

TO: HEARINGS OFFICER

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

SUBJECT: CONDITIONAL USE PERMIT CASE NO. 20-03; 1910 FRONT STREET NE; AMANDA NO. 20-104696-ZO

REQUEST

Summary: A request for a proposed non-profit women's shelter serving 40 individuals.

Request: A Conditional Use Permit to allow a non-profit women's shelter serving 40 individuals, for property approximately 0.45 acres in size, zoned IC (Industrial Commercial), and located at 1910 Front Street SE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W15DA / 13600).

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

APPLICANT: Blake Bural, AC+Co Architecture

OWNER: Oregon Conference Adventist Churches

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 Permit to allow a proposed change of use to a non-profit women's shelter serving up to 40 individuals subject to the following condition of approval:

Condition 1: Prior to final occupancy, the applicant shall provide a total of ten bicycle parking spaces. Of the ten spaces, five shall be covered or indoor.

Condition 2: Prior to occupancy, the applicant shall obtain Site Plan Review approval for both uses on the subject property.

Condition 3: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

BACKGROUND

On February 28, 2020, a conditional use permit application was submitted for a proposed nonprofit women's shelter serving 40 individuals. The application was deemed complete for processing on April 22, 2020.

The public hearing before the City of Salem Hearings Officer is scheduled for May 13, 2020, at 5:30 p.m. remotely due to social distancing measures put in place to slow the spread of the Covid-19 virus. The Hearings Officer will accept only written testimony. The record will be held open for additional written comments after the hearing. The agenda and hearing notice have information on how to access the meeting. Notice of public hearing was sent by mail to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) requirements on April 22, 2020. Public hearing notice was also posted on the property by the applicant pursuant to SRC requirements.

On January 21, 2020, City Council approved resolution number 2020-4, an emergency order to allow the subject property to be used as a shelter, serving 19 women. The applicant is currently operating under the emergency order. Staff has not received any written complaints about the current use of the subject property.

PROPOSAL

The applicant is requesting a conditional use permit for a proposed women's shelter serving up to 75 individuals within an existing church. The applicant's proposed development plans are included as **Attachment B**.

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 statement addressing the applicable approval criteria for the conditional use permit and site plan review are 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 "Industrial Commercial." The subject property is within the Urban Growth Boundary and the Urban Service Area.

2. Zoning and Surrounding Land Uses

The subject property is zoned IC (Industrial Commercial). Nonprofit shelters serving up to 75 persons are allowed in the IC zone as a Conditional Use. The proposal is to add a nonprofit shelter, as an accessory use to the existing church,

which requires a Conditional Use Permit.

The zoning and uses of surrounding properties include:

North: IC (Industrial Commercial) – Enterprise Rent-A-Car
South: Across Academy Street NE, IC (Industrial Commercial) – Industrial
Welding supplier
East: Across alley; IC (Industrial Commercial) – Office uses and Residential
uses
West: Across Front Street NE – IC (Industrial Commercial) – Salvation Army
Shelter

3. Site Analysis

The subject property is approximately 0.45 acres in size and contains an existing commercial building. The subject property abuts Front Street NE, designated as Minor Arterial street within the Salem TSP (Transportation System Plan) to the west and Academy Street NE to the south, designated as a local street within the Salem TSP.

4. Neighborhood and Citizen Comments

The subject property is located within the Highland Neighborhood Association (Highland). Notice was provided to Highland and surrounding property owners and tenants within 250 feet of the subject property. No comments were received from surrounding neighbors or Highland.

5. City Department and Public Agency Comments

The Fire Department has reviewed the proposal and indicated plans indicate a fire sprinkler system will be provided. Please be advised that the FDC will be required to be located within 100 feet of a fire hydrant as measured along an approved route. The hose lay shall not obstruct Fire Department access or cross minor arterial or larger street designations.

The Building and Safety Division has reviewed the proposal and indicated that they have no concerns.

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.

Staff Finding: SRC Chapter 551, Table 551-1 provides that nonprofit shelter uses are allowed in the IC zone as a conditional use.

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 complete written statement from the applicant addressing the conditional use approval criteria is included as Attachment C.

