



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

December 9, 2020

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

**NOTICE OF FINAL LAND USE DECISION    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 property  
located at 905 & 925 Cottage Street NE, Salem OR 97301**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Order No. 2020-6 at their December 7, 2020 session **modifying and affirming** the Planning Commission decision. A copy of the Order is attached.

Any person with standing may appeal the City Council decision by filing a "Notice of Intent to Appeal" with the Oregon Land Use Board of Appeals (LUBA), **not later than 21 days** after **December 9, 2020**. An appeal of a land use decision must conform to the procedures and requirements of LUBA. Anyone with questions regarding filing an appeal with LUBA should contact an attorney or LUBA. The address and telephone number for LUBA is 775 Summer Street NE, Suite No. 330, Salem, Oregon 97301-1283, phone number 503-373-1265.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any, is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Lisa Anderson-Ogilvie, AICP  
Deputy Community Development Director & Planning Administrator

Attachment: Order No. 2020-6

**BEFORE THE CITY COUNCIL OF THE CITY OF SALEM**

<b>IN THE MATTER OF APPROVAL OF )</b>	<b>ORDER NO. 2020-6</b>
<b>CONSOLIDATED COMPREHENSIVE PLAN )</b>	<b>COMPREHENSIVE PLAN CHANGE</b>
<b>CHANGE NEIGHBORHOOD PLAN CHANGE )</b>	<b>NEIGHBORHOOD PLAN CHANGE</b>
<b>ZONE CHANGE / SITE PLAN REVIEW )</b>	<b>ZONE CHANGE / SITE PLAN REVIEW</b>
<b>ADJUSTMENT / DESIGN REVIEW )</b>	<b>ADJUSTMENT / DESIGN REVIEW</b>
<b>CASE NO. CPC-NPC-ZC-SPR-ADJ- DR20-03 )</b>	<b>CASE NO. CPC-NPC-ZC-SPR-ADJ-</b>
<b>905 AND 925 COTTAGE STREET NE )</b>	<b>DR20-03</b>

This matter coming regularly for hearing before the City Council, at its November 23, 2020 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order modifying and affirming the decision of the Planning Commission in Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change, Class 3 Site Plan Review, Class 2 Adjustment and Class 1 Design Review Case No. CPC-NPC-ZC-SPR-ADJ- DR20-03, and approving the application.

**PROCEDURAL FINDINGS:**

- (a) On December 3, 2019, Emily Reiman, on behalf of DevNW, filed an application for a Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change to Commercial Office designation and Commercial Office zone, located at the 905 and 925 Cottage Street NE.
- (b) 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.
- (c) On October 6, 2020, the Planning Commission approved the consolidated 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 subject to conditions of approval.
- (d) On October 26, 2020, an appeal from the Grant Neighborhood Association was received by the Planning Division.
- (e) On November 23, 2020, City Council held a public hearing and received written and oral public testimony. A motion was passed to close the public hearing, City Council conducted deliberations and voted to affirm the decision of the Planning Commission, with a modification to condition 3 to reduce the maximum height allowed to 40-feet and otherwise approving the conditions imposed by the Planning Commission.

- (f) 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.

**SUBSTANTIVE FINDINGS:**

The City Council adopts the following as findings for this decision:

- (a) The Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change, Class 3 Site Plan Review, Class 2 Adjustment and Class 1 Design Review to develop a 19-multi-family complex, as proposed and conditioned, meets the approval criteria set forth in 64.025(e)(2), SRC 265.005(e)(1), SRC 220.005(f)(3), 250.005(d)(2) and SRC 702.020.
- (b) The findings, attached hereto as exhibit 1, are incorporated to this decision as set forth herein.
- (c) The City Council therefore APPROVES the consolidated applications subject to nine conditions of approval.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The Planning Commission's decision for Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change, Class 3 Site Plan Review, Class 2 Adjustment and Class 1 Design Review Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 is hereby modified to include the findings and facts in exhibit 1, and 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~~ 40 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.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

Exhibit 1: Findings for CPC-NPC-ZC-SPR-ADJ- DR20-03

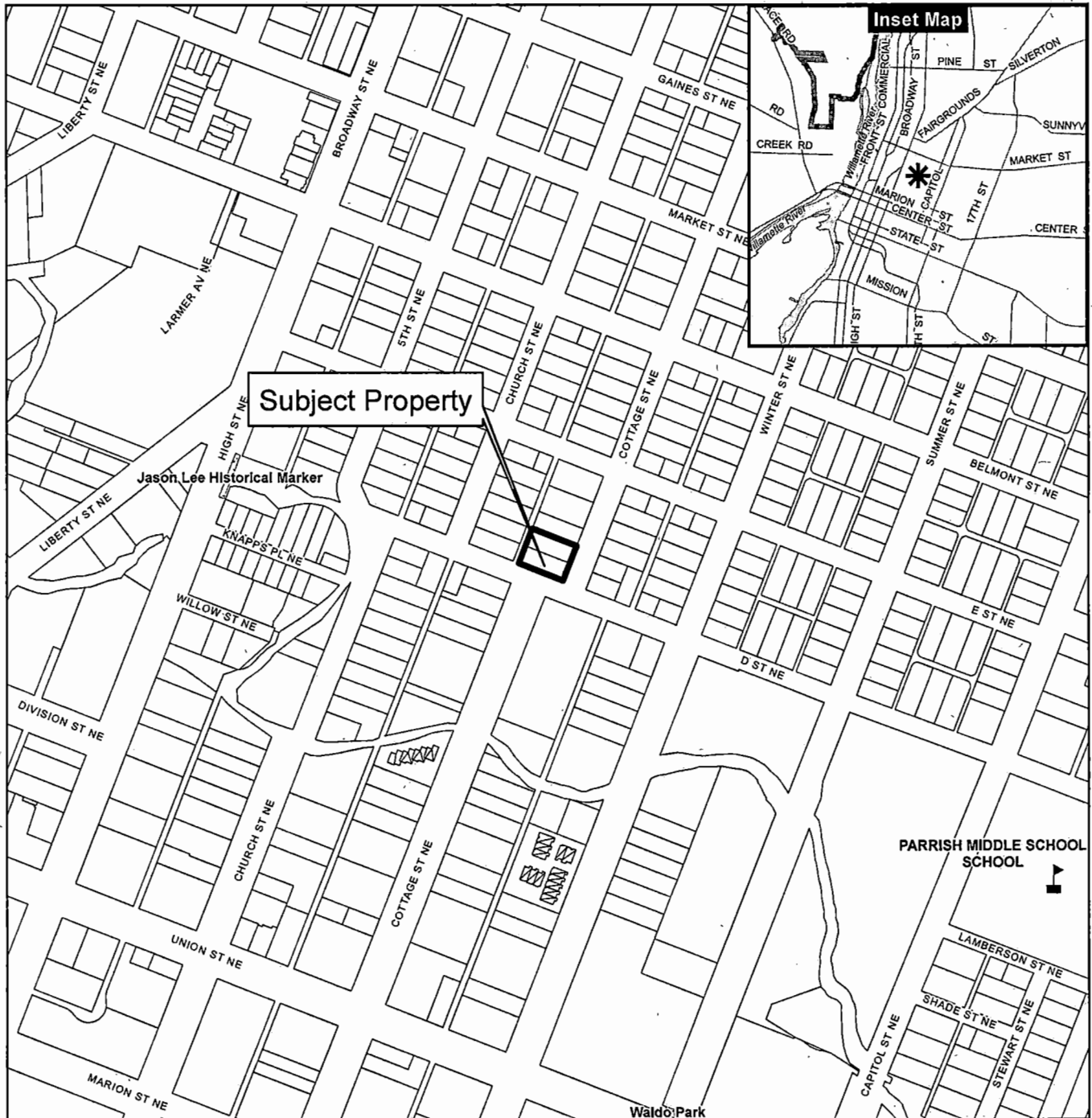
ADOPTED by the City Council this 7<sup>th</sup> day of December, 2020.

ATTEST:








