



## Staff Report

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**File #:** 20-444

**Version:** 1

**Date:** 11/23/2020

**Item #:** 4. b.

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**TO:** Mayor and City Council

**THROUGH:** Steve Powers, City Manager

**FROM:** Norman Wright, Community Development Director

### **SUBJECT:**

Appeal of the Planning Commission's decision approving Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments to develop a 19-unit multi-family complex for properties located at 905 and 925 Cottage Street NE.

Ward(s): Ward 1

Councilor(s): Vacant

Neighborhood(s): Grant Neighborhood Association

Result Area(s): Welcoming and Livable Community

### **ISSUE:**

Shall the City Council affirm, amend, or reverse the Planning Commission's decision for Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03?

### **RECOMMENDATION:**

Staff recommends that the City Council affirm the Planning Commission's decision for Comprehensive Plan Map Designation, Neighborhood Plan Change, Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03.

### **SUMMARY:**

On October 12, 2020, the Planning Commission issued a decision approving a request by DevNW, Inc to change the Comprehensive Plan, Neighborhood Plan and Zoning to Multiple Family High-Rise Residential and approved a Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments to develop a 19-unit multi-family complex, subject to conditions of approval.

The subject properties are approximately 0.30 acres, located at 905 and 925 Cottage Street NE, and have frontage on Cottage Street NE on the east, and D Street NE on the south (**Attachment 1**).

The Grant Neighborhood Association filed an appeal on October 26, 2020 (**Attachment 2**).

## **FACTS AND FINDINGS:**

### Procedural Findings

1. On December 3, 2019, an application was filed for a Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change to change two lots totaling approximately 0.30-acre subject properties from “Single Family Residential” to “Commercial Office” and to change the zoning from RS (Single Family Residential) to CO (Commercial Office).
2. On July 24, 2020, the applicant amended their request to change the Comprehensive Plan Map and Neighborhood Plan designation of the subject property from “Single Family Residential” to “Multiple Family” and to change the zoning of that portion from RS (Single Family Residential) to RH (Multiple Family High-Rise Residential) and added a Class 3 Site Plan Review, Class 2 Adjustment and Class 1 Design Review to develop a 19-unit multi-family development.
3. On October 12, 2020, after conducting a public hearing, the Planning Commission issued a decision approving the applications with conditions.
4. On October 26, 2020, the Grant Neighborhood Association filed an appeal. A hearing was scheduled before the City Council on November 23, 2020.
5. On November 2, 2020, notice of the hearing was sent to the Grant Neighborhood Association and surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on November 11, 2020.
6. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. Pursuant to ORS 227.178(10), the additional applications have been filed concurrently, are being considered jointly with the proposed comprehensive plan amendment and are not subject to the 120-day rule.

### Substantive Findings

1. 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 RH (Multiple Family High-Rise Residential) zoning. The application includes a Class 3 Site Plan Review, Class 1



Design Review to develop a 19-unit multi-family complex and Class 2 Adjustments to:

- Setback adjustment from 12-feet abutting a street (including special setback) to 4.25-feet for ADA landing (SRC 515.010(b)).
- Reduce the common open space dimension standard reduced from 25-feet on all sides to 20-feet. (SRC 702.020(a)(1)(A))
- 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))
- 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 applicant's original request included an additional zoning adjustment to reduce the overall common open space on the site. However, at the Planning Commission public hearing, the applicant presented a revised site plan that removed one parking space and added additional open space, eliminating the need for the zoning adjustment. The Planning Commission approved the revised site plan.

## 2. Planning Commission's Decision

The Planning Commission approved the application with the following conditions (**Attachment 3**):

**Condition 1:** The subject properties shall be limited to 19 units.

**Condition 2:** The maximum lot coverage allowance for all uses shall not exceed 50 percent.

**Condition 3:** The maximum building height allowance for all uses shall be 50 feet.

**Condition 4:** Outdoor Storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

**Condition 5:** The applicant shall be required to demonstrate that mitigation for the adverse effect to the resources at 905 and 925 Cottage Street NE has been agreed to through submittal of the Memorandum of Agreement (MOA) signed by the State Historic Preservation Office (SHPO) prior to building permit issuance for the project.

**Condition 6:** Prior to issuance to building permits the applicant shall complete property line adjustment to consolidate 073W23CB / 14301 and 073W23CB/ 14300.

**Condition 7:** Pedestrian pathways as depicted on the site plan shall be provided connecting the two buildings and vehicle use area.

**Condition 8:** All pedestrian paths and connections shall be a minimum of 5-feet in width, shall

be visually differentiated from driveways, parking areas, parking lot drive aisles, and loading areas by elevation changes, physical separation, speed bumps, or a different paving material. Wheel stop or extended curbs shall be provided along pedestrian connections to prevent encroachment.

**Condition 9:** The existing driveway approaches along D Street NE shall be closed and the curb, landscape strip and sidewalk replaced in accordance with Public Works Development Standards.

### 3. Grant Neighborhood Association Appeal

The Neighborhood Association's appeal application and supporting documentation are included as **Attachment 2**. The appeal raises the following issues:

Equally or Better Suited Designation:

*The Planning Commission did not adequately demonstrate how the specific properties are equally or better suited as Multiple Family High-Rise Residential (RH) zone. The Planning Commission relies on characteristics that are not unique to the properties themselves.*

**Staff Response:** The Planning Commission's decision includes five conditions which align the proposal with the Multi-Family Residential II (RM-II) zone, which was suggested by the Neighborhood Association. The applicant has proposed 19 single bedroom or studio apartments, which exceeds the density of the RM-II zone. The only other multi-family zoning designation which allows a greater density is Multiple Family High-Rise Residential (RH). The name of the zoning district reflects some of the differences between the two zones.

The RH zone has a greater height limitation, no maximum density, increased lot coverage standards and less restrictions on outdoor storage. The Planning Commission decision includes four conditions to reflect the RM-II standard. The conditions limit the height to the same height as the RM-II zone (50-feet) and imposed a maximum of 19 units on the property, instead of allowing an unlimited density.

The Planning Commission received testimony that the RM-II zone would be better suited to the property and that the unlimited density, and specifically, that the proposed nineteen units, was too high of a density for the property.

The applicant's proposal is for nineteen one-bedroom or studio units. The subject properties, under the RM-II zone, would be allowed a maximum of nine dwelling units. However, the RM-II zone does not have limitations or standards regarding the number of bedrooms within a dwelling unit. The majority of the multi-family projects developed within the City of Salem have two and three bedroom dwelling units. Therefore, a typical multifamily nine-unit development would include between 18 to 27 bedrooms on the subject properties, greatly exceeding the number of rooms and residents on the property then the proposal. The Planning Commission considered this in their decision when weighing the impact of the proposal.

The physical characteristics of the property, including its relationship to a collector street, its

location within an area providing a wide range of housing types, proximity to the Cherriots Core Network, downtown amenities and that the properties are partially developed as a non-residential use make it appropriate for a multifamily zone, and as conditioned the proposed RH zone.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land" while conversely finding that the City has a surplus of available single family residential lands. The proposed change in designation would allow for a redevelopment that will allow multi-family development which will help to meet the changing needs of the Salem urban area.

The Planning Commission found that multifamily lands are needed within the City and generally the Multi-Family designation and RM-II zone is an equally or better suited designation and zone. The applicant's proposal for nineteen, one-bedroom/studio dwelling units would not be within the density thresholds of the RM-II zone and can be provided with the RH zone. The Planning Commission found with conditions of approval that limit the density to 19 units, as proposed, that the proposal is equal to the number of bedrooms allowed in the RM-II zone and therefore an equally suited designation and zone.

Additional findings regarding 'equally or better suited designation' are addressed on Pages 13 - 14 of the Planning Commission's decision (**Attachment 3**).

Inadequacy of an Open House to Satisfy Statewide Planning Goal 1:

*The applicant failed to hold the required open house. The applicant's May 4, 2020 open house does not apply to this consolidated application and was only for a minor comprehensive plan amendment and zone change.*

**Staff Response:** The applicant conducted an Open House on May 4, 2020 and submitted an application on May 22, 2020, which meets the 90-day requirement. The intent of the Open House is to provide feedback to the applicant from the neighborhood association and surrounding property owners/tenants on the proposal. The Open House provided the applicant with information and concerns, which appears to have been taken into consideration and resulted in an alteration of the proposal from Commercial with Commercial Office (CO) Zone to Multi-Family and Residential High-Rise Zone (RH) zone.

Staff did identify additional applications needed for the proposal to move forward, which commonly happens as we review an application for completeness. The Open House presented by the applicant did include the site plans, elevations and additional information which is reviewed by the Site Plan Review, Adjustments and Design Review applications.

The additional application types that Staff identified, do not require an Open House. All of the work and plans associated with the entire application was presented at the Open House.

Statewide Planning Goal 5:

*The Planning Commission decision represents an adverse effect to properties eligible for listing on the National Register of Historic Places. The condition of approval is insufficient to protect the properties since the applicant is only required to engage with Oregon State Historic*

Preservation Office (SHPO).

**Staff Response:** The funding for the proposed project includes federal funds that are passed through the City of Salem to the applicant. These federal funds trigger a review under the National Historic Preservation Act. Funds for this project are from the federal Housing and Urban Development Department (HUD). As required by HUD, prior to distribution of these federal funds, the City of Salem is responsible for demonstrating compliance. The review must determine if the structures are eligible for listing on the National Register of Historic Places, and if so, if the proposed project will constitute an adverse effect to these historic resources. If the Oregon State Historic Preservation Office (SHPO) determines the resource is eligible and the project will have an adverse effect, these adverse effects must be resolved according to the National Historic Preservation Act. If an adverse effect cannot be avoided, appropriate mitigation must then be imposed. These determinations are made by SHPO, though the City's Historic Landmarks Commission will be asked to weigh in on proposed mitigation, if necessary.

SHPO concludes that the Evergreen Church and Parsonage located at 905 and 925 Cottage Street NE are currently eligible for listing on the National Register of Historic Places and are therefore potential significant historic resources under Oregon's Statewide Planning Goal 5 within the City of Salem. The SHPO further concludes that the proposed rehabilitation project with conversion of the church to housing will constitute an adverse effect to these historic resources and mitigation is required by the Oregon SHPO under the National Historic Preservation Act. With the adverse impact determination made by SHPO, the City's Historic Landmarks Commission will weigh in on proposed mitigation.

The Planning Commission included Condition 5 (**Attachment 3**) to address this adverse effect and meet the requirements under Goal 5 for the protection of historic resources,

The appellant discusses that the applicant can choose not to use federal funds for portions of the project and not have to address the adverse impact determined by SHPO. Any federal funds used on the site will require compliance with the National Historic Preservation Act, regardless if the applicant uses private money for the development of the structures.

Additional Goal 5 findings are addressed on Pages 19-20 of the Planning Commission's decision (**Attachment 3**).

The amendment is in the public interest and would be of general benefit:

*The Planning Commission erred in findings related to the general benefit of the application. There is no indication that the Planning Commission has seriously weighed the costs of their decision, instead relying upon the need for housing to justify the request. The 'draft Vision for Our Salem' does not include the subject properties as multi-family.*

**Staff Response:** The proposal would increase the density within the City of Salem and may serve a vulnerable population. The change to Multifamily Residential is in the public interest and would be of general benefit because it would increase the number of housing units that can be provided on the subject property, consistent with the capacity of infrastructure, including transportation, serving future development. The Our Salem draft vision include goals

about creating complete neighborhoods, which includes convenient access to jobs, services and amenities of residents. The proposed multifamily project is in a location that would provide close proximity to all of those amenities. In addition, the Our Salem Vision is currently a draft and could be changed and the applicant had applied for the proposed change prior to the Vision being presented. The draft vision seeks to increase the amount of land available for multifamily housing given the projected deficit of 207 gross acres of multifamily land, and the proposed project would provide more multifamily housing.

Grant Neighborhood Plan:

*The Planning Commission's decision is in error when justifying the project under the Grant Neighborhood Plan, when the neighborhood plan would specifically call for denial of zone changes that would be more intensive than single family. The Planning Commission cannot say the plan supports the zone change and then the plan is invalid under State and City Codes.*

**Staff Response:** The Grant Neighborhood Plan is a component of the Salem Area Comprehensive Plan. Statewide land use planning goals are the final standard to be used in interpreting the comprehensive plan, and the comprehensive plan shall be interpreted in a manner that is consistent with the statewide land use planning goals.

SRC 64.010, Rules of Construction states how the various components of the Comprehensive Plan work together and which sections take precedence. Specifically, SRC 64.010(a) states: "the comprehensive policies plan takes precedence over any other component of the comprehensive plan." The Comprehensive Plan has several policies related to siting multi-family development which are addressed in the Planning Commission's decision on pages 20-22.

In addition, the City's Housing Needs Analysis (HNA), which identifies a surplus of approximately 1,975 acres for single family residential development and a deficit of 207 acres available for multifamily residential development, has been accepted by the City Council with a work plan listing the conversion of single family to multi-family as needed to meet the projected multi-family land deficit. The HNA will be adopted into the Comprehensive Plan once the projected deficit is met. The City has an obligation to provide multi-family land to meet the projected deficit under Statewide Planning Goal 10.

Interpreting the Grant Neighborhood Plan's policies as having more weight than the state wide planning goals would conflict with SRC 64.010(f) which states: "statewide land use planning goals are the final standard to be used in interpreting the comprehensive plan, and the comprehensive plan shall be interpreted in a manner that is consistent with the statewide land use planning goals." While a neighborhood plan is an important document to help shape a neighborhood's development, it cannot supersede the goals and policies of the Comprehensive Plan or of the Statewide Planning Goals.

The Grant Neighborhood Plan is addressed on pages 23-25 of the Planning Commission's decision (**Attachment 3**).

4. Other Comments Received from Grant Neighborhood Association and the Public

The Planning Commission addressed five comments from citizens and comments from the Grant Neighborhood Association submitted in opposition and four comment from citizens and comments from Central Area Neighborhood Development Organization (CANDO) which were submitted in support. Comments raised issues related to incompatibility of the zone change in the Grant neighborhood, increased density, potential office space and lack of open space. These comments and Planning Commission responses are included in the Planning Commission's decision (**Attachment 3**).

**ALTERNATIVES:**

The City Council may affirm, modify, or reverse the decision of the Planning Commission for Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change, Class 3 Site Plan Review, Class 1 Design Review and Class 2 Adjustments Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03.

- I. **AFFIRM** the decision;
- II. **MODIFY** the decision; or
- III. **REVERSE** the decision.

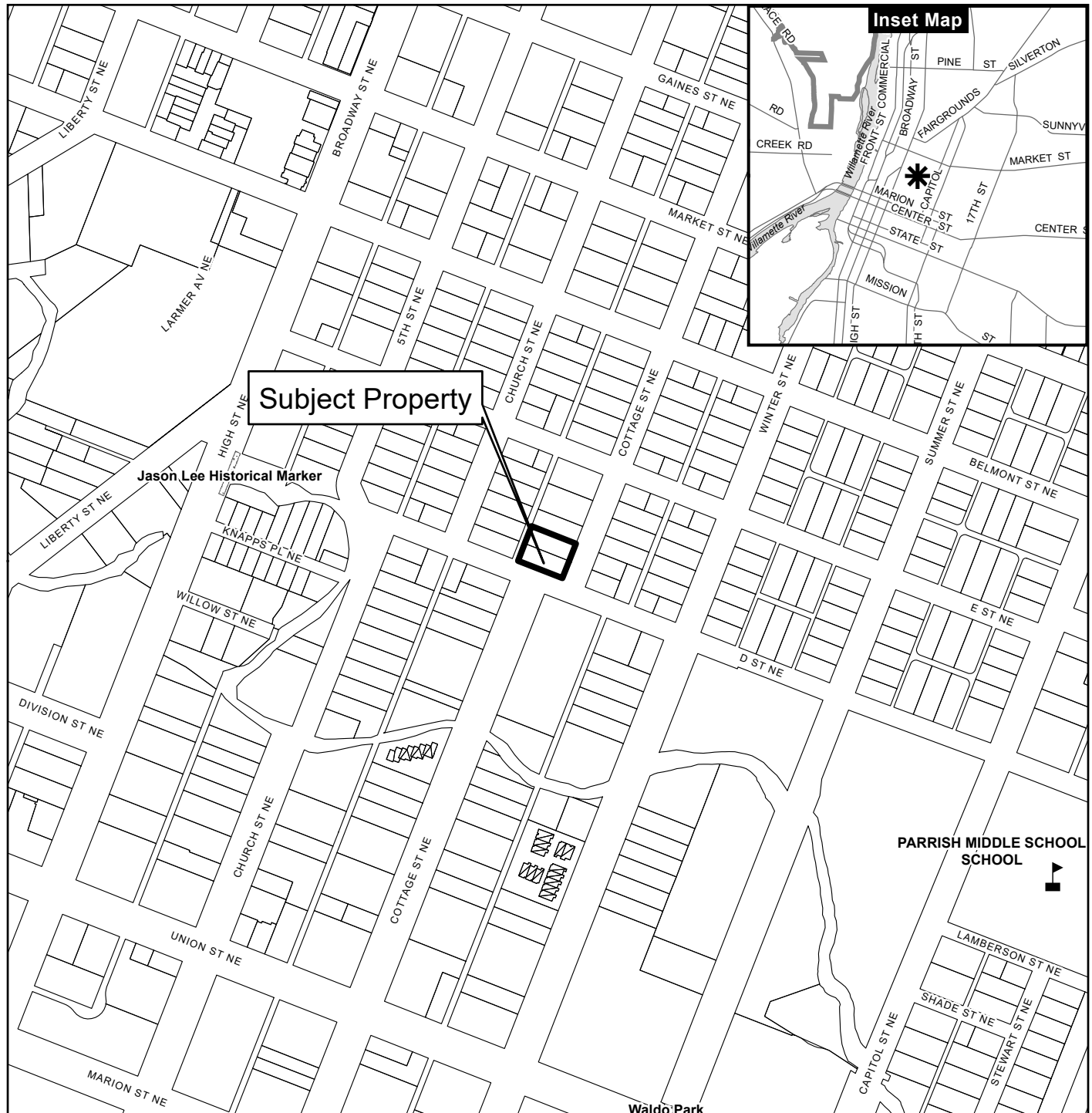
Olivia Dias  
Current Planning Manager

Attachments:

- 1. Vicinity Map and Site Plan
- 2. Grant Neighborhood Association Appeal
- 3. Planning Commission's Decision for Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03
- 4. Public Comments submitted after October 29, 2020

# 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



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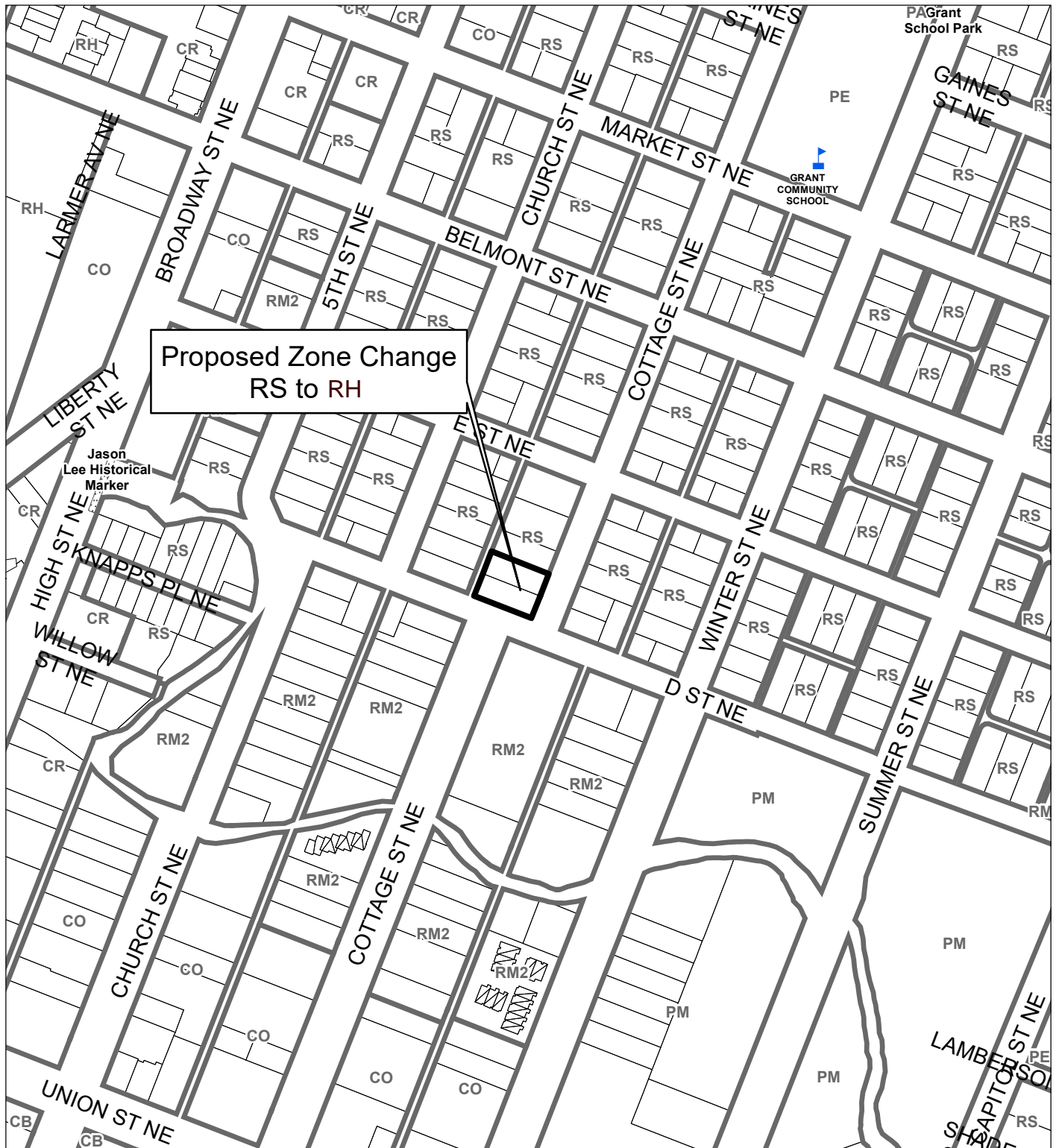
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CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.



# Vicinity Zoning - 925 Cottage Street NE



## Legend

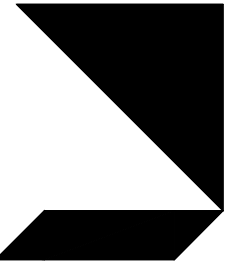
- |           |                           |  |         |
|-----------|---------------------------|--|---------|
| <b>RS</b> | Base Zoning               |  | Taxlots |
|           | Urban Growth Boundary     |  | Parks   |
|           | Outside Salem City Limits |  | Schools |

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0 50 100 200 Feet



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

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 AISLE
- 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 ELEV
- 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

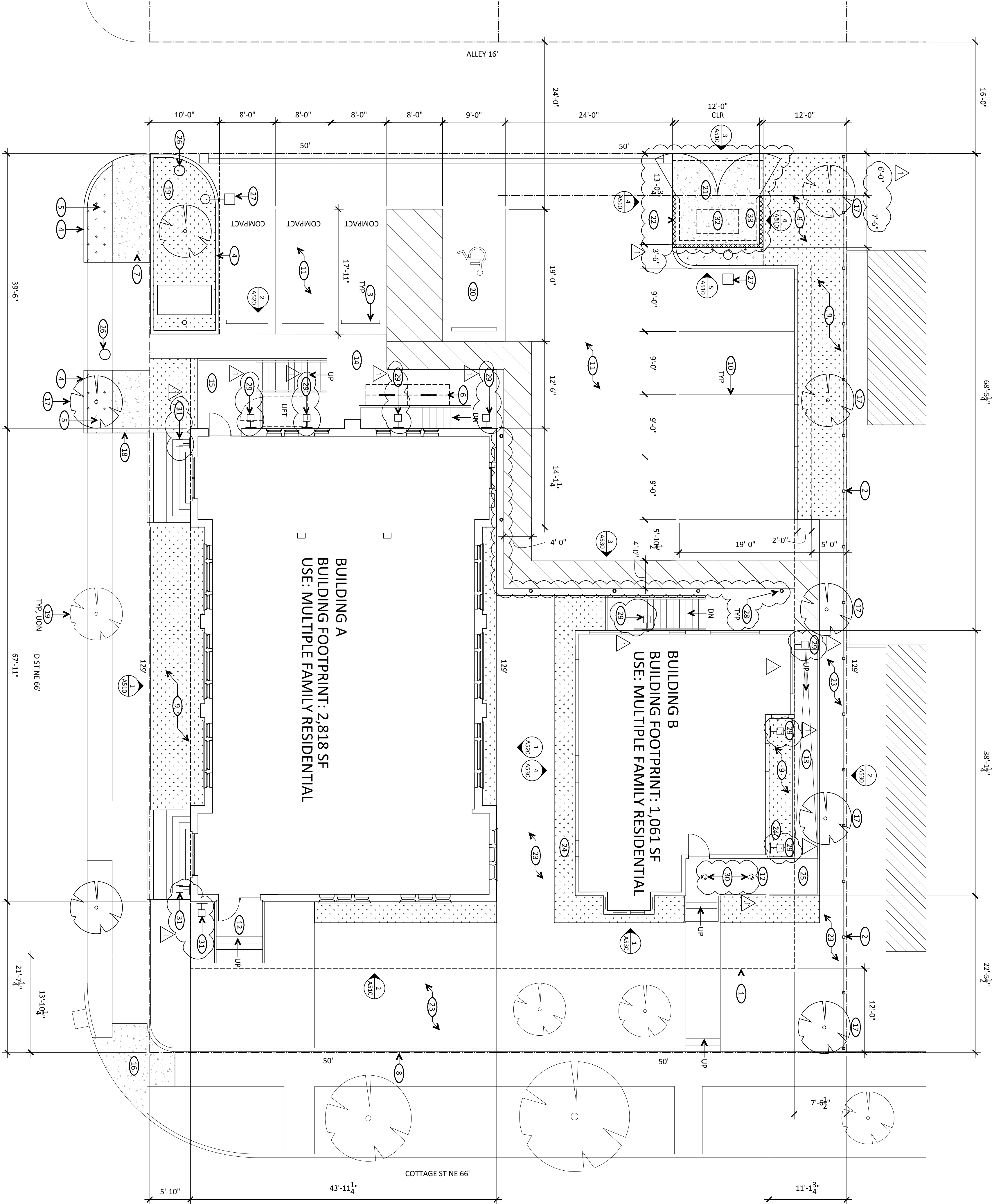
(N) WALL-MOUNT LIGHT FIXTURE, SEE ALSO EXTERIOR ELEVATIONS
- 30

(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 CIR 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

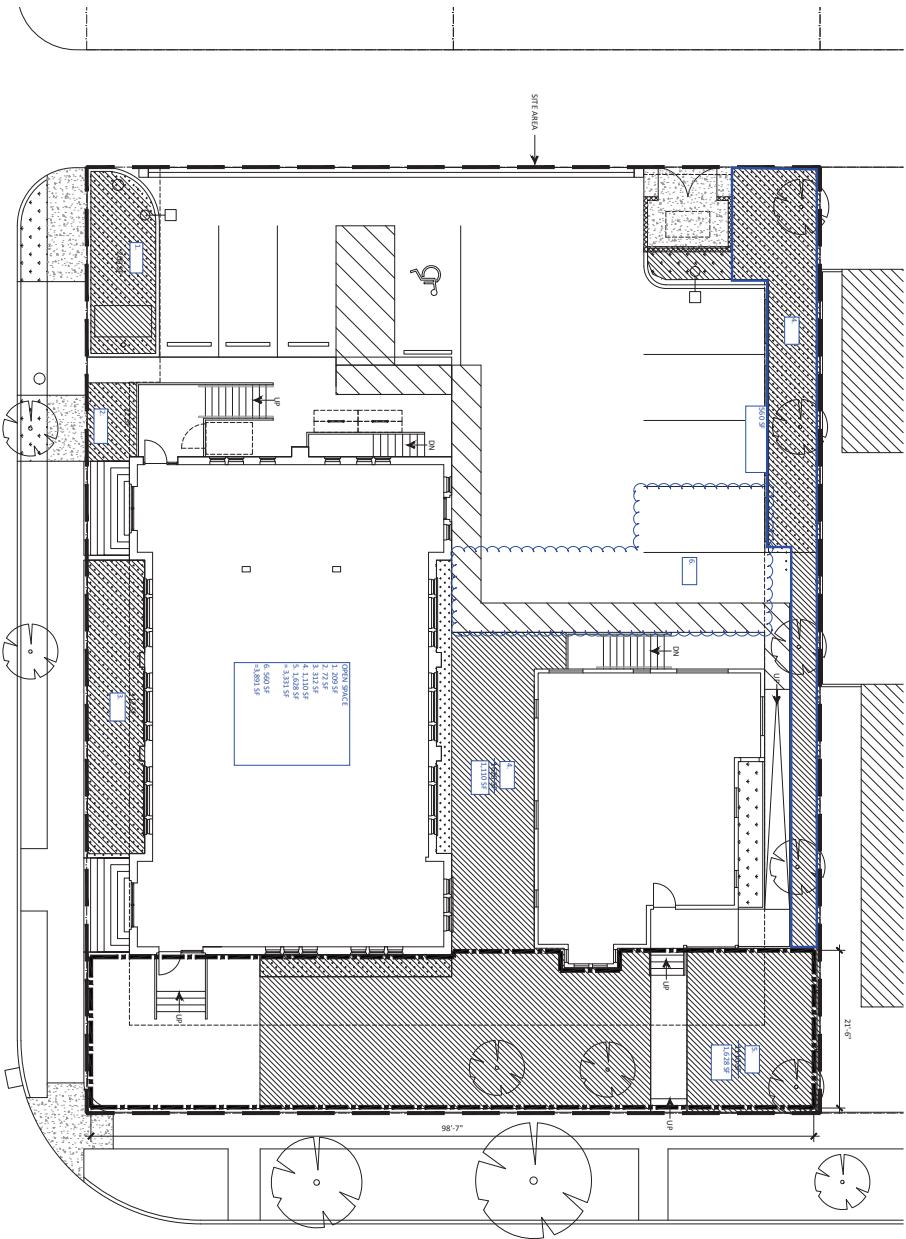
JOB NO: 20222  
ISSUE DATE: 24 JULY 2020

SITE PLAN

LAND USE REVIEW

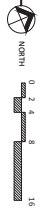
03 AUG 2020

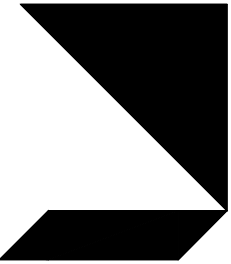
REVISIONS



# 1 PROPOSED OPEN SPACE PLAN

TOTAL SITE AREA: 12,800 SF  
VEGETATED OPEN SPACE: 3,331 SF  
COMMON OPEN SPACE: 1-770 SF, 1,240 SF  
GRASSY OPEN SPACE: 1,240 SF  
PLOT OF 30% SHALL BE DEDICATED TO 15% OF SITE AREA  
REQUIREMENT OF 30% MAY BE REDUCED TO 15% OF SITE AREA  
% SITE DEDICATED TO OPEN SPACE (1-15%): 25.8%  
NOTE: ENTIRE SITE IS WITHIN 500 YEAR FLOODPLAIN  
MODERATE FLOOD RISK AREA





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PROPOSED LANDSCAPE PLAN KEYNOTES

- 1 LAWN W/ AUTOMATIC IRRIGATION SYSTEM
- 2 (E) TREE TO REMAIN
- 3 GROUND COVER & LOW SHRUB PLANTING AREA W/ AUTOMATIC IRRIGATION SYSTEM/ MIN DENSITY OF 1 SHRUB PER 15 LINEAR FT OF EXTERIOR BUILDING WALL
- 4 (N) TREE, NATIVE SPECIES (MIN 2" IN CALIPER)
- 5 (N) FENCE, SEE PROPOSED SITE PLAN
- 6 PAVED PARKING AREA
- 7 PAVED WALKWAY
- 8 DECORATIVE SHRUB AT DWELLING UNIT ENTRY

REVISIONS

03 AUG 2020

LAND USE REVIEW

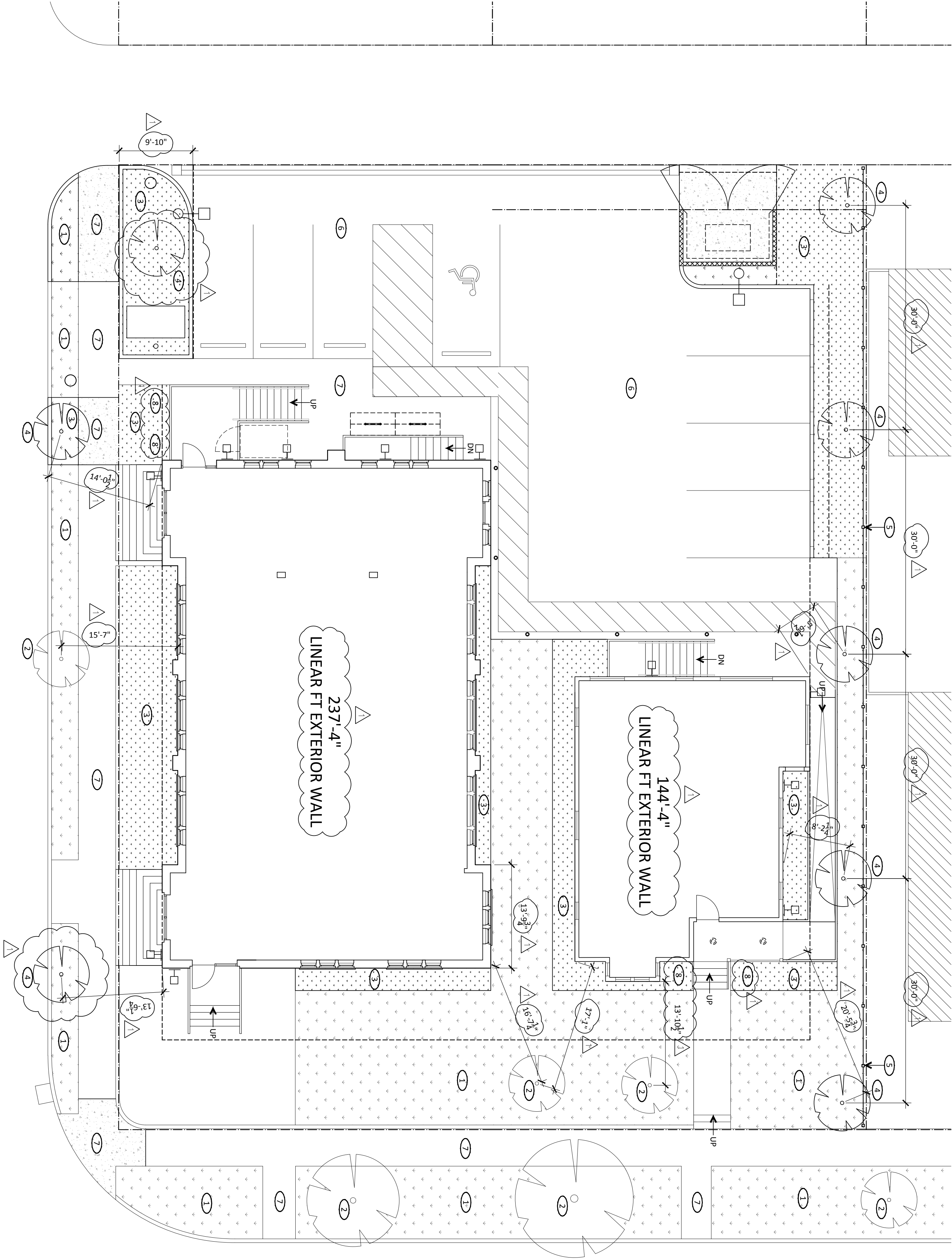
DEVNW  
905 AND 925 COTTAGE ST NE SALEM, OR 97301  
BUILDING RENOVATION

JOB NO. 20222  
ISSUE DATE: 24 JULY 2020

PROPOSED  
LANDSCAPE PLAN

A320

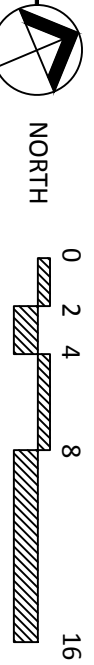
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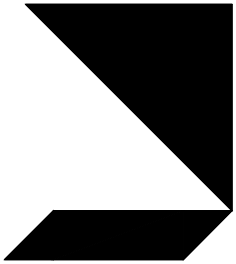


1 PROPOSED LANDSCAPE PLAN  
1/8" = 1'-0"

702.020(b) LANDSCAPING STANDARDS  
TOTAL SITE AREA : 12,900 SF

- (1) REQUIRED: 12,900 / 2,000 = 6.45 TREES ON SITE.  
PROVIDED ON SITE: 2 PRESERVED, 5 NEW
- (2) (A) REQUIRED: ONE TREE FOR EVERY 30'-0" LINEAR FEET OF ABUTTING PROPERTY (RS) ZONE. (E) 129 WIDTH PROVIDED: 5 TREES  
(B) REQUIRED: DECORATIVE FENCE ABUTTING (RS) ZONE PROVIDED: 8'-0" HIGH WOOD FENCE, SEE ALSO SITE PLAN
- (3) DECORATIVE PLANTINGS PROVIDED AT COMMON DWELLING UNIT ENTRIES
- (4) REQUIRED: 237'-4" / 60 = 4 X 10 = 40 PLANT UNITS  
PROVIDED: 4 TREES 40 PLANT UNITS & 5 TREES 50 PLANT UNITS, RESPECTIVELY, W/IN 25'-0" OF BUILDING PERIMETER
- (5) SHRUBS PROVIDED AROUND BUILDING PERIMETER IN DESIGNATED PARKING AREAS, 1 PLANT UNIT PER 15 FT OF EXTERIOR BUILDING WALL
- (6) NO GROUND LEVEL PRIVATE OPEN SPACE PROVIDED
- (7) (A) CANOPY TREES PROVIDED ALONG EVERY 50 FEET OF PERIMETER OF PARKING AREAS AND AT PLANTER BAYS  
(B) LANDSCAPE PLANTER BAY PROVIDED, MIN. 9 FEET IN WIDTH
- (8) MULTIPLE FAMILY DEVELOPMENT EXEMPT FROM LANDSCAPING REQUIREMENTS IN SRC CHAPTER 806





860 West Park Street / Ste 300  
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REVISIONS

03 AUG 2020

LAND USE APP - DESIGN REVIEW - CLASS 1

DEVNW

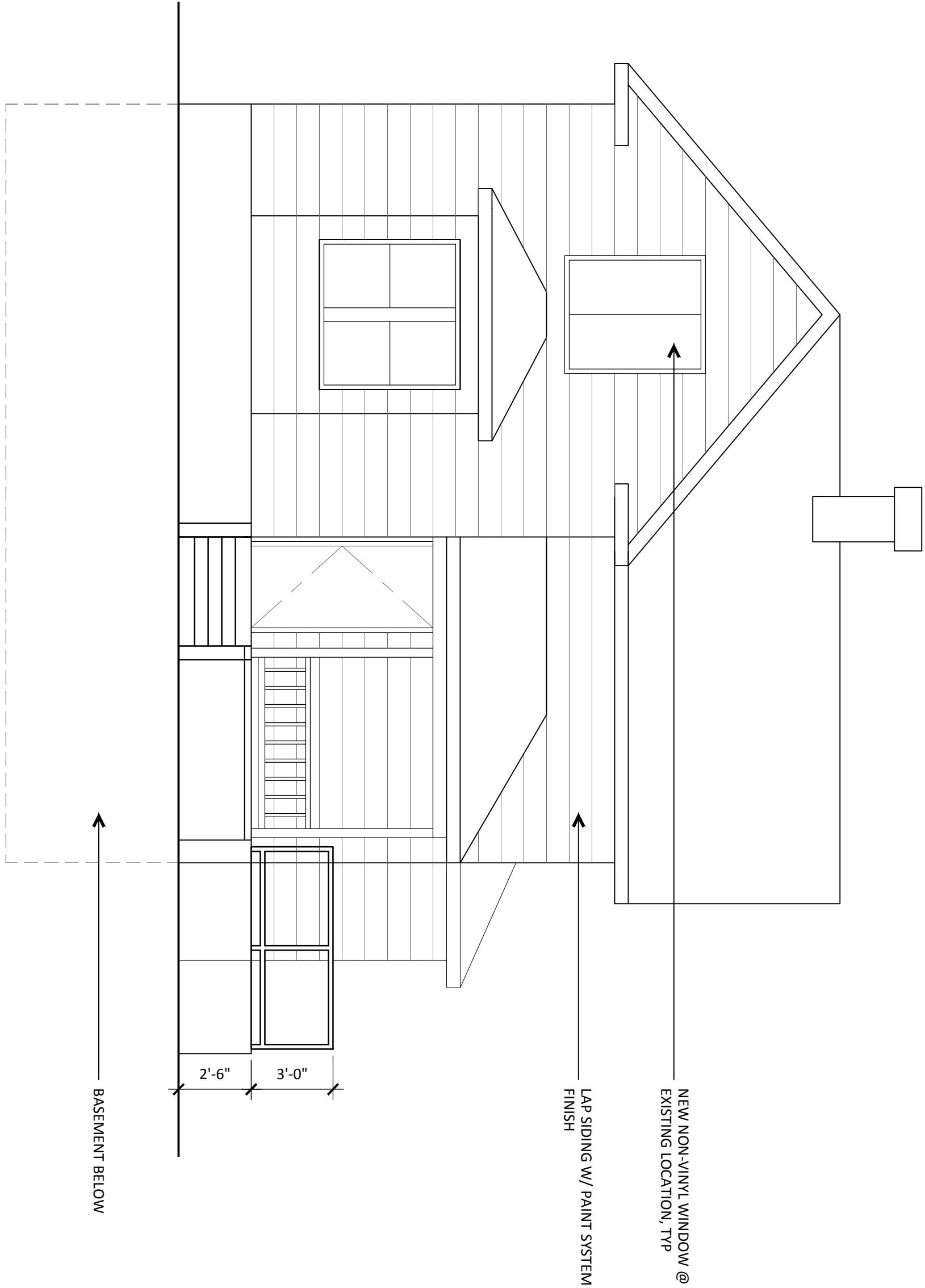
905 AND 925 COTTAGE ST NE SALEM, OR 97301  
BUILDING RENOVATION

