



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 11/03/2014
Jurisdiction: City of Salem
Local file no.: CA 14-03
DLCD file no.: 011-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/31/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 39 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 011-14 {22312}
Received: 10/31/2014

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: CA14-03

Date of adoption: 10/13/2014 Date sent: 10/31/2014

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 06/06/2014
- No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

The adopted version of the amendment was changed to allow, as a conditional use, only the relocation of an existing, non-profit shelter facility from the CB Zone serving more than 75 persons, provided the shelter continually existed in the CB Zone as of September 1, 1993.

Local contact (name and title): Bryce Bishop, Planner II *B.B.*

Phone: 503-540-2399 E-mail: bbishop@cityofsalem.net

Street address: 555 Liberty St SE, Rm 305 City: Salem Zip: 97301-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.
- Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

SRC Chapter 617, Riverfront Overlay Zone, sections: 617.015, Uses and 617.020, Development Standards

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Staff Report dated for Council meeting of September 22, 2014.



COMMUNITY DEVELOPMENT DEPARTMENT

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

October 27, 2014

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

**NOTICE OF FINAL DECISION: Ordinance No. 19-14
Amending SRC Chapter 617**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. 19-14 at the October 8, 2014 session. Ordinance No. 19-14 amends the above-referenced chapter adding non-profit shelters serving more than 75 persons as a conditional use within the Riverfront Overlay Zone. A copy of the ordinance is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after October 27, 2014**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

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

A handwritten signature in black ink, appearing to read "Lisa Anderson-Ogilvie".

Lisa Anderson-Ogilvie,
Urban Planning Administrator

Attached: Ordinance No. 19-14

2 AN ORDINANCE RELATING TO THE RIVERFRONT OVERLAY ZONE; AMENDING
3 SRC 617.015 AND 617.020

4 *The City of Salem ordains as follows:*

5 **Section 1.** SRC 617.015 is amended to read as follows:

6 **617.015. Uses.** Except as otherwise provided in this section, any use that is a permitted, special,
7 conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or
8 prohibited use in the Riverfront Overlay Zone.

9 (a) **Continued Uses.** Industrial uses, including but not limited to canned, frozen, and
10 preserved fruits, vegetables, and food specialties, existing within the Riverfront Overlay
11 Zone that were allowed as permitted, special, or conditional uses on December 1, 1998,
12 but which would otherwise be made non-conforming uses by this Chapter, are hereby
13 deemed continued uses. The owner shall have the burden to demonstrate continued use
14 status under this subsection.

15 (1) A continued use may be intensified, and buildings or structures housing a
16 continued use may be may be enlarged, rebuilt, or the exterior altered, provided
17 such intensification, enlargement, rebuilding, or exterior alteration complies with
18 all applicable standards of the Industrial Commercial (IC) zone.

19 (2) A continued use may be extended onto vacant land. The extension of a
20 continued use onto vacant land must comply with all applicable standards for the
21 Industrial Commercial (IC) zone.

22 (3) Change of use to a non-industrial use shall terminate the continued use status
23 conferred by this subsection and the property must thereafter only be used for
24 uses allowed in the Riverfront Overlay Zone.

25 (4) A determination by the Building Official that the building or structure
26 housing a continued use is derelict or dangerous, as defined in SRC 50.600 and
27 56.230, shall terminate the continued use status conferred by this subsection and
28 the property may thereafter only be used for uses allowed in the Riverfront
29 Overlay Zone.

30 (5) Continued uses are exempt from the development standards and the design

1 review guidelines and design review standards of this Chapter. Upon termination
 2 of continued use status, the development standards and the design review
 3 guidelines and design review standards of this Chapter shall apply.

4 (b) **Additional Permitted Uses.** The uses set forth in Table 617-1 are additional
 5 permitted (P) uses in the Riverfront Overlay Zone.

6 **TABLE 617-1**
 7 **ADDITIONAL PERMITTED USES**

8 **Table 617-1: Additional Permitted Uses**

9 Use	Status	Limitations & Qualifications
10 Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
11 Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: ▪ Parking structures.

12
 13 (c) Additional Conditional Uses. The uses set forth in Table 617-2 are additional
 14 conditional (C) uses in the Riverfront Overlay Zone.

15
 16 **TABLE 617-2**
 17 **ADDITIONAL CONDITIONAL USES**

18 **Table 617-2: Additional Conditional Uses**

19 Use	Status	Limitations & Qualifications
20 Lodging		
21 <u>Non-Profit Shelters</u>	C	<u>Relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993.</u> <u>Non-Profit Shelters serving more than 75 persons.</u>

22
 23
 24 (d)(e) Additional Prohibited Uses. In addition to the uses prohibited in the
 25 underlying zone, any permitted, special, or conditional use within the Riverfront
 26 Overlay Zone shall be a prohibited use within the overlay zone if developed with the
 27 following:

- 28 (1) Drive-through.