*Dorothy* Deputy City Recorder *Emily Johnson*

Checked by: Olivia Dias

# Vicinity Map 905 and 925 Cottage Street NE



**Legend**

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

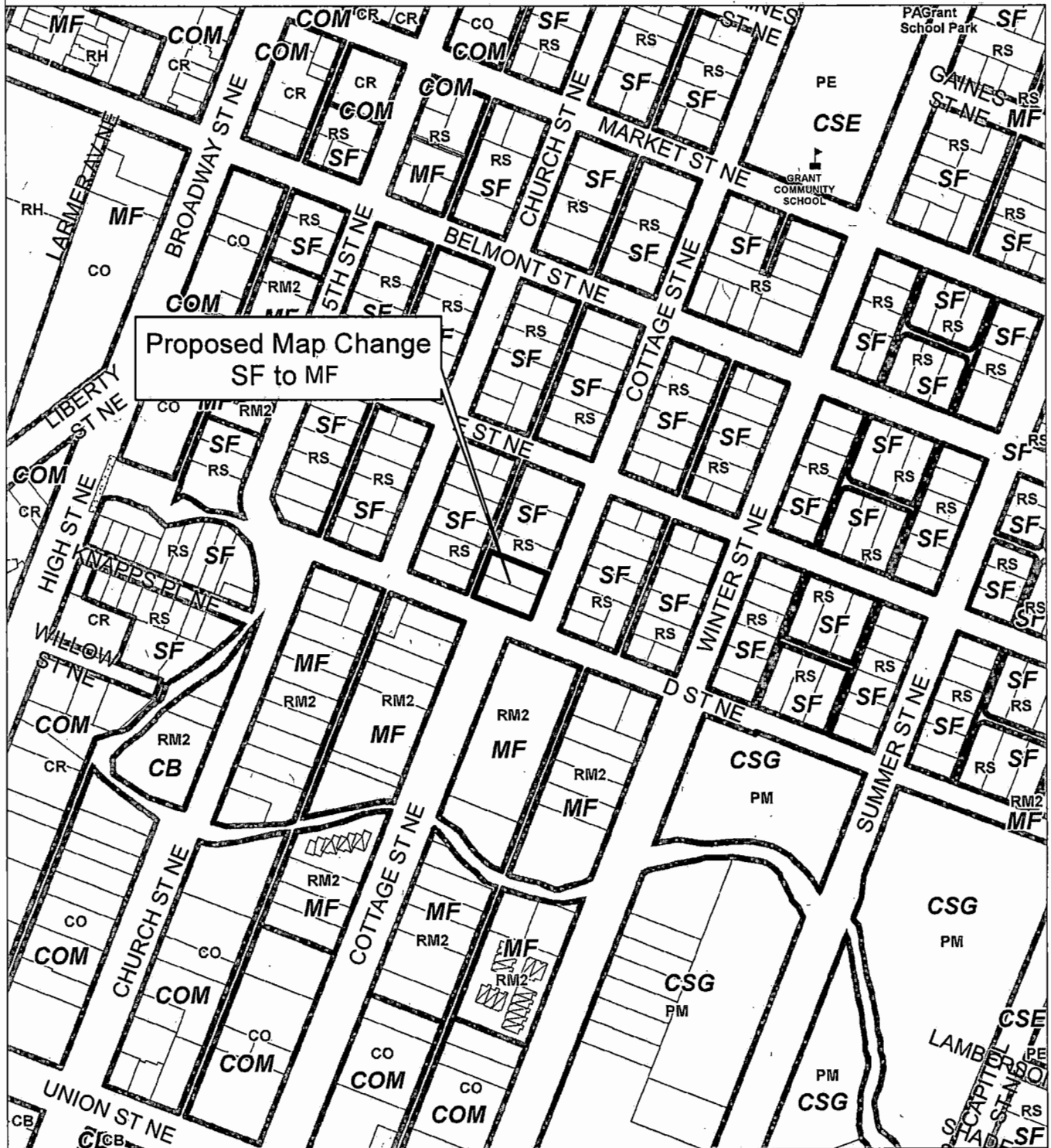
**CITY OF Salem**  
AT YOUR SERVICE  
Community Development Dept.

0 100 200 400 Feet






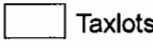

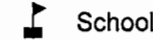
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# Comprehensive Plan Map - 925 Cottage Street NE



Proposed Map Change  
SF to MF

## Legend

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

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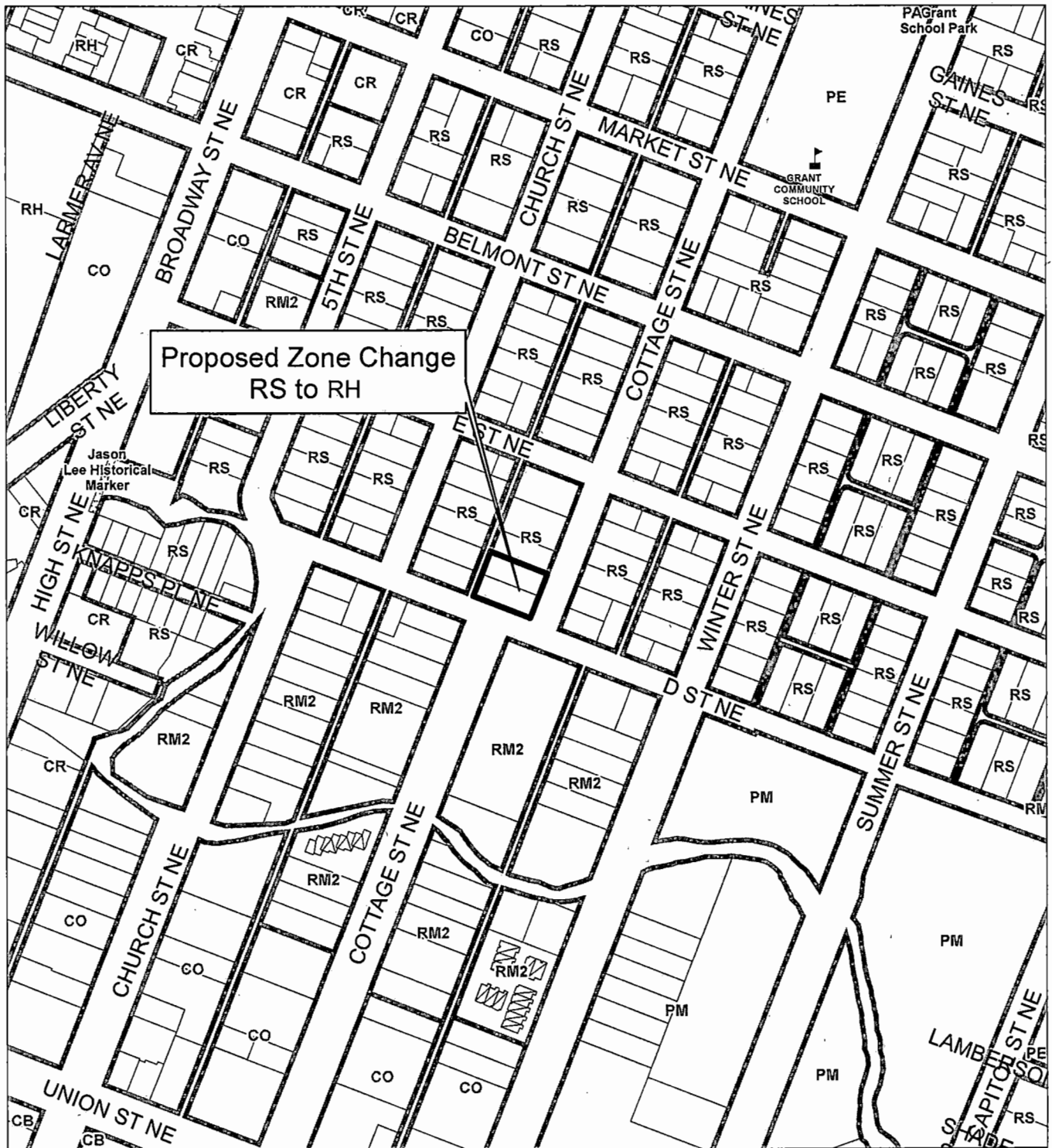
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CITY OF Salem  
AT YOUR SERVICE  
Community Development Dept.



# Vicinity Zoning - 925 Cottage Street NE



Proposed Zone Change  
RS to RH

## Legend

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

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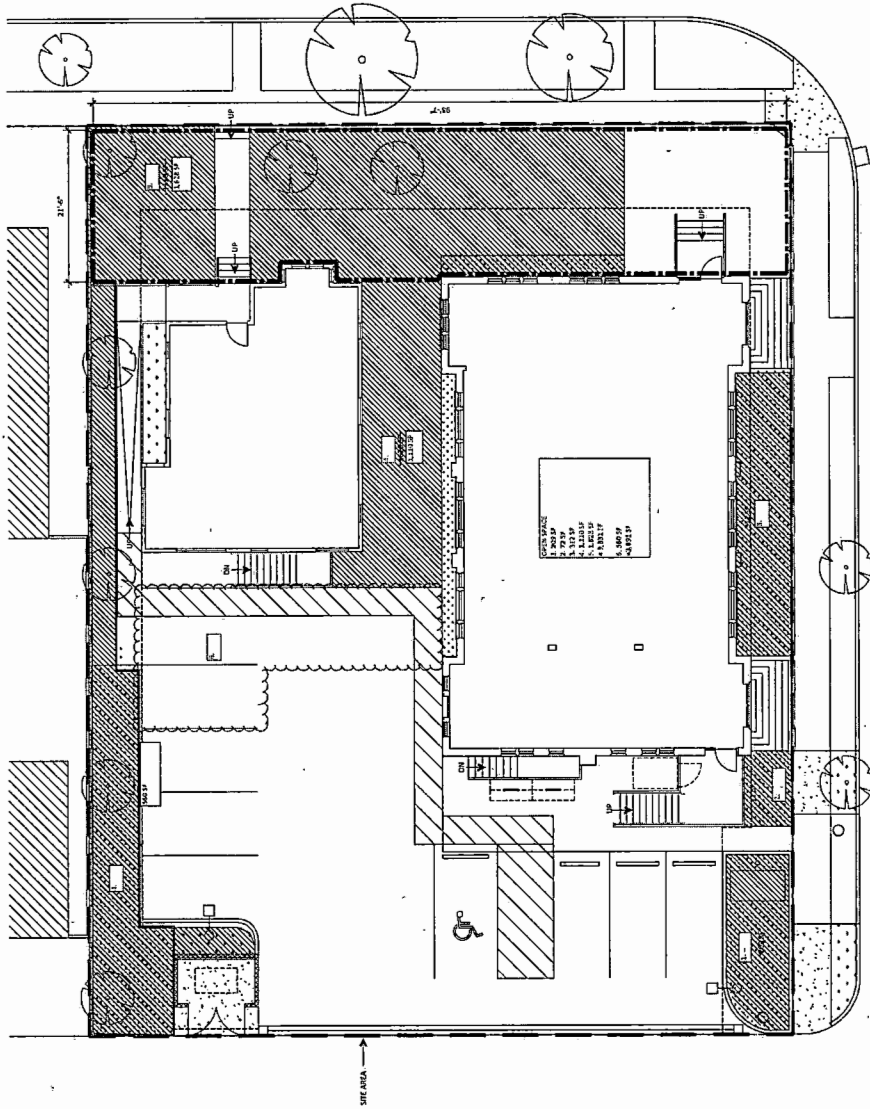
0 50 100 200 Feet