Staff Finding: The subject property is developed with an existing building that is an existing church building. The zoning for property in the immediate area is IC (Industrial Commercial) and uses in the area are primarily commercial.

The proposed nonprofit shelter use will have a similar impact on the immediate neighborhood as the existing church. The shelter would be limited in hours to 7:00pm to 7:00am and not active during most businesses in the surrounding area. The proposed shelter will serve homeless women, most of whom do not own or drive a car, parking and traffic generated by the use are limited to staff and visitors to the site. The applicant is proposing to serve up to 40 women and have storage for belongings of women. Since the shelter is sharing parking with the existing church, parking will be shared based on operational hours. Pursuant to SRC 806.020(a)(5), joint parking can be accommodated with uses which are compatible for hours of operation. The joint use agreement will be reviewed at the time of development. Based on the applicant's site plan and written statement, adequate parking and bike parking existing on site. The applicant is proposing five new bicycle parking spaces, which is required by SRC 806. Due to the nature of the proposal and the likelihood of more clients having bicycles rather than cars additional bicycle parking spaces would mitigate the impact to the surrounding neighborhood. Providing covered bicycle parking spaces for overnight storage would encourage clients to store and park bikes at the nonprofit shelter. To ensure adequate parking is available for the proposal the following condition applies:

Condition 1: Prior to final occupancy, the applicant shall provide a total of ten bicycle parking spaces. Of the ten spaces, five shall be covered or indoor.

The proposed nonprofit women's shelter has not applied for a change of use for the building. The existing church had not previously gone through a site plan review process, prior to occupying the space. The applicant has provided a

parking summary, bicycle parking summary and off-street loading summary addressing the parking needs on the subject property. The applicant's summary indicates there is adequate parking, bicycle parking and loading spaces for both the church and the proposed shelter. To ensure all development, including the change of use meets the development standards of the Salem Revised Code, the following condition shall apply:

Condition 2: Prior to occupancy, the applicant shall obtain Site Plan Review approval for both uses on the subject property.

The applicant is not proposing outdoor storage; due to the nature of the proposed use, it is likely that an area for storage of personal belongings will be needed. The storage area could be within a building or outside on the site. It is unclear from the proposed preliminary site plan whether such an area(s) is proposed, but in order to reduce the potential visual impact of any outside storage area(s), if provided, to the immediate neighborhood, the following condition shall be imposed:

Condition 3: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

Staff does not anticipate any adverse impacts with the proposed nonprofit shelter, this criterion is met.

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 complete written statement from the applicant addressing the conditional use approval criteria is included as Attachment C.

Staff Finding: The noise and vehicle trips generated by the proposed nonprofit shelter use will have a similar impact on the immediate neighborhood as the existing shelter to the northwest, and small business surrounding the property. The number of residents to be served by the proposed shelter are compatible with other uses permitted in the IC zone.

The subject property is located near transit service on Academy Street and Front Street. Staff finds that the proposed use is reasonably compatible with and will have minimal impact on the livability of surrounding uses, and therefore is in compliance with 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 permit for a proposed

non-profit women's shelter serving up to 40 individuals for property approximately 0.45 acres in size, zoned IC (Industrial Commercial), and located at 1910 Front Street SE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W15DA / 13600) subject to the following condition of approval:

Condition 1: Prior to final occupancy, the applicant shall provide a total of ten bicycle parking spaces. Of the ten spaces, five shall be covered or indoor.

Condition 2: Prior to occupancy, the applicant shall obtain Site Plan Review approval for both uses on the subject property.

