiency alternatives.

Findings: This policy is directed to the City and its ongoing planning efforts, not to the Applicant's quasi-judicial zone change and comprehensive plan map amendment application. Even if the policy is directed to this application, the proposed use preserves existing buildings, increasing energy efficiency by lengthening the life cycle of the existing embodied energy.

10. Improvements of streets in addition to those in or abutting a development may be required as a condition of approval of subdivisions and other intensifications of land use.

Findings: The subject properties are large enough to sufficiently accommodate street improvements. The proposed use will incorporate street improvements as required by the Salem Revised Code and the Public Works Department.

11. Buildings and facilities open to the public should be well designed to fulfill their specified function, taking into consideration the needs of handicapped persons.

Findings: The Applicant objects to the application of this criterion because it is an aspiration that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The use of the subject properties can be designed to accommodate universal access according to ADA and current building code standards. The proposed use will include the addition of ADA ramps to the rear of each building allowing universal access.

12. Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

Findings: The Applicant objects to the application of this policy because it is an aspiration and uses subjective terms like "reduce its impact" that are not clear and objective. Notwithstanding

this objection, the Applicant provides the following response. The subject properties are large enough to sufficiently accommodate developments and reduce impact on adjacent properties including screening, landscaping, and setbacks. Existing buildings located on subject properties comply with current height and mass regulations according to Salem Revised Code Chapter 521. The future development of the proposed use will include new privacy fencing, landscaping, stormwater planters, street trees, and will comply with setback requirements.

13. Land use regulations shall encourage public spaces, both natural and manmade for either active or passive enjoyment, including natural areas, open plazas, pedestrian malls, and play areas.

Findings: This policy is aimed at the City's regulatory development. To the extent the policy applies to this application, the subject properties are large enough to sufficiently accommodate open space requirements according to the Salem Revised Code. The proposed use will maintain existing front and site yards and add additional landscape setbacks and stormwater planters. The subject properties are within 0.25 miles of a public park.

14. Outdoor storage areas should be screened from the public streets and from adjacent uses.

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The subject properties are large enough to sufficiently accommodate screening of outdoor storage. The proposed use will not include outdoor storage. The proposed trash enclosure will include screening elements as required by Salem Revised Code and will be located on the furthest corner of the parcels away from the public right away.

15. Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

Findings: The subject properties include only minimal existing exterior lighting. Exterior light fixtures will mark each entry of the subject buildings and will use fixtures that do not cause glare to the public right of way or adjacent properties. The proposed use includes the replacement of

existing exterior light fixtures at their current location with higher energy efficiency yet similar light output.

C. URBAN GROWTH

GOAL: To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.

Findings: The Applicant objects to the application of this Goal because "preserve or enhance" are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. As the Applicant's Goal 10 findings below and incorporated herein by reference, explain the proposed zone change and accompanying affordable housing development is aimed at infill development and reuse of existing buildings that will efficiently deliver affordable housing options in Salem. This zone change and the accompanying development will enhance the City's quality of life by diversifying housing options in a residential neighborhood with access to public transportation.

4. Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.

Findings: The Applicant objects to the application of this policy because it is an aspiration with the use of the term "encouraged" that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The subject properties are existing developed land with existing urban services. The proposed use increases density on site, consistent with utilizing existing urban services and reducing the demand for conversion of urbanizable land to urban uses.

D. GROWTH MANAGEMENT

GOAL: To manage growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to ensure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm lands by:

b. Planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

Findings: The Applicant objects to the application of this Goal because "ensure the quality of life" is a subjective term, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. Water and sewer facilities have adequate capacity for the intended use. An 8" existing sewer main is located in the alley, a 10" main water supply is located in Cottage St, a 1" water service line serves each building. The Applicant proposes to upgrade the existing 1" water service line to 2" to accommodate increase flow and flush fixtures on site. Electrical service proposed upgrades are included in proposed development. The Applicant also proposes to upgrade the existing building sewage lines to 6" sewage line. The proposed parking lot design and development will minimize the potential for erosion and adverse effects upon the existing topography and soil conditions by utilizing Salem's Small Project Storm Water Design requirements.

5. The extension of sewer, water, storm drainage, transportation and other facilities and services shall be designed and coordinated to accommodate densities cited in the Public Facilities Plan.

6. New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

7. Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City and the appropriate County.

9. New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

Findings: The Applicant objects to the application of Policies 6 and 9 because terms like "minimal," "minimize," and "encouraged" are subjective terms that are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The

subject properties include existing sewer and water services compliant with SRC Chapter 200 Urban Growth Management and maximize use of available, urbanized land by allowing existing buildings on existing development to remain and be repurposed. This proposal minimizes the public cost as the existing sewer, water services, and transportation services are sufficient for the proposed development. The application does not propose changes to the Salem Wastewater Management Plan, or to the Salem Water System Master Plan.

E. RESIDENTIAL DEVELOPMENT

GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:

- a. Encourage the efficient use of developable residential land;***
- b. Provide housing opportunities for Salem's diverse population; and***
- c. Encourage residential development that maximizes investment in public services.***

Findings: The Applicant objects to the application of this Goal because "promote" and "encourage" are subjective terms, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The Comprehensive Plan policies on housing are the heart and soul of this zone change request. The Applicant has identified a perfect infill development to provide housing opportunities for low income and diverse populations on the subject properties that are already served by adequate public services. Based on the response to the below policies, and the Applicant's Goal 10 findings below, all incorporated herein by reference, this Goal and related policies weigh heavily in favor of the proposed zone change.

1. The location and density of residential uses shall be determined after consideration of the following factors;

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.***
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.***

c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.

d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.

e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.

f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.

g. The density goal of General Development Policy 7.

Findings: The Applicant objects to the application of policy e that uses the subjective term "character of existing neighborhoods" because that terminology is subjective, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. This application narrative addresses all of these requirements in other responses previously provided, and those responses are incorporated by reference herein. In addition, the Applicant's Goal 10 findings address these policies, and those findings are also incorporated herein, by reference. See also, the Applicant's response to policy 7 below. In addition, the subject property is located close to neighborhood schools and parks, and nearby commercial areas.

2. Residential uses and neighborhood facilities and services shall be located to:

a. Accommodate pedestrian, bicycle and vehicle access;

b. Accommodate population growth;

c. Avoid unnecessary duplication of utilities, facilities and services; and

d. Avoid existing nuisances and hazards to residents.

Findings: The Applicant objects to the application of this policy that uses subjective terms like "accommodate," "avoid," and "nuisance" because those terms are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The proposed multi-family zoned properties will be able to accommodate pedestrian, bicycle and vehicle

access, do accommodate population growth by allowing denser use than single-family zoning would otherwise allow, does not require extension of public facilities, and can be designed to meet site design requirements that avoid nuisances and hazards to residents.