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







1 PROPOSED OPEN SPACE PLAN

- TOTAL SITE AREA: 12,000 SF
- VEGETATED OPEN SPACE: 13,318 SF
- COMMERCIAL OPEN SPACE: 7,939 SF
- CHAIR SCHOOL: 1,200 SF
- NOTE: CHAIR SCHOOL IS WITHIN THE 100' TYPICAL FOOTPRINT
- MODERATE FLOOD ZONE AREA

**PROPOSED LANDSCAPE PLAN KEYNOTES**

- (1) LAWN W/ AUTOMATIC IRRIGATION SYSTEM
- (2) (3) TREE TO REMAIN
- (4) GROUND COVER & LOW PLANTS PLANTING AREA W/ AUTOMATIC IRRIGATION SYSTEM (MIN. DEPTH OF 1.5 FEET PER 13' LINEAR FT OF EXTERIOR BUILDING WALL)
- (5) (6) TREE, WITH 2' MIN. CLEARANCE
- (7) (8) FENCE, SEE PROPOSED SITE PLAN
- (9) (10) PLANTING AREA
- (11) (12) PLANTING
- (13) (14) OCCUPANTS VIEW AT CHANGING DEPT. ENTRY

**REVISIONS**

△ 03 AUG 2020

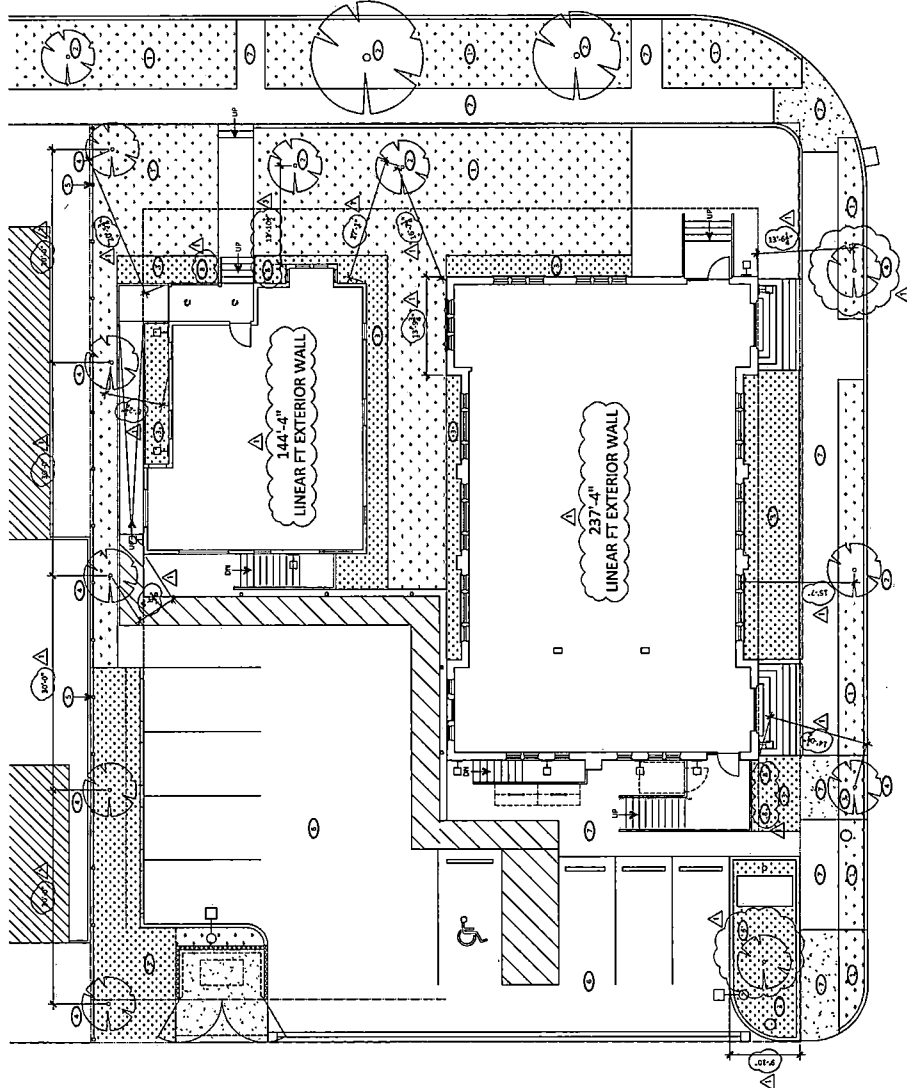
LAND USE REVIEW

**DEVNW**  
 905 AND 925 COTTAGE ST NE SALEM, OR 97301  
 BUILDING RENOVATION  
 JOB NO.: 2017  
 SCALE: 2/16/2020

**PROPOSED LANDSCAPE PLAN**

**A320**

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

- 700 2020 LANDSCAPING STANDARDS  
 TOTAL SITE AREA: 71,100 SF
- (1) REQUIRED: 13,800' ± 200' ± 6.48' TREE ON SITE PROVIDED ON SITE. 2 PREVIOUS, 1 NEW.
  - (2) (3) REQUIRED: ONE TREE FOR EVERY 30' ± OF PERIMETER PROVIDED 3 FEET MIN. CLEARANCE FROM BUILDING PERIMETER AND AT LEAST ONE TREE PER 100' ± OF PERIMETER.
  - (4) REQUIRED: OCCUPANTS VIEW FROM CHANGING DEPT. ENTRY.
  - (5) REQUIRED: 237'-4" ± 6.48' ± 4.00' PLANT UNITS PROVIDED 144'-4" ± 2.31' ± 1.50' PLANT UNITS PER 100' ± OF BUILDING PERIMETER.
  - (6) REQUIRED: 237'-4" ± 6.48' ± 4.00' PLANT UNITS PROVIDED 144'-4" ± 2.31' ± 1.50' PLANT UNITS PER 100' ± OF BUILDING PERIMETER.
  - (7) (8) REQUIRED: ONE TREE FOR EVERY 30' ± OF PERIMETER PROVIDED 3 FEET MIN. CLEARANCE FROM BUILDING PERIMETER AND AT LEAST ONE TREE PER 100' ± OF PERIMETER.
  - (9) (10) REQUIRED: OCCUPANTS VIEW FROM CHANGING DEPT. ENTRY.
  - (11) (12) REQUIRED: 237'-4" ± 6.48' ± 4.00' PLANT UNITS PROVIDED 144'-4" ± 2.31' ± 1.50' PLANT UNITS PER 100' ± OF BUILDING PERIMETER.



GMA ARCHITECTS  
 880 West Park Street / Ste. 300  
 Eugene / Oregon 97401  
 P: 541.344.9387  
 gma@architect.com

