

TO: HEARINGS OFFICER

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

SUBJECT: **CONDITIONAL USE CASE NO. CU21-03**
4107 FISHER ROAD NE
AMANDA NO. 20-118644-ZO

REQUEST

Summary: A request to add a sixth unit to a five-unit homeless shelter.

Request: A Conditional Use Permit to create an additional shelter unit to serve the homeless in an existing building with five shelter units and a residential care facility, for property of approximately 1.24 acres, zoned RM-II (Multi-Family Residential), and located at 4107 Fisher Road NE 97305 (Marion County Assessors Map and Tax Lot number: 073W12AD / 700 and 800).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

APPLICANT: City of Salem Housing Authority

OWNER: Redwood Crossings LLC (Daniel Atchison, City of Salem Housing Authority)

FILER: Richard Rothweiler, ACCOAC

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a conditional use to create an additional shelter unit to serve the homeless in an existing building with five shelter units and a residential care facility on a property approximately 1.24 acres located at 4107 Fisher Road NE, subject to the following conditions of approval:

CONDITIONAL USE:

Condition 1: The Conditional Use approval shall be limited to a nonprofit shelter serving up to six persons.

APPLICATION PROCESSING

On December 3, 2020, a Conditional Use Permit application was submitted. On December 22, 2020, the application was accepted for processing. The application was deemed complete for processing on January 28, 2021.

The public hearing before the City of Salem Hearings Officer is scheduled for February 24, 2021, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on February 4, 2021. Public hearing notice was also posted on the property February 11, 2021 pursuant to SRC requirements.

PROPOSAL

The applicant is requesting to convert a living room area within an existing building at 4107 Fisher Road NE to a shelter unit bedroom. This will increase the number of shelter units (beds) within the building from five to six. No changes to the exterior of the existing building are proposed.

SUMMARY OF RECORD

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

APPLICANT'S STATEMENT

The applicant's proposed development plans are included as **Attachment B**, and the applicant's statement addressing the applicable approval criteria is included as **Attachment C**.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Multiple Family Residential." The subject property is within the Urban Growth Boundary and within the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned RM-II (Multiple Family Residential - II). The proposed use of a nonprofit shelter serving up to six homeless persons is a Conditional Use in the RM-II zone. Therefore, a conditional use permit is required for the proposal.

The zoning of surrounding properties is as follows:

North: RM-II (Multiple-Family Residential - II)

South: Marion County RM (Multiple Family Residential) and UD (Urban Development)

East: Marion County UD (Urban Development)

West: RM-II (Multiple-Family Residential - II)

3. Site Analysis

The subject property consists of two contiguous tax lots with a combined area of approximately 1.24 acres and total frontage of approximately 62 feet on Fisher Road NE. In the Transportation System Plan, Fisher Road NE is designated as a Collector street.

4. Neighborhood and Citizen Comments

The subject property is located within the Northgate Association (Northgate). The applicant stated that no Homeowner's Association registered with the Oregon Secretary of State is applicable to the subject property. The applicant provided notice to Northgate according to SRC 300.310 before the application was accepted. Notice was provided to Northgate and to surrounding addresses, property owners, and tenants within 250 feet of the subject property. At the time this staff report was prepared, the Neighborhood Association had submitted comments in support of the application, and no other comments had been received. Comments received after the preparation of the staff report will be forwarded to the Hearings Officer for consideration at the public hearing.

5. City Department and Public Agency Comments

The Public Works Department reviewed the proposal and had no comments.

The Salem Building and Safety Division reviewed the proposal and stated that the architect shall show how the structure meets building code occupancy requirements in a code summary.

Staff response: Staff notified the applicant that a building permit and site plan review would be required to provide the information required by Building and Safety. The applicant will submit a Class 1 Site Plan Review and building permit application if the Conditional Use application is approved.

The Salem Fire Department reviewed the proposal and stated that Fire Department access and water supply are existing for the structure.

6. Analysis of Conditional Use Criteria

SRC Chapter 240.005(a)(1) provides that:

No building, structure, or land shall be used or developed for any use which is designated as a conditional use in the UDC unless a conditional use permit has been granted pursuant to this Chapter.

SRC Chapter 240.005(d) establishes the following approval criteria for a conditional use permit:

Criterion 1:

The proposed use is allowed as a conditional use in the zone.