29 (e)(d) Adaptive Reuse of Existing Industrial Buildings and Structures. In order to
 30 allow for greater flexibility in the use of existing industrial buildings and structures

1 within the Riverfront Overlay Zone, the adaptive reuse of industrial buildings and
2 structures existing on May 14, 2014 is allowed as set forth in this subsection.

3 (1) **Uses.** Any use within the Industrial use classification that is a permitted,
4 special, or conditional use within the Industrial Commercial (IC) zone shall be a
5 permitted, special, or conditional use within an existing industrial building or
6 structure within the Riverfront High Density Residential Overlay Zone.

7 (2) **Development Standards; Design Review.** The exterior of the existing
8 industrial building or structure may be altered, but shall not be enlarged. The
9 exterior alteration shall comply with all applicable standards of the Industrial
10 Commercial (IC) zone. The exterior alteration shall not be subject to the
11 development standards, or the design review guidelines or the design review
12 standards, of this Chapter.

13 (3) **Termination.** Adaptive reuse of an existing industrial building or structure
14 shall terminate as provided in this paragraph. When the adaptive reuse of an
15 existing industrial building or structure has terminated, the property shall
16 thereafter only be used for uses allowed in the Riverfront Overlay Zone.

17 (A) Change of use to any use that is allowed in the Riverfront Overlay
18 Zone shall terminate the adaptive reuse of the building or structure.

19 (B) Determination by the Building Official that the building or structure is
20 derelict or dangerous, as defined in SRC 50.600 and 56.230, shall
21 terminate the adaptive reuse of the building or structure.

22 (C) Substantial damage or destruction of the building or structure by any
23 cause, to the extent that the cost of repair or restoration would exceed 60
24 percent of the building or structure replacement cost using new materials
25 and conforming to the current building codes, shall terminate the adaptive
26 reuse of the building or structure. Cost of repair or restoration, and
27 replacement cost, shall be determined by the Building Official. The
28 Building Official's determination is appealable as provided in SRC
29 20J.240-20J.430 for contested case proceedings.

30 **Section 2.** SRC 617.020 is amended to read as follows:

1 **617.020. Development Standards.** Development within the Riverfront Overlay Zone must
 2 comply with the development standards applicable in underlying zone and the development
 3 standards set forth in this section. The development standards in this section are in addition to,
 4 and not in lieu of, all other applicable development standards in the underlying zone. Where the
 5 development standards in this section conflict with the development standards applicable in the
 6 underlying zone, the development standards in this section shall be the applicable development
 7 standard.

8 (a) **Dwelling Unit Density.** Dwelling unit density within the Riverfront Overlay
 9 Zone shall conform to the standards set forth in Table 617-3 617-2.

10 **TABLE 617-3 617-2**
 11 **DWELLING UNIT DENSITY**

12 **Table 617-3 617-2: Dwelling Unit Density**

Use or Activity	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family, Two Family, and Multiple Family	20 dwelling units per acre	None	

16
 17 (b) **Height.** Buildings and accessory structures within the Riverfront Overlay Zone
 18 shall conform to the height standards set forth in Table 617-4 617-3.

19 **TABLE 617-4 617-3**
 20 **HEIGHT**

21 **Table 617-4 617-3: Height**

Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 70 ft.	
Accessory Structures		
Accessory to All Uses	Max. 70 ft.	

27 **Section 3. Codification.** In preparing this ordinance for publication and distribution, the City
 28 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
 29 limitations, may:


30 (a) Renumber sections and parts of sections of the ordinance;

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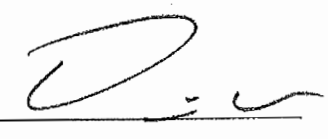
- (b) Rearrange sections;
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this 13th day of October, 2014.

ATTEST: 

City Recorder

Approved by City Attorney: 

Checked by: B. Bishop

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FUTURE REPORT: September 8, 2014
FOR CITY COUNCIL MEETING OF: September 22, 2014
AGENDA ITEM NO.: 8.1 (b)

TO: MAYOR AND CITY COUNCIL
THROUGH: *Linda Davis*
LINDA NORRIS, CITY MANAGER
FROM: GLENN W. GROSS, COMMUNITY DEVELOPMENT DIRECTOR *GWG*
SUBJECT: AMENDMENTS TO SALEM REVISED CODE ADDING NON-PROFIT
SHELTERS SERVING MORE THAN 75 PERSONS AS A CONDITIONAL USE
WITHIN THE RIVERFRONT OVERLAY ZONE

ISSUE:

Should City Council advance Ordinance Bill No. 19-14, amending the Riverfront Overlay Zone (SRC Chapter 617) to add Non-Profit Shelters serving more than 75 persons as a conditional use, to second reading for enactment?