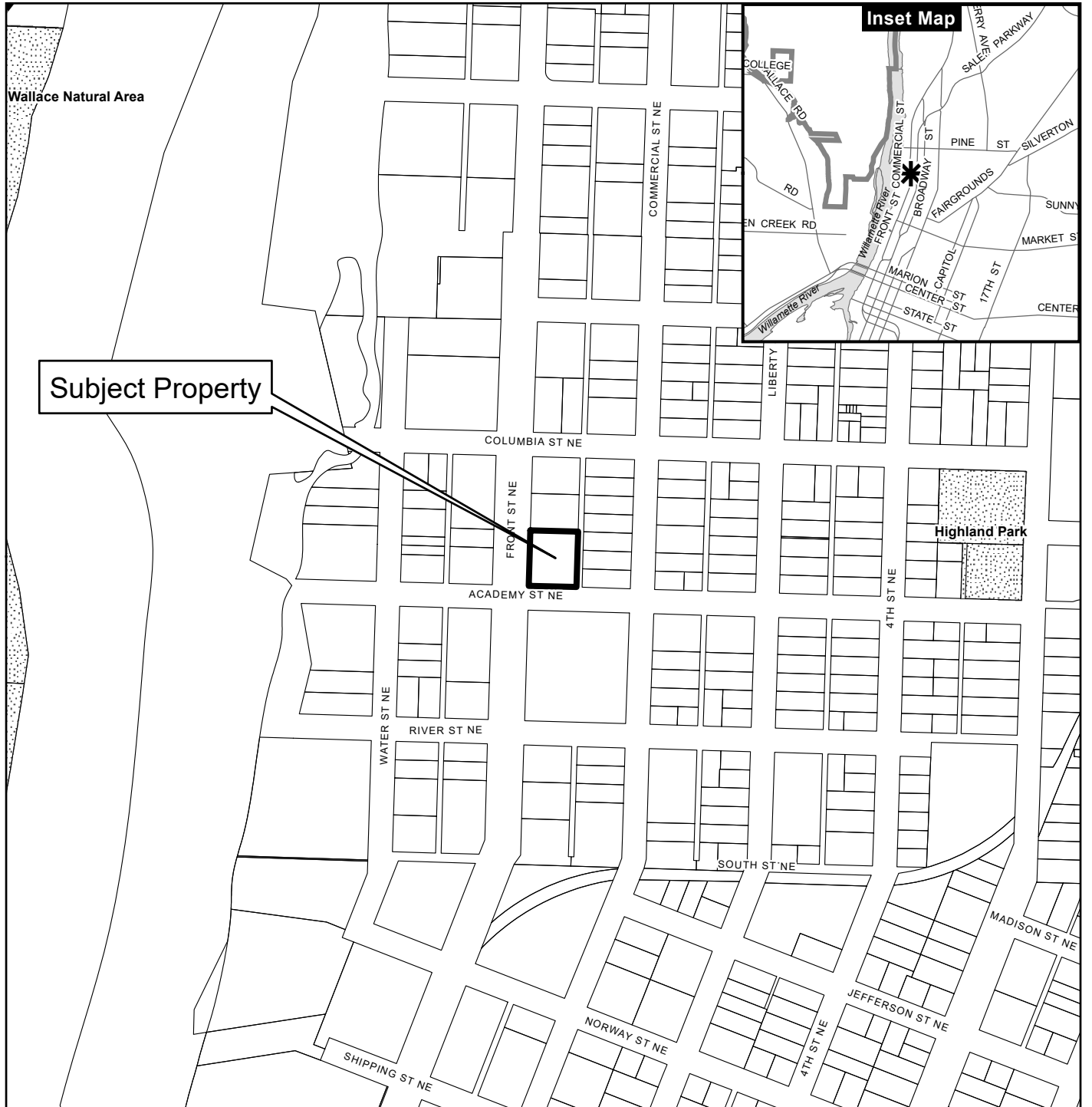
Condition 3: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

Prepared by Olivia Dias, Planner III

Application Deemed Complete Date: April 22, 2020
State Mandated Decision Date: September 19, 2020








