

TO: Hearings Officer

FROM: Lisa Anderson-Ogilvie, AICP
Deputy Community Development Director and
Planning Administrator

DATE: December 21, 2022

SUBJECT: **Conditional Use / Class 2 Adjustment Case No. CU-ADJ22-04 – 795 Church St SE; Open Record**

On December 14, 2022, the Hearings Officer held a public hearing for CU-ADJ22-04. The hearing was closed, and the record was left open until December 21, 2022, at 5:00 p.m. for anyone to provide additional written testimony. Any party may submit rebuttal to testimony given in the open record period until December 28, 2022, at 5:00 p.m. The applicant has until January 4, 2023, at 5:00 p.m. to submit final written rebuttal.

The comments received for this case during the initial seven-day open record period are attached to this memo.

SUPPLEMENTAL FACTS AND FINDINGS

The following supplemental facts and findings are provided to address the following issues raised concerning the applicability of certain standards and processes established under the City's Historic Preservation chapter (SRC 230) to the conditional use permit for the proposed short-term at 795 Church Street SE, as well as public testimony provided at the December 14, 2022, public hearing.

1. The proposed change of use is a direct threat to the residential historic district.

Testimony provided indicates, in summary, that the staff report provided for the December 14, 2022, public hearing failed to fully comprehend and satisfactorily address the impact of the proposed conditional use permit on the National Historic District. It is explained that the staff report speaks only to the most obvious concern of the physical condition of the building without addressing the inherent adverse effect of the proposal on the integrity of the historic district.

It is indicated that historic resources are evaluated based not only on eligibility criteria, but also critically on aspects of historic integrity. It is explained that integrity measures the ability of a historic resource to convey its eligibility and significance. It is explained that categories of integrity include design, setting, association, and feeling; and that by legal definition historic districts "possess significant concentration, linkage, or continuity of buildings united historically or aesthetically by plan or physical development."

Testimony provided indicates that the proposed change of use of the property to a short-term rental is a direct threat to both the continuity by plan of the historic district, and also the integrity

of feeling and association of the historic district which is described as “the feeling and sense of an early residential area in its streetscape and architecture” by the 1986 national historic district nomination document. It is indicated that in the evaluation of integrity, it is viewed as either present or absent; and the Gaiety Hill/Bush’s Pasture Park Historic District continues to serve as an intact representation of the history of residential settlement in Oregon’s capitol city, but with every loss of integrity to contributing buildings, the totality of the district’s integrity is further eroded and endangered.

Response: The Keeper of the National Register of Historic Places and the National Park Service utilize the seven aspects of integrity (*which include feeling and association*) when evaluating whether or not a historic resource is eligible for listing on the National Register of Historic Places. In Oregon, other than overseeing the listing of historic resources, the National Park Service does not have any regulatory authority over historic resources listed on the National Register of Historic Places.

Pursuant to Goal 5 and associated Oregon Administrative Rules (OAR 660-023-0020 and OAR 660-023-0030) local governments are responsible for adopting a local historic resource list, and further must adopt land use regulations to protect locally significant resources which are on the list. While the Gaiety Hill/Bush’s Pasture Park historic district is listed on the National Register of Historic Places, the district is part of Salem’s local historic resource list and subject to land use regulations established in SRC Chapter 230. SRC 230.010(e)(3) states that integrity as it relates to a historic resource is that it “retains sufficient original design characteristics, craft work, or material to serve as an example of an architectural period, significant building type or structural type, or recognized architectural style.” Feeling and Association are not criterion relating to integrity in SRC 230.

The historic resource located at 795 Church Street SE was constructed circa 1935 and it retains its recognized architectural style as a Cape Cod residence. Any specific alterations to the historic resource would require historic design review under SRC 230. Further, any specific alterations to the streetscape within the historic district would require historic design review and compliance with SRC 230.075 Streetscape Standards. The current proposal under consideration does not include any alterations that require historic design review under SRC 230.

In addition, although feeling and association are not criteria relating to integrity under SRC 230, it should be noted that in the testimony provided it is explained that the nomination document for the district describes the feeling and association of the district as “the feeling and sense of an early residential area in its streetscape and architecture.” An important aspect of this statement is that the feeling and association of the district are derived from its early residential streetscape and architecture, which are based on physical appearance. Because there are no changes proposed or required to the home, the property (*other than the recommended parking space screening*), or the abutting streetscape to accommodate the proposed use, the early residential architectural style and streetscape of the district will be maintained. Because the recommended 6-foot fence to screen the parking space located in the side yard of the property abutting Mission Street is a physical alteration to the property, it is subject to the historic design review requirements of SRC Chapter 230. As identified in the subsequent findings included in this memo, the recommended fence conforms to such standards.

2. The recommended condition of approval requiring a six-foot fence to screen the parking space in the side yard abutting Mission Street SE violates the historic design review approval criteria under SRC Chapter 230.

Testimony provided indicates, in summary, that because the property is located on a corner lot it has two front yards due to it having two primary facades per the definition of primary façade included under 230.005. Because of this it is explained that the six-foot-tall fence recommended by staff to screen the parking area between the dwelling and Mission Street SE violates SRC 230.025(j)(2), which specifies that fences shall be no taller than four feet in the front yard.

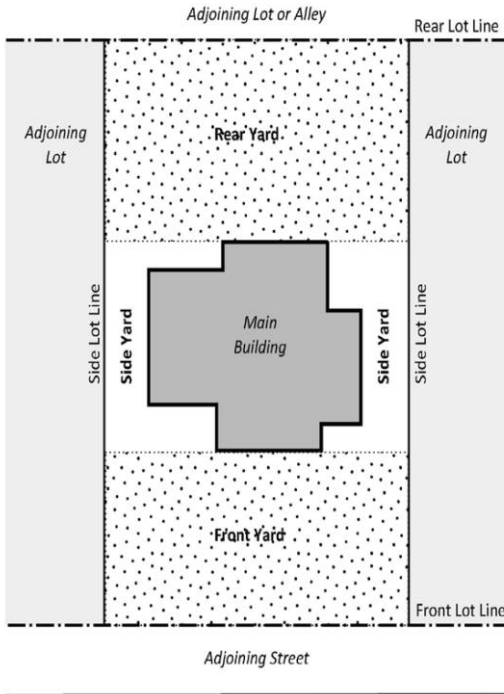
Response: The subject property at 795 Church Street SE is a corner lot which abuts both Church Street SE and Mission Street SE. While the property does have two primary facades based on the definition of primary façade included under the City’s historic preservation chapter (*per SRC 230.005*), it can only have one front yard, one rear yard, and two side yards based on the requirements of SRC 800.020(a)(2) and SRC 112.060. The distinction between primary and secondary facades included under SRC Chapter 230 is for the purpose of applying the historic design requirements to proposed developments but does not affect yard designations which are established elsewhere under the City’s development code. As such, a corner lot can have two primary facades, including one which faces the front yard abutting a street and a second that faces the side yard abutting a street.

Pursuant to SRC 800.020(a)(2), the front lot line designation for a corner lot shall be, “...the property line abutting a street designated by the building permit applicant; provided, however, that lot dimension standards are met.”

Based on the requirements of SRC 800.020(a)(2), the front lot line of the subject property is the property line abutting Church Street because the architectural front of the home is designed to face Church Street, it is addressed off Church Street, and the lot meets the minimum lot dimension requirements of the RS zone when the property line abutting Church Street is designated as the front.

Because the property line abutting Church Street is the front property line, the west property line is therefore correspondingly the rear, pursuant to SRC 800.020(b)(1), because it is the property line that is opposite and most parallel to, and located the greatest distance from, the front property line. Because the east property line is the front and the west property line is the rear, the north and south property lines are both side property lines, with the north property line being an interior side property line abutting another lot and the south property line being a side property line abutting a street.

SRC 112.060 establishes standards for determining the location of required front, side, and rear yards in relation to designated front, side, and rear lot lines, which are illustrated by the following figure (*Figure 112-10. Yards*) included under SRC 112.060:



Based on the lot line designation requirements of SRC 800.020(a)(2) and the yard designation requirements of SRC 112.060, the existing asphalt parking pad recommended to be screened is located in the side yard of the lot abutting Mission Street, not the front yard of the lot abutting Church Street. As required under SRC Chapter 806, parking located within a side yard or rear yard is required to be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

Because the property is within the historic district, it must also meet the applicable historic design review requirements included under SRC Chapter 230. The asphalt paved pad located on the property was installed sometime between 2005 and by Bradford and Oddny Everson who owned this property at the time the historic district was listed on the National Register of Historic Places in 1986. Should the current owner wish to alter the pad in a way that alters its appearance (expand the size, change the surface material etc.), historic design review approval will be required under SRC 230. SRC 230.025(j) *Fences* states that: *fences may be added to sites of historic contributing buildings, provided the fence will not result in the removal or destruction of site features identified as significant on the historic resource inventory for the district.* No significant site features have been identified on the historic resource inventory for 795 Church Street SE. Further, while SRC 230.025(j) states fences shall be no taller than four feet in the front yard and six feet in side and rear yards, the proposed fencing is exempt from historic design review under SRC 230.020(a)(2)(F), which provides that historic design review is not required for:

“The addition of fencing to the site of a local historic resource or contributing or non-contributing resource in a local or National Register Historic District provided the fencing is not attached to any primary or secondary resource on the site, is of wood or metal, and does not exceed four feet in height within the front yard and six feet in height within the side and rear yards.”

Because the proposed fence will not be attached to the historic resource, will be located in the

side yard abutting Mission Street, and will not exceed six feet in height, it will conform to the historic design review requirements of SRC Chapter 230 as long as it is constructed of the allowed material of wood or metal.

3. A conditional use permit is the incorrect application type for reviewing the proposal within a historic district and violates SRC Chapter 230.

Testimony provided indicates, in summary, that under the current Salem Revised Code there is no legal avenue for pursuit of the proposed change of use to 795 Church Street and procedurally the incorrect Type III application was filed. The testimony provided explains that instead of a conditional use permit an application for Historic Adaptive Reuse under SRC chapter 231 is required. The testimony further explains that by virtue of the conditional use application, the applicant and the city have demonstrated that the nature of the intended change of use of the historic resource is not allowed outright by zoning and in deference to the doctrine of *Lex specialis*, the hearings officer is empowered to direct the applicant that the conditional use permitting under SRC Chapter 240 is the incorrect method of application for the proposed adaptive reuse.

Response: As indicated under SRC 231.001, the purpose of historic resource adaptive reuse is to allow the reuse of individually listed resources and historic-contributing buildings within historic districts in order to promote the preservation of these resources where the original use, or other allowed uses in the zone, are not otherwise feasible and a zone change would be inappropriate. SRC 231.005(a)(1) further provides that no historic resource shall be reused for a use not otherwise allowed in the zone without historic resource adaptive reuse approval as provided under that chapter.

The key question at issue here is the meaning of the phrase, “for a use not otherwise allowed in the zone.” The testimony provided incorrectly claims that because short-term rentals are allowed as a conditional use in the RS zone rather than being allowed outright as a permitted use, they are not an otherwise allowed use in the zone and therefore can only be allowed in a historic resource through the historic adaptive reuse approval process, which does not allow short-term rentals, rather than a conditional use permit.

The allowed uses in the City’s various zoning districts are classified based on the following types: 1) permitted uses; 2) special uses; 3) conditional uses; and 4) temporary uses. Conversely, uses which are not allowed in a zoning district are specifically identified as prohibited uses. Within the RS zone, per SRC 511.005 - Table 511-1, short-term rentals are specifically identified as a conditional use, which is an allowed use in the zone, as opposed to a prohibited use, which is not allowed in the zone. Because short-term rentals are already allowed in the RS zone as a conditional use, the historic adaptive reuse chapter (SRC Chapter 231) has no need to identify them as being allowed in residential historic districts or within individually listed residential resources because historic resource adaptive reuse is not applicable or required for the use. Because short-term rentals are an allowed conditional use in the RS zone, the conditional use permit process is the correct review procedure.

4. The proposed change of use violates SRC 230.082.

Testimony provided indicates, in summary, that SRC 230.082 requires that a public agency shall avoid inadvertent impacts to a historic resource for which the agency is responsible. It is

explained that by the nature of the proposed permit appearing for the Community Development Department, the City has demonstrated its responsibility for the issue at hand.

Response: The processes and criteria identified under SRC 230.082 *Public Historic Mitigation* are not applicable to privately owned historic resource within the City of Salem. Instead, this code section defines mitigation measures for adverse impacts to publicly owned historic resources.