RECOMMENDATION:

Advance Ordinance Bill No. 19-14, amending the Riverfront Overlay Zone (SRC Chapter 617) to add Non-Profit Shelters serving more than 75 persons as a conditional use, to second reading for enactment.

SUMMARY AND BACKGROUND:

On March 7, 2014, the Planning Division received a letter from Michael Rideout, the President and CEO of the Union Gospel Mission of Salem, requesting the City consider amending the Salem Revised Code to allow homeless shelters serving more than 75 persons in the Riverfront Overlay Zone (**Attachment A**).

The Union Gospel Mission (UGM) owns property within the Riverfront Overlay Zone (**Attachment B**) and plans to build a new, larger shelter facility in this area. The new facility will have capacity to serve a greater number of individuals and is intended to replace the Union Gospel Mission's existing shelter facility in the downtown. The UGM plans to sell their existing property on Commercial Street.

The proposed amendments allow Non-Profit Shelters serving more than 75 persons as a conditional use within the overlay. Non-Profit Shelters are currently limited to a maximum of 75 persons. The conditional use process will require public review, comment, and a public hearing before the City's Hearings Officer before the siting of a new facility may be approved. The decision of the Hearings Officer is reviewable by the City Council.

On July 15, 2014, the Planning Commission held a public hearing and recommended that City Council accept first reading of an ordinance bill to adopt the proposed amendments.

FACTS AND FINDINGS:

Procedural Findings

Under SRC 300.1110(a)(2), legislative land use proceedings may be initiated by the Planning Commission by adoption of a resolution. On May 6, 2014, the Planning Commission approved Resolution No. 14-02 initiating the proposed amendments.

The public hearing date for the proposed amendments was subsequently set for July 15, 2014, and notice of the hearing was mailed and published in the newspaper as required under SRC 300.1110(e).

ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. DLCD notice was sent on June 6, 2014.

On July 15, 2014, the Planning Commission held a public hearing to receive testimony on the proposed amendments. The Commission then voted to recommend City Council approval of the proposed amendments (**Attachment C**).

Proposed Code Amendments

Within the Riverfront Overlay, the additional permitted uses identified in the overlay are allowed in addition to the uses allowed within the underlying zone. The underlying CO (Commercial Office) zone allows only Non-Profit Shelters serving 5 or fewer persons as an outright permitted use, and Non-Profit Shelters serving 6 to 75 persons as a conditional use. Because the Union Gospel Mission desires to serve more individuals than the maximum 75-person limit would allow, an amendment to the Riverfront Overlay zone is proposed.

The proposed amendments revise the overlay zone by adding a new subsection and table titled, "Additional Conditional Uses." Under the new subsection and table, Non-Profit Shelters serving more than 75 persons have been added as a conditional use in the overlay zone.

Testimony Received

Testimony in support of the proposed amendments was provided by the West Salem Neighborhood Association (**Attachment D**) and Micheal Rideout of the Union Gospel Mission. No testimony in opposition to the proposed amendments has been received.

Code Amendment Approval Criteria

SRC 110.085 establishes the following approval criteria which must be met in order for a code amendment to be approved:

- (1) *The amendment is in the best interest of the public health, safety, and welfare of the City;*
and

- (2) *The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.*

Analysis of Code Amendment Approval Criteria

- (1) ***The amendment is in the best interest of the public health, safety, and welfare of the City.***

Finding: The proposed amendments to allow non-profit shelters serving more than 75 persons in the Riverfront Overlay Zone are in the best interest of the public health, safety, and welfare of the City because the amendments make it possible for shelters to serve a greater number of individuals than is currently allowed and better meet the needs of the community's homeless population.

The proposed amendments will allow the Union Gospel Mission to apply to relocate from its existing downtown facility to a new, larger, modern facility better suited to meet the needs of the individuals it serves. The relocation will also create a potential opportunity for redevelopment of downtown land within the City's Central Business District.

- (2) ***The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Finding: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The proposed amendments were reviewed for conformance with the applicable SACP goals and policies. The following SACP residential development goal relates to the proposed amendments:

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

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

Although non-profit shelters are not a specific form of housing, they provide a critical community service by giving sheltered and supportive temporary accommodations to community members who are in need but unable to find other means of housing. In this regard, the proposed amendments will offer a greater opportunity to meet the housing needs of Salem's population at all income levels.