3. City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

Findings: The Applicant objects to the application of this policy because it is an aspiration that uses subjective terms like "promote" and "encourage" that are not clear and objective.

Notwithstanding this objection, the Applicant provides the following response. Adoption of this zone change would allow an underutilized housing site to be repurposed for the development of 19 affordable housing units that will make efficient use of residential land and encourage stability of the neighborhood by providing for the diverse housing needs of all, while maintaining the existing building footprints.

4. Rehabilitation and maintenance of housing in existing neighborhoods shall be encouraged to preserve the housing stock and increase the availability of safe and sanitary living units.

Findings: The Applicant objects to the application of this policy because it is an aspiration that uses subjective terms like "encouraged" and "preserve" that are not clear and objective.

Notwithstanding this objection, the Applicant provides the following response. The proposed zone change and use will rehabilitate existing buildings to be utilized for 19 affordable housing units, designed with modern safety and sanitary features.

5. Subsidized housing shall be provided at a variety of locations within the urban area.

Findings: This application is part of a package to provide publicly supported housing, as that term is defined under ORS 456.250. The Applicant has received and will receive government assistance that includes an affordability restriction under ORS 456.250(5)(a)(B). This policy is met.

6. Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;***
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;***
- c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:***
 - (1) Employment centers;***
 - (2) Shopping areas;***
 - (3) Transit service;***
 - (4) Parks;***
 - (5) Public buildings.***

Findings: The Applicant objects to the application of this policy because it is an aspiration that uses subjective terms like "encourage" and "should" that are not clear and objective.

Notwithstanding this objection, the Applicant provides the following response. The Applicant incorporates by reference responses to these same types of policies earlier in this application, as well as its Goal 10 findings.

7. Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;***
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;***
- c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.***

Findings: The Applicant has submitted a Transportation Planning Rule Analysis with this application showing that the transportation system has capacity to serve the new zone and

proposed use. In addition, the Applicant's site plan will comply with design requirements that promote pedestrian and bicycle access. In addition, the subject properties are within ¼ mile of the Salem Transit Core Network.

10. Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

- a. The site is so designated on the comprehensive plan map;**
- b. Adequate public services are planned to serve the site;**
- c. The site's physical characteristics support higher density development; and**
- d. Residential Development Policy 7 is met.**

Findings: The application includes a minor Comprehensive Plan map amendment in compliance with subsection (a). As described in other findings in this narrative, and incorporated herein by reference, the requirements for subsections (b)-(d) are met.

11. Design Standards shall be implemented to improve the quality of life of Salem's residents and promote neighborhood stability and compatibility.

Findings: This policy is directed to the City's implementation of design standards. To the extent that this policy applies to this application, the Applicant objects to the application of this policy because it uses subjective terms like "improve the quality of live" and "promote neighborhood stability and compatibility" that are not clear and objective terms. Nonetheless, the Applicant offers the following response. The development of the subject properties is subject to design review that represent the City's implementation of design standards under this policy.

G. COMMERCIAL DEVELOPMENT

GOAL: To maintain and promote the Salem urban area as a commercial center for the Marion-Polk

GOAL: To maintain and promote the Salem urban area as a commercial center for Marion and Polk counties.

GOAL: To promote development of commercial office buildings for a range of employment uses, especially in downtown, mixed use districts, and commercially-oriented urban renewal areas.

GOAL: To promote commercial development that supports growth of traded-sector commercial employment.

Commercial Office Uses

Findings: To the extent that these goals and policy apply to this application, the Applicant objects to thire application here because they use subjective terms like "promote" that are not clear and objective terms. Nonetheless, the Applicant offers the following response. The proposed use will not change the fabric of the existing neighborhood, allowing the Salem urban area to remain as the commercial center for the Marion-Polk and Marion Polk counties.

NEIGHBORHOOD PLAN – GRANT NEIGHBORHOOD PLAN

Findings: Under SRC 64.310, the City Council will consider goals and policies in neighborhood plans in making land use decisions affecting the designated neighborhood. However, if there is a conflict between the neighborhood plan, Salem Area Comprehensive Plan, and statewide planning goals, the conflict is resolved against applicability of the neighborhood plan policy or goal. Further, to the extent that the neighborhood plan contains goals and policies that are not clear and objective, the Applicant objects to application of those goals and policies to this application.

RESIDENTIAL

1. Single Family: The intent is to preserve, maintain, and protect the character of the established single family residential area.

2. Multifamily: The intent is to maintain existing quality single family houses to the maximum extent practical while allowing conversion of houses and lots to multifamily densities where permitted by zoning.

Findings: The Applicant objects to these policies because they use subjective terms like "preserve, maintain, and protect the character" and "maximum extent practical" that are not clear and objective. In addition, these policies cannot be used to abrogate the City's responsibility to comply with Statewide Planning Goal 10 and the Salem Revised Code that

provides a process for consideration of zone changes. To the extent there is a conflict, these neighborhood plan policies must not be applied. Notwithstanding these objections, the Applicant provides the following response. The proposed zone change does not impact existing single family uses, existing use on site is currently special use for religious organizations. Further, reuse of the existing buildings on the subject properties will not interfere with existing single family houses, as the scale of development will remain unchanged.

NEIGHBORHOOD WIDE GOALS AND POLICIES

1. GOAL: To conserve this close in location for single family living and to prevent encroachment on the single family core area from more intensive uses.

2. GOAL: To maintain and enhance the predominately single family residential character of this area to assure continued operation of Grant School as a neighborhood school and community facility.

Findings: The Applicant objects to these goals because they use subjective terms like "conserve," "prevent," and "maintain and enhance," and "character" that are not clear and objective. In addition, these policies cannot be used to abrogate the City's responsibility to comply with Statewide Planning Goal 10 and the Salem Revised Code that provides a process for consideration of zone changes. To the extent there is a conflict, these neighborhood plan policies must not be applied. Notwithstanding these objections, the Applicant provides the following response. Development south of subject properties are larger in scale and more intense in use. Preservation of existing church and residence buildings allows subject properties to act as a Missing Middle Housing buffer between the larger scale uses and the single family residential lots to the north. This allows the predominantly single family residential character of the neighborhood and the Grant Neighborhood School as a neighborhood school to remain intact.

3. POLICY: Developers of multifamily or commercial uses should comply with the site design criteria listed below during the design review process specified in the North Salem Urban Renewal Plan. In addition, all property owners within 250 feet of the proposed project and a

designated member of the Grant Executive Board should be notified in order to provide input to the Design Review Team.