Attachments: A. Vicinity Map
B. Proposed Site Plan
C. Applicant's Statement

Vicinity Map 1910 Front Street NE



Subject Property

Legend

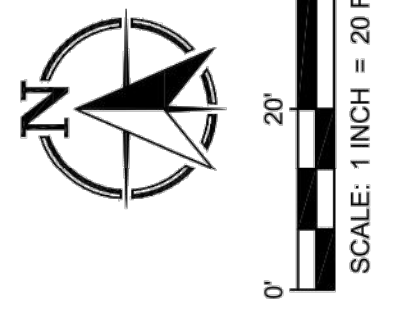
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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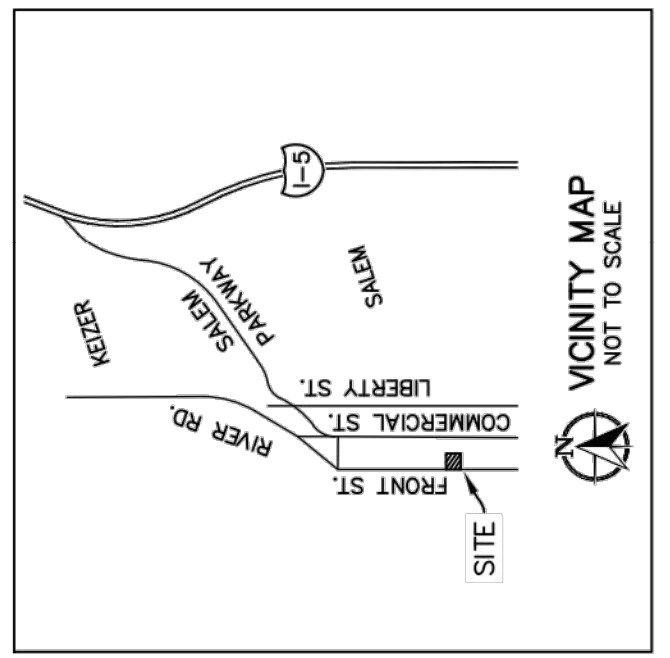
PROPERTY DESCRIPTION
 LOTS 8, 9 AND 10, BLOCK 4, RIVERSIDE ADDITION, IN THE CITY OF SALEM, MARION COUNTY, OREGON.

EASEMENTS/ENCUMBRANCES
 PLEASE REFER TO THE TITLE COMMITMENT CITED IN SURVEY NOTE NUMBER 1 FOR OTHER ITEMS SUCH AS LEASES, LENS, TAXES, AGREEMENTS AND OTHER MATTERS OF RECORD WHICH ARE NOT SURVEY MATTERS.
 NO SURVEY MATTERS LISTED

ZONING INFORMATION
 ZONING INFORMATION HAS NOT BEEN PROVIDED AND IS NOT SHOWN HEREON.
 SURVEYOR MAKES NO GUARANTEE THAT SUBJECT PROPERTY IS IN COMPLIANCE WITH THE ZONING REQUIREMENTS.

FLOOD NOTE
 ACCORDING TO THE FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 41047003334, PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY, THE EFFECTIVE DATE OF JANUARY 2, 2003, THE SUBJECT PROPERTY LIES WITHIN THE FOLLOWING ZONE, AND IS NOT IN A SPECIAL FLOOD HAZARD AREA:
 "ZONE X" - AREAS DETERMINED TO BE OUTSIDE THE 500-YEAR FLOODPLAIN

SIGNIFICANT OBSERVATIONS
 [A] NORTHERLY PORTION OF PROPERTY IS CURRENTLY FENCED AND USED BY THE ADJONER
 [B] BUILDING OVERHANG EXTENDS 0.8' INTO FRONT STREET RIGHT OF WAY AS SHOWN
 [C] BUSINESS SIGN IS WITHIN FRONT STREET RIGHT OF WAY AS SHOWN
 [D] UTILITY POLES, GUY ANCHOR AND OVERHEAD LINES CROSS SUBJECT PROPERTY IN THE SOUTHEAST CORNER AS SHOWN



- SURVEY NOTES**
1. THE SURVEY SHOWN HEREON WAS PREPARED REFERENCE FIDELITY NATIONAL TITLE COMPANY OF OREGON PRELIMINARY REPORT ORDER NO. 60221903093, WITH AN EFFECTIVE DATE OF JUNE 28, 2019. THE PROPERTY BOUNDARIES SHOWN HEREON ARE THE SAME AS THE PROPERTY SHOWN ON THIS MAP.
 2. BASIS OF BEARINGS IS NORTH 00°09'39" EAST ALONG THE EAST RIGHT OF WAY LINE OF FRONT STREET PER MARION COUNTY SURVEY NUMBER 3391.3.
 3. PROPERTY ADDRESS: OBSERVED, ON SITE, IS: 1900 FRONT STREET NE, SALEM, OR 97301
 4. SUBJECT SITE CONTAINS 19,541 SQUARE FEET OR 0.45 ACRES, MORE OR LESS.
 5. SUBJECT PROPERTY CONTAINS 21 REGULAR PARKING STALLS WITH 1 MARKED AS HANDICAP FOR A TOTAL OF 22 MARKED PARKING STALLS.
 6. THE LOCATION OF UTILITIES SHOWN HEREON ARE FROM OBSERVED VISIBLE EVIDENCE OF ABOVE GROUND APPURTENANCES ALONG UNDERGROUND LOCATES PROVIDED BY AN OREGON "ONE-CALL" LOCATING SERVICE AND A PRIVATE LOCATING COMPANY.