That said, SRC 230.001 defines the purpose of SRC 230, which is: *to identify, designate, and preserve significant properties related to the community's prehistory and history...and to implement the policies contained in the Salem Area Comprehensive Plan for the preservation of historic resources.* Further, 230.020 (a) states: *... no exterior portion of a local historic resource, contributing building, non-contributing building or new construction in a local historic district shall be erected, altered, restored, moved, or demolished until historic design review approval has been granted.* SRC20C.050 further defines the functions and duties of the Historic Landmarks Commission (HLC) which include performing historic design review as authorized under SRC 230.

The current land use case under consideration is not under the purview of the HLC or subject to the processes and criterion outlined in SRC 230.

Attachments:

- A. Testimony from Evan West - December 14, 2022
- B. Testimony from William Vagt - December 16, 2022
- C. Testimony from Wally Benson - December 18, 2022
- D. Testimony from Carlene Benson - December 19, 2022
- E. Testimony from Patricia Deminna - December 19, 2022
- F. Testimony from Jacque Heavey - December 20, 2022
- G. Testimony from Irene Longaker - December 20, 2022
- H. Testimony from Cheryl Randall - December 20, 2022
- I. Testimony from Matthew Stevenson - December 20, 2022
- J. Testimony from Evan West - December 20, 2022
- K. Testimony from Bret Wilcox - December 20, 2022
- L. Testimony from Jon Christenson - December 21, 2022
- M. Testimony from Mary Fitzpatrick - December 21, 2022
- N. Testimony from Andrea Foust - December 21, 2022
- O. Testimony from Leonard Kelly - December 21, 2022
- P. Testimony from Kristi Kurtz - December 21, 2022
- Q. Testimony from Kindra Mingo - December 21, 2022
- R. Testimony from Carol Mitchell - December 21, 2022
- S. Testimony from Mary Anne Spradlin - December 21, 2022
- T. Testimony from Sylvia Strand - December 21, 2022
- U. Testimony from John Van Dreal - December 21, 2022
- V. Testimony from Brittiny Vollmar - December 21, 2022
- W. Testimony from Stephen Wood - December 21, 2022

Can I be heard by everyone? Excellent.

Good evening and thank you.

My address for the record is 466 Rural Avenue South, 97302.

I am Evan West. In my professional capacity I am a historic preservation specialist. I hold a master's degree in Public History and a graduate certificate in Historic Preservation from the University of Colorado Denver. I bring to the Salem community ten years of professional nationwide experience in historic preservation advocacy and compliance.

Of equal importance is the fact that I am a proud resident of Salem, and I am honored to be here this evening to represent my colleagues on the Board of the South-Central Association of Neighbors. I have also submitted to the Hearing Officer my own evidential testimony regarding the proposed conditional use permit from my unique perspective as a Preservation Professional.

I stress the importance of *evidence*. SCAN has submitted evidence, as required by ORS 197.763 that the proposed conditional use permit and class 2 adjustment run counter to the City's Strategic Plan Priorities of "Addressing Homelessness," and "Building Great Neighborhoods," and by this contravention, the application fails to demonstrate that the conditional use permit would cause only the minimum acceptable impact.

By virtue of the evidential testimony presented tonight, SCAN has demonstrated and will demonstrate that the loss of even one long-term neighbor in the GH/BPP National Historic District constitutes a significantly adverse effect on the livability of the neighborhood and does not support an end to the housing crisis in our city.

SCAN opposes the proliferation of non-accessory short-term rental licenses in Salem, in part because of the adverse effect of this proliferation on the availability of long-term housing in our community. Salem is already experiencing a housing availability deficit which is projected by the Salem Housing Needs Analysis, which is material evidence created by the City of Salem, to become worse if action is not taken. To date the city has not satisfactorily demonstrated the ways in which the loss of housing to short-term rental is mitigated by other action.

Multiple homeowners and long-term residents of the Gaiety Hill neighborhood have submitted written testimony to the City, and I suspect that more will be called on to speak to the issue tonight. The concerns raised repeatedly by residents – as demonstrated by written and spoken testimony - include the tacit sanctioning of “hollow” buildings, which short term rentals become, while they are unoccupied by renters. Concerns also include the persistent attempts of business to infiltrate and degrade the residential integrity of the neighborhood over many years, which has often gone largely unchecked by City regulators, and most importantly of all, the totality of the many abstruse yet profound adverse impacts to the community structure and the social and cultural fabric of the neighborhood caused by the loss of long-term residence.

These neighbors are pleading for the city to understand that the evidence of intangible impacts is presented in their daily lived experiences, and that their evidential testimony dramatically outweighs the theoretical arguments presented in the Staff Report.

We also ask the Hearing Officer to note that the Staff Report erroneously indicates that the previously existing short-term rental in the Gaiety Hill neighborhood was affirmed by City Council. In fact, the previous request of the neighborhood to City Council ended in a tied vote, leaving in place the hearing officer’s decision - not explicitly affirming it.

The staff report attempts to rebut SCAN's evidence with the argument that short-term rental is essentially the same as long-term residence, but this argument is not supported by evidence. Business lodging – including hotels, campgrounds, and yes, short term rentals, collect the Transient Occupancy Tax which feeds the City's Cultural and Tourism Fund. The facts are self-evident. To allow for the commercial use of the building would benefit the business owners and the City's Tourism Fund, but the City has not provided evidence that residential livability will be minimally impacted. To the contrary, the Staff Report presents only the argument that conditions of the permit can ensure that peace and order will be maintained in the neighborhood. Although these are important factors, the Staff Report fails to address how compliance will be ensured, and these conditions fail to address the totality of livability as demonstrated in the evidence previously submitted by SCAN.

Furthermore, the Staff Report has failed to fully comprehend and to satisfactorily address the impact of the proposed permit on the National Historic District. The Staff Report speaks only to the most obvious concern – the physical condition of the building. The report fails to address the inherent adverse effect of the proposal to the integrity of the Gaiety Hill/ Bushes Pasture Park National Historic District (GHBPP NHD).

Preservation professionals, such as I, evaluate resources based not only on eligibility criteria, but also critically, on aspects of historic integrity. Integrity measures the ability of a historic resource to convey its eligibility and significance. Categories of integrity include design, setting, association, and feeling. In a national historic district, comprehensive integrity is even more critical. By legal definition historic districts “possess significant concentration, linkage, or continuity of buildings united historically or aesthetically by plan or physical development.”

The proposed change in use of 795 Church Street SE is a direct threat to both the continuity by plan of the historic district, and also the integrity of feeling and association of the historic district which is described as “the feeling and sense of an early residential area in its streetscapes and architecture” by the 1986 NHD nomination document. In the evaluation of integrity, it is viewed as either present, or absent. There is no middle ground. The GHBPP NHD continues to serve as an intact representation of the history of residential settlement in Oregon’s capital city, but with every loss of integrity to contributing buildings, the totality of the district’s integrity is further eroded and endangered.

Specific to the physical building and the plot of 795 Church Street SE, which are items of even greater concern to City ordinance, the expansion of parking to include a fenced or otherwise screened parking space facing Mission Street includes in the design proposal a fence of six feet in height *on all sides*. As identified by SRC 230.020 this constitutes a major impact to the integrity of the streetscape design, because there is no differentiation between side yard and front yard at this location. It is my understanding that the height of the fence is subject to design review.

SRC 230.082 directs that “a public agency shall avoid inadvertent impacts to a historic resource for which the agency is responsible.” By nature of this permit appearing before the Community Development Department, the City has demonstrated its responsibility for the issue at hand. The residents of SCAN are imploring; as the Hearing Officer you have both the authority, and the obligation to take action to prevent wide ranging inadvertent, yet maximum adverse impact to the residential livability and cultural identity preserved and embodied by the National Historic District.

We respectfully request that the Conditional Use Permit be denied, and we respectfully request that the record of written evidence and testimony be kept open for an additional 7 days as allowed for by ORS 197.765.

Thank you.

I'm happy to answer any questions that you may have.

Can I clarify anything regarding SCAN's position, historic preservation concerns, or my professional background?

I will add in answer to your previous question for Mr. Bishop that there are 101 residential buildings from the historic district period of significance as identified in the NHD nomination.

Bryce Bishop

From: william vagt <william_vagt@q.com>
Sent: Friday, December 16, 2022 2:22 PM
To: Bryce Bishop
Subject: opposing Case No. CU-ADJ22-04

Written testimony opposing, Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE.

The City has specified “Conditions” that must be met for approval of this conditional use. Specifically Condition 5b requires “a 6 foot sight-obscuring fence that conforms with SRC Chapter 230”. Chapter 230.005 (a) defines: “*Primary facade* means that part of a building or structure where the main entry is located. On a corner lot each wall fronting the street shall be considered a primary facade.” Furthermore Section 230.025 (j) (2) which specifies fence design criteria says: “*Design*. Fences shall be no taller than four feet in the front yard and no taller than six feet in side and rear yards.” 795 Church St. SE is a corner lot, thus having two “primary facades” and therefore two “front yards” for the purpose of Chapter 230 review. So, the conditions imposed by the City violate the City’s design criteria. This is just a further example how this “conditional use” is not a “minimal impact” especially if it can only be mitigated by City imposed conditions that are on their face noncompliant.

William Vagt
690 Liberty St SE
Salem, OR 97301

Bryce Bishop

From: Carlene Benson <bensonwc@mac.com>
Sent: Sunday, December 18, 2022 4:15 PM
To: Bryce Bishop
Cc: Bacchus
Subject: Short term rental, 795 Church St. - Case No. CU-ADJ22-04

Dear Jim Brewer, Hearings Officer,

My name is Wally Benson, I live at 545 Leslie St. SE, around the corner from the property in question.

Reading through the city's report so many assumptions are made that aren't backed up by facts. They make arguments, but they don't provide evidence to support **SRC 240.005(d)(3) or SRC 240.005(d)(2)**.

The city argues that people living in a short-term rental motel live essentially the same lives as neighbors in the Historic District. But again, there's no evidence, just supposition. Saying that because they live in the STR for a limited period and sleep there, that they essentially are neighbors is not supportable. Just saying that they are there on a temporary basis is evidence proving that they're not living the same lives as neighbors. And my saying that is just as legitimate as the city claiming what it did. I think it's just not true. They certainly aren't going to be the ones coming to hearings and City Council when the neighborhood is threatened such as now.

When homes are converted to motels -- non-owner occupied -- it removes from the neighborhood a potentially active community member, which can lead to a decline in the livability of the neighborhood. We are a neighborhood of fewer than 50 homes, bordered by commercial, public health and public use zones. Any loss of residents is magnified.

And claiming this isn't a commercial use of a home is also undeniably false. Interestingly, one of the restrictions the city would put on this motel is that the owners cannot run a business out of the house. But the motel becomes a business unto itself, a commercial entity. And the fact that the owners live elsewhere in the city is irrelevant. They can't track activity from a distance.

To make room for the required four parking spaces the city suggests the owners would have to put a wall parallel to Mission Street to hide the cars. Yet if a homeowner in the Historic District were to try that, we surely would be denied because of restraints we live with because we are, indeed, in a historic district.

Wally Benson
545 Leslie St. SE

Bryce Bishop

From: Carlene Benson <bensonwc@mac.com>
Sent: Monday, December 19, 2022 4:21 PM
To: Bryce Bishop
Subject: Re: case # CU-ADJ22-04, 795 Church St. SE

Dear Mr. Brewer, Hearings Officer

My name is Carlene Benson. I live at 545 Leslie St. SE, around the corner from the subject property at 795 Church St. SE.

I request that you decline the application to convert this residential home to a short term, non-owner occupied motel which is in a single family residentially zoned neighborhood, and also a National Historic District. I'm basing my request on the fact that it does not meet the requirements set forth in SRC.240.005(d)(1) and SRC 240.005(d)(2)

SRC.240.005(d)(1) is not met. This is a commercial use which the National Historic District was designed to prevent.

Anyone staying in a motel does not lead the same life that residents of a neighborhood live. Just because they sleep or eat there does not compare to the daily life of a resident of the neighborhood. They are not comparable.

Just being local does not make the owners accountable for what goes on at the property if they do not themselves live there. Enforcement will unjustly fall on the neighbors. Given that code enforcements are complaint driven, it is patently unfair and unreasonable to expect the neighbors to have to police this whether the report is made to police for noise disturbance, etc., or to the owners; it still falls on the neighbors. This is a task that we do not want imposed on us.