REVISIONS

19 MAY 2019

LAND USE APP - DESIGN REVIEW - CLASS 1

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

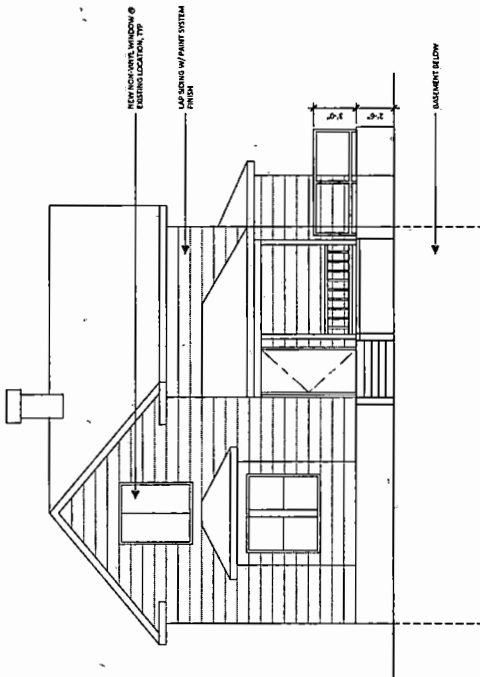
DEVNW

ISS. NO. 24-000028  
 SHEET DATE: 24-MAR-2019

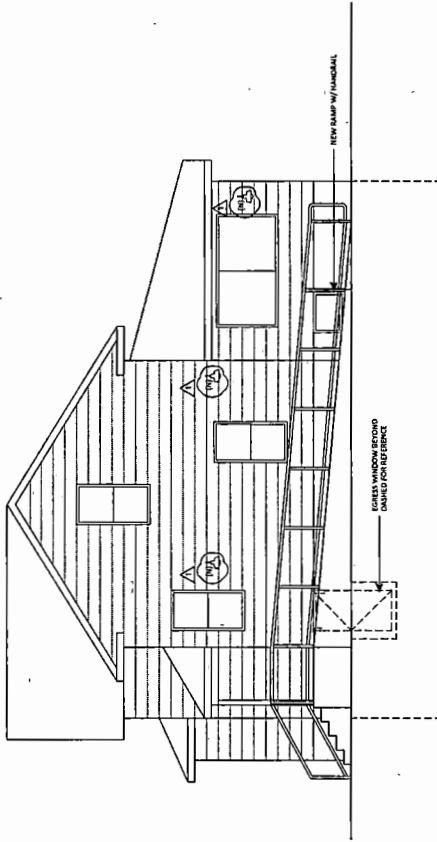
BUILDING "B"  
 EXTERIOR  
 ELEVATIONS

A610

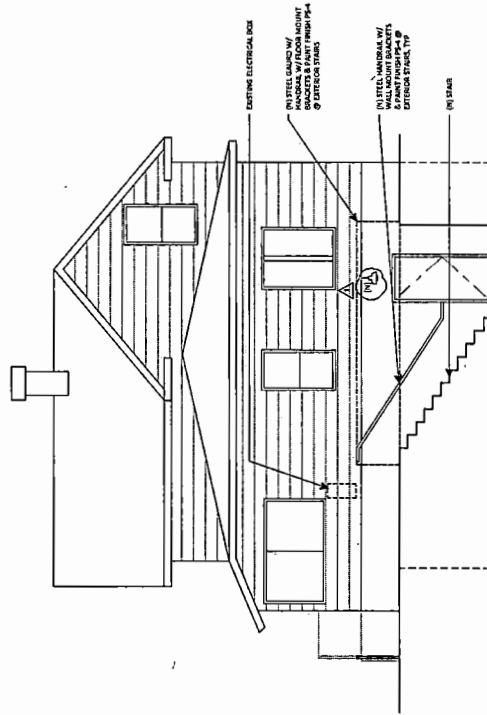
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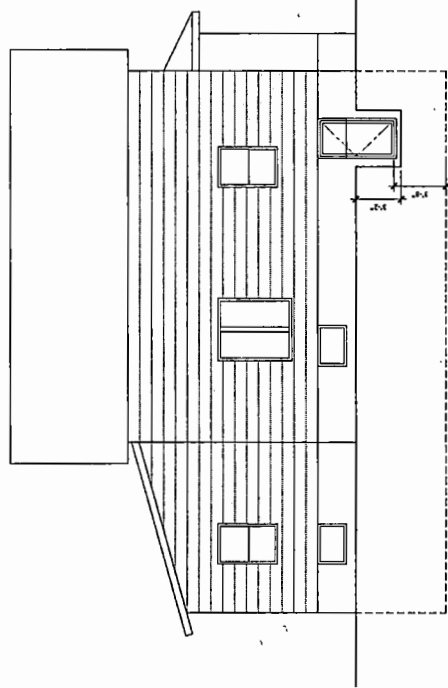
1 BUILDING "B" ELEVATION - EAST  
10'-0" x 12'



2 BUILDING "B" ELEVATION - NORTH  
10'-0" x 12'



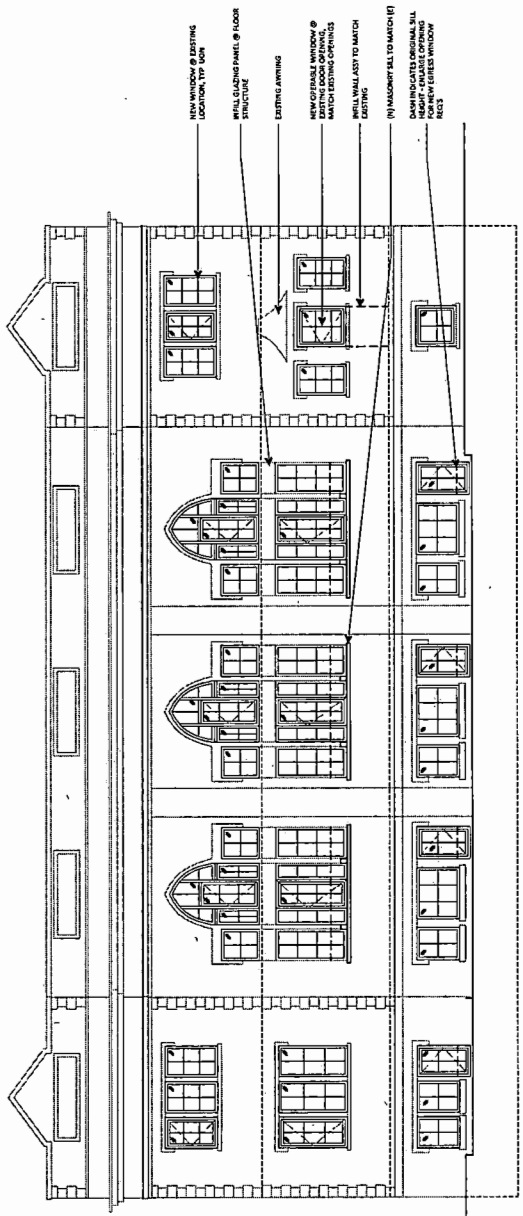
3 BUILDING "B" ELEVATION - WEST  
10'-0" x 12'



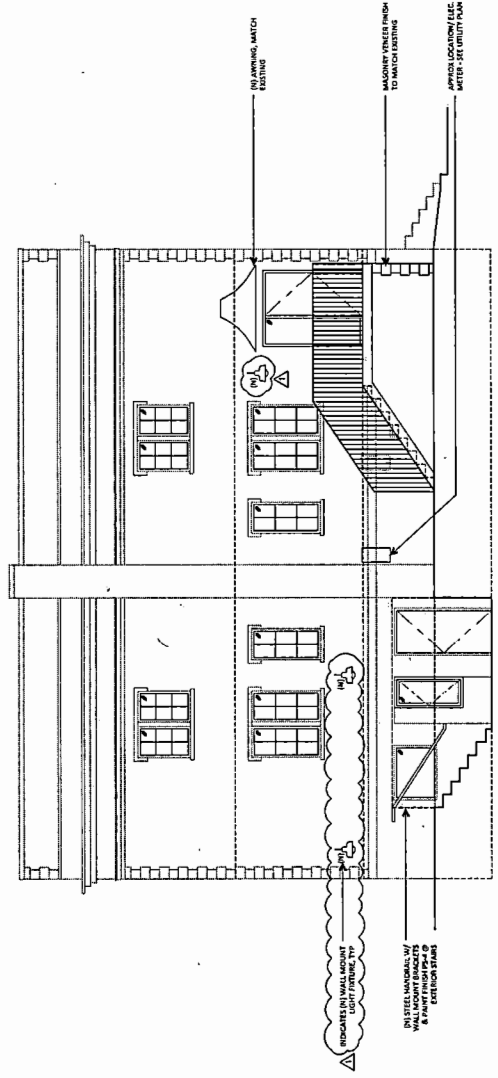
4 BUILDING "B" ELEVATION - SOUTH  
10'-0" x 12'

LAND USE REVIEW

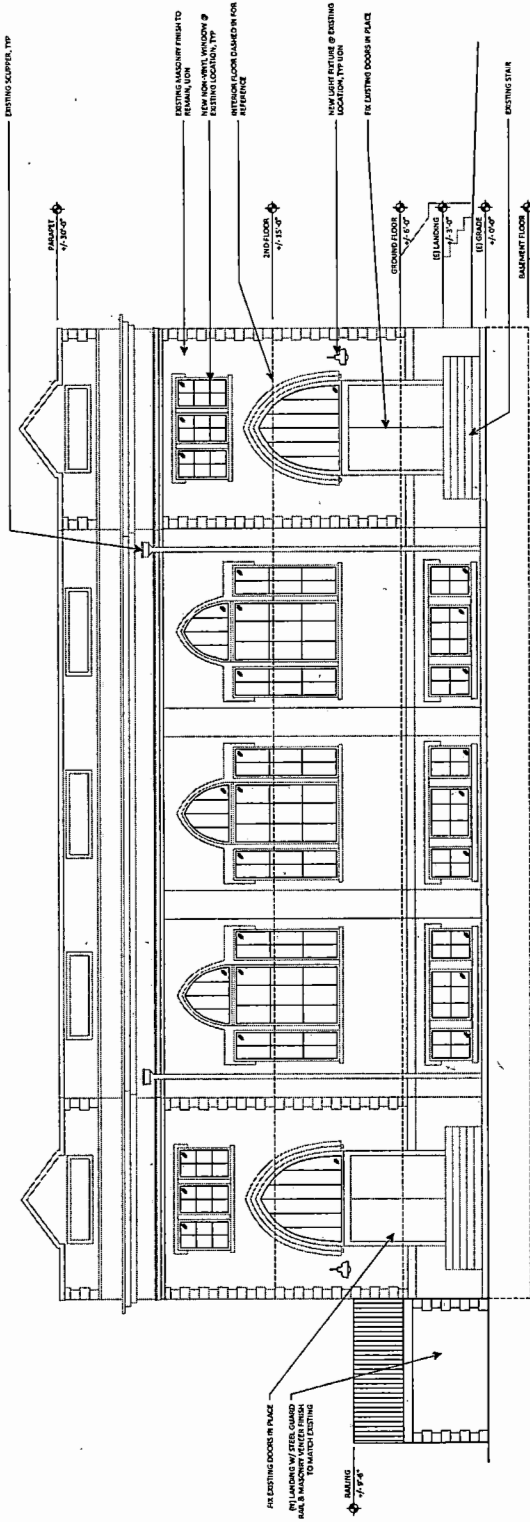
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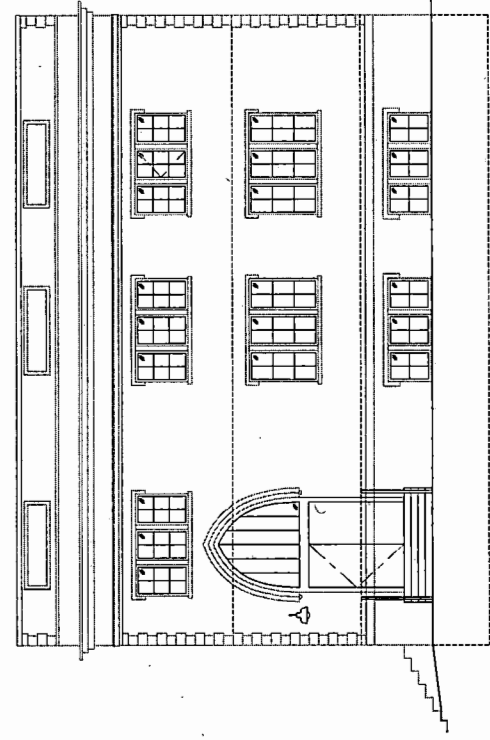
**1** BUILDING "A" ELEVATION - NORTH



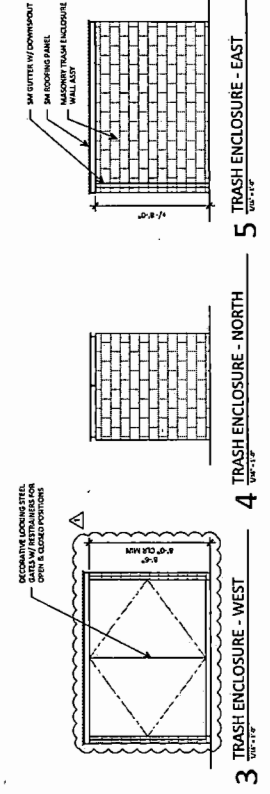
**2** BUILDING "A" ELEVATION - WEST



**1** BUILDING "A" ELEVATION - SOUTH  
 01-11-20



**2** BUILDING "A" ELEVATION - EAST  
 01-11-20



**3** TRASH ENCLOSURE - WEST  
 01-11-20

**4** TRASH ENCLOSURE - NORTH  
 01-11-20

**5** TRASH ENCLOSURE - EAST  
 01-11-20

## 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**

**December 7, 2020**

#### **PROCEDURAL FINDINGS**

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).