The proposed amendments also provide an opportunity for the Union Gospel Mission, and other non-profit shelters, to meet the needs of a greater number of individuals than is possible under the current code. Therefore, the proposed amendments conform to this comprehensive plan goal.

The proposed amendments were also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goals are applicable to the proposed amendment:

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

The proposed amendments conform to this goal because both the process to adopt the proposed amendments themselves, and the process to establish a non-profit shelter serving more than 75 individuals as a conditional use in the Riverfront Overlay Zone if the proposed amendments are adopted, require public notice and afford the public an opportunity to review, comment, and take part in the approval process.


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

The proposed amendments conform to this goal because, even though a new use is being added as an allowed use in the Riverfront Overlay Zone, the use will not contribute to generation of traffic levels that impact the City's transportation network or drop service levels below those required in the Salem Transportation System Plan.

ALTERNATIVES:

City Council may:

- A. Advance Ordinance Bill No. 19-14 to second reading for enactment.
- B. Set a public hearing on the proposed amendments.
- C. Refer the proposed amendments back to the Planning Commission for further deliberation.
- D. Decline to advance Ordinance Bill No. 19-14 to second reading.



Lisa Anderson-Ogilvie, Urban Planning Administrator

- Attachments:
- A. Letter from Union Gospel Mission of Salem (March 7, 2014)
 - B. Riverfront Overlay Zone Boundaries
 - C. Planning Commission Recommendation (July 15, 2014)
 - D. West Salem Neighborhood Association Comments (July 10, 2014)

Prepared by Bryce Bishop, Planner II



Union Gospel Mission of Salem

ATTACHMENT A

RECEIVED

MAR 13 2014

COMMUNITY DEVELOPMENT

March 7, 2014

Glenn Gross
Community Development Director
City of Salem
555 Liberty Street SE
Salem, OR 97301

RE: Pre-Application Conference No. 13-20; 715,745,771,885 Commercials
Street NE, 253 and 275 Division Street NE and Marion County Map and Tax
Lot Number 073W22DB01800. (13-106438-PA)

Dear Glenn,

Per your recent conversation and referencing the above file, in particular
Page 4, section titled Permitted Uses in the CO (Commercial Office) zone
and the Riverfront Overlay zone, we would request that you proceed as
quickly as possible with the process of a code amendment as discussed in
this section that would allow the Union Gospel Mission to construction a new
shelter facility exceeding the current code limit of 75 persons within the
boundaries of D St NE on the north, Commercial St NE on the east, Division St
NE on the south and Front St NE on the west.

Please let me know if you need any other documentation or information.

Sincerely yours,
UNION GOSPEL MISSION OF SALEM

[Handwritten signature of Michael J. Rideout]

Michael J. Rideout
President/CEO

cc: Lisa Anderson-Ogilvie
Jeff Tross
Terry Hancock

Michael J. Rideout
President/CEO

Administrative Offices
745 Commercial St. NE
P.O. Box 431
Salem, OR 97308-0431
503-967-6388 Office
503-399-5646 Fax
www.ugmsalem.org

Men's Mission
345 Commercial St. NE
Salem, OR 97301
503-362-3983 Office
503-399-8673 Fax
Guest Services
Recovery Program
Adult Learning Center
Valley Employment &
Career Services

Simonka Place
Women & Children
5119 River Rd. N
Keizer, OR 97303
503-362-7487 Office
503-856-8058 Fax
Guest Services
Recovery Program
Adult Learning Center
Dental Clinic

Restoration House
Transitional Housing
650 Locust St. NE
Salem, OR 97301
503-363-2805 Office
503-967-6225 Fax