FORTY FIVE NORTH SURVEYING, LLC

1583 County Glen Ave. NE, Keizer, OR 97303
 P: (503) 558-3330 E: info@fivensurveying.com

EXISTING CONDITIONS SURVEY
 FOR: 1910 FRONT STREET
 IN THE SE 1/4 OF SECTION 15, T.7S., R.3W., W.M.
 CITY OF SALEM, MARION COUNTY, OREGON

REGISTERED PROFESSIONAL LAND SURVEYOR
 OREGON SEPTEMBER 12, 2017
 STEVEN LEE HOWELL
 91669
 RENEWAL: 6-30-2021

NO.	DATE	DESCRIPTION
0		INITIAL RELEASE
1	24 JUN 19	ADD UTILITY LOCATES
100		

REVISIONS

JOB NO. 19-100
 SHEET 1/1

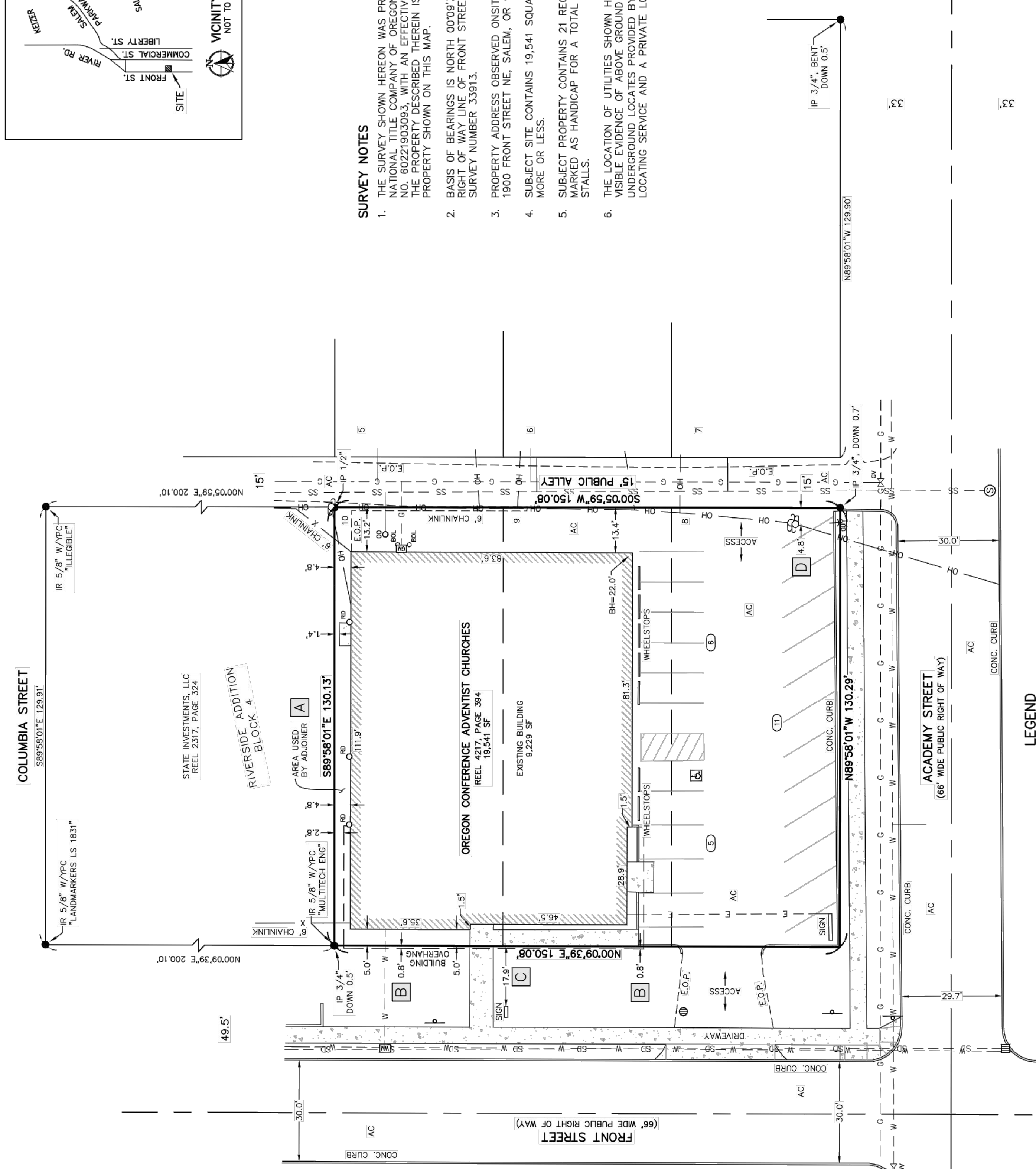
JOB NO. 2019.0136
 DATE JAN 24, 2020
 DRAWN SED
 REVISIONS