Finding: The subject property is zoned RM-II (Multiple-Family Residential II). The proposed conversion of a living area to a bedroom to serve a sixth person within a nonprofit shelter currently serving five persons is a Conditional Use in the RM-II zone. Therefore, a conditional use permit is required for the proposal.

The proposal meets the criterion.

Criterion 2:

The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions.

Applicant's Statement: The applicant states that the building is sited deep into the site to minimize impacts to the neighborhood; parking is provided on-site to alleviate parking issues in the neighborhood; chain-link fencing with privacy slats separates the entire site from the adjacent neighborhood; the building footprint restricts shelter units to the first floor; and building security, door monitoring/security, and site supervision reduce any potential adverse impacts to the surrounding neighborhood.

Finding: The proposed change of a living area to a bedroom would allow up to six persons to occupy an existing nonprofit shelter that currently serves up to five persons on the first floor of a three-story building. The building also includes residential care facility rooms on the second and third floors.

The subject property has an existing access easement and parking lot drive aisle that extends approximately 260 feet from the narrowest part of the site along Fisher Road NE to the center of the widest part of the site at the west property line. The building is located near the north and northwest property lines that abut an existing apartment development. Sight-obscuring fencing surrounds the site.

The existing building is 19,335 square feet, according to the applicant's site plan, and no expansion is proposed. The minimum off-street parking requirement for a residential care facility or a nonprofit shelter (other than those serving victims of domestic violence) is one space per 350 square feet. For the existing building, the minimum requirement is $19,335 / 350 = 55$ spaces. The site plan indicates 57 parking spaces.

Because the proposed shelter unit is within an existing building, no changes are proposed to the exterior of the building, and no other changes are proposed on the property, there will be no change in appearance, no visual impact, and little to no vehicle traffic impact on the immediate neighborhood.

In order to ensure that the proposed use minimizes impacts, the following condition is recommended:

Condition 1: The Conditional Use approval shall be limited to a nonprofit shelter serving up to six persons.

As conditioned, the proposed development will have a minimal impact on the immediate neighborhood.

Criterion 3:

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Applicant's Statement: The applicant states that the proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. An existing six-foot-tall chain link fence with privacy slats screens the subject property from a fully developed apartment complex on the north and west, existing single family homes on deep lots near Fisher Road NE that could be developed with apartments, and existing single family homes on large parcels to the south that could be developed with apartments.

Finding: The proposed use will be reasonably compatible with the surrounding property. The Subject Property is designated Multi-Family Residential in the Salem Area Comprehensive Plan and zoned RM-II. It is surrounded by residential properties that are designated Multi-Family Residential in the Salem Area Comprehensive Plan and are or could be developed with apartments, residential care facilities, or shelters. The property to the north and west is zoned RM-II and developed with apartments. The property outside city limits to the south and zoned RM in Marion County would automatically be zoned RM-I or RM-II upon annexation into the City of Salem. The property outside city limits to the east and zoned UD in Marion County would require a change in land use designation to City of Salem RM-I or RM-II to be consistent with the Comprehensive Plan designation upon annexation into the City of Salem.

The proposed change of one living area to a bedroom within the existing shelter and residential care facility building will have minimal impact on the livability or appropriate development of the surrounding residential properties. Potential impacts on the surrounding properties would be very minimal

because only one additional resident would be accommodated within the nonprofit shelter.

No changes are proposed to the exterior of the building, and the development will retain its current appearance. The building, parking, and vehicle use area met the standards of the RM-II zoning district at the time they were developed.

The proposal meets this approval criterion.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer **APPROVE** the request for a conditional use to create an additional nonprofit shelter unit in an existing building with five nonprofit shelter units and a residential care facility on a property approximately 1.24 acres located at 4107 Fisher Road NE, subject to the following conditions of approval:

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Condition 1: The Conditional Use approval shall be limited to a nonprofit shelter serving up to six persons.