SRC 240.005(d)(2) is not met by applying special conditions:

Condition 1: *Maximum number of occupants can be 8 adults and unlimited kids under 12.* This is not normal for an old, traditional neighborhood such as ours. None of the houses here were designed to hold 8 adults and unlimited kids. This is not Black Butte. This also does not rule out other invited guests for gatherings, spilling out onto the lawn creating a lot of noise until 3 a.m. as has happened at the motel at 725 High St. How would this condition be enforced? Given that code enforcements are complaint driven, it is patently unfair and unreasonable to expect the neighbors to have to police this.

Condition2: *The STR shall be rented to only one group of guests at a time.* What does this even mean? How would this be enforced? Given that code enforcements are complaint driven, it is patently unfair and unreasonable to expect the neighbors to have to police this.

Condition 3: *Use of the STR shall be limited to the provision of lodging.* The house itself will have become a commercial activity, which will be advertised on various rental websites. How would this be enforced? Given that code enforcements are complaint driven, it is patently unfair and unreasonable to expect the neighbors to have to police this.

Condition 5: *The existing paving located to the east of the drive shall be modified:* Why remove only the southern portion? The whole thing was put in illegally even if it is now beyond the 1 year statute of limitations. How can only one part of it be justified in being removed rather than the whole?

Adding a 6-foot fence to "screen" the parking on the side yard will be a massive eyesore and be entirely visible on the approach to the Historic District from the east. It will look like trying to hide the garbage cans in the middle of the yard. It will not look like an extension of the house as staff claim. There are no other such fenced "boxes" free standing in the middle of the yard in any other part of the neighborhood. If any of the rest of us tried to do that it would not pass

the HLC. HLC limitations are not being equally applied here. I'd be surprised if a car can even maneuver to get in the "box." Just having it there and unused to fulfill an unreasonable condition does not make sense.

There is no reasonable likelihood that these conditions will mitigate the adverse impacts of the motel on the Historic District and the neighborhood. Please deny this application.

Carlene Benson
545 Leslie St. SE

Bryce Bishop

From: Patricia Deminna <patdex@comcast.net>
Sent: Monday, December 19, 2022 7:58 PM
To: Bryce Bishop
Subject: Short term rental, 795 Church St. - Case No. CU-ADJ22-04

Hi Bryce,

I sent this testimony earlier this evening, but I heard it ended up in Junk Mail. I wanted to be sure you received it so I'm forwarding it to you. Thanks!

Pat

Begin forwarded message:

From: Patricia Deminna <patdex@comcast.net>
Subject: [Leslie List] Short term rental, 795 Church St. - Case No. CU-ADJ22-04
Date: December 19, 2022 at 7:19:12 PM PST
To: Bryce Bishop <BBishop@cityofsalem.net>
Cc: Leslie List <lesliestreet345@googlegroups.com>
Reply-To: patdex@comcast.net

To: Jim Brewer, Hearings Officer

Re: Case No. CU-ADJ22-04 for 795 Church St. SE

My name is Patricia Deminna, and I live at 635 Church Street. I request that approval not be granted for conditional use of the house at 795 Church Street as a non-owner occupied short-term rental.

Respectfully, I understand the permitting process to be discretionary. Although conditional use is permitted in RS Zones, that shouldn't mean that granting the permit is a foregone conclusion. Yet, foregone is what the Staff would have us believe. They present generic arguments without objective evidence that do not address our specific situation; and conditions that do not satisfy Criteria 2 or 3.

Criteria 2 SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Gaiety Hill is a small-scale residential community. Our homes, built in the 1920s and 1930s, have site plans that are tightly configured. 795 Church Street and its neighbors on Church and Mission are good examples. Like 795, most of the homes have small single-car garages. Some have none. Some share driveways. Many, like those backing to the alley that runs parallel to Mission Street, have no driveways. There is little separation, and often no physical or visual boundary, between the houses. Residents in the immediate neighborhood of a short-term rental would be uncomfortably close with transient guests coming and going; strangers who they don't know and don't recognize.

There's also the more long-term concern that properties within the immediate neighborhood of a short-term rental will eventually be seen as less desirable family residences. This won't happen overnight, but the likelihood is there. In a neighborhood as small as ours, just 50 homes, every house that is lost to commercial use causes worry and concern about the future. The integrity of the neighborhood suffers

and it loses its attractiveness as a residential community. These are adverse impacts that no set of conditions can mitigate.

In response to our concerns, Staff recommends a maximum of eight guests, plus children under twelve; and four off-street parking spaces, one for each bedroom. These are outsized numbers for this family home and are wholly atypical in our neighborhood. In order to accommodate the four parking spaces, three vehicles would occupy the side yard, which faces Mission Street; with one vehicle enclosed behind a six-foot high fence. There is no precedent for this type of fenced enclosure in an exposed side yard in our neighborhood. I doubt that any homeowner who lives here would request one; and if they did, it would be denied.

Criteria 3 SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability and appropriate development of surrounding property.

Staff's response to our livability concerns found that "while the proposed short-term rental is not a residential use where individuals reside on the property as their primary place of living, it is similar to a residential use in that it provides a place where living and sleeping accommodations are provided, albeit on a temporary basis." This is a subjective statement by Staff that has no basis in fact. Residency in the place you call home is not remotely similar to overnight stays in a short-term rental, which is comparable to staying at a hotel, where the term of use is temporary.

The essential character of Gaiety Hill derives from its designation as a *residential* historic district. At the time of nomination to the National Register, the goal was to protect the district from commercial encroachment and to maintain its *residential* character. Yet our adjacency to public use zones makes the neighborhood particularly susceptible to commercial intrusion. We rely on one another to protect our neighborhood and preserve its livability. It's the residents who live here who recognize its value and embrace the responsibility for preserving it. We treasure the neighborhood's urban environment, its historic legacy, and its close-knit neighborly dynamic.

Now we are faced with the second house in our neighborhood, purchased by an investor for use as a short-term rental. When the house next door becomes a hotel, your neighbors are gone. They are replaced by short-term visitors who have no vested interest in the house where they're staying, or the neighbors next door, or the life of the community. When you lose active participation by residents, the sustainability of a residential community is seriously threatened.

In conclusion, I fail to see any value that a non-owner occupied short-term rental brings to our neighborhood. It certainly doesn't fill a need. To my knowledge, Staff has not supplied one. In 2017, before the ordinance was passed allowing conditional use, Staff presented their recommendation in Staff Report, dated 5/8/2017. The public comment section (pg. 8) included two paragraphs presented below in full. I could find no statistical data. Although Staff characterized the first paragraph as "comments in favor," the responses DO NOT SUPPORT non-owner occupied short-term rentals. At that time, Gaiety Hill's neighborhood association, SCAN, provided written testimony in opposition. SCAN remains opposed. I'm including this to demonstrate we are not alone in our opposition to short-term rentals.

Comments in favor generally indicated that allowing short-term rentals in residential zones helps individuals to stay in their homes, provides an important source of supplemental income for residents, and provides an alternative and more affordable way for visitors to stay in and experience the City. Of the comments submitted in favor, several indicated that the owner or resident needs to live there to ensure accountability and help maintain the residential character of neighborhoods.

Comments in opposition generally expressed concern about allowing this form of non-residential activity within residential zones and the impacts it will have regarding parking, congestion, noise, crime, safety, property values, property maintenance, increased insurance liability, and disruption to established neighborhood character resulting from absentee ownership and a constant influx of visitors with no ties or investment in the neighborhood.

The above Staff Report showed virtually no support for non-owner occupied short-term rentals. Based on all of the public comments at our hearing on December 14, there is no support for them in our neighborhood. I respectfully request that you do not approve this conditional use permit.

Thank you.

Patricia Deminna

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You received this message because you are subscribed to the Google Groups "Leslie Street" group.

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To view this discussion on the web visit <https://groups.google.com/d/msgid/lesliestreet345/D5473B7D-046D-41FA-A87E-FA569E9C04A9%40comcast.net>.

Bryce Bishop

From: Jacque Heavey <jacqueheavey@gmail.com>
Sent: Tuesday, December 20, 2022 11:38 AM
To: Bryce Bishop
Subject: 795 Church St. - Case No. CU-ADJ22-04

Dear Mr. Brewer: I would like to put into the record a rebuttal after the hearing. I was so relieved when you immediately dialed down into the inventory question about this neighborhood and therefore the massive impact of a non-owner occupied short term rental. As you mentioned, the area north of Mission Street is only a couple of blocks and it is pressured on all sides by non-residential zones. This is why you are hearing from the majority of us, even one loss of a residential home to a commercial use has an outsized impact because of the very few amount of residential homes here. North of Mission Street, it's less than 50 homes. No amount of conditions will change this fact.

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability and appropriate development of surrounding property.

Putting commercial lodging into a single family home in a residential neighborhood is not compatible. Mitigating commercial encroachment on this tiny pressured urban neighborhood is exactly what the neighbors set out to do with the application to the National Register.

This is a National Historic Residential District- Not a National Historic Commercial Lodging District, this commercial use is *not* appropriate or compatible.

From the National Register nomination: "taken as a whole, the Gaiety Hill-Bush's Pasture Park Historic District conveys a sense of history through the survival of many different architectural and landscape features, which provide a sense of a connected and unified place."

This is a "historically and architecturally significant grouping of resources. The intact inner city neighborhood is associated with a segment of the city's development over the period of 1878 to 1938. The area maintains the feeling and sense of an early residential area in its streetscapes and architecture."

This was never about one house, it was about the totality of the neighborhood, or the "grouping of resources" to "provide a sense of connected and unified place".

Picking off one residential house at a time to change to commercial use is disconnecting it from the residential foundation of the neighborhood.

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability and appropriate development of surrounding property.

The conditions set forth do nothing to minimize the impact on neighborhood livability. Mr. Bishop rebuts the unanimous calls from the neighbors and neighborhood association to deny this application with the erroneous attempt to equate residents vs. short term lodgers and the effect on the livability of a neighborhood. He stated one has the ability to have "good interactions" with a person staying briefly in the house next door. Mr. Bishop calls this a "gray area". This is not a gray area.

In this, Mr. Bishop discounts an entire field of study and decades upon decades of research about the specific factors that provide for strong, safe, **livable** neighborhoods.

Social organization, social cohesion and collective efficacy all rely on stable residential occupancy.

Fleeting, albeit positive interactions with a short term motel guest perfectly misses the point. It is the highly temporary nature of the stay that is the linchpin for the neighborhood.

This is why transient occupancy is a key indicator of the level of crime in a neighborhood.

1:(<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8279333/>)

2:(<https://www.ojp.gov/pdffiles1/nij/186049.pdf>)

3:(<https://nij.ojp.gov/topics/articles/collective-efficacy-taking-action-improve-neighborhoods>)

This negative effects of non-owner occupied on neighborhood livability is why cities and towns all over Oregon and the United States have severely curtailed or banned these commercial entities in residential neighborhoods. We will not be unique to the negative consequences. The reality is that in this fragile, tiny, urban neighborhood- the effects will show up faster.

My family and I live one house down from 795 Church Street. My next door neighbor on the alley sold her house as well. No one seems to have met the new owners or perhaps business investors? Is this another non-owner occupied short term rental? We are asking you to support strong livable neighborhoods as is stated in the Our Salem Plan. If this application is not denied-the research shows us the negative outcomes and clarifies how and why this historic residential neighborhood will dissolve.

Thank you for hearing us,
Jacque Heavey

Bryce Bishop

From: Irene LONGAKER <IRELON@msn.com>
Sent: Tuesday, December 20, 2022 10:34 AM
To: Bryce Bishop
Cc: Leslie Street Group
Subject: Case # CU-ADJ22-04, 795 Church Street SE

I live at 975 High Street SE and have lived in my home for 46 years. I was involved in the initial planning for a Bush Park/Gaiety Hill Historic District. SRC.240.005(d)(1) and SRC240.005(d)(2) are requirements that the above requests have not been met. Our National Historic District was designed to prevent a short term, non-owner occupied motel. This request is to convert this residential home for that purpose and I am very much opposed.

We do not need to remove a residential home from our neighborhood which is already fragile due to its location. The purpose of the historic designation was to protect Salem's biggest asset Bush Park and to protect the residential neighborhood surrounding it.

Please do not approve this application.

Irene Longaker
975 High Street SE
Salem, OR 97302

Sent from [Mail](#) for Windows

Bryce Bishop

From: Cheryl randall <randall5793@comcast.net>
Sent: Tuesday, December 20, 2022 9:51 AM
To: Bryce Bishop; Leslie Street; Wally Benson
Subject: Proposed Changes in the Gaiety Hill Neighborhood at the Corner of Mission and Church

Dear Mr. Bishop,

I am writing to you again from 460 Leslie SE to say that I strongly recommend against allowing these changes to take place. I agree with all that has been said in two previous letters; those of Pat Deminna and Carlene Benson.