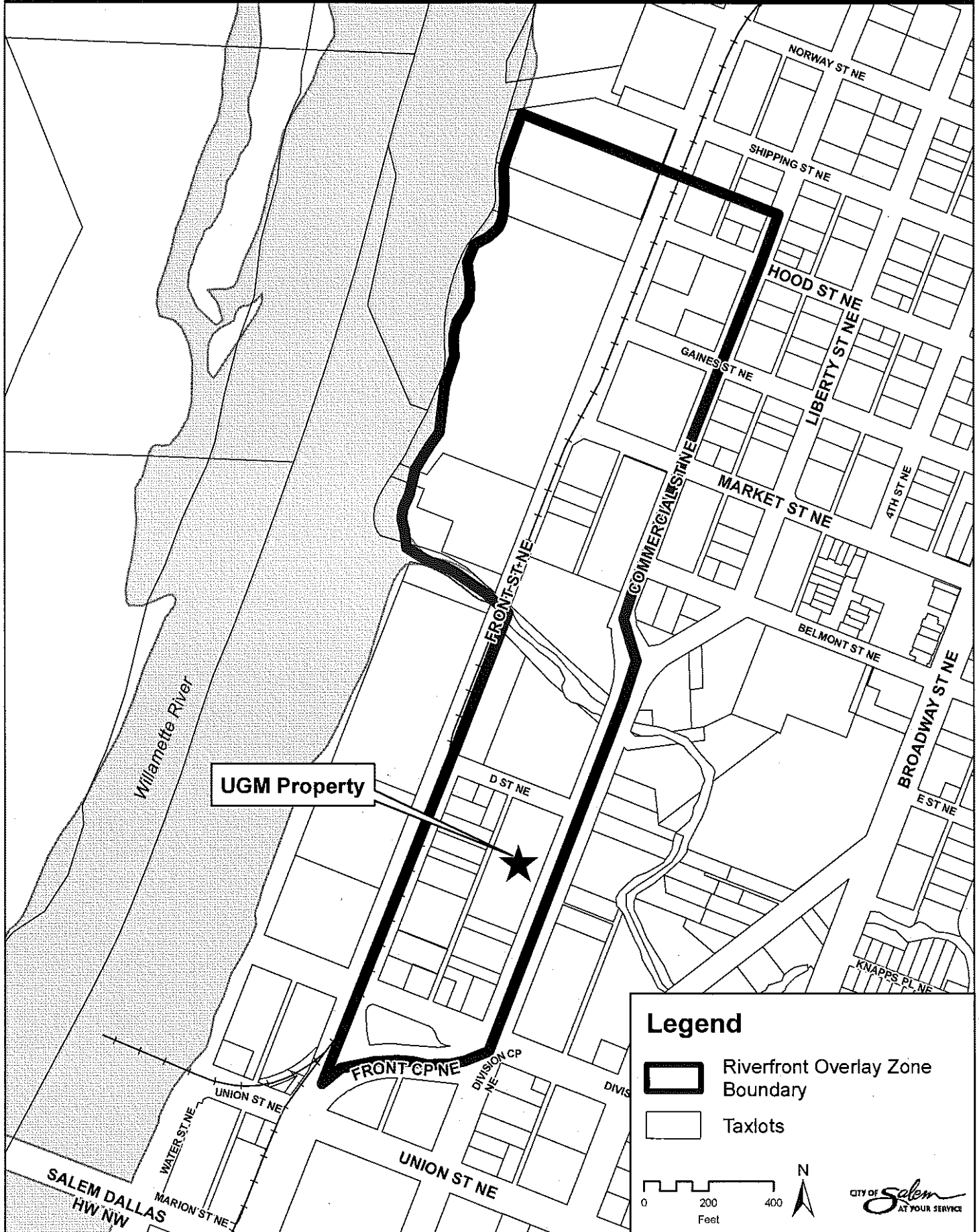
Grear Street
Transitional Housing
2360 Grear St. NE
Salem, OR 97301
503-990-6219 Office
503-399-5646 Fax

R.O.C. Outreach Center
901 Front St. NE
Salem, OR 97301
503-566-7001 Office
503-399-5646 Fax

Mission Store
885 Commercial St. NE
Salem, OR 97301
503-375-2511 Store
503-375-2588 Fax
Donation Drop-off
Donation Pick-up Line
503-763-0219

Riverfront Overlay Zone

ATTACHMENT B



**NOTICE OF
RECOMMENDATION**

**RECOMMENDATION OF THE PLANNING COMMISSION
CODE AMENDMENT CASE NO. CA14-03**

CODE AMENDMENT CASE NO. CA14-03

WHEREAS, on May 6, 2014, amendments to the Salem Revised Code (SRC) were initiated by the Salem Planning Commission to allow non-profit shelters, serving more than 75 persons, as a conditional use in the Riverfront Overlay Zone; and

WHEREAS, after due notice, a public hearing on the proposed code amendments was held before the Planning Commission on July 15, 2014, at which time witnesses were heard and testimony received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding, including the testimony presented at the hearing, and after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated July 15, 2014, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS the City Council take the following action:

Accept first reading of an ordinance bill for the purpose of amending SRC Chapter 617 to establish non-profit shelters, serving more than 75 persons, as a conditional use within the Riverfront Overlay Zone.

PLANNING COMMISSION VOTE

YES 5 NO 0 ABSENT 2 (Fox, Palmateer)


Rich Fry, President
Salem Planning Commission

Pursuant to SRC 300.1110(i) the City Council may proceed with adoption of an ordinance, hold a public hearing to receive additional evidence and testimony, refer the proposal back to the Planning Commission for additional deliberation, or abandon the proposal.