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. On October 6, 2020 the Planning Commission approved the consolidated application.

On October 26, 2020, an appeal from Grant Neighborhood Association was received by the Planning Division. A public hearing before the City Council was scheduled for November 23, 2020.

On October 29, 2020, notice of the hearing was sent to the Grant Neighborhood Association (Grant) and adjacent to Central Area Neighborhood Development Organization (CANDO), surrounding property owners and tenants, and other people entitled to notice pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on November 11, 2020.

On November 23, 2020, City Council held a public hearing, received written and oral testimony and evidence. A motion was passed to close the public hearing, City Council conducted deliberations and voted to affirm the decision of the Planning Commission. The City Council amended condition 3 to reduce the height allowed to 40-feet, otherwise approving the consolidated application subject to conditions of approval imposed by the Planning Commission.

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.

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.

## **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.

### **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 the 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 in Attachment F to October 12, 2020 Planning Commission decision, which is incorporated herein by reference.

**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 Grant Neighborhood Association (GNA) 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 changes to the proposal.

Staff did identify additional applications needed for the proposal to move forward, which commonly happens as staff 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.

At the open house, the applicant introduced the proposed development and described the possibility of building 19 bedrooms across 14 units and use of the parsonage as the applicant's office space and/or more residential units. The applicant made minor changes to the overall plan since that day. Instead of 19 bedrooms and an office

space, the application includes 19 bedrooms across 19 units and no office space.

During the Open House 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, the applicant 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 applicant's Community Housing Development Organization (CHDO) set aside. See City Council meeting agenda excerpt and excerpt from the 2020-2021 Annual Action Plan, attached to the applicant's October 6, 2020, letter to the Planning Commission and its Attachment 1. The applicant requested that the City include the recording of the June 22, 2020 City Council meeting and it is included in the record.<sup>2</sup> 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.

During the City Council hearing, some members of the public claimed that the Open House was not responsive to questions from the public. Based on information provided in the record by the applicant, including the Open House chat transcript the City Council finds that the applicant responded to all the questions posed in the chat.

In addition to these meetings, the applicant also had the following meetings with GNA and its land use committee:

- On June 4, 2020 – Applicant's representatives attended the GNA open house where GNA members asked the applicant questions about the project. Applicant reiterated everything that was stated in the applicant's Open House presentation at the May 4, 2020 Open House. The GNA unanimously voted to oppose the project.
- On July 15, 2020 – Applicant's representatives met with a few members of the GNA's land use committee via Zoom to discuss DevNW's amendments to its application. The applicant 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,

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<sup>1</sup> Members of the public were informed that the Open House was being recorded.

<sup>2</sup> Councilor Kaser participated in the June 22, 2020 meeting, but has since resigned from City Council. Therefore, the City Council does not respond to the letter and attachments submitted into the record specific to Ms. Kaser.

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 applicant about how best to proceed with its development review.

After the application was changed in response to neighborhood comments, the applicant 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 the applicant was not available to attend the meeting, but that GNA was invited to send over questions, comments, and concerns as they arise.
- On August 29, 2020 – Mr. Bradfield reached out again to see if the applicant 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>3</sup>

Despite scheduling conflicts with GNA's meetings in August and September, the applicant 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.

Although the City Council finds that SRC 300.320 has been met, even if the consolidated applications were viewed to require an additional open house, the substance of the development did not change as overall bed count remained the same, members of GNA were kept apprised of changes to the application in response to their concerns, and as evidenced by GNA's participation in the Planning Commission hearing and its appeal to City Council, GNA was not prejudiced by the applicant's decision not to hold a second open house.

The City Council finds that the applicant met the Open House requirement of SRC 300.320 on May 4, 2020.

*As stated in the above-finding, the City Council held a hearing on its funding of affordable housing projects, including potential funding for this development at its June 22, 2020 meeting. The hearing tape is included in the record and includes a mix of statements by Council members for and against a prior proposal to include an office space in the parsonage. At the City Council hearing, the applicant requested that the City Council confirm that despite statements made about the submitted land use application during that hearing that the Council Members were prepared to reach a decision about the pending land use applications on November 23, 2020 based on the standards and criteria that*

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<sup>3</sup> GNA complains that the applicant did not attend its August and September neighborhood This complaint ignores the complexity of the time we are all living in. At this designated meeting date, only applicant'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, and as stated at the City Council hearing, her mother passed away during this time.

*apply.*

**Finding:** In response to applicant's inquiry at the public hearing about applying only the standards and criteria that apply to the current application, the City Attorney confirmed to the City Council that any bias must be set aside and the decision must be made based on the facts and criteria before the Council. On behalf of the City Council, the Mayor confirmed that they all understand that to be the case. Further, applicant's rebuttal reiterated that applicant's understanding was that the Mayor's statement during a Zoom meeting, and the rest of the Council members' silence was acquiescence to this understanding. No other member of the public questioned whether the City Council had any inability to participate in this hearing because of a predisposed decision on the merits. In addition, during deliberations on the motion to approve the decision, Councilor Nordyke further reiterated that she makes land use decisions based only on the facts and criteria before her. Therefore, the City Council finds that the decision was made based only on the facts and criteria that apply to this application, and not any prior remarks at the June 22, 2020 meeting, or otherwise.

*At the hearing, the applicant also raised the point that Councilor Leung had recused herself at the June 22, 2020 City Council meeting on the vote whether to fund this project because of a potential conflict of interest. In an abundance of caution, the applicant described that Councilor Leung had participated in a statutorily authorized Individual Account (IDA) Program and that the funding is authorized through a legislatively authorized program.*

**Finding:** The City Council finds that Councilor Leung does not have a potential conflict of interest because her participation in the IDA Program was not contingent on her role as a City Council member and because DevNW's funding for the IDA Program comes from the state legislature, not from operations of its multifamily property. No other member of the public questioned Councilor Leung about her participation. Further, during deliberations on the motion to approve, the first five Councilors to deliberate all indicated support of the motion, and Councilor Leung was the sixth Councilor to support the motion. Therefore, the City Council finds that Councilor Leung did not have a potential conflict of interest, and that in any event, the motion had more than enough support for passage even before Councilor Leung participated in support of the motion.

*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. The 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:** On balance, the approved zone and map designation change meets the intent of the Grant Neighborhood Plan as described further in these findings under the Neighborhood Plan policies section. 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 provides 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 statewide 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." Further, SRC 64.310(b) reinforces SRC 64.010(f) where it states that any conflict between an adopted neighborhood plan on the one hand and the statewide planning goals, Salem Area Comprehensive Plan, or the Salem Revised Code on the other hand, the neighborhood plan does not control. The Comprehensive Plan has several policies related to siting multi-family development which are addressed later in this report and those findings are incorporated herein by reference.

The City Council finds that the information in the HNA is a compelling reason why the Council must act to allow the zone change of this property to meet the need for multi-family use where there is a known deficit of multi-family land. In addition, the HNA also explains that more than one-third of Salem's households have affordability problems. The Council also incorporates the Goal 10 findings below in response to this comment. Based on the Council's reliance on the HNA to guide affordable, government supported housing decisions, such as this one, the City Council finds that in order to meet Goal 10's requirement to accommodate such needed housing as proposed here, certain Grant Neighborhood Plan policies conflict with Goal 10 and other Comprehensive Plan policies. Further support for this interpretation is found in SRC 64.010(f) that 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 Statewide 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 objected to this standard because it is not clear and objective. The City Council finds that it does not have to reach this objection because the standard is met. 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 GNA raised concerns under SRC 64.025(e)(2)(A) that 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, as set forth under the findings for this standard below, addressed that the proposed zone change is 'equally or better suited designation'. The applicant does not have to satisfy every subsection of the criterion.

*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 City Council finds that the proposed change in designation is in compliance with Goal 10, and incorporates the Goal 10 findings herein as a further response to this comment.

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

**Finding:**

SRC 64.025 states:

- (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.

The applicant is not proposing an amendment to the UGB and their amendment to both the comprehensive plan map and the general land use map in the neighborhood plan do 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 only affects two properties and a closely circumscribed set of factual circumstances. The neighborhood association's comments seem to suggest that any applicant-initiated comprehensive plan map change would affect the surrounding area and is therefore always a major amendment. However, the Comprehensive Plan and SRC Chapter 64 provide a process for applicants to request redesignation of their property.

The applicant is required to address the decision criteria for the proposed re-designation and re-zone, which is addressed below. The neighborhood is concerned that if this application is approved it will make it easier for future requests in the neighborhood. It is true that one of the criteria requires a consideration of the proposal providing "for the logical urbanization of land" and nearby similar zoning is one way to determine logical urbanization. Future applications would have to address the decision criteria and would be reviewed on the merits of any such application. The new multi-family design standards and affiliated code amendments are applied to the entire City and not just the Grant Neighborhood. Further, the City Council finds that the conditions imposed on this zone change and consolidated applications are very specifically tailored to this property and are so constraining by limiting allowed units, height, and lot coverage that the decision here will not incentivize a domino effect of multi-family rezoning in this part of the Grant Neighborhood.