- a. Parking - Off-street parking shall be provided to Code.***
- b. Noise Generation - Structures should be designed to protect occupants from noise levels exceeding HUD criteria.***
- c. Landscaping - All development shall be landscaped in accordance with renewal plan requirements.***
- d. Visual Impact - Parking lots, signs, and bright lights should be screened from residential areas.***

Findings: The Applicant shared proposed design concepts shared with the Grant Neighborhood Association during the Open House. The Applicant's development design will comply with current code requirements, but will not be bound by this plan's noise generation standards to the extent they conflict with the current code requirements. However, the Applicant anticipates meeting the HUD criteria as a result of the proposed zoning and conditioned use because site improvements will include additional landscape buffers and new interior design. Religious services noise levels on site decrease due to proposed use. In addition the proposed development will maintain the existing historical aesthetic by repurposing the existing church building, and will provide additional off street parking. Further, no new exterior lighting is proposed.

4. POLICY: Primary access to new multifamily development in areas designated Multifamily should be onto major and local streets instead of alleys to prevent excessive traffic disruptions to existing single family houses.

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. The policy also uses subjective terms like "prevent excessive traffic disruptions" that are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The existing access to the subject properties will remain in place and this existing access supports proposed use. The existing access is not alley access.

5. POLICY: Housing stock should be rehabilitated on a continuing basis. Low interest loans should be made available for this purpose.

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The existing buildings on the subject properties will be reused and repurposed to provide affordable, government assisted fair housing on the site. This policy is met.

6. POLICY: Architecturally and historically significant structures should be preserved

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The existing buildings on subject properties are not listed as historic resources. Nonetheless, the reuse of the church structure will maintain the historical context of the site.

7. POLICY: Zone changes that would allow more intensive residential uses in areas designated Single Family should be denied.

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. Further, adherence to this policy would abrogate the City's obligations under Goal 10 and as a conflicting provision, the neighborhood plan must yield. Notwithstanding these objections, the Applicant provides the following response. The proposed affordable residences on site better align with the intended Single Family zone than the existing religious assembly use or other allowed and conditional uses in the single family zone. Further, the size and structure of the existing building are appropriate for the proposed use and will not result in more intense use than the current religious assembly use.

8. POLICY: Zone changes that would allow new commercial uses in areas designated Multifamily or Apartment will be opposed by the Neighborhood and should not be permitted. However, existing nonconforming uses should be allowed a zone change when requested, if those uses are found compatible with the surrounding area. The Neighborhood shall consider these on a case by case basis.

Findings: Again, the Applicant object to the neighborhood plan granting a veto power over zone changes. This is an improper delegation of the City Council's authority and cannot override the code's zone change process or the City's obligations under Goal 10 to provide needed housing for all. In this instance, this policy must yield to governing code and state law. In addition, the policy uses aspirational language about multi-family uses by stating such use "should not be permitted" and is not clear and objective. Notwithstanding these objections, the Applicant provides the following response. The existing church is designated a special use under SRC for single family zones. The proposed zone change allows for preservation of the existing buildings maintaining subject properties compatibility with the surrounding area, while bringing the use closer to the intended use of housing.

10. POLICY: Conversion of single family residences to multifamily use should be prohibited in areas designated Single Family.

Findings: Again, the Applicant object to the neighborhood plan granting a veto power over zone changes. This is an improper delegation of the City Council's authority and cannot override the code's zone change process or the City's obligations under Goal 10 to provide needed housing for all. In this instance, this policy must yield to governing code and state law. In addition, the policy uses aspirational language about multi-family uses by stating such use "should be prohibited" and is not clear and objective. Notwithstanding these objections, the Applicant provides the following response. The current use of the subject properties is not single family use. Under the proposed zoning the existing residence and church building will remain in the same building footprints. In contrast, single family use on site would most likely require redevelopment to occur, causing the loss of the church building and its historical character. The RH rezone with proposed conditions is better suited for the property in order to maintain the neighborhood character.

11. POLICY: Density per building site in areas designated Multifamily should be no more than permitted by the zone code.

Findings: The Applicant objects to the application of this policy because it uses aspirational language about multi-family uses by the use of "should " and is not clear and objective.

Notwithstanding this objection, the Applicant provides the following response. The subject properties support multifamily use under the requested RH zone. The subject properties existing building footprints will allow the Applicant to meet the density requirements of Salem Revised Code Table 515-2 RH lot standards, Table 515-3 RH setback standards with adjustment. Notwithstanding the Applicant's proposed conditions of approval to limit the development to certain RM-II lot coverage and building height standards, the subject properties can also be configured to meet the Table 515-4 RH lot coverage and height.

16. POLICY: Single family housing should only be replaced with single family housing in areas zoned RS.

Findings: The Applicant objects to the application of this policy because it uses aspirational language about multi-family uses by the use of "should " and is not clear and objective.

Notwithstanding this objection, the Applicant provides the following response. This application is for a zone change to RH, and single-family will not be replaced with single-family because multi-family use is an allowed use in the RH zone. Nonetheless, the existing residence will remain in place, and be repurposed as four separate living units.

SUB-AREA "C": GRANT RESIDENTIAL CORE

34. GOAL: To conserve close-in locations for single family living, to prevent the encroachment on the single family residential core from more intensive uses and to maintain and enhance the predominately single family residential character of this area.

Findings: Again, the Applicant object to the neighborhood plan granting a veto power over zone changes. This is an improper delegation of the City Council's authority and cannot override the code's zone change process or the City's obligations under Goal 10 to provide needed housing for all. In this instance, this policy must yield to governing code and state law. In addition, the policy uses subjective language with reference to "conserve," "prevent," "more intensive," "to maintain and enhance," and "character." The terms are not clear and objective and this policy cannot be applied to this application. Notwithstanding these objections, the Applicant provides the following response. This infill development will not affect the single family residential character

of the neighborhood because it proposes reuse of existing buildings that were previously in religious use, not single family use.