An interesting fact that you may not be aware of: The original owners of my home at 460 Leslie Street, built in the 1930's, were Mr. and Mrs. J. N. Bishop. Her name was Vera Bishop. I have copies of the original landscape plan written for them by Elizabeth Lord and Edith Schryver in 1939. Vera Bishop lived her until about 1988. My husband, Jim, and I purchased the home in 1990.

Again, thank-you for your careful consideration of this issue. You have an opportunity here to uphold the intent of the two ordinances that were created to keep commercial development at bay for this section of Salem. It seems like the right thing to do; the thing that should be done.

Best regards,
Cheryl Randall
Sent from iPhone

Bryce Bishop

From: Matthew Stevenson <staylost@gmail.com>
Sent: Tuesday, December 20, 2022 6:24 PM
To: Bryce Bishop
Cc: lesliestreet345@googlegroups.com
Subject: Case # CU-ADJ22-04

Bryce,

We are writing you again to oppose the approval of the short-term rental conditional use application for 795 Church St. SE.

SRC 240.005(d)(3) requires that the applicant's proposed use will be reasonably compatible with and have minimal impact on the liveability or appropriate development of surrounding property. The applicant's use is not reasonably compatible and will have significant impact on the liveability and appropriate development of the surrounding property. The surrounding property is a small historical residential neighborhood that the City of Salem and the federal government have carved out in recognition of the importance of maintaining a living community that showcases the past, not only for the benefit of its residents, but for the sake of the city as a whole. The historic district contributes to the desirability of living in Salem. Any short-term rental property within the historic neighborhood destroys the liveability of that surrounding property by converting its use to commercial rather than residential. The neighborhood's history is of a residential neighborhood where Salem's citizens lived in homes that they owned. That sense of ownership and community is part and parcel of what makes this historical district special and preserves its appeal. The overwhelming negative response you are receiving from citizens who live in homes evidences this point. How many concerned community members that are short term rental owners have submitted public testimony regarding this application? Any conversion to commercial use is not reasonably compatible with the surrounding property because it is not compatible with the historic district unique to the surrounding property and it negatively impacts the community's ability to withstand further encroachment by removing another home lived in by its owner. No conversion to a commercial use in this neighborhood can be insignificant because there are so few properties within it.

Under SRC 240.005(d)(2), the reasonably likely adverse impacts of the use on the immediate neighborhood must be able to be minimized through the imposition of conditions. The adverse impacts described above are only possible to minimize if the owners lived in the house or if the tenants were to live in the house long enough to become a part of the community

Based on the Staff Report, it appears that any short-term rental conditional use application must be approved so long as there are sufficient parking spaces. Every short-term rental "is similar to a residential use in that it provides a place where living and sleeping accommodations are provided, albeit on a temporary basis, to guests for periods of less than 30 days." What the Staff Report appears to ignore is that Salem's Code requires a review of the specifics of the surrounding property, not a review of the characteristics of any general residential community. The Gaiety Hill/Bush Park properties' major characteristic is not that their properties merely provide living and sleeping accommodations, but in the fragility of a small neighborhood preserving Salem's history guarded by the strength of the residents of its community.

A final two points: 1) there is sufficient short term housing at hotels within walking distance of this neighborhood and 2) any decision in favor of short term rentals at this time directly harms to City's overarching goal of creating a better housing environment. It is extremely disappointing to watch every taxpayer in Salem have to contribute heavily toward solving a problem that exists, in part, because of decisions to grant ill-advised short-term rental applications. We will all pay more for the externalized costs created by the Applicant's business opening up in our community than any financial gain Applicant will receive by setting up shop in the midst of our homes.

Sincerely,

Matthew & Claudine Stevenson

420 Leslie St SE
Salem, OR 97301
503 507 5518

December 21, 2022
City of Salem
555 Liberty Street SE
Salem, Oregon 97301
Attn: Jim Brewer, Hearing Officer Case No. CU-ADJ22-04

Re: Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE.

To Whom It May Concern:

I was approached by the residents of the Gaiety Hill Bush Pasture Park National Historic District to provide expert testimony and guidance in my capacity as a historic preservation professional. As a neighbor, and a concerned citizen of Salem, I am honored to provide these services *pro bono publico*. Please see below my memorandum in summation of the legal arguments in opposition to the actions proposed in Case No. CU-ADJ22-04.

QUESTION PRESENTED

Shall a Conditional Use Permit and Class 2 Adjustment be granted to allow an existing four-bedroom single-family dwelling to be used as a short-term rental within a residential national historic district?

SHORT ANSWER

No. Under the current Salem Revised Code (SRC) there is no legal avenue for pursuit of the proposed change of use to 795 Church Street SE. Procedurally, the incorrect Type III application was filed. Even if the application type and relevant ordinance were not prohibitive, the applicant has failed to meet the burden of evidential proof required to demonstrate that the change of use would cause only minimal acceptable impact that could be minimized through the imposition of conditions.

FACTS

The building at 795 Church Street SE is identified by the Oregon State Historic Preservation Office as an eligible/contributing (EC) resource within the Gaiety Hill/Bush's Pasture Park National Historic District. This places the building among the resources that collectively fulfill the legal requirement that a National Historic District must "possess a significant concentration, linkage or continuity of sites, buildings, structures or objects united historically or aesthetically by plan or physical development" (National Register of Historic Places Bulletin 15, 1995).

The Type III application process for the proposed adaptive reuse of eligible/contributing buildings in a residential historic district is directly addressed by SRC Chapter 231. Chapter 231. – Historic Adaptive Reuse was adopted 10/26/20 and became effective 11/26/20.

The applicant has pursued a Type III application under SRC Chapter 240. – Conditional Use.

This chapter requires the applicant to demonstrate that 1 - The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property (SRC 240.005(d)(3) and 2 - The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions (SRC 240.005(d)(2).

DISCUSSION

The question presented is specifically addressed by SRC 231.005. This section requires that “No historic resource shall be reused for a use not otherwise allowed in the zone without historic resource adaptive reuse approval” SRC 231.005 (a)(1). By virtue of conditional use application, the applicant and the City of Salem have demonstrated that the nature of the intended change of use of the historic resource is not allowed outright by zoning. In deference to the doctrine of *Lex specialis*, the hearing officer is empowered to direct the applicant that conditional use permitting under SRC Chapter 240 is the incorrect method of application for the proposed adaptive reuse. Moreover, the relevant chapter of code identifies the proposed adaptive reuse as “short-term commercial lodging” which is specifically not permitted within residential historic districts (SRC 231.005 Table 231-1). The adoption of this ordinance on 10/26/20 also precludes any reference by the applicant to precedent established by the existing short-term rental at 725 High Street SE.

Although further discussion is rendered moot by the requirements of SRC 231.005, it bears repeating that the applicant has not fulfilled the requirements of their application under SRC 240. The applicant and the City of Salem Staff Report have submitted theoretical argument in lieu of evidence as required by ORS 197.763 (9)(b). By contrast, those who have provided written and spoken testimony in opposition have provided evidential proof that the proposed change in use will cause significantly adverse impact to the immediate neighborhood. Additionally, the major impact caused by the proposed change of use cannot be minimized or mitigated through the imposition of conditions.

Among the many adverse effects of a proposed change in use is the damage that such a change would cause to the integrity of the National Historic District. The intrusion of commercial use, under which short-term rental is categorized by SRC 111.001, stands to fracture the continuity by plan of the historic district. The legal importance of this continuity was previously referenced in the presentation of facts. This impact cannot be minimized by conditions, and the applicant has not proposed any conditions to that end. In fact, agents of the City of Salem including the hearing officer, are directed that “a public agency shall avoid inadvertent impacts to a historic resource for which the agency is responsible” (SRC 230.082(a). By nature of the permit in question appearing before a hearing officer, the Community Development Department has demonstrated its responsibility for the issue at hand.

A significant adverse impact to the entire Salem community is the loss of long-term housing in a city already experiencing a housing crisis. The City of Salem Housing Needs Analysis reports that 23,355 new dwelling units will need to be added over a 20-year period to address the shortage of housing for long-term residents of Salem (Salem Housing Needs Analysis and Economic Opportunity Analysis, 2015). The City Staff Report surmises that tangential city actions, including prohibiting short-term rental in multi-family units, will sufficiently minimize

the impact of the loss of residential housing caused by the conditional use permit. This suppositional argument fails to address the evidential proof provided by the Housing Needs Analysis, which identifies the need for the presence of diverse housing types as vital to ending the crisis. To minimize the impact of the loss of residential housing, the applicant would be better suited to propose a commercial adaptive reuse that is allowed for by SRC 231.005 – Room and Board for Group Living (SRC 231.005 Table 231-1).

Residents of Gaiety Hill have consistently submitted evidence that the loss of long-term residence causes major disruption to the community structure, and social and cultural fabric of their neighborhood. Within the greater Gaiety Hill/Bush's Pasture Park Historic District, the Gaiety Hill neighborhood is presently home to fewer than 50 eligible/contributing single-family residential buildings. The neighborhood is surrounded by commercial business and civic infrastructure. Residents have worked diligently to maintain the livability and functionality of their neighborhood, despite the persistent encroachment of non-residential usage and zoning. The neighbors expect their efforts to be supported by the city, as required by strategic planning priority number four "Building Great Neighborhoods." This planning priority calls for the City of Salem to "increase the number of complete neighborhoods" that "meet residents daily needs." (City of Salem Strategic Plan 2021-2026).

The proposed change in use causes disruption to the residents needs by damaging long-term residential stability. This disruption cannot be minimized by either the stated intention of the applicant to be a good neighbor, or by the conditions proposed. The proposal to restrict the type of activity that the home may be rented for is oxymoronic. The nature of renting the home for purposes other than long-term residence is itself the greatest cause of adverse impact to the livability of the neighborhood.

Cultural identity is perhaps best understood as it is described by the City of Salem Historic Preservation Plan. The preservation plan informs the community that "Historic buildings, structures, sites, objects, and districts are the tangible reminders of a community's past and are the primary components of cultural identity." The plan admonishes the reader that "historic preservation provides economic, environmental, cultural, and educational benefits to Salem by protecting those places that matter" (Salem Historic Preservation Plan 2020-2030).

To approve the conditional use permit would make the city complicit in piecemeal degradation of the integrity of the social and cultural fabric of the neighborhood, and of the residential national historic district.

CONCLUSION

The hearing officer is imbued with authority, grounds, and subsequent obligation to deny the Conditional Use Permit and the proposed Class 2 Adjustment.

Evan West, M.A.
466 Rural Avenue South
Salem, OR 97302

Bryce Bishop

From: Bret Wilcox <bret1932@comcast.net>
Sent: Tuesday, December 20, 2022 10:45 PM
To: Bryce Bishop
Cc: Leslie Street; Wally Benson
Subject: Re: [Leslie List] Proposed Changes in the Gaiety Hill Neighborhood at the Corner of Mission and Church

Dear Mr. Bishop,

My name is Bret Wilcox. My wife and children have lived at 490 Leslie SE for 4 1/2 years. We are strongly opposed to converting 795 Church St SE to a short term, non-owner occupied house. Our opposition is confirmed from the experience we have already had...and continue to endure from living next door to a home (725 High Street) that was approved as such. Our kitchen window and courtyard face the backyard and patio of this house. The management company is located in Oregon City and is rarely onsite. This leaves our neighborhood owner residing families as the only eyes to watch out for issues, and is why I have had to contact the management company numerous times for reasons stated below;

1. We have had to call the police for fighting of drunken renters in the front yard. Also called the Management company to keep them in the loop.
2. Sprinkler system malfunctioned shooting water directly at the kitchen window of the neighbor directly behind located at 470 Leslie Street. This could not be immediately resolved, as no one lives there. No access to the sprinkler system.
3. The sprinkler system each year is left on late night and early mornings long into the winter season because no one lives there.
4. The garbage, recycle and debris cans are always left on High Street for myself and other caring neighbors to return to the house.
5. Over maximum number of cars in driveway, per the approved Application agreement.

Unfortunately, the City of Salem is sadly mistaken if they think an owner that resides in California has any pride of ownership of this Historical home. We have never seen this man aside from his appearance at the hearing to plead his case. There is no pride of ownership or neighborhood connection. This is only an investment that serves one person, which is the unoccupied owner. He won and we have never seen him since.