JOB NO. 20222  
ISSUE DATE: 24 JULY 2020

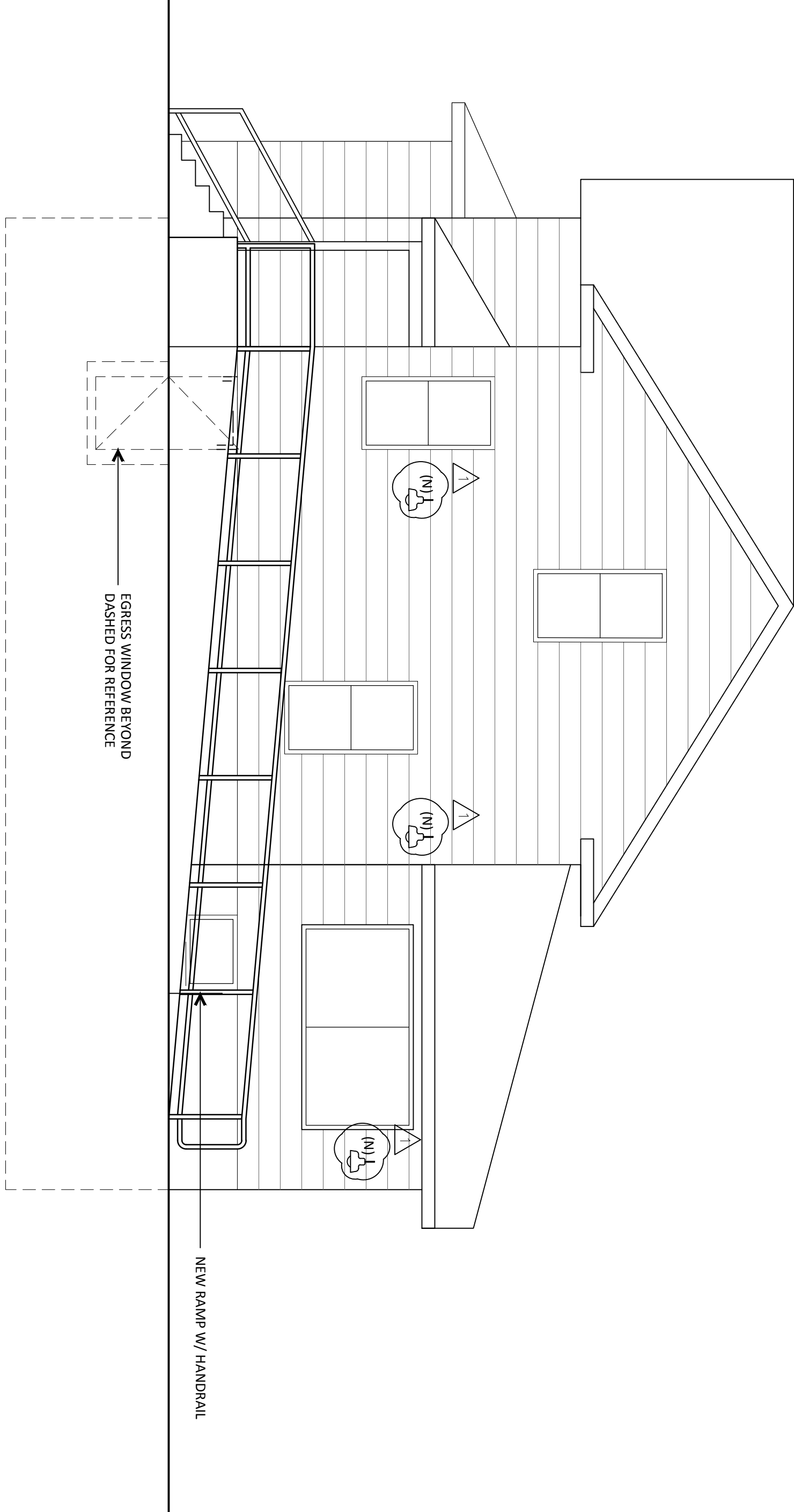
BUILDING "B"  
EXTERIOR  
ELEVATIONS

A610

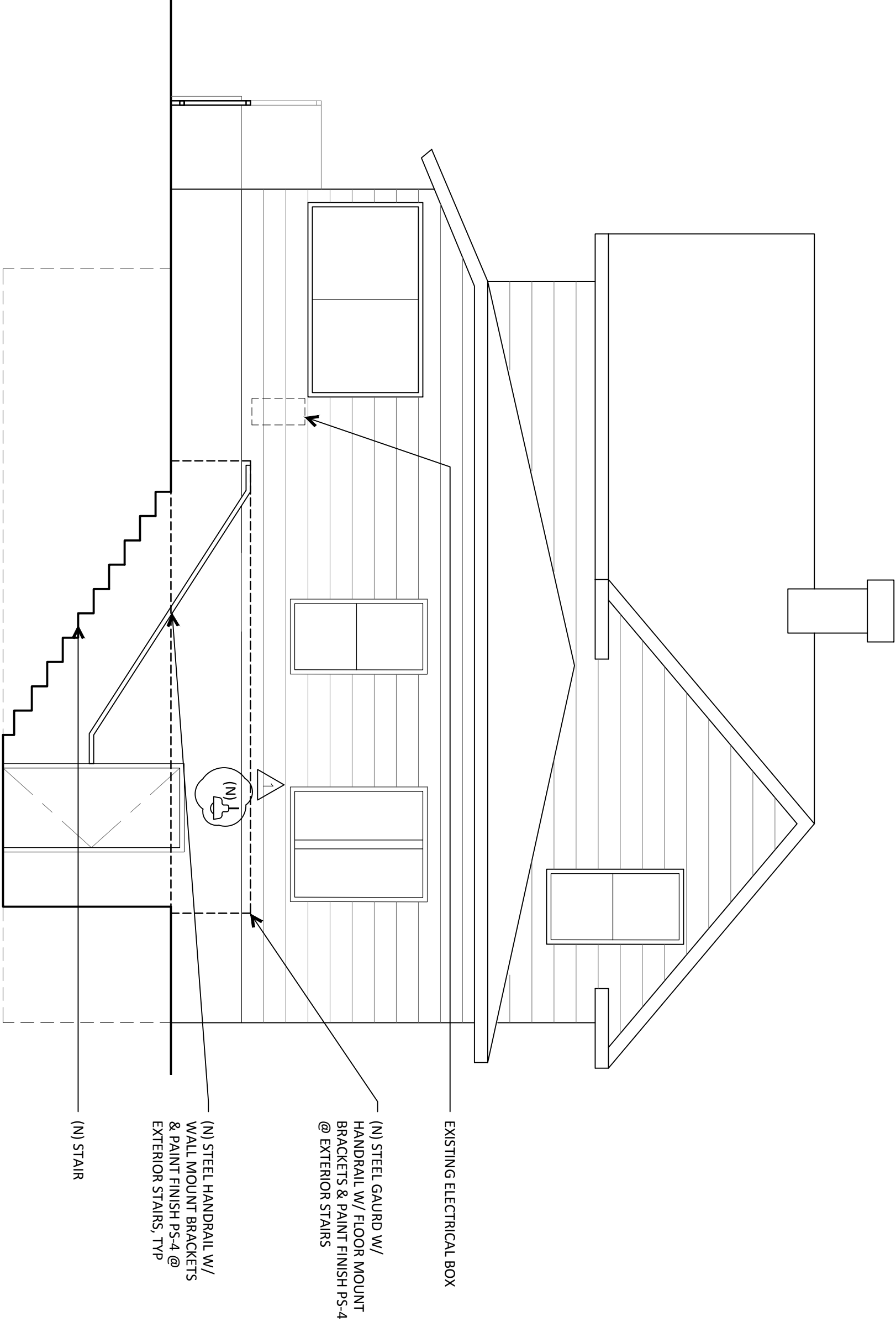
COPYRIGHT GMA ARCHITECTS



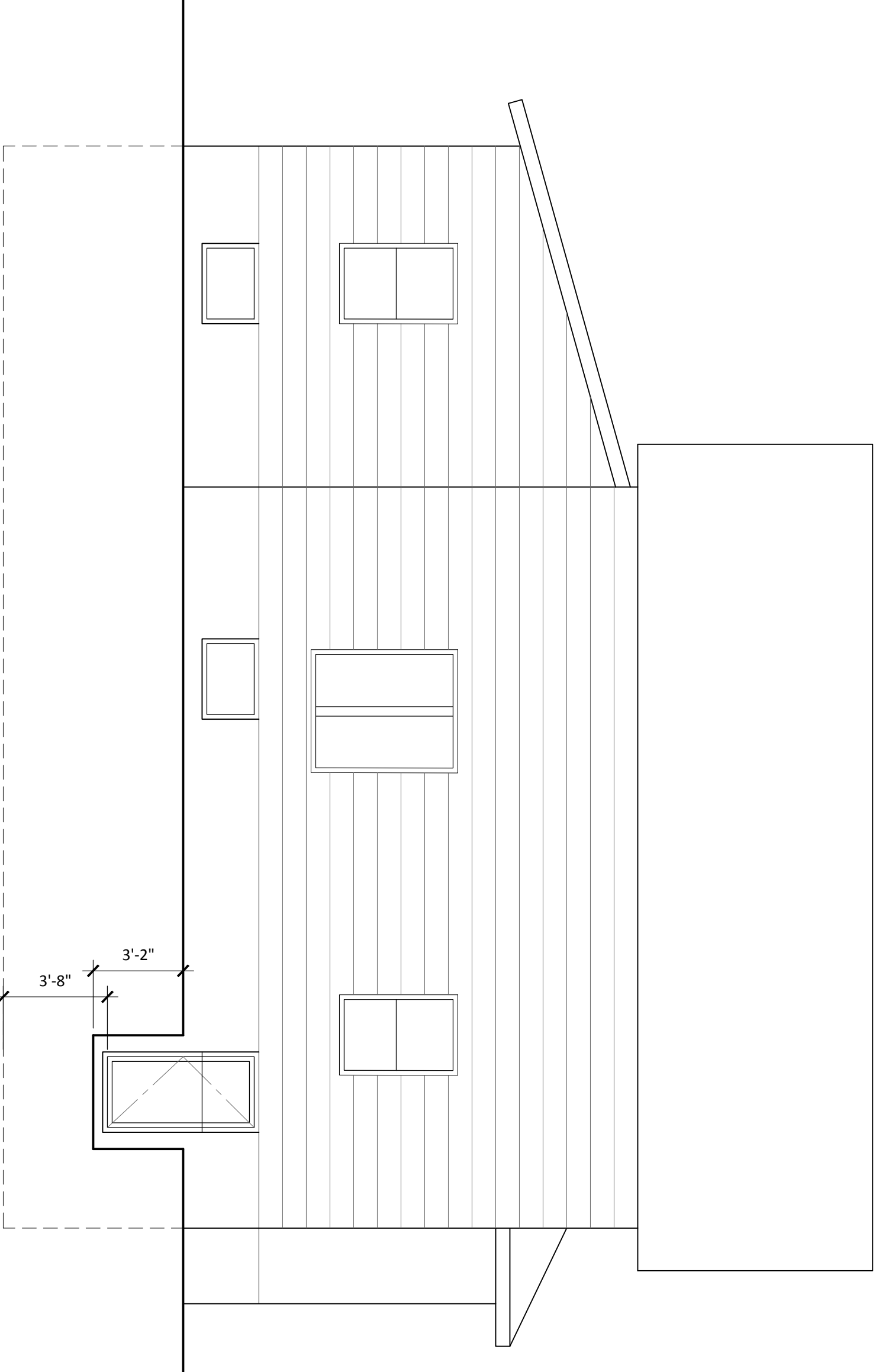
1 BUILDING "B" ELEVATION - EAST  
1/8" = 1'-0"



2 BUILDING "B" ELEVATION - NORTH  
1/8" = 1'-0"

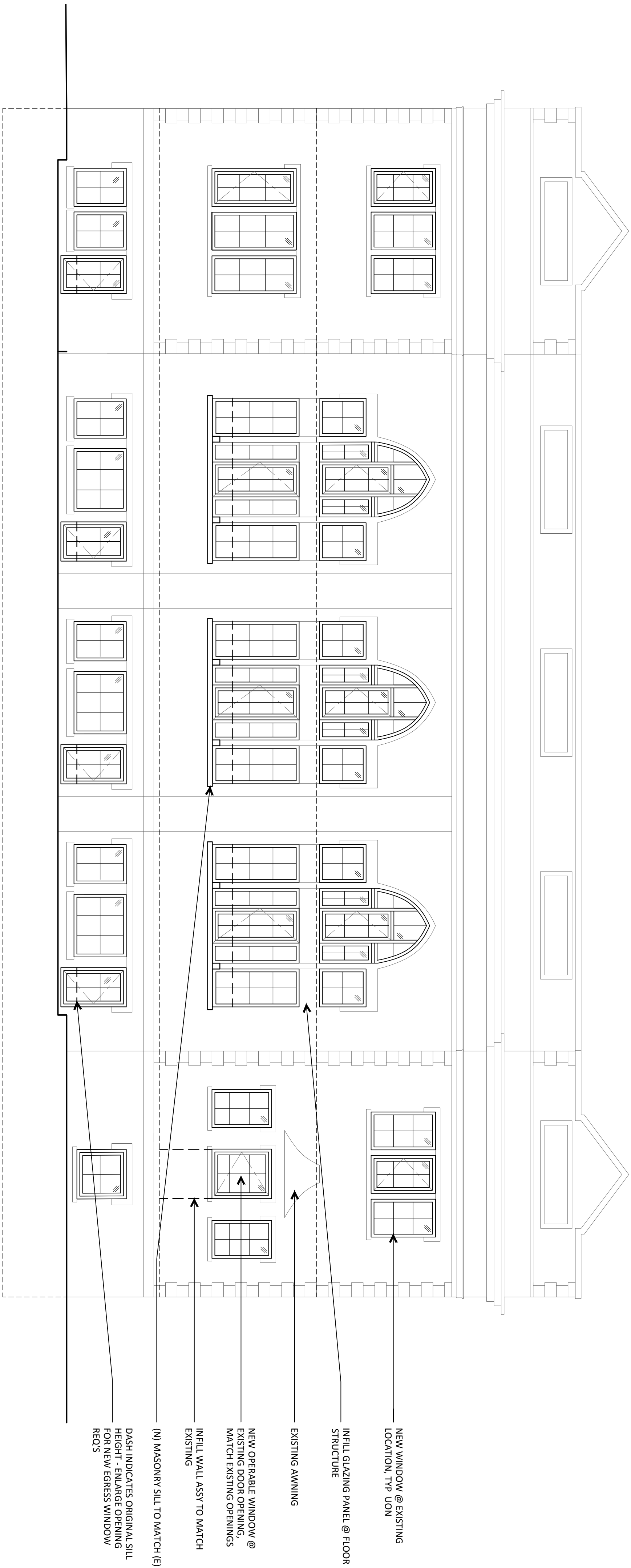


3 BUILDING "B" ELEVATION - WEST  
1/8" = 1'-0"



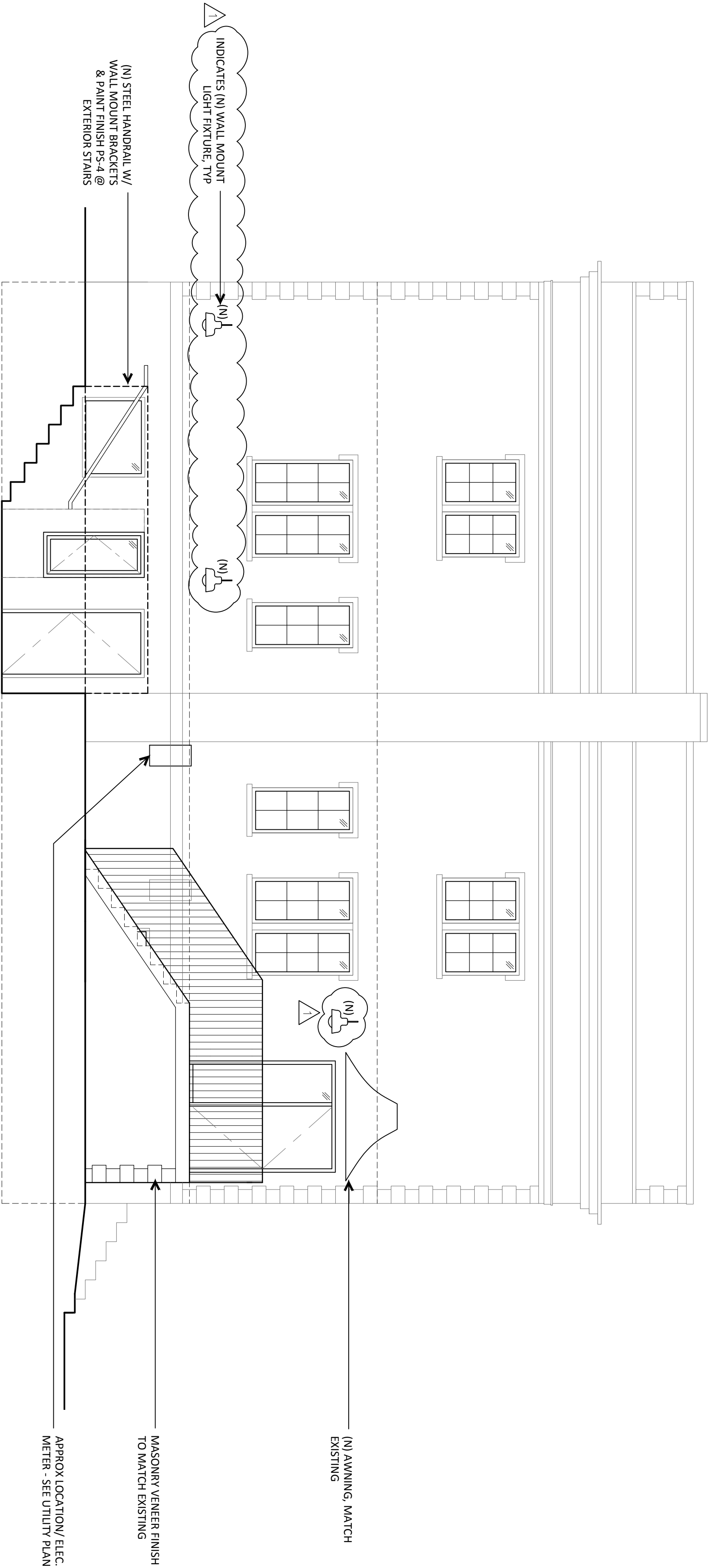
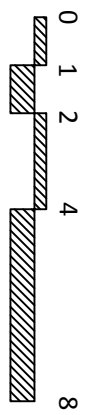
4 BUILDING "B" ELEVATION - SOUTH  
1/8" = 1'-0"





1 BUILDING "A" ELEVATION - NORTH

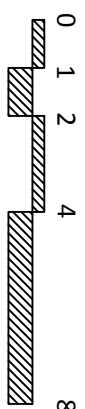
1/8" = 1'-0"



2 BUILDING "A" ELEVATION - WEST

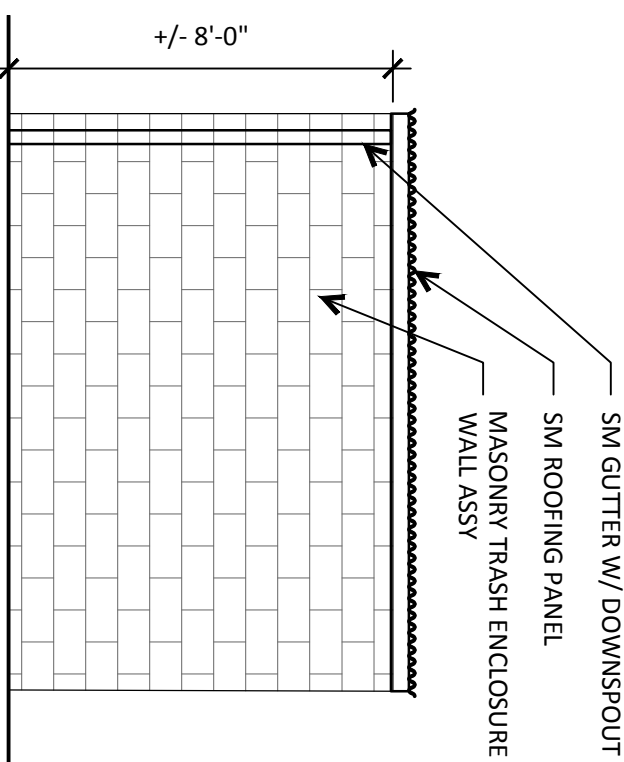
1/8" = 1'-0"

**1/4" = 1'-0"**



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1/16" = 1'-0"





## LAND USE APPEAL APPLICATION

### 1. GENERAL DATA REQUIRED *[to be completed by the appellant]*

Case # Being Appealed \_\_\_\_\_

Decision Date \_\_\_\_\_

Address of Subject Property \_\_\_\_\_

Appellants Mailing Address with zip code \_\_\_\_\_

Appellant's E-mail Address \_\_\_\_\_

Day-time Phone / Cell Phone \_\_\_\_\_

Appellant's Representative or Professional to be contacted regarding matters on this application, if other than appellant listed above:

Name \_\_\_\_\_

Mailing Address with ZIP Code \_\_\_\_\_

E-Mail Address \_\_\_\_\_

Day-time Phone / Cell Phone \_\_\_\_\_

### 2. SIGNATURES OF ALL APPELLANTS

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Printed Name: \_\_\_\_\_

### 3. REASON FOR APPEAL Attach a letter, briefly summarizing the reason for the Appeal. Describe how the proposal does not meet the applicable criteria as well as verification establishing the appellants standing to appeal the decision as provided under SRC 300.1010

#### FOR STAFF USE ONLY

Received By: \_\_\_\_\_

Date: \_\_\_\_\_

Receipt No: \_\_\_\_\_

Appeal Deadline: \_\_\_\_\_

Case Manager: \_\_\_\_\_



Dear City of Salem Planning Staff and City Councilors -

This email is an appeal of the October 12, 2020 Decision of the City of Salem Planning Commission to approve the Minor Comprehensive Plan Map Amendment, Neighborhood Plan Change, Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review for case CPC-NPC-ZC-SPR-ADJ-DR20-03, 905 and 925 Cottage Street NE.

We are sending this email to both Staff and Council as this consolidated application appears as Item 6.b. on your Council Agenda this evening.

This appeal is on behalf of the Grant Neighborhood Association, which presented evidence and testimony at the October 6, 2020 City of Salem Planning Commission hearing, requesting that the application be denied in its entirety. Because this Appeal comes directly from the Grant Neighborhood Association, we request a waiver of the \$250 appeal fee.

Pursuant to SRC 300.1020, the Grant Neighborhood asserts that the decision regarding this Minor Comprehensive Plan Map Amendment, Neighborhood Plan Change, Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Class 1 Design Review was made in error and should be overturned by the Salem City Council.

In addition to the appeal of the Planning Commission's decision outlined in brief below, the Grant Neighborhood Association incorporates by reference, and has attached here, our original response to the application.

Point #1 - Equally or better suited designation

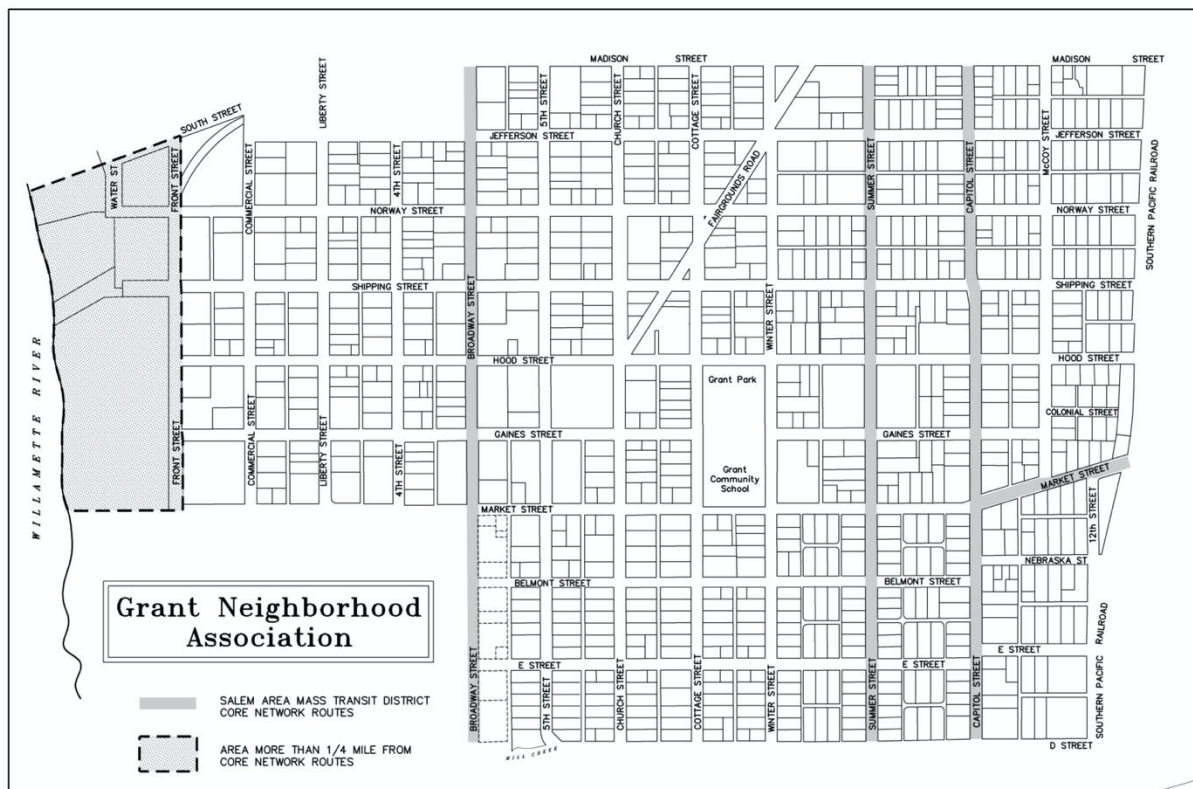
*Salem Revised Code, 64.025(e)(2)(A)(ii) - The Minor Plan Map Amendment is justified based on the existence of one of the following ... **Equally or Better Suited Designation.** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.*

*Salem Revised Code, 265.005(e)(1)(A)(iii): The zone change is justified based on one or more of the following ... A demonstration that the proposed zone change **is equally or better suited for the property than the existing zone.** A proposed zone is equally or better suited 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.*

The Planning Commission's decision has failed to conform to the above sections of the Salem Revised Code. Specifically, the Planning Commission has not adequately demonstrated how the specific properties 905 and 925 Cottage Street NE are *equally or better* suited as Multifamily and High-Rise Residential as required for amendments to the City of Salem's Comprehensive Plan (SRC 64) and Zoning (SRC 225).

The rationale provided for the decision is inadequate because it relies on characteristics that are not unique to the properties themselves (e.g., the need for additional housing units throughout the entire city, being within 1/4 mile of Cherriots bus route), while failing to consider the actual particularities of property and its relationship to the surrounding land uses, as the code requires. In this case, the Planning Commission states that the proposed changes “provides an ability to buffer higher intensity uses from single family uses” (Decision, page 11) - a factual error in the decision based on the Planning Commission’s own description that the properties are bounded on all four sides by single-family homes (Decision, page 3). In this case, there are no “higher intensity uses” which require “buffering.” The creation of a high-rise residential “Donut Hole” would, in fact, create the problem the Planning Commission believes this project would solve.

Further, justifying the most disruptive zoning change possible in the residential code, from single-family to Residential High Rise, should be based on something more compelling than proximity to a bus route or adjacency to a collector route, especially one that is only 55 feet wide (D Street NE). As show in the map below, over 90% of the Grant Neighborhood lies within 1/4 mile of the core Cherriots network. We categorically reject this characteristic as a rationale for rezoning properties in our neighborhood as over-broad and non-deterministic.



Point #2 - Inadequacy of the Open House to Satisfy Statewide Planning Goal #1 and SRC 300.320(b)(2)

This decision is in error because the Applicant failed to hold the required open house. The applicant's May 4, 2020 open house does not apply to this *consolidated* application because that open house was for only a minor comprehensive plan amendment and zone change. Only when it became clear how unpopular their project was with the neighbors, the applicant revised their application to consolidate all of the city's review of the project into one process. However, in such a case of consolidated approvals, the City requires that the applicant disclose the entirety of the plan to the neighbors in an open house. Specifically, SRC 300.320(b)(2) requires:

"[w]hen 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.** (emphasis added)

This provision applies here because the Comprehensive Plan Amendment from Single-Family to Multifamily requires an open house, and the other portions of the consolidated application (e.g., Site Plan Review with adjustments) require a combination of neighborhood association contact or none at all.

However, the open house that was held in May literally pre-dated the existence of any Site Plan or any of the proposed (and now approved) adjustments and design review. The Planning Commission's decision is in error because it is based on the May Open House being *close enough*. The Grant Neighborhood has also raised this point with the planning staff from the City. Close enough is not the standard. Page 6 of the Decision states: "the Open House presented by the applicant did include the site plans...". This is a factually incorrect statement. The applicant did not present a site plan that meets the standard of this requirement, and further, the applicant offered assurances that they would be going through site plan review after the change to Commercial Office (as envisioned in May) was finalized and they closed on the property.

But now they have substantially changed their project, consolidated every approval needed by the City to move forward with it, and failed to properly engage the public as required. They have not held a subsequent open house or appeared at our regular scheduled and noticed meetings, despite our invitations. That the Grant Neighborhood Association is highly engaged in a proposal to remarkably change our neighborhood does not satisfy their public engagement requirements under the Code or State of the Oregon Planning Goals.

Point #3 - Statewide Planning Goal 5

The decision is in error because the project, as approved, represents an **adverse effect** to properties that are eligible for listing on the National Register of Historic Places and are therefore significant historic resources under this planning goal. The condition of approval from the Planning

Commission, however, is insufficient to protect this property because the developer is only obligated to engage with the SHPO and consult under the NHPA if they receive federal funds for this phase of the project. The proponent could finance this portion of the project with private funds and continue their work unabated, arguing they have no legal responsibility to protect these eligible historic resources.

Point #4 - SRC 64.025(e)(2)(E): The amendment is in the public interest and would be of general benefit.

The Planning Commission's decision is in error when justifying the comprehensive plan change based on public interest and general benefit. While no one denies the need for more housing within the City of Salem, a proper finding of "public interest" and "general benefit" would balance the impacts of such an amendment against its possible benefits. There is no indication that the Planning Commission has seriously weighed the costs of such a decision, instead relying upon a citywide need to justify the outcome without adequately describing the impact.

This **kind of rationale is very much not in the public interest** because it breeds distrust in our decision making, growing cynicism that any agreement between two willing parties takes precedence over the plan of how we want our city to grow or what impacts that agreement might have on the local community.

The Neighborhood Association and neighbors have brought forth legitimate and serious concerns about vastly increasing the density of use of these properties based on parking, traffic, and the substantial likelihood that this zone change will open the door for future zone changes in the immediate area, altering the character of this close in residential neighborhood until it is lost entirely. These are legitimate concerns that do not reflect the public interest and that the Planning Commission has failed to even acknowledge.

Further, while the Grant Neighborhood recognizes that zoning is not static, there must be some room for the logic of the plan and the vicinity of a property to influence whether or not a change to the plan and zone is appropriate. The city recently released its draft vision for **Our Salem** and after years of the kind of engagement suggested by the same HNA that supposedly justifies this project, the city suggests **absolutely no changes to these properties at all.**

Rather than addressing the need in the 2015 HNA, ad hoc decisions to create "Donut Holes" of this kind undermine the long-term vision of the City to welcome 60,000 more residents by 2035. 0.30 acres and 19 front doors is not worth the erosion of the public interest. Therefore, the Planning Commission is in error when they approve this project with such rationale.

Point #5 - Grant Neighborhood Plan (SRC Chapter 64)

The Planning Commission's decision is in error because it somehow justifies this project under the Grant Neighborhood Plan, which specifically calls for the denial of zone changes that would allow

more intensive residential uses in the Single Family zone. The Planning Commission wants it both ways, saying that the Neighborhood Plan both justifies the project, but where it does not support the project, is invalid under State law and City code.

The Grant Neighborhood Association would respond to the Planning Commission's erroneous decision that we recognize the fluid nature of zoning and have participated fully and vigorously in the rezoning of properties throughout our neighborhood with the specific intent to increase the density of housing and other developments.

No one, however, says that every zone change that is requested has to be approved, and the treatment of our plan as solely useful as justifying zone changes, but wholly irrelevant when not, is a misreading of the usefulness of the Neighborhood Planning concept within the City.

The Planning Commission's decision is erroneous because it asserts that the project is within intent of the Grant Neighborhood Plan, which is a factually incorrect statement. If the Planning Commission believes that the Grant Neighborhood Plan serves no purpose, then it should recommend that the City Council rescind it as binding policy under SRC 64.

The Grant Neighborhood Association has provided its original comments to the Planning Commission and City Staff as attachments to this appeal. We would request that the City Council review our work and input as part of their *de novo* review of this consolidated application.

Thank you for your time and consideration,

The Grant Neighborhood Association

# GRANT NEIGHBORHOOD ASSOCIATION

SALEM

OREGON

September 2, 2020

Olivia Dias  
Planner III  
City of Salem  
Community Development Department  
555 Liberty Street SE, Suite 305  
Salem, Oregon 97301

**Re: CPC-NPC-ZC-SPR-ADJ-DR20-03  
905 & 925 Cottage Street NE  
Applicant - DevNW**

City Staff:

Thank you for the opportunity to comment on consolidated application CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905/925 Cottage Street NE. The Grant Neighborhood Association has been actively monitoring this potential development for a number of months. **The Grant Neighborhood Association strongly opposes this request to rezone the subject properties as High-Rise Residential** and redevelop them at a density of 64 units per acre.

We appreciate City Staff taking the time and opportunity to review our response, as we believe that applicant has clearly and objectively failed to meet the high burden of justifying this Comprehensive Plan, Neighborhood Plan, and Zone Change. **We request that the city staff recommend that the Planning Commission deny this application in its entirety.**

As we did with the applicant's previous attempt to rezone these properties as Commercial Office, the Grant Neighborhood Association provides with this letter the following:

- Responses to the findings required by the Salem Revised Code when requesting Comprehensive Plan, Neighborhood Plan, and Zone changes as proposed by the applicant, DevNW. (Attachment A)
- Comments and considerations for the applicant's site plan, which further demonstrate the incompatibility of this zone with the immediate vicinity of the subject properties. (Attachment B)
- Background information on the use of the High-Rise Residential zone in the city generally. (Attachment C)

- Detailed photographs and descriptions of the immediate vicinity of the subject properties. (Attachment D)

There are a handful of points in our attachments that we would like to highlight here:

**The applicant has a very high burden when requesting such a remarkable change to the comprehensive plan, neighborhood plan, and zone.**

**SRC 320.2000 states “the more impactful the change, the higher the burden.”**

This is a lens through which their entire application must be viewed. There is no more disruptive change possible in the residential zone than rezoning a fully encumbered single-family property to Residential High Rise. There can be no higher burden than to show that such a change is justified - it has to be a slam dunk! Unfortunately, the applicant is focused on putting the system on trial rather than providing cogent arguments why the *designation* is appropriate.

**The applicant consistently confuses their proposed use of a property with the zoning designation of the property.**

The code requires an application, such as this, to justify, with a high burden, that the desired designation is appropriate for the *immediate vicinity*. The code makes clear that such a remarkable rezoning must be warranted by changes to the demographic, economic, or social patterns of the *immediate vicinity*. They must also show that the proposed *designation* is equally or better suited to the property. They must also demonstrate that the property has the *physical characteristics* suited for that designation. However, the applicant misstates the burden, focusing on their *proposed use* and how *national, state, and regional* trends justify the high-density, high-rise use of these existing buildings. Accepting that as a valid argument would undermine the zoning system and set a precedent that every property in the city is open for rezoning to high-density housing uses.

**The applicant’s response to the State of Oregon’s Goal #10 and other affordable housing statutes misstates the discretion of the Planning Commission and City Council.**

Since the release of the 2015 Housing Needs Analysis, the City of Salem has been on a commendable policy implementation trek to alleviate the imbalance of available lands to develop as housing within the Urban Growth Boundary. However, the rezoning and redevelopment of fully encumbered single-family zoned properties as Residential High-Rise was at the *very outer reaches* of what even the ECONorthwest consultants believed was possible or necessary to address this imbalance. This kind of proposal can (and has) led to a predictable result that undermines larger efforts such as *Our Salem* to incrementally increase density in a well-planned manner. The applicant uses Goal #10 and related statutes, however, to imply that the city and commission have little to no discretion; that every rezoning application for housing, no matter where it is in the city, must be accepted for housing’s sake. The law does not require that, and the Commission

and Council should not cede their discretion to establish a logical zoning system or revise our Comprehensive Plan to address Goal #10 in a well-planned manner.

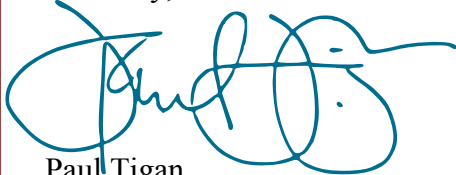
**This project is clearly and objectively out of character with the surrounding area, introducing a density of use that is not supported by the immediate vicinity**

The applicant's argument that their project is suited to this property is based, at least partially, on the idea that not changing the "envelope" of the building will somehow reduce the predictable impacts of increasing the density of use by a factor of ten. The site plan itself demonstrates how incompatible the site is for the proposed density of use.

- The applicant is currently only providing 7 parking spots for 19 units, and only has three parking spaces worth of frontage on Cottage Street NE. As it stands today, there is not enough parking in the immediate vicinity for the current residents of the neighborhood. 19 units could easily mean 38 more residents, 38 more vehicles.
- The applicant requests an open space adjustment, even though they are not within 1/4 mile of the nearest City Park.
- The incentives for multifamily development in this case *over-incentivize* development, in large part because there is insufficient infrastructure in the immediate vicinity. The North-to-South streets do not line up at D Street NE, so there are no marked crosswalks. D Street, though labeled a collector route, is only 56 feet wide and has no parking.

Again, thank you for reviewing our comments about this project and considering them for inclusion in part or in whole to the Planning Commission for their hearing on this project. We request that the Planning Commission deny this project.

Sincerely,



Paul Tigan  
Land Use Chair  
Grant Neighborhood Association



## **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.**

#### Grant Neighborhood Association Response:

While the applicant is the contracted purchaser of 905/925 Cottage Street NE, the Grant Neighborhood Association (GNA) has not been able to locate in the application where the current owner has provided consent to the proposed zone and map change from Single-Family Residential to High-Rise Residential.

The Grant Neighborhood Association is concerned that the significant nature of this proposed land use change will set a precedent for surrounding property in the Grant Neighborhood and RS zoned property within ¼ mile of the Salem Area Mass Transit Cherriots Core Network. Recent changes to the multifamily code have made all properties within ¼ mile of the core network more attractive for multifamily redevelopment and the GNA is concerned that approving this rezoning - which takes advantage of this new code - would be precedential for future rezoning decisions in Grant Neighborhood.

We request that this rezoning application be deemed a major map amendment.

#### **(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.**

Grant Neighborhood Association Response:

The fact that the proposed zone change on these two lots does not increase traffic on D Street and Cottage Street by 800 trips per day, does not seem like a positive argument for approving a zone change.

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.”

The main issue with the provided traffic impact analysis is that it greatly understates the “worst-case” 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.

The Grant Neighborhood Association offers a more detailed critique of the traffic considerations in Part II of this document.

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

Grant Neighborhood Association Response:

The applicant fails to properly address these criteria and provides no proof or evidence for their assertions that there has been an alteration in circumstances justifying the introduction of the High-Rise Residential zone into the single-family core of Grant Neighborhood. Nothing about the social, economic, or demographic patterns of the nearby vicinity have so altered that the RS zone designation is no longer appropriate for this location.

The applicant asserts that a Residential High-Rise Zone would somehow function as a “Missing Middle” component between the single-family homes on one side of the subject property and the single-family homes (with an RM2 zone) on the other side of the property. This is clearly, and objectively, absurd. The concept of a “missing middle” is to provide a transition from higher density uses to lower density uses. Rezoning this property as High-Rise would put the highest density use possible between two much less dense uses.

Grant Neighborhood already has “missing middle” zoning available as an example of what is possible when zoning is done in a thoughtful and proper manner: look 6 blocks north to the aptly named “Broadway-High Street Transition Overlay Zone” which provides a buffer between the commercial retail activity on Broadway and single family residences on Church St NE.

Also, a proper “missing middle” already exists between the Commercial zone south of the subject property (along Union St NE) and D Street. There is a half-block of RM2-zoned properties that provide the logical transition between the Downtown core and the residential core within Grant.

Here it is important to point out that the applicant says the proposed use aligns with the current social, economic, and demographic pattern of the vicinity. That is not the standard by which zoning changes are approved. The applicant has the burden to show that the proposed designation aligns with some altered circumstance of social, economic, and demographic pattern. No such change has occurred within the nearby vicinity of the property.

Accepting the applicant’s argument that the national, statewide, and regional housing shortage justifies this zone change would set the precedent that every single-family zoned parcel in the city is equally eligible for rezoning for multifamily housing purposes – a result that cannot possibly be true.

The applicant quotes the need for 207 more acres of multifamily housing that was identified in the 2015 housing study. The applicant glosses over the fact that that number was supposed to come from the “buildable” (vacant and undeveloped) land in the city. And while the 2015 Housing report states that conversion of existing RS zoned properties could meet some of this burden, this application flies in the face of the manner in which that was proposed to happen.

Specifically:

*“We recommend the City form an advisory group to work with City staff to identify opportunities to redesignate land from the Single-Family Residential Designation (SF) to the Multi-Family Residential Designation (MF). The process should result in city-initiated plan*

*amendment(s) and zone change(s) to address the multifamily land deficit. (2015 Housing Analysis, p. 47)*

If this process happened, it did not identify this property as eligible for conversion; such a process would likely be focused on the thousands of acres of “buildable” land the report was primarily concerned with. The analysis rejected the concept of looking to well-established single-family neighborhoods as the cure for Salem’s 207 acre housing shortage:

*Residential redevelopment typically occurs in areas with single-family, where zoning allows denser development. Salem has a number of well-established single-family neighborhoods where the zoning allows denser development. Within this 20-year planning period, these areas may not offer the best opportunities for redevelopment to higher-density housing. (2015 Housing Analysis, p. 47)*

The report acknowledged that some neighborhoods – including Grant – have existing single family homes with zones that would permit more dense uses. This block of Grant is not one of those places. Further northeast and northwest of the subject property are other zones that would allow denser development. The GNA has not opposed and actively supported the conversion of homes in those zones to more dense development.

*One approach to addressing a portion of the deficit of Multi-Family land is to increase opportunities for development of townhouses, duplexes, tri-plexes, and quad-plexes in the Single-Family and (possibly) Developing Residential designations. These types of multifamily housing are generally compatible with single-family detached housing. (2015 Housing Analysis, p. 48)*

Where the report contemplated converting single family uses to more dense uses, it proposed townhomes, duplexes, tri-plexes, and quad-plexes. Not High-Rise Residential rezoning and 19 units where there used to be one single family home. [Please see our response on Goal 10 for more information on how to interpret this application in light of the State of Oregon’s Goal 10.](#)

The applicant also argues that the use of the church itself somehow meets the criteria for altered circumstances requiring a zone change. Again, we disagree.

A church and associated parsonage has occupied the location of 905/925 Cottage Street since the neighborhood began, first as the wooden 1st German Baptist Church building constructed in the late 19th century, and then later as the current Gothic Revival-style brick Bethel Baptist Church constructed in 1928 (see “The Houses of Grant Neighborhood,” City of Salem Planning Division, 2015 found at <https://www.cityofsalem.net/CityDocuments/houses-of-grant-neighborhood.pdf>).

These properties are currently being used in the RS zone for their original intended purposes. The surrounding vicinity of RS and RM zoned property have not been redeveloped for different purposes. In fact, the RS zoned properties have undergone significant investment, including a new single-family home which was constructed next door to 925 Cottage in 2011.

The application relies on the proposed use to justify the rezoning of this property, which is a misapplication of the criteria. “Alteration in Circumstances” is about the surrounding neighborhood

and whether it has changed to the point where the current zone is no longer appropriate. The properties in the nearby vicinity have not changed, nor have the social, economic, or demographic patterns. In addition, the physical features, built environment, and current use of the 905/925 Cottage St NE property itself have not changed since the church building was constructed in 1928.

This section of the code requires that “**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.**” There is no greater impact in the residential code possible than converting a Single-Family zoned property to a residential high-rise. The applicant has absolutely failed to meet the higher burden of demonstrating the criteria are satisfied. They have misunderstood the difference between the zone and the use, and have put forth arguments about the national housing shortage instead of addressing the immediate vicinity of the property. The code clearly demands reasons based on the immediate vicinity of the property.

The applicant has not met their burden under this standard to justify rezoning this property.

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

Grant Neighborhood Association Response:

This rezoning application is based on the premise that the applicant’s desired use for the property should determine the zone of the property. This premise is backwards. Zoning controls potential uses - and the applicant has to meet the burden of showing that their proposed designation is equal or better than the current designation. This will be an exceedingly difficult burden to establish. The current designation is perfectly suited to the property as it matches the zone on the entire block. The applicant is factually incorrect in claiming the site is bordered by multi-family housing when it is in fact bordered by single-family housing on all sides (RM2 zoning to the south, which includes single-family residences, RS zoning to the west, north, and east, all of which are single-family residences). The block is part of a logical transition in the zoning from the intense uses of the Downtown Core, to a long half-block of RM2 zoned properties, to the RS area in Grant. Adding a high-rise zone between that transition is illogical and threatens to upset the social, economic, and demographic pattern of the existing zoning.

Still - as was the case with the previous criteria above - the applicant confuses the use of the property with the zone designation. The applicant would like to argue that the building being a church is somehow outdated and outmoded. This is a difficult argument to make:

- People still go to church. In fact, the current owner has become so successful as a church in their current location that they need to find a larger building for their congregation! This indicates that the social pattern of church-going is strong for this property. Additionally, it’s so successful as a church that Evergreen Church rents the building out to at least one other religious congregation.

- 925 Cottage Street is a single-family home. The use of single-family zoned homes as actual single-family homes is identified in the neighborhood plan as important because there are many places in the neighborhood that have been identified for conversion to multi-family - but this address is not one of them.
- There has not been a significant change in church-going demographic or single-family home occupancy at this or nearby sites. The property immediately to the North, at 941 Cottage St NE, was built in 2011 after the lot was vacant for around 50 years.

**(iii) *Conflict between comprehensive plan map designation and zone designation.* A minor plan map amendment may be granted where there is a conflict between the comprehensive plan map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the comprehensive plan map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:**

- (aa) Whether there was a mistake in the application of a land use designation to the property;**
- (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the comprehensive plan map designation;**
- (cc) Whether the property has been developed for uses that are incompatible with the comprehensive plan map designation; and**
- (dd) Whether the comprehensive plan map designation is compatible with the surrounding comprehensive plan map designations;**

Grant Neighborhood Association Response:

There is **no current conflict** between the comprehensive plan map designation and the zone designation. This rezoning effort, however, **would create** future conflict as it would be the only High-Rise Residential zoned property within the vicinity, encouraging additional zoning changes. The applicant is silent on this matter because it clearly does not support their rezoning argument and, in fact, argues strongly against it.

**(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;**

Grant Neighborhood Association Response:



This is one of the criteria in which City Staff and the Planning Commission need to consider the maximum build out of this property considering this zone change. The applicant's proposal should be viewed as the floor of potential development rather than the ceiling. We are concerned that even the development proposed by the applicant would significantly strain public facilities and services, including parking availability (they offer 7 spaces for 19 units), trash collection, and facilities associated with pedestrian traffic. We delve into these issues in detail later in our response, but adding 19 units, with a potential for limitless density, is going to run into serious issues on a cross street that does not have a marked crosswalk for hundreds of feet. Previous attempts by the neighborhood to get crosswalks, stop signs, anything to address traffic on D street has been rejected by the city because the street intersections do not line up along this section of D Street. Cottage, Church, and 5th streets are never going to match up on D Street. It is a serious consideration when deciding whether to greatly increase density of uses along those streets.

**(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**

Grant Neighborhood Association Response:

The Neighborhood Association will respond more fully in sections II and III, but notes that this one property of High-Rise Residential in the middle of almost 100 contiguous acres of RS and RM is not a logical design (even if the area is already fully urbanized).