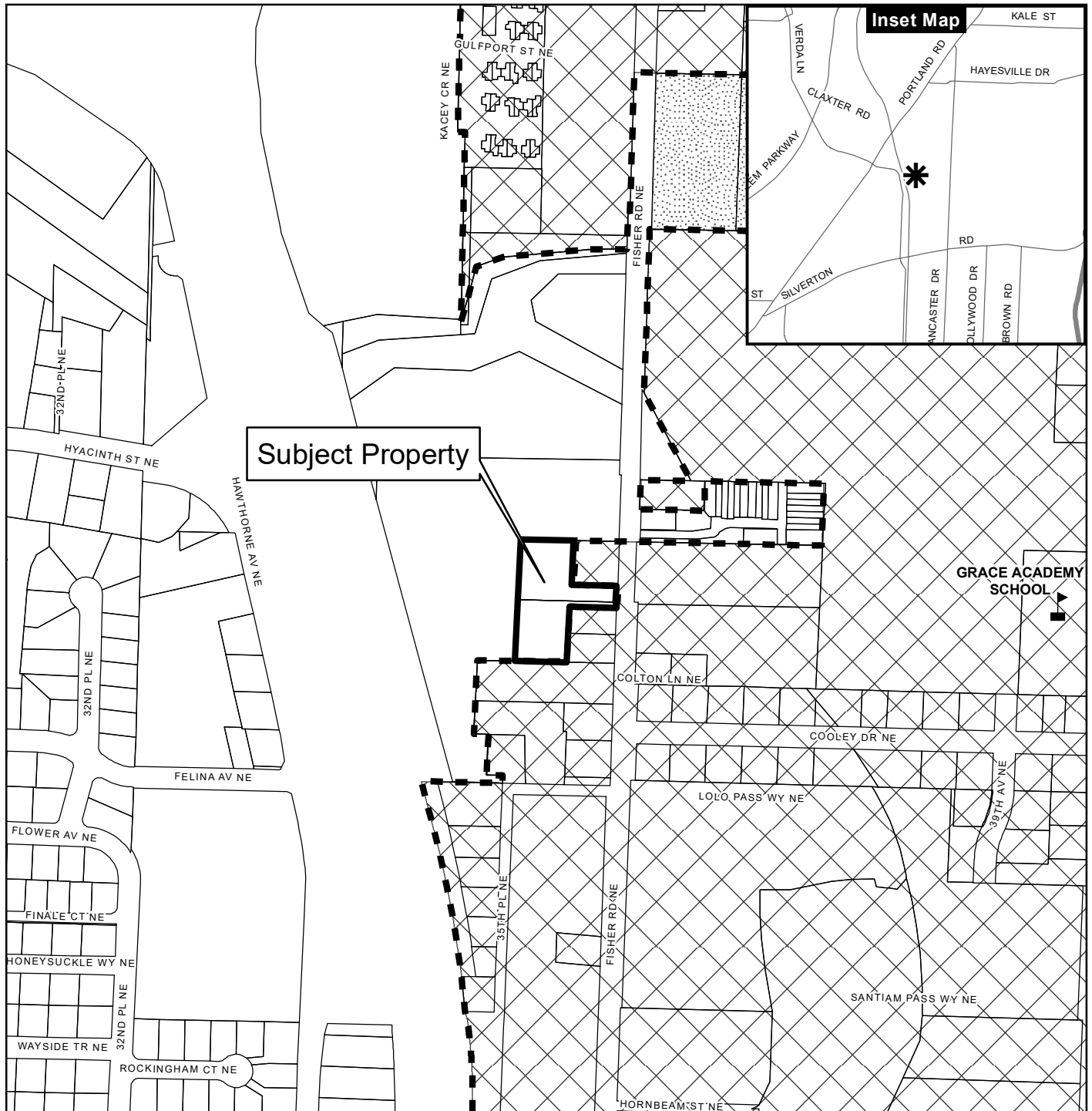
Prepared by Pamela Cole, Planner II

Application Deemed Complete Date: January 28, 2021

State Mandated Decision Date: May 28, 2021

- Attachments: A. Vicinity Map
B. Proposed Development Plans
C. Applicant's Statement Addressing Approval Criteria






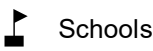

Vicinity Map 4107 Fisher Road NE



Subject Property

GRACE ACADEMY SCHOOL

Legend

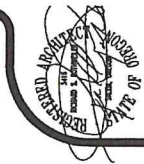
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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JOB NO. 2019.0023
DATE 24 MAY 2019
DRAWN SSV
REVISIONS
LOADING PHASES
S2F-2025