*Also under SRC 64.025(e)(2)(A), GNA commented, 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:** On balance, the proposed designation change meets the intent of the Grant Neighborhood Plan as described further in these findings under the Neighborhood

Plan policies section. 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 originally proposed to reduce the open space requirement required by 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 original 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 for the requested adjustments are addressed below.

*The GNA 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), and raised other traffic related concerns.*

**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 planter strips.

Further, the applicant's traffic engineer, DKS Associates, provided a response to GNA's traffic concerns attached to the applicant's letter of October 6, 2020 as Attachment 4 (memorandum dated September 14, 2020), incorporated herein by reference. As the applicant points out, 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, the City Council finds that 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. 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 its submittals 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.

The City Council finds that based on the applicant's traffic engineer submittal and the above findings that the proposed zone change will not have an adverse impact on local traffic.

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

**Finding:** Land use 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, stamped plans under the Oregon Specialty Structural Code at the time of building permit. Given the applicant's design team providing application materials, and responding the public comment, the City Council finds it is reasonable, feasible, and likely the applicant will provide stamped plans prior to

issuance of the building permit in compliance with the building code.

*Members of the public and GNA raised concerns about the unreinforced masonry construction of the existing church building and whether it is safe for residential use, and whether public facilities can serve the site.*

**Findings:** At various points of its submission and testimony, members of the public and GNA questioned 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.

The applicant'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 in Attachment 6 to applicant's October 6, 2020 letter which is incorporated herein by reference. 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 (OSSC), 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, applicant'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 would be under the building code as set forth in Attachment 7 to the applicant's October 6, 2020 letter which is incorporated herein by reference. 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 compliant with the building code. Based on the proposed development and retrofit, which has been agreed to and endorsed by a Salem Building Official, the City Council finds that it is reasonable, feasible, and likely that the applicant can construct the development in a manner to meet the safety requirements for future residents.

Prior to the City Council hearing, a member of the public submitted a copy of a FEMA report from October 2009, entitled "Unreinforced Masonry Buildings and Earthquakes Developing Successful Risk Reduction Programs." The City Council finds that the applicant meets the spirit of the guidance-only document that instructs the applicant to consult with the local building department and its own structural engineer to allow adaptive reuse of unreinforced masonry structures. The applicant undertook such consultation in connection with this application.

The Applicant is unclear why the GNA believes the church building will not be ADA accessible. The site plan proposes six ADA-accessible units to allow people with mobility issues to access the building. Moreover, the staff report and letter from AKS in Attachment 8 to the applicant's October 6, 2020 letter which is incorporated herein by reference, confirms that adequate public facilities are available to serve the proposed used.

Therefore, the City Council finds that 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.

*GNA commented that this zone change application should wait until the City adopts the Our Salem comprehensive plan update.*

**Findings:** The City Council finds that the applicable criteria are those in the currently adopted code that applies the current Comprehensive Plan to these consolidated applications. Further, the City Council relied on staff's response that Our Salem is a lengthy process that is not anticipated to conclude in the short term and agrees that the current City code allows the applicant to apply for this zone change.

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

**Finding:** GNA argued 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 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."

The City Council finds 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 only affects two properties that will be consolidated into a single parcel 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, the City Council finds that as conditioned, the floodgates will not open to other RH zoning in the Grant neighborhood because it is unlikely other property owners would similarly constrain a zone change. 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 does not bind 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 Council finds that a minor amendment is the correct review process.

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 City Council 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 City Council 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 can 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 City Council finds that allowing additional density on this site whose physical characteristics will allow locating multi-family, in a location close to central city jobs and services, including public transit means that the site is equally or better suited to uses permitted in the multiple family residential designation as compared to the existing single family residential designation.

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 will allow for redevelopment for multi-family which will help to meet the changing needs of the Salem urban area. The Multiple Family Residential designation will 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 from both traffic on a collector street, and multi-family development to the south of D Street NE; 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. Further, the City Council imposed a condition to limit height to 40 feet, below the RM-II zone height limit of 50 feet; with the knowledge that the existing church building is approximate 35 feet in height.

Notwithstanding the foregoing, GNA and members of the public continued to indicate that the RM-II zone should be adopted instead. In contrast to the RH zone, the RM-II zone limits the number of units allowed on a site. The applicant has proposed 19 single bedroom or studio apartments, which exceeds the nine dwelling unit density of the RM-II zone. However, the RM-II zone does not have limitations or standards regarding the number of bedrooms within a dwelling unit. The majority of multi-family projects developed within the City of Salem have two and three bedroom dwelling units. Therefore, a typical nine-unit development would include between 18 to 27 bedrooms on the subject properties, with the potential to greatly exceed the number of rooms and residents on the property as compared to the proposal. Moreover, the applicant's proposal for 19 units one-bedroom/studio units would not be within the density thresholds of the RM-II zone, but can be provided under the RH zone.

The physical characteristics of the site, 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 non-residential use in a residential neighborhood make it appropriate for a multi-family zone, as conditioned here.

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

The City Council 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 is available within surrounding streets/areas and is

capable of adequately serving the proposed development. The City Council finds this criterion is met.

**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 City Council finds the consolidated applications meet 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 City Council recognizes that the applicant raised objections to many Comprehensive Plan policies and goals that are not clear and objective. Because the City Council finds that on balance, the Comprehensive Plan policies support this zone change, the City Council does not reach this objection.

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

Section II.A.3 Plan Map Designations (Page 4, Salem Comprehensive Policies Plan):

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.

**Finding:** The approved use is multi-family housing. Properties directly south of the subject property are designated as Multi-Family Residential according to the Salem

Comprehensive Plan make, indicating that multi-family is appropriate for the subject properties. The approved designation 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 multi-family 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, these applications take 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 the 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. The development demonstrates proximity to these other services such as 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, approximately ¼ mile of Grant School Park, and 1 mile of Parrish Middle School, North Salem High School, and Grant Community School. The City Council finds these criteria are met.

**C. URBAN GROWTH POLICIES: (Page 13, Salem Comprehensive Policies Plan):**

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.

**Finding:** The subject properties are within an existing urban development within Salem's existing Urban Growth Boundary as established by the Salem Comprehensive Plan. The 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. The City Council finds that these policies are met.

**D. GROWTH MANAGEMENT PROGRAM: (Page 13, Salem Comprehensive Policies Plan):**

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.

**Finding:** The subject properties are currently developed at an urban level with sufficient existing urban services. The City Council finds this intent is met.

**E. ACTIVITY NODES AND CORRIDORS (Page 14, Salem Comprehensive Policies Plan):**

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).

**Finding:** Existing building orientation, existing access to transit service, and existing connectivity to the surrounding neighborhood will remain intact under the zone change with the conditions of approval. The approved use will include development of increased parking availability on site. In addition, the subject properties are located within ¼ mile of Salem's Transportation Core Network. The City Council finds this intent is met.

**IV. SALEM URBAN AREA GOALS AND POLICIES**

**B. GENERAL DEVELOPMENT (Page 23-24, Salem Comprehensive Policies Plan):**

**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.

**Finding:** The applicant contacted the GNA and conducted an Open House fulfilling the requirements for citizen involvement as required by Rezoning and Minor Comprehensive Plan Map Amendment. See also above findings on pages 5-6 incorporated herein by this reference. This application was subject to a public hearings process. The City Council finds this goal has been met.

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

**Findings:** The approved use allows for permanent residences on site, increasing contributions to the economy more than the existing religious use by providing the potential for workforce housing in a close-in neighborhood near Salem's job center. 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 economic growth. In addition, the City Council incorporates the findings under Statewide Planning Goal 9 by this reference. Therefore, the City Council finds this goal is met.

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

**Finding:** The application demonstrates that the Zone Change and Minor Comprehensive Map change as conditioned meet the requirements of applicable local, state, and federal standards. The Council finds this goal is met.

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.

**Finding:** The subject properties support the ability to implement stormwater treatment infrastructure. Higher densities on the subject properties will offset lower densities in other parts of Salem's urban area allowing the City to reach its goal of an average of 6.5 dwelling units per gross acre of residential development. Contrary to public comment, this 6.5 dwelling units per gross acre of residential development is a city-wide standard, not a parcel-by-parcel analysis. The 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. The City Council finds this goal is met.

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.

**Finding:** 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 approved residential use preserves existing buildings, increasing energy efficiency by lengthening the life cycle of the existing embodied energy in the buildings. The City Council finds this goal is met.

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.

**Finding:** The subject properties are large enough to sufficiently accommodate street improvements. The approved residential use will incorporate street improvements as required by the Salem Revised Code and the Public Works Department. The GNA and members of the public requested that a crosswalk be installed on D Street NE. However, the applicant's traffic analysis does not justify imposing such a condition. The City Council finds this goal is met.

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.

**Finding:** The use of the subject properties will be designed to accommodate universal access according to ADA and current building code standards. The approved residential use will include the addition of ADA ramps to the rear of each building allowing universal access. The City Council finds this goal is met.

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.

**Finding:** The subject properties are large enough to sufficiently accommodate the approved development and reduce impact on adjacent properties including screening, landscaping, and setbacks. Existing buildings located on the subject properties comply with current height and mass regulations according to SRC Ch. 521. The future development of the residential use will include new privacy fencing, landscaping, stormwater planters, street trees, and will comply with setback requirements as adjusted. The City Council finds this goal is met.

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.

**Finding:** This policy is aimed at the City's development of regulations. To the extent the policy applies to this application, the subject properties are large enough to sufficiently accommodate open space requirements. The residential use will maintain existing front and side yards and add additional landscape to setbacks and stormwater planters. The subject properties are within 0.26 miles of a public park. The City Council finds this goal is met.