Additional issues;

1. With no warning or mention; A total of 3 trees have been cut down in the back yard of this non-occupied home. It is now bare...no trees. Late summer, without asking or even mentioning, a tree company came in and cut down a beautiful, very large Dogwood tree and a Cherry tree that provided shade, and was home to hummingbirds and other wildlife in their backyard. The Dogwood tree came slightly into our yard and also provided privacy from the strangers sitting on the back patio area that rent the Airbnb and the prevented the view of our courtyard and kitchen window. Now we have to awkwardly smile and wave to strangers on our normal path to enter our house.
- 2.. Mail is left sticking out of the door mailbox throughout each week. As no-one is home to take the mail, it cannot all fit. This draws attention to passerby's and looks like people are on vacation.
3. The owner in California cut all of the trees down, When entering our residence, my daughters walk the courtyard pathway to our door and now there is an unrestricted view to our courtyard, due to the owner in California cutting them all down. Strangers sit on the patio to drink, smoke or barbecue...of whom we know nothing about. My daughters have dealt with guys calling out to them as they can see a clear view into our courtyard. This is definitely not ideal.

Huge responsibilities are unfairly lumped onto the shoulders of people living next to these converted motels. The pride of ownership and connected families in our neighborhood is eroding with each of these conversions. I ask that you to state what good that this conversion would contribute to this neighborhood and community. I have yet to have anyone give me an answer to that. If there is no positive contribution this conversion gives to our community, then please rightly reject this request and keep this a single family residentially zoned neighborhood which is proud to be a part of the National Historical District.

Additionally, I agree with all that has been said in two previous letters; those of Pat Deminna and Carlene Benson.

Sincerely,

Bret Wilcox

On Dec 20, 2022, at 9:51 AM, Cheryl randall <randall5793@comcast.net> wrote:

Dear Mr. Bishop,

I am writing to you again from 460 Leslie SE to say that I strongly recommend against allowing these changes to take place. I agree with all that has been said in two previous letters; those of Pat Deminna and Carlene Benson.

An interesting fact that you may not be aware of: The original owners of my home at 460 Leslie Street, built in the 1930's, were Mr. and Mrs. J. N. Bishop. Her name was Vera Bishop. I have copies of the original landscape plan written for them by Elizabeth Lord and Edith Schryver in 1939. Vera Bishop lived her until about 1988. My husband, Jim, and I purchased the home in 1990.

Again, thank-you for your careful consideration of this issue. You have an opportunity here to uphold the intent of the two ordinances that were created to keep commercial development at bay for this section of Salem. It seems like the right thing to do; the thing that should be done.

Best regards,
Cheryl Randall
Sent from iPhone

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DECEMBER 21

COMMUNITY DEVELOPMENT

2022 **TO: HEARINGS OFFICER**

CASE NO.: CU-ADJ22-04

SUBJECT: Conditional Use & Class 2 Adjustment for Property Located at 795 CHURCH STREET SE

Attn: Mr. Bryce Bishop
Civic Center
555 Liberty Street SE, Room 305
Salem, Oregon 97301

Dear Hearings Officer, Mr. Lewis:

Thank you for the opportunity to comment. After careful examination of materials in case, the Hearing Notice, the Staff report, the Salem Revised Code (SRC 230, 231, 240), Oregon Revised Statutes (ORS 197.763) and the available evidentiary record and documentation, I offer the following comments.

As a resident of SCAN, I support the testimony of November 30, 2022 prepared by the SCAN Land Use Chair Roz Shirack. The proposed development is not compatible under SRC 240. And will have a major adverse impact on Gaiety Hill if approved. The short-term rental at 725 High Street SE has created a dead space, a frequently empty house, blinds drawn, lifeless light, a locked yard gate of the nearby neighbor, a wariness now that did not exist. It is a commercial operation that undercuts the intent of the National Register of Historic Places Nomination in 1986, honored and approved by the Keeper of the Register and U. S. Secretary of Interior. The boundaries of the National Historic District explicitly excluded commercial uses. The conditions on 725 High Street are not always followed. Four cars are stacked up, at times, in the driveway.

STRs in an authentic residential historic District are "a host that eventually kills the tree," similar to parasitical organisms or fungi or invasive ivy at the base of a native tree: the ivy grows and kills the tree. I have seen majestic trees in Bush's Pasture killed by invasive species and inattention.

Adding one more short-term rental in this very small area, 4 blocks surrounded by non-residential uses on virtually every side hurts. It hurts the authenticity of an exceptional historical space. Authenticity becomes faux. It impacts neighbors, families, security, sense of safety. Folks in Gaiety Hill, almost by necessity, work together. Homes have been broken into. Cars stolen. Homeless walk about, at times. No judgement on the homeless but one needs to be cautious when one sees a camp fire under the bridge or someone does not know in one's garage. There is cooperation, not an exclusiveness, that is out-of-the ordinary and worthy to respect. Homeowners who tend their yards,

that individually and collectively add, support and maintain a vitality to the streetscape and to each other. Hollow empty houses do not bring vitality or support the historical or social context or integrity of a vibrant intact, living historical residential District. STRs in a residential historic districts often borrow upon the work, attention to detail of others, the flower boxes, the plantings, the birdbaths, the charm, the human scale, truth and livability that others create.

CONCUR WITH EVAN WEST, M.A., HISTORIC PRESERVATION SPECIALIST

I concur with the expertise of Mr. Evan West MA, historic preservation specialist, and support the oral and written testimony he presented to you on December 14, and submitted to you on December 20 on application of the new section in the Salem Revised Code, SRC Chapter 231 on HISTORIC ADAPTIVE REUSE, (Ordinance 12-20, adopted 10/26/20, effective 11/25/20). I concur the integrity of Gaiety Hill as an authentic true residential Historic District should be protected and sustained.

I concur with a conclusion that this new chapter SRC 231 should be applied. To me, it is common sense — that you apply the most recent enacted ordinance on historic resources which includes a Table on permissible uses, including short-term lodging, in historic districts. The explicit purpose of SRC 231 is to provide guidance on re-use of “historic-contributing buildings within historic districts..where the original use, or other allowed in the zone, are not otherwise feasible and a zone change is inappropriate.” See SRC 231.001.

795 Church Street SE is a historic-contributing building within the Gaiety Hill/Bush's Pasture Park National Historic District and a zone change would be inappropriate. Permissible is short-term lodging in non-residential historic districts (see SRC 231, Table 2).

Short-term lodging in residential historic districts is not listed as permissible. Short-term rentals are a form of hotel or motel, run for a commercial purpose.

I do not find Mr. Bishop's arguments to be persuasive no matter how many times he repeats it looks to him like residential. It is not. And folks who live there, day-to-day, know it.

The Staff report does not even begin to address the requirements of these new provisions Chapter 231: 231.005(a)(1) and 231.005(d)(3).

DISCUSSION

SRC 231.005(a)(1) HISTORIC RESOURCE ADAPTIVE REUSE states “**No historic resource shall be reused for a use not otherwise allowed in the zone without historic resource adaptive reuse approval as provided.**”

Both chapters of TITLE X UNITED DEVELOPMENT CODE SRC 240 and SRC 231 have similar requirements of minimal impact from a proposed use. **240.005(d)(3) Criteria:** *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property..* **SRC 231.005(d)(3)** *The proposed use will be compatible with and have minimal impact on the livability and general development character of adjacent properties.*

However, effective November 25, 2020, SRC 231 specifically qualifies, refines what is to occur in historic districts and historic resources in reuse where a zone change is inappropriate. SRC 231 was adopted by Council in conjunction with the City 2020-2030 HISTORIC PRESERVATION PLAN. This would be the first application review of a proposed action under this chapter 231. The property has been residential for near a century. The applicants propose to reuse this historic resource in a residential historic district for a commercial purpose as a STR.

SRC 231.005 HISTORIC RESOURCE ADAPTIVE REUSE, Criteria subsection 231.005(d)(2)(D) states the historic resource adaptive reuse will be **“providing a service that fulfills an identified need in the neighborhood.”**

There is no evidence that the proposed development is “a service that fulfills an identified need in the neighborhood.”

Unanimous testimony from the South Central Association of Neighbors (SCAN) is opposed to the STR. Individual testimony from neighbors, residents in Gaiety Hill finds there is no need for a STR. Neighbors are in solid opposition to transforming single family homes into this form of rental. The proposed development as inconsistent, in major conflict with the delineated boundary/purpose of the Nomination of the District, approval (1986) into the National Register of Historic Places.

The South Central Association of Neighbors (SCAN) testimony (ATTACHMENT D of the Staff report), drafted by SCAN Land Use Chair Roz Shirack, is unambiguous:

“The short term rental use is a commercialization of a single family residence which conflicts with the expressed goal in the establishment of the residential Gaiety Hill/ Bush’s Pasture Park National Historic District — that ‘Gaiety Hill..provides the district with front line of defense against commercial encroachment...upon a distinctive intact residential neighborhood surrounding Bush’s Pasture Park...” NATIONAL REGISTER OF HISTORIC PLACES. The SCAN letter reports: “Commercial uses were specifically and intentionally excluded from the boundaries...’A decision was made to exclude... properties primarily because of the intrusion of commercial uses.’ Categories of uses..were (a) museum; (b) park; (c) private residences; (d) religious; and (e) gardens. (NR). A specific use not included was commercial.”

When I read the individual letters in opposition (ATTACHMENT F), I see Mr. Cottingham: he is the current chair of the Salem Historic Landmarks Commission. I see another individual, Mr. Bruce Hoffman, former Chair and former Land Use chair of CANDO, the downtown neighborhood association. I see Mary Anne Spradlin, Ms.

Spradlin is house manager of Gaiety Hollow, the museum of the Lord & Schryver Conservancy. Carol Mitchell is former President of SCAN. Twelve nearby residents on Church Street oppose this Conditional Use joined by an additional 25 residents of Gaiety Hill.

The arguments or the evidence in the Staff report is not persuasiveness that the proposal would have minimal impact under SRC 240 or SRC 231.

The neighbors at 757, 747, 735 Church Street SE in close proximity are very opposed. It can not be brushed aside that ample accommodations are nearby in the CBD. A commercial Historic District is approximately 3 blocks north of the residential GH/BPP NHD.

TANGIBLE REMINDERS: HISTORIC RESIDENTIAL CONTEXT OF CHURCH STREET, 600-700 BLOCKS

"Historic buildings, structures, sites, objects and districts are the tangible reminders of a community's past and are the primarily components of cultural identity." SALEM HISTORIC PRESERVATION PLAN 2020-2030

Bordering Pringle Creek on the north, and Bush's Pasture on the south, if you look closely, the 600-700 blocks of Church Street represent a time when the City had a grand vision of itself as a capital of the Oregon commonwealth.

The public right-of-way is very wide. At the top, a monumental Ecole des Beaux-Arts inspired bridge gateway built with the magical rediscovery of concrete, and the open space of Bush Park at the bottom, wide sidewalks on the bridge, ornamental lamps, steps cascading down into Pringle Park, elements one might associate with the great "White City" of the World's Columbian Exposition of 1893, the 1902 McMillan Plan for Washington, D. C. and the short-lived City Beautiful movement, a progressive reform and a belief that beautification, parks could promote an harmonious social order that would increase the quality of life.

In 1893, the World's Columbian Exposition or Chicago World's Fair and later the McMillan Plan in 1902 had a profound effect on American architecture, the arts, city planning, American optimism and the image or prototype of what a city ought to be. Designers, engineers, industrial leaders saw city design as indicators of progress, of a relationship of capital cities to their political commonwealths. Visionaries such as Daniel Burham, Frederick Law Olmsted Jr., Charles F. McKim influenced architecture and urban planning across America, and ideas of what a city and a capital should be. Young men, civic leaders, engineers, reformers had a physical interpretation of how the built environment could support progress.

Concrete was an elastic building material from the Romans, rediscovered and

reformulated in France and now its technology spread across Europe and North America. Congress created a national experimental lab on concrete under the USGS. Young engineers such as R. A. Furrow studied and experimented with concrete composition, ingredients for strength in their senior year graduation theses; and young men such as Conde B. McCullough marveled at its plasticity and aesthetic possibilities.

The old Beaux-Arts Oregon State Capitol (1876-1935) faced west towards Willson Park onward to Church Street. This was the Salem of the 1920s.

Progressive and Populists mixed, progressive and populists clashed. A progressive became Mayor of Salem. Brilliant young men like Conde McCullough were drawn to Oregon's capital city, lured by the resources of the first auto gasoline tax in the nation, and the expanse of engineering possibilities.