PUBLIC FACILITIES PLAN – SALEM STORMWATER MASTER PLAN

PURPOSE AND GOALS

The City of Salem Stormwater Master Plan addresses issues of stormwater quantity (i.e., conveyance and flood damage reduction) and stormwater quality in a manner that is compatible with the City's National Pollutant Discharge Elimination System (NPDES) Municipal Stormwater Permit. One major goal of the Master Plan project was to develop a Drainage System Improvement Plan (DSIP) for the storm drains, culverts, open channels, streams, detention storage, and conjunctive use (with detention, parks, etc.) water quality facilities. The second major goal was to develop a Stormwater Management Program Plan (SMPP) consisting of the following:

- *The institutional aspects of stormwater management*
- *Listing and description of the new information needed for a successful comprehensive program*
- *Description of the financial concepts for implementing the program*
- *Evaluation of the current operations and maintenance level of service and recommendation of an adequate level of service*
- *Recommendation of changes from the City's existing stormwater program direction through the preparation of an "Existing Direction Report"*
- *Assistance to the City in establishing a public involvement program specifically for the project and for the stormwater management program in general*
- *Development of solutions to various stormwater problems, and in doing so, responding to six issue papers prepared by the City/consultant project team and the Stormwater Advisory Committee (SWAC)*
- *Finally, every effort has been made to reflect a balance between the need to safely and cost effectively move stormwater with the environmental and aesthetic needs and values associated with one of Salem's unique community amenities – its urban stream system.*

Findings: The proposed zone will allow development of a use that retains existing buildings to but converts the existing unpaved gravel parking lot into an impervious surface. The development's new impervious surface is approximately 4,400 SF of asphalt surface. The proposed use also includes the addition of an ADA ramp from the parking lot into the existing buildings. Nexus for small project stormwater requirements are met, and the proposed use includes stormwater treatment through a new storm water planter. The proposed development's stormwater plan will be reviewed during site plan review and building permit applications.

PUBLIC FACILITIES PLAN – SALEM WASTEWATER MANAGEMENT PLAN

The 1996 Salem Wastewater Management Master Plan (adopted by the Salem City Council on December 16, 1996) outlined the requirements for providing wastewater service for existing and future customers for a 20-year period. The 1996 Master Plan principally focused on two primary issues: how to deal with wet weather flows, and how to treat wastewater loads. In addressing these two issues, the 1996 Master Plan identified specific capital improvements for collection, conveyance, and treatment of the community's wastewater.

Findings: This application does not propose any changes to the Salem Wastewater Management Plan. The subject properties are served by existing wastewater services sufficient for existing use. This zone change has no impact to the existing system. The Applicant submits Public Works Recommendation Letter stating, "the subject property is located inside the Urban Service Area and adequate facilities are available." Attachment 6, page 2.

PUBLIC FACILITIES PLAN – SALEM WATER SYSTEM MASTER PLAN

Plan Goals

The plan seeks to provide answers to these fundamental questions by explaining a range of factors: economics, regulations, water quality, reliability, flexibility, operations, environmental issues, and timing of improvements. The end product of the master plan is a list of recommended improvements, their estimated costs, and a schedule for implementing them. Some of the improvements are required by state and federal regulations; the number of standards for drinking water have increased more than three-fold since the mid-1980s and

Salem, like most communities, will need to make changes to ensure compliance. But the majority of improvements will be to replace aging facilities that are wearing out, for growth and for reliability.

Findings: This application does not propose any changes to the Salem Water System Master Plan. The subject properties are served by existing water services that are sufficient to serve a multi-family zone.

TRANSPORTATION SYSTEM PLAN

Comprehensive Transportation Policies

TRANSPORTATION

GOAL: To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.

The Salem Transportation System Plan should contain the following plan elements:

Street System, Intercity Passenger Travel, Local Street Connectivity, Transportation Demand Management, Transportation System Management, Parking Management, Neighborhood Traffic Management, Freight Movement, Bicycle System, Transportation System Maintenance, Pedestrian System, Transportation Finance, Transit System

Findings: The subject properties are within ¼ mile of the Salem Transit Core Network. In addition, the Applicant's Transportation Planning Analysis report concludes that, “based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily increase of less than 400 trips at each property. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed zone change will not significantly impact and would cause ‘no further degradation’ to the City of Salem transportation system.” See full analysis for further detail on compliance with the Transportation System Plan.

PART III | Oregon's Statewide Planning Goals

A Summary of Oregon's Statewide Planning Goals

1. CITIZEN INVOLVEMENT

Goal: To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Findings: Citizen involvement according to the Salem Comprehensive Plan and Salem Revised Code submitted herewith, see findings above in Part I and Part II.

2. LAND USE PLANNING

Goal: To establish a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

PART I – PLANNING:

All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances. Affected persons shall receive understandable notice by mail of proposed changes in plans or zoning ordinances sufficiently in advance of any hearing to allow the affected person reasonable time to review the proposal.

PART III – USE OF GUIDELINES:

2. Minor Changes

Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.

Findings: Applicant has submitted land use application in accordance with Salem's Rezone and Minor Comprehensive Plan Map Amendment process herewith.

5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Goal: To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments and state agencies are encouraged to maintain current inventories of the following resources:

3. Historic Resources;

Findings: No natural, scenic, historic or open space resource found on site. As stated, the existing buildings are not protected as historical resources. However, existing buildings contribute to historic character and presence in Grant neighborhood and are proposed to remain and be repurposed as multifamily housing.

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.

Findings: The proposed zone change and development of the subject properties will comply with local, state, and federal regulations for air, water, and land resources. As stated above, the proposed use reduces impact on water and land resources, See [Part II](#) Salem Comprehensive Plan.

9. ECONOMY OF THE STATE

Goal: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Comprehensive plans for urban areas shall:

- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;***
- 4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.***

Findings: See findings above under [Part II](#), Salem Area Comprehensive Plan incorporated by reference. This application will not affect the availability of commercial and industrial land. Further, stable housing is linked to greater economic stability and will be provided by the development of the subject properties.

10. HOUSING

Goal: To provide for the housing needs of citizens of the state.

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

Guidelines

A. Planning

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.

B. Implementation

4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities; (2) the economic, environmental, social and energy consequences of the proposed densities; and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.

Findings: The Applicant submits portions of the City's Housing Needs Analysis ("HNA") from 2015. Attachment 2. City staff confirmed that on February 8, 2016, the City Council accepted the HNA consistent with the resolution attached here. See Attachment 3. The HNA, Table 12, determined that Salem has a deficit of 207-acres of land designated for multifamily housing and a shortfall of 2,897 dwelling units. Attachment 2, p 46. In contrast, the City has a surplus of 1,975 gross acres

of single family residential land, with an anticipated surplus of 9,131 units during the planning period. *Id.* This substantial deficit of multifamily housing means that a large portion of the housing need will go unmet if additional land is not designated multifamily. This zone change, affecting approximately 0.30 acres of land is one small attempt to remedy the lack of property zoned multifamily.

Further, according to the HNA:

"Homeownership is increasingly expensive in Salem. Sales prices for single family housing increased over 2004 to 2013 period, consistent with national trends. While housing prices peaked in 2007, 2013 sales prices grew by about 16% since 2004. Housing costs increased 62% between 1990 and 2012, while income levels remained virtually the same (increasing by about 15% in the first decade, and declining by nearly the same amount over the second). In 2012, the typical value of an owner-occupied house was four times median household income. This is a substantial increase from twice median household income in 1990."