The City Council will make a final decision on the proposal. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the mailing date of the Council decision.

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



The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Bryce Bishop, Case Manager, at 503-540-2399 or bbishop@cityofsalem.net to review the case file.

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To Learn More about Planning in Salem, visit our website:

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

West SALEM

NEIGHBORHOOD ASSOCIATION

July 10, 2014

Chair

Kenji Sugahara
kenji@obra.org

Co-Chair

Heather Swanson
Heather97304@gmail.com

Vice Chair

Vacant

Edgewater District

Janet Noakes

Land Use

Josh Pollock

Parks

Carl Goodwin

Safety and Preparedness

Josh Pollock, Interim

Schools

Herm Boes

Transit

Steve Evans

Transportation

Nick Fortey

Walker Pool

Jan Schmitt

Watershed Council

EM Easterly

Salem Planning Commission
555 Liberty Street SE, Room 305
Salem, Oregon 97301

Re: Code Amendment Case No. CA 14-03 (Proposed Amendment to Riverfront Overlay Conditional Use requirement for Non-Profit Lodger limitation to seventy-five (75) persons within Commercial Office (CO) Zone.

Dear Commissioners:

On July 7, the above-referenced matter came before the West Salem Neighborhood Association membership as a publish agenda item. Presenting in support of the code amendment was Michael Rideout, of Union Gospel Mission.

Recommendation: Upon discussion and deliberation the general membership voted upon this matter. For all the reasons set forth below, the membership supported the code amendment, as well as the Union Gospel Mission proposed construction project.

Summary:

Standing: The purpose of the Neighborhood Association Program is to involve citizens in local government planning and decision-making that affects their neighborhoods and the City as a whole. As citizens of Salem, West Salem Neighborhood Association (WSNA) shares common goals and concerns regarding the livability and quality of life issues that affect the city as a whole, and it is based upon those issues and our advisory role for the Council and all boards and commissions engaged in community planning and development that WSNA is weighing in on the proposed amendments to the Riverfront Overlay Zone and Non-profit Shelter lodging ranges.

Background: Among the general issues in the West Salem Neighborhood Plan, which are relative to the proposed amendments, are land use, urban design, housing, transportation, parks, and environmental quality. These categories arose during the presentation and discussion.

Land Use: We understand that under the lodging category of the Commercial Office Zone, any non-profit shelter located in that zone must be a conditional use limited to serving a range between six (6) to seventy-five (75) persons. UDC§521.1 Uses. The Union Gospel Mission was grandfathered into its current zone and provides lodging for over 200 persons. The Mission's building age and general inadequacy to house the demand for overnight, homeless lodgers move it to seek construction of a new building in a different location within the Riverfront Overlay zone. However, as new construction it is restricted to the

West SALEM

NEIGHBORHOOD ASSOCIATION

Seventy-five maximum non-profit lodgers and this would defeat the main reason for the new building—lack of capacity in the existing building. Upon move to the proposed new building, its current property located near a bridgehead, would be sold for new development in this key downtown area.

The WSNA plan encourages for both West Salem and the city as a whole, to maximize the use of land within the Urban Growth Boundary and to provide a mixture of housing types for all income levels. As presented, the proposed new construction appears to use infill construction to create needed temporary housing for homeless males, who additionally receive lifestyle coaching and support to promote their self-sufficiency and long-term economic viability. Given that the new building is a relocation of sites within the Riverfront Overlay Zone, there was no voiced opposition to the new location or the proposed increase in lodgers given the benefit to both the homeless population and the downtown area attractiveness if the old building were razed for new development.

As for the code amendment itself, the current range limitation for a non-profit within a CO zone is from six (6) to seventy-five (75) lodgers. This code amendment action is proposing to change that range to in excess of 75 lodgers would require a conditional use application. Consequently, each time a non-profit seeks to establish a facility serving in excess of seventy-five, there will be a public notice and opportunity to be heard. No longer is the public review required for less if the non-profit is seeking less than seventy-five lodger facility. There was no voiced opposition to this change.

Urban Design: Mr. Rideout presented the new construction design, which appeared to be sensitive to the existing urban form and inclusive of the architectural features of the new development in the surrounding area. Under the WSNA plan, development is encouraged in the commercial and industrial area designed as a neighborhood asset that will continue to invite people to live near shopping, services and employment. Upon review of the proposed design, we believe that the new construction will prove to be a neighborhood asset.