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COMMUNITY
303 N. BROADWAY
PORTLAND, OR 97241
503.525.3333
WWW.ACARCHITECTURE.COM

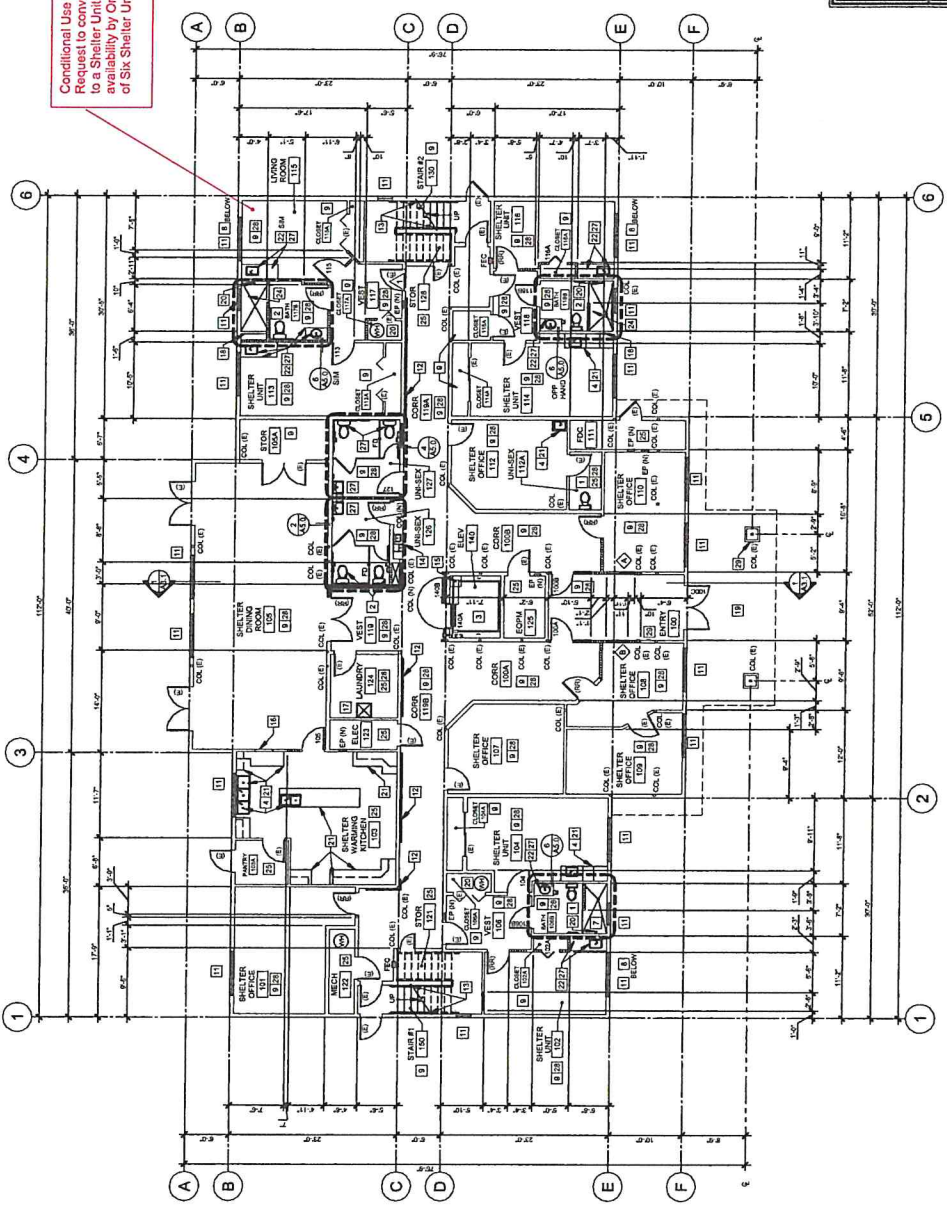
SALEM HOUSING
AUTHORITY
REWOOD CROSSINGS