More than one-third of Salem's households have affordability problems. Despite the facts that rental costs grew with income and housing is comparatively more affordable in Salem, the *community still has an affordability problem, especially for renters.* Thirty-nine percent of Salem's households were cost burdened (i.e., pay more than 30% of their income on rent or homeownership costs) in 2012. This is consistent with the state averages. More than 50% of Salem's renter households were cost burdened in 2010. About one-quarter of renters were severely cost burdened (i.e., pay more than 50% of their income on rent). Thirty percent of Salem's homeowners were cost burdened in 2010. About 11% of homeowners were severely cost burdened (i.e., pay more than 50% of their income on homeownership costs). Salem *has a deficit of nearly 6,400 dwelling units that are affordable to households earning less than \$25,000 annually.*" Attachment 2, p 32-33 (Bolded emphasis in original, italicized emphasis added).

The HNA continues to tell a dire story of need for affordable housing:

"Salem's housing became less affordable for both renting and owning over the last decade. Between 1990 and 2012, growth in homeownership costs outpaced growth in income. In Salem,

median owner value increased by 62% between 1990 and 2012, while median household income remained stagnant. Between 2004 and 2013, average sales price increased by 14% in Salem.

Between 2000 and 2012, growth in renter costs outpaced growth in income by a smaller margin than ownership costs. In Salem, median contract rent did not change between 2000 and 2012, while median household income decreased by 13%.

More than 11% of the MSA's households could not afford a studio apartment at HUD's fair market rent level of \$559, and one-quarter of households could not afford a two-bedroom apartment at HUD's fair market rent level of \$742.

Continued increases in housing costs may increase demand for denser housing (e.g., multifamily housing or smaller single-family housing) or locating outside of Salem." Attachment 2, p. 37-38 (Bolded emphasis in original, italicized emphasis added).

The HNA shows that there is a significant need for affordable housing across the board. In particular for household who make \$30,000 or less. Further, the HNA establishes that the availability of multifamily residential inventory is also below the need.

"The results show that Salem has 17,659 acres in residential plan designations (including mixed-use designations that allow residential development). By classification, about 62% of the land is developed, 22% partially vacant, and 17% vacant. About 83% of residential land is in single-family designations (DR and SF); 14% in the multifamily designation and 3% in mixed-use designations (MU and ROM).

Nearly two-thirds of the buildable residential land (3,611 acres) is in the developing residential plan designation and 24% (1,347 acres) in the single-family residential plan designation. Six percent (313 acres) is in the multifamily plan designation with the remaining acreage in mixed-use designations (MU and ROM)." Attachment 2, p. 12-13.

In addition to the HNA, the Applicant submits the City's 2020-2024 Consolidated Plan Analysis of Impediments to Fair Housing Choice 2020-2021 Annual Action Plan ("Action Plan") presented on June 22, 2020. Attachment 4. In contrast to the HNA, the Consolidated Plan analyzes specific impediments to fair housing. The Action Plan identifies projects and goals that link to resolving shortfalls identified in the HNA. In addition, the Applicant submits the City's Spring 2019 Our Salem Report Card ("Report Card") that examined the City's progress in updating the Salem Area Comprehensive Plan. Attachment 5.

The Annual Plan specifically identified the Applicant as an affordable housing partner, and its proposed Cottage Street development as a method of achieving the City's goals of ending homelessness, expanding affordable housing, and neighborhood revitalization. Attachment 4. Further, one of the goals found within the Report Card was to increase housing by redevelopment and infill project. Attachment 5, p. 4. The proposed rezone will make two, small infill properties available for the development of 19 affordable housing units. This rezone is the natural next step to turn the policy established through the City's efforts to plan for affordable into units on the ground to start to address this significant need.

11. PUBLIC FACILITIES AND SERVICES

Goal: To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Findings: Existing public facilities and services suitable for multifamily use on the subject properties. See also findings above in Part I and Part II Salem Area Comprehensive Plan, incorporated by reference herein.

13. ENERGY

Goal: To conserve energy.

Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

Guidelines

A. Planning

- 1. Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization.***
- 2. The allocation of land and uses permitted on the land should seek to minimize the depletion of non-renewable sources of energy.***
- 3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.***
- 4. Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency.***
- 5. Plans directed toward energy conservation within the planning area should consider as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output. Renewable energy sources include water, sunshine, wind, geothermal heat and municipal, forest and farm waste. Whenever possible, land conservation and development actions provided for under such plans should utilize renewable energy sources.***

B. Implementation

- 1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:***
 - a. Lot size, dimension and siting controls;***
 - b. Building height, bulk and surface area;***
 - c. Density of uses, particularly those which relate to housing densities;***
 - d. Availability of light, wind and air;***
 - e. Compatibility of and competition between competing land use activities; and***
 - f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.***

Findings: The proposed use will allow reuse of existing buildings and the embodied energy in those buildings will remain, minimizing further use of non-renewable resources. Further, the proposed use will implement current energy efficiency requirements according to the 2019 Oregon Zero Energy Ready Commercial Code for alterations to existing structures. In addition, the proposed use seeks to increase density of subject property with $\frac{1}{4}$ miles of the Salem Transportation Core Network.

14. URBANIZATION

Goal: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Findings: The subject properties are an existing urban development within Salem's existing Urban Growth Boundary as established by the Salem Comprehensive Plan.

Remaining Statewide Planning Goals:

Findings: Goals 3, 4, 7, 8, and 15-19 are not implicated by this application.



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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.

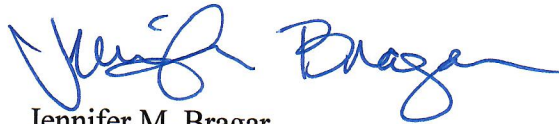
In addition, the Applicant is more than willing to accommodate GNA's request to only extend the 8-foot-high wooden fence to the eastern end of the 925 Cottage St NE building and not having the fence extend into the front yard.

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 ask 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.

1. **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.
2. **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.