Housing: Salem currently has a shortage of emergency and transitional housing. According to Salem-Keizer Housing and Community Development Consolidated Plan (2009-2013), the number one priority is to end homelessness through a continuum of care aimed at transitioning the homeless into self-sufficiency and increasing the percentage of employed homeless existing shelters and transitioning into permanent housing. WSNA members agreed that the Union Gospel Mission for adult males does more than just provide shelter; it is a viable asset in accomplishing the City's goal to end homelessness through the continuum of care it provides its lodgers. According to Mr. Rideout, the new facility will be located adjacent to their retail store, which will remain operational. Furthermore, he represented that the range of lodgers to be served will be in excess of 200 and it will accommodate slightly more emergency lodging than it currently serves.

Transportation: Generally, WSNA encourages any development which allows residents a safe and easy access to employment, educational services and other daily needs. The proposed construction will continue to provide a wide-range of choices for the persons it serves, specifically walking, bicycling and public transit opportunities.

Parks and Environmental Quality: WSNA, in conjunction with the Salem Police Department, seek ongoing efforts to maintain the aesthetic and safe environment of Wallace Marine Park. In face of the shortage of temporary shelters, there has been a history of homeless camping out within the confines of Wallace Marine Park. Currently, this is under control; however, the environmental impact of this activity does not easily resolve itself upon the removal of urban campers. WSNA supports any efforts to increase available temporary shelter and services to transition the homeless to permanent housing. We believe that the new Mission facility will be a great asset addressing both the emergency housing and need to provide self-sufficiency services. Consequently, this new construction has an indirect benefit to the West Salem neighborhood.

Conclusion: Having published this matter on the meeting agenda, the WSNA members in attendance at the general meeting held on July 7, 2014 discussed and deliberated upon the proposed code amendment to increase the amount of non-profit lodgers from its current limitation of seventy-five (75) lodgers within a Commercial Office Zone (CO), to in excess of two hundred (200), which would accommodate the new construction and move from its bridgehead location. With only one abstention, WSNA members in attendance voted to supports the code amendment and staff report as presented.

Respectfully Submitted on behalf of West Salem Neighborhood Association,

Joshlene A. Pollock, Land Use Chair joshpollock@comcast.net (714) 504-8979

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ORDINANCE BILL NO. 19-14

AN ORDINANCE RELATING TO THE RIVERFRONT OVERLAY ZONE; AMENDING SRC 617.015 AND 617.020

The City of Salem ordains as follows:

Section 1. SRC 617.015 is amended to read as follows:

617.015. Uses. Except as otherwise provided in this section, any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Riverfront Overlay Zone.

(a) Continued Uses. Industrial uses, including but not limited to canned, frozen, and preserved fruits, vegetables, and food specialties, existing within the Riverfront Overlay Zone that were allowed as permitted, special, or conditional uses on December 1, 1998, but which would otherwise be made non-conforming uses by this Chapter, are hereby deemed continued uses. The owner shall have the burden to demonstrate continued use status under this subsection.

(1) A continued use may be intensified, and buildings or structures housing a continued use may be may be enlarged, rebuilt, or the exterior altered, provided such intensification, enlargement, rebuilding, or exterior alteration complies with all applicable standards of the Industrial Commercial (IC) zone.

(2) A continued use may be extended onto vacant land. The extension of a continued use onto vacant land must comply with all applicable standards for the Industrial Commercial (IC) zone.

(3) Change of use to a non-industrial use shall terminate the continued use status conferred by this subsection and the property must thereafter only be used for uses allowed in the Riverfront Overlay Zone.

(4) A determination by the Building Official that the building or structure housing a continued use is derelict or dangerous, as defined in SRC 50.600 and 56.230, shall terminate the continued use status conferred by this subsection and the property may thereafter only be used for uses allowed in the Riverfront Overlay Zone.

(5) Continued uses are exempt from the development standards and the design

review guidelines and design review standards of this Chapter. Upon termination of continued use status, the development standards and the design review guidelines and design review standards of this Chapter shall apply.

(b) Additional Permitted Uses. The uses set forth in Table 617-1 are additional permitted (P) uses in the Riverfront Overlay Zone.

**TABLE 617-1
ADDITIONAL PERMITTED USES**

Table 617-1: Additional Permitted Uses		
Use	Status	Limitations & Qualifications
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Commercial Parking	P	Only the following Commercial Parking activities are allowed as additional permitted uses: <ul style="list-style-type: none"> ▪ Parking structures.

(c) Additional Conditional Uses. The uses set forth in Table 617-2 are additional conditional (C) uses in the Riverfront Overlay Zone.

**TABLE 617-2
ADDITIONAL CONDITIONAL USES**

Table 617-2: Additional Conditional Uses		
Use	Status	Limitations & Qualifications
Lodging		
Non-Profit Shelters	C	Non-Profit Shelters serving more than 75 persons.