4107 FISHER RD. NE
SALEM, OREGON 97305
SHEET

A2.1

- GENERAL NOTES:**
- GENERAL NOTES APPLY TO ALL DRAWINGS
 - DIMENSIONS ARE TO EXISTING FACE OF WALL FRAMING AND FACE OF EXISTING CONCRETE UNLESS NOTED OTHERWISE.
 - LOCATIONS AND DIMENSIONS OF ALL NEW CONSTRUCTION SHOULD BE INDICATED BY DIMENSIONS FROM TO PROCEEDING WITH AREA OF QUESTIONABLE WORK.
- SYMBOL LEGEND:**
- EXISTING WALL TO REMAIN
 - NEW HORIZONTAL WALL OR WOOD STUDS AT THE CO WITH K
INSULATION (K=3.5) WALLBOARD EACH SIDE AND ADAPTATIONAL
INSULATION (A2)
 - NEW 2x4 WOOD STUDS AT THE CO WITH K2 GREEN INSULATION
EACH SIDE AND ADAPTATIONAL BATT INSULATION (A2)
 - EXISTING COLUMN TO REMAIN (R) DEGRADES NEW COLUMN.
REFER TO STRUCTURAL DRAWINGS
 - NEW DOOR FRAME AND HARDWARE, REFER TO DOOR SCHEDULE
DRAWINGS
 - EXISTING WET VENTS TO REMAIN, REASSESS WITH SSV.
REFER TO PLUMBING AND MECHANICAL DESIGN/BUILD DRAWINGS
 - NEW ELECTRIC PANELS, REFER TO ELECTRICAL DESIGN/BUILD
DRAWINGS
 - NEW RECESSED FIRE EXTINGUISHER AND CABINET
DRAWINGS
 - NEW FLOOR DRAIN, REFER TO PLUMBING DESIGN/BUILD
DRAWINGS

- REFERENCE NOTES:**
- EXISTING CEILING TO REMAIN, REFER TO PLUMBING DESIGN/BUILD
DRAWINGS
 - EXISTING RAMP PIT TO REMAIN, REFER TO PLUMBING DESIGN/BUILD
DRAWINGS
 - EXISTING FRAME OPENING WITH GRANITE GALL TO REMAIN
 - EXISTING FLOOR TO REMAIN, REFER TO PLUMBING DESIGN/BUILD
DRAWINGS
 - EXISTING ACCESS PANEL TO REMAIN
 - EXISTING ROOF OVERHANG ABOVE TO REMAIN
 - EXISTING RELOCATED PLUMBING/FUTURE, REFER TO PLUMBING
DESIGN/BUILD DRAWINGS
 - EXISTING LASHWORK, REFER TO STRUCTURAL AND MECHANICAL
DESIGN/BUILD DRAWINGS
 - EXISTING HANGERS, REFER TO TRUSS, REFER TO PLUMBING
DESIGN/BUILD DRAWINGS
 - EXISTING ROOF BELOW TO REMAIN
 - EXISTING FLOORING TO REMAIN
 - NEW PLUMBING/FUTURE, REFER TO PLUMBING DESIGN/BUILD DRAWINGS
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EXISTING PLUMBING/FUTURE, REFER TO PLUMBING DESIGN/BUILD
DRAWINGS
 - NEW MECHANICAL SHIRT, REFER TO STRUCTURAL AND MECHANICAL
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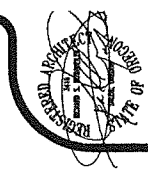


Conditional Use Permit:
Request to convert Living Room 115
to a Shelter Unit, increasing shelter
availability by one Unit for a total
of Six Shelter Units.

This RECORD DRAWING has been prepared, in part, based
on information provided to the architect by the DESIGN PROFESSIONAL. The
DESIGN PROFESSIONAL has reviewed the DRAWING for accuracy and has
certified that it is a true and correct representation of the project. The
DESIGN PROFESSIONAL does not warrant, represent, or guarantee the
accuracy or completeness of the information on which this drawing is based.
The user of this record document assumes all liability for the use of the
information contained herein, and the architect is not responsible for any
independent verification of its accuracy. Follow applicable code for
any purposes.