REVISIONS

LAND USE REVIEW

DEVNW

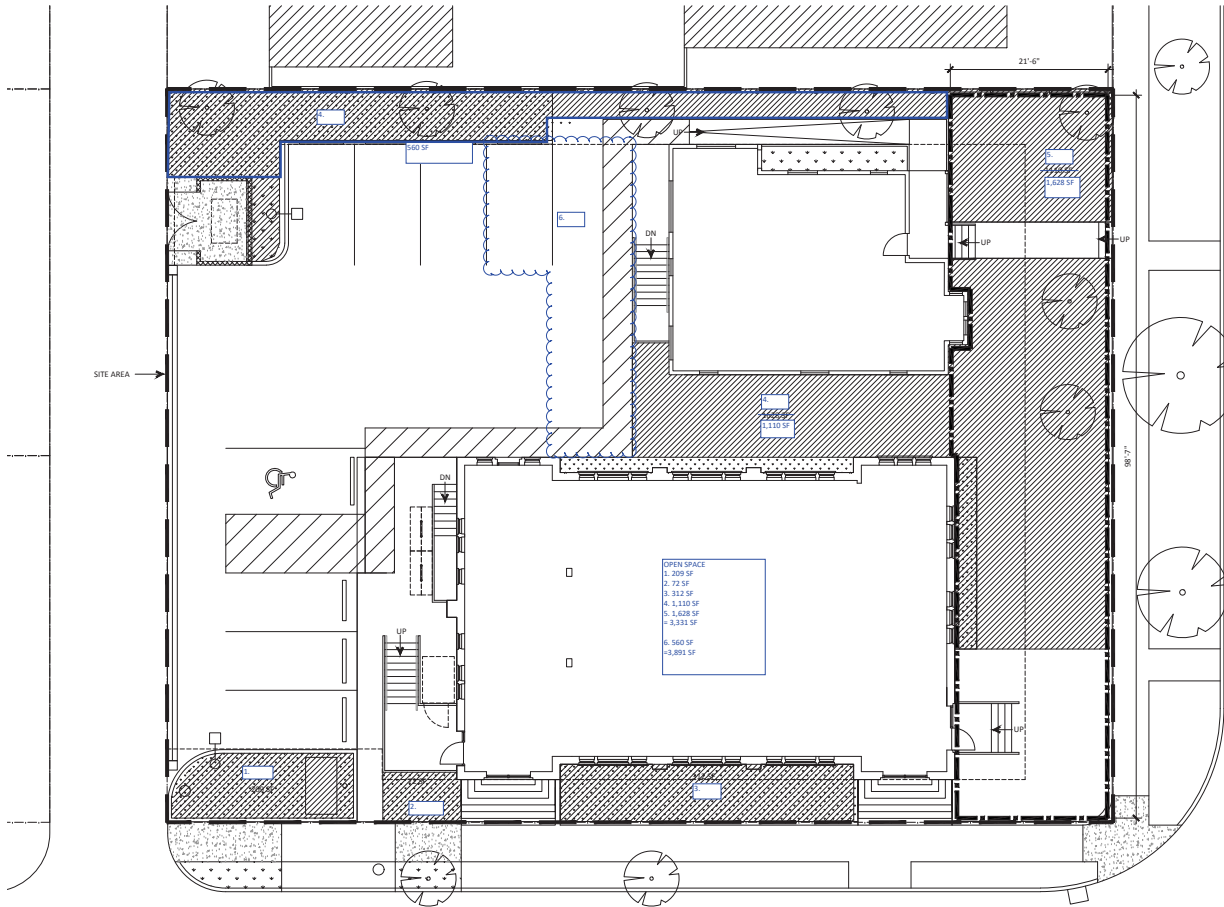
905 AND 925 COTTAGE ST NE SALEM, OR 97301
 BUILDING RENOVATION

JOB NO: 20022
 ISSUE DATE: 24 JULY 2020

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 : 3,311 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.

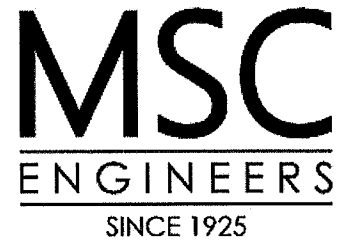
GNA Statement (Attachment A, Page 31): *"The applicant does not provide with their application any consideration of the engineering challenges associated with retrofitting an unreinforced masonry structure such as this church. On Page G100 of the site plan, the architects state: "Information is approximate 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



905 Cottage Street NE – Salem, OR
AKS Response to Submitted Comment

September 29, 2020
Page 2 of 2



MEMORANDUM

DATE: July 23, 2020

TO: Joseph Moore | GMA Architects

FROM: Lacy Brown, Ph.D., P.E. | DKS Associates
Clive Lara, EI | DKS Associates



SUBJECT: Salem Cottage Street Transportation Planning Rule Analysis Project #P20082-000

This memorandum presents the findings of an evaluation of potential traffic impacts 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. The proposed zone change must be in accordance with Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. The definition of a significant effect varies by jurisdiction and no such definition is provided in the City of Salem code. According to the Oregon Highway Plan (OHP), a net increase of 400 daily trips qualifies as a significant effect. While the OHP is not applicable to city streets, it provides a reasonable estimate of a significant effect for TPR analysis purposes.

This memorandum documents the expected trip generation of the reasonable worst-case development potential under existing and proposed zoning, the expected trip generation of the proposed zone change as conditioned to limit development to 19 multi-family units, and whether the proposed zone change will create a significant effect on the transportation system.

EXISTING ZONING (RS) TRIP GENERATION

Under the current RS zoning, residential land uses such as single-family and multi-family housing is allowed as well as day care facilities and religious assemblies.¹ A summary of the trip generation rates for the different allowable land uses permitted under the existing RS zoning is presented in Table 1.²

TABLE 1: TRIP GENERATION RATES FOR SELECTED ALLOWED LAND USES UNDER RS ZONING

LAND USE (ITE CODE)	UNITS	WEEKDAY TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
SINGLE-FAMILY DETACHED HOUSING (210)	DU ^a	9.44	0.74	0.99
MULTI-FAMILY HOUSING (LOW RISE) (220)	DU ^a	7.32	0.46	0.56
CHURCH (560)	KSF ^b	6.95	0.33	0.49
DAY CARE CENTER (565)	KSF ^b	47.62	11.00	11.12

^a DU = Dwelling Unit

^b KSF = 1,000 square-feet

^c Permitted uses in RS zoning are limited to in-home day care facilities (no day care centers)

The two lots are currently occupied by an approximately 7,000 square-foot church on the 905 Cottage Street parcel and a 1,900 square-foot single family house on the 925 Cottage Street parcel.

For the reasonable worst-case development under existing zoning, the existing 7,000 square-foot church building was assumed for 905 Cottage Street and an in-home daycare facility was assumed for 925 Cottage Street. Table 2 on the following page shows the reasonable worst-case trip generation for existing RS zoning. As shown, the 905 Cottage Street parcel could generate up to 49 daily trips and the 925 Cottage Street parcel could generate up to 90 daily trips.

¹ A list of permitted land uses for RS zoning can be found in the Salem Revised Code, Chapter 511.