oc+cc
ARCHITECTURE COMMUNITY
 343 State Street
 Salem, OR 97301
 P: 503.891.4111
 www.occcorp.com

SAFE SLEEP SHELTER

1910 FRONT ST NE
 SALEM, OR 97301

In the event conflicts are discovered between the original signed and sealed documents prepared by the Architect and the documents transmitted by mail, the original signed and sealed documents shall govern.



LEGEND

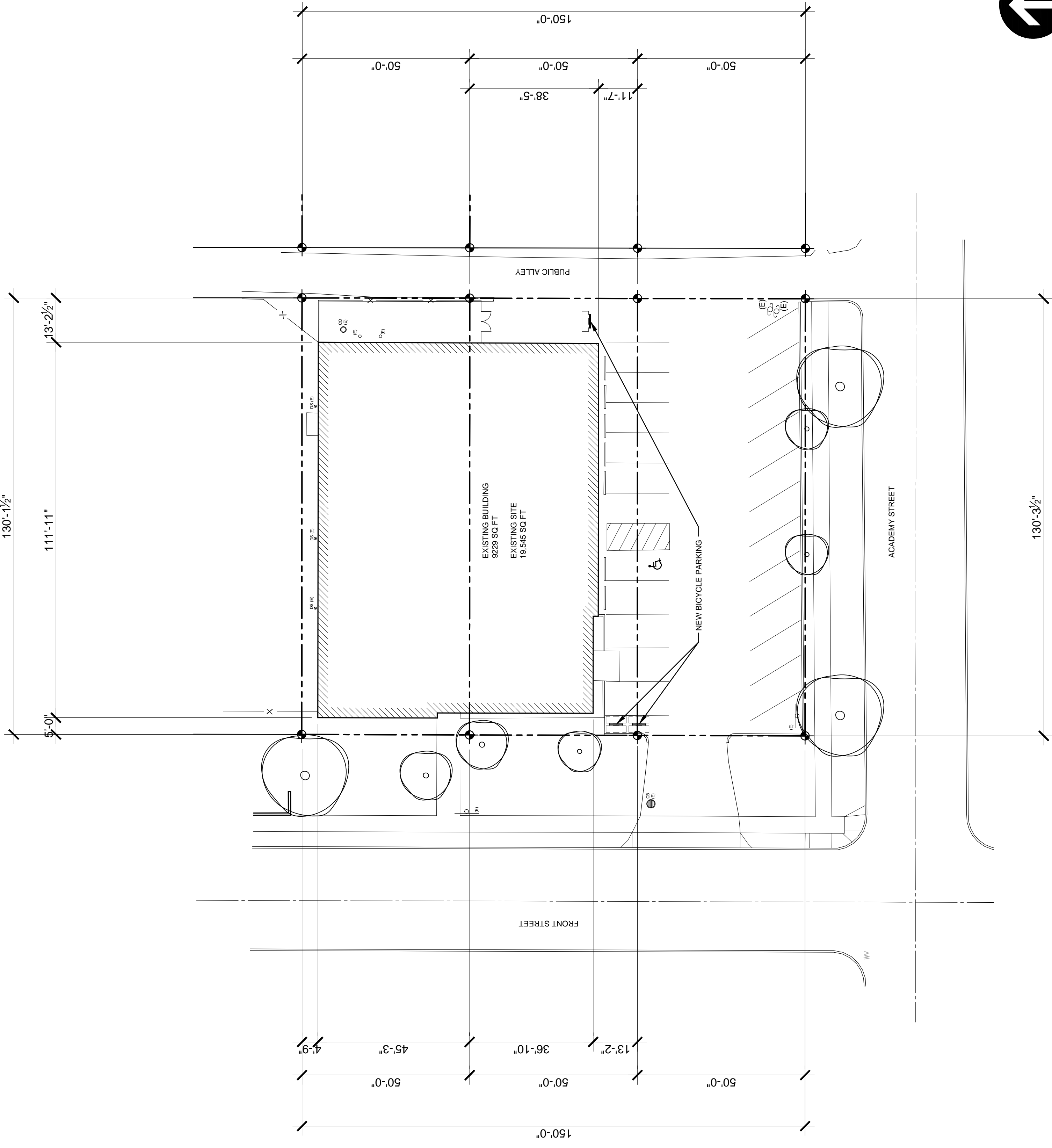
●	FOUND MONUMENT	SS	SEWER LINE UNDERGROUND
■	CATCH BASIN	SD	STORM LINE UNDERGROUND
⊙	CATCH BASIN ROUND	W	WATERLINE UNDERGROUND
⊖	ROOF DRAIN	G	GAS LINE UNDERGROUND
⊕	SANITARY SEWER MANHOLE	OH	OVERHEAD POWER LINE
⊖	CLEANOUT	X	FENCE LINE