Church Street is a very brief moment of that dream avenue monumentality and a brush of grandeur — inspired by the 1893 Chicago World's Fair, and the McMillan Plan, the work of Georges-Eugene Baron Haussman in Paris and City Beautiful. Church Street was a key north-south axial boulevard from downtown to Bush's Pasture. Church Street was the "gateway" — walkable, level terrain "carriage way" from downtown to Bush's Pasture Park, and the celebrated Bush House.

At the north of 600-700 Church Street, is a renowned historic reinforced concrete deck girder bridge of **Ray Archie ("Far") Furrow C.E.** in consultation with **Conde B. McCullough C. E.** The bridge is one of only 10 bridges of over 6,500 in Oregon identified to be "outstanding historic bridges " of Slab, Beam and Girder type.

Pre-dating the famous Oregon Coastal Bridges, Church Street has McCullough's "signature details, including arched curtain walls, bush-hammered inset panels, and pre-cast ornamental railing panels,"(R. W. Hadlow, Ph.D., book OSU Press 2001), collaboration with Furrow.

There is the association with the era of **Salem Mayor Thomas Albert Livesley**, and the Oregon's most famous progressive governor **Oswald D. West** (1911-1915), the **Social Gospel Movement**, and the pioneering women landscape architects **Elizabeth Lord** and **Edith Schryver**. Elizabeth Lord and Edith Schryver lived on only houses away from the 795 Church Street lot. In the file materials is a reproduced survey map commissioned by Elizabeth Lord (1937).

Mc Cullough with his wife Marie, and his son John lived in a modest bungalow on Church Street.

Who is Conde McCullough? He is an often overlooked genius who lived in Salem. In 1925, McCullough began volunteer service on the City Planning Commission and within a year, public infrastructure became a major issue in the 1926 Salem mayoral election. Elected was a progressive Democrat, Thomas Albert Livesley, an admirer of Franklin Delano Roosevelt.

Who is Thomas Albert Livesley? He was the "Hops King of Oregon," "highly influential and world renown grower and broker of hops..the largest grower in the world." What did Livesley do? Look at the sidewalks on the Church Street Bridge. Look at the width of the street and public right-of way: 99 feet. Absolutely devoted to livability of Salem, Livesley built bridges, paved sidewalks and streets, built two fire stations, the Salem Airport, playgrounds, installation of a traffic signal system downtown, walked along Pringle Creek with Conde McCullough. Interested in improving and safeguarding the quality of life for all in Salem, he insisted on standards for milk sold in the city. He was an innovator in scientific and technological applications, first in Oregon to provide a day nursery for the children of his employees, a kindergarten, recreation, transportation, medical care and nurse on site.

Mayor T. J. Livesley vetoed a city measure on street lighting because it did not provide an ornamental system of lighting which would be "*in keeping with our progressive program of beautifying Salem.*" He insisted street lights "*harmonize with the fine bridges and buildings downtown.*" Observe the beautiful decorative lampposts on the bridge, and you will see tangible reminders of the vision of Mayor Thomas J. Livesley. He hired R. A. Furrow. He built the only skyscraper in Salem (First National Bank in 1926)(11 story Capitol Tower), and he put R.A. Furrow, his City special engineer, designer of Church Street, in the 11th story penthouse office overlooking the entire city. Livesley reportedly walked along Gaiety Hill's Pringle Creek with McCullough (Oregon Statesman 1927).

Who thinks Conde McCullough was a genius? In 1999, in honor of its 125th anniversary, the periodical ENR, once known as Engineering News Record, published a list of the top people who "helped shape this nation and this world...by developing new analytical tools, equipment, engineering or architectural design during the period 1874-1999." Ten bridge engineers made the list, among them, **Conde B. McCullough, C. E.**, a genius, founder of Oregon State University Civil Engineering Department, graduate also of Willamette University College of Law, Class of 1928. McCullough oversaw the design of over 600 bridges in Oregon.

His masterpieces include the Yaquina Bay Bridge (1934-36) and the 745-ft Willamette River bridge at Oregon City (1921) once called "the most artistic..large bridge in the State" [OrSHCom 1922]. The Willamette River bridge is only one in Oregon to be encased in Shotcrete for protection from corrosive sulphurous anhydride (SO₂) emissions from paper mills. Yaquina Bay Bridge in Newport is "widely considered the greatest bridge in Oregon" M. Love. Another notable bridge is Youngs Bay Bridge at Astoria (1921) "one of the finest examples of movable highway bridges in the United States" [Thomas H. MacDonald, Chief of the Federal Bureau of Roads]. R. A. Furrow, credited with the Church Street bridge, was the resident engineer at Youngs Bay, Yaquina, Oregon City. Furrow was also reconstruction engineer, who rebuilt Astoria after the coastal city was destroyed by fire on December 8, 1922: 32 blocks burned down. "The most disastrous fire in the history of Oregon" Oregon Insurance Rating Bureau. Furrow then installed one of the first underground systems for utilities, water and gas lines in the Pacific Northwest.

Church Street and Salem in the 1920s

John McCullough recalls his father *"was happy living in Salem...Dad used to take me out in the driveway when we lived on Church Street, he would get the catcher's mitt and pitch to me..."* *"he loved baseball..for a while, Salem had a pretty good pro (team)..we used to go to a lot of night games.."* *"..in those days, Salem was a small town."*

"...he was really wrapped up in civic affairs here in Salem..a member of the Chamber of Commerce, he was a Rotarian..and the first Chairman of the Long Range Planning Commission..in those days, the whole Highway Department was so small that we used to have an annual picnic and practically everybody would come,,," *"...everybody knew everybody else. The kids all kind of grew up together."* INTERVIEW May 18, 1980.

This is where **Babe Ruth, the legendary immortal of baseball**, walked in 1928, visiting the children at the Blind School four days before Christmas. Earlier that year, Babe Ruth and Lou Gehrig had led the American League in runs, helping the New York Yankees capture the pennant and the world championship. Ruth led the League in the number of times that the slugger was walked by the pitchers of other times.

More Historic Associations

Gaiety Hill Neighbor Edith Schryver designed Pringle Park on Church Street. The park was to have a coquet court among the Oregon White Oaks. Elizabeth Lord selected the plants. Lord was the first woman to serve on the Salem Parks Board. On the cascading steps one day, the Mayor of Salem Sue Harris Miller would photograph her daughter's wedding party. The rows of five-star leafed trees on Church Street, American Sweetgums were selected by architect and City Councilor Warren Carkin, a "First Citizen" of Salem, who lived at the corner of Church & Leslie. Plantings following the design principles of Lord & Schryver.

The property at 795 Church Street was owned by **Braizier C. Small**, an attorney, a Justice of the Peace, a City of Salem Alderman, Small is listed in the **Who's Who in Oregon**. He and his wife Constance Cartwright were married by Chief Justice George H. Bursett of the Oregon Supreme Court. He was Commander of Capital Post in Salem. The Legion was founded after World War I to assist veterans. Memories of the Great War were very much alive at the time. The American Legion was a leading social group in the community. There was often a great spotlight on the Dough Boys who signed up to go for America, American Expeditionary Force. In the 1920s-1930s, when one was selected as an officer in the Legion, it was news in the local papers. .

There are multiple layers of history, those tangible reminders of our City's cultural development and aspirations along Church Street. There are other associations to prominent leaders and political leaders, reform movements, progressive and populist, too numerous to mention in detail.

More FACTS AND FINDINGS

PROCEDURES:

(1) The Hearing Notice in this Case, No. CU-ADJ22-04, was not in compliance with ORS 197.763 (3)(b). The Oregon statute states, in plain language, that the notice (ORS 197.763 (3) in the Conduct of local quasi-judicial land use hearings, "...the jurisdiction shall (b) List the applicable criteria from the ordinance and the plan that apply to the application at issue..."

There is no list. Reference to a website is not a list. The Hearing Notice is silent on "the applicable criteria from...the plan to the application at issue."

The Legislative Assembly intent is well known in professional practice that such notices are to be easily understood, clear and provide a reasonable list of criteria from the ordinance and the plan.

Remarkably, after not including in the Hearing Notice what are the applicable criteria from the plan (SACP) to the application at issue, the Staff report (December 7, 2022)(on Page 10) asserts "*the proposed use also conforms to the applicable policies of the Salem Area Comprehensive Plan concerning the preservation of historic properties and is consistent with the purpose of the City's Historic Preservation ordinance (SRC 230).*"

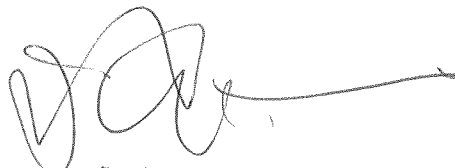
There is no analysis of the applicable policies of the SACP (e.g., historic preservation, housing) in the Staff report..

(2) Evidence is the Staff may not be applying or directing the review to the applicable provisions of the Salem Revised Code (SRC).

Staff asserts the proposed action "*..is consistent with the purpose of the City's Historic Preservation ordinance (SRC 230).*"

As mentioned earlier, the Staff report ignores a new section added to Title X Unified Development Code, **SRC Chapter 231, HISTORIC ADAPTIVE REUSE**, addressing historic resources in historic districts Ordinance No. 12-20.

REGARDS .



JON CHRISTENSON

PO BOX 534

SALEM, OREGON 97308

Bryce Bishop

From: Mary Fitzpatrick <maryfitz88@hotmail.com>
Sent: Wednesday, December 21, 2022 4:53 PM
To: Bryce Bishop
Subject: Case # CU-ADJ22-04

Dear Mr. Brewer,

I am writing to respectfully ask you to deny conditional use of the house at 795 Church St SE as a non-owner occupied short term rental. Neither the petitioner nor city staff have presented any actual evidence that the following condition is met:

SRC 240.005(d) (3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Having a commercial business, basically a hotel, in the middle of a small, historic residential neighborhood will have a major impact on the neighborhood, especially when combined with the other commercial businesses already here. Each time a house in our neighborhood becomes a commercial enterprise rather than a home, a hole is torn in the social fabric of our community. Rather than neighbors who watch out for and care for each other, we instead have short term transient occupants who contribute nothing yet take away from our sense of community and safety. Having owners off-site means they are not part of the daily life of our neighborhood nor do they contribute to the social fabric. They are not part of what makes a house a home and a collection of houses a neighborhood. Other neighbors have provided you with actual research that shows the detrimental effects of non-owner occupied short-term rentals on neighborhoods and cities. All of these negative impacts are magnified in our very small neighborhood (approximately 50 homes) already bordered on every side by non-residential development. Why allow even more of it to invade our historic, residential neighborhood?

Thank you for your time and consideration.

Sincerely,
Mary Fitzpatrick
685 Church St SE

Bryce Bishop

From: Andrea Foust <andreafooust@gmail.com>
Sent: Wednesday, December 21, 2022 11:45 AM
To: Bryce Bishop
Subject: Short term rental, 795 Church St. - Case No. CU-ADJ22-04

Dear Mr. Brewer, Hearings Officer:

My name is Andrea Foust and I live at 565 Leslie Street SE. I am also writing on behalf of my daughter Madeleine Carlson who lives with me, and my mother, Phyllis Foust who lived at 560 Leslie St. for 29 years.

Together we join our neighbors to request that you decline the application to convert the single residential family home at 795 Church St. into a short-term, non-owner occupied motel, **which stands to have a major and lasting impact on our neighborhood**. In addition to my previous email (which is below) I would like to specifically focus on the fact that the application does not meet the requirements set forth in SRC.240.005(d)(1) and SRC 240.005(d)(2). Every family residence that we lose jeopardizes the future of this historic district and effectively makes it an increasingly fragile, less intact residential neighborhood and decreases the liveability for residents, and removes one more house from our city that is facing the increasing reality of a lack of housing for residents.

SRC 240.005(d)(3) states: The proposed use will be reasonably compatible with and have minimal impact on the liveability or appropriate development of surrounding property.

RESPONSE: We strongly disagree.

1) I would like to refer to the firsthand experience outlined by Bret Wilcox at 490 Leslie St. SE in his email sent to you on December 20. His home is located directly next to 725 High Street which operates as a short-term rental. As a neighborhood we opposed this application in 2018, consistently stating that we believed it would have a major impact on the liveability of surrounding property. The Wilcox family's experience clearly demonstrates the realities and the major impact that a short-term rental has already had on the liveability of our neighborhood.

Our neighborhood is clearly zoned as RS - single residential family. In no way is a short-term rental/hotel compatible with an area zoned RS.