² Trip generation estimates calculated using average rates from ITE Trip Generation Manual, 10th Edition

TABLE 2: REASONABLE WORST-CASE LAND USE AND TRIP GENERATION FOR EXISTING RS ZONING

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
905 COTTAGE STREET				
CHURCH (565)	7.0 KSF ^a	49	2	3
Total		49	2	3
925 COTTAGE STREET				
DAY CARE (565)	1.9 KSF ^a	90	21	21
Total		90	21	21

^a KSF = 1,000 square-feet

PROPOSED ZONING (RH) TRIP GENERATION

As part of the land use application, the applicant intends to request a lot line adjustment to combine both parcels. Under the proposed Multiple Family High-Rise Residential (RH) zoning, a variety of permitted land uses could be developed on the property.³ For the purposes of identifying the reasonable worst case trip generation for the proposed RH zoning, only the highest trip generation land uses are shown:

- Day care⁴
- Multi-family housing

A summary of the trip generation rates for different land uses permitted under the proposed RH zoning are presented in Table 3 on the following page.⁵

³ A list of permitted land uses for RH zoning can be found in the Salem Revised Code, Chapter 515.

⁴ Permitted uses in RH zoning are limited to in-home day care facilities (no day care centers)

⁵ Trip generation estimates calculated using average rates from ITE Trip Generation Manual, 10th Edition

TABLE 3: TRIP GENERATION RATES FOR SELECTED ALLOWED LAND USES UNDER RH ZONING

LAND USE (ITE CODE)	UNITS	WEEKDAY TRIP GENERATION RATES		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
MULTI-FAMILY RESIDENTIAL (220)	DU ^b	7.32	0.46	0.56
DAY CARE CENTER (565)	KSF ^a	47.62	11.00	11.12

^a KSF = 1,000 square-feet; ^b DU = Dwelling Unit

Based on the allowed land uses in an RH zone, the reasonable worst-case development potential is a multi-family development at 905 Cottage Street and an in-home daycare at 925 Cottage Street. Table 4 summarizes the trip generation estimates for these land uses.

TABLE 4: REASONABLE WORST-CASE LAND USE AND TRIP GENERATION FOR PROPOSED RH ZONING

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
905/925 COTTAGE STREET				
MULTIFAMILY HOUSING (LOW-RISE) (220)	17 DU ^a	124	8	10
DAY CARE (565)	1.9 KSF ^a	90	21	21
Total Existing Trips (RS zoning, both parcels)		139	23	24
Net Increase (Proposed – Existing)		75	6	7

^a DU = Dwelling Unit

^b KSF = 1,000 square-feet;

As shown, full buildout of the properties under the proposed RH zoning could generate up to 75 net new daily trips at the 905 and 925 Cottage Street properties. These values represent the reasonable worst-case trip generation produced by land uses allowed under the proposed RH zoning.

TRANSPORTATION PLANNING RULE FINDINGS

After evaluating the reasonable worst-case development potential of both the existing (RS) and proposed (RH) zoning, the proposed zone change could result in a maximum net increase of 75 trips per day. The expected net increase in daily trips is less than 400, which is a reasonable estimate of the threshold for a “significant effect”. As such, the proposed zone change is not expected to have a significant effect on the surrounding transportation system and the Transportation Planning Rule requirements satisfied.

PROPOSED DEVELOPMENT TRIP GENERATION

The applicant is planning to renovate the existing buildings to include 15 apartment units at the 905 Cottage Street property and four apartment units at the 925 Cottage Street property. The combined properties will result in a total of 19 apartment units. The property is not large enough to accommodate 20 apartment units and the increased amount of open space that is required for developments with 20 or more units.⁶ Table 5 shows the estimated trip generation for the planned development. As shown, neither the peak hour nor daily trip generation for the proposed development exceeds the reasonable worst-case potential under the existing or proposed zoning.

TABLE 5: PLANNED DEVELOPMENT TRIP GENERATION

LAND USE (ITE CODE)	SIZE	WEEKDAY TRIP GENERATION		
		DAILY	AM PEAK HOUR	PM PEAK HOUR
905/925 COTTAGE STREET				
MULTIFAMILY HOUSING (LOW-RISE) (220)	19 DU ^a	139	9	11

^a DU = Dwelling Unit

SUMMARY AND RECOMMENDATION

The applicant is requesting a zone change on one 0.30 acre parcel (currently two 0.15 acre parcels) in Salem, Oregon located at 905 and 925 Cottage Street. The proposed change in zoning from Single Family Residential (RS) to Multiple Family High-Rise Residential (RH) would result in an

⁶ City of Salem Unified Development Code, Chapter 702, table 702-3.

estimated reasonable worst-case daily trip increase of 75 trips on the 905 and 925 Cottage Street property.