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

Grant Neighborhood Association Response:

Rezoning this property as High-Rise Residential is not in the public interest as it will degrade the residential character of the neighborhood and vicinity. It will also set a precedent - signaling to developers that every RS-zoned property - and especially those within a ¼ mile of the Cherriots Core Network - are now available for maximum redevelopment. The recent changes to the multifamily code mean that these intense uses will put more pressure on parking and other basic city services (trash removal, etc.).

The applicant's argument that the rezoning preserves the historic character of the neighborhood is without merit. The historic character of the neighborhood is best met by the church operating as a church and the parsonage operating as a single-family home, as they have for over 100 years. Nothing in the zone change application, or in the City's development standards, guarantees that either of the existing historic structures will remain and be maintained. Every historic structure that is removed or modernized beyond recognition tears at the fabric and legacy of this Heritage Neighborhood, the first so designated by the Salem Landmarks Commission in 2014. The

statement that the church has outlived its usefulness as a church is without merit - the church operates in this capacity on a daily basis, just as it has for over 100 years.

To say that rezoning the single-family house on the property would address the housing shortage discussed in the 2015 Housing Needs survey is not accurate. The entire analysis was based on the premise that both 905 and 925 Cottage were fully developed and therefore not taken into account for the need to develop 200+ acres of housing units between 2015 and 2035. The report also specifically recommended that any effort to increase housing density in Single Family zones should be a coordinated effort, initiated by the City, and should look to include duplexes, triplexes, quad-plexes, and the like. The housing study recommended multi-family densities of 8 units per acre; this proposal has a density of 64 units per acre. The housing study's recommendations for increasing density is not a good support for this project.

## **RC TITLE X – CHAPTER 265 ZONE CHANGES**

### **Sec. 265.005. - Quasi-judicial zone changes.**

#### **(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:**

**(i) A mistake in the application of a land use designation to the property;**

**(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**

#### Grant Neighborhood Association Response:

The applicant's statements on this question were insufficient justification for a comprehensive plan map amendment (SRC64.025) and should be denied for a zone change as well. Nothing in the application demonstrates that there has been a change in the economic, demographic, or physical character of the vicinity near 905/925 Cottage Street. In fact, the redevelopment of 941 Cottage St NE demonstrates that the highest and best use of land in the vicinity of the property is single-family homes. This is reinforced by the multiple properties within the vicinity that have been rehabilitated to best meet their original purpose: single-family housing. There is also no record supporting the idea that there was a mistake in the application of a land use designation.

**(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.**

Grant Neighborhood Association Response:

The high-density uses allowed by this proposed zone are not a logical fit with the surrounding land uses, and the applicant fails to provide any evidence that the proposed use is equally or better suited for the property than the existing zone.

The Grant Neighborhood Association would request the City and Planning Commission to take a hard look at the *physical characteristics of this property* and whether they are appropriate for a High-Rise residential zone. The width of the streets surrounding the property? The 0.3 acre size? The narrow alley and misaligned streets north and south of D Street?

While the applicant wants the decision-makers to focus on the use and their promise to keep the historic structures as they are, we ask the City Staff and Planning Commission to view this application through the lens of the most impactful development possible. This land will never be down-zoned back to single family, and when this development reaches the end of its useful life, a much more dense structure could be approved.

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."

The Grant Neighborhood Association remains skeptical and concerned that the costs of doing the work correctly could easily cost more than just replacing the existing structures. The neighborhood association's subcommittee for this proposal asked the applicant how dedicated they were to the buildings on site at our July 22, 2020 video conference. Would they knock down the buildings? Their response? "Well, we would do something tasteful." When asked about a budget for the project at our June Neighborhood Association meeting, they said "2 to 5 million dollars." Again - they have no idea but are more than open to the possibility that they will need to scrape and start over.

The applicant says that the property's use for religious function is obsolete due to limitations in meeting ADA requirements, yet the applicant's finding for Salem Comprehensive Policies Chapter IV. Salem Urban Area Goals and Policies Section B.11, "Handicapped Access" specifically explains that ADA access **can** be met. This finding is in direct opposition of the applicant's finding for SRC Sec.64.025(e)(2)(A)(ii) which states that "religious assembly use is not viable based on

market trends and on-site physical limitations.” This statement is unsupported, not based in fact, and does not reference any evidence other than anecdotes that Evergreen Church does not want to invest in ADA improvements to the property. The disinterest by Evergreen Church in adding ADA improvements to the property does not mean that the property can no longer be used for religious purposes.

The existing buildings were not constructed for the proposed uses and the applicant will need numerous variances to the High-Rise Residential zone in order to achieve their stated goal for unit development. Even if the High-Rise Residential zone was approved for these properties, the applicant would need to request adjustments for increased multi-family density because the property square footage is significantly less than what is required for the number of units the applicant is proposing.

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

Grant Neighborhood Association Response:

The proposed rezoning does not comply with the applicable provisions of the Salem Area Comprehensive Plan. [Please see our reply to that portion of the application in detail.](#)

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

Grant Neighborhood Association Response:

The zone does not comply with the applicable statewide planning goals. [Please see our reply to that portion of the application in detail.](#)

**(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.**

Grant Neighborhood Association Response:

The traffic plan analysis is based on the premise that only an additional 400 trips per day can have an impact on the transportation facility. 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.
- The proposed development would only provide 7 parking spots for 19 units. Though this kind of arrangement is currently acceptable under the city’s multifamily code, considering the possible intensity of the development (even at the proposed density!) and the immediate parking facility near the property would demonstrate that this is not an appropriate zone for this area. Adding 0.3 acres of limitless high-rise development with no off-street parking requirement would be highly problematic.

**(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.

**(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.**

Grant Neighborhood Association Response:

Should we be surprised that the applicant failed to even respond to Sec. 265.005(e)(2) within their application? This greater short, medium, and long-range impact of the proposed change to the area is the primary concern of the Grant Neighborhood Association, but the applicant denies it is even their responsibility to address it.

This application is based on the presumption that the zone change will impact only the interior of these buildings while having little, if any, impact on the immediate vicinity. The application fails to recognize that the act of rezoning a property is not justified solely by the applicant’s desire for use of the property but from changes that would be occasioned in the surrounding community as well. There are many external factors that may make the envelope of this building attractive to

redevelop (changes to the development code, availability of funding, etc.), but those are not factors that compel a revision to the comprehensive plan and a rezoning of the property.

The Neighborhood Association has brought up this point with the Applicant again and again. Even if we are in agreement about the need for housing (affordable or otherwise) in the Greater Salem area, the impact of the rezoning will be a burden to the neighborhood. The applicant is required by the code to justify such a monumental change. They refuse to even consider that the zone change might have an impact on the area.

The applicant told us at a videoconference in July 2020 in no uncertain terms that the impact of the rezone on the neighborhood **is not their concern** and that as long as they are able to build units, **any cost external to the project is justified**. They may hold that opinion, but this provision of the land use code places the burden on them to show - with a higher burden - that their requested change is justified. Again and again in the application the applicant tries to assert that no such burden exists, that they should be exempted from this requirement, that no impact will occur.

The applicant, however, is not exempt, the impact is great, and they **fail** to meet this higher standard.

#### **Sec. 265.020. - Conditions of approval.**

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

##### Grant Neighborhood Association Response:

The applicant states conditions of approval to “match many of the RM-II characteristics and use types,” and specifically states three conditions concerned with density, permitted uses, and lot coverage and building height. In essence, the applicant is proposing conditioning the property to function as an RM2 zone, but is pursuing the High-Rise Residential zone solely to increase residential density on the property. The neighborhood association has to ask, if the applicant is intent on conditioning the property to function as RM2, then why doesn’t the applicant pursue an RM2 designation?

The answer is that the applicant desires more units on the property than what the RM2 designation permits. But, the mere fact that the applicant desires more units and substantially more residential density than what an RM2 designation permits does not give merit to this property being designated as High-Rise Residential. If, as the applicant suggests, the way that “allows the existing neighborhood fabric to remain intact” is by conditioning the High-Rise Residential zone to functionally act like an RM2 designation, then the neighborhood association asserts that the High-Rise Residential designation is inappropriate for this property. A key functional difference between RM2 and High-Rise Residential is the density that is allowed, and density of units, in and of itself, makes a remarkable difference on the long-lasting impacts of a development.

Though we address this in other sections of the document, it is important to note here that the applicant cannot develop their property within the existing zone, or the proposed zone, or the proposed zone (with conditions), without significant adjustments to the open space, setbacks, and other basic requirements for developing a property.

## **SRC TITLE X – CHAPTER 300 - PROCEDURES FOR LAND USE APPLICATIONS AND LEGISLATIVE LAND USE PROPOSALS**

### **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.**

**(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;**

### Grant Neighborhood Association Response:

The record shows that Grant Neighborhood Association has engaged early and often with the applicant, attempting to have productive conversations about the impact of rezoning this property, first as a Commercial Office property, and now as High-Rise Residential. We have shared the neighborhood plan, told the underlying history of northward expansion of downtown and state office buildings, and why D Street exists as a significant boundary. The applicant has not significantly altered their plans or addressed the concerns of the neighborhood, despite our communications and public meetings with them. Since revising their plan to a High-Rise Residential neighborhood, they refused to meet with the entire Neighborhood Association in our August monthly meeting format when their proposal was under development.

### **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);**

Grant Neighborhood Association Response:

The applicant has failed to hold the open house required under the code. Section 300.320(b)(1) requires an open house for a Comprehensive Plan change (minor), which this project includes. Section 300.320(b)(2) requires that when multiple land use applications involve a combination of open house and Neighborhood Association contact, **the entire consolidated application SHALL** require an open house.

The Applicant asserts that their May 4th, 2020 “virtual” open house, in which they did not allow community members to ask them questions directly, satisfies this requirement. It does not. This open house was held on a prior application to change the Comprehensive Plan Map from Single Family Residential to Commercial Office. When in the course of human events they decided to change their plans, the applicant incurred a new responsibility under the code to have an open house. Specifically, they need to hold an open house detailing their entire consolidated application, including the Comprehensive Plan Map Amendment, Neighborhood Plan Change, Zone Change, Site Plan Review, Adjustment, and Design Review.

The application should be deemed incomplete until the applicant holds the open house as required by the code. This is even more important because the applicant refused to attend the Grant Neighborhood Association meeting on August 6, 2020, ostensibly when they were still in a planning phase and could have benefitted from public engagement with the community.



**Sec. 300.321. - 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.**

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

Grant Neighborhood Association Response:

The applicant failed to address each applicable approval criteria within their application. Specifically, the applicant provided no response in their application to criteria specified in Sec. 265.005(e)(2). This element, which requires the applicant to explain how they have met a higher burden based on the greater impact of their proposal, is not clerical in nature but goes to the very heart of their application.

## **PART II Salem Area Comprehensive Plan**

### **SALEM COMPREHENSIVE POLICIES PLAN – II. DEFINITIONS AND INTENT STATEMENTS**

**LAND USE PLAN MAP (Comprehensive Plan Map):**

**1. Intent:**

This pattern, as represented on the Comprehensive Plan Map, indicates areas appropriate for different types of land use. The pattern takes into consideration the transportation network, the location of public facilities and utility systems, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan Map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed. There are two approaches to achieving this commitment. One approach is the rezoning of land in quantities sufficient to accommodate land use demands identified for the planning period. However, it presumes that sufficient knowledge is available to identify market conditions twenty years hence. It runs the risk of artificially inflating land prices, diminishing the economic life of the present use, and designating property for more intensive use before public facilities and services are available.

Grant Neighborhood Association Response:

Grant Neighborhood believes that this proposed zone change fails the most basic reading of this intent statement because the applicant ***utterly fails*** to recognize the existing zoning of the property and the immediate vicinity *do not support* a change to High-Rise Residential zoning.

The applicant's response to the intent statement is a restatement of why rezoning would benefit the applicant's property development goals. This is not the basis for justifying any rezoning. The applicant fails to provide any justification or evidence that the rezoning would meet "the needs of the community." The community does not need a High-Rise Residential property in the middle of its lower density residential core. Those are the needs of the applicant.

The applicant fails to recognize that rezoning this property as High-Rise Residential would be a transformative first step in changing the existing fabric of the Grant Neighborhood and possibly other lower density core residential areas of the community. The Grant Neighborhood Association believes that this kind of rezoning would only encourage further interest in these kinds of projects within the residential zone. And once the first rezoning occurs, other applicants will be able to point to this rezoning as justification that the social, demographic, and economic uses of the vicinity have changed.

We question why the applicant is so intent on these properties when there are large swaths of properly zoned properties in the Grant Neighborhood - Capitol Street, north of Market Street, Broadway Street, Fairgrounds Road, Liberty Street, Commercial Street and Front Street. The multi-family housing they seek does not require that these properties are rezoned as a high-density high-rise residential zoned property.

The area in the Grant neighborhood that is within the City's North Downtown Plan runs along Broadway Street and stretches to the Willamette River. It has multiple properties zoned appropriately for the proposed project and includes overlay zones that encourage facilities that provide residential or retail establishments on the ground floor with high density housing provided on upper floors. These properties are not significantly farther from those services that the applicant states are important to their development and, in some cases, may be closer. If appropriately zoned properties exist that would allow the exact development proposed and which are within a reasonable vicinity of the subject property, the zone change should be denied in favor of directing development to those properties.

The applicant asserts as findings for SRC Sec. 64.025(e)(2)(A)(i), SRC Sec. 64.025(e)(2)(A)(ii), SRC Sec. 64.025(e)(2)(E), Grant Neighborhood Plan Policy 7, among others, that because the intended use will include affordable multi-family housing that this rezoning and comprehensive plan change to High-Rise Residential will "better align" with the intended use of the surrounding neighborhood. However, this justification is in direct contrast to the purpose of having a comprehensive plan map and zoning generally. The applicant's desire to use property for a specific use should not dictate the zoning for that property; rather the zoning of the property should dictate the permitted uses.



This rezoning and comprehensive plan change will promote further intense use growth within this part of the neighborhood. This increased use will put further stresses on public facilities that were originally designed for less intense single-family residential uses. It also has the very real potential of driving up home prices, in a diverse and already affordable neighborhood, as other developers seek to press their search for any available property that, based on precedent, they believe can be rezoned for higher density residential uses with ease.

An earlier iteration of this application sought a Commercial Office rezone. In the end, the effect of either Commercial Office or High-Rise Residential is the same: the first step in the fundamental change to the characteristic of the neighborhood where the first rezoning approval begets and justifies more and more rezoning.

### **3. Plan Map Designations:**

**The Comprehensive Plan Map is a representation of the Plan's goals and policies. The Plan map designations indicate various types of land use. Descriptions of the Plan Map designations follows.**

#### **a. Residential...**

**...Changes in use designation to permit higher residential densities is governed by the goals and policies of this Plan and the local rezoning process.**

#### Grant Neighborhood Association Response:

The most germane section of this portion of the comprehensive plan is quoted above, and is specific to the changes in use designation to permit higher residential densities. We address these goals in detail below, but suffice it to say, nothing about this project fits these criteria out of the box, which is why the applicant has to ask for every change possible in the book to make the square peg try to fit in the round hole. Point in case number one is that Residential Goal 10 states that *"[r]equests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided..the site is so designated on the comprehensive plan map."*

Well this is just the kind of clear and objective standard the applicant has been hoping for. They would have a better argument for such a zone change if they wanted to convert an RM1 or RM2 property to a high-rise, as they are both in the same comprehensive plan map zone. But Single Family is, by default, in a comprehensive plan zone all its own.

### **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.**

## 7. Historic Resources

### Grant Neighborhood Association Response:

The applicant provides no evidence that they have assessed the site for historic resources. However, the existing church building and associated parsonage are both older than 50 years and retain historic integrity which makes both properties at the very least “Eligible/Contributing” properties for the National Register of Historic Places (NRHP). Grant Neighborhood Association’s research shows that there are grounds for a trained cultural resource specialist who meets the Secretary of the Interior’s Standards to make an official determination of eligibility for both 905 and 925 Cottage Street for inclusion in the NRHP under Criteria A for their locally significant association with the development of early 20th-century residential development in Salem, and for 905 Cottage Street specifically under Criteria C for its association with architect Lyle Bartholomew, who designed many buildings in Salem including the old Leslie Middle School (now demolished), the former Temple Beth Shalom, the Salvation Army building downtown, and the old West Salem City Hall.

If any Federal funds are used to undertake the proposed development on this site, the applicant will need to comply with Section 106 of the National Historic Preservation Act (implemented through 36 CFR Part 800 - Protection of Historic Properties). This Federal law applies to all properties regardless of their designation in the National Register of Historic Places.

## 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).**

### Grant Neighborhood Association Response:

Even the most cursory look at Map #1 on Page 51 would show that 905/925 Cottage Street are not along an Activity Node or Corridor and not within the Core Area identified as a Mixed-Use Growth Opportunity. The applicant asserts they are improving parking on site, though they are actually *reducing* parking on the site and are under no obligation to provide any parking for tenants under the new multifamily code provisions. The applicant has not ruled out the possibility that they would just lease these parking spaces as an income generator, further increasing traffic along this route.

Note that every High-Rise Residential Zoned property in Salem's Central Core Area is identified as an activity node or corridor on the page 51 map. This begs the question of why the subject property is appropriate for this zone, but then also supports the Neighborhood Association's argument that this kind of rezoning would only beget future, adjacent rezonings and being identified in plans like this for additional, more dense, development. The City clearly took pains to exclude Grant's residential core from the Central Core Area activity node designations, and this project would directly upset that balancing act.

## **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.**

#### **Economic Growth**

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

#### Grant Neighborhood Association Response:

The proposed use as described to the neighborhood association is not family residences, but micro-studios and apartments for single persons entering adulthood after a childhood in foster care. The applicant's statement, "permanent residence ... families ... stimulating the economic growth," fails on at least three points. The applicant has continually asserted that they cannot guarantee what types of "clients" they will serve at this property. Additionally, we strongly object to the applicant's characterization of the value of religious assembly in terms of its economic productivity. Such a statement is highly demeaning and not supported by fact, citation, or study.

#### **Optimal Use of the Land**

**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.**

#### Grant Neighborhood Association Response:

It's telling that as soon as a provision in the comprehensive plan identifies a clear and objective standard, the applicant can't even assert how their project will meet it. The issue here is that not only do they meet the standard - they grossly exceed it. The applicant's proposed development of 65 units per acre is **10 times greater than the standard**. It may be tempting to say (and the applicant does) that packing density into Grant benefits the whole city, because it will allow for less-dense development elsewhere. But it would also be clear who would bear the cost. In this case, density for density's sake is a disservice to the Grant Neighborhood and highlights how much of a sore thumb this project is for single-family zoned properties.

To put a finer point on density in Grant: 6.5 units per acre allows for lots to be 0.15 acres in size. 925 Cottage meets that threshold with its single-family home. A cursory check of the single-family residential lots in the Grant Neighborhood reveals that the density is already greater than 6.5 units per acre with lots averaging between 0.12 and 0.13 acres in size. The applicant contends that the density in Grant should be even higher than the goal in the Comprehensive Plan. We counter that Grant Neighborhood has been meeting that desired density level, and optimizing the use of land, for over 100 years. Further concentrating density in inner-city neighborhoods, and not just Grant, only relieves the more suburban areas of Salem from having to strive to improve their density, and achieve a more equitable disbursement of density across the city as a whole.

Additionally, Grant Neighborhood has already worked collectively with the City to plan a higher-density overlay zone along, and west of, Broadway Street that is located within the area covered by the North Downtown Plan. This plan was produced in 1997 with considerable input and support from the neighborhood, which had six residents representing various neighborhood interests. Properties within this plan area are allowed and encouraged to develop in a mixed-use fashion or high-density residences identical to the applicant's proposal. With land approved for this type of development in such close proximity, the need to rezone the subject properties is completely unnecessary. And, it also flies in the face of the work of the city and neighborhoods to come together and positively identify changes to the zoning of the city that work for everyone.

### **Street Improvements**

#### **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.**

#### Grant Neighborhood Association Response:

The north-south aligned streets do not match as they intersect D Street between 5th Street and Winter Street. This creates an unwelcome "fast lane" character for D Street and makes it more difficult to cross D Street as there are no clearly defined crosswalks for hundreds of feet and no apparent "Oregon crosswalks" at unmarked intersections where pedestrians would have the right-of-way. This matters because the site is within ½ mile of three schools (Grant Community School, Parrish Middle School, North Salem High School) and sees a considerable amount of pedestrian traffic. A significant portion of this pedestrian population are minor children who do not always possess the best attention and decision-making skills when it comes to crossing through traffic corridors. Further developing the site and introducing more cars - specifically at rush hours - would require upgrading pedestrian safety on D Street to include marked crosswalks or controlled intersections. The proposed project does not have enough parking to accommodate all of the units and will only increase visual problems for drivers associated with on-street parking near these difficult intersections.

### **Development Compatibility**

**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.**

#### Grant Neighborhood Association Response:

The applicant's answer to this question is based on the existing buildings being used in perpetuity. The neighborhood association has major concerns about the viability of the building for its stated use and that the cost of redevelopment (\$2-\$5 million, according to the developer) would force them to demolish the existing buildings. If the applicant were forced to demolish the current buildings to accomplish the proposed project, devise a new project, or sell the property to a new owner, most of the argument in the current application for zone change would be voided.

Importantly, under the City Code, there is no identified maximum height for high-rise residential, and no density limitation for the number of units on a space. With no off-street parking requirement based on the number of units - well, we'd say "the sky's the limit" but not even that is true! Even if the proposal currently asks for a height restriction, we would not be confident in the long-term persistence of such a condition if the current structures do not end up being viable for the type of development proposed.

### **Designated Open Space**

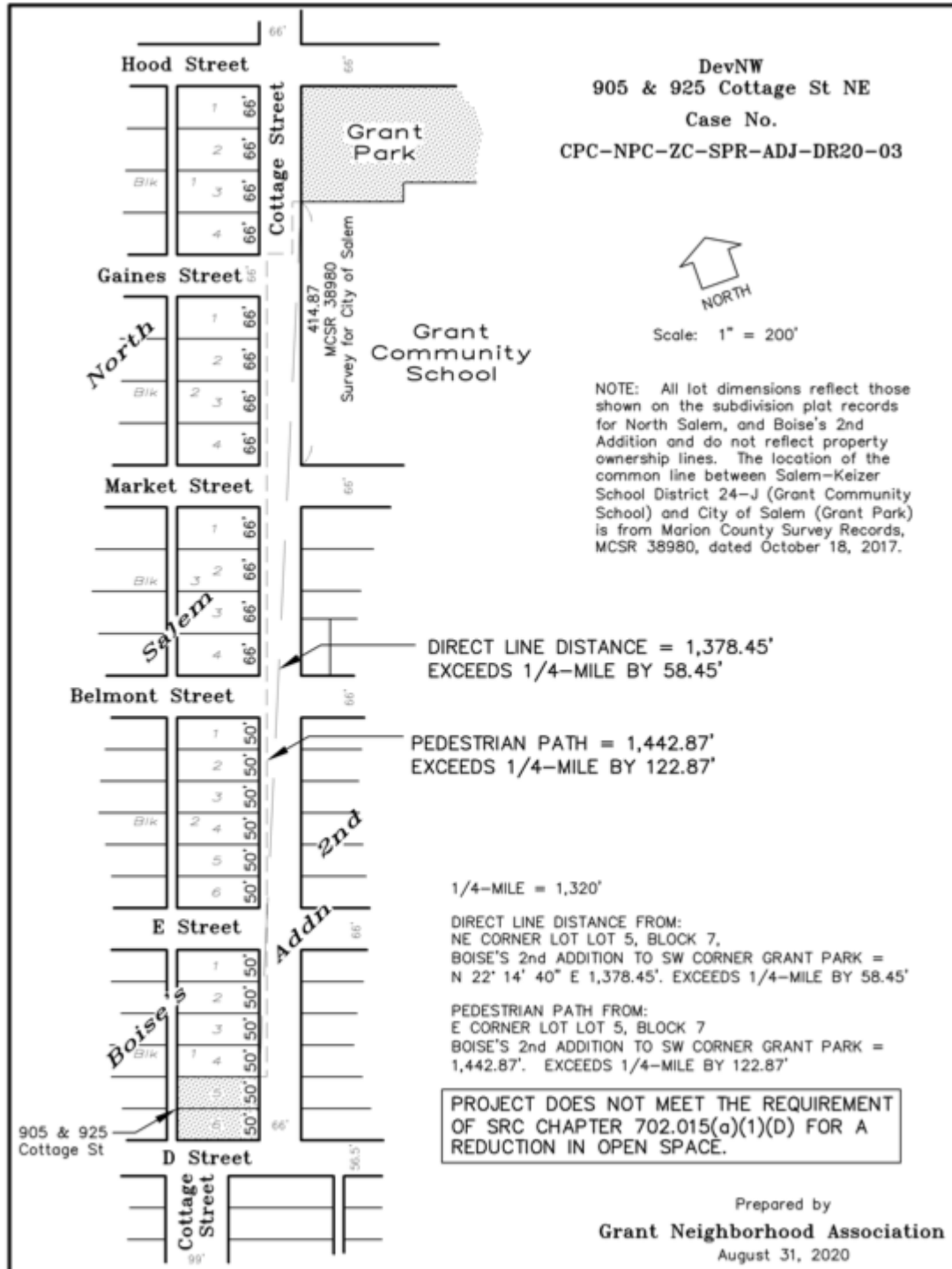
**13. Land use regulations shall encourage public spaces, both natural and manmade for either active or passive enjoyment, including natural areas, open plazas, pedestrian malls, and play areas.**

#### Grant Neighborhood Association Response:

The applicant's answer to this question is an affront to the very concept of open space. There is no way that the applicant could come anywhere close to providing the required amount of public or private green spaces required under the development code for a 19-unit property. This is born out in their site plan review, which requests reduction in required common space, open space standard dimension, and setbacks so they can *barely* meet the requirement for green space at their site.

Development of this project within the previously referenced North Downtown Plan area would allow the development to meet the requirements for public open space that these properties cannot provide.

The subject properties are over 0.25 miles from Grant Park as demonstrated below (and provided in the attachments to this comment).



## ***E. RESIDENTIAL DEVELOPMENT***

### Grant Neighborhood Association Response:

The Neighborhood Association notes that the Code places a very high burden on the applicant to justify that their proposed change equally or better suits the immediate vicinity of the area. Before reviewing their response (or ours), we suggest reviewing Attachment C of our submission, a comparison of this site to the High-Rise residential zoned properties within Central Salem. One will either find properties that are obviously out of character for 905/925 Cottage Street, or totally undeveloped. We believe that, here again, the applicant's responses to this entire section of Goals is inadequate to justify the changes they propose.

Many of our previous arguments apply in this section, and we will refrain from re-stating them in their entirety.

***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.***

### Grant Neighborhood Association Response:

- This application is not an "infill" project as the applicant asserts. The site is already encumbered with existing structures. These are not vacant lots just waiting for development.
- These lots are not considered "developable" -- they are already encumbered
- As we have argued elsewhere, this development would contribute to an overburdening of public services, namely public transportation facilities -- no crosswalks, increased vehicular traffic, increase in on-street parking, etc.
- Grant agrees that providing low-income housing on this site is a good thing; what we don't agree with is the density of units the applicant is seeking and the means (RH zone) by which they want to achieve this. The applicant fails to demonstrate that the RH zone is appropriate for this location.



***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.***

Grant Neighborhood Association Response:

The most germane argument here is that we believe that the density of zoning and the impacts of a zone change are an existential threat to the existing neighborhood and would set the course for a very different character of development over the next comprehensive planning cycle. This concern would not be alleviated by temporary or site plan conditions to the property.

Further, we see little evidence or guarantee from the applicant that the existing buildings can actually be rehabilitated into housing. Further, their responses to all of these questions demonstrates an inherent disregard and contempt for the city's approach to zoning, the role of the neighborhood associations, or the impacts of development on the immediate vicinity of a project.

***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.***

Grant Neighborhood Association Response:

As noted earlier, this project faces serious uphill constraints on accommodating growth, addressing nuisances and hazards, and stress on existing facilities and services. The applicant proposes a remarkable increase in the density of use while *reducing* the availability of parking, causing serious issues in a parking-stressed neighborhood. The project will increase pedestrian usage in the immediate vicinity while offering no improvement in traffic facilities that would address the inherent constraints of D Street's misaligned character.

***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.***

Grant Neighborhood Association Response:

Nothing about this project addresses this (it refers to city codes and ordinances, after all) - but it is clear that something is *not working* about the city's codes and ordinances if a developer wants to rezone perfectly functional single-family zoning as a high-rise. The applicant's office in Salem is directly adjacent to a passed-over, underutilized high-rise residentially zoned piece of land (adjacent to Lee/Frances Apartments). The code and ordinances should incentivize the proper development of that property rather than the improper use of this property.

Further, 19 units could provide housing for 38 (or more) residents, if 2 residents will be in each unit. The addition of nearly 40 people -- all residents who will be transitioning in and out of programs run by DevNW -- to this small corner of the neighborhood will certainly destabilize this block. The number of people moving in and out of these units will be constant, especially since DevNW has said this will be transitional housing for former foster children.

***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.***

Grant Neighborhood Association Response:

Grant agrees that re-use of these buildings is preferred and encouraged, but the applicant has made no guarantees that they will actually do this. They have consistently deflected Grant NA's questions about if the church and house will be saved, the cost of the project, etc. It remains to be seen if this project is even viable or just a pipe-dream.

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

Grant Neighborhood Association Response:

The applicant's statement that there is no subsidized housing in Grant is wholly unsupported by fact. 56% of Grant's families are low-to-moderate income, [by the City's own accounting](#). We welcome and embrace all of our neighbors, but note here that there are only 4 neighborhoods in the city that have higher rates of low-to-moderate incomes. The applicant infers otherwise.

***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.***

Grant Neighborhood Association Response:

We reiterate our concerns that the density of this proposal without significant changes in the infrastructure of the immediate vicinity will greatly test the physical constraints of the immediate area. Whether it is proper marking and control of pedestrian and vehicle traffic on and across D Street, parking, and the like - the immediate area of the neighborhood is already at a breaking point.

***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.***

Grant Neighborhood Association Response:

We reassert here that this site is NOT designated for this use on the comprehensive plan map, and that the applicant has failed to meet their burden to justify changing the comprehensive plan map, the neighborhood plan, and the zone. The site's physical characteristics, including the surrounding street system, do not support high density development.

## NEIGHBORHOOD PLAN – GRANT NEIGHBORHOOD PLAN

### 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.**

#### Grant Neighborhood Association Response:

The Grant Neighborhood consists of about 90 city blocks. 37 of these blocks in the neighborhood plan have at least some property zoned “Multifamily” or “Apartment” and these are the blocks where this goal is applicable. There are only 18 blocks in the Grant Neighborhood zoned entirely Single Family and this project is on one of those blocks.

The applicant is misreading the limiting phrase, **"allowing conversion of houses and lots to multifamily densities where permitted by zoning."** The applicant is apparently reading this to mean, **"allowing conversion of houses and lots to multifamily densities where permitted by rezoning."** But if that were the actual meaning of the phrase, it would not be a limitation. Anything is permitted within open-ended rezoning.

We disagree with applying this standard to the subject property because it is not the appropriate zone. It also misstates the application, as they are describing their intended use rather than their intended zone. There are many single-family homes in the Grant Neighborhood that are in a multi-family zone. The neighborhood plan allows, though does not encourage, the redevelopment of those properties so long as the existing housing stock is not in irreparable condition.

### 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 predominantly single-family residential character of this area to assure continued operation of Grant School as a neighborhood school and community facility.**

#### Grant Neighborhood Association Response:

The Grant Neighborhood consists of about 90 city blocks, of which only 18 are zoned completely as single-family housing. The Neighborhood Plan is explicit in its goals to preserve these blocks of RS zoning because it and surrounding neighborhoods had been the subject of constant

encroachment from more intense development from the downtown and state office core. **This rezoning application follows a decades-long trend of trying to expand more intense, higher-density uses from the Downtown area at the expense of what remains of Grant’s residential character. This is bad public policy for both downtown and close-in neighborhoods and should not be encouraged.**

“D Street” stands for the dividing line between the more intense uses associated with Downtown and the State Capitol and these 18 blocks of residences.

Also - High-Density redevelopment of these properties is not consistent with the applicant’s high-minded reference to a “missing middle housing buffer,” which generally refers to duplexes, triplexes, and quadplexes between commercial areas, or other high intensity uses, and single-family houses. That “missing middle” already exists in the plan in this neighborhood. The multifamily zoning, in the CAN-DO neighborhood to the south, already logically bridges the commercial property south of Mill Creek and the Grant Neighborhood. Rezoning properties between the two as a High-Rise Residential upsets the logic of the current zoning, which already achieves what the applicant says is needed.

The logic in the applicant’s statement in this answer is difficult to follow. They seem to be saying that by changing the character of those two lots, the character of the rest is preserved. But the applicant has cited no other threats to the character of the neighborhood apart from its own. Not to hit this too heavily, but it would seem the applicant is suggesting that the neighborhood should buy protection from the threat to the neighborhood by accepting their application.

**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.**

Grant Neighborhood Association Response:

This is a good place to note that the Grant Neighborhood bears a disproportionate brunt of the decision not to require off street parking for multifamily properties within a quarter mile of the

Cherriots core network. The applicant is only providing 7 parking spaces for 19 units, and at our July 2020 Neighborhood Association meeting suggested that they would be open to capitalizing those parking spaces by leasing them rather than providing them to their residents. This is both allowed under code and a terrible idea.

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

Grant Neighborhood Association Response:

The applicant cannot make a firm statement about the fate of the existing buildings because, as the application shows, no engineering analysis or final design has been done on the buildings. Without the engineering, no cost projections of the project could be offered. And without a cost projection, the applicant cannot show financial capacity for the project.

The fate of the existing buildings is no more than a suggestion at present. The applicant makes no commitment to any use of the buildings, and this hearing does not bind the applicant to any particular use. The one question before the Planning Commission is whether the rezoning is appropriate for the neighborhood and the City, regardless of the structures on the property or the proposed uses offered by the applicant.

We ask the Planning Commission to think about the appropriateness of this zone change with no consideration for the existing structures or the applicant's promise to "rehabilitate" these buildings. Would you approve building a high-rise apartment building in this space?

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

Grant Neighborhood Association Response:

Similar to the answer above, there is no limitation in the application for rezoning that would preserve the architecturally and historically significant structures on the property.

The applicant has not established that the conversion of the church building to a multi-family residence is possible within a reasonable budget. Being almost a century old, the building does not satisfy modern building codes. With the extent of the major renovation proposed, full satisfaction of the Oregon State Building Code (OSBC) in every particular will be required.

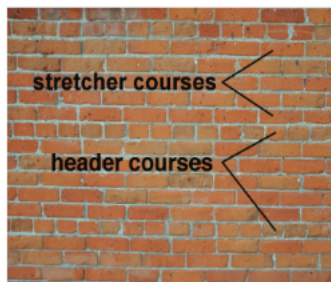
The building foundation was not designed for the more intense use of a multi-family residence and may have degraded over time. Modern foundations are usually more robust, beginning with land preparation, depth of footings, and sturdiness. The foundations on the buildings of that age were not built with the modern understanding of the periodic earthquakes in the Pacific Northwest. Without an engineering report, no one can know whether the foundation needs to be retrofitted, nor the extent of that work.



The masonry shell of unreinforced brick does not satisfy modern code requirements for seismic hazard mitigation. Seismic retrofitting will be required by the OSBC at an unknown cost.



Left: masonry of the 905 Cottage Street building showing stretcher and header courses.



Left: excerpt from “Unreinforced Masonry Buildings and Earthquakes” FEMA 2009

■ Figure 8. “Header” versus “stretcher” courses. The presence of header courses is usually the easiest way to tell if a brick wall is unreinforced.

Figure 8. “Header” versus “stretcher” courses. The presence of header courses is usually the easiest way to tell if a brick wall is unreinforced.

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.”

Without knowing those costs, the applicant cannot offer the Planning Commission any assurance that the building can be reused as represented in the proposed project. In previous communications regarding the first iteration of this project, the applicant represented to GNA that the commercial office part of the original project was required to make the operating finances balance, hinting that financial viability was a critical factor. But without knowing the extent and expense of the project, the applicant cannot know the size of construction loan required to do the renovation.

After the engineering studies and costing is complete, if the project proves to be non-viable, the Applicant will seek a new project or resell the property. As mentioned above, the new choice of projects (by the applicant or the new owner) may then be anything within the full latitude of the Residential High-Rise zoning. That new choice of project may be far different from the purposes currently proposed.

Since the applicant has not provided evidence that any of the engineering design and estimates have been done, the "proposed project" has no more reality than a suggestion, and that suggestion may or may not be in the realm of possibility. The applicant is not bound to anything.

But as a quasi-judicial body, the Planning Commission must work on well-founded facts, not suggestions. The applicant supports very little of its application with facts and documentation. Without foundation, the commission cannot come to a well-founded judgment, regardless of the appeal of the proposed project.

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

Grant Neighborhood Association Response:

The proposed rezoning and redevelopment of these single-family zoned properties and structures **is the exact kind of proposal contemplated by the Neighborhood and City when this policy was drafted and enacted by the City Council as Ordinance 83-33 on June 13, 1983.**

The policy requires that any application of this type be denied.

The applicant's own statements show how difficult it is to justify this kind of redevelopment in the face of such a definitive city adopted policy. For example, the idea that a church, whose use as a church has been consistent for nearly 100 years, is not appropriate for the zone or the neighborhood is laughable as farce. Churches are identified as one of the core uses of the residential zone in the Comprehensive Plan.

The applicant implies that the church is a misfit in the zone. It should be kept in mind that the Church existed on this site long before there was any such thing as a zoning code. The Church was placed here to serve the surrounding residential community at a time when short distance transportation was largely done by foot. To say that converting it to housing is a requirement to make it compliant with the zoning that was placed over it is, again, quite farcical.

**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.**



Grant Neighborhood Association Response:

This policy statement does not apply to this application. This is a rezoning application to High-Rise Residential from the Single Family (RS) zone. Even so - if this application applied here, the Neighborhood Plan states that such an application should be denied. Which is why it's any wonder they quoted it in their application. The use that they contemplate is not "existing." And the use that is currently in place is not "nonconforming."

The applicant continues to assert that the existing church is somehow inappropriate for the single-family zone, or that multi-housing in the single-family zone is a higher and better use of the single-family zone. That's just not how it works. The special use of religious assembly is 100% compatible with Single-Family zoning and, in fact, exactly the kind of place religious assembly should take place. Under the City's code, Religious assembly is encouraged in the single-family zone and discouraged in commercial zones.

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

Grant Neighborhood Association Response:

The applicant is proposing to change a single-family residence and appropriately located church into multifamily use. This change is the exact conversion anticipated and prohibited under this plan.

If one considers the church as a "single-family residence" for the purpose of this policy statement - the neighborhood plan requires that any application to convert that property to multifamily use should be denied.

Some may argue that changes in state law allowing for the redevelopment of this single-family property to up to four units means that the Neighborhood Plan is obsolete or no longer applies. This is not the case. Were the applicant seeking to redevelop this property into four units, the argument could easily be made that state law supersedes both the neighborhood and city policy. **But no state law preempts this plan in a way that allows for a High-Rise Redevelopment of single-family zoned properties.**

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

Grant Neighborhood Association Response:

First - the application is not in a Multifamily Zone and this policy does not apply to the subject property. The applicant is crafting their responses *as if* the rezoning had already been approved.

There is no density limitation to units for High-Rise Residential properties in the code and that is probably the strongest reason why it makes absolute zero sense to allow that zone to be utilized on a block that has only single family housing zoned properties on it.

Based on our conversations with the applicant, we do not accept any assertions about what they intend to do as a condition of approval for this project. They have said that they will do whatever is required to build the units, including removing the existing structures and starting from scratch.

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

Grant Neighborhood Association Response:

This application does not comply with this policy. The single-family home (925 Cottage St NE) will be rezoned as High-Rise Residential and replaced with a multifamily apartment unit. The church - zoned single family (RS) - will be redeveloped as an income-generating property with a proposed use of high-density, high-rise, multifamily housing.

**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.**

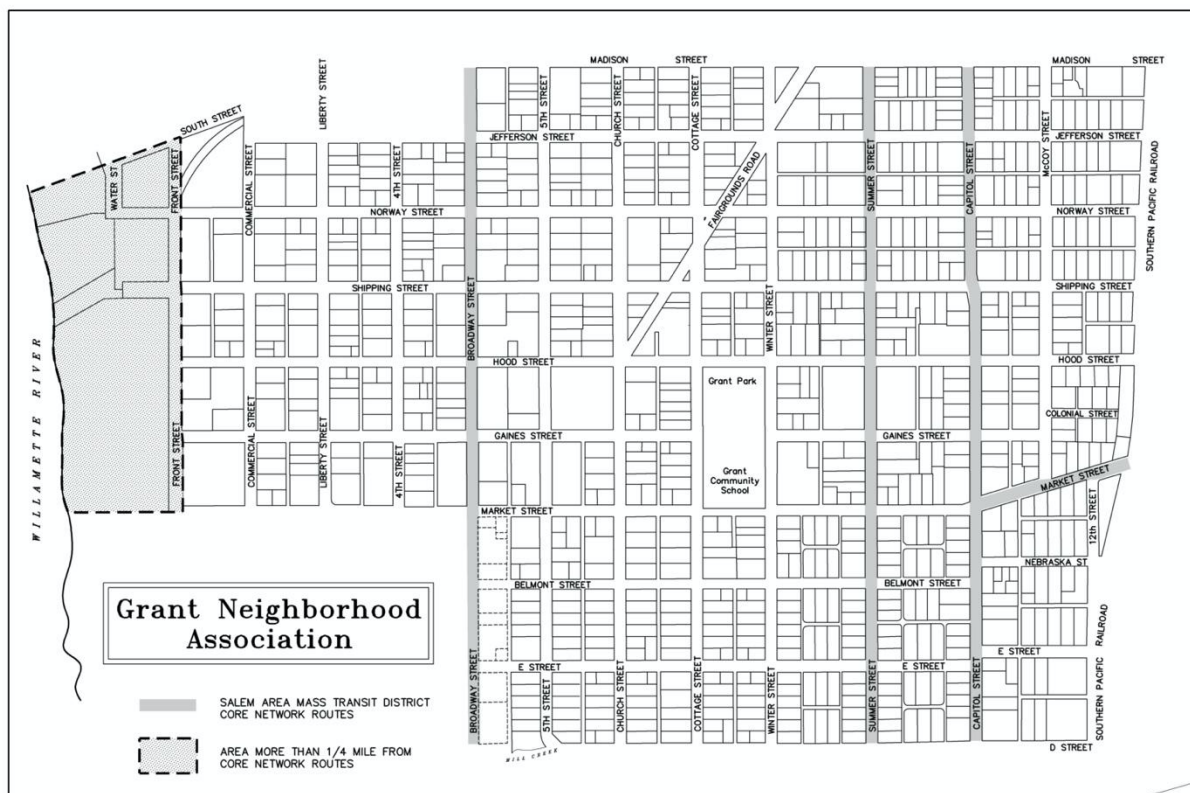
Grant Neighborhood Association Response:

The applicant does not address the specifics of this goal which is to conserve the close-in single family housing stock and prevent encroachments of more intensive uses into the core of the neighborhood, identified as being between 5th Street and the alley west of Capitol Street and ranging from D Street to Madison Street.

The proposed high-density, high-rise multifamily housing is more intense than single family residential use. The single-family structure may remain but it will be a multi-unit apartment, not a single-family residence, under the applicant's proposal. Grant Neighborhood has been, and continues to be, an affordable neighborhood with a vast range of housing sizes and configurations and a diversity of residents.

The City of Salem has designated a nearby area as appropriate for this kind of development - the Broadway High Street Overlay Zone, and the Grant Neighborhood Association provided input, and did not oppose, the development of 990 Broadway under this overlay zone. The development goals of that area are a useful counterpoint to this proposal - does the city want to extend that kind of high-density development to every RS-zoned property within a ¼ mile of the Cherriots Core Network? This would affect every single property in the Grant Neighborhood except for the blocks between Front Street and the Willamette River.

Attachment A – Grant Neighborhood Association  
Response to Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03



## 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**

#### Grant Neighborhood Association Response:

Based on the following information, GNA strongly disagrees that the threshold of impact from a single property is 400 trips per day (1/4 of the allotted trips), per the OHP plan.

Under the Salem Transportation System Plan Amended January 13, 2020, Cottage Street is a local street and D Street, in this area, is a collector. Under the Ultimate Design ADT column of Table 3-1, therein, average daily trips for a Collector are 1,600-10,000. **Local streets are not specifically stated to have a trip design limit, though “Residential livability concerns arise at approximately 1,600.”**

D Street, between the 5th Street-High Street intersection and Summer Street includes twenty-two abutting properties. Eighteen of the properties are single family residential homes. One contains a duplex, built in 1945, and one contains a fourplex, built in 1976. One is a rehabilitation health care facility, built in 1974, whose building is set back to the south along Cottage Street. The State of Oregon’s North Mall Heritage Park is the other property included in this stretch. The GNA worked extensively with the Oregon Department of Administrative Services to preserve the historic homes within the Park and provide a significant buffer between the balance of the Capitol Mall activity and the residential neighborhood to the north. Given the residential dominance along this portion of D Street, GNA believes that the ADT for this section is more appropriately in the 1600 trip range, rather than the 10,000 limit for a collector street.

Perhaps, a more rational measure would be to consider the increase in potential trips that would be generated by the proposed zone change.

The DKS traffic study evaluates the trip generation rates for the worst-case scenarios, making comparisons between the uses allowed in the RS zone versus those allowed in the RH zone. The trip generation estimates are calculated using average rates from the ITE Trip Generation Manual, 10th Edition.

In the analysis, however, DKS mixes its comparisons.