At

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH511INFAR

E it states that "The purpose of the Single Family Residential (RS) Zone is to implement the single family residential designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The RS zone generally allows single family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area.

Bret's letter clearly demonstrates that this application's proposed "other uses" is not "compatible" nor does it "provide support and services to the residential area."

2) Several years ago we had a rental home here on Leslie St. that was unofficially being used by the tenants as a type of short-term rental in the form of a brothel. That was not compatible in our residential neighborhood and also had a major impact on our liveability. I'm not sure what would prevent that from happening at 795 Church St.

3) 795 Church St. SE is close to the stadium in Bush Park and Willamette University, and creates increased potential for 795 Church to be used as a party location/house. Our neighborhood has already had to deal with

several "party houses," and it is not an easy issue to resolve. One family with a child had to deal with beer cans being thrown at their house in the middle of the night. In addition there were so many people at the parties that it was not uncommon for people to be milling in the street while drinking and using cars and neighbors' bushes as a place to pee. These parties often went into the morning hours. These interactions increase anxiety, make it difficult to sleep, and definitely impact liveability. In addition there seems little that could be effectively put in place to prevent 795 Church from becoming one of these party houses.

4) I would also like to refer to <http://www.unfairbnb.net/who-loses> and the residents of Santa Cruz, CA and the realities of how short-term rentals have impacted their city. These points are compatible with what Salem and other cities across the nation and world are facing.

Neighborhoods Lose.

The city has zoning districts that put hotels and businesses in commercial streets and reserves the neighborhoods for residents. This guarantees that if you buy or rent a house in a neighborhood that you won't suddenly get a hotel or business moving in next door. Airbnb hosts have shattered years of good city planning and have shoehorned illegal hotels into the neighborhoods with no city approval or regulation. Now a local may suddenly find themselves living next door to a revolving parade of tourists and random visitors.

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SRC 240.005(d)(2) states: The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of (special) conditions.

RESPONSE: We strongly disagree.

We would like to refer to Carlene Benson's email to you on December 19, 2022 and concur with all the points that she has outlined there.

In conclusion, Madeleine Carlson, Phyllis Foust and I appreciate your consideration and the opportunity to voice our concerns. We wholeheartedly join in solidarity with our neighbors to respectfully request that you deny the conditional use permit for 795 Church St.

Sincerely,
Andrea Foust
Madeleine Carlson
Phyllis Foust

----- Forwarded message -----

From: **Andrea Foust** <andreafoust@gmail.com>
Date: Tue, Dec 6, 2022 at 12:49 PM
Subject: Letter of opposition to conditional use case No. CU-ADJ22-04 for 795 Church St. SE
To: <BBishop@cityofsalem.net>

Dear Mr. Bishop,

My daughter Madeleine Carlson and I live at 565 Leslie St. and I am also writing on behalf of my mother, Phyllis Foust who lived at 560 Leslie St. for 29 years, until she moved recently. Together we would like to state our strong opposition to the proposed conditional use of the property at 795 Church St. SE (Short term Rental Case No CU-ADJ22-04 795 Church St SE).

I join with my neighbors and their stated concerns and feel strongly that granting this permit would be extremely detrimental to our neighborhood as well as detrimental to one of only two residential historic districts in Salem, OR. These historic districts provide a living and cherished anchor to Salem's past. Any loss of a residence in a historic district neighborhood represents a substantial loss in that it replaces a home with a commercialized business and removes one more house that can be used by the local community in an already tight housing market.

Growing up in Salem, it was a dream of mine to live in one of the houses in this historic district. I loved the history and the beauty of these older homes and sadly watched as the elements of historic Salem disappeared in other areas. I was so glad that these homes were part of a protected historic district where families would continue to live and I was thrilled when I was finally able to own and live in one of these homes. They were designed to be lived in by families and for those families to be part of a neighborhood. When we lost the home at 725 High Street to a short-term rental, there was and remains a profound sense of loss. A short-term rental does change the residential aspect of a neighborhood and moves it firmly towards a commercialized space.

I agree with the SCAN Board request that Case No CU-ADJ22-04 795 Church St SE be denied the proposed conditional use permit for short-term rental of 725 High St. SE.

We also oppose the proposed expansion of the residential driveway and the safety issues that would accompany that expansion as well as the loss of the historic nature of the exterior of the residence.

Looking to the future, the owner's of 795 Church St. SE do have other options available to them rather than operating this as a short-term rental that is non-owner occupied with conditional use permits and parking zone changes. A number of homes in our historic district have been rented out on a long-term basis successfully, with residents who actively participate in the preservation of Salem's historic districts and the fabric of our community.

Please help us honor the preservation of this fragile historic district by denying conditional use case No. CU-ADJ22-04 for 795 Church St. SE.

Thank you for your consideration.

Sincerely,
Andrea Foust (and Madeleine Carlson and Phyllis Foust)

Bryce Bishop

From: Leonard Kelly <leonard.kelly@gmail.com>
Sent: Wednesday, December 21, 2022 10:24 AM
To: Bryce Bishop
Cc: Baccaus
Subject: 795 Church St. - case No. CU-ADJ22-04

Dear Mr. Bishop: I am writing in response to the hearing discussion held on December 14. This is the second response in which my wife and I are wishing to record our objection to this Conditional Use Permit.

For the sake of brevity, we assert and support the same arguments previously provided to you by our friends and neighbors.

Thank you for your consideration of our concern.

Leonard Kelly
690 High St., SE

Sent from my iPad

Bryce Bishop

From: Christi Kurtz <campkurtz@gmail.com>
Sent: Wednesday, December 21, 2022 3:50 PM
To: Bryce Bishop
Subject: Additional Resident Comment - Open Record Period - Case No. CU-ADJ22-04 for 795 Church St SE

Dear Hearings Officer,

I reside at 757 Church Street SE, just yards away from the housing in question. I am asking you please deny the use of this home as a commercial short term rental.

The investors had a great idea that would work well somewhere in Salem, but they failed to research the codes in this specific neighborhood. Allowing this will defy the codes already set for very important reasons already listed by my neighbors.

When the investor first purchased the property the female in the family of investors was alone building furniture and placing the dozens of mattresses brought in. She got spooked by my dog so we checked on her. She was so grateful and said, "it is so necessary to have neighbors like you nearby " and then took my phone number. Even she understood how a small neighborhood like ours needs stability to make it.

This is not the right place for this business.

Thank you,
Christi Kurtz

Sent from my iPhone

Bryce Bishop

From: Kendra Mingo <kendraamingo@hotmail.com>
Sent: Wednesday, December 21, 2022 12:20 PM
To: Bryce Bishop; lesliestreet345@googlegroups.com
Cc: Wally Benson
Subject: Additional Resident Comment - Open Record Period - Case No. CU-ADJ22-04 for 795 Church St SE

CASE NO: CU-ADJ22-04 - Open Record Period
 ADDRESS: 795 Church St SE
 ZIPCODE: 97301
 HEARD BY: Jim Brewer, Hearings Officer

Dear Mr. Brewer, Hearings Officer

Our names are Kendra Mingo and David Craig, and we live at 445 Leslie Street SE.

RESPONSE for Public Record regarding CU-ADJ22-04: We object to the recommendations and findings regarding CU-ADJ22-04 at 795 Church St SE. We renew our request that the City of Salem Planning Division **deny** the consolidated application for a Conditional Use Permit and Class 2 Adjustment as a short-term, non-owner-occupied rental for up to eight, non-related tenants because:

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

SRC.240.005(d)(3) is not met for Condition 3: Use of the short-term rental shall be limited to the provision of lodging. The proposed use of the property under consideration does not meet the criteria of a “residence” as defined in the [City of Salem Charter](#).

Our neighborhood is one of four National Register Historic Districts in Salem and one of two districts designated as **residential**, as noted in the district name, Gaiety Hill/Bush’s Pasture Park **Residential** District. The proposed use of the property is as a hotel, defined in the City of Salem Charter (Section 54) -- “‘hotel’ means a property, however owned, in which rooms or suites of rooms generally are rented as transient lodgings” where “transient lodging means a room or suite of rooms which is occupied **not as a principal residence**, by persons for periods of less than 30 consecutive days.”

Condition: Require the applicants for Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE provide evidence that property meets the criteria of a “residence,” namely that tenants are occupying the property for 30 consecutive days or more.

SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of (special) conditions.

SRC.240.005(d)(2) is not met for the Class 2 Adjustment Case No. CU-ADJ22-04 to “allow the two proposed off-street parking spaces located in the existing driveway to encroach approximately seven feet into the required 12-foot special setback abutting Mission Street SE”.

The Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE does not comply with the City of Salem’s Historic Design Review. The proposed construction of the property’s exterior does not comply with the [historic design review process](#) administered by the City of Salem’s Historic Landmarks Commission and [SCR Chapter 230](#) for historic design review. The request to add five existing standard on-site parking spaces is also inconsistent with previous Historic Design Review cases for driveway modifications in our neighborhood (see Historic Landmarks Commission Historic Design Review Case No. HIS17-18 at 470 Leslie St. SE).

Condition: Require the applicants for Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE to submit all external changes for historic design review as per SCR Chapter 230.

SRC.240.005(d)(2) is also not met for Conditional Use Case No. CU-ADJ22-04, which requires that “the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.” Specifically, Conditions 1, 2, and 3 of the Analysis of Conditional Use Permit Approval Criteria are inconsistent with the other short-term rental in the neighborhood at 725 High Street (see CASE NO: CU-ADJ18-07). That short-term rental imposes additional conditions to minimize the likely adverse impact of the use on the immediate neighborhood, namely:

- The short-term rental is restricted to up to **six** non-related tenants,
- The rental requires a **minimum three-night stay**,
- The rental terms require lodgers to provide evidence of **three favorable host reviews** from other previous stays.

Condition: Require the applicants for Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE impose the same conditional restrictions as the other short-term rental in our neighborhood.

Respectfully,
Kendra Mingo and David Craig
445 Leslie Street SE
Salem, OR 97031

Bryce Bishop

From: Carol M <carolmitc@gmail.com>
Sent: Wednesday, December 21, 2022 3:53 PM
To: Bryce Bishop
Cc: Chris Hoy
Subject: Short term rental, 795 Church St. - Case No. CU-ADJ22-04

To: Jim Brewer, Hearings Officer

Re: Case No. CU-ADJ22-04 for 795 Church St. SE

Dear Sir,

I am a former resident of Leslie Street in the affected neighborhood and am very familiar with the ongoing parking issues. I do not understand how the city can renege on previous agreements in making this neighborhood truly residential and protecting its historic charm. For years the city has enforced parking regulations, historic district strictures and single-family occupancy.

When I built a small garage at my former residence, 525 Leslie, I was required by the city to get an architect and conform to historic district standards. No vinyl windows! Design of the structure to fit with house and neighborhood.

The city requires parking permits for residents, many of whom have no garage or single car garages or shared driveways. And ticketed violators, including people parked illegally but on their own property.

How can a proposal allow a business--a motel!-- in the district to flout these parking conventions that local homeowners/long-term renters have to follow. And to disregard the 'conforming' architectural standard!

I am dismayed by this proposal to damage the livability of the cherished historic district, which is enjoyed also by other city residents and visitors. People come to see the gardens, Bush House,

the Lord and Schryver Conservancy and gardens..not a motel.

Please, please, do not approve it.

Thank you.

Carol Mitchell, formerly 525 Leslie, now on Saginaw Street

Bryce Bishop

From: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Sent: Wednesday, December 21, 2022 11:49 AM
To: Bryce Bishop
Subject: 795 Church St SE Case No. CU-ADJ22-04

I am Mary Anne Spradlin, I live at 1547 Chemeketa St NE. Prior to October of 2021 I lived at 712 High Street SE for 6 years. I do still consider myself to be a neighbor and a participating member of the Gaiety Hill neighborhood. The only reason I left 712 is because 1547 is literally the house of my dreams. It's a 1910 bungalow on the historic register with never painted old growth douglas fir millwork and built-ins. It's located just East of downtown in the Court-Chemeketa Residential Historic District. 1547 sits on the South bank of Mill Creek and I love to watch the creek go by below the floor to ceiling windows on the back side of the house. I have my own foot bridge which is a local landmark built in 1928 and my backyard is on the North side of Mill Creek. These details are only relevant to show what enticed me to move from the Gaiety Hill neighborhood.