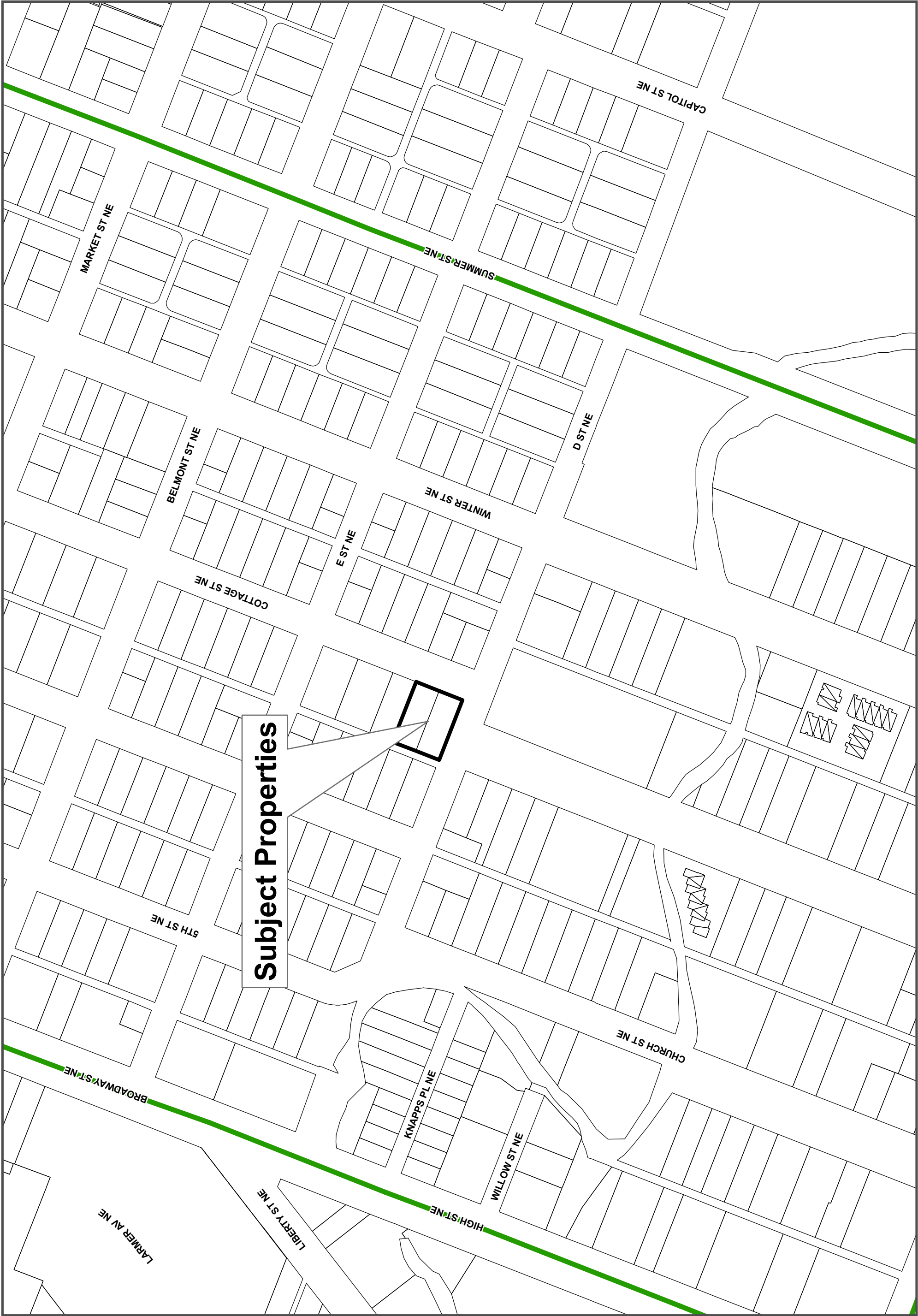
The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a daily increase of less than 400 trips at each property. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed zone change will not significantly impact and would cause “no further degradation” to the City of Salem transportation system. The number of additional daily and peak hour trips due to the proposed zone change is not anticipated to significantly impact transportation facilities near the project site and therefore, complies with TPR requirements.

Please let me know if you have any questions or comments.




Cherriots Core Network





MEMO

TO: Olivia Dias, Planner III
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer 
Public Works Department

DATE: September 1, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-NPC-ZC20-03 (20-108811-ZO)
905-925 COTTAGE STREET NE
CHANGE OF USE AND PARKING LOT IMPROVEMENTS**

PROPOSAL

A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone change of an approximately 0.30-acre land area from Single Family Residential with RS (Single Family Residential) zoning to Multiple Family with RH (Residential High-Rise) zoning. The application includes a Class 3 Site Plan Review and Class 1 Design Review to develop a 19-unit multi-family complex and five Class 2 Adjustments. The subject site is an approximately 0.30 acres in size, zoned RS (Single Family Residential), and located at 905 and 925 Cottage Street NE (Marion County Assessor map and tax lot number: 073W23CB / 14301 and 073W23CB/ 14300).

RECOMMENDED CONDITIONS OF APPROVAL

1. The existing driveway approaches along D Street NE shall be closed and the curb, landscape strip, and sidewalk replaced in accordance with PWDS.
2. Provide street trees to the maximum extent feasible along the frontage of D Street NE.

FACTS

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060).

The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Streets

1. Cottage Street NE

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

2. D Street NE

- a. Standard—This street is designated as a Collector street in the Salem TSP. This street is authorized as an alternative street standard pursuant to SRC 803.065(a)(2) because it was developed to standards in place at the time of original construction.
- b. Existing Conditions—This street has an approximate 30-foot improvement within a 56.5-foot-wide right-of-way abutting the subject property.

3. Alley

- a. Standard— The standard for an Alley classification is right-of-way measuring 10 to 20 feet, with improvements detailed in PWDS Nos. 304 and 305.
- b. Existing Conditions—The Alley abutting the subject property is paved and has a right-of-way measuring approximately 16 feet.

Storm Drainage

1. Existing Conditions

- a. A 10-inch storm main is located in in the alley abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.

- b. A 10-inch water main is located in Cottage Street NE.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in the alley abutting the subject property.

CRITERIA AND FINDINGS

SITE PLAN REVIEW

Criteria: SRC 220.005(f)(3)(A) The application meets all applicable standards of the UDC (*Unified Development Code*)

Finding: The proposed development meets all applicable standards of the following chapters of the UDC: 601 – Floodplain; 802 – Public Improvements; 803 – Streets and Right-of-Way Improvements; 804 – Driveway Approaches; 805 – Vision Clearance; 809 – Wetlands; and 810 - Landslides.

Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.

According to the Salem-Keizer Local Wetland Inventory (LWI) the subject property does not contain any wetland areas.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are no mapped landslide hazard areas on the subject property.

Criteria: SRC 220.005(f)(3)(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding: Cottage Street NE meets or exceeds the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required along this frontage as a condition of the proposed development.

D Street NE is authorized as an alternative street standard pursuant to SRC 803.065(a)(2) because it was developed to standards in place at the time of original construction. No additional right-of-way or street improvements are required.

However, the street is lacking adequate street trees along the frontage of the development. Pursuant to SRC 86.015(e), street trees shall be provided to the maximum extent feasible along the D Street NE frontage.

Criteria: SRC 220.005(f)(3)(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding: There are two existing driveway approaches along the frontage of D Street NE abutting the subject property. Pursuant to SRC 804.060(a)(5), the driveway approaches shall be closed. The curb, landscape strip, and sidewalk shall be reconstructed in accordance with PWDS. Access to the development shall come from the alley abutting the subject property. The access to the alley provides for safe turning movements into and out of the property.

Criteria: SRC 220.005(f)(3)(D) The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding: The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets / areas and are adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director.

ZONE CHANGE

Criteria: SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The Assistant City Traffic Engineer has reviewed the TPR analysis and finds the applicant's Traffic Engineer has adequately demonstrated the proposed CPC/ZC will not have a significant effect on the transportation system and is consistent with the Transportation Planning Rule.

There are two existing driveway approaches along the frontage of D Street NE abutting the subject property. Pursuant to SRC 804.060(a)(5), the driveway approaches shall be closed. The curb, landscape strip, and sidewalk shall be reconstructed in accordance with PWDS.

Criteria: SRC 265.005(e)(1)(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.

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and are adequate to serve the existing and proposed development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Jennifer Scott, Program Manager
cc: File