RECORD DRAWING
AC+CC ARCHITECTURE | COMMUNITY
SEPTEMBER 2019

1 FIRST FLOOR PLAN
SCALE: 1/8" = 1'-0"



JOB NO. 2019.0023
 DATE 24 MAY 2019
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 REVISIONS
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 ARCHITECTURE
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 1100 NE 10TH AVE
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 WWW.ACARCHITECTURE.COM
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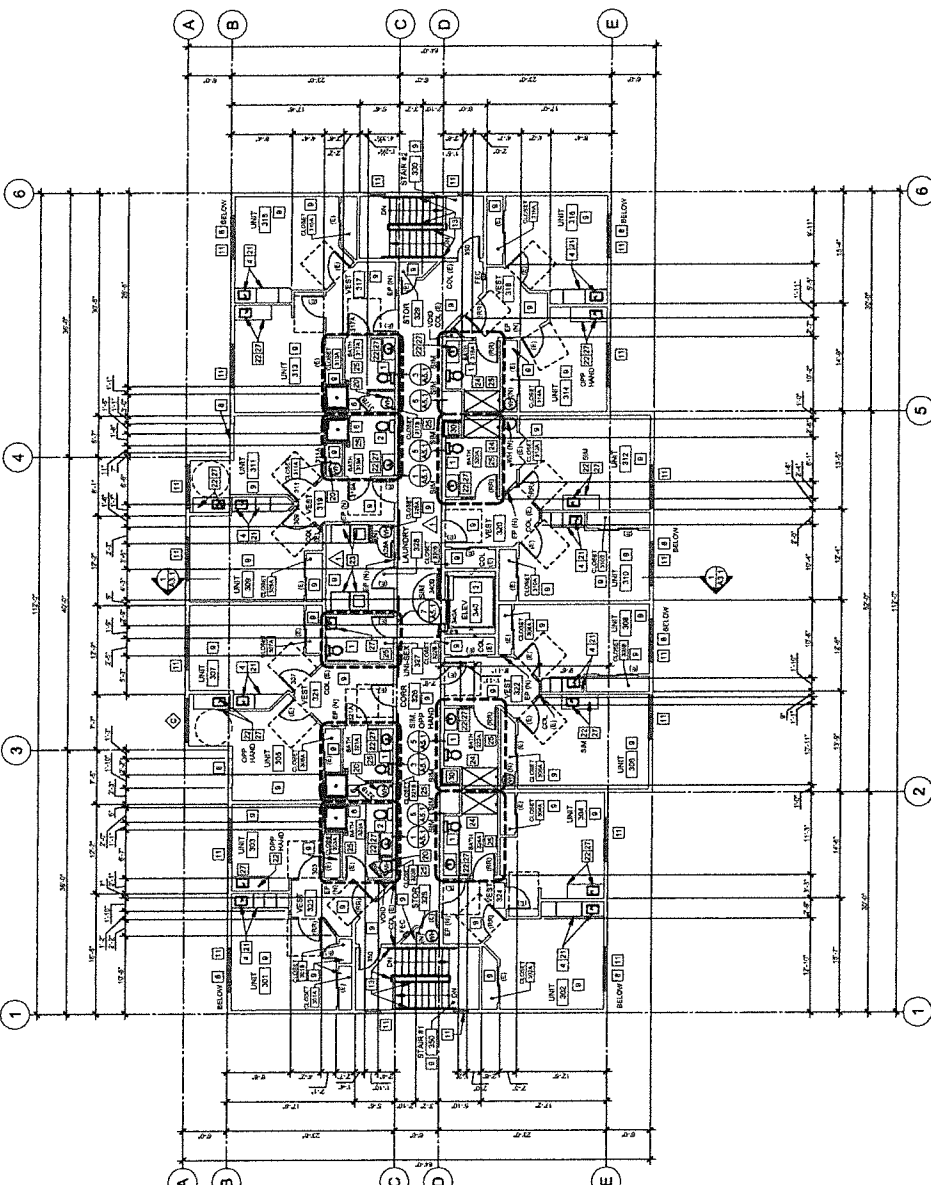
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SHEET

A2.3

- GENERAL NOTES:**
1. GENERAL NOTES APPLY TO ALL DRAWINGS.
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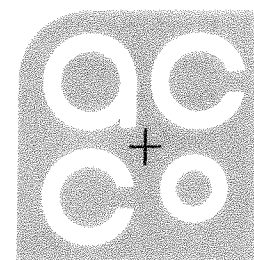
1 THIRD FLOOR PLAN
 SCALE: 1/8" = 1'-0"

This RECORD DRAWING has been prepared in strict accordance with the information furnished by others. While this information is believed to be correct, the Architect assumes no responsibility for its accuracy, and does not warrant its accuracy. It is the responsibility of the contractor to verify the information which may have been furnished hereon in a field. These drawings are intended to be used as a guide only. The contractor shall be responsible for any errors or omissions in the drawings or any information furnished hereon.