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

**Finding:** The subject properties are large enough to sufficiently accommodate screening of outdoor storage. The approved use will not include outdoor storage. The trash enclosure will include screening elements as required by the code and will be located on the furthest corner of the parcels away from the public right of way. Additionally, the City Council imposed a condition that requires that outdoor storage to be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge. The City Council finds this goal is met.

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.

**Finding:** 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 approved use includes the replacement of existing exterior light fixtures at their current location with higher energy efficiency yet similar light output. The City Council finds this goal is met.

**C. URBAN GROWTH (Page 26, Salem Comprehensive Policies Plan):**

**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.

**Finding:** As the Goal 10 findings below and incorporated herein by reference, explain the 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 nearby access to public transportation. The City Council finds this goal is met.

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

**Finding:** The subject properties are existing developed land with existing urban services. These applications increase density on site, consistent with utilizing existing urban services and reducing the demand for conversion of urbanizable land to urban uses. The City Council finds this goal is met.

**D. GROWTH MANAGEMENT (Pages 27-30, Salem Comprehensive Policies Plan):**

**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.

**Finding:** 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 the development. The applicant also proposes to upgrade the existing building sewage lines to a 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. The City Council find this goal is met.

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.

**Finding:** The subject properties include existing sewer and water services compliant with SRC Chapter 200 Urban Growth Management and maximizes use of available, urbanized land by allowing existing buildings on existing development to remain and be repurposed. The applications minimize the public cost as the existing sewer, water services, and transportation services are sufficient for the approved development. The application does not propose changes to the Salem Wastewater Management Plan, or to the Salem Water System Master Plan. The City Council finds these goals are met.

Salem Urban Area Goals and Policies, Residential Development Goal (Pages 30-33, Salem Comprehensive Policies Plan):

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.

**Finding:** The Comprehensive Plan policies on housing are the primary support in the plan for this zone change request. The applicant has identified an infill development site 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 Goal 10 findings below, all incorporated herein by reference, the City Council finds this goal and the related policies are met.

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. These approved applications will 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. The Goal 10 findings below are also incorporated herein by

reference. The City Council finds this policy is met.

- 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 as evidenced by the combined design review application reviewed as part of these proceedings. 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. The City Council finds this policy is met.

- 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. Based on the applicant's submittals, the water, sewer, and storm infrastructure area available within surrounding streets/areas will be adequate to serve the approved development. The City Council finds this policy is met.

- 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 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. The City Council finds this policy is met.

- 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 approved 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 requires increased setbacks and screening to ensure a transition to the smaller bulk and scale of single-family residences. In addition, as conditioned and with the approved adjustments, existing development onsite, including the church building with has existed for nearly 100 years, will remain onsite for reuse. Therefore, the scale of the buildings remain

unchanged. The City Council finds this policy is met.

- 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 are available within surrounding streets/areas and based on the applicant's submittal will be adequate to serve the approved development. The City Council finds this policy met.

- 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. This is consistent with the a method of achieving the average density of 6.5 dwellings across residential development city-wide, which assumes that some properties will have greater densities than others. The City Council finds this policy is met.

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 based on the applicant's submittals will be adequate to serve the approved development. The development standards established in the UDC will ensure the commercial or multifamily residential uses developed on the site are adequately served to accommodate pedestrian, bicycle and vehicle access, and population growth while avoiding unnecessary duplication of utilities, facilities, and services, and existing nuisances and hazards to residents. The City Council finds this policy is met.

Policy E.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 neighborhood

**Finding:** Adoption of this zone change as conditioned, and with the approved adjustments allows 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. The City Council finds this policy is met.

Policy E.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.

**Finding:** The approved zone change, as conditioned will rehabilitate existing buildings to be utilized for 19 affordable housing units, designed with modern safety and sanitary features. The City Council finds this policy is met.

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

**Finding:** The applicant has received and will receive government assistance that includes an affordability restriction under ORS 456.250(5)(a)(B). The City Council finds this policy is met.

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 approved RH (Residential High Rise) zone does not include a minimum density and does not allow commercial uses which encourages efficient use of residential land and public facilities for residential use. 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. In addition, the Goal 10 findings below are incorporated herein by this reference. The City Council finds this policy is met.

**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. In addition, the applicant's site plan will comply with design requirements that promote pedestrian and bicycle access. The City Council finds this policy is met.

**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:** These applications include 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 the findings above, the subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure are available within surrounding streets/areas, and based on the applicant's submittals, will be adequate to serve the approved 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. The City Council finds this policy is met.

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

**Finding:** This policy is directed to the City's implementation of design standards. To the extent that this policy applies to this application, the development of the subject properties is subject to design review that represent the City's implementation of design standards under this policy. The design review is approved as part of these combined applications. The City Council finds this policy is met.

#### 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

**Finding:** To the extent that these goals and policy apply to this application, the approved zone and 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. The City Council finds these goals are met.

City Council 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 its proposal.

The GNA challenged whether Goal 1 was satisfied. The City Council finds that the Open House provided the applicant with information and concerns that were 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 (RH) zone. In this shift, City staff identified additional applications needed for the proposal to move forward, which commonly happens during a review of a land use 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. All of the work and plans associated with the entire application was presented at the Open House.

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. Thereafter, the application was subject to a public hearing process in which members of the public were able to participate. The City Council finds these actions satisfy 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 has 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 affordable housing development 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). Any federal funds for the site will require compliance with 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 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.

A letter from SHPO regarding this project has been submitted into the record. 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. However, the Evergreen Church and Parsonage are not locally designated and on Salem's local Historic Landmark's inventory or listed on the National Register and are therefore, not protected Goal 5 resources for purposes of the Statewide Planning goals.

Nonetheless, 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, resulting from upgrading windows to meet current safety standards, and improvement to achieve ADA accessibility, the decision here includes condition of approval 5. The City Council finds that it is feasible for the applicant to meet the City's options for mitigation that could include such things as photographic documentation of the original feature, and development of onsite standalone education materials under SRC 230.082. Compliance with condition of approval 5 will require the City's Historic Landmarks Commission to consider the mitigation at a public meeting that is subject to notice and public participation. Therefore, the City Council finds that Goal 5 is not directly applicable, but the intent to protect historic resources encapsulated by Goal 5 is met as conditioned.

**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 under the UDC which are intended to minimize the impact of development on the state's natural resources.

The GNA raised concerns regarding the cost of potential remediation of hazardous material and retrofitting cost as it pertains to the overall redevelopment cost of the subject property. The GNA provided nothing to support the contention that there are hazardous materials on the site. The applicant responded that notwithstanding the lack of support for the contention, given the age of the buildings on the site, the applicant acknowledged that asbestos and lead based paint could be found. Based on the information provided by the applicant, the City Council finds that updates to the interior of the buildings will be done in accordance with all laws related to any such materials and it is reasonable, feasible, and likely that the applicant will hire contractors who specialize in the lawful removal of such substances, if any are discovered.

As conditioned, the zone change and development of the subject properties will comply



with local, state, and federal regulations for air, water, and land resources. The City Council finds these applications are 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 City Council finds this approval 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 these applications.

**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:** Based on information submitted by the applicant, the City Council finds that the approved residential 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, as well as others. In meetings that that applicant holds with local businesses, lack of affordable workforce housing is one of the most-cited challenges for those businesses looking to expand or retain employees.

In addition, the City conducted a study called the Salem Economic Opportunities Analysis (EOA) in 2014. 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 requests for rezoning land.

The EOA identifies that construction employment is one sector of the employment base that anticipates growth according to the study, and that construction growth will trend upward with housing development, such as the development that will accompany this

zone change. Based on these findings, the City Council finds these applications are consistent and meet Goal 9.

**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.

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." HNA, p 32-33 (Bolded emphasis in original).

The HNA continues to discuss the 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." HNA, p. 37-38.

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)." HNA, p. 12-13.

In addition to the HNA, the applicant submitted 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. 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.

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. Further, one of the goals found within the Report Card was to increase housing by redevelopment and infill developments. The approved rezone will make two, small infill properties available for the development of 19 affordable housing units.

The approved comprehensive plan map amendment will 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 approved 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 City Council finds that the 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 based on the applicant's submittals, will be adequate to serve the property. Site specific infrastructure requirements are addressed in the Site Plan Review process under SRC Chapter 220. The request allows for the efficient use and development of property requiring minimal extension of new public services. The City Council finds the applications are consistent with Goal 11.

**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 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 TPR Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the approved Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. The City Council also incorporates by reference the responsive findings on page 12 of this decisions. Based on the foregoing, the City Council finds these applications comply 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 City Council finds the 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 approved Comprehensive Plan Map amendment and zone change 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, including public transportation, serving future development. The proposed multi-family development is in a location that will provide convenient access to jobs, services, and other amenities for residents. The 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 City Council finds these applications satisfy 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. 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.

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. The City Council incorporates by reference the additional discussion of the hierarchy of regulation on page 9 of this decision.

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 statewide 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 the Statewide Planning Goals.

Based on the discussion of applicable policies below, the City Council finds that on balance the zone change is supported by the Grant Neighborhood Plan, and that where there is a conflict between compliance with Statewide Planning Goal 10 and other goals and policies of the Salem Area Comprehensive Plan, the conflict is resolved in favor of compliance with the Statewide Planning Goals and other Salem Area Comprehensive Plan goals and policies. As set forth earlier in this decision, the City Council found that Goal 10 requires the City to provide additional land to meet its deficiency for multi-family housing options, and all of the applicable Comprehensive Plan goals and policies support these consolidated applications.

#### 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.
3. 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 approved consolidated applications meet 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 practical based on the location and characteristics of the property. The approval 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 Cherrits routes nearby and it is within a quarter mile of the Cherrits 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 approval will 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 approved 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. The City Council finds these policies are met.