- 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.
- Table 3 provides trip generation rates for selected allowed uses under the RH zone; those being: multi-family residential use and daycare center [sic].
- Table 4 couches it's figures as "Reasonable Worst-Case Land Use and Trip Generation for Proposed RH Zoning", showing a 17-unit multi-family housing in the church and a day care in the home.
- Finally, in Table 5, the report settles on the current proposed use made by the applicant.

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.

GNA has no confidence that the proposed redevelopment of the two existing structures on these lots will occur. If the property is zoned RH, the development parameters are very much unlimited, and there will be no controls to stop it.

## **PART III | Oregon's Statewide Planning Goals**

### **A Summary of Oregon's Statewide Planning Goals**

#### **PART III – USE OF GUIDELINES:**

#### **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;**

##### Grant Neighborhood Association Response:

The applicant provides no evidence that a historic resource survey was completed by a qualified cultural resource specialist. However, both buildings on the property are well over 50 years old and retain historic integrity. At the very least, both buildings are "Eligible/Contributing" properties for the National Register of Historic Places (NRHP), and both buildings are possibly individually eligible as well. The church building specifically was designed by architect Lyle Bartholomew, a well-known Oregon architect, and is likely individually eligible for the National Register under Criterion C.

The application contains no assurances that the historic character of these buildings will be surveyed, analyzed, or protected if the rezoning occurs and the property transfers hands.

The applicant states in the application that they intend to use Federal HUD funds to undertake this proposed development. If any Federal funds are in fact used to undertake the proposed development on this site, the applicant will need to comply with Section 106 of the National Historic Preservation Act (implemented through 36 CFR Part 800 - Protection of Historic Properties) and in consultation with the Oregon State Historic Preservation Office (SHPO). This Federal law applies to all properties regardless of their designation in the National Register of Historic Places.

#### **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.

## **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.**

Grant Neighborhood Association Response:

The applicant's response to Goal 10 paints an incomplete picture of the City's efforts to respond to Goal 10 and bring the amount of **buildable** land into alignment with the projected need for housing over the next 15 years. Simply quoting the Draft plan from 2014 is not sufficient to understand the progress Salem has made in the last 6 years to address this perceived deficit, and what role rezoning properties can and should play in this process.

We commend the work of the city over the last 5 years to address issues such as Accessory Dwelling Units, Short-term rentals, and multifamily design standards as a way of encouraging development and infill on underutilized properties throughout the city. These issues were identified as part of the HNA implementation plan and the City's progress is significant.

Here in the Grant Neighborhood, we have seen a measurable response to these changes, with a number of property owners in the last few years making significant changes to fully utilize **existing multi-family zoned properties**, particularly on properties that were vacant, underutilized, or contained hazardous or severely dilapidated structures. Such a response demonstrates that the step-by-step implementation of the HNA strategy is working. (Though we reserve the right to be concerned that some changes - such as removing off-street parking requirements - may overwhelm the central neighborhoods if the pace of infrastructure investment does not match the pace of multi-family infill).

However, this phased approach to alleviating the 207-acre deficit of multifamily housing shouldn't be upset with radical departures in zoning, as warned in the implementation strategy itself, and that this project exemplifies.

First - to be clear - **every time the HNA recommends rezoning Single-Family properties as Multi-Family, they say it should be a *city-initiated* process, and that it is likely to take years of complex work.** The application before the Planning Commission flies in the face of that recommendation. Even so - the HNA implementation plan gives guidance to the city on the delicate nature of these kinds of rezonings:

*"Redesignations and rezonings should be sensitive to neighborhood character and concerns. As a general principal, redesignations should either be to RM1, for lower-to-moderate density multifamily, or RM2 for moderate-to-higher density multifamily.*

Does the implementation plan rule out the possibility that Single Family could be rezoned as high-rise? No, it does not. But it does place great caveats and burdens on any such decision:

*There may be specific (but limited) instances where redesignating land to RH is appropriate because of opportunities to achieve higher density multifamily housing without disrupting an established neighborhood. (Draft Housing Needs Implementation Strategy, page 14)*

The Grant Neighborhood Association believes that this development is wholly out of character with the neighborhood and we are concerned about it. The implementation strategy places a very high burden to show such a rezoning will not disrupt an established neighborhood.

Our response to the application shows - clearly and objectively - that it will.

Even if you take the developer at their word that they won't knock down these buildings (which we do not), the density of units that they propose is a radical departure from the logic of the existing zoning structure. As suggested in the implementation plan, the Neighborhood Association might have a harder time arguing that an RM1 or RM2 rezoning would be as impactful, but the RH zone is, by its definition, limitless in density and such density has an outsized impact on an existing neighborhood, regardless of whether or not the "building envelope" is changed.

The Housing Needs Implementation strategy also highlights the underlying concern with putting the cart before the horse when it comes to rezoning. We have stated, again and again, that a zone change such as this is likely to beget further, more intense, zone changes and developments within Grant's residential core. The city has committed, as part of the housing needs analysis implementation plan, to revise property zoning through the *Our Salem* comprehensive plan revision. Our concern - absolutely borne out by what is clearly coming down the pike, is that rezoning these properties today will clear the deck for rezoning other properties along D Street and other portions of the residential core for more intense uses.

The Grant Neighborhood Association remains highly engaged with the *Our Salem* process, which ultimately will address any remaining rezoning of acres to accommodate more multifamily housing in Salem. It is likely that properties in the Grant Neighborhood will be up-zoned in this process. This is an eventuality that the Grant Neighborhood Association wants to be a part of deciding. However, we believe that there is little justification to upzone properties along D Street for the myriad reasons demonstrated in our comment to this proposal. What's true about 905/925 Cottage (poor street alignment, parking problems, etc. etc. ) is true of all the properties in the immediate vicinity and can't be solved by redeveloping the individual properties alone.

Our concerns about Goal 10 are very important. The applicant would like to believe that the perceived deficit of 207 acres of multi-family zoning somehow obligates the Planning Commission to approve every rezoning application for a multi-family zone. It does not.

The applicant would like to believe that under state law, the City of Salem's entire zoning system and Comprehensive Plan is illegal because it does not rely solely on objective terms that favor the applicant. This is not true.

The Planning Commission retains the authority to decide whether the applicant has met the very high burden for such a disruptive zone change. They have not.

## *Grant Neighborhood Site Plan Review Comments*

### **Open House**

Grant NA objects to the site plan submission as incomplete. The applicant did not hold the required Open House *on the entire consolidated* application, as SRC 320.300 requires. This site plan was not presented at the May 4, 2020 virtual open house and therefore does not satisfy their public engagement responsibility under the code.

***The Neighborhood Association reaffirms our request to reject this application as incomplete and to require the applicant to hold an open house on the entire application per SRC 320.300.***

### **Open Space**

The applicant requests a reduction in the amount of required open space, as well as the minimum dimensions of the open space, in order to satisfy requirements for open space under the multifamily code.

- An overall reduction in open space should not be granted, as the applicant requests, because the property is not within ¼ mile of a city park. We have provided a detailed map that supports this assertion, based on both survey data and the City's GIS database.
- The applicant misstates that the properties are within a ¼ mile of the Oregon Capitol State Park. That park does not extend past Center Street between Winter and Summer Streets. The State of Archive grounds are not a park, either by city zoning or by the State of Oregon.
- The fact that the applicant cannot meet the multifamily open space requirement supports an overall denial of this consolidated application. Not only does the current zone not support the use, the *proposed use itself* does not even fit the zone requested. How many ways can the applicant prove their project is not right for this location?
- The use of concrete boulevards, etc. as shared open space may be allowable but it is not advisable. The sparse design of these apartments should lead to more useful open space and not incomplete box-checking by the applicant.

***The Neighborhood Association recommends denying the applicant any allowances for open space based on proximity to Grant Park, as it does not meet the ¼ mile distance requirement. We also recommend denying any reductions in open space, as it would have an impact on the immediate neighbors by requiring residents to congregate on the front stairs and boulevards. In the alternate: Require more use-based landscaping (benches, etc.) around the property in order to encourage full use of limited open space, such as between the buildings and the backyard.***

## **Engineering**

The Neighborhood Association remains highly skeptical that the applicant has done the proper work to understand the engineering challenges of retrofitting this building for its new use. As we state in Attachment A of our comment, the unreinforced masonry will need to be fully retrofitted for seismic stability. The statements provided on sheets G100 and G200 regarding wall integrity do not alleviate concerns that this is not a viable project as presented.

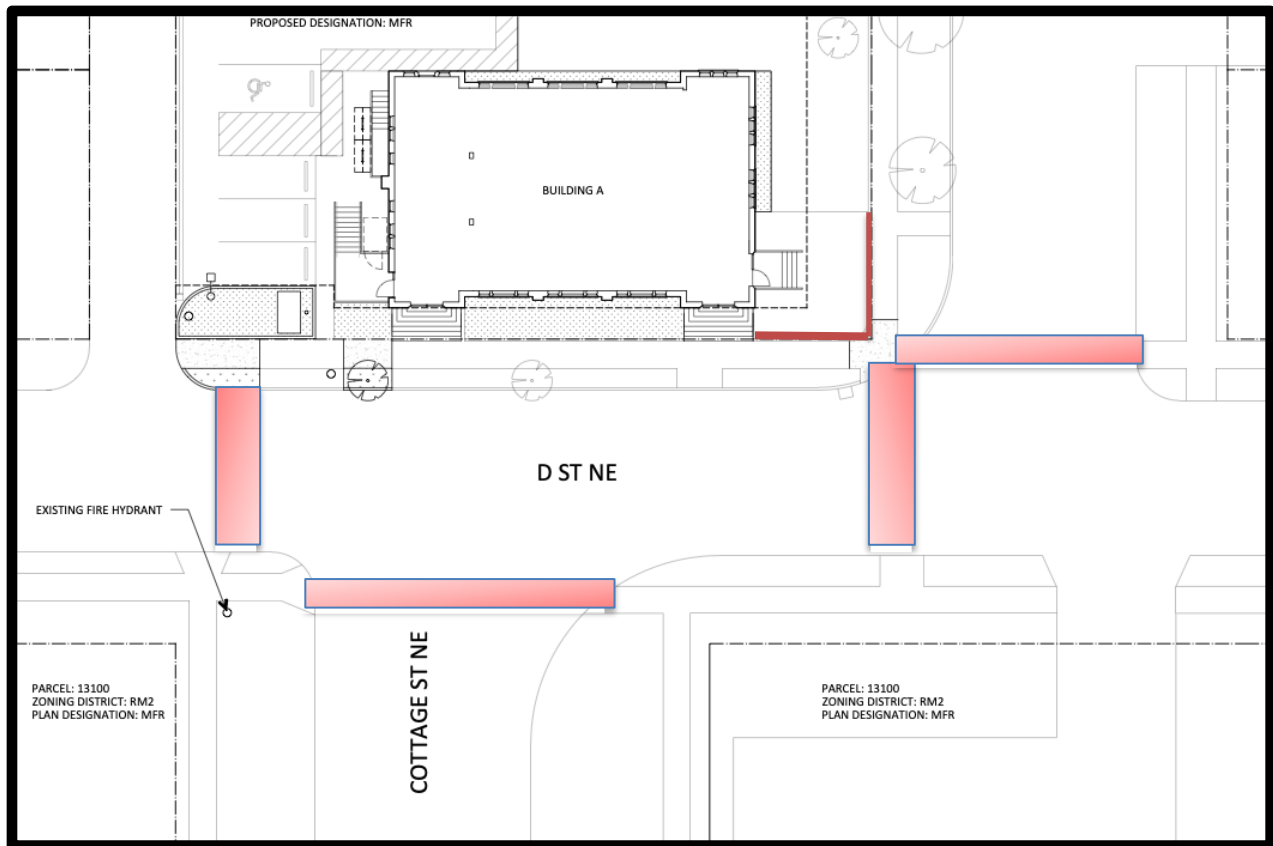
***The Neighborhood Association requests that the applicant provide a full seismic upgrade plan from a licensed engineer in order to demonstrate capacity to complete the project as put forth in the Site Plan.***

## **Sidewalks and Traffic Considerations**

The Neighborhood Association is concerned that the existing sidewalks and traffic infrastructure is insufficient to handle the increase in use associated with the density of this development (or maximum levels of development under the proposed zone). We have detailed in Attachment A the incongruent nature of the city streets, both by their varying widths and the fact that no North-South streets align at D Street within the immediate vicinity of the properties.

***The Neighborhood Association requests that the City require the developer to improve the following crosswalks (by striping, bring into ADA Compliance, or other means):***

- ***Crossing Cottage St. at D St. (South Side)***
- ***Crossing Cottage St. at D St. (North Side)***
- ***Crossing D St. near Cottage St. (East Side)***
- ***Crossing D St. near Cottage St. (West Side)***



*The Neighborhood Association also requests that the applicant be required to remove the second curb (painted white) that curves around the front entrance of the Church building at the corner of Cottage and D streets. The top edge of the curb has been painted white because it is already recognized as a major tripping hazard for both sidewalk pedestrians and church attendees due to its unexpected location.*

### Fencing

The application states that an 8-foot-high wooden fence would extend along the boundary with the RS-zoned property to the north, all of the way to the sidewalk between 925 and 940 Cottage St NE.

*The Neighborhood Association requests that this fence only extend to the eastern end of the 925 Cottage St NE building, as a fence extending into the front yard would be out of character for the neighborhood, especially an 8-foot-high fence.*

## Landscaping

SRC 702.020(b)(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

***The landscaping plan does not appear to meet the requirement for trees adjacent to the parking area at a rate of one canopy tree per every 50 feet of perimeter of the parking edge. It appears that the parking lot perimeter is approximately 206 feet in length which would require up to 5 trees to meet the SRC, while only two trees along the north property line are shown.***

*SRC 702.020(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.*

***The landscaping plan does not show any additional trees being planted along either the north or south side of the 70-foot long Church building. The Neighborhood Association requests that the applicant correct this deficiency.***

## ADA Accessibility

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.

***The Neighborhood Association requests that the City require that ADA accessibility be added to the site plan for 905 Cottage Street NE.***

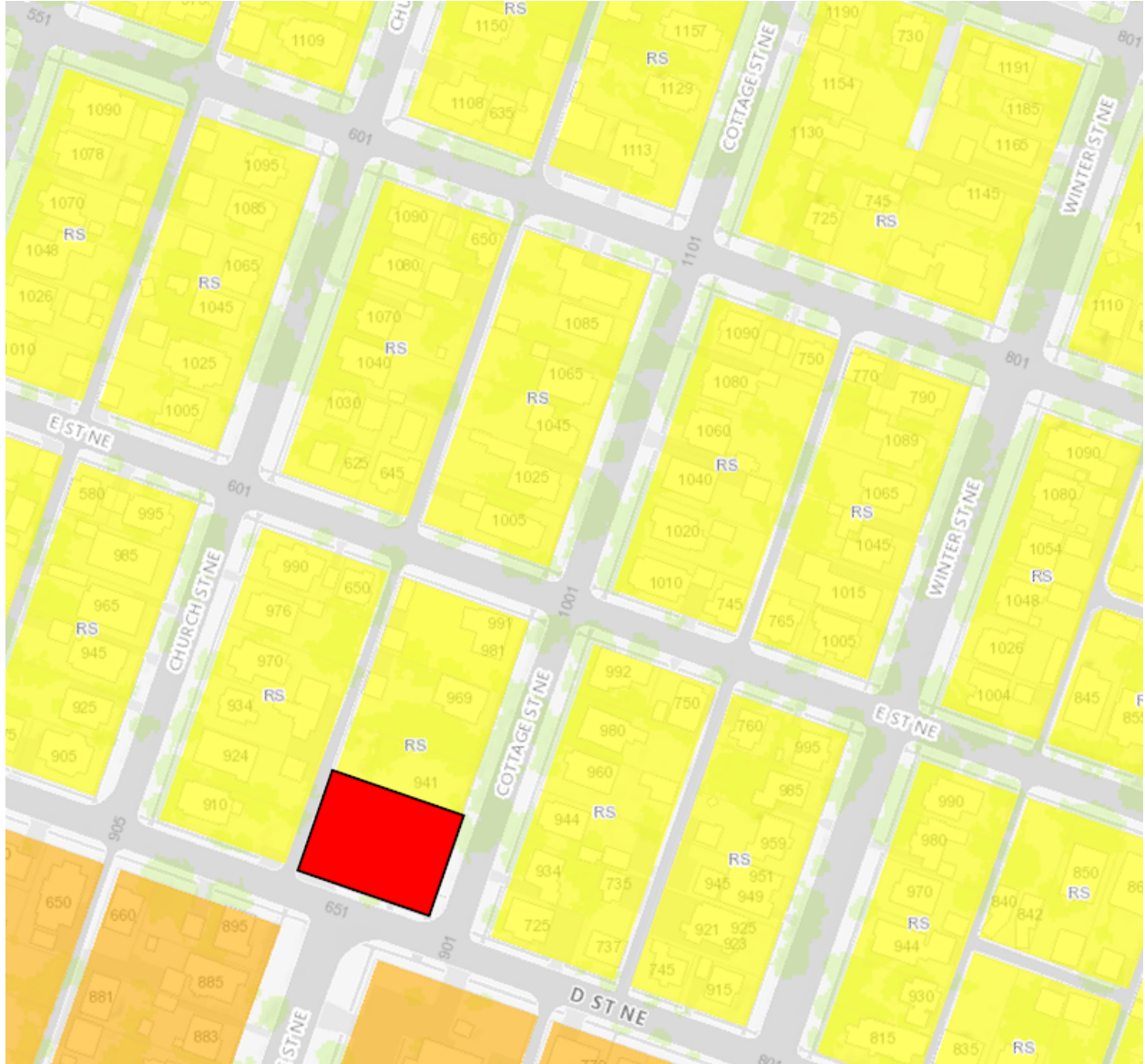


### **Historic Character & Exceptions to Site Design Criteria**

The Neighborhood Association believes that the totality of the changes required to make this project viable do not demonstrate the applicant's responsiveness to our concerns about the historic nature of the properties. On the contrary, the amount of exceptions to basic criteria regarding windows, open space, setbacks, and the like only demonstrate that this property is not a proper location for the kind of project proposed by the applicant.

Finally, as we have stated elsewhere in this application - the Planning Commission is under no legal obligation to accept the project as rezoned and designed in this consolidated application. The requirements to grant any site-specific allowances at the site plan review stage do not control the discretion of the Commission to make reasoned choices about the larger issue at hand - whether the applicant has met their burden to demonstrate that the zone change is justified. They have not.

## Evergreen & Parsonage as RH Zone



The red box represents proposed DevNW development using the two lots that are proposed for Residential High-Rise. As you can see these two lots, which are a total of 0.30 acres, would be completely surrounded by RS (Single Family Residence) to the west, north, and east and RM2 (Multifamily 2) to the south. The proposal will place the most dense zoning in the middle of the least dense residential zone, which is counter to the tradition of tiering zones from higher to lower density.

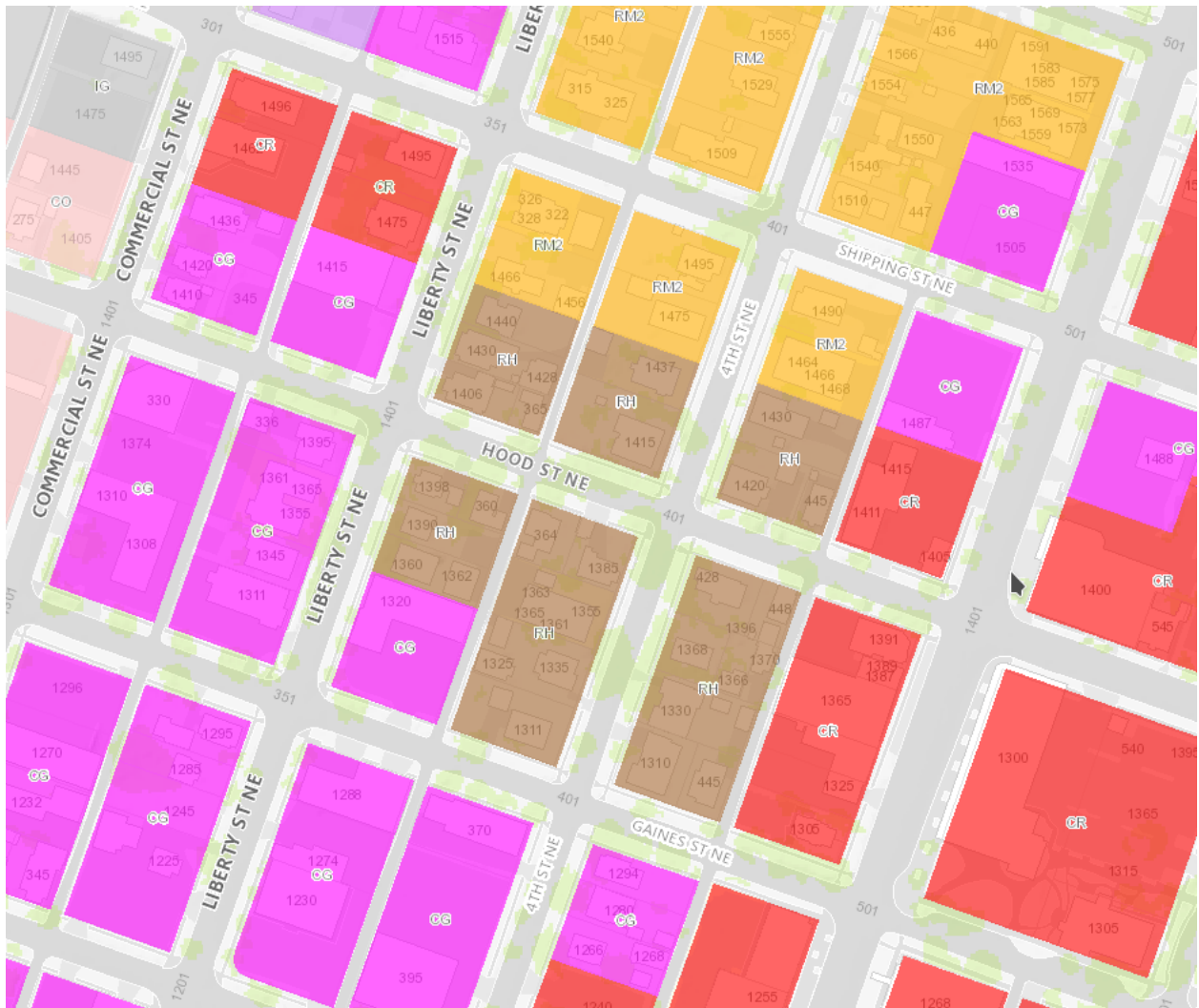
Attachment C – Grant Neighborhood Association  
Uses of High-Rise Residential Zoning in Central Salem  
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

The proposed development of 19 units on 0.30 acres, which will have a density of 64 units per acre. When comparing this proposal to others in Grant and CAN-DO, you can see this will be one of the more dense projects. The highest density projects are the Lee (555 Winter St NE), Frances (585 Winter Street NE), and Elaine Apartments (879 Liberty Street NE) are surrounded by Commercial Business or Commercial Residence and not Single-Family Residence.

Also, the proposed site is 1,300' from the nearest Residential High-Rise, which is the Lee Apartments (northern most RH property on the map titled "RH Zones - Central CAN-DO") to the South and the Larmer properties (eastern most RH property on the map titled "RH Zones - NW Corner of CAN-DO") to the East.

When reviewing the other zones, you will see that many of them cover more area and can easily accommodate a larger development. Even comparing existing developments to this one, this site is missing parking and easy access to greenspace. Developments like the Lee and Frances Apartments have access to adequate parking and the Oregon State Capitol State Park, where kids and families can run and play.

## RH Zones in Grant NA



### Description:

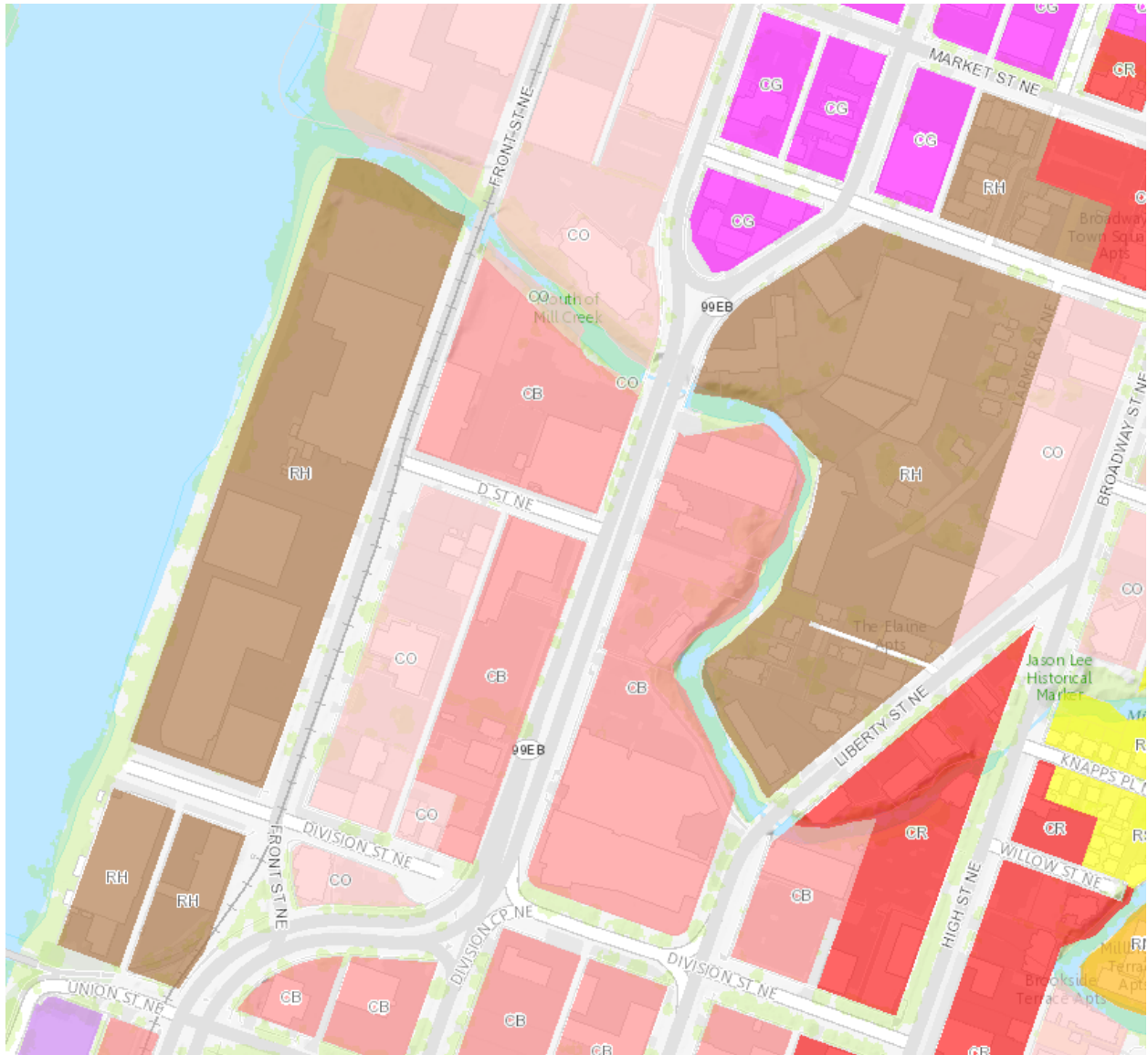
The contiguous RH zone and surrounded by CB (Commercial Business) and RM2 (Multi-Family 2) zones. It occupies about 2.98 acres of land that is still primarily single-family homes with a few apartments. Conceivably, a larger development could occur on  $\frac{1}{4}$  or  $\frac{1}{2}$  block areas within this contiguous zone. This zone does not contain a full block for a larger development - only a half block to the alley.

| Address                 | Lot Size | Use        | Units | Units / Acre |
|-------------------------|----------|------------|-------|--------------|
| 1360-1362 Liberty St NE | 0.12     | Apartments | ?     |              |
| 1390 Liberty St NE      | 0.11     | Home       |       |              |

Attachment C – Grant Neighborhood Association  
 Uses of High-Rise Residential Zoning in Central Salem  
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

|                    |      |            |   |      |
|--------------------|------|------------|---|------|
| 1398 Liberty St NE | 0.07 | Home       |   |      |
| 1406 Liberty St NE | 0.09 | Home       |   |      |
| 1430 Liberty St NE | 0.12 | Home       |   |      |
| 1440 Liberty St NE | 0.12 | Home       |   |      |
| 360 Hood St NE     | 0.05 | Home       |   |      |
| 365 Hood St NE     | 0.03 | Home       |   |      |
| 364 Hood St NE     | 0.09 | Home       |   |      |
| 445 Hood St NE     | 0.03 | Home       |   |      |
| 448 Hood St NE     | 0.06 | Home       |   |      |
| 1310 4th St NE     | 0.12 | Home       |   |      |
| 1311 4th St NE     | 0.19 | Home       |   |      |
| 1325 4th St NE     | 0.18 | Home       |   |      |
| 1330 4th St NE     | 0.16 | Home       |   |      |
| 1355 4th St NE     | 0.19 | Apartments | 8 | 42.1 |
| 1415 4th St NE     | 0.15 | Home       |   |      |
| 1420 4th St NE     | 0.13 | Home       |   |      |
| 1430 4th St NE     | 0.19 | Home       |   |      |
| 1437 4th St NE     | 0.15 | Apartments | 8 | 53.3 |
| 445 Gain St NE     | 0.08 | Home       |   |      |

## RH Zones - NW Corner of CAN-DO



### Description:

There are 3 RH zones in the Northwest corner of CAN-DO that occupies about 22 acres of land. The Western contiguous zone is 11.3 acres, while the Northern zone is about 9.34 acres. Both of these zones are surrounded by CB, CR (Commercial Residential) with a little CO (Commercial Office) between the two zones and RM2 abutting the northern part of the northern RH zone.



Attachment C – Grant Neighborhood Association  
 Uses of High-Rise Residential Zoning in Central Salem  
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

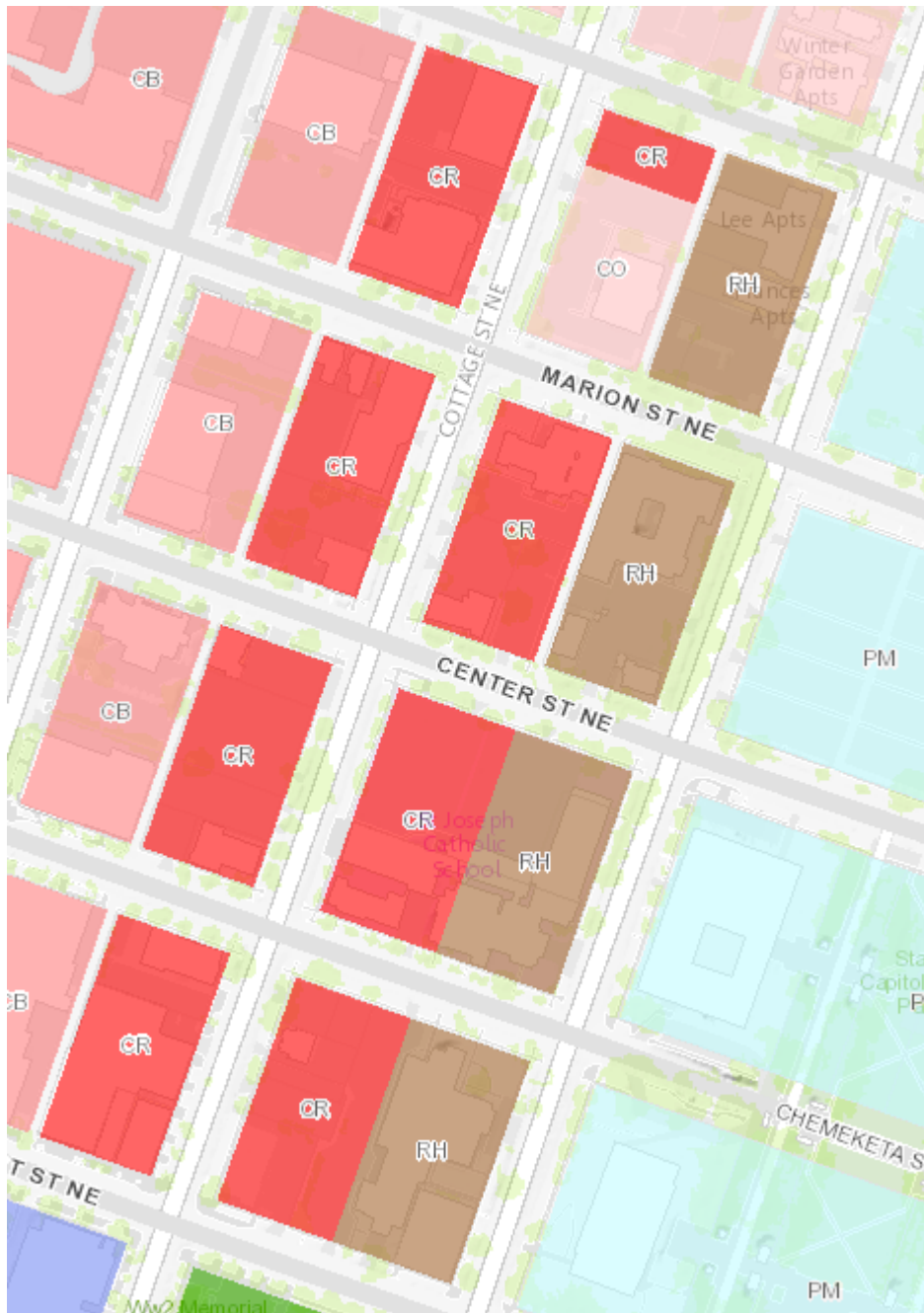
| Address               | Lot Size | Use        | Units | Units / Acre |
|-----------------------|----------|------------|-------|--------------|
| 380 Market St NE      | 0.05     | Townhouse  |       |              |
| 384 Market St NE      | 0.04     | Townhouse  |       |              |
| 388 Market St NE      | 0.04     | Townhouse  |       |              |
| 392 Market St NE      | 0.04     | Townhouse  |       |              |
| 396 Market St NE      | 0.06     | Townhouse  |       |              |
| 399 Belmont St NE     | 0.05     | Townhouse  |       |              |
| 395 Belmont St NE     | 0.06     | Townhouse  |       |              |
| 391 Belmont St NE     | 0.04     | Townhouse  |       |              |
| 387 Belmont St NE     | 0.04     | Townhouse  |       |              |
| 363 Belmont St NE     | 0.04     | Townhouse  |       |              |
| 379 Belmont St NE     | 0.07     | Townhouse  |       |              |
| 1012 Commercial St NE | 0.60     | Commercial |       |              |
| 1018 Liberty St NE    | 1.00     | Commercial |       |              |
| 370 Belmont St NE     | 2.07     | Commercial |       |              |
| 855 Liberty St NE     | 5.42     | Commercial |       |              |
| 875 Liberty St NE     | 0.20     | Apartments |       |              |
| 873 Liberty St NE     | 0.19     | Home       |       |              |
| 859 Liberty St NE     | 0.16     | Home       |       |              |
| 845 Liberty St NE     | 0.33     | Commercial |       |              |
| 885 Liberty St NE     | 5.42     | Commercial |       |              |
| 879 Liberty St NE     | 0.20     | Apartments | 16    | 80           |



Attachment C – Grant Neighborhood Association  
 Uses of High-Rise Residential Zoning in Central Salem  
 Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

|                    |      |            |  |  |
|--------------------|------|------------|--|--|
| 871 Liberty St NE  | 0.08 | Home       |  |  |
| 867 Liberty St NE  | 0.11 | Commercial |  |  |
| 863 Liberty St NE  | 0.19 | Commercial |  |  |
| 805 Liberty St NE  | 0.86 | Commercial |  |  |
| 901 Front St NE    | 3.88 | Commercial |  |  |
| 775 Front St NE    | 3.68 | Religious  |  |  |
| 633 Front St NE    | 0.06 | City Owned |  |  |
| 609 Front St NE    | 0.11 | City Owned |  |  |
| 101 Union St NE    | 0.19 | Commercial |  |  |
| 110 Division St NE | 0.78 | Commercial |  |  |
| 170 Division St NE | 0.81 | Commercial |  |  |

## RH Zones - Central CAN-DO



### Description:

This section of RH is four blocks long, a half block wide, and occupies 5.16 acres of land. It also abuts three different zones - PM (Capitol Mall), CR, and a little CO. The eastern side of the RH

Attachment C – Grant Neighborhood Association  
Uses of High-Rise Residential Zoning in Central Salem  
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zone is against two large State of Oregon buildings and then two full blocks of open parking lots for State of Oregon employees. The apartment complexes occupy about a quarter block and then the rest of the space is parking lots and religious organizations.

| Address             | Lot Size | Use         | Units | Units / Acre |
|---------------------|----------|-------------|-------|--------------|
| 775 Court St NE     | 0.23     | Office      |       |              |
| 721 Chemeketa St NE | 1.06     | Religious   |       |              |
| 770 Chemeketa St NE | 1.54     | Religious   |       |              |
| 757 Center St NE    | 0.09     | Apartments  | 6     | 66.7         |
| 753 Marion St NE    | 0.09     | Parking lot |       |              |
| 790 Marion St NE    | 1.08     | Religious   |       |              |
| 373 Winter St NE    | 0.25     | Religious   |       |              |
| 405 Winter St NE    | 0.08     | Religious   |       |              |
| 555 Winter St NE    | 0.21     | Apartments  | 16    | 76.2         |
| 585 Winter St NE    | 0.55     | Apartments  | 101   | 183.6        |

**Lee Apartments**

|         |             |                                   |
|---------|-------------|-----------------------------------|
| Parking | 11790 sq ft | *1st floor parking under building |
| Housing | 10808 sq ft |                                   |
| Floors  | 7           |                                   |



Front of the Lee Apartments from Winter Street NE. This building has several mature trees to protect it from the morning sun.



**Frances Apartments**

|         |            |
|---------|------------|
| Parking | 2000 sq ft |
| Housing | 3800 sq ft |
| Floors  | 3          |



Front of the Frances Apartments. This is a 3 story building and is south of the Lee Apartments.



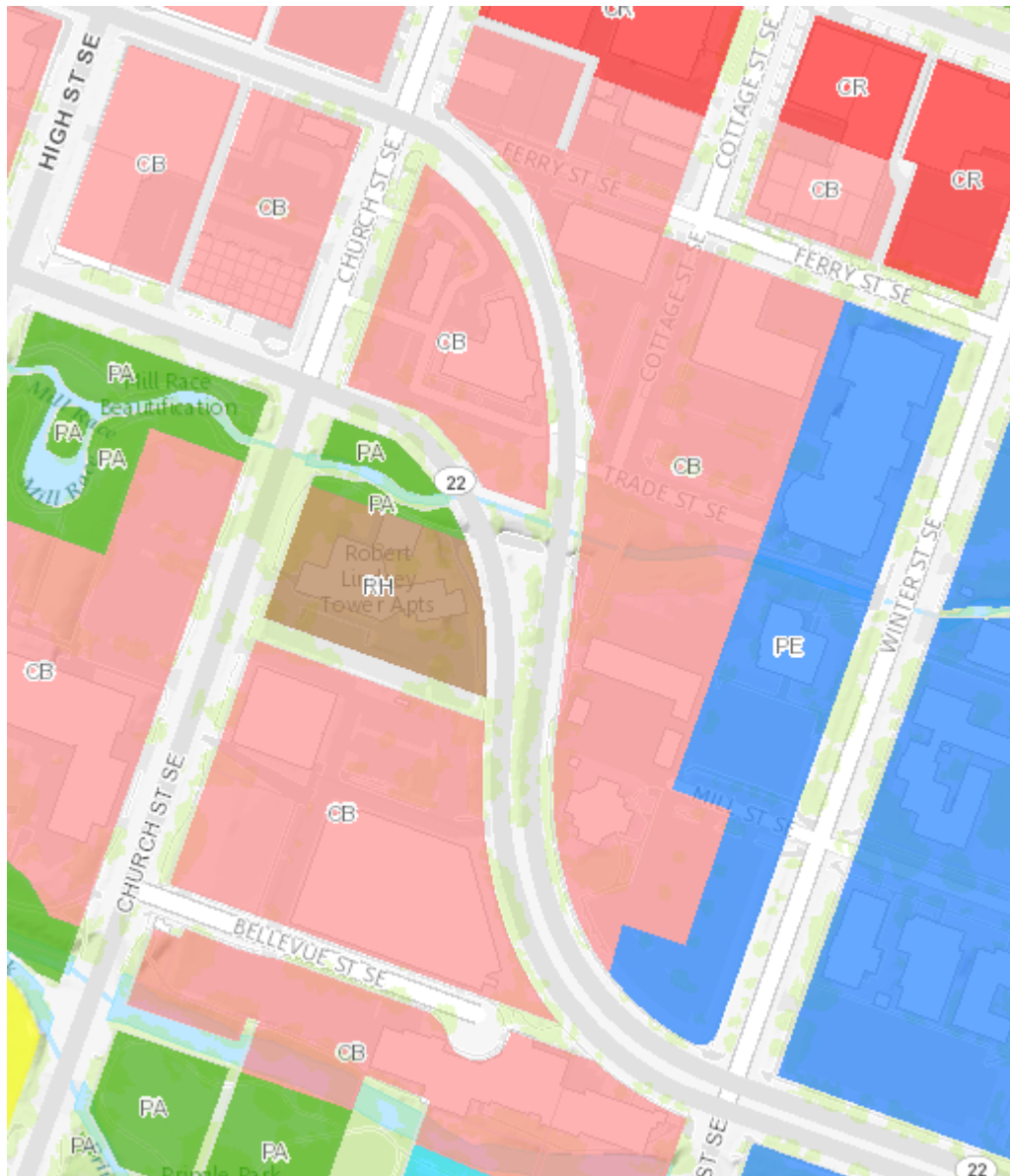
**Lee & Frances Shared Parking Lot**

Parking        18645 sq ft



This photo shows the large parking lot that both the Lee and Frances Apartments use. Both apartment buildings have parking behind them, with the Lee Apartments having parking under the west part of the building, where the first floor should be.

## RH Zones - Southern CAN-DO



### Description:

This RH zone is a single lot that is 1.31 acres and contains a single building, the Robert Lindsey Tower, which is also home to the City of Salem Housing Authority. This property is surrounded by a CB zone with a little PA (Public Amusement) zone. This is a compatible use for the area, since the Saife Corporation is one block over along with a few other 3 and 4 story buildings. For this being one of the tallest buildings in the area, it is not nearly as dense as either the Lee Apartments, Frances Apartments, or even the proposed DevNW property.



Attachment C – Grant Neighborhood Association  
Uses of High-Rise Residential Zoning in Central Salem  
Case No. CPC-NPC- ZC-SPR-ADJ-DR20-03

| Address          | Lot Size | Use        | Units | Units / Acre |
|------------------|----------|------------|-------|--------------|
| 360 Church St SE | 1.31     | Apartments | 62    | 47.3         |



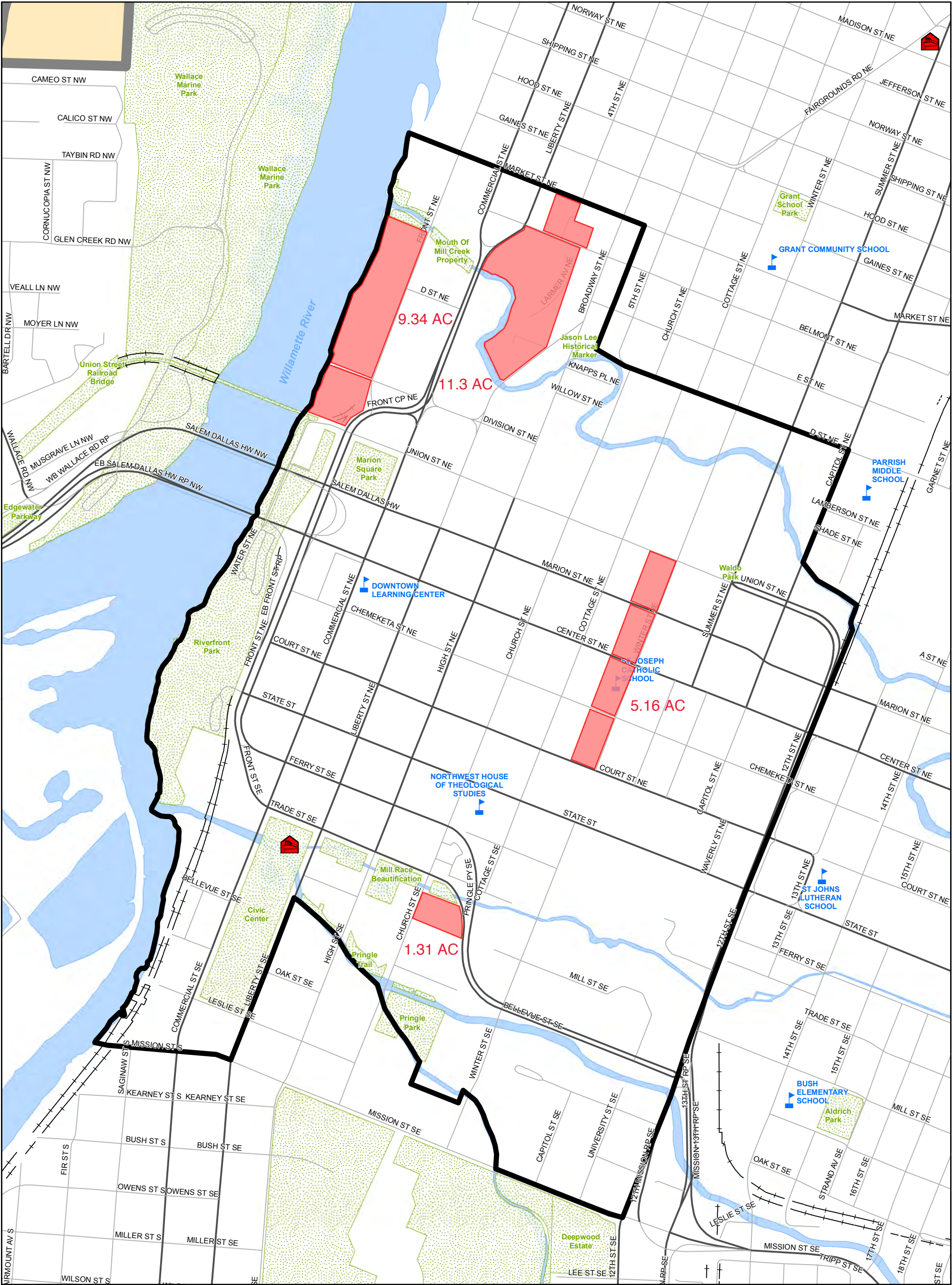
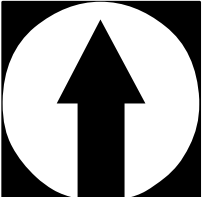
Attachment C – Grant Neighborhood Association  
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This is the Robert Linsey Tower, which has about 10 floors, 62 units, and also contains the Salem Housing Authority office.