RECORD DRAWING
 AC+CO ARCHITECTURE | COMMUNITY
 1100 NE 10TH AVE SUITE 200

December 2, 2020

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ARCHITECTURE
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RE: Salem Housing Authority – Redwood Crossing
 4107 Fisher Road NE
 Conditional Use Permit Written Statement

Dear Pamela:

Salem Housing Authority has recently completed renovations to Redwood Crossing at 4107 Fisher Road NE. In accordance with the RM-2, Multiple Family Residential Zone, five (5) shelter units have been developed on the first floor. The current level of homelessness in Salem warrants additional shelter capacity. The Redwood Crossings first floor can easily increase capacity by one (1) additional shelter unit. The Housing Authority is requesting Conditional Use Permit approval to increase shelter units by one (1) additional shelter. The Housing Authority is requesting Conditional Use Permit approval to increase shelter units by one (1) for a building total of six (6) shelter units. The request for our approval conforms to the following criteria, SRC 240.005:

- The proposed use is allowed as a Conditional Use, in the zone: The RM-2, Multiple Family Residential Zoon, table 514.005, permits five (5) shelter units, and allows under CUP six to ten (6-10) shelter units. Complies.
- The reasonably-likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions:
 - Site Conditions:
 - Building location is sited deep into the site to minimize impacts to the neighborhood.
 - Parking provided on-site to alleviate parking in the neighborhood.
 - Chain-link fencing with privacy slats separates the entire site from the adjacent neighborhood.
 - Building Conditions:
 - Building footprint restricts shelter units to the first floor.
 - Building security, door monitoring/security, and site supervision reduces any potential adverse impacts to the surrounding neighborhood.

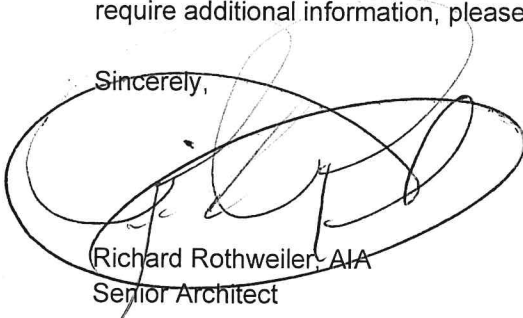
- The proposed use will be reasonably compatible with and have minimal impact on the livability of appropriate development of surrounding property:
 - North Adjacent Property: Existing fully developed apartment complex, screened with 6'-0" tall chain-link fencing with privacy slats.
 - East Adjacent Property: Existing single-family homes, which are then adjacent to Fisher Road NE. Properties are screened with 6'-0" tall chain-link fencing with privacy slats and landscaping. Adjacent lot depths could accommodate future apartment development.
 - South Adjacent Property: Existing single-family homes on large parcels/former pastures for animal grazing. Properties are screened by 6'-0" tall chain-link fencing with privacy slats and landscaping. Adjacent properties could accommodate future apartment development.
 - West Adjacent Property: Existing fully developed apartment complex, screened with 6'-0" tall chain-link fence with privacy slats.

The East and South adjacent properties are not impacted for appropriate development when one (1) additional shelter unit is approved to the interior of the building. No additional construction is requested or required.

- Additional Requirements for CUP Land Use Approval:
 - Neighborhood Association Contact: Refer to attached email contact with the association.
 - Homeowner Association Information: The subject property is not included in any active Homeowner's Association.

Salem Housing Authority is requesting Conditional Use Permit approval to increase the shelter units at Redwood Crossing by one (1) additional unit. The total shelter unit would be six (6), which is allowed in the zone under CUP, conditions, and surrounding development. Should you have any questions or require additional information, please contact our office.

Sincerely,



Richard Rothweiler, AIA
Senior Architect

RR:kc

Encl.

cc: Nicole Utz, NUtz@salemhousingor.com
Jessica Blakely, JBlakely@salemhousingor.com
Richard Jordan, RJordan@salemhousingor.com