#### 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.

**Finding:** Development south of subject properties are larger in scale and more intense in use than single family uses to the north. Preservation of the existing church and residence buildings allows the subject properties to act as a 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. The City Council finds these goals are met.

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.

**Finding:** The applicant shared proposed design concepts 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 neighborhood plan's noise generation standards to the extent they conflict with the current code requirements. However, the applicant anticipates meeting the HUD noise criteria as a result of the applications and use because site improvements will include additional landscape buffers and new interior design. Religious services noise levels on site decrease due to the proposed use change to residential instead of large congregation events. In addition, the approved development will maintain the existing historical aesthetic by repurposing the existing church building, and will provide additional off street parking. The site design of the multi-family development is addressed below. 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. In addition, both the conditions of approval and the approved adjustments in these consolidated applications show that the applications meet the site design criteria. The City Council finds these policies are met.

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.

**Finding:** The existing access to the subject properties will remain in place and this existing access supports approved applications and residential use. 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. The City Council finds this policy is met.

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

**Findings:** The existing buildings on the subject properties will be reused and repurposed to provide affordable, government assisted fair housing on the site. The City Council finds this policy is met.

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

**Finding:** The existing buildings on the subject properties are not listed as historic resources. Nonetheless, the reuse of the church structure will maintain the historical context of the site. Further condition of approval 5 will ensure that any adverse effect on the potentially eligible structures for the National Register of Historic Place will be mitigated. The City Council finds that this policy is met.

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

**Finding:** Based on findings above, this zone change request complies with the code process to allow the zone change and the City Council finds that Goal 10's requirement to expand multi-family housing options outweighs this conflicting, aspirational policy. Further, the size and structure of the existing building are appropriate for the approved use and will not result in more intense use than the current religious assembly use. The City Council finds that this policy does not outweigh the benefits of the approved zone change and the consolidated applications.

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.



**Finding:** This zone change does not allow a new commercial use in areas designated multi-family or apartment. The existing church is designated a special use under the RS Zone (SRC 511). The zone change allows for preservation of the existing buildings maintaining the subject properties' compatibility with the surrounding area, while bringing the use closer to the intended residential use designation of housing.

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. 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." As stated under the Goal 10 findings, incorporated here by reference, this zone change addresses changing development patterns and government policy decisions.

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 Neighborhood Plan change.

Notwithstanding GNA's opposition to this zone change, the City Council finds this policy is met.

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

**Finding:** The City Council finds that in this instance, this policy must yield to other Comprehensive Plan goals and policies, the governing code and state law. In addition, the current use of the subject properties is not single family use. Further, with the zone change, the site will not long be designated single-family and the policy is met. The RH rezone, with conditions and the consolidated applications with approved adjustments, 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.

**Finding:** The subject properties' existing building footprints will allow the applicant to meet the density requirements of SRC Table 515-2 RH lot standards, and Table 515-3 RH setback standards with adjustment. Further, the City Council adopts conditions of approval to limit the development to certain RM-II lot coverage density limitations, and limiting the height to 40-feet. Notwithstanding the conditions of approvals, the subject properties can also be configured to meet the Table 515-4 RH lot coverage and height. The City Council finds this policy is met.

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

**Finding:** These consolidated applications include 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 five separate living units. The City Council finds this policy is met.

#### 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.

**Finding:** The City Council finds that in this instance, this policy must yield to other Comprehensive Plan goals and policies, the governing code and state law. 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. On balance, the City Council finds that this policy does not outweigh the benefits of the approved zone change and the applications, and that the conflict with the Comprehensive Plan and Statewide Planning Goal 10 mean that this policy does not govern or prevent this zone change.

The criteria for approval of a Neighborhood Plan Change are the same as the Minor Comprehensive Plan Map amendment, and the City Council finds that the above findings 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 approved change in designation allows for a redevelopment that will enable 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.

In addition, the findings earlier in this decision for similar criteria found under SRC 64.025 are incorporated herein by reference.

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 will be applied:

- 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 40 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. Previous comments from GNA 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). The City Council incorporates the responsive comments under Goal 5 by reference herein. In order to address this adverse effect, the City Council applies 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 City Council finds the proposed zone is equally or better suited for the property than the existing zone. The criterion is met.

**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, the City Council finds 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 are incorporated here by reference, address the applicable provisions of the Salem Area Comprehensive Plan for this collective application. The City Council finds this criterion is met.

**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 and incorporated here by reference, address applicable Statewide Planning Goals and Oregon Administrative Rules for this collective application. The City Council finds these consolidated applications satisfy 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, the City Council finds 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 TPR Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). Further responsive findings on page 12 of this decision are incorporated here by reference. 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 City Council finds this criterion is met.

**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 and incorporated here by reference, address the public facilities and services available to support the uses allowed on the subject property. The City Council finds this criterion is met.

## **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. The City Council finds that it is reasonable, feasible, and likely that the applicant will meet the applicable standards of the UDC for these consolidated applications as conditioned and with the approved adjustments.

### **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. The City Council finds these standards are met.

#### *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. The City Council finds this standard is met.

**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 of the 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 of the 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 of the property 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. Other property adjacent to the north of the subject property is 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, and 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.

The City Council finds that as conditioned and with approved adjustments, the setback requirements are met.

**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 40 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 as conditioned above. The maximum height for the existing buildings is 30 feet and 20 feet, both less than the 40-foot maximum height allowance as conditioned. The City Council finds that these standards are met.

*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 approved use. The City Council finds this standard is not applicable.

**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 properties are 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 at least 3,870 square feet of the site is open space, which exceeds the 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. The City Council finds that with the approval of the adjustment, these criteria are met.

(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 applicant's site plan indicates there are no slopes greater than 25 percent. Therefore, the City Council finds this criterion is met.

- (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 City Council finds that 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. The City Council finds this criterion is not applicable.

- (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. The City Council finds that 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 City Council finds that the applicant's site plan indicates that it will provide at least 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 feet requiring six trees on the subject property ( $12,900 / 2,000 = 6.45$ ). The City Council finds that 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 City Council finds that this standard is met because the applicant is providing an eight-foot tall wood fence and five trees.

- (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 City Council finds the landscaping plan provided indicates at least two plant units at each shared entrance, meeting this standard.

- (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 City Council finds this standard is met because 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 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 buildings, every 15 linear feet. The City Council finds this standard is met.

- (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 City Council finds this 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 seven parking spaces, not requiring an additional planter bay. The City Council finds these standard are met.

- (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 City Council finds 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 floorplans 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. With approval of the adjustment, the City Council finds these criteria are met.

(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 less than 6,700 square feet in area; therefore, the City Council finds 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. The City Council finds this standard is met.

- (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, the City Council finds 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.

At 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.

As conditioned, the City Council finds this criterion is met.

(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. This City Council finds this standard is met.

(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. The City Council finds that with the conversion of the building located at 925 Cottage Street, the building will not meet this standard, but is allowed as 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 City Council finds this standard does not apply because 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. The City Council finds that since the proposal does not include an expansion of the footprint of either structure, the existing development is allowed to continue as non-conforming. The City Council finds that with the conversion of both buildings, the existing building will not meet this standard, but is allowed as 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. The City Council finds 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. The City Council finds this standard is met.

- (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 that needs to be screened from the ground level view. Therefore, the City Council finds 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 City Council finds 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 City Council finds this 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 applicant's 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. The City Council finds that with approval of the adjustment, this standard is met.

#### **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 high wood fence along the north property line. The City Council finds this standard is met.

*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 that is more than one cubic yard; therefore, the City Council finds these 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 receptacle, the plans indicate that the receptacle will not be covered. Therefore, the City Council finds these requirements are met.

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 City Council finds these standards are 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. The City Council finds these standards are met.

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 City Council finds these standards are 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. While GNA asserted that parking is a problem in the neighborhood, this concern is not linked to a requirement to provide additional onsite parking. Further, the City Council finds that the photographs of streets in the vicinity of the subject property show that adequate on-street, public parking options are available. The City Council finds this standard is met.

#### *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. The City Council finds these standards are met.

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, therefore, the City Council finds 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. The City Council finds this standard is met.

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

**Finding:** The off-street parking area that is proposed is 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. The City Council finds this standard is met.

**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.

This City Council finds this standard is not applicable.

### **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. The City Council finds this standard is met.

#### *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, designed with 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. The City Council finds these standards are met.

### **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. Based on the applicant's submittal the City Council finds it is reasonable, feasible, and likely the landscaping will meet these requirements.

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.

**Finding:** No protected trees have been identified on the site plan for removal. The City Council finds this standard is not applicable.

*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.

**Finding:** 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. The City Council finds that it is reasonable, feasible and likely that the applicant can meet this standard.

*SRC 810 - Landslide Hazards:*

**Finding:** 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. The City Council finds this standard is not applicable.

## 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. The City Council finds that as conditioned and with the approved adjustments this criterion is met.

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 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.

The City Council finds that as conditioned and with the approved adjustments, this criterion is met.

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 based on the applicant's submittal, will be adequate to serve the approved 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. The City Council finds that as conditioned and with the approved adjustments, this criterion is met.

## **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 Class 2 Adjustments for the 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 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 impacts to pedestrian using D Street. The City Council finds the proposed setback is similar to the existing building which equally meets the setback standard.

**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 maintain the existing 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 approximately 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 existing site conditions the City Council finds the adjustment 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 one 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. Therefore, the City Council finds the reduction of windows does not detract from the livability or appearance of the residential area. Further, the City Council finds that 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 and parsonage.

**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 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. The City Council finds that this adjustment meets the approval criteria.

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 City Council finds the four requested adjustments will allow the residential character of the properties to remain while increasing the amount of dwelling units 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:** Four 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 City Council finds 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.

- 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~~40 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.