## Resources

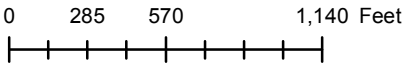
1. <https://mcasr.co.marion.or.us/PropertySearch.aspx>





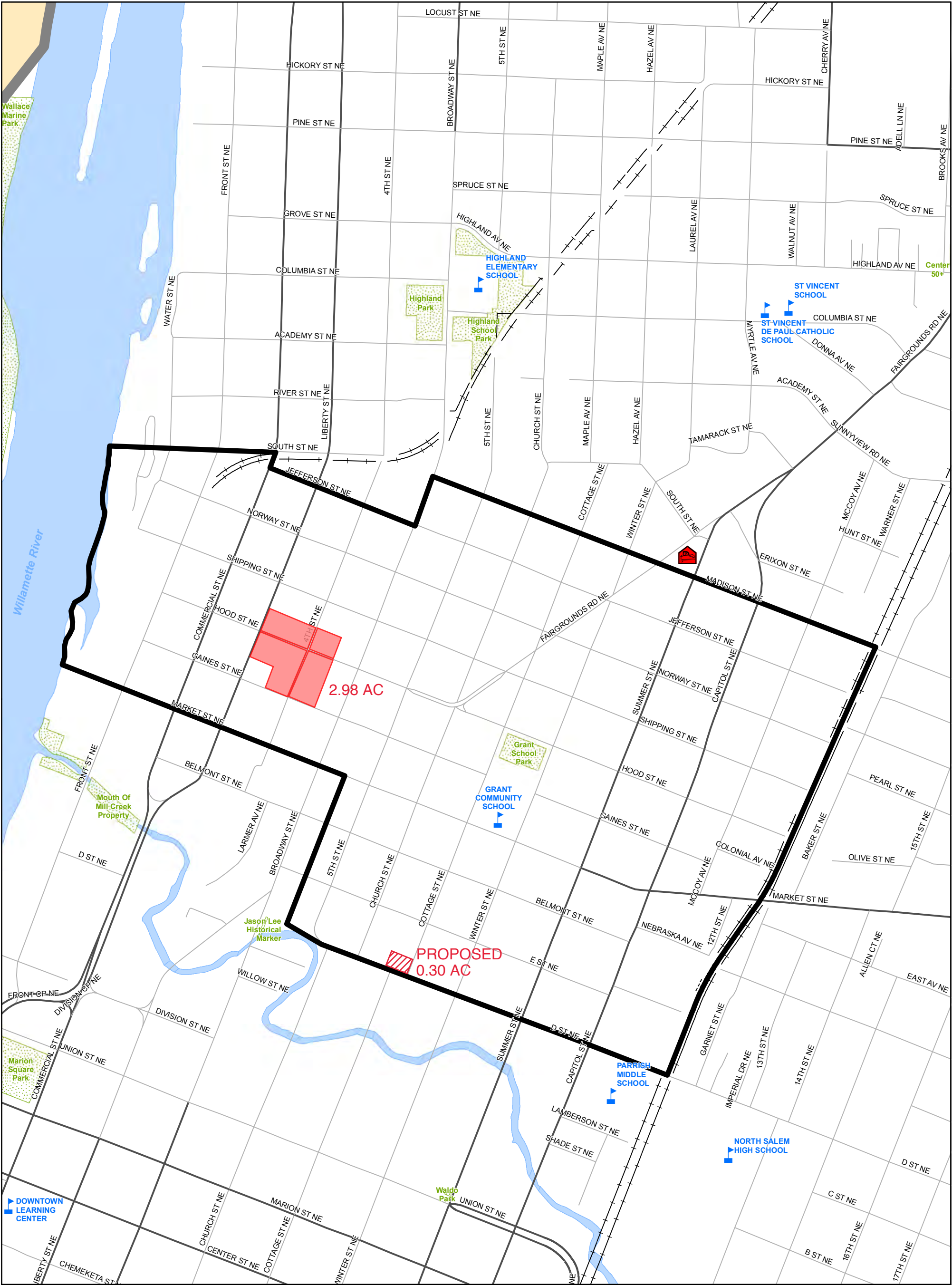
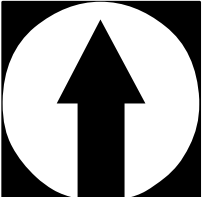
Legend

- Neighborhood Boundary
- Urban Growth Boundary
- Outside Salem City Limits
- Parks
- Fire Stations
- Schools
- RH Zone



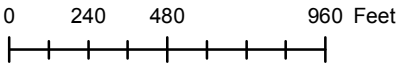
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Legend

- Neighborhood Boundary
- Outside Salem City Limits
- Fire Stations
- RH Zone
- Urban Growth Boundary
- Parks
- Schools



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## Evergreen Church and Parsonage



This is a view of **Evergreen Presbyterian Church** from the northwest corner of Cottage Street NE and D Street NE. You can see that much of the external features of the church are preserved including the arched windows and decorative brickwork, along with the facade crown.





This is a view of the **Parsonage** from the northeast corner of the property on Cottage Street NE. The house has a few decorative features that highlight that it was from the Victorian era, such as the adorned gable and porch. The house still has its original lamb tongue window sashes.



## Views from Evergreen Presbyterian Church



This is a view from the center of Cottage Street NE looking north from in front of the church. Evergreen Church will be to the left (west side.) The street is tree lined with residential homes on both the west and east sides of the street.





This is a view from the center of D Street NE looking east from the south side of the church. Evergreen Church can be seen at the left side of the photo. This section of D Street NE has fewer trees because of the narrower right-of-way and small parking strip. Homes are closer to the street. Between Cottage Street NE and Winter Street NE, there are 4 single family homes on the North (left) side. To the right, is the northern edge of Windsor Rehabilitation Center. In the distance on the right is a 1945 duplex with a 1976 fourplex farther east at the intersection of D Street NE with Winter Street NE. The has driveway and garage parking and the four-plex has parking in the rear off of an alley.





This is a view from the center of D Street NE looking south from the south side of the church. Evergreen Church is immediately behind the photographer. This street has a wide planting strip on each side. To the left, is the Windsor Rehabilitation Center, built in 1974, and to the right are four older single family homes, all located between D Street NE and Mill Creek..





This is a view from the center of D Street NE looking west from the south side of the church. Evergreen Church is just to the right. This street has four single family homes on each side of the street and is also mostly tree lined.



## Views Looking Towards Evergreen Presbyterian Church from One Block Away



This is a view from the southeast corner of Cottage Street NE and E Street NE looking southwest towards the church. The 900 block of Cottage Street NE has a wide planting strip and is heavily tree lined with homes near the sidewalks. The church is barely visible through the tree canopy. There are nine homes that front Cottage Street NE in this block.





This is a view from the southwest corner of D Street NE and Winter Street NE looking west. Evergreen Church can be seen on the right side of the photo in the distant background. This street has fewer trees and homes are closer to the street. To the right, are four single family homes and to the left are two older multi-family units; a 1976 fourplex at this street intersection and a 1945 duplex on the lot to the west of the duplex.





This is a view from the center of Cottage Street NE looking north towards the south side of the church. Evergreen Church can be seen in the center of the photo through the tree canopy. This street is heavily tree lined with wide parking strips. To the left is an older apartment complex along with several homes farther north. To the right is the Windsor Rehabilitation Center.





This is a view from the south side of D Street NE and Church Street NE intersection looking east. Evergreen Church can be seen in this photo along with the house on the northeast corner of the D Street NE and Church Street NE intersection.





# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



*Si necesita ayuda para comprender esta informacion, por favor llame  
503-588-6173*

## DECISION OF THE SALEM PLANNING COMMISSION

**MINOR COMPREHENSIVE PLAN MAP AMENDMENT / 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**

**APPLICATION NO.: 20-108811-ZO / 20-113783-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR**

**NOTICE OF DECISION DATE:** October 12, 2020

**REQUEST:** 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, Class 1 Design Review to develop a 19-unit multi-family complex and five Class 2 Adjustments to:

- 1) Setback adjustment from 12-feet abutting a street (including special setback) to 4.25-feet for ADA landing (SRC 515.010(b)).
- 2) Reduce overall common space 3,870 square feet to 3,331 square feet. (SRC 702.020(a)(1))
- 3) Reduce the common open space dimension standard reduced from 25-feet on all sides to 20-feet. (SRC 702.020(a)(1)(A))
- 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))
- 5) To allow the building to not provide an architectural detail which is intended to visually break up the buildings 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 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).

**APPLICANT:** Emily Reiman, DevNW, and Joseph Moore, GMA Architects, on behalf of Evergreen Presbyterian Church in Salem

**LOCATION:** 905 & 925 Cottage Street NE

**CRITERIA:** Salem Revised Code (SRC) Chapters 64.025(e)(2) - Comprehensive Plan Change; SRC 265.005(e) – Quasi-judicial Zone Change; 220.005(f)(3) – Class 3 Site Plan Review; 250.005(d)(2) – Class 2 Adjustments; 225.005(e)(1) – Class 1 Design Review


**FINDINGS:** The findings are in the attached Decision dated October 12, 2020.

**DECISION:** The **Planning Commission APPROVED** Minor Comprehensive Plan Map Amendment / Neighborhood Plan Change / Zone Change / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review CPC-NPC-ZC-SPR-ADJ-DR20-03 subject to the following conditions of approval:

- Condition 1:** The subject properties shall be limited to 19 units.
- Condition 2:** The maximum lot coverage allowance for all uses shall not exceed 50 percent.
- Condition 3:** The maximum building height allowance for all uses shall be 50 feet.
- Condition 4:** Outdoor Storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.
- Condition 5:** The applicant shall be required to demonstrate that mitigation for the adverse effect to the resources at 905 and 925 Cottage Street NE has been agreed to through submittal of the Memorandum of Agreement (MOA) signed by the State Historic Preservation Office (SHPO) prior to building permit issuance for the project.
- Condition 6:** Prior to issuance to building permits the applicant shall complete property line adjustment to consolidate 073W23CB / 14301 and 073W23CB/ 14300.
- Condition 7:** Pedestrian pathways as depicted on the site plan shall be provided connecting the two buildings and vehicle use area.
- ~~**Condition 7:** Provide street trees to the maximum extent feasible along all property frontages pursuant to SRC 86.015(e).~~
- Condition 8:** All pedestrian paths and connections shall be a minimum of 5-feet in width, shall be visually differentiated from driveways, parking areas, parking lot drive aisles, and loading areas by elevation changes, physical separation, speed bumps, or a different paving material. Wheel stop or extended curbs shall be provided along pedestrian connections to prevent encroachment.
- Condition 98:** The existing driveway approaches along D Street NE shall be closed and the curb, landscape strip and sidewalk replaced in accordance with Public Works Development Standards.

**VOTE:**

**Yes 8                      No 0                      Absent 1 (Levin)**

  
\_\_\_\_\_  
Chane Griggs, President  
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, by the dates listed below, or this approval shall be null and void.

|                                   |                         |
|-----------------------------------|-------------------------|
| Comprehensive Plan Map Amendment: | <u>No Expiration</u>    |
| Class 3 Site Plan Review:         | <u>October 28, 2024</u> |
| All other cases:                  | <u>October 28, 2022</u> |

|                                  |                          |
|----------------------------------|--------------------------|
| Application Deemed Complete:     | <u>August 19, 2020</u>   |
| Public Hearing Date:             | <u>October 6, 2020</u>   |
| Notice of Decision Mailing Date: | <u>October 12, 2020</u>  |
| Decision Effective Date:         | <u>October 28, 2020</u>  |
| State Mandate Date:              | <u>December 17, 2020</u> |

Case Manager: Olivia Dias, Planner III, [odias@cityofsalem.net](mailto:odias@cityofsalem.net), 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Tuesday, October 27, 2020. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64, 265, 220, 250, and 225. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the Salem City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

## **FACTS & FINDINGS**

### **COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE / SITE PLAN REVIEW / ADJUSTMENT / DESIGN REVIEW CASE NO. CPC-NPC-ZC-SPR-ADJ-DR20-03**

**OCTOBER 12, 2020**

## **PROCEDURAL FINDINGS**

1. On December 3, 2019, an application was filed for a Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change by Emily Reiman, of DevNW to change two lots totaling approximately 0.30-acre subject property from “Single Family Residential” to “Commercial Office” and to change the zoning of that portion from RS (Single Family Residential) to CO (Commercial Office).
2. On July 24, 2020, the applicant amended their requested change to change the Comprehensive Plan Map and Neighborhood Plan designation of the subject property from “Single Family Residential” to “Multiple Family” and to change the zoning of that portion from RS (Single Family Residential) to RH (Residential High Rise) and added a Class 3 Site Plan Review, Class 2 Adjustment and Class 1 Design Review to develop a 19-unit multi-family development.
3. The consolidated application was deemed complete for processing on August 21, 2020, and a public hearing to consider the application was scheduled for September 15, 2020.
4. Notice of the consolidated application was provided to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on August 26, 2020. The property was posted in accordance with the posting provision outlined in SRC 300.620.
5. DLCD Notice. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of the proposed Comprehensive Plan Change and Zone Change application to DLCD on June 8, 2020.
6. On September 15, 2020, the Planning Commission open the public hearing and continued to October 6, 2020 for the consolidated applications. The Planning Commission did not hear a staff presentation or any testimony.
7. On October 6, 2020, the Planning Commission held a public hearing for the consolidated applications. The Planning Commission received testimony both for and against the application. They also received a request to leave the written record open pursuant to ORS 197.763(6). The Planning Commission determined that since the hearing had already been continued, they were not obligated to hold the record open. A motion to hold the record open for additional written testimony failed. They subsequently closed the public hearing and voted to grant the Comprehensive Plan Change, Neighborhood Plan Change, Zone Change, Site Plan Review, Adjustment and Design Review applications.

8. 120-Day Rule. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

## **BACKGROUND / PROPOSAL**

The applicant is requesting a zone change from “Single Family Residential” to “Multiple Family” and to change the zoning of that portion from RS (Single Family Residential) to RH (Residential High Rise) and added a Class 3 Site Plan Review, Class 2 Adjustment and Class 1 Design Review to develop a 19-unit multi-family development.

The proposal requires the following land use approvals:

- A. Minor Comprehensive Plan Map Amendment from “Single Family Residential” to “Multiple Family”;
- B. Neighborhood Plan Map Amendment to “Multiple Family”; and
- C. Zone Change from RS (Single Family Residential) zoning to “Multiple Family” with RH (Residential High-Rise), subject to the following conditions of approval:
- D. Class 3 Site Plan Review, subject to the following conditions of approval
- E. Class 2 Adjustment;
- F. Class 1 Design Review.

## **APPLICANT’S PLANS AND STATEMENT**

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing compliance with the applicable approval criteria, as well as the existing conditions plan illustrating the existing development on the property, are attached to this report as follows:

- Applicant’s Written Statement: **Attachment C**
- Updated Open Space/Landscaping Plan: **Attachment G**

Planning Commission utilized the information included in the applicant’s statement to evaluate the proposal and to establish the facts and findings including the applicant’s updated open space plan. The applicant provided an updated Open Space and Landscaping Plan on October 6, 2020, which meets the stand of SRC 702.020(a)(1), therefore, eliminating the need for one of the requested zoning adjustments. The applicant’s updated plans is the basis for the evaluation in these findings.



## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, City Council Meeting minutes and video from June 22, 2020; any materials and comments from public agencies, City Departments, neighborhood associations, and the public; and all documents referenced in this report.

## **FACTS AND FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP)**

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Single Family Residential." The SACP describes the intent of the "Single Family Residential" designation as "to retain and conserve the existing sound housing stock."

The Comprehensive Plan designations of surrounding properties include:

North: "Single Residential"  
South: (Across D Street NE) "Multiple Family Residential"  
East: (Across Cottage Street NE) "Single Family Residential"  
West: "Single Family Residential"

### **Components of the Comprehensive Plan**

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

*Salem Transportation System Plan (TSP):* The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. D Street NE, designated as a collector street in the TSP, which abuts the southern boundary of the subject property.

### **Relationship to the Urban Service Area**

The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended. Property located inside the City's Urban Service Area. Because the subject property is located inside the Urban Service Area an Urban Growth Preliminary Declaration is not required for further development of the subject property.

### Infrastructure

- Water:* The *Salem Water System Master Plan* identifies the subject property to be within the G-0 water service level.
- A 10-inch, public water line is located in Cottage Street NE.
- Sewer:* An 8-inch sewer line is located in the alley abutting the property.
- Storm Drainage:* A 10-inch storm main is located in the alley abutting the property.
- Streets:* Cottage Street NE has an approximate 30-foot improvement within a 66-foot-wide right-of-way abutting the subject property. This street is designated as a major arterial 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.
- D Street NE has an approximate 30-foot improvement within a 56.5-foot-wide right-of-way abutting the subject property. This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- Alley abutting the west property line has an approximate 16-foot improvement within a 16-foot-wide right-of-way abutting the subject property. Alleys are typically 10 to 20 feet and are required to meet Public Works Design Standard number 304 and 305.
- Transportation Planning Rule:* A Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) is needed to demonstrate that the proposed Comprehensive Plan Change/Zone Change (CPC/ZC) will not have a significant effect on the transportation system as defined by OAR 660-012-0060. Findings addressing the Transportation Planning Rule can be found below.

## 2. Zoning

The subject property is zoned RS (Single Family Residential) and is currently developed with a church and single-family dwelling. Surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); single family homes.

South: (Across Cottage Street) RS (Single Family Residential); single family homes.

East: (Across Cottage Street) RS (Single Family Residential); single family homes.

West: RS (Single Family Residential); single family homes.

## 3. Existing Conditions

The subject property is approximately 0.30 acres in size and is developed with a church building and single-family dwelling. Each property has approximately 50-feet of frontage along Cottage Street NE and 905 Cottage Street NE has 130-feet of frontage along D Street NE.

## 4. City Department Comments

**Salem Public Works Department** – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (Attachment F).

**Salem Fire Department** – The Salem Fire Department submitted comments indicating no concerns with the proposed Comprehensive Plan and zone change, and that Fire Code issues would be addressed at the time of building permit application.

**Salem Community Development Department, Building and Safety Division** – The Building and Safety Division submitted comments indicating no concerns with the proposal.

## 5. Public Agency & Private Service Provider Comments

**Oregon Department of Land Conservation and Development (DLCD)** – No comments received.

## 6. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Grant Neighborhood Association (Grant) and adjacent to Central Area Neighborhood Development Organization (CANDO).

Required Open House/Neighborhood Meeting. Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and conduct an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On May 4, 2020, the applicant and their representatives held an open house meeting to present their proposal. The applicant submitted the video of this open house meeting as well as a summary of the meeting.

Notification was sent to the Grant, CANDO, surrounding property owners and tenants on June 30, 2020 and on August 26, 2020. The previous notice sent was for a proposed Comprehensive Plan, Neighborhood Plan Change and Zone Change to Commercial Office (CO). Several comments were submitted in opposition to the proposed change to Commercial Office. The applicant changed the proposal after feedback from the surrounding neighbors and neighborhood association. The previous comments regarding the charge to Commercial Office are not included below.

The Central Area Neighborhood Development Organization submitted comments in support of the proposal. Four comments in support of the application were also submitted.

Five surrounding property owners and Grant Neighborhood Association raised the following issues:

*Applicant did not hold a second Open House for the change in proposal.*

**Finding:** The applicant conducted an Open House on May 4, 2020 and submitted an application on May 22, 2020, which meets the 90-day requirement. The intent of the Open House is to provide feedback to the applicant from the neighborhood association and surrounding property owners/tenants on the proposal. The Open House provided the applicant with information and concerns, which appears to have been taken into consideration and resulted in an alteration of the proposal.

Staff did identify additional applications needed for the proposal to move forward, which commonly happens as we review an application for completeness. The Open House presented by the applicant did include the site plans, elevations and additional information which is reviewed by the Site Plan Review, Adjustments and Design Review applications. The additional application types that Staff identified, do not require an Open House. All of the work and plans associated with the entire application were presented at the Open House.

The Planning Commission finds that the open house requirement of SRC 300.320 has been met by the applicant on May 4, 2020.

*Residential High-Rise zoning would change the nature of the neighborhood and tend to push away current and prospective neighbors looking to enjoy residential property in the area. Concept of having a multi-unit housing structures in the Grant Neighborhood is not in and of itself objectionable, but the occupancy density of the proposed project is extremely excessive.*

**Finding:** The proposed designation change meets the intent of the Grant Neighborhood Plan. The subject property is located along a collector street, which is intended to distribute traffic between neighborhoods, activity centers and the arterial system. The subject site is partially non-residential and currently providing for a transition from more intense uses to the 'single-family core' area of the Grant Neighborhood. The intent of the plan indicates allowing the conversion of single family where practical.

The City's Housing Needs Analysis (HNA), which identifies a surplus of approximately 1,975 acres for single family residential development and a deficit of 207 acres available for multifamily residential development, has been accepted by the City Council with a work plan listing the conversion of single family to multi-family as needed to meet the projected multi-family land deficit. The HNA will be adopted into the Comprehensive Plan once the projected deficit is met. Additionally, the City has an obligation to provide multi-family land to meet the projected deficit under Statewide Planning Goal 10. Interpreting the Grant Neighborhood Plan's policies as having more weight than the state wide planning goals would conflict with SRC 64.010(f) which states: "statewide land use planning goals are the final standard to be used in interpreting the comprehensive plan, and the comprehensive plan shall be interpreted in a manner that is consistent with the statewide land use planning goals."

The applicant is proposing 19 units, which are either studio units or one-bedroom units. As conditioned below, the unit count will be limited to ensure the proposal is compatible with the area.

*The parsonage is already successfully being used as apartments; this is acceptable and should continue. Conversion of the space for offices would mean removal of family dwellings.*

**Finding:** The proposal does not contain office space. The existing parsonage will remain multi-family.

*The applicant has a very high burden when requesting such a remarkable change to the comprehensive plan, neighborhood plan, and zone. SRC 320.2000 states "the more impactful the change, the higher the burden."*

**Finding:** The applicant has provided a written statement address the decision criteria (Attachment C), which is addressed below. The City's Housing Needs Analysis (HNA), which identifies a surplus of approximately 1,975 acres for single family residential development and a deficit of 207 acres available for multifamily residential development, has been accepted by the City Council with a work plan listing the conversion of single family to multi-family as needed to meet the projected multi-family land deficit.

The applicant is proposing 19 units, which are either studio units or one-bedroom units. As conditioned below, the unit count will be limited to ensure the proposal is compatible with the area. As conditioned below, the applicant has met the decision criteria.

*The applicant consistently confuses their proposed use of a property with the zoning designation of the property.*

**Finding:** The applicant is required to address SRC 64.025(e)(2)(A), as part of their application. The applicant is required to meet one of the of the three subsections and has addressed that the proposed zone change is 'equally or better suited designation'. The applicant does not have to every subsection of the criteria.

*The applicant's response to the State of Oregon's Goal #10 and other affordable housing statutes misstates the discretion of the Planning Commission and City Council.*

**Finding:** In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decisions related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and a projected deficit of approximately 207 acres of available multi-family zoned land. *The HNA or Comprehensive Plan does not require that only vacant or undeveloped land be used to meet the multi-family deficit.*

The City has a surplus of RS zoned land available to meet future needs. The RS zoning allows the property to be developed with single family uses, or in limited situations, two family uses, when the property is located on a corner lot or abutting a commercially zoned property. The proposed RH zoning designation allows for a greater variety of residential uses than the current zoning does, including single family, two family, and multiple family residential. The proposed change in designation is in compliance with Goal 10.

*Significant nature of this proposal will set a precedent for sounding properties. Changes to the multi-family code makes the Grant Neighborhood is attractive for multi-family zoning. The rezoning should be a 'major map amendment'.*

**Finding:** The applicant is required to address the decision criteria for the proposed re-designation and re-zone, which is addressed below. Future applications are would have to address the decision criteria and would be reviewed on the merits of that application. The new multi-family design standards and affiliated code amendments are applied to the entire City and not just the Grant Neighborhood.

*This project is clearly and objectively out of character with the surrounding area, introducing a density of use that is not supported by the immediate vicinity.*

**Finding:** The proposed designation change meets the intent of the Grant Neighborhood Plan. The subject property is located along a collector street, which is intended to distribute traffic between neighborhoods, activity centers and the arterial system. The subject site is partially non-residential and currently providing for a transition from more intense uses to the 'single-family core' area of the Grant Neighborhood. The intent of the plan indicates allowing the conversion of single family where practical. The existing buildings will be reused, which will strengthen the historical character of the neighborhood and provide for needed dwelling units.



*Denial of site plan review based on a request for a Class 2 Adjustment to Open Space.*

**Finding:** The applicant has proposed to reduce the open space requirement of SRC 702, due to the existing conditions of the site. The multi-family development is 0.26-mile from Grant Park. Under the multi-family standards, the proposal would meet the common open space standards if the site is within 0.25-mile of a public park. The applicant provided an updated Open Space and Landscaping Plan on October 6, 2020, which meets the stand of SRC 702.020(a)(1). Therefore, the adjustment is no longer needed. The applicant is unable to meet the minimum width requirement due to the existing conditions. The infill development prevents any dimension for common open space to meet 25-feet without substantial changes to the development site and possibly the buildings. The applicant is providing a larger length of a single common open space in order to compensate for the lack of width on the site.

The decision criteria are addressed below.

*The Neighborhood Association is concerned that the existing sidewalks and traffic infrastructure is insufficient to handle the increase in use associated with the density of this development (or maximum levels of development under the proposed zone).*

**Finding:** The planned street transportation system in the vicinity of the subject property establishes a framework of arterials and collectors that provide both east/west and north/south access across the area which allows for short trips within the neighborhood to be made by a variety of routes, with or without driving. The existing condition of Cottage Street NE and D Street NE is developed with adequate travel lanes, sidewalks and a planter strip.

*Concerns expressed about the lack of a signed Architect stamp on plans submitted for review.*

**Finding:** Submittal requirements pursuant to SRC 300.210 and SRC 220.005 do not require an engineer or architect stamp for review. The applicant will be required to provide adequate plans under the Oregon Specialty Structural Code at the time of building permit.

## **7. MINOR COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

**SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:**

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
  - (aa) Whether there was a mistake in the application of a land use designation to the property;
  - (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
  - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
  - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

**Finding:** There is no conflict between the existing “Single Family Residential” designation and RS (Single Family Residential) zoning. The applicant does not assert that a mistake has been made in the application of the Single-Family Residential designation to the subject property. The applicant asserts that an alteration in social, economic, or demographic patterns of the nearby vicinity has rendered the current designation inappropriate as evidenced by the findings from the 2015 Housing Needs Analysis (HNA) which found a need for additional commercial and multi-family residential land to meet demand over the next 20-years while conversely finding that the City has a surplus of available single family residential land. Both properties are within an existing single-family neighborhood which is well established and separated from higher density residential and commercial uses by D Street NE to the south. The Planning Commission does not concur that the HNA findings demonstrate an alteration in this vicinity, nor has any evidence about an alteration in the vicinity been submitted.

The Planning Commission concurs with the applicant that the proposal is justified based on (ii); the proposed designation is equally or better suited for the property.

The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately

1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately 0.30 acres of land away from a single-family designation, where the accepted HNA identifies a surplus, to a multiple family residential designation, where the HNA identifies a deficit. According to the Housing Needs Analysis, “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.” With a Multiple Family Residential designation, the subject property could be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

One of the two properties (905 Cottage Street NE) is an existing church building and has never been in residential use. The property is located on the corner of Cottage Street NE and D Street NE, which is a Collector in the Salem Transportation Plan. The proposed change in designation would allow for redevelopment for multi-family which will help to meet the changing needs of the Salem urban area. The Multiple Family Residential designation would be equally or better than the Single-Family Residential designation for the two properties due to their existing development, their location on a collector/on the edge of a residential neighborhood, their location which provides an ability to buffer higher intensity uses from single family uses, and their contribution to the identified deficit of land designated multi-family.

The applicant speaks to the number of multi-family units planned for the site, if this application is successful. The RH zone allows for Multiple Family developments. The RH zone does not have a maximum number of units allowed or a maximum lot size and allows for outdoor storage. The applicant has indicated conditions of approval to be placed on the property, to ensure the scale of the project remains compatible with the surrounding neighborhood. The applicant proposes 19 units, which equals 61 units per acre which is higher than the RM-II zone, but less than what is allowed in the RH zone. The applicant also proposed to use the same lot coverage standards and outdoor storage standards of the RM-II zone, which will reduce the intensity allowed under the RH zone.

To ensure that the proposal is equally suited there are three conditions of approval below to limit the intensity of the multi-family project related to density, lot coverage and outdoor storage for the project.

The Planning Commission finds the application meets this criterion.

**SRC 64.025(e)(2)(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.**

**Finding:** The subject property is located inside of the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. The proposal meets this criterion.

**SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land.**

**Finding:** The proposed Multi-Family Residential designation is logical for the corner of a Collector Street and transitions from the multi-family designation south of the subject site. The property abuts D Street NE, a Collector to the south and Cottage Street NE, a local street to the east. The Grant Neighborhood is an established single-family neighborhood, which is already urbanized. The proposed re-use of the church building and parsonage for multi-family would allow the character of the buildings to remain. The subject properties location makes the proposed Multiple Family Residential designation a logical choice for the site, given its location near D Street NE, public transportation, and next to existing and zoned multi-family property to the south.

The proposal meets this criterion.

**SRC 64.025(e)(2)(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.**

**Finding:** The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, Residential Development Goal (Page 30, Salem Comprehensive Policies Plan):

Policy E.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.

**Finding:** The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately 0.30 acres of land away from a single-family designation, where the accepted HNA identifies a surplus, to a Multiple Family Residential designation, where the HNA identifies a deficit.

- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.

**Finding:** The land proposed for the Comprehensive Plan Map and zone change appears to have capacity for Multiple Family Residential development. The relative environmental suitability of the property is even greater when compared to the steeper residential properties in the southern portions of the City. There are no known natural hazards or geographical constraints which would prevent development of higher-density housing on the site.

- 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.

**Finding:** The subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development.

- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services.

**Finding:** The property is located in an urbanized area of the city where services exist in the vicinity of the site, including a shopping, employment, entertainment, parks, elementary, middle and high schools. The properties are located within blocks of the downtown area, with commercial, retail, and shopping. Grant School and Park, Parrish Middle School and North Salem High School are all in the vicinity of the subject property. Commercial nodes at the intersections of Broadway Street/E Street, Broadway Street/Belmont Street and nearby downtown provide a wide range of shopping, employment, and entertainment opportunities.

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

**Finding:** As described in findings above, residential properties in the vicinity of the site are developed, or planned for development, at a range of densities. The proposed Multiple Family Residential designation matches the abutting property to the south. Where the site abuts lower density residential properties to the north, Multiple Family Design Guidelines and Standards established in SRC Chapter 702 require multifamily design guidelines requires increased setbacks and screening to ensure a transition to the smaller bulk and scale of single-family residences.

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

**Finding:** The subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development.

- g. The density goal of General Development Policy 7.

**Finding:** General Development Policy 7 provides in part that “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.” When applied to the subject property, the range of densities allowed in zones implementing the Multiple Family Residential



designation provides for more dwelling units than the 6.5 dwelling units per acre, which is consistent with the Housing Needs Analysis (HNA) prepared in 2015.

Policy E.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.

**Finding:** As described in findings above, the subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. The development standards established in the UDC will ensure the commercial or multifamily residential uses developed on the site are adequately served.

Policy E.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 residential 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.

**Finding:** The RH (Residential High Rise) zone proposed by the applicant does not include a minimum density and does not allow commercial uses which, encourages efficient use of residential land and public facilities. As described in findings above, the immediate vicinity includes a range of densities within existing developments and zoning district

standards for undeveloped properties. Transit service to employment centers, shopping areas, public buildings, and other destinations is available numerous Cherriots routes: Route 2 (Market/Brown) on Winter Street which has 15 minute peak hour service; Route 23 (Lansing/Hawthorne) on D Street which has hourly service; Route 13 (Silverton) along Capitol St which has hourly service; and Route 19 (Broadway/River Road) on Broadway which has 15 minute peak hour service. Routes 13 and 19 are both part of Cherriots Core network. The property is in close proximity to shopping areas and employment opportunities downtown. Grant Elementary School, Parrish Middle School and North Salem High School are all located within close proximity. Grant Park is located approximately 0.25 miles to the north of the site.

**Policy E.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.

**Finding:** The planned street transportation system in the vicinity of the subject property establishes a framework of arterials and collectors that provide both east/west and north/south access across the area which allows for short trips within the neighborhood to be made by a variety of routes, with or without driving.

**Policy E.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.

**Finding:** The applicant's proposal includes a request for a quasi-judicial zone change from RS (Single Family Residential) to the higher density RH (Residential High Rise) zone. The RH zone implements the "Multi-Family Residential" Comprehensive Plan Map

designation proposed as part of the consolidated application. As described in findings above, the subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. The property is unencumbered by sensitive areas such as wetlands or riparian areas. The existing street network on properties in the vicinity meet the circulation requirements of Residential Development Policy 7.

Planning Commission finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

**Finding:** The applicable Statewide Planning Goals are addressed as follows:

**Statewide Planning Goal 1 – Citizen Involvement: To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.**

**Finding:** Required Open House/Neighborhood Meeting. Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On May 4, 2020, the applicant and their representatives held an open house meeting to present their proposal. A public hearing notice was mailed to the affected property owners, all property owners and tenants within 250 feet of the subject property and to the Grant Neighborhood Association and Central Area Neighborhood Development Organization. This satisfies Citizen Involvement described in Goal 1.

**Statewide Planning Goal 2 – Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.**

**Finding:** The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

**Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: To protect natural resources and conserve scenic and historic areas and open spaces.**

**Finding:** The funding for the proposed project includes federal funds that are passed through the City of Salem to the applicant. These federal funds trigger a review under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). Funds for this project are from the federal Housing and Urban Development Department (HUD). As required by HUD, prior to distribution of these federal funds, the City of Salem is responsible for demonstrating compliance under 36 CFR, Part 800 and 24 CFR Part 58.5(a) (Attachment A). The review must determine if the structures are eligible for listing on the National Register of Historic Places, and if so, if the proposed project will constitute

an adverse effect to these historic resources. If the Oregon State Historic Preservation Office (SHPO) determines the resource is eligible and the project will have an adverse effect, these adverse effects must be resolved according to 36 CFR Part 800. If an adverse effect cannot be avoided, appropriate mitigation must then be imposed. These determinations are made by SHPO, though the City's Historic Landmarks Commission will be asked to weigh in on proposed mitigation, if necessary.

A letter from SHPO regarding this project has been submitted. SHPO concludes that the Evergreen Church and Parsonage located at 905 and 925 Cottage Street NE are currently eligible for listing on the National Register of Historic Places and are therefore significant historic resources under Oregon's Statewide Planning Goal 5 within the City of Salem. The SHPO further concludes that the proposed rehabilitation project with conversion of the church to housing will constitute an adverse effect to these historic resources and mitigation is required by the Oregon SHPO under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). In order to address this adverse effect and meet the requirements under Goal 5 for the protection of historic resources, The Planning Commission finds a condition of approval be placed on the zone change.

**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.**

**Finding:** Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. Development of the property is subject to tree preservation, stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state's natural resources. The proposal is consistent with Goal 6.

**Statewide Planning Goal 7 – Areas Subject to Natural Hazards: To protect people and property from natural hazards.**

**Finding:** There are no known natural hazards identified on the subject property. The subject property is not located within a floodplain or floodway. Mapped landslide hazards are not identified on subject property. The proposal is consistent with Goal 7.

**Statewide Planning Goal 8 – Recreational Needs: To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.**

**Finding:** The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property, therefore, Goal 8 is not applicable to this proposal.

**Statewide Planning Goal 9 – Economic Development: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.**

**Finding:** In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem’s needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres and a surplus of approximately 907 acres of industrial land. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted the EOA and updated the Comprehensive Plan accordingly; the City now uses the EOA and its findings to inform policy decisions, including how to respond to request for rezoning land.

**Statewide Planning Goal 10 – Housing: To provide for the housing needs of the citizens of the state.**

**Finding:** In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decisions related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and a projected deficit of approximately 207 acres of available multi-family zoned land.

The proposed comprehensive plan map amendment would change the current “Single Family Residential” designation to “Multiple Family Residential”, and the zoning from RS (Single Family Residential) to RH (Residential High Rise).

The City has a surplus of RS zoned land available to meet future needs. The RS zoning allows the property to be developed with single family uses, or in limited situations, two family uses, when the property is located on a corner lot or abutting a commercially zoned property. The proposed RH zoning designation allows for a greater variety of residential uses than the current zoning does, including single family, two family, and multiple family residential. The proposed change in designation is in compliance with Goal 10 by providing a designation that allows more diverse housing options than the current zoning to contribute towards the future housing needs of the City.

**Statewide Planning Goal 11 – Public Facilities and Services: 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.**

**Finding:** Water, sewer, and storm infrastructure is currently available within Cottage Street SE, D Street NE and the abutting alley to the subject property and appears to be adequate to serve the property. Site specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The request allows for the efficient use and development of property requiring minimal extension of new public services.

**Statewide Planning Goal 12 – Transportation: To provide and encourage a safe, convenient and economic transportation system.**

**Finding:** Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from



land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above or to propose mitigation of their impact.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. The proposal complies with Goal 12.

**Statewide Planning Goal 14 – Urbanization: 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.**

**Finding:** The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development of the property are in close proximity. The proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB in compliance with Goal 14.

**SRC 64.025(e)(2)(E): The amendment is in the public interest and would be of general benefit.**

**Finding:** The proposed Comprehensive Plan Map amendment from Single Family Residential to Multifamily Residential is in the public interest and would be of general benefit because it would increase the number of housing units that can be provided on the subject property, consistent with the planned capacity of infrastructure serving future development. The proposed change in land use designation is consistent with the location and character of the property, with adjacent land use designations, and with the planned transportation facilities available to serve the property. The proposal satisfies this criterion.

## **GRANT NEIGHBORHOOD PLAN**

**Finding:** The property is located within the boundaries of the Grant Neighborhood Association. The Grant Neighborhood Plan was adopted in 1983 and is in effect pursuant to SRC Chapter 64. Salem City Council adopted the plan on June 13, 1983, with the exception of Residential Policy 9 and Transportation Policies 45, 60 and 63.

### **Residential Intent**

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

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

Apartments: The intent is to provide for higher density multifamily uses in areas where transitions to more intense uses is occurring, particularly along arterial streets.

**Finding:** The proposed designation change meets the intent of the Grant Neighborhood Plan. The subject property is located along a collector street, which is intended to distribute traffic between neighborhoods, activity centers and the arterial system. The subject site is partially non-residential and currently providing for a transition from more intense uses to the 'single-family core' area of the Grant Neighborhood. The intent of the plan indicates allowing the conversion of single family where practical. The current proposal is to convert an existing non-residential use and single-family dwelling to multi-family, which is a practical based on the location and characteristic of the property. The proposal will also continue to maintain the character of the neighborhood by retaining the existing church and parsonage buildings, with limited exterior changes to the site.

Since the property is located on a Collector street (D Street), is close to transit service (with numerous Cherriots routes nearby and it is within a quarter mile of the Cherriots Core Network, employment centers, shopping areas, public buildings, and other destinations it is an appropriate location for multi-family development. A portion of the site is currently non-residential, and the proposal would provide for the reuse of an existing long-standing building for high-density dwelling units while providing a transition to the single-family area.

The Grant Neighborhood Plan has multiple goals, which strive to protect the existing 'single family core' from more intensive uses. Policies include not allowing the conversion of single-family areas to multi-family, limiting density of multi-family developments and not allowing conversion of single-family dwellings within in a multi-family designation to apartments.

**Finding:** The Grant Neighborhood Plan is a component of the Salem Area Comprehensive Plan. Statewide land use planning goals are the final standard to be

used in interpreting the comprehensive plan, and the comprehensive plan shall be interpreted in a manner that is consistent with the statewide land use planning goals.

SRC 64.010, Rules of Construction states how the various components of the Comprehensive Plan work together and which sections take precedence. Specifically, SRC 64.010(a) states: “the comprehensive policies plan takes precedence over any other component of the comprehensive plan.” The Comprehensive Plan has several policies related to siting multi-family development. As discussed earlier in the report the proposed development site meets many of the locational factors listed in the Comprehensive Plan for multi-family development.

In addition, the City’s Housing Needs Analysis (HNA), which identifies a surplus of approximately 1,975 acres for single family residential development and a deficit of 207 acres available for multifamily residential development, has been accepted by the City Council with a work plan listing the conversion of single family to multi-family as needed to meet the projected multi-family land deficit. The HNA will be adopted into the Comprehensive Plan once the projected deficit is met. Additionally, the City has an obligation to provide multi-family land to meet the projected deficit under Statewide Planning Goal 10. Interpreting the Grant Neighborhood Plan’s policies as having more weight than the state wide planning goals would conflict with SRC 64.010(f) which states: “statewide land use planning goals are the final standard to be used in interpreting the comprehensive plan, and the comprehensive plan shall be interpreted in a manner that is consistent with the statewide land use planning goals.”

While a neighborhood plan is an important document to help shape a neighborhood’s development, it cannot supersede the goals and policies of the Comprehensive Plan or of the Statewide Planning Goals.

Policies include that multi-family developments should comply with site design criteria. Surrounding property owners and Grant Board should be notified of proposals in order to provide input. Multi-family should have off-street parking meeting the Code, structures to reduce noise levels, landscaping, and screening from residential area of parking, signs and lighting.

**Finding:** The proposal meets this policy of the Grant Neighborhood Plan. The site design of the multi-family development is addressed below in Section 4 of this report. Specifically, parking is screened from residential areas to the north, parking is located in the rear of the property reducing noise and visual impacts to the surrounding area.

Primary access for multi-family uses should be from major or local streets instead of alleys.

**Finding:** The proposal is taking access from an alley, which is currently a driveway located on a major street (D Street NE). The parking is currently configured to use the alley, which is not proposed to change with the application. Additionally, City development codes favor using existing access points, in this case the alley, over establishing new driveways which eliminate space for street trees and introduce

conflicts with pedestrians.

Architecturally and historically significant structures should be preserved.

**Finding:** Existing buildings, constructed in 1910, have significant historical value and character. The existing church located on the subject property acts as a buffer between the large-scale developments to the south and the small-scale single-family residential neighborhood. Preserving the historical context and fabric of the neighborhood is the main goal of the proposed development. 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. The project is maintaining the historical character of the building, while achieving needed housing development through reuse and repurposing the existing church.

Zone changes that would allow more intensive residential uses should be denied.

**Finding:** The Grant Neighborhood Plan is a component of the Salem Area Comprehensive Plan. Pursuant to SRC 64.010 in the event of a conflict, the Comprehensive Policies Plan shall take precedence over a neighborhood plan. The policies plan has many locational factors for siting multi-family residential which are intended to be used when Comprehensive Plan maps designations and zone changes are being considered.

The Comprehensive Plan is intended to “project a goal - the most desirable pattern of land use in the Salem area. This pattern, as represented on the Comprehensive Plan Map, indicates areas appropriate for different types of land use” while also being “responsive to changing conditions” and recognizing the “legitimacy of the existing zoning and the dynamic process of plan implementation.” SRC Chapter 64 provides a process for changes in Comprehensive Plan map designations to be considered. Without allowing for a request to redesignate or rezone a property, subject to the policies in the Comprehensive Plan, statewide planning goals and the approval criteria in SRC 64 and 265, the Comprehensive Plan would not be “responsive to changing conditions” such as the City’s identified need for more multi-family designated land.

Additionally, zoning is not intended to be static. SRC Chapter 265 (Zone Changes) states the purpose behind allowing zone changes: “Because of normal and anticipated growth of the City, changing development patterns, governmental policy decisions affecting land use, community needs, and other factors whose specific future application cannot be anticipated, the zoning pattern established by the Uniform Development Code cannot remain fixed in perpetuity, and the purpose of this chapter is to establish procedures and criteria to, when appropriate, change zoning designations.”

The criteria for approval of a Neighborhood Plan Change are the same as the Minor Comprehensive Plan Map amendment, the findings above adequately address the proposed Neighborhood Plan change.