(d)(e) Additional Prohibited Uses. In addition to the uses prohibited in the underlying zone, any permitted, special, or conditional use within the Riverfront Overlay Zone shall be a prohibited use within the overlay zone if developed with the following:

- (1) Drive-through.

(e)(d) Adaptive Reuse of Existing Industrial Buildings and Structures. In order to allow for greater flexibility in the use of existing industrial buildings and structures within the Riverfront Overlay Zone, the adaptive reuse of industrial buildings and structures existing on May 14, 2014 is allowed as set forth in this subsection.

1 (1) **Uses.** Any use within the Industrial use classification that is a permitted,
2 special, or conditional use within the Industrial Commercial (IC) zone shall be a
3 permitted, special, or conditional use within an existing industrial building or
4 structure within the Riverfront High Density Residential Overlay Zone.

5 (2) **Development Standards; Design Review.** The exterior of the existing
6 industrial building or structure may be altered, but shall not be enlarged. The
7 exterior alteration shall comply with all applicable standards of the Industrial
8 Commercial (IC) zone. The exterior alteration shall not be subject to the
9 development standards, or the design review guidelines or the design review
10 standards, of this Chapter.

11 (3) **Termination.** Adaptive reuse of an existing industrial building or structure
12 shall terminate as provided in this paragraph. When the adaptive reuse of an
13 existing industrial building or structure has terminated, the property shall
14 thereafter only be used for uses allowed in the Riverfront Overlay Zone.

15 (A) Change of use to any use that is allowed in the Riverfront Overlay
16 Zone shall terminate the adaptive reuse of the building or structure.

17 (B) Determination by the Building Official that the building or structure is
18 derelict or dangerous, as defined in SRC 50.600 and 56.230, shall
19 terminate the adaptive reuse of the building or structure.

20 (C) Substantial damage or destruction of the building or structure by any
21 cause, to the extent that the cost of repair or restoration would exceed 60
22 percent of the building or structure replacement cost using new materials
23 and conforming to the current building codes, shall terminate the adaptive
24 reuse of the building or structure. Cost of repair or restoration, and
25 replacement cost, shall be determined by the Building Official. The
26 Building Official's determination is appealable as provided in SRC
27 20J.240-20J.430 for contested case proceedings.

28 **Section 2.** SRC 617.020 is amended to read as follows:

29 **617.020. Development Standards.** Development within the Riverfront Overlay Zone must
30 comply with the development standards applicable in underlying zone and the development

standards set forth in this section. The development standards in this section are in addition to, and not in lieu of, all other applicable development standards in the underlying zone. Where the development standards in this section conflict with the development standards applicable in the underlying zone, the development standards in this section shall be the applicable development standard.

(a) **Dwelling Unit Density.** Dwelling unit density within the Riverfront Overlay Zone shall conform to the standards set forth in Table 617-3 ~~617-2~~.

TABLE 617-3 ~~617-2~~
DWELLING UNIT DENSITY

Table <u>617-3</u> 617-2 : Dwelling Unit Density			
Use or Activity	Standard		Limitations & Qualifications
	Minimum	Maximum	
Single Family, Two Family, and Multiple Family	20 dwelling units per acre	None	

(b) **Height.** Buildings and accessory structures within the Riverfront Overlay Zone shall conform to the height standards set forth in Table 617-4 ~~617-3~~.

TABLE 617-4 ~~617-3~~
HEIGHT

Table <u>617-4</u> 617-3 : Height		
Requirements	Standards	Limitations & Qualifications
HEIGHT		
Buildings		
All Uses	Max. 70 ft.	
Accessory Structures		
Accessory to All Uses	Max. 70 ft.	

Section 3. Codification. In preparing this ordinance for publication and distribution, the City Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such limitations, may:

- (a) Renumber sections and parts of sections of the ordinance;
- (b) Rearrange sections;

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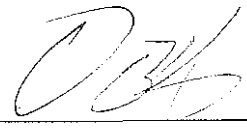
- (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- (d) Delete references to repealed sections;
- (e) Substitute the proper subsection, section or chapter, or other division numbers;
- (f) Change capitalization and spelling for the purpose of uniformity;
- (g) Add headings for purposes of grouping like sections together for ease of reference; and
- (h) Correct manifest clerical, grammatical or typographical errors.

Section 4. Severability. Each section of this ordinance, and any part thereof, is severable, and if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of this ordinance shall remain in full force and effect.

PASSED by the City Council this _____ day of _____, 2011.

ATTEST:

City Recorder

Approved by City Attorney:  _____

Checked by: B. Bishop

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