When the Gaiety Hill-Bush's Pasture Park Historic District was formed in 1986 it contained only between 50-60 houses North of Mission Street. The Gaiety Hill neighborhood is roughly 4 large blocks in size with much of the land in the center being too steep to build on and remaining fairly wild. The approximate boundaries are Oak Street on the North with a jog down to Pringle Creek on the East side, Church Street on the East, Mission on the South and Liberty on the West. There are a couple of major properties North of Oak, the 1929 Jarman house on the West Side of High and the Smith-Frye house on the East side of High which is at the very top of Gaiety Hill and is the oldest occupied house in Salem in its original location. I include these facts to illustrate what a truly historic neighborhood we have.

Houses in this small, defined area that have been lost to commercial development already include the short-term rental at 725 High St. SE and the 2 adjacent houses at 465 and 475 Mission St. which are now Daydreams Infant and Toddler Care. My understanding about these houses is that the owner said she lived there and was doing in-home child care. That's not true, she doesn't live there. She does rent an upstairs apartment in one of the houses to a tenant. That's 3 houses out of 50-60 that are 100% commercial already. Going South across Mission the house at 435 Kearney is also 100% commercial now. The owner of the day care houses bought it and is using it as her office for the business. This house is also on the historic register and part of the historic district. On the East side of Church Street the neighborhood lost the historic campus and buildings of the State School for the Blind with the expansion of Salem Health.

Our neighborhood is not "vacant or underutilized". It contains many historic single-family homes that are mostly filled with stable long-term home owners and renters who do participate in the group life of the neighborhood. These are neighbors who know and care for each other and look out for each others welfare. People buy homes in this neighborhood knowing that we are a closeknit community and desiring to be a part of that experience which is all too rare these days.

There's NO way and NO conditions that will make another short-term rental reasonably compatible with this neighborhood. Another short-term rental will have maximal impact because it will remove another house from the neighborhood. This will remove the chance for neighbors to live there. Neighbors are people that you live in relationship with, not adjacent to.

I agree with the eloquent and heartfelt letters of my neighbors and Evan West. Please deny the application for the conditional use permit at 795 Church Street SE.

Mary Anne Spradlin

Bryce Bishop

From: sylvia.strand@comcast.net
Sent: Wednesday, December 21, 2022 4:44 PM
To: Bryce Bishop
Cc: Bacchus
Subject: Fwd: [Leslie List] Short term rental, 795 Church St. - Case No. CU-ADJ22-04

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

From: Carol M <carolmitc@gmail.com>
To: Bryce Bishop <BBishop@cityofsalem.net>
Cc: choy@cityofsalem.net
Date: 12/21/2022 3:52 PM
Subject: [Leslie List] Short term rental, 795 Church St. - Case No. CU-ADJ22-04

To: Jim Brewer, Hearings Officer

Re: Case No. CU-ADJ22-04 for 795 Church St. SE

Dear Mr. Brewer,

I am taking the liberty of repeating Carol Mitchell's letter requesting this measure be disapproved. She has stated my opinion very well. I have lived in the Historic District for thirty odd years and am now probably considered, at 88 years, to be one of the oldest, longtime residents.

I have always tried to comply with the given rules and fought many battles to request that rules, sometimes expensive and inconvenient, are maintained. I am tired of doing this and very disappointed that "the house always wins" seem to be appropriate on many occasions.

This will be my last effort in the seemingly endless battle to see that Salem's Historic District receives the support from the city and does not pass this measure for an exception to the rule of single-family residence, letting another family home become a Bed and Breakfast.

As I mentioned in a previous letter to you, this was my main reason for selling my property on Mission Street to The Lord and Schryver Conservancy. The house and Historic Garden would have made a profitable B & B for some speculator with its proximity across Mission Street and the convenience of walking to one of Salem's many events in Bush Park. It is now a preserved asset to Salem's population.

Please renew my faith in understanding how important our neighborhood is to so many requests from residents,

Respectfully
Sylvia Strand
520 Leslie Street
Salem

Dear Sir,

I am a former resident of Leslie Street in the affected neighborhood and am very familiar with the ongoing parking issues. I do not understand how the city can renege on previous agreements in making this neighborhood truly residential and protecting its historic charm. For years the city has enforced parking regulations, historic district strictures and single-family occupancy.

When I built a small garage at my former residence, 525 Leslie, I was required by the city to get an architect and conform to historic district standards. No vinyl windows! Design of the structure to fit with house and neighborhood.

The city requires parking permits for residents, many of whom have no garage or single car garages or shared driveways. And ticketed violators, including people parked illegally but on their own property.

How can a proposal allow a business--a motel!-- in the district to flout these parking conventions that local homeowners/long-term renters have to follow. And to disregard the 'conforming' architectural standard!

I am dismayed by this proposal to damage the livability of the cherished historic district, which is enjoyed also by other city residents and visitors. People come to see the gardens, Bush House,

the Lord and Schryver Conservancy and gardens..not a motel.

Please, please, do not approve it.

Thank you.

Carol Mitchell, formerly 525 Leslie, now on Saginaw Street

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You received this message because you are subscribed to the Google Groups "Leslie Street" group.

To unsubscribe from this group and stop receiving emails from it, send an email to

lesliestreet345+unsubscribe@googlegroups.com.

To view this discussion on the web visit <https://groups.google.com/d/msgid/lesliestreet345/292336ff-1b0a-bb8a-0fce-c05e6e435c47%40gmail.com>.

Bryce Bishop

From: John Van Dreal <johnvandreal@gmail.com>
Sent: Wednesday, December 21, 2022 2:36 PM
To: Bryce Bishop
Cc: coleen van dreal
Subject: CASE NO: CU-ADJ22-04 - Open Record Period ADDRESS: 795 Church St SE ZIPCODE: 97301 HEARD BY: Jim Brewer, Hearings Officer

Dear Mr. Brewer,

We hope this email finds you enjoying the holiday season and not too entirely overwhelmed by this situation. We respectfully object to the recommendations and findings regarding CU-ADJ22-04 at 795 Church St SE. We'd like to submit another request that the the City of Salem Planning Division deny the consolidated application for a Conditional Use Permit and Class 2 Adjustment as a short-term, non-owner-occupied rental for up to eight, non-related tenants because:

- The proposal will not be compatible with the liveability of surrounding property (*SRC 240.005(d)(3)*).
- The proposed use of the property under consideration does not meet the criteria of a "residence" as defined in the [City of Salem Charter](#). (SRC.240.005(d)(3) is not met for *Condition 3: Use of the short-term rental shall be limited to the provision of lodging.*)
- Our neighborhood is one of four National Register Historic Districts in Salem and one of two districts designated as residential, as noted in the district name, Gaiety Hill/Bush's Pasture Park Residential District. The proposed use of the property is as a hotel, defined in the City of Salem Charter (Section 54) -- "'hotel' means a property, however owned, in which rooms or suites of rooms generally are rented as transient lodgings" where "transient lodging means a room or suite of rooms which is occupied not as a principal residence, by persons for periods of less than 30 consecutive days." The applicants for Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE should provide evidence that property meets the criteria of a "residence," namely that tenants are occupying the property for 30 consecutive days or more.
- SRC.240.005(d)(2) is not met for the Class 2 Adjustment Case No. CU-ADJ22-04 to "*allow the two proposed off-street parking spaces located in the existing driveway to encroach approximately seven feet into the required 12-foot special setback abutting Mission Street SE.*"
- The Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE does not comply with the City of Salem's Historic Design Review. The proposed construction of the property's exterior does not comply with the [historic design review process](#) administered by the City of Salem's Historic Landmarks Commission and [SCR Chapter 230](#) for historic design review. The request to add five existing standard on-site parking spaces is also inconsistent with previous Historic Design Review cases for driveway modifications in our neighborhood (see Historic Landmarks Commission Historic Design Review Case No. HIS17-18 at 470 Leslie St. SE). The applicants for Conditional Use and Adjustment Case No. CU-ADJ22-04 for 795 Church St SE should be required to comply with the historic design review as per SCR Chapter 230.

Respectfully,
 John and Coleen Van Dreal
 595 Leslie St. SE.
 Salem, Or. 97301

Bryce Bishop

From: Brittiny Vollmar <bfrangelica@gmail.com>
Sent: Wednesday, December 21, 2022 9:38 AM
To: Bryce Bishop; Leslie Street; Wally Benson; Nic Olson
Subject: Re: Case No. CU-ADJ22-04 for 795 Church St. SE

Dear Mr. Bishop,

We reside at 555 Mission St SE. We are again respectfully requesting denial of the proposed commercial use of the neighboring home proposed in our small neighborhood.

It is clear there is absolutely no support from residents and neighbors but as this does not appear to be sufficient please allow us to address the below:

SRC 240.005(d)(3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

>We Strongly disagree with this. The terms proposed are not reasonable to expect of long term residents. It is also unclear who has decided and on what terms or assumptions this statement has been made. Transient clients - because this would indeed be commercial and immediately render individuals as non-residents - are not conducive to our neighborhood. As others have pointed out the retooling of the yard, maximum resident capacity and additional parking and fencing requirements are something that would normally be denied to any homeowner in this neighborhood and it begs to ask if everyone who believes this to be suddenly fine for this proposal is devoid of conflict of interest.

SRC 240.005(d)(2): The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of (special) conditions.

> As other residents have pointed out through their concerns and experiences, how are these going to be "reasonably" enforced? And why create the need at all for imposition on homeowners? This condition is already in conflict with the above stating it is "reasonably compatible" and clearly it is anticipated to have some level of adverse effects. We ask again, who is determining what is "reasonable" in this capacity because all long term residents have clearly stated otherwise.

We understand that this must all be documented and addressed and respectfully request this be denied. This in no way benefits the area, or the historical nature of the neighborhood yet it seems to be the only two concerns we are left to speak out against. The city should be protecting all its neighborhoods from imposition of this nature, especially when there is clear negative receipt from those who will actually be affected day-to-day, let alone the adverse impact that has already been acknowledged will occur.

We appreciate your time and deliberation and ask that you consider this not just in terms of legality but in terms of how one's own neighborhood would be impacted as it is clearly beyond ideal. We are in agreement with everything other neighbors have stated and the concerns they have raised.

Respectfully,
Brittiny & Nicholas Olson

Bryce Bishop

From: Stephen Wood <stephenbrianwood@gmail.com>
Sent: Wednesday, December 21, 2022 4:57 PM
To: Bryce Bishop
Subject: Case No. CU-ADJ22-04 for 795 Church St. SE

Mr. Bishop,

My name is Stephen Wood and I live at 712 High St. I am writing to again respectfully request the denial of Case No. CU-ADJ22-04 for 795 Church St. SE.

My reason for this request is due to two parts of the Salem Revised Code which I believe the Staff report to not accurately assess or address.

SRC 240.005(d)(2): *The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of (special) conditions.*

From my lived experience with the already existing short-term rental at 725 High St. (directly across from my front door) I can say with confidence that any imposed conditions will be wholly ineffective. I have watched parties from college students carry on until the following morning and numerous gatherings that take the house well beyond any reasonable capacity --- certainly more than any resident of this neighborhood has had since moving here a year ago. How shall these conditions be reasonably enforced? By whom? Is it really the job of the residents of this neighborhood to babysit a commercial endeavor? As it stands I have neither seen nor heard of any means of reasonable enforcement of any imposed conditions, on 725 High St. or 795 Church St. Without a clear plan as to how enforcement is to take place the imposed special conditions amount to nothing more than theory.

SRC 240.005(d)(3): *The proposed use will be reasonably compatible with and have minimal impact on the liveability or appropriate development of surrounding property.*

There is no situation in which 795 Church St. can exist as a non-owner-occupied short-term rental **and** be reasonably compatible with the rules of the National Historic District.

A short-term-rental property without on-site owners is the purest form of a business a house can take. In this state, the house exists for no other purpose but to make money for the owner. I cannot think of a clearer example of a business.

I would like to assert that for the neighbors adjacent to the property at 795 Church St, an approval of this case will produce real changes to their immediate environment and how they interact with that portion of the neighborhood. Living across from the already existing short-term rental has shown me that. In a neighborhood with stable residents, it is possible to learn and understand the cadence of life for your neighbors. Even without a good relationship with a neighbor it can still yield a sense of consistency from day-to-day and the ability to assess the safety of your environment more quickly. Where that falls apart is in situations where the occupants of a house are transient. In this situation, each new occupant is a new potential threat that must be assessed. Maybe this isn't something that is typically thought of --- I certainly never did in our old neighborhood, but living across from a short-term rental now, I most certainly do. I can hardly say that is a "minimal impact on livability."

Thank you for your time. I once again respectfully ask that this application be denied.

Stephen Wood
712 High St. SE
Salem, OR 97301