## **8. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA**

The following analysis addresses the proposed zone change for the subject property from RS (Single Family Residential) to RH (Residential High-Rise).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a Quasi-Judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

**SRC 265.005(e)(1)(A): The zone change is justified based on one or more of the following:**

- (i) **A mistake in the application of a land use designation to the property;**
- (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 change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited 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.**

**Finding:** The properties at 905/925 Cottage Street NE satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. The physical characteristics of the property, including its relationship to a collector street, its location within an area providing a wide range of housing types, and that the properties are partially developed as a non-residential use make it appropriate for the proposed RH zone.

The property located at 905/925 Cottage Street NE is an existing church building and parsonage; the church has never been a residential use. The parsonage has been a single-family residential use. The property is located on the corner of Cottage Street NE and D Street NE, a Local and Collector street, respectively, in the Salem Transportation Plan.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of



residential land” while conversely finding that the City has a surplus of available single family residential lands. The proposed change in designation would allow for a redevelopment that will allow multi-family development which will help to meet the changing needs of the Salem urban area. With the RH zone, the subject property could be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The applicant is proposing the RH zone instead of the RM-II zone in order to maximize density on the site; the RH zone does not have a minimum or maximum density standard. According to the applicant, the proposed units are small (studios, and one-bedroom units) and allowing more units is needed in order for this affordable housing project to work financially. The RH zone is similar to the RM-II in uses and development standards, except for having unlimited density, unlimited height and unlimited lot coverage. The RH zone designation would be equally or better than the Single-Family Residential designation for property. However, not all uses and development standards within the Residential High Rise zone are compatible with an established single-family neighborhood, therefore the following conditions:

- Condition 1:** The subject properties shall be limited to 19 units.
- Condition 2:** The maximum lot coverage allowance for all uses shall not exceed 50 percent.
- Condition 3:** The maximum building height allowance for all uses shall be 50 feet.
- Condition 4:** Outdoor Storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

The Oregon State Historic Preservation Office (SHPO) concludes that the Evergreen Church and Parsonage located at 905 and 925 Cottage Street NE are currently eligible for listing on the National Register of Historic Places and are therefore significant historic resources under Oregon’s Statewide Planning Goal 5 within the City of Salem. Previous comments from the Grant Neighborhood Association raised concerns related to the effects of the zone change on the existing buildings. The SHPO concludes that the proposed rehabilitation project with conversion of the church to housing will constitute an adverse effect to these historic resources and mitigation is required by the Oregon SHPO under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). In order to address this adverse effect and meet the requirements under Goal 5 for the protection of historic resources, the following condition:

- Condition 5:** The applicant shall be required to demonstrate that mitigation for the adverse effect to the resources at 905 and 925 Cottage Street NE has been agreed to through submittal of the Memorandum of Agreement (MOA) signed by the State Historic Preservation Office (SHPO) prior to building permit issuance for the project.

As conditioned, the proposed zone is equally or better suited for the property than the existing zone. The criterion is met.

This criterion is satisfied.

**SRC 265.005(e)(1)(B): If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.**

**Finding:** The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

**SRC 265.005(e)(1)(C): The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.**

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this collective application.

**SRC 265.005(e)(1)(D): The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.**

**Finding:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address applicable Statewide Planning Goals and Oregon Administrative Rules for this collective application. The proposal satisfies this criterion.

**SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.**

**Finding:** The subject property is not currently designated for industrial, commercial, or employment use. Therefore, this criterion does not apply to the proposal.

**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 submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

The proposal meets this criterion.

**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:** Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included earlier in this report, address the public facilities and services available to support the uses allowed on the subject property. The proposal satisfies this criterion.

## **9. Analysis of Class 3 Site Plan Review Approval Criteria**

SRC 220.005(f)(3) states: An application for Class 3 Site Plan Review shall be granted if:

Salem Revised Code (SRC) 225.005(e)(1) sets forth the criteria that must be met before approval can be granted to an application for Class 1 Design Review. Pursuant to SRC 225.005(e)(1) an application for a Class 1 Design Review shall be approved if all of the applicable design review standards are met. The design review standards are incorporated and analyzed within the Site Plan Review section below.

**The application meets all applicable standards of the UDC.**

**Finding:** The project includes a proposal to develop a 19-unit multi-family complex.

### **Development Standards – RH Zone:**

*SRC 515.005(a) - Uses:*

Except as otherwise provided in Chapter 515, the permitted, special, conditional and prohibited uses in the RH zone are set forth in Table 515-1.

**Finding:** Multifamily uses are allowed as a permitted use in the RH zone per Table 515-1.

*SRC 515.010(b) – Lot Standards:*

Lots within the RH zone shall conform to the standards set forth in Table 515-2. There is no minimum lot area for a multi-family use in the RH zone. The minimum frontage for multi-family is 16-feet

**Finding:** The subject property is approximately 0.30 acres in size and has more than 16-feet of frontage on D Street and Cottage Street, exceeding the minimum lot size requirement.

*SRC 515.010(c) – Dwelling Unit Density:*

The RH zone does not have a minimum or maximum unit density. As conditioned above, the subject properties are limited to 19 units.

**Finding:** The development site is 0.30 acres; the proposal is for 19-unit complex which is in compliance with the density as conditioned above.

*SRC 515.010(d) – Setbacks:*

Setbacks within the RH zone shall be provided as set forth in Tables 515-4 and 515-5.

**South:** Adjacent to the south is property is D Street NE. Per Table 515-3, a minimum 12-foot building setback is required abutting a street. The vehicle use area is required to be 6-10 feet pursuant to SRC 806. Required landscaping shall meet the Type A standard set forth in SRC Chapter 807.

**East:** Adjacent to the east is property is Cottage Street NE. Per Table 515-3, a minimum 12-foot building setback is required abutting a street. The vehicle use area is required to be 6-10 feet pursuant to SRC 806. Required landscaping shall meet the Type A standard set forth in SRC Chapter 807.

**West:** Adjacent to the west is an alley. Per SRC 800.035, a minimum 5-foot building and vehicle use area is required adjacent to an alley, except for a driveway.

**North:** The applicant has proposed to remove the property line between the properties. Adjacent to the north is property zoned RS (Single Family Residential). Per Table 515-3, a minimum 5-foot building setback is required for buildings less than 35-feet in height and vehicle use area is required to be 5-feet pursuant to SRC 806. Required landscaping shall meet the Type A standard set forth in SRC Chapter 807.

**Finding:** Both buildings are greater than 12-feet from Cottage Street. The existing church building abutting D Street is 5'-10" from the property line. The proposal does not change the exterior dimensions of the building and the D Street setback is legal non-conforming. The proposal does include a landing for ADA access near the proposed parking area. The proposed landing will not meet the 12-foot setback requirement, the applicant has requested a Class 2 Adjustment below. The proposed vehicle use area is 10-feet from D Street, six feet from the abutting property to the north, both meeting the standard. The applicant has proposed to remove the property line between the two legal properties, creating one unit of land. To ensure the property line is removed, the following condition applies:

**Condition 6:** Prior to issuance to building permits the applicant shall complete property line adjustment to consolidate 073W23CB / 14301 and 073W23CB/ 14300.

*Lot Coverage, Height:*

*As conditioned above:* The maximum lot coverage allowance for all uses is 50 percent. The maximum building height allowance for all uses is 50 feet.

**Finding:** The site plan indicates that the buildings have a footprint of approximately 3,879 square feet, for a lot coverage of approximately 30 percent ( $3,879 / 12,900 = 30$ ) for the total site, less than the maximum lot coverage requirement of the RM-II zone. The maximum height for the existing buildings is 30 feet and 20 feet, both less than the 50-foot maximum height allowance.

*Outdoor Storage:*

*As conditioned above:* Outdoor storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.

**Finding:** Outdoor storage areas are not provided for the proposed use.

**Development Standards – Multiple Family Design Review Standards SRC 702**

SRC 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 space 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 as 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, at least one common open space area shall be provided within the development that is at least 750 square feet in size for developments between 13 and 20 units and has a minimum dimension of 25 feet for all sides.

**Finding:** The subject property is 12,900 square feet in size requiring 3,870 square feet or 30% of the site to be designate as open space. The applicant submitted an updated open space and landscaping plan as part of the record on October 6, 2020. The plan indicates that 3,870 square feet of the site is open space, which is more than the 30% standard. The applicant is proposing a 19-unit complex requiring 750 square feet of common open space. The applicant's site plan indicates that 1,110 square feet of the site will be a single common open space with less than 25-feet on one side. The applicant has requested an adjustment to the minimum 25-foot dimension on all sides of the common open space required under SRC 702.020(a)(1)(A). The Class 2 Adjustment is addressed below.

(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.

**Finding:** The existing site plan indicates there are no slopes greater than 25 percent.



Therefore, the applicant meets this requirement.

- (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.

**Finding:** The applicant meets the overall open space requirement and is not providing private open space. Therefore, the applicant does not need to meet this requirement.

- (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.

**Finding:** The proposal contains 19 units, and applicant is not proposing private open space for any units.

- (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.

**Finding:** The applicant is meeting the overall common space requirement and will not be providing improved open space. Since the applicant is meeting the overall common open space standard, the applicant does not need to utilize this standard.

- (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 publicly-owned 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.

**Finding:** The development site is not located within one-quarter mile of a public-owned park. The applicant's site plan indicates that 3,870 square feet of open space, meeting the standard.

(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.

**Finding:** The subject property is 12,900 square requiring six trees on the subject property ( $12,900 / 2,000 = 6.45$ ). The applicant is providing at least eight trees (two existing) on the development site, meeting this standard.

- (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 not be allowed to satisfy this standard.

**Finding:** The site abuts the RS zone to the north. The abutting property line is approximately 129-feet, requiring four trees. The applicant is providing an eight-foot tall wood fence and five trees, meeting the 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.

**Finding:** The landscaping plan provided indicates at least two plant units at each shared entrance.

- (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.

**Finding:** The building's exterior totals 370 linear feet, which requires 6 trees or 60 plant units ( $370/60 = 6.16$ ). The landscaping plan provided indicates at least ten plant units of trees per 60 linear feet of exterior building wall are to be planted on each side of the new buildings.

- (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.

**Finding:** The landscaping plan provided indicates at least fifteen plant units of shrubs are to be planted on each side of the new buildings, every 15 linear feet.

- (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.

**Finding:** Private open space is not being provide for any of the units, therefore the standard is not applicable.

- (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).

**Finding:** The parking areas are less than 50 feet in width. There is a planter bay abutting Cottage Street, which has an existing tree indicated to be preserved. The parking area contains eight parking spaces, not requiring an additional planter bay.

- (8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806.

**Finding:** There are more than 13 units; therefore, the development is exempt from SRC 806.

(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.
- (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.

**Finding:** The floor plans provided indicate a window in each habitable room but not on each wall overlooking common open space, parking areas and pedestrian paths. The applicant has requested an adjustment to eliminate a window on one wall of habitable rooms. The written statement and site plan indicate that exterior lighting will be provided on the buildings, at dwelling entrances and along pedestrian paths. The site plan indicates a fence along the north property line, which is sight-obscuring and does not obstruct the visibility of the dwelling unit entrances from the street.

According to the site plan and landscaping plan, there are no fences near the entryways, parking areas or common open space.

(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).

**Finding:** The parking area is 3,050 square feet in size; therefore, the standard is not applicable.

- (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.

**Finding:** The parking area is located behind and beside the existing buildings, meeting the standard.

- (3) Where a development site abuts, and is located uphill from, property zoned Residential Agriculture (RA) or Single Family Residential (RS), and the slope of the development site within 40 feet of the abutting RA or RS zoned property is 15 percent or greater, parking areas shall be set back not less than 20 feet from the property line of the abutting RA or RS zoned property to ensure parking areas are designed to consider site topography and minimize visual impacts on abutting residential properties.

**Finding:** The subject property abuts the RS zoned property but does not contain slopes greater than 15 percent; therefore, this criterion is not applicable.

- (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.

**Finding:** The proposal does include parking, and the site plan shows sidewalks from the parking area to each building, between buildings, and connecting to the common open

space and to both streets. The applicant has proposed a change to the open space plan which eliminates a parking space and designates a portion of the pedestrian path. To ensure that the pedestrian path remains within the open space. The following condition shall apply:

**Condition 7:** Pedestrian pathways as depicted on the site plan shall be provided connecting the two buildings and vehicle use area.

Any location where the pedestrian connection crosses a driveway or vehicle use area, the path shall be hatched and be physically separated on either side or the side which abuts the vehicle use area.

**Condition 8:** All pedestrian paths and connections shall be a minimum of 5-feet in width, shall be visually differentiated from driveways, parking areas, parking lot drive aisles, and loading areas by elevation changes, physical separation, speed bumps, or a different paving material. Wheel stop or extended curbs shall be provided along pedestrian connections to prevent encroachment.

(e) Façade and building design.

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

**Finding:** The longest dimension of any building on site is 65 feet, which meets the standard.

- (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 702-2 provided that the height of the required fence in Sec. 702.015(b)(1)(B) is increased to eight feet tall.

**Finding:** The proposal abuts Single Family Residential (RS) zoned property and the existing building is two-stories, requiring a 20-foot setback. The applicant is providing an 8-foot sight obscuring fence along the entire north property line, reducing the setback by 5 feet to a 15-foot required setback. The existing building is seven feet from the north property line. The proposal does not include an expansion of the footprint of the existing structures and therefore the setback is legal non-conforming. With the conversion of the building located at 925 Cottage Street, the building will not meet this standard and be non-conforming development.

- (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.

**Finding:** The proposal does not contain private open space or balconies for any of the units.

- (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.

**Finding:** The existing structures are not increasing in size or footprint. The existing structures meet the 40 percent buildable width abutting D Street NE, but do not meet the standard abutting Cottage Street NE. Since the proposal does not include an expansion of the footprint of either structure. With the conversion of both buildings, the existing building will not meet this standard and be non-conforming development.

- (5) To orient buildings to the street, any ground-level unit, cluster of units, or interior lobbies, or portions thereof, located within 25 feet of the property line abutting a street shall have a building entrance facing the street, with direct pedestrian access to the adjacent sidewalk.

**Finding:** Each building is located within 25 feet of the property line abutting each street and has building entrances facing each street, with direct pedestrian access to the adjacent sidewalk. This standard is met.

- (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.

**Finding:** The applicant has shared entry areas for all units. The existing church building is proposed to have four entrances, all including a stoop, and is proposed to have five units on the ground floor. The existing single-family dwelling will have two units on the ground floor and a porch articulating the entrance to the building. Each entry is articulated and defines the entry or has an architecturally defined entry, therefore meeting the standard.

- (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.

**Finding:** The applicant is not providing additional roof mounted mechanical equipment on the ground level. Therefore, this standard is not applicable.

- (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.

**Finding:** Neither building exceeds a 100-feet in horizontal length; therefore, the standard is not applicable.

- (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.
- (A) Offsets (recesses and extensions).
  - (B) Covered deck.
  - (C) Covered balcony.
  - (D) Cantilevered balcony, provided at least half of its depth is recessed.
  - (E) Covered entrance.

**Finding:** Neither building exceeds 80 feet in length; therefore, the standard is not applicable.

- (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):
- (A) Change in materials.
  - (B) Change in color.
  - (C) Molding or other horizontally-distinguishing transition piece.

**Finding:** According to the elevation and written statement, the first floor of the existing church will have a change in color from the upper floors. The applicant is not proposing to change the existing architecture of the single-family dwelling. The existing dwelling does not have a change in color, molding or change in materials, the applicant is requesting an adjustment to this standard, which is addressed below.

## **General Development Standards SRC 800**

### **SRC 800.050 – Fences**

Fences and walls within non-residential zones shall not exceed a maximum height of 12 feet; provided, however fences and walls within a front, side, or rear yard abutting a street shall not exceed a maximum height of 8 feet when located within 10 feet of a property line abutting a street; provided, however, any portion of the fence or wall above 30 inches in height shall be less than 25 percent opaque when viewed at any angle at a point 25 feet away from the fence or wall.

**Finding:** The applicant is proposing an eight-foot wood fence along the north property line.

*SRC 800.055 - Solid Waste Service Areas*

*SRC 800.055(a) – Applicability*

Solid waste service area design standards shall apply to:

- (1) All new solid waste, recycling, and compostable service areas, where use of a solid waste, recycling, and compostable receptacle of 1 cubic yard or larger is proposed; and
- (2) Any change to an existing solid waste service area for receptacles of 1 cubic yard or larger that requires a building permit.

**Finding:** The applicant is proposing a solid waste service area is more than one cubic yard; therefore, the standards are applicable.

*SRC 800.055(b) - Solid waste receptacle placement standards.*

All solid waste receptacles shall be placed at grade on a concrete pad that is a minimum of four inches thick, or on an asphalt pad that is a minimum of six inches thick. The pad shall have a slope of no more than a three percent and shall be designed to discharge stormwater runoff consistent with the overall stormwater management plan for the site approved by the Director.

- (1) Pad area. In determining the total concrete pad area for any solid waste service area:
  - (A) The pad area shall extend a minimum of one foot beyond the sides and rear of the receptacle; and
  - (B) The pad area shall extend a minimum three feet beyond the front of the receptacle.
  - (C) In situations where receptacles face each other, a minimum four feet of pad area shall be required between the fronts of the facing receptacles.
- (2) Minimum separation.
  - (A) A minimum separation of 1.5 feet shall be provided between the receptacle and the side wall of the enclosure.
  - (B) A minimum separation of five feet shall be provided between the receptacle and any combustible walls, combustible roof eave lines, or building or structure openings.
- (3) Vertical clearance.
  - (A) Receptacles two cubic yards or less. Receptacles two cubic yards or less in size shall be provided with a minimum of eight feet of unobstructed overhead or vertical clearance for servicing.
  - (B) Receptacles greater than two cubic yards. Receptacles greater than two cubic yards in size shall be provided with a minimum of 14 feet of unobstructed overhead or vertical clearance for servicing; provided, however, overhead or vertical clearance may be reduced to eight feet:
    - (i) For enclosures covered by partial roofs, where the partial roof over the enclosure does not cover more than the rear eight feet of the enclosure, as measured from the inside of the rear wall of the enclosure (see Figure 800-6); or

- (ii) Where a physical barrier is installed within, and a maximum of eight feet from the front opening of, the enclosure preventing the backward movement of the receptacle (see Figure 800-7).

**Finding:** The applicant has provided a detail indicating that a concrete pad will be provided for the receptacles, which will extend at least one foot beyond the sides of each receptacle. The concrete pad will extend at least three feet from the front of the area. Each receptacle is more than one and half feet from each other. The proposal includes less than two yard receptable, the plans indicate that the receptible will not be covered.

SRC 800.055(d) - Solid waste service area screening standards.

- (1) Solid waste, recycling, and compostable service areas shall be screened from all streets abutting the property and from all abutting residentially zoned property by a minimum six-foot-tall sight-obscuring fence or wall; provided, however, where receptacles, drop boxes, and compactors are located within an enclosure, screening is not required. For the purpose of this standard, abutting property shall also include any residentially zoned property located across an alley from the property.
- (2) Existing screening at the property line shall satisfy screening requirements if it includes a six-foot-tall sight-obscuring fence or wall.

**Finding:** The proposal includes screening of all receptacles by an eight-foot-tall sight-obscuring block wall. The standard is met.

SRC 800.055(e) - Solid waste service area enclosure standards.

When enclosures are used for required screening or aesthetics, such enclosures shall conform to the standards set forth in this subsection. The overall dimensions of an enclosure are dependent upon the number and size of receptacles the enclosure is designed to accommodate.

- (1) Front opening of enclosure. The front opening of the enclosure shall be unobstructed and shall be a minimum of 12 feet in width.
- (2) Measures to prevent damage to enclosure.
  - (A) Enclosures constructed of wood or chainlink fencing material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure to prevent damage from receptacle impacts.
  - (B) Enclosures constructed of concrete, brick, masonry block, or similar types of material shall contain a minimum four-inch nominal high bumper curb at ground level located 12 inches inside the perimeter of the outside walls of the enclosure, or a fixed bumper rail to prevent damage from receptacle impacts.
  - (C) The requirements under subsections (e)(2)(A) and (B) of this section shall not apply if the enclosure is designed to be separated:
    - (i) A minimum distance of two feet from the sides of the container or receptacles; and
    - (ii) A minimum of three feet from the rear of the container or receptacles.
- (3) Enclosure gates. Any gate across the front opening of an enclosure shall swing freely without obstructions. For any enclosure opening with an unobstructed width of less than 15 feet, the gates shall open a minimum of 120 degrees. For any enclosure

opening with an unobstructed width of 15 feet or greater, the gates shall open a minimum of 90 degrees. All gates shall have restrainers in the open and closed positions.

- (4) Prohibited enclosures. Receptacles shall not be stored in buildings or entirely enclosed structures unless the receptacles are:
  - (A) Stored in areas protected by an automatic sprinkler system approved by the City Fire Marshal; or
  - (B) Stored in a building or structure of a fire resistive Type I or Type IIA construction that is located not less than ten feet from other buildings and used exclusively for solid waste receptacle storage.

**Finding:** The front opening of the enclosure is unobstructed and is 12 feet in width. The enclosure does contain a bumper or curb.

SRC 800.055(f) - Solid waste service area vehicle access.

- (1) Vehicle operation area.
  - (A) A vehicle operation area shall be provided for solid waste collection service vehicles that is free of obstructions and no less than 45 feet in length and 15 feet in width; provided, however, where the front opening of an enclosure is wider than 15 feet, the width of the vehicle operation area shall be increased to equal the width of the front opening of the enclosure. Vehicle operation areas shall be made available perpendicular to the front of every receptacle, or, in the case of multiple receptacles within an enclosure, perpendicular to every enclosure opening.
  - (B) For solid waste service areas having receptacles of two cubic yards or less, the vehicle operation area may be located:
    - (i) Perpendicular to the permanent location of the receptacle or the enclosure opening (see Figure 800-8);
    - (ii) Parallel to the permanent location of the receptacle or the enclosure opening (see Figure 800-9); or
    - (iii) In a location where the receptacle can be safely maneuvered manually not more than 45 feet into a position at one end of the vehicle operation area for receptacle servicing.
  - (C) The vehicle operation area may be coincident with a parking lot drive aisle, driveway, or alley provided that such area is kept free of parked vehicles and other obstructions at all times except for the normal ingress and egress of vehicles.
  - (D) Vertical clearance. Vehicle operation areas shall have a minimum vertical clearance of 14 feet.
  - (E) In the event that access to the vehicle operation area is not a direct approach into position for operation of the service vehicle, a turnaround, in conformance with the minimum dimension and turning radius requirements shown in Figure 800-10, shall be required to allow safe and convenient access for collection service.

**Finding:** The area in front of the enclosure is abutting an alley and is less than two cubic yards and can be easily maneuvered less than 45 feet into a position at one end of the vehicle operation area for receptacle servicing. There is a minimum of 14-foot vertical clearance. The standard is met.

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

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

Off-street parking shall be provided and maintained for any intensification, expansion, or enlargement of a use or activity.

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

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for uses in multi-family development is 1.5 space per unit for development consisting of two-bedroom units, 13 dwelling units or more, unless within the CSDP area or one quarter-mile of the Core Network.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2 or if no minimum off-street parking is required amounts set forth in Table 806-2B.

**Finding:** The subject property is within one-quarter mile of the Core Network; therefore no parking is required. No carpool or vanpool parking is required. The proposed development contains 19, studios/one-bedroom units. A maximum of 33 off-street parking spaces ( $19 \times 1.75 = 33.25$ ) are allowed for the development. The updated site plan indicates seven parking spaces meeting the minimum and maximum parking standards.

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

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

**Finding:** Perimeter setbacks for the off-street parking and vehicle use area are identified in the building and vehicle use area setback findings above. A comparison of the existing condition plan and proposed site plan indicates that several existing parking spaces will be eliminated north of the relocated driveway and two will be changed to compact spaces south of the relocated driveway. The existing and proposed spaces in the affected area meet location requirements and perimeter setbacks and landscaping.



- d) *Interior Landscaping.* Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas less than 5,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped. A minimum of one deciduous shade tree shall be planted for every 12 parking spaces. Landscape islands and planter bays shall have a minimum planting area of 25 square feet and minimum width of 5 feet.

**Finding:** Pursuant to 702.020(b)(8) Multiple family developments with 13 or more units are exempt from the landscaping requirements in SRC chapter 806. The proposal contains more than 13 units, pursuant to SRC 702.020(b)(8) this standard is not applicable.

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

**Finding:** The proposed parking spaces, driveway, and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

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

**Finding:** The off-street parking area that is proposed is developed consistent with the additional development standards for grade, surfacing, and drainage. The parking area striping, marking, signage, wheel barriers and lighting shall be consistent with SRC Chapter 806.

*SRC 806.040 - Driveway Development Standards.*

- a) *Access.* Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available or a loop to the single point of access.  
b) *Location.* Driveways shall not be located within required setbacks.  
c) *Additional Development Standards 806.040(c)-(g).*

**Finding:** The proposal does not contain a driveway and will take access from the alley.

## **Bicycle Parking**

*SRC 806.045 - General Applicability.*

*Bicycle parking shall be provided and maintained for any intensification, expansion, or enlargement of a use or activity.*

*SRC 806.050 – Proximity of Bicycle Parking to Use or Activity Served.*

*Bicycle parking shall be located on the same development site as the use or activity is serves.*

*SRC 806.055 - Amount of Bicycle Parking.*

Multiple Family development are required to provide a minimum of four bicycle spaces or 0.1 bicycle space per dwelling unit.

**Finding:** The proposed development contains 19 units, requiring a minimum of four bicycle spaces. The applicant's site plan indicates four bicycle parking spaces provided near the ADA entrance of the building.

*SRC 806.060 - Bicycle Parking Development Standards.*

Bicycle parking areas shall be developed and maintained as set forth in this section.

- a) Location. Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
- b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area
- c) Dimensions. Except as provided for bicycle lockers, bicycle parking spaces shall be a minimum of 6 feet in length and 2 feet in width, with the bicycle rack centered along the long edge of the bicycle parking space. Bicycle parking space width may be reduced, however, to a minimum of three feet between racks where the racks are located side-by-side. Bicycle parking spaces shall be served by a minimum 4-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.
- d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.
- e) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards:
  - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
  - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
  - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
  - (4) Racks shall be securely anchored.
  - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

**Finding:** The site plan indicates a bicycle rack with four spaces within 50 feet of a building entrance, has a four-foot access aisle and the rack appears to meet the current standards in Figure 806-10. The rack is near a ramp preventing the need to lift the bike over a curb.

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

*SRC 806.065 - General Applicability.*

Off-street loading areas shall be provided and maintained for intensification, expansion, or enlargement of a use or activity.

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

Off-street loading spaces are not required for Multiple Family buildings between five-49 dwelling units.

**Finding:** The proposed building is for a 19-unit multi-family complex; therefore, no loading spaces are required.

### **Landscaping**

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

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

**Finding:** The applicant is providing approximately 26% of the site in landscaping and open space. A minimum of 1 plant unit is required per 20 square feet of landscape area. A minimum of 40 percent of the required plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

### **Natural Resources**

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

No protected trees have been identified on the site plan for removal.

*SRC 809 - Wetlands:* Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no wetlands on the subject property. The applicant should contact the Department of State Lands to verify if permits are required for the proposed development.

*SRC 810 - Landslide Hazards:* The subject property does not contain mapped landslide hazards. The proposed development is assigned 3 activity points. A total of 3 points indicates a low landslide hazard risk.

Criterion 2:

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

**Finding:** The existing condition of Cottage Street NE exceeds right-of-way standards for its classification of street per the Salem Transportation System Plan and is developed with sidewalks and a planter strip; therefore, no additional right-of-way or street improvements are required along this frontage.

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. The applicant requested the removal of the following condition, stating it was not a clear and objective criterion or condition of approval. The applicant stated they will plant as many street trees as feasible but cannot currently determine how many can be planted as location of existing and planned utilities will impact it. The Salem Revised Code requires the planting of street trees regardless of the condition; therefore, the Planning Commission removed the recommend condition of approval.

~~**Condition 7:** Provide street trees to the maximum extent feasible along all property frontages pursuant to SRC 86.015(e).~~

Criterion 3:

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. The applicant is not proposing to use the existing driveways

and pursuant to SRC 804.060(a)(5), the driveway approaches shall be closed. The curb, landscape strip, and sidewalk shall be re-constructed in accordance with Public Works Development Standards. 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.

**Condition 98:** The existing driveway approaches along D Street NE shall be closed and the curb, landscape strip and sidewalk replaced in accordance with Public Works Development Standards.

Criterion 4:

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

**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 appear to be adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards and to the satisfaction of the Public Works Director.

## **10. Analysis of Class 2 Adjustment Approval Criteria**

SRC Chapter 250.005(d)(2) provides that an applicant for a Class 2 Adjustment shall be granted if all of the following criteria are met:

Criterion 1:

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.

**Setback adjustment from 12-feet abutting a street (including special setback) to 4.25 feet for ADA landing (SRC 515.010(b)).**

**Finding:** The applicant is requesting a Class 2 Adjustments for the proposed development to reduce the minimum setback abutting the south property line from 12-feet to 4.25-feet. The request is to the special setback of D Street NE, which would be the ultimate right-of-way of 30-foot half width street meeting the standards of the Salem Transportation Plan (TSP). As noted above, an Alternative Street Standard for D Street is approved to reduce the standard of the TSP to the existing right-of-width, which is 28.25-feet in width. Therefore, making the setback adjustment to the current property line. The setback adjustment requested is from 12-feet to six-feet, which is the currently property line. The new structure is proposed to allow adequate ADA access to the existing church building. The platform is proposed to architecturally match the existing building, which will soften the impact to pedestrian using D Street. The proposed setback is similar to the existing building which equally meets the setback standard.

~~Reduce overall common space 3,870 square foot to 3,331 square foot. (SRC 702.020(a)(1))~~

**Finding:** The applicant provided an updated Open Space and Landscaping Plan on October 6, 2020, which meets the stand of SRC 702.020(a)(1). Therefore, the adjustment is no longer needed.

**Reduce the common open space dimension standard reduced from 25-feet on all sides to 20-feet. (SRC 702.020(a)(1)(A))**

**Finding:** The proposal is converting existing structures to 19 multi-family units without additions to the building, besides an ADA platform, and minimal site work to keep the character of the site. The infill development prevents any dimension for common open space to meet 25-feet without substantial changes to the development site and possibly the buildings. The applicant is providing a larger length of a single common open space in order to compensate for the lack of width on the site. In addition, Grant Park is located 0.26-mile from the site, which will provide additional open space for residents of the complex.

Due to the proximity of the property to a public park and exiting site conditions the proposal equally meets the standard.

**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))**

**Finding:** The existing church building and parsonage are lacking windows on each face of the buildings within habitable rooms. The proposal has at least one window in each habitable room. Preserving the historical context and fabric of the neighborhood is the main goal of the proposed development. 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 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.

**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))**

**Finding:** 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. The current design of the



single-family house has multiple architectural details to visually break up the building, in addition to matching the scale of surrounding single-family residential uses.

Criterion 2:

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

**Finding:** The five adjustments will allow the residential character of the properties to remain while increase the amount of dwelling unit provided on the site. The increase of dwelling units and maintaining the historic architectural appearance of the site will enhance the livability of the residential area.

Criterion 3:

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.

**Finding:** Five separate Class 2 Adjustments have been requested with this development. Each of the adjustments has been evaluated separately for conformance with the Adjustment approval criteria. The cumulative impact of the adjustments results in an overall project which is consistent with the intent and purpose of the zoning code.

Any future development, beyond what is shown in the proposed plans, shall conform to all applicable development standards of the UDC, unless adjusted through a future land use action.

**CONCLUSION**

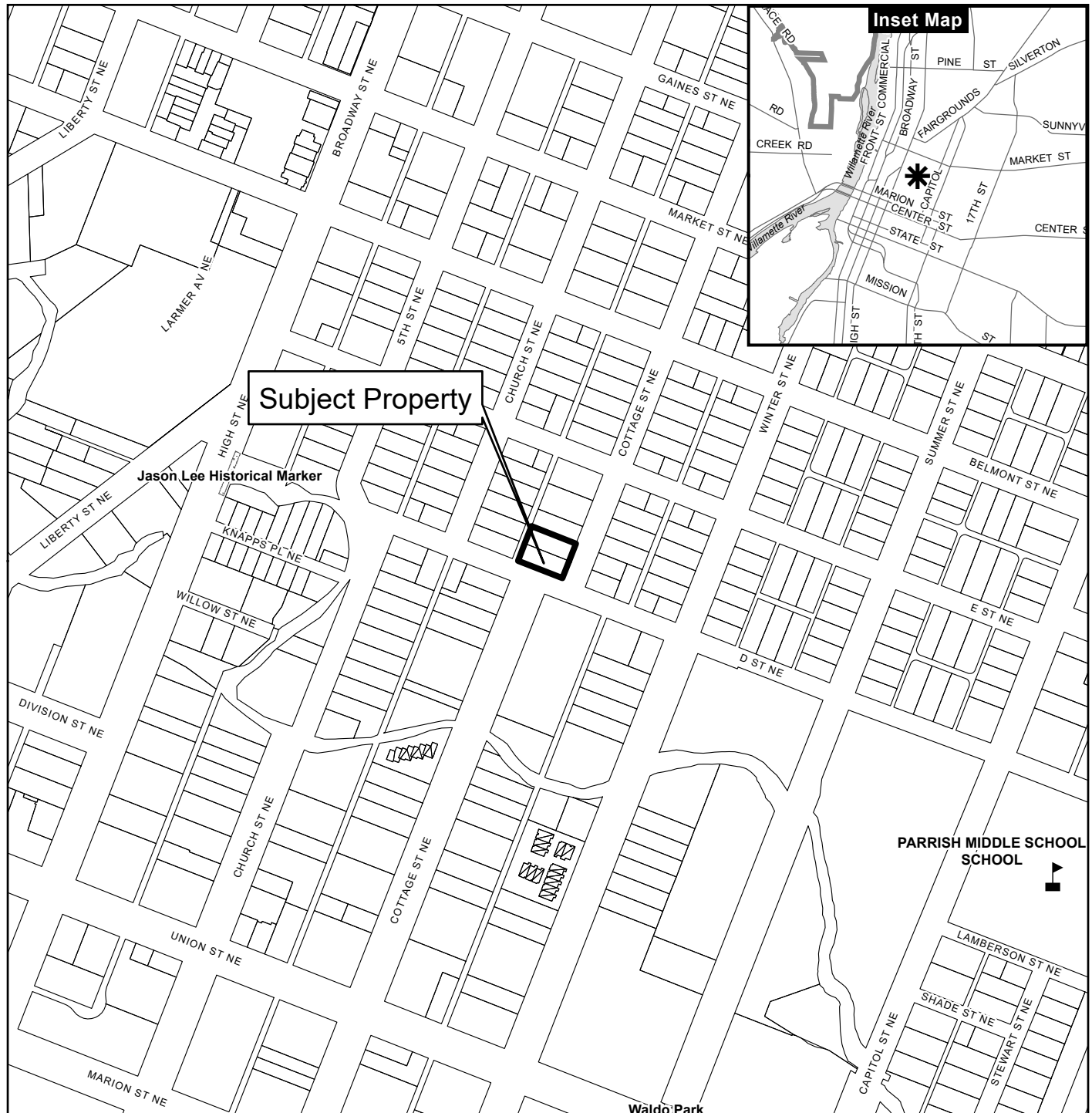
Based on the facts and findings presented herein, the proposed Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, Quasi-Judicial Zone Change, Site Plan Review, Adjustment and Design Review as conditioned, satisfy the applicable criteria contained under 64.025(e)(2), SRC 265.005(e)(1), SRC 220.005(f)(3), 250.005(d)(2) and SRC 702.020 for approval as conditioned.

Attachments: A. Vicinity Map, Comprehensive Plan Map and Zoning  
B. Site Plan, Elevations and Landscaping Plan  
C. Applicant's Written Statement  
D. Traffic Planning Rule Analysis  
E. Cherriots Routes  
F. Public Works Department Memo  
G. Open Space Landscaping Plan, dated October 6, 2020

Prepared by Olivia Dias, Planner III

# 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



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# Comprehensive Plan Map - 925 Cottage Street NE



## Legend

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

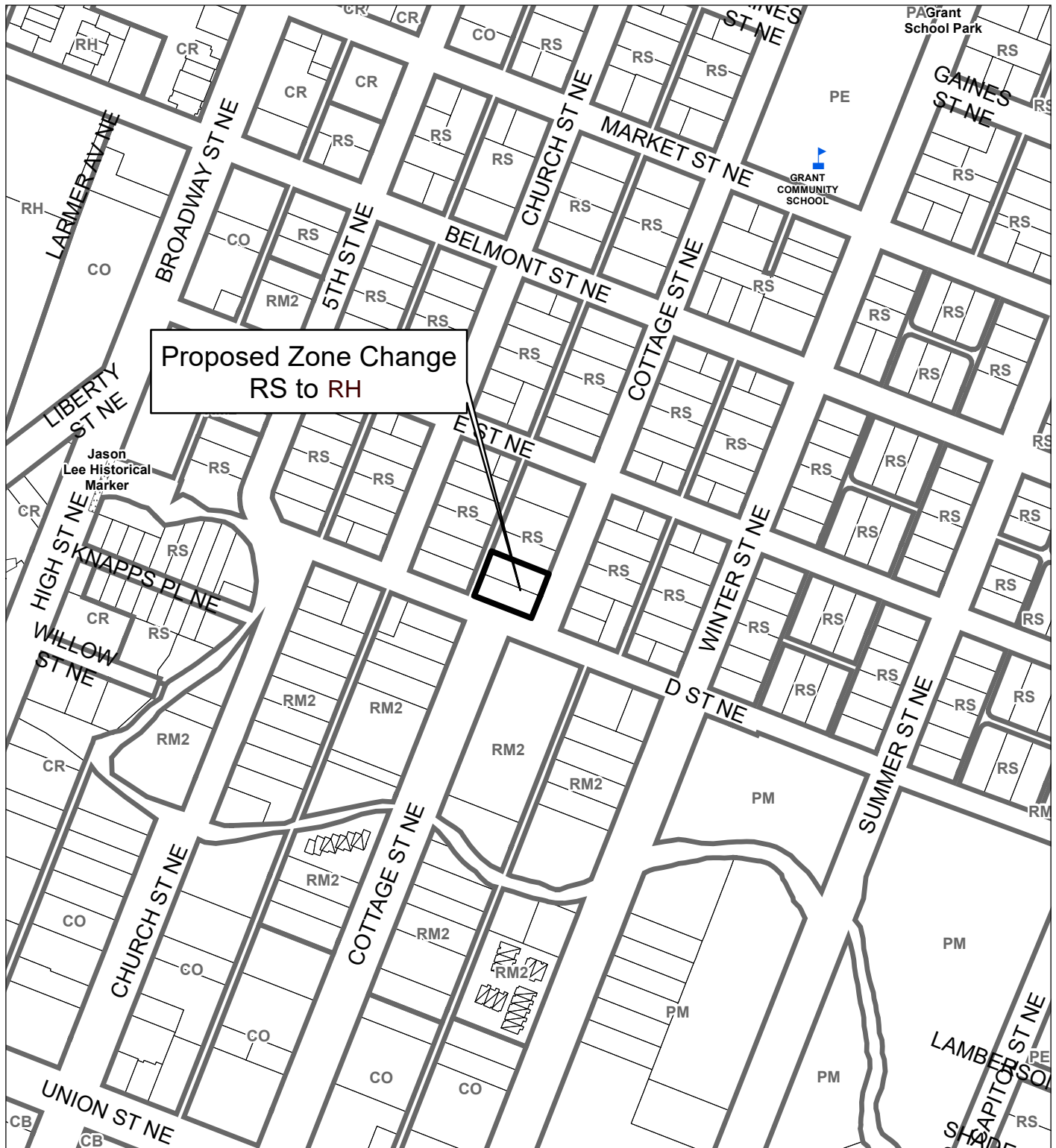
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0 50 100 200 Feet



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# Vicinity Zoning - 925 Cottage Street NE



## Legend

- |           |                           |  |         |
|-----------|---------------------------|--|---------|
| <b>RS</b> | Base Zoning               |  | Taxlots |
|           | Urban Growth Boundary     |  | Parks   |
|           | Outside Salem City Limits |  | Schools |

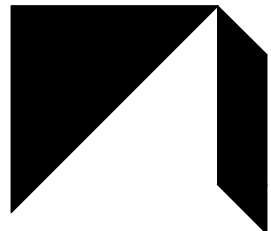
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0 50 100 200 Feet



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PROPOSED LANDSCAPE PLAN KEYNOTES

- (1) LAWN W/ AUTOMATIC IRRIGATION SYSTEM
- (2) (E) TREE TO REMAIN
- (3) GROUND COVER & LOW SHRUB PLANTING AREA W/ AUTOMATIC IRRIGATION SYSTEM, MIN DENSITY OF 1 SHRUB PER 15 LINEAR FT OF EXTERIOR BUILDING WALL
- (4) (N) TREE, NATIVE SPECIES, MIN 2" IN CALIPER
- (5) (N) FENCE, SEE PROPOSED SITE PLAN
- (6) PAVED PARKING AREA
- (7) PAVED WALKWAY
- (8) DECORATIVE SHRUB AT DWELLING UNIT ENTRY

REVISIONS

03 AUG 2020

LAND USE REVIEW

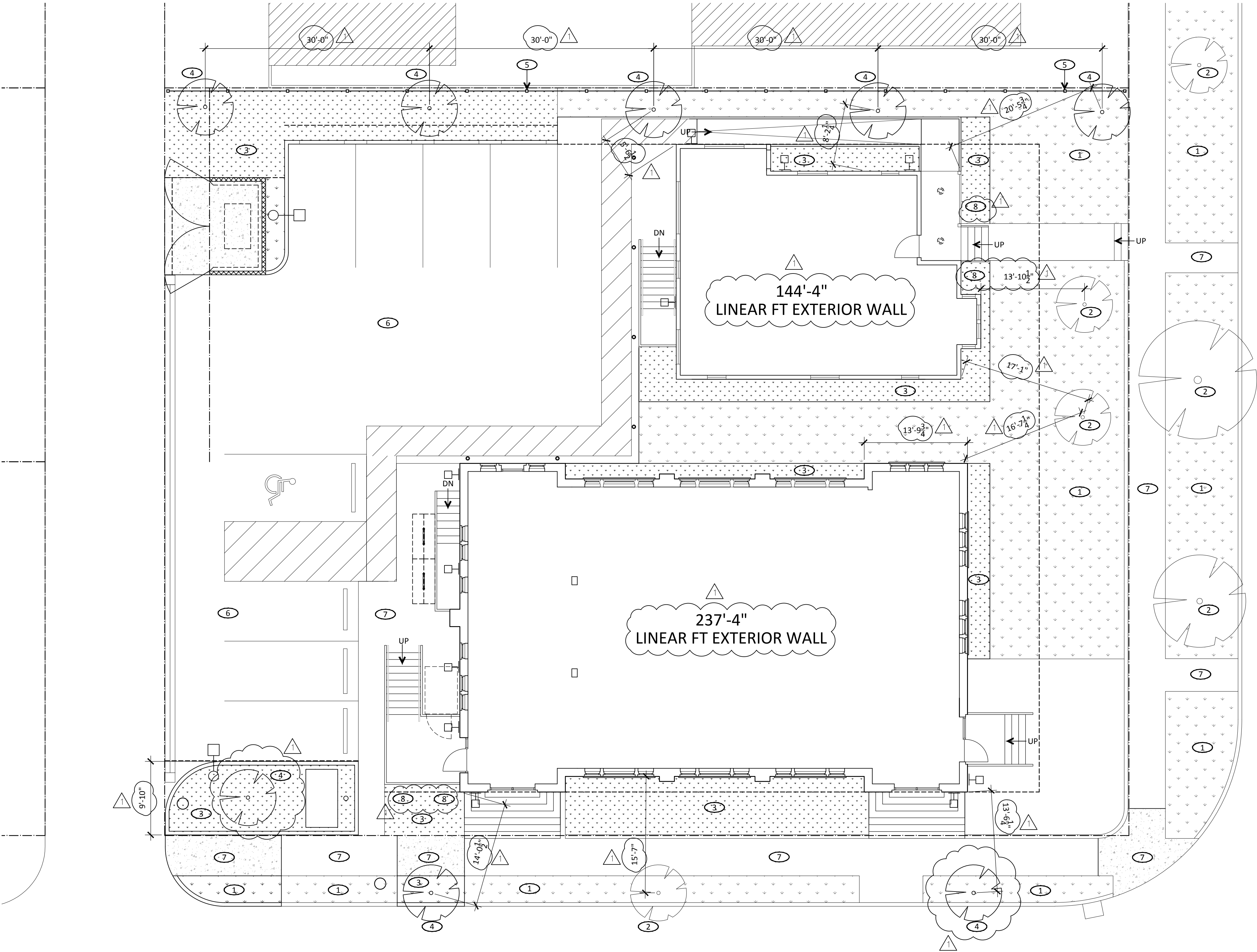
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905 AND 925 COTTAGE ST NE SALEM, OR 97301  
BUILDING RENOVATION

JOB NO: 20222  
ISSUE DATE: 24 JULY 2020

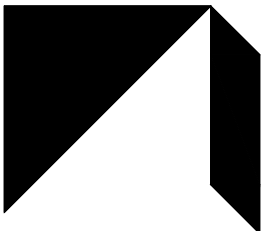
PROPOSED  
LANDSCAPE PLAN

A320



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

- 702.020(b) LANDSCAPING STANDARDS  
TOTAL SITE AREA : 12,900 SF
- |  |  |
|--|--|
| (1) REQUIRED: 12,900 / 2,000 = 6.45 TREES ON SITE.<br>PROVIDED ON SITE: 2 PRESERVED, 5 NEW   | (5) SHRUBS PROVIDED AROUND BUILDING PERIMETER IN DESIGNATED<br>LANDSCAPE AREAS, 1 PLANT UNIT PER 15 LF OF EXTERIOR<br>BUILDING WALL                                |
| (2) (A) REQUIRED: ONE TREE FOR EVERY 30'-0" LINEAR FEET OF<br>ABUTTING PROPERTY (RS) ZONE, (E) 129' WIDTH<br>PROVIDED: 5 TREES<br>(B) REQUIRED: DECORATIVE FENCE ABUTTING (RS) ZONE<br>PROVIDED: 8'-0" HIGH WOOD FENCE, SEE ALSO SITE PLAN | (6) NO GROUND LEVEL PRIVATE OPEN SPACE PROVIDED  |
| (3) DECORATIVE PLANTINGS PROVIDED AT COMMON DWELLING UNIT<br>ENTRIES   | (7) (A) CANOPY TREES PROVIDED ALONG EVERY 50 FEET OF PERIMETER<br>OF PARKING AREAS AND AT PLANTER BAYS<br>(B) LANDSCAPE PLANTER BAY PROVIDED, MIN. 9 FEET IN WIDTH |
| (4) REQUIRED: 237'-4" / 60 = 4 X 10 = 40 PLANT UNITS<br>144'-4" / 60 = 2.5 X 10 = 25 PLANT UNITS<br>PROVIDED: 4 TREES 40 PLANT UNITS & 5 TREES 50 PLANT UNITS,<br>RESPECTIVELY, W/IN 25'-0" OF BUILDING PERIMETER                          | (8) MULTIPLE FAMILY DEVELOPMENT EXEMPT FROM LANDSCAPING<br>REQUIREMENTS IN SRC CHAPTER 806   |



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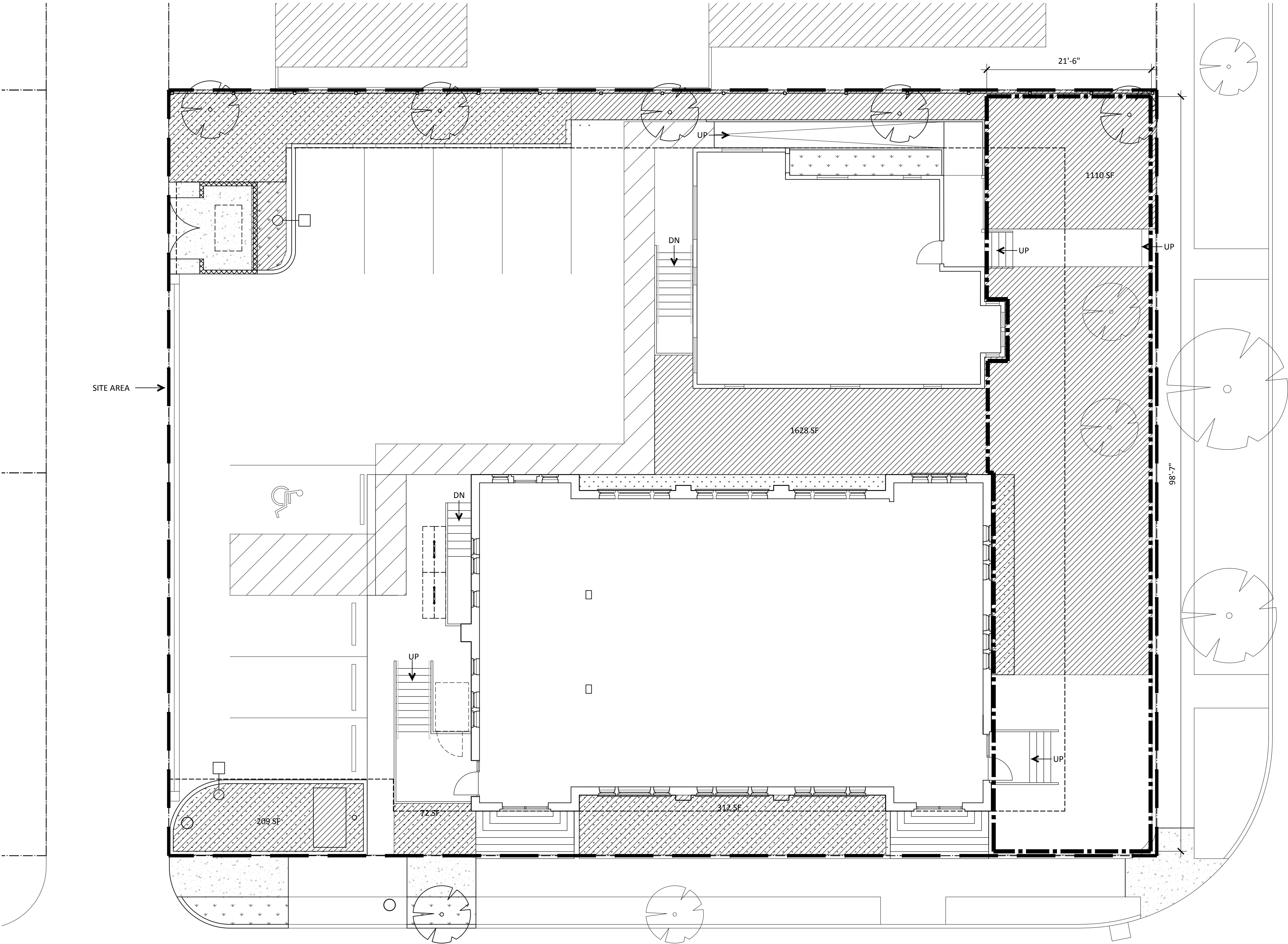
905 AND 925 COTTAGE ST NE SALEM, OR 97301  
BUILDING RENOVATION

JOB NO: 20222  
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PROPOSED OPEN  
SPACE PLAN

A340

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# 1 PROPOSED OPEN SPACE PLAN

1/8" = 1'-0"

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

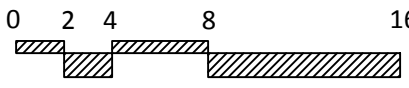
GRANT SCHOOL PARK LOCATED WITHIN 0.25 MILE FROM DEVELOPMENT SITE  
PER CITY OF SALEM STANDARDS SEC 702.020 (a)(1)(F) OPEN SPACE  
REQUIREMENT OF 30% MAY BE REDUCED TO 15% OF SITE AREA

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

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



NORTH



C:\Users\1980229\GMA ARCHITECTS\Front Desk - ProjectCloud\2022 DEVNW 905 Cottage St - ProjectCloud\2022 DEVNW 905 Cottage St Land Use Application.dwg, Copyright GMA ARCHITECTS





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LAND USE APP - DESIGN REVIEW - CLASS 1

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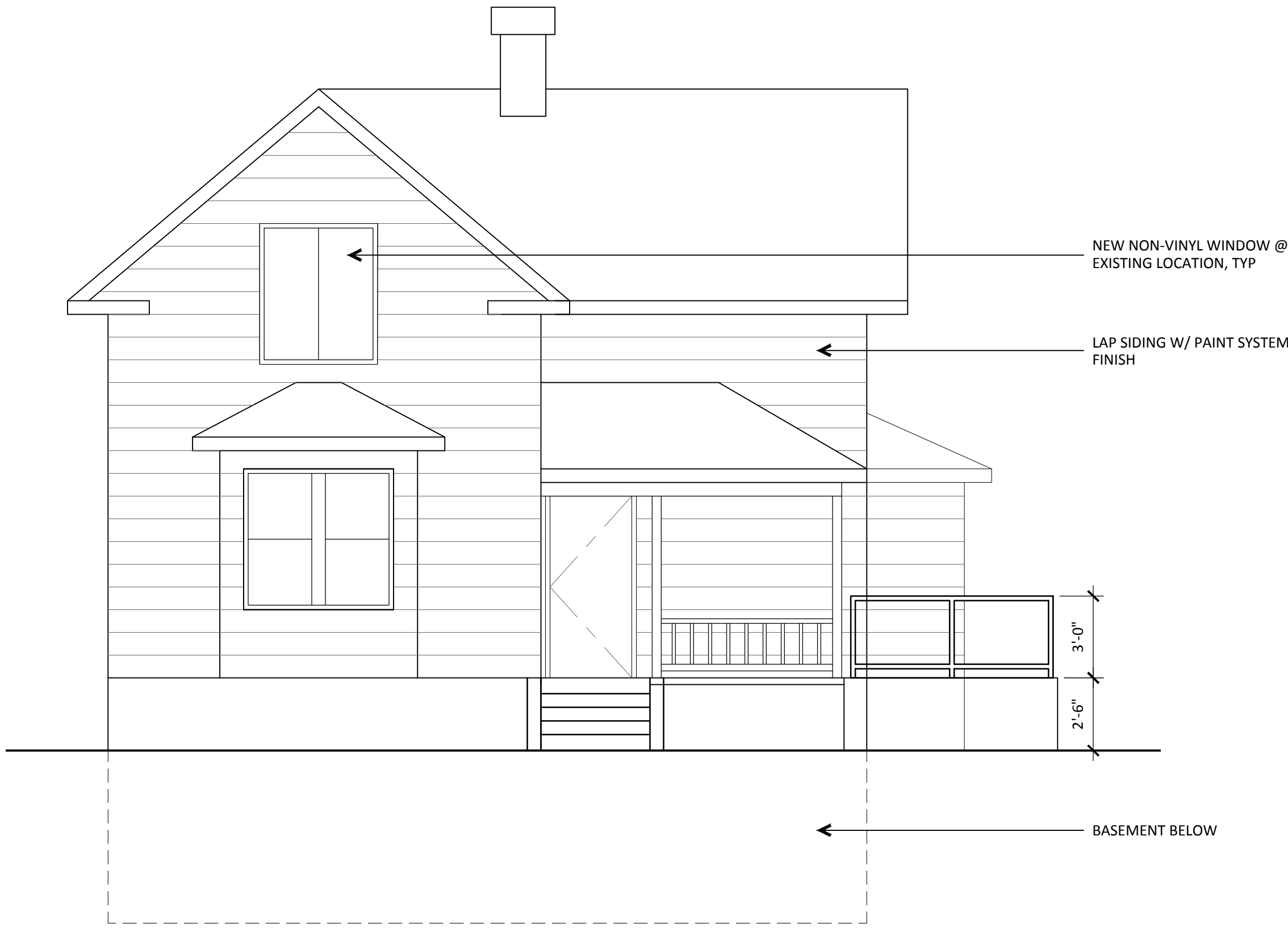
905 AND 925 COTTAGE ST NE SALEM, OR 97301  
BUILDING RENOVATION

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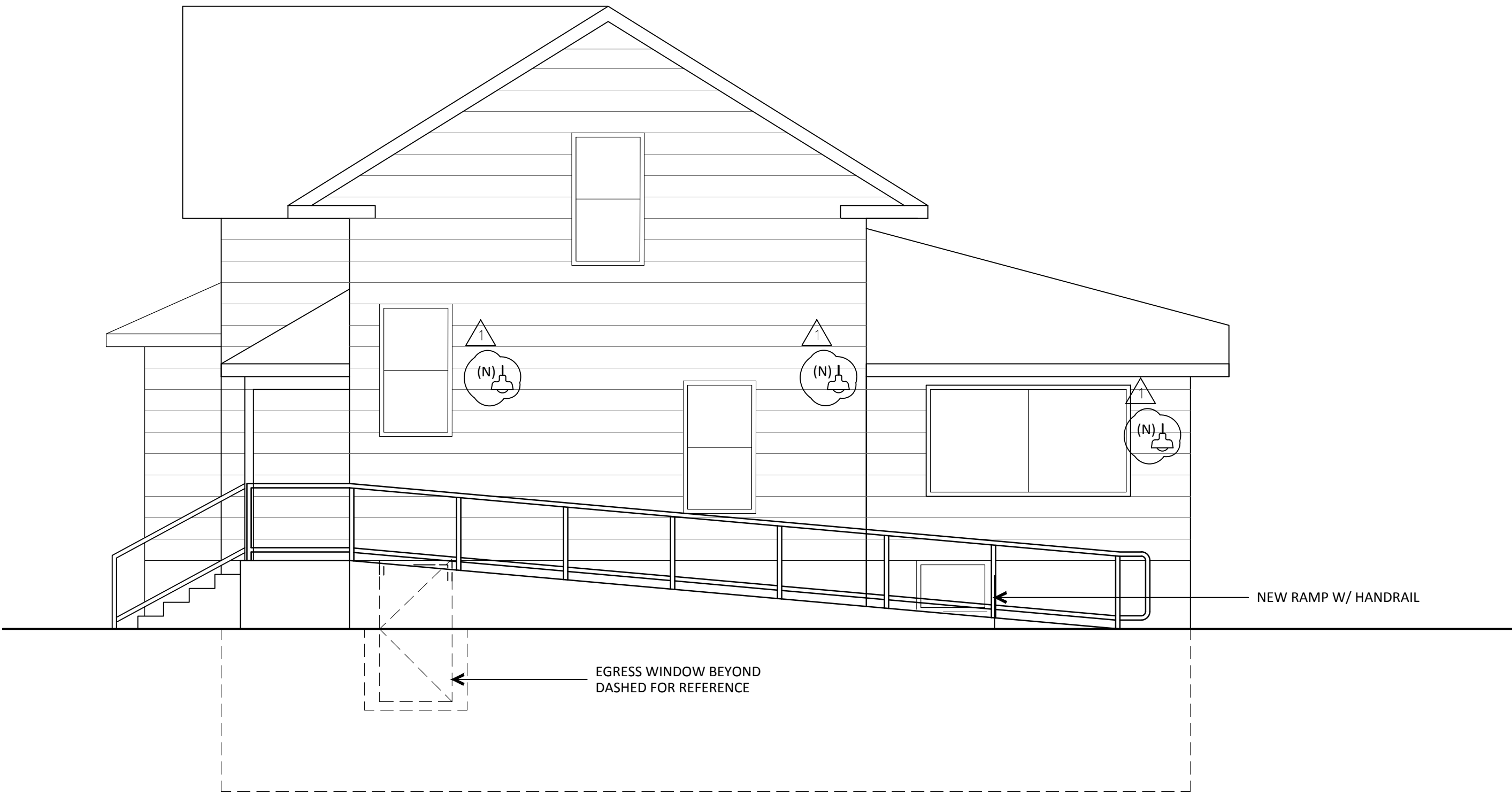
BUILDING "B"  
EXTERIOR  
ELEVATIONS

A610

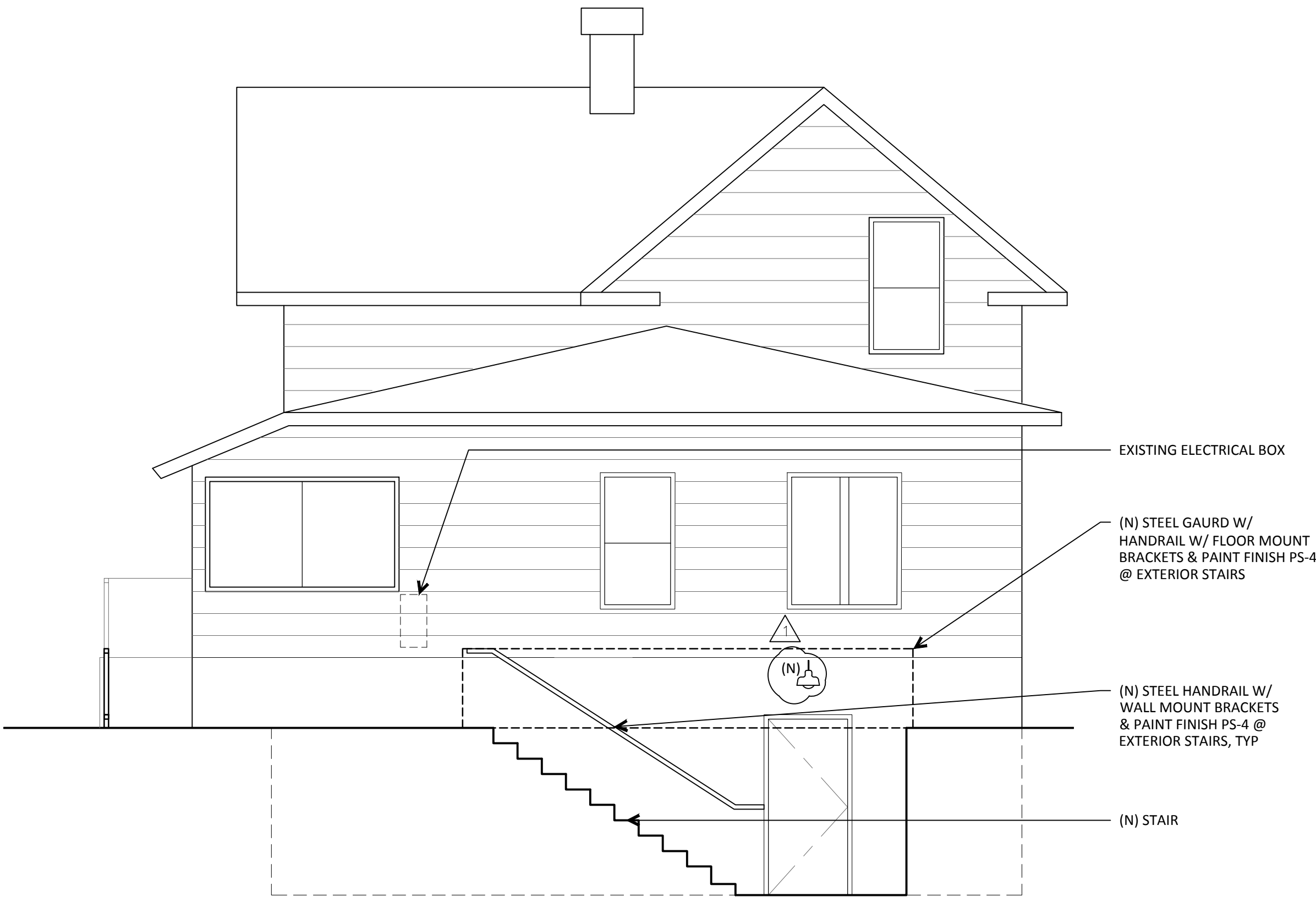
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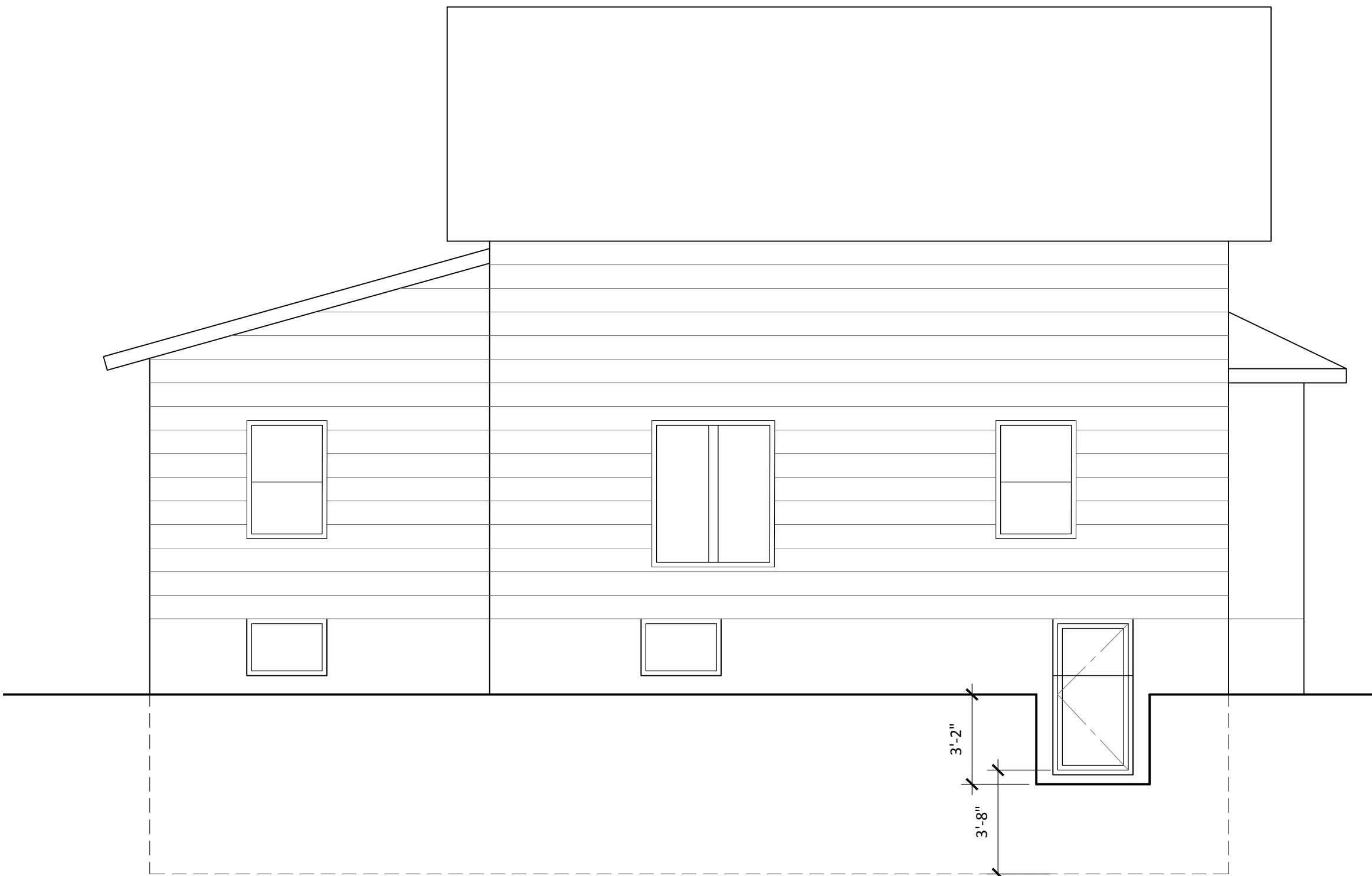
1 BUILDING "B" ELEVATION - EAST  
1/4" = 1'-0"



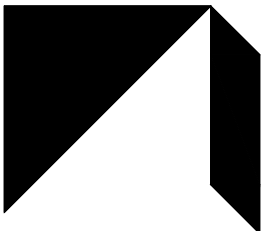
2 BUILDING "B" ELEVATION - NORTH  
1/4" = 1'-0"



3 BUILDING "B" ELEVATION - WEST  
1/16" = 1'-0"



4 BUILDING "B" ELEVATION - SOUTH  
1/16" = 1'-0"



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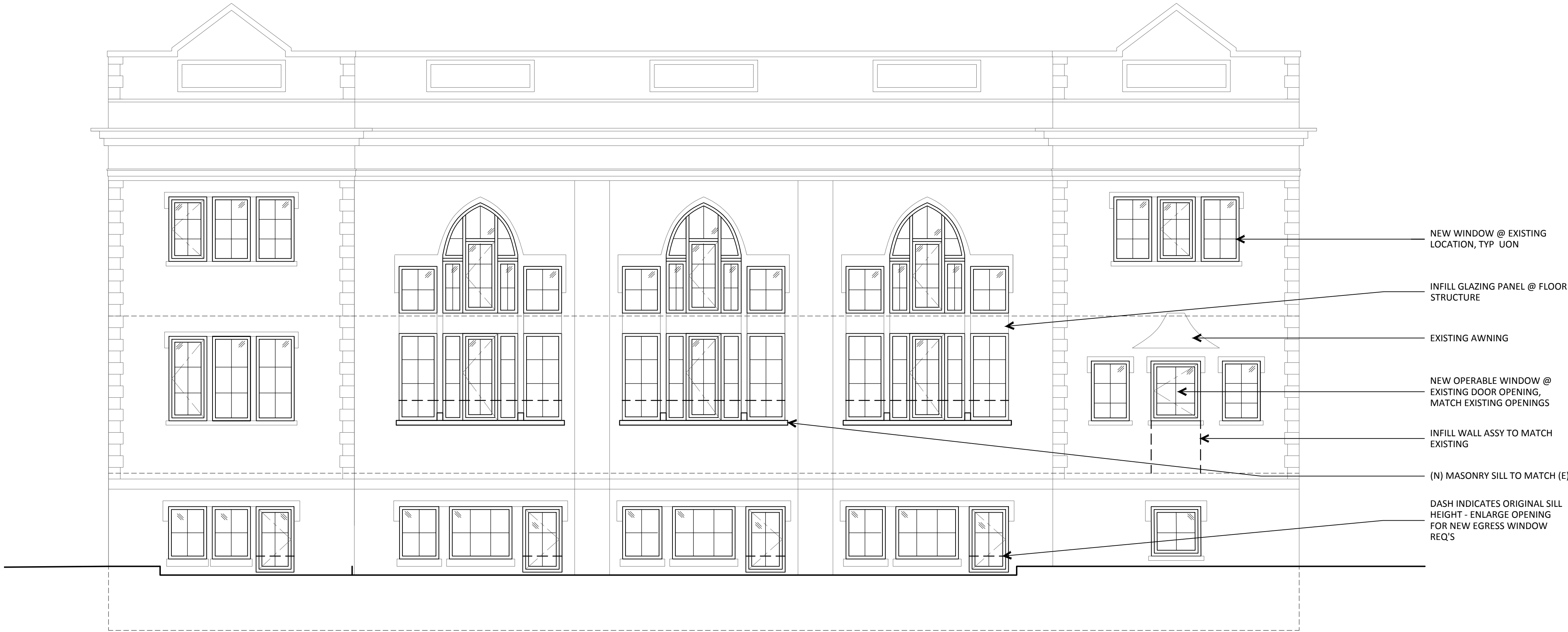
905 AND 925 COTTAGE ST NE SALEM, OR 97301  
BUILDING RENOVATION

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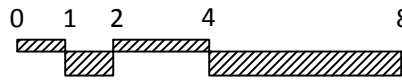
BUILDING "A"  
EXTERIOR  
ELEVATIONS

A520

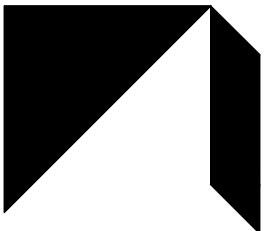
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1 BUILDING "A" ELEVATION - NORTH  
1/4" = 1'-0"



2 BUILDING "A" ELEVATION - WEST  
1/4" = 1'-0"



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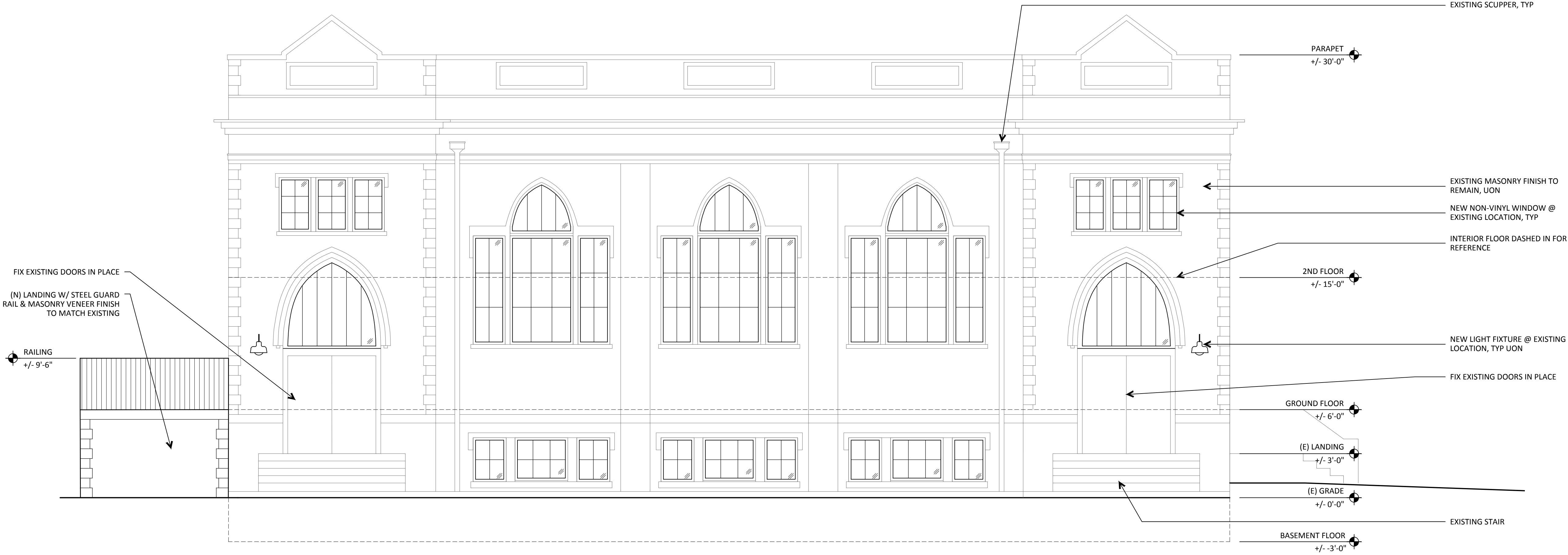
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BUILDING "A"  
EXTERIOR  
ELEVATIONS

A510

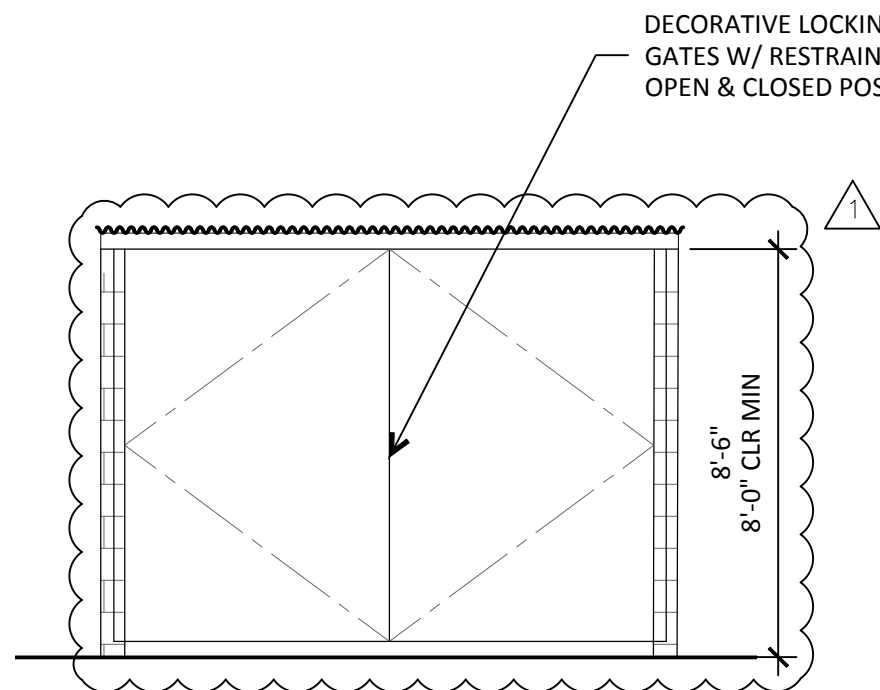
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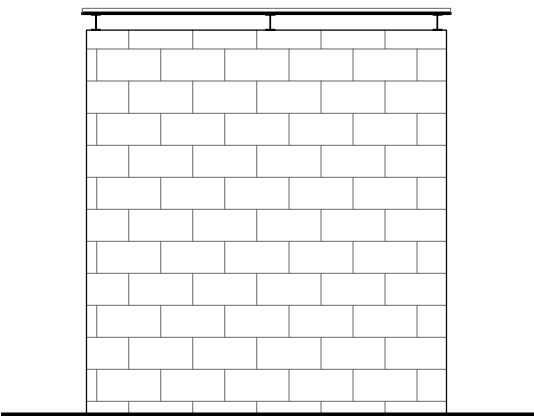
1 BUILDING "A" ELEVATION - SOUTH  
1/4" = 1'-0"



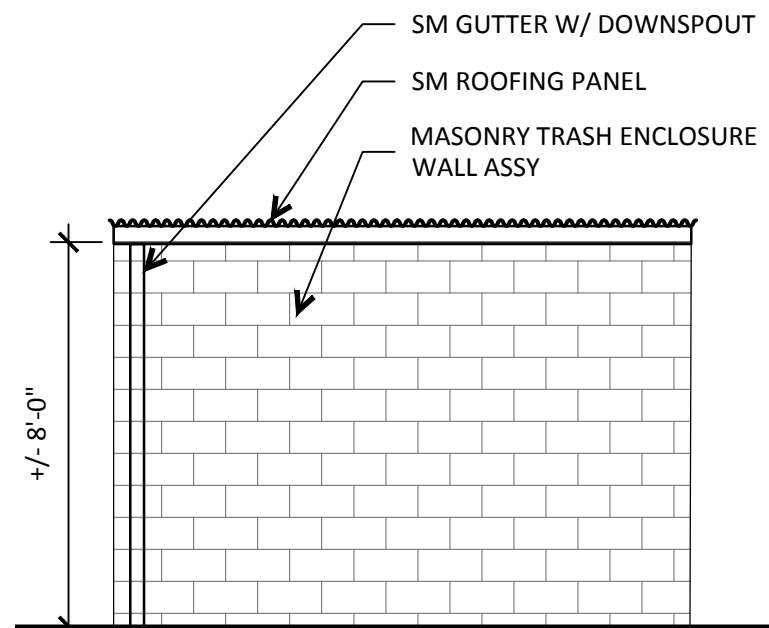
2 BUILDING "A" ELEVATION - EAST  
1/16" = 1'-0"



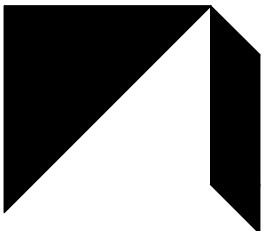
3 TRASH ENCLOSURE - WEST  
1/16" = 1'-0"



4 TRASH ENCLOSURE - NORTH  
1/16" = 1'-0"



5 TRASH ENCLOSURE - EAST  
1/16" = 1'-0"



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905 AND 925 COTTAGE ST NE SALEM, OR 97301  
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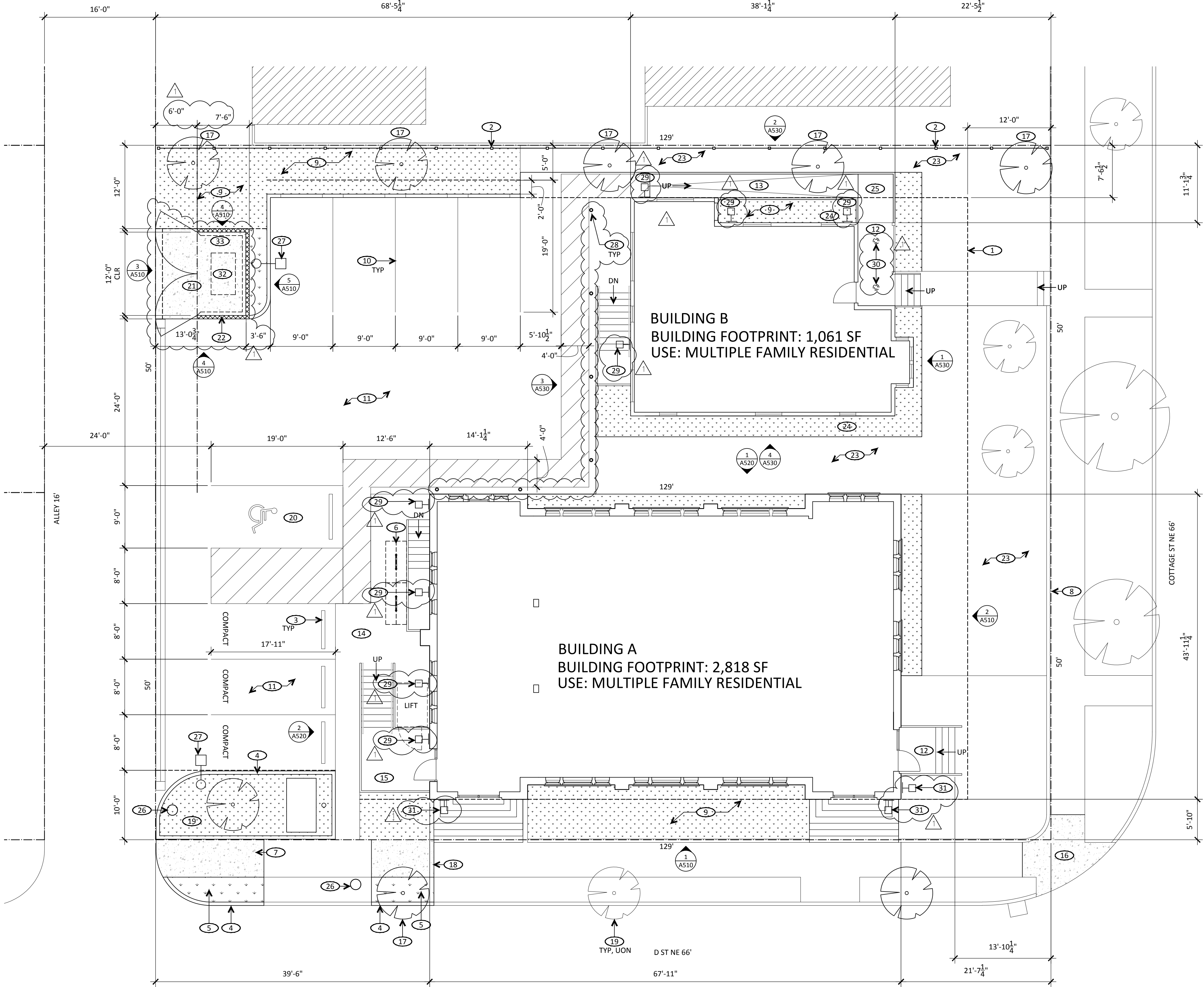
SITE PLAN

A210

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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 AISLE
- 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 CLR BTWN WALL & RECEPTACLE
- 33 (N) FIXED BUMPER RAIL ABOVE



1 PROPOSED SITE PLAN

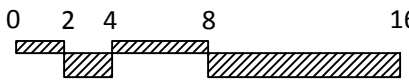
1/8" = 1'-0"

MAP NUMBER: 07 3W 23CB

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



NORTH



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 13<sup>th</sup>, 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 ¼ 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.<sup>1</sup> 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

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<sup>1</sup> 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.<sup>2</sup>

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<sup>2</sup> 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

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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.<sup>3</sup> 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,

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<sup>3</sup> 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.

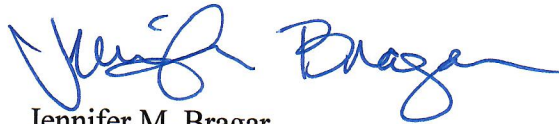
In addition, the Applicant is more than willing to accommodate GNA's request to only extend the 8-foot-high wooden fence to the eastern end of the 925 Cottage St NE building and not having the fence extend into the front yard.

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

|  |  |  |
|--|--|--|
|  | <b>Project Name</b>  | DevNW  |
|  | <b>Target Area</b>   | Grant Neighborhood   |
|  | <b>Goals Supported</b>   | Expand Affordable Housing  |
|  | <b>Needs Addressed</b>   | Affordable Housing   |
|  | <b>Funding</b>   | HOME: \$393,539  |
|  | <b>Description</b>   | The project, in conjunction with previous funding and tax credits, will provide acquisition and rehabilitation of up to 14 units of affordable housing.  |
|  | <b>Target Date</b>   | 6/30/2021  |
|  | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | 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. |
|  | <b>Location Description</b>  | 905 and 925 Cottage Street NE, Salem, Oregon 97301   |
|  | <b>Planned Activities</b>  | 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.   |
|  | <b>Project Name</b>  | Integrated Supports for Living   |
|  | <b>Target Area</b>   | Citywide   |
|  | <b>Goals Supported</b>   | Expand Affordable Housing  |
|  | <b>Needs Addressed</b>   | Affordable Housing   |
|  | <b>Funding</b>   | CDBG: \$144,734  |
|  | <b>Description</b>   | 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)   |
|  | <b>Target Date</b>   | 6/30/2021  |
|  | <b>Estimate the number and type of families that will benefit from the proposed activities</b> | This project will serve 12, 2-bedroom households.  |
|  | <b>Location Description</b>  | This project is located at 1870 Fisher Road NE, Salem, OR 97305  |
|  | <b>Planned Activities</b>  | 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](mailto:jbragar@tomasilegal.com)>  
**Sent:** Monday, September 21, 2020 1:17 PM  
**To:** Natasha Zimmerman <[NZimmerman@cityofsalem.net](mailto: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](mailto: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](mailto:erin.dey@devnw.org)>; Adam Dallimore <[adam.dallimore@devnw.org](mailto:adam.dallimore@devnw.org)>; Emily Reiman <[emily.reiman@devnw.org](mailto:emily.reiman@devnw.org)>

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

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

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

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

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

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

Additionally, GNA only expresses its opinion that the existing roadway system is "incredibly impactful" and "highly problematic". A review of the Oregon statewide crash database indicates that no vehicle crashes were reported on the segment of D Street between 5<sup>th</sup> 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

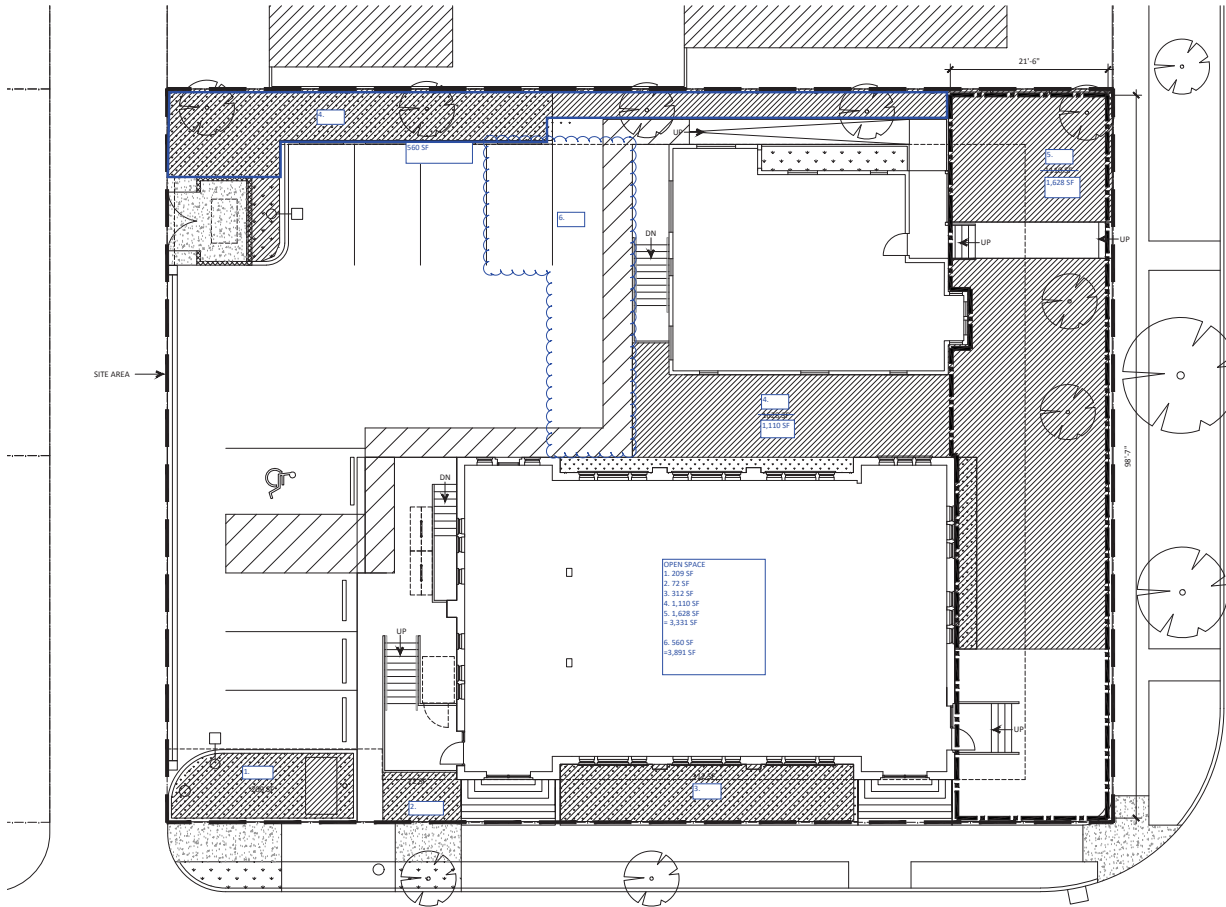
worst-case land uses that could be developed in the RS zone, not what currently exists on the property. TPR analysis requires a comparison of the reasonable worst-case development scenarios for both existing and proposed zoning.

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.



**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.

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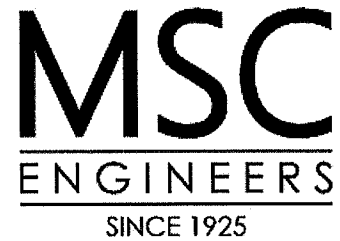
**GNA Statement (Attachment A, Page 31):** *"The applicant does not provide with their application any consideration of the engineering challenges associated with retrofitting an unreinforced masonry structure such as this church. On Page G100 of the site plan, the architects state: "Information is approximate 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 9<sup>th</sup>, 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

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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](mailto: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.<sup>1</sup> A summary of the trip generation rates for the different allowable land uses permitted under the existing RS zoning is presented in Table 1.<sup>2</sup>

**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 |
| <b>SINGLE-FAMILY DETACHED HOUSING (210)</b>  | DU <sup>a</sup>  | 9.44                          | 0.74         | 0.99         |
| <b>MULTI-FAMILY HOUSING (LOW RISE) (220)</b> | DU <sup>a</sup>  | 7.32                          | 0.46         | 0.56         |
| <b>CHURCH (560)</b>                          | KSF <sup>b</sup> | 6.95                          | 0.33         | 0.49         |
| <b>DAY CARE CENTER (565)</b>                 | KSF <sup>b</sup> | 47.62                         | 11.00        | 11.12        |

<sup>a</sup> DU = Dwelling Unit

<sup>b</sup> KSF = 1,000 square-feet

<sup>c</sup> 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.

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

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

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

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

<sup>a</sup> 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.<sup>3</sup> 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 care<sup>4</sup>
- 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.<sup>5</sup>

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

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

<sup>5</sup> Trip generation estimates calculated using average rates from ITE Trip Generation Manual, 10<sup>th</sup> 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 |
| <b>MULTI-FAMILY RESIDENTIAL (220)</b> | DU <sup>b</sup>  | 7.32                          | 0.46         | 0.56         |
| <b>DAY CARE CENTER (565)</b>          | KSF <sup>a</sup> | 47.62                         | 11.00        | 11.12        |

<sup>a</sup> KSF = 1,000 square-feet; <sup>b</sup> 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<br>(ITE CODE)                         | SIZE                 | WEEKDAY TRIP GENERATION |                 |                 |
|--|----------------------|-------------------------|-----------------|-----------------|
|  |                      | DAILY                   | AM PEAK<br>HOUR | PM PEAK<br>HOUR |
| 905/925 COTTAGE STREET                         |                      |                         |                 |                 |
| MULTIFAMILY HOUSING (LOW-RISE)<br>(220)        | 17 DU <sup>a</sup>   | 124                     | 8               | 10              |
| DAY CARE (565)                                 | 1.9 KSF <sup>a</sup> | 90                      | 21              | 21              |
| Total Existing Trips (RS zoning, both parcels) |                      | 139                     | 23              | 24              |
| Net Increase (Proposed – Existing)             |                      | 75                      | 6               | 7               |

<sup>a</sup> DU = Dwelling Unit

<sup>b</sup> 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.<sup>6</sup> 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<br>(ITE CODE)               | SIZE               | WEEKDAY TRIP GENERATION |                 |                 |
|--------------------------------------|--------------------|-------------------------|-----------------|-----------------|
|                                      |                    | DAILY                   | AM PEAK<br>HOUR | PM PEAK<br>HOUR |
| 905/925 COTTAGE STREET               |                    |                         |                 |                 |
| MULTIFAMILY HOUSING (LOW-RISE) (220) | 19 DU <sup>a</sup> | 139                     | 9               | 11              |

<sup>a</sup> 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

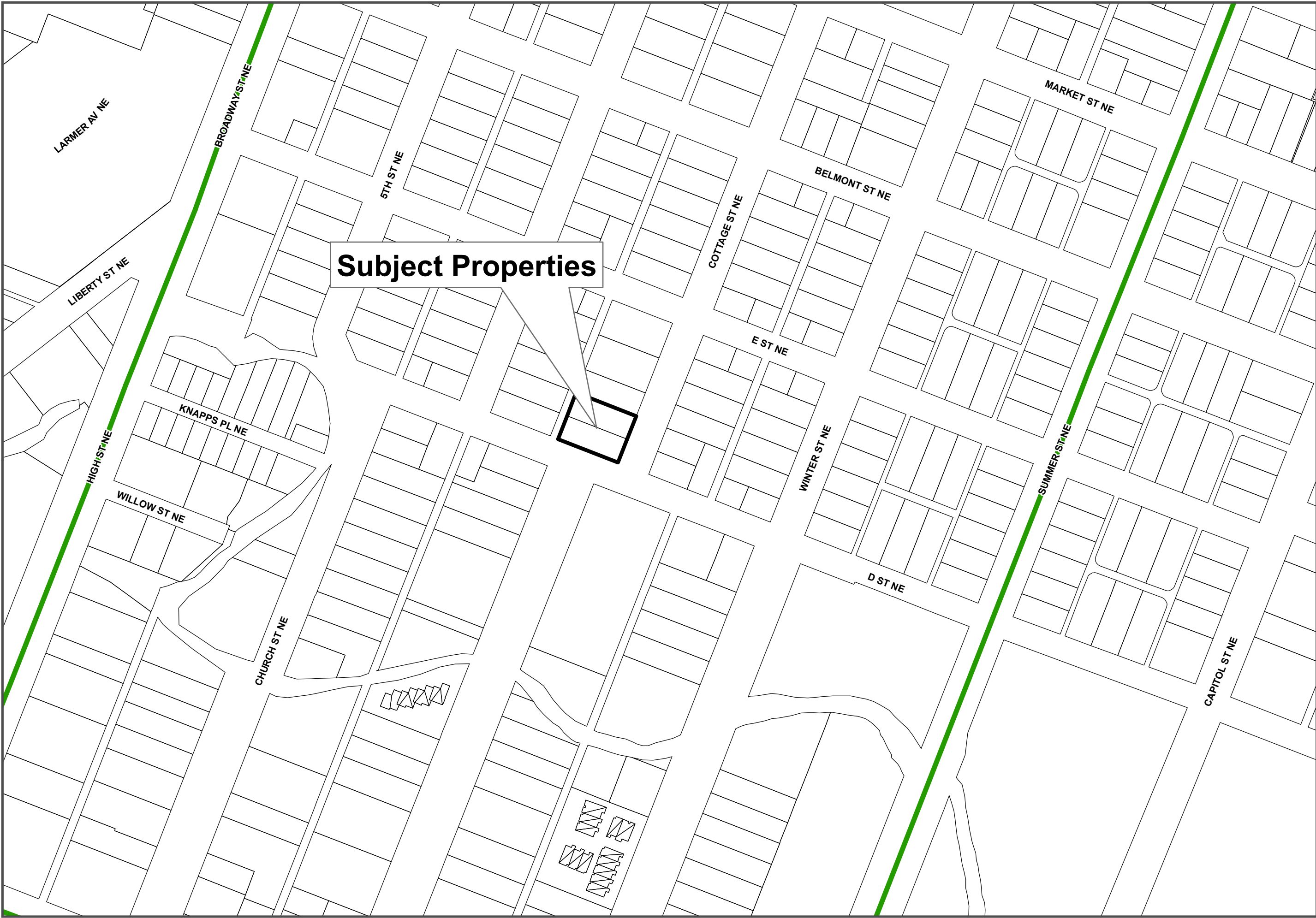
<sup>6</sup> City of Salem Unified Development Code, Chapter 702, table 702-3.

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.





# 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.

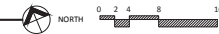
Prepared by: Jennifer Scott, Program Manager  
cc: File



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



## REVISIONS

LAND USE REVIEW

DEVNW

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

JOB NO: 20222  
ISSUE DATE: 24 JULY 2020

## PROPOSED OPEN SPACE PLAN

A340

**Olivia Dias**

---

**From:** SARAH OWENS <hlowens2@msn.com>  
**Sent:** Friday, October 30, 2020 9:09 AM  
**To:** Olivia Dias  
**Cc:** Michael Livingston  
**Subject:** Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Thank you for the notice that Grant has chosen to appeal the Planning Commission's decision and will have a hearing before the City Council on November 23. Please accept this as public comment for that hearing.

The applicant made significant plan amendments in response to Grant's initial objections to the project, yet Grant remains opposed to this quality affordable housing project. Why? In its notice of appeal, Grant argues that,

1. the map/zone change is NOT "equally or better suited" for the property/zone,
2. public engagement was INSUFFICIENT,
3. the multifamily use will somehow INTERFERE with neighbors' ability get on the National Register of Historic Places,
4. multifamily housing in Grant will HARM Grant more than it will benefit the community,
5. Grant's neighborhood plan says zone changes like the one at issue should be DENIED.

We walk in SCAN, CANDO and Grant every day. The property at issue sits on the boundary between CANDO and Grant. We live on Winter, a couple of blocks from the property, and walk by it several times a week. To get there, we walk one block north on Cottage to D Street, past offices, single and multifamily dwellings, and a nursing home. At the end of the block, we have a single-family home to our left, the nursing home to our right, and Evergreen Baptist Church in front of us. From a neighborhood perspective, converting this mostly empty church property to multifamily housing makes total sense.

Grant argues that the project would create a zoning "donut hole" in the middle of RS, but, in fact, it would not, as we have described above. Grant's fixation on preventing a zoning change keeps them from seeing what a beautiful project DevNW is offering the community. All they can do is argue, basically, that once an area is designated RS, it should never be changed. Grant is just anti-zone change from RS.

DevNW had an open house on its first proposal, which was substantially similar to the second, presented to at least one Grant and one CANDO meeting, and at the June Council hearing on the federal grant approval for the project. Grant hasn't alleged and cannot show they were in any way prejudiced by there not being additional public process. This is a ridiculous claim.

Grant's claim that multifamily use would have an adverse impact on property eligible for historic register designation fails for the same reasons the argument failed in the *Gaeity Hill vs Airbnb* case — namely, it's the *physical structure*, not the use that's relevant to historic register designations.

Grant offers zero authority for its claim that regional and local needs and "public interest" *outside of Grant neighborhood* — the need for affordable housing, for example — can't be considered in a zone change proceeding. This is another ridiculous claim.

Obviously, Grant just doesn't want any more multifamily housing in the neighborhood. Salem has more than a thousand unsheltered individuals living in places unfit for human habitation, and Grant is saying, in essence, too bad. It's disgraceful. It's even more disgraceful that some on the City Council encouraged Grant to appeal by exhibiting clear bias against the project during the June hearing on the federal grant approval. See ["'Progressive' Council Snuffs Affordable Housing Project"](#) (29 June 2020, *CANDO Archive*). The Oregon Government Ethics Commission even found [probable cause to investigate Councilor Kaser's conduct](#) in that business as a possible violation of ORS 244.120(2). Salem simply cannot afford to lose this project, which is a distinct possibility if Council fails to get it right on November 23. If Council kills this project again, it will send a strong message to affordable housing developers everywhere, as well as the community, that Salem doesn't care about quality affordable housing.

The Planning Commission *unanimously* found that the applicant had met its burden of showing the project meets all the necessary criteria for the map/zone change. City Council should also.

Michael Livingston  
Sarah Owens  
CANDO



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# CANDO Archive

The weblog of the Central Area Neighborhood Organization in Salem,  
Oregon

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Monday, June 29, 2020

## 'Progressive' Council Snuffs Affordable Hsg Project

By Sarah Owens and Michael Livingston



So much for Salem's commitment to affordable housing.

The plan was to purchase Evergreen Presbyterian Church and turn it into 14 units of low-income housing with on-site management and support. Project description in the [2020-2021 Action Plan](#) at 15. *Salem Breakfast on Bikes* wrote about the plan back in [May](#).

The property sits on D Street, right at CANDO's edge, just inside the Grant

neighborhood.

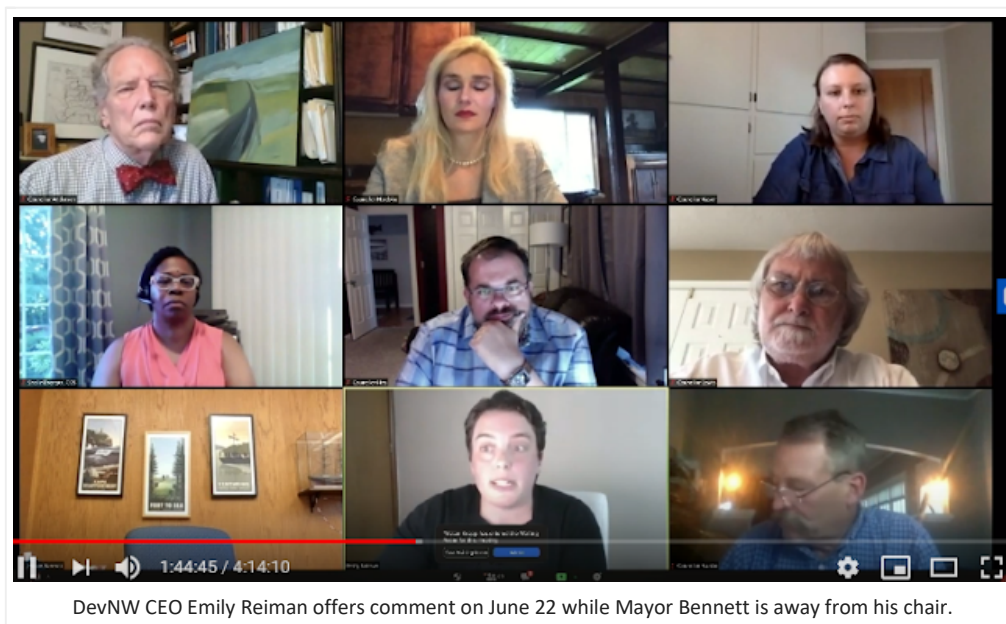
The Church has outgrown the space and is looking to move. It's not the first time Grant has felt one of its church's growing pains. See, e.g., Loew, T. "[A mega church is buying up a Salem neighborhood. Here's why.](#)" (19 August 2019, *Statesman Journal*.) ("Salem Alliance Church owns 31 properties, worth \$22.7 million, comprising part or all of eight blocks in the Grant neighborhood, north of downtown.")

Staff recommendation to Council was for the City to underwrite the purchase of the property using about \$400K in federal HOME Investment Partnership Program (HOME) funds. The developer, [DevNW](#), is Salem's only Community Housing Development Organization ([CHDO](#)) (pronounced "choh-doh"). Federal regulations require that at least 15% of the City's HOME funds be set aside for eligible CHDO activities. DevNW and the City spent many months looking for an appropriate project before deciding on the Evergreen Church location, and the project has been deemed eligible in all aspects.

With advice from City staff, DevNW is seeking to rezone the church property from RS (Single Family) to CO (Commercial Office), to allow it to use the manse as office space. DevNW currently rents an office in CANDO at 437 Union Street NE. The rezoning application is currently scheduled to go before the Planning Commission on July 21, 2020, but Council recent actions may change that.

Notwithstanding all the above, in a [June 17, 2020 letter](#) to Council, and in public comments on June 22, the Grant Land Use Committee chair asked Council to withhold funding for the project in order to prevent DevNW from attempting to rezone the property, which the Grant neighborhood believes would constitute a further "chipping away at [the neighborhood's] character", according to the letter.

During the public hearing on the Consolidated Plan/2020-2021 Annual Action Plan, DevNW CEO Emily Reiman gave a brief overview of the project and offered to answer questions.



### Council Deliberates Rezoning

As Councilor Nanke would later comment, the Grant neighborhood's request that Council withhold funding for the DevNW project because of the rezoning issue was "kind of weird, in that it's throwing a land-use decision before it's been done into a Consolidated Plan."

Councilor Hoy asked Reiman about the need to convert the manse into an office, saying "seems like a real waste" given Salem's need for housing. Reiman responded that the exterior of the manse and grounds would be preserved, and that communities generally see on-site services and management "as a positive" because "we have eyes on the project, and the people living there have ready access to services", adding "that's our preference because that's what we think will provide the best experience for low-income families."

Mayor Bennett asked Reiman if she had been "informed of Council's long-term neighborhood and Council policy relative to bringing commercial office into that sort of historic older neighborhood." Reiman responded that her director of development could speak to that, but she was on vacation, however, the decision to seek the CO rezone "was made in partnership with City staff." Bennett shot back, saying, "I'm talking about the neighborhood. City staff is City staff. They do their own thing. I'm talking about the neighborhood...Did you understand how profoundly concerned they are about the changing character of that neighborhood?"

Reiman said, basically, yes, that's why DevNW was committed to preserving the manse exterior, but Bennett was dismissive, saying "The interior is an office and lobby center or something like that?" Reiman told him that DevNW offered a range of financial literacy classes and counseling, home-ownership classes and counseling, and credit-building services. Bennett asked, "Would you be entertaining legislators there, as part of a lobby effort?" Reiman replied that DevNW does engage in housing advocacy, is occasionally called to offer expert testimony at the legislature, and participates in meetings at the Oregon Department of Housing and Community Services, but those activities amount to <1% of what they do.

Bennett wanted to know if she had "researched alternative office locations nearby, in a commercial office area already." Reiman replied that their office was about four blocks away, and reiterated that "most people feel more comfortable about an affordable housing development when the property management and the owner are on site."

Councilor Kaser also asked why DevNW wanted its office on site, "and not someplace else." Reiman reiterated the importance of onsite management and services, and DevNW's commitment to encouraging property ownership, saying they'd been looking for several years for a housing project that would allow DevNW to own its own office, "and have deeper roots in the Salem community."

Kaser asked Reiman if DevNW had "pursued other zoning" like RM1 or RM2, and what the "long-term impacts" of a CO rezone "would be to the neighborhood, in terms of changing its character." Kaser said she thought DevNW wasn't willing to compromise "because you need the office." She said, "that's very concerning. It's very concerning to be using this [HOME Investment Partnership] money to build a permanent office space for you." (As noted above, the project was eligible in all aspects.)

Council also heard from Eric Bradfield, who, along with Sam Skillern, co-chairs the Grant neighborhood association. Bradfield said he lives at 934 Cottage Street NE, "just across the street from Evergreen Church and parsonage", and was "here to represent my household this evening." "The most contentious part of the project is the need for a zone and Comprehensive Plan change", he said, before arguing that Council should withhold funding for the project in order to prevent the rezone.

After a few more questions, Bennett moved to approve the Con Plan/2020-2021 Action Plan without the award to DevNW. "This one needs to go back to the drawing board, clearly" because DevNW was "unwilling to walk away from having commercial office space and plans to proceed" with the rezoning. "And I just don't want to start down that road, so I'm making the motion to just pull them out of this package. Maybe they'll rethink it." Kaser said she "completely agree[d]"

with Bennett, and that DevNW needed to look for "an area that would be compatible."

Councilor Ausec said he would not support removing the DevNW award because he thought the project was compatible with the neighborhood, comparable to the activities of the church, and noted that the Comprehensive plan had been amended numerous times. See [Comprehensive Plan](#) (adopted 1992, amended 1997, 2000, 2002, 2003, 2004, 2005, 2009, 2x in 2009, 2x in 2013, 2015) and [Grant Neighborhood Plan](#) (adopted by Grant 1979, revised 1983, adopted by City Council with exceptions 1983).

Bennett's motion passed 7-1, with Ausec voting no. Councilor Leung did not vote or participate in the discussion, having declared a conflict because she participates in a DevNW savings program.

### Why Council Got it Wrong

There's a great deal not to like about this decision, but let's start with the result. This is what Jimmy Jones, Executive Director of the Mid-Willamette Valley Community Action Agency, had to say about Council's decision to eliminate the DevNW project from the 2020-2021 Action Plan:

It was unfortunate that DevNW's project wasn't approved. The community is in desperate need of affordable housing. Our limited rental stock and low vacancy rates, and high rental prices, are in large part the result of a lack of development in Salem and the surrounding communities going back to the recession of 2009. We've struggled as a community to attract affordable housing development to this area, and we are close to \$1 billion short in new development from meeting the affordable housing need. So every single unit matters. I hope that DevNW isn't discouraged, and continues to pursue the project. There's a way to do this that makes sure the community gets the project, that the neighborhood wishes are respected, and the best practice model of having onsite property management in these low-income housing models is in place.

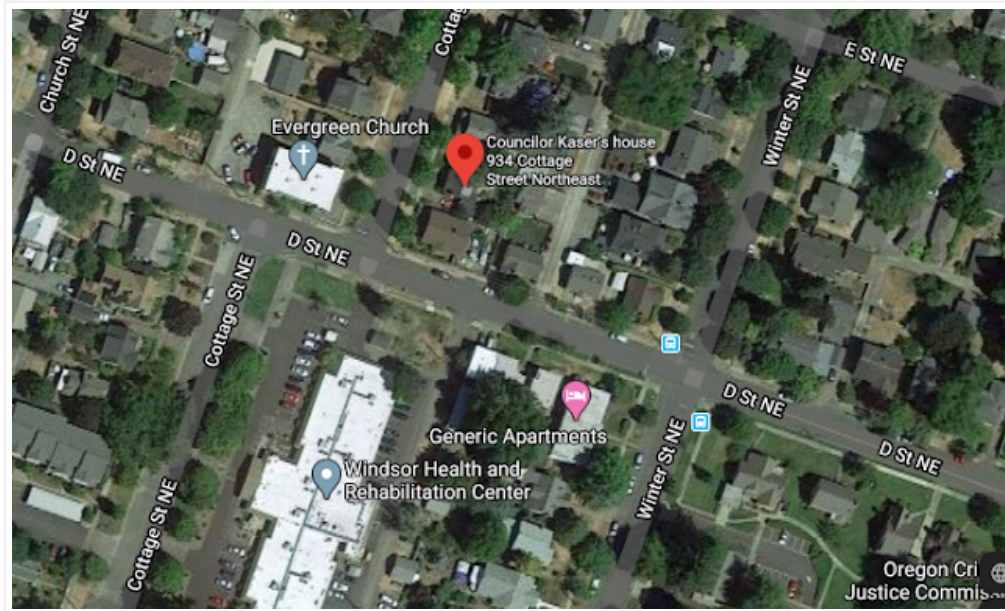
More concerning was the apparent lack of understanding of the Urban Renewal federal housing programs. It appeared that the Council came to the conclusion that there was very little post-award public process and oversight by the City of Salem with any development project financed by federal dollars, which is simply not the case. The City retains oversight over those dollars after they are awarded and has to sign off on project plans at critical junctures in the development process. I have worked with the City very closely on these projects for several years, and they do a good job of making sure everyone is held to account.

Now let's turn to the process. It wasn't just "kind of weird" for Council to decide a pending zoning (land-use) matter before it even went to the Planning Commission, it was wrong.

The issue before Council was whether or not to approve staff recommendation and adopt the Consolidated and 2020-2021 Action Plan. Any decisions to withhold a federal grant for an eligible project for which there is adequate funding *must be* demonstrably unbiased and non-arbitrary.

This is especially true when the applicant is the area's only recognized CHDO and the award is within the federally mandated set-aside. Council's decision fails this test.

First, at no point before, during, or after the public hearing did Councilor Kaser state for the record that she is married to Bradfield, and, with him, owns and occupies the house directly across from the property in question (see map below).



We asked her why she didn't disclose the information or declare a conflict. This was her response:

Per City and State ethics rules, even though I own property across the street from this site, I don't have an actual or potential conflict of interest for this specific legislative decision because a single pecuniary, or material, tangible "benefit" or "detriment" to myself or any family member is not known and speculative at best.

But it's not at all clear that Council's decision was "legislative." Decisions whether to grant or withhold HOME funds are governed by § 92.356 of the Code of Federal Regulations (among others). Even if Kaser was correct that she wasn't bound to reveal her interests by Salem Revised Code, Title 1, Chapter 12 (City ethics rules), Oregon Revised Statutes, Chapter 244 (State ethics rules), she should have considered her obligations under the applicable Federal rules. When she was asked whether she had, she declined to comment. Bradfield, Kaser's husband, argued Council should not fund the DevNW project on behalf of "my household." He did not declare Kaser to be a member of that household, and neither did Kaser. At a minimum, there is the appearance of a conflict of interest.

Second, Council's decision was in the nature of a land-use decision, rather than a legislative decision, as Councilor Kaser would have it. Land-use decisions must be on the record *in the land use proceeding*, and untainted by *ex parte* contacts and conflicts of interest. They also require that interested parties be afforded notice and an opportunity to be heard. Council's decision fails all aspects of this test.



City Councilors knew DevNW's rezone request would be at the Planning Commission July 21, because City Attorney Dan Atchison told them so during the public hearing. Council deliberately withheld funding for an eligible project in order to prevent the developer from pursuing the rezone -- a process it was legally entitled to pursue -- *because they disapproved of the zoning change and wanted to circumvent the land use proceeding*. In essence, Council's decision was a land-use decision, even though it was not properly before them, was not free from the taint of *ex parte* contacts and **conflicts of interest**, and violated DevNW's right to due process before an impartial tribunal.

Given the obvious impropriety of Council's actions and the prejudice to DevNW, one has to ask where was the City Attorney? Was he taking advantage of the virtual meeting format to play Minecraft, or catch up on other work? It is a mystery the answer to which may never be known, but one thing we do know. He should have stopped Council at the very outset and informed them they could not withhold HOME funds for an eligible project except for a *legitimate* reason, which they didn't have. He also should have told them that DevNW had every right to seek the rezone, and, as it was a land-use matter, Council should keep their views to themselves and not discuss it unless and until the matter came before Council in due course.

Fortunately for Salem, DevNW plans to appeal Council's daft decision. This is not the first time the City's been in hot water over conflicts of interest in how it makes federal funding decisions. See Brynelson, T. "**City commission derailed over potential conflicts of interest**." *Salem Reporter*, 16 November 2018; Bach, J. "**Salem development commission may disband after feds raise ethics concerns**", *Statesman Journal*, 20 December 2018. And it probably won't be the last, given the astounding ignorance displayed during the public hearing.

And then there's the hypocrisy. None of those Black Lives Matter speeches (Andersen, Nordyke, Hoy, Kaser) decrying the "**crushing weight that 400 years of institutional, systemic, and personal racism has [had] on people of color**" mean a damn thing when the same so-called "progressive voices" aren't willing to do more than advocate for change. The first opportunity they had to *actually vote* against their privileged class interests in favor of housing and services for low-income families, what did they do? They voted with the NIMBYs to maintain the *status quo*. So predictable. And so Salem.

6/29/20 update: the July 21 hearing has been postponed at DevNW's request. They will now be seeking a zone change to RH (multifamily high rise residential) with proposed conditions and submit Site Plan Review and Design Review applications, to be consolidated with the zone change request. The new design eliminates the on-site management/services, adds 7 units (for a total of 21), and will require additional HOME funds. DevNW will present details of the new plan at CANDO's virtual meeting on July 21st. There will also be a presentation on the YMCA's veteran housing project.

7/8/20 update: see Harrell, S. "**Why Salem City Council nixed an affordable housing development over an office space**." (8 July 2020, Salem Reporter.) In other developments, the City has agreed to reserve the funds set aside for the Evergreen Project pending approval of the new design plan or new project plan, obviating the need for an appeal.

8/6/20 update: the minutes of the May meeting of the Grant neighborhood association -- just published -- state with reference to the Evergreen Church project, "Cara [Kaser] stated that she will recuse herself from any involvement by City Council in this process and will assist the neighborhood in its response to the land use process."

9/15/20 update: [Staff Report](#) recommended approval of zoning change and new plans. The September 21 hearing was postponed at DevNW's request. "[Grant NA Still Opposes Affordable Housing in Church Project](#)" (14 September 2020, *Salem Breakfast on Bikes*) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") See also "[Incumbency Privilege in the Historic Preservation Plan at Council Monday](#)" (10 July 2020, *Salem Breakfast on Bikes*).

9/21/21 update: Oregon Government Ethics Commission found probable cause to investigate Councilor Kaser's conduct in this matter as possible violation of ORS 244.120(2).

10/6/20 update: Planning Commission unanimously approved staff recommendation as modified, except for condition 8 (trees). See "[Affordable Housing Project in 1928 German Baptist Church to Try Again at Postponed Hearing](#)." (4 October 2020, *Salem Breakfast on Bikes*.)

10/26/20 update: Grant neighborhood association [appealed the Planning Commission's approval of the DevNW project](#). City Council to hear the appeal rather than the hearings officer. See "[City Council, October 26th - German Baptist Church Decision](#)." (25 October 2020, *Salem Breakfast on Bikes*.)

Labels: [DevNW](#), [follow the money](#)

### 3 comments:



Unknown July 5, 2020 at 7:43 AM

Thank you, Sarah and Michael, for burrowing down into the details of this most complex council action. While I am a strong supporter of preserving housing stock in Salem, I am also an "i" dotter and "t" crosser when it comes to following rules. Confabulating future land use rules with a federal grant funding decision may be a wise preemptive effort on the part of the Grant NA, but the implications for future city-wide Salem housing stock is serious. Again, thank you for the information. Thank you for describing the potential long term unintended consequences of the June 17th Council decision.

[Reply](#)



Mark DeCoursey September 30, 2020 at 6:14 PM

Look at this analysis of student demographics at the Grant School (<https://www.greatschools.org/oregon/salem/1042-Grant-Community-School/>).

Grant Neighborhood already has a nice mix of races and cultures. According to GreatSchools.org, Grant Community Elementary School student population is



40% European,

52% Hispanic,

3% mixed race, and

2% African American. (Exhibit D)

Also note on that page, 75% of the students come from Low Income households.

As eager as you seem to be to find racism and classism, you will have to look somewhere else. This is not the neighborhood problem you are looking for. And next time, please look before slinging your invective.

[Reply](#)

#### Replies



**Sarah Owens**    **October 1, 2020 at 5:31 AM**

Hey there Mark DeCoursey,

Normally, I would start by thanking you for reading the post, but it doesn't look like you did that. Maybe you meant to post on this blog? "Grant NA Still Opposes Affordable Housing in Church Project" (14 September 2020, Salem Breakfast on Bikes) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") I will thank you for prompting us to update the post with the latest on the project, however.

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#### **January 2019 Revision**

The CANDO Archive was revised substantially in December 2018 and January 2019 to update links, add labels to facilitate searching, correct formatting, and remove outdated information. Sarah Owens and Michael Livingston

#### **Old City Records**

The CANDO Archive contains links that broke when the City "turned off" its old website on February 6, 2019. The linked documents can still be obtained through a public records request. It will help to submit a copy of the link with the request.

City Recorder: [cityrecorder@cityofsalem.net](mailto:cityrecorder@cityofsalem.net)

City Recorder: 503-588-6097

Make a public records request [here](#)

#### **Disclaimer**

The views expressed in individual blog posts are those of the author(s) and do not reflect the official position of the CANDO Board of Directors, unless that is specifically indicated in the blog post.

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OREGON GOVERNMENT ETHICS COMMISSION  
EXECUTIVE SESSION AGENDA

September 18, 2020

*[To consider Preliminary Reviews pursuant to ORS 244.260(4)(d)].*

Item

Page

**EXECUTIVE SESSION CONSENT CALENDAR**

Reports of Preliminary Review

*(all items removed from consent calendar for discussion)*

End of Executive Session Consent Calendar

**OTHER ITEMS**

Reports of Preliminary Review *(removed from consent calendar)*

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| 38. | <b><u>20-168ELC</u></b> , Cara Kaser<br>City Councilor, City of Salem<br><b>Recommended Action:</b> Move to Investigate Possible Violation of<br>ORS 244.120(2) <b>[4]</b> .....  | 221 |
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| 41. | <b><u>20-176ELC</u></b> , Russel Heath<br>Fleet Manager, Yamhill County, Public Works Department<br><b>Recommended Action:</b> Move to dismiss complaint <b>[2]</b> .....         | 259 |
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City Councilor, City of Drain  
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Own Motion Preliminary Reviews

None.

Other Items (*non-action informational only items*)

None.

**RECONVENE REGULAR OPEN SESSION**

## Olivia Dias

---

**From:** SARAH OWENS <hlowens2@msn.com>  
**Sent:** Tuesday, November 3, 2020 7:20 AM  
**To:** Olivia Dias  
**Cc:** CanDo Board  
**Subject:** Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

In light of Grant's decision to appeal the Planning Commission's decision and the fact that there will now be a hearing before the City Council on November 23, CANDO would like to re-submit its comment on the project as public comment for that hearing:

Comment from CANDO:

CANDO supports approval of the proposed affordable housing project, per the vote at the July 2020 meeting.

From the July minutes:

The board heard a presentation by DevNW CEO Erin Dey and Emily Reiman, Director of Real Estate Development, on the revised plan to develop the Evergreen Presbyterian Church property at the corner of D and Cottage Streets, border of CANDO and Grant, inside Grant. The property is on the market because of the prohibitive cost of making the church building ADA-accessible and other needed upgrades. The basic plan is to provide ~20 smallish (studio/1BR) units of affordable housing while maintaining the building exteriors as conditions of approval of any rezone, except as needed to comply with ADA/safety standards (a rezone of the property is needed). Funding sources require affordable rents be maintained for a minimum of 20 years. DevNW currently rents an office in CANDO at 437 Union Street NE. DevNW is recognized by the City of Salem as a Community Housing Development Organization. A 3d-party traffic study concluded the development will not increase traffic. The original plan was to convert the manse/parsonage into an office for DevNW. The plan was revised in response to objections from the Grant neighborhood association board (GNA) and the City Council. GNA indicated at its July 9 meeting that it will oppose the revised plan as well.

All board members present reside within a few blocks of the proposed development. Comments included concerns that GNA still opposes the project, and that the GNA isn't representative of the neighborhood feeling on the project. Rebekah Engle stated that all the people she knows in the area directly around her apartment building are very supportive of the project. The board recognized the acute need in the neighborhood for smaller (studio/1BR) residential units.

Sarah Owens  
CANDO Secretary/Treasurer

## Olivia Dias

---

**From:** Brittany Truehitt <brittanytruehitt@gmail.com>  
**Sent:** Monday, November 2, 2020 11:17 AM  
**To:** Olivia Dias  
**Subject:** Affordable housing

I just wanted to send in my support for the push for affordable housing that is currently on the table. I know there has been some vocal pushback but I'm confident that's due to wannabe elites who want to complain about our homeless neighbors while simultaneously throwing up roadblocks to granting easier access to housing. I know it has been an ongoing issue and I hope it will soon be resolved in the favor of constructing more units. Thank you for your time.

Brittany Truehitt  
(469)-237-9848



## Olivia Dias

---

**From:** SARAH OWENS <HLOWENS2@msn.com>  
**Sent:** Friday, November 13, 2020 8:27 AM  
**To:** Olivia Dias  
**Cc:** CanDo Board  
**Subject:** Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE  
**Attachments:** OGEC-Kaser Stip Agrmt 10-23-20.pdf

Please accept as public comment in the referenced matter the attached agreement between former Councilor Cara Kaser and the Oregon Government Ethics Commission, dated October 23, 2020, in which she agreed she'd violated ORS 244.120(2) by failing to disclose that she lived across the street from the subject property when the proposed development was before Council on an application for the City's HOME funds. She also failed to disclose that she was married to the neighborhood association officer who testified against the development. She was instrumental in persuading the Council not to approve the funding award, even though the project was eligible.

Kaser's conduct with regard to the proposed development has, I believe, tainted the approval process and unfairly prejudiced the City Council against it. To be explicit, I believe Council has already shown bias against the project, and I am concerned that they cannot be objective in determining whether the applicant has met its burden of proof in showing that the project meets all approval criteria. Nevertheless, I hope Council will overcome its bias and approve this much needed housing development for the good of the City.

Sarah Owens  
CANDO

## BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

|                  |   |                               |
|------------------|---|-------------------------------|
| In the Matter of | ) |                               |
|                  | ) | <b>STIPULATED FINAL ORDER</b> |
|                  | ) |                               |
| Cara Kaser       | ) | <b>CASE NO. 20-168ELC</b>     |
|                  | ) |                               |
| _____            | ) |                               |

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above referenced case against Cara Kaser.
2. JURISDICTION: At all material times, Cara Kaser was a City Council member with the City of Salem City Council (City Council). As a City Council member, Cara Kaser was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.
3. STIPULATED FACTS:
  - A. Ms. Kaser is a city councilor in Salem, Oregon. She is serving in her fourth year as a city councilor and was elected to the position in 2016.
  - B. In June, 2020, Ms. Kaser participated in a City Council meeting in which the decision to approve the 2020-2024 Consolidated Plan to award and deny federal US Department of Housing and Urban Development "HOME" funds to multiple organizations. This decision specified the awarding of funds to multiple organizations and the denial of funds to one organization, DevNW.
  - C. Specifically, the funds denied to DevNW were for "acquisition and conversion of an existing church and parsonage for up to 14 affordable

housing units and office space for” DevNW for a potential project that would be located on real property at 905/925 Cottage Street NE in Salem, Oregon.

- D. Ms. Kaser owns and resides at real property located at 934 Cottage Street NE in Salem, Oregon, which is located across the street from the property DevNW wished to develop. The property is currently owned by Evergreen Presbyterian Church.
- E. Ms. Kaser, upon learning of the upcoming decision regarding the 2020-24 Consolidated Plan to award and deny federal HOME funds consulted with the city attorney about potential conflicts of interest prior to the June City Council meeting. The city attorney advised Ms. Kaser that a decision which might involve a conflict of interest would be many months removed from any potential land-use decision affecting the Evergreen Presbyterian Church property and that the legislative decision at issue would not result in any direct action being taken on that property.
- F. Ms. Kaser, acting in good faith and on the opinion of the city attorney and her own understanding, did not disclose that she owned and resided at property located across the street from the proposed DevNW property, currently owned by Evergreen Presbyterian Church, during the June 22, 2020 City Council meeting. Ms. Kaser voted on the Consolidated Plan which, in part, denied funds to DevNW for the property located at 905/925 Cottage St NE in Salem, Oregon at that meeting.
- G. Actual and potential conflicts of interest are defined in ORS 244.020(1) and (13), respectively, as arising when a public official, acting in his or her official capacity, participates in any action, decision, or recommendation, the effect of which would be (actual) or could be (potential) to the private pecuniary benefit or detriment of the public official, a relative, or any business with which the public official or a relative is associated.

- H. Cara Kaser was met with a potential conflict of interest while serving in her official capacity as a City Councilor at the June 22, 2020 City Council meeting when the Consolidated Plan was discussed and acted upon, as described in paragraphs (B) through (E), above.
- I. ORS 244.120(2)(a) requires an elected official, when met with a potential conflict of interest, to announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Ms. Kaser did not announce the conflict at the June 22, 2020 City Council meeting.
- J. The actions described in paragraph 3(B), (E) and (F) constitute one violation of ORS 244.120(2).
- K. ORS 244.350 authorizes the Commission to assess civil penalties for violations of ORS 244.120 set forth in paragraph 3(I).
- L. The Commission contends that results of the investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find one violation of ORS 244.120(2)(a).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On September 18, 2020, the Commission considered information in the preliminary review phase of Case No. 20-168ELC and acted to find cause to initiate an investigation of this matter. Cara Kaser has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.

- B. Cara Kaser will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Cara Kaser within the scope of the above-referenced proceedings.
- D. Cara Kaser will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Cara Kaser agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Cara Kaser agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.



Cara Kaser

10/23/2020

Date

Nathan Sosa, Chairperson  
Oregon Government Ethics Commission

Date



Administration  
681 Center St NE  
Salem, Oregon 97301  
503-588-5828

### **Programs**

West Salem  
Clinic  
Medical,  
Dental &  
Mental Health  
503.378.7526

Total Health  
Community  
Clinic  
503.378.7526

Crisis &  
Information  
Hotline  
503.581.5535  
1-800.560.5535

HOAP  
503.588.5827

HOST  
Program  
503.588.5825

Connection  
503-588-  
5843

Working in  
partnership  
with:



November 11, 2020

Ms. Olivia Dias, City of Salem Planning Commission  
Sent via email to: [Odias@cityofsalem.net](mailto:Odias@cityofsalem.net)

RE: DevNW Request for Rezoning and Site Plan/Design Review, Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR

Dear Ms. Dias:

This letter is written in support of DevNW's efforts to provide affordable housing at the former site of the Evergreen Church (905 and 925 Cottage Street NE). As you are aware, Salem is facing an affordable housing crisis; we need hundreds more units, and this project is an important step forward.

We believe that our community is stronger when everyone has safe and affordable housing. Northwest Human Services (NWHHS), a Community Health Center, provides medical, dental, mental health and social service supports for low income and homeless individuals and families in the Salem community. Permanent housing is a key component in creating stability and better health outcomes for our patients and clients. Affordable permanent housing accessible to services and public transportation in this location will strengthen the Grant Neighborhood by helping to ensure a mix of housing types and affordability for years to come.

The opportunity to provide 19 units of affordable housing is an excellent use of the property and, we believe, is an equally or better suited use of this site than the current facility and underlying single family zoning. Studio and 1-bedroom units are critically important for a range of people, including seniors, veterans, young adults, low income individuals/couples without children, etc.

NWHHS lends our support for this project. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Logan".

Paul Logan  
Chief Executive Officer



## Olivia Dias

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**From:** Marissa Theve <marissatheve@gmail.com>  
**Sent:** Friday, November 13, 2020 9:57 AM  
**To:** Shelby Guizar  
**Cc:** Olivia Dias  
**Subject:** Re: City Council Hearing Notice - Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Hi there,  
Please accept my comments for the record:

The appeal you are reviewing is based on unsubstantiated fears that the Grant neighborhood, my home, would be trashed by a project which has not yet happened based on site plan revisions that have not been requested. These fears are based on paranoia that the neighborhood would be opened up to high-rise development forever based on this single zone change. I disagree with the assumption that the city council would give in to development pressure based on a single low-income specific project. That is precisely why there are contingencies on this project's site plan. The Grant Neighborhood Association's assumptions and lack of trust in the city is stagnating a very good project which we desperately need.

If you divide up the 3,000 low-income unit deficit Salem has by the 18 neighborhoods in Salem, each neighborhood needs 167 units, or 148 left for Grant after this project is complete. Grant's proximity to services, schools, and public transit makes it ideal to *at least* carry its share of the solution. This would mean just one very large low-income development per neighborhood could close the gap, but if we are stuck fighting over small 19-unit projects, we will never get there. Kill the Not-In-My-Backyard attitude. Make Salem a place where everyone is welcome, not just NIMBY homeowners.

Thanks very much for hearing my voice,  
Marissa Theve, homeowner  
845 Gaines Street NE Salem, OR 97301-7321

On Thu, Oct 29, 2020 at 9:51 AM Shelby Guizar <[SGuizar@cityofsalem.net](mailto:SGuizar@cityofsalem.net)> wrote:

Hello,

The City Council Hearing Notice of a Minor Comprehensive Plan Map Amendment / 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 905 and 925 Cottage St NE, is attached for your information. Hard copies go out in the mail today to those of you who are to receive one. This case will be heard digitally before the Salem City Council on Monday, November 23, 2020 at 6:00 P.M.

*Application Summary:* **Appeal of the Salem Planning Commissioner's Decision** on a consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone Change including a Class 3 Site Plan Review, Class 1 Design Review, and five Class 2 Adjustments for the development of 19 multi-family units.

Please direct questions or comments to the **CASE MANAGER:**

**Olivia Dias**

[oDias@cityofsalem.net](mailto:ODias@cityofsalem.net)

503-540-2343

Thank you,

**Shelby Guizar**

*Administrative Analyst*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

[sguizar@cityofsalem.net](mailto:sguizar@cityofsalem.net) | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](#)

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Marissa Theve

Pronouns: she/her/hers

## Olivia Dias

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**From:** Rebekah Engle <rebekahengle@gmail.com>  
**Sent:** Saturday, November 14, 2020 1:27 PM  
**To:** CityRecorder; citycouncil; Olivia Dias  
**Subject:** DevNW Case-11/23 Agenda

re: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

Dear City of Salem Officials,

I am writing as a long term resident and board member of CANDO and as a concerned citizen of our city in general.

DevNW has made plans to create a wonderful affordable housing project in the old Evergreen Church building on the border of CANDO and Grant neighborhoods. Months ago representatives of the program reached out and came to our neighborhood meeting to share their plans. I had known of DevNW before, but was inspired by their compassionate, knowledgeable and professional presentation to look more into the programs they run. I am extremely impressed with the programs and feel like they have the potential to greatly impact housing and poverty issues in our city. Instead of putting roadblocks in their way, we should be supporting their work. If we claim to want to work on issues of homelessness and poverty in Salem, then we simply must support policies and programs that work towards that goal. DevNW is one of the programs we should be supporting.

I know that both Grant and CANDO neighborhoods feel a lot of the effects of homelessness. I live across from Arches and feel both compassion and frustration about things that happen with our unhoused neighbors. To oppose DevNW and this housing project is to shut off a viable source of help for the very issues that we are frustrated with. We need housing in Salem. We need all levels of housing, but particularly small, affordable housing. As a city, we need to support DevNW and this housing project to help with housing capacity particularly for our lower income residents.

The fact that there is any opposition to this development tells me that people are not thinking from a big picture perspective. In order to create a neighborhood that is pleasant for residential living, we must have city wide policies and plans that support all of our residents or eventually problems, such as homelessness, spill over into all of our neighborhoods. One thing we absolutely must have is housing that is plentiful enough that market prices are not driven up astronomically. Another thing we must have is a range of styles and types of housing to fit different needs. This DevNW project fits both of those needs while also maintaining a beautiful historical building that adds to the character of the neighborhood.

This project is a win for everyone in my book. If people are worried about small affordable apartments as housing they need to really look around the surrounding areas and notice that these types of small housing complexes almost always add character and vitality to a neighborhood rather than bringing problems. I live in such a building myself and love it's historic character, charm, and the wonderful neighbors who live here with me.

The attitude of wanting homelessness to go away, but not being willing to invest in changes that are proven to help, needs to be done away with. If we are going to work together to solve these problems we all need to be willing to adjust to a few changes. Living with the status quo of residential suburban type neighborhoods with little variety is part of what has gotten us into this problem. We are going to need some changes to our thinking to solve our current issues and I believe this project with DevNW is a great place to start that process.

Please do the right thing and support this project and any necessary changes of zoning, etc.

Sincerely and with great hope for the future of Salem,

Rebekah Engle  
Ward 1, CANDO  
610 Commercial St NE