⊕	WATER METER	AC	ASPHALT
⊕	WATER VALVE	CONC	CONCRETE
⊕	UTILITY POLE	E.O.P.	EDGE OF PAVEMENT
⊕	GUY WIRE	BH	BUILDING HEIGHT
⊕	GAS METER	IR	IRON ROD
⊕	GAS VALVE	IP	IRON PIPE
⊕	BOLLARD	W/YPC	WITH YELLOW PLASTIC CAP
⊕	SIGN	SF	SQUARE FEET
⊕	HANDICAP PARKING		
⊕	PARKING SPACE COUNT		
⊕	CONCRETE		

SITE NOTE:

NOTE: THE LIMITED EXTERIOR WORK THAT IS OCCURRING IS THE INSTALLATION OF THE BICYCLE RACKS AND A FIRE SERVICE LINE. THE FIRE SERVICE LINE WILL HAVE A NEW VAULT AND FIRE DEPARTMENT CONNECTION. THIS WORK IS NOT SHOWN AS DESIGNED YET. THIS WILL BE SHOWN WHEN WE COME IN FOR BUILDING PERMIT.

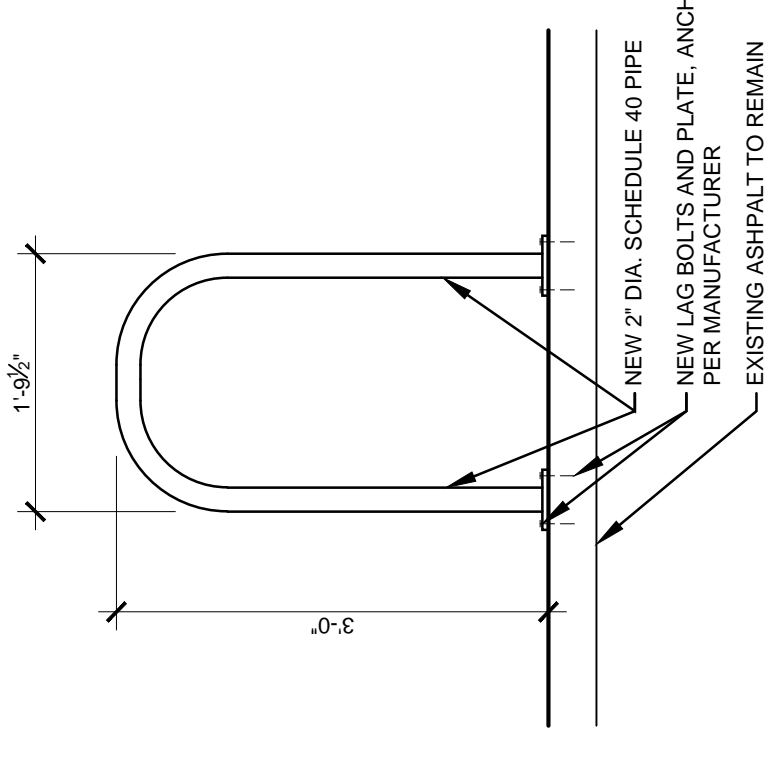
SYMBOL LEGEND:

- +—+—+— EXISTING PROPERTY LINE
- EXISTING CHAIN LINK FENCE TO REMAIN
- EXISTING CONCRETE CURB TO REMAIN
- CB (E) EXISTING CATCH BASIN TO REMAIN, (N) DESIGNATES NEW, REFER TO CIVIL DRAWINGS
- CO (E) EXISTING CLEAN OUT TO REMAIN, (N) DESIGNATES NEW, REFER TO CIVIL DRAWINGS
- *DS (E) EXISTING DOWNSPOUT TO REMAIN, (N) DESIGNATES NEW, REFER TO CIVIL DRAWINGS
- (E) EXISTING SIGN TO REMAIN
- | NEW BIKE RACK
- EXISTING TREE TO REMAIN
- (E) EXISTING BOLLARD TO REMAIN
- (E) EXISTING POLE TO REMAIN



1 SITE PLAN

SCALE: 1" = 20'-0"



2 NEW SURFACE MOUNTED BIKE RACK

SCALE: 3/4" = 1'-0"

In the event of a conflict between the printed and the digital documents, the printed documents shall prevail. The Architect and the Client agree that the digital documents transmitted by mail, email, or other electronic means shall be deemed to be original signed and sealed documents.

JOB NO. 2019.0136
 DATE JAN 24, 2020
 DRAWN SED
 REVISIONS



SAFE SLEEP
 SHELTER

1910 FRONT ST NE
 SALEM, OR 97301
 SHEET

A1.1

March 10, 2020

Olivia Dias
Planning Department
City of Salem
555 Liberty Street SE
Salem, OR 97301

RE: Conditional Use Statement
1910 Front Street



Dear Olivia,

Our written statement to address SRC 240.005(d) is as follows:

1. Criteria. An application for conditional use permit shall be granted if all of the following criteria are met:
 - a. The proposed use is allowed as a conditional use in the zone;
 - i. Answer: The proposed use is a conditional use per SRC Table 551-1.USES, Use Lodging, Nonprofit shelters, Nonprofit shelters serving 40 or less women.
 - b. The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions; and
 - i. Answer:
 1. The shelter is proposing hours of operation outside of typical business hours (7pm to 7am). This works to minimize any adverse impacts on the immediate neighboring businesses and homes during daytime and standard business operation times. Hours of operation could be way of limiting future adverse impacts on the neighborhood.
 2. Limiting shelter occupancy up to 40 and not the maximum of 75 to mitigate impacts to surrounding neighborhood.
 3. Storage of belongings for the women using the shelter will be done inside only. If any storage in the future is utilized on the exterior it should be screened within a 6 foot tall sight obscuring fence, wall, or hedge.
 4. Shelter queuing has been a couple hours prior to the shelter opening. Limitations on hours for waiting for the shelter to open can be a possibility. This will reduce an impact on neighboring businesses and homes. Similarly, in the morning the shelter closes at 7am. There is a check out process so there will not be all women rushing out the door at one time, it is varied across a couple hours.

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

i. Answer:

1. The property across the street to the West has historically been used with similar use, with additional properties to the NW offering tangential uses to the proposed conditional use and the proposed conditional use would have no impact on the Enterprise Car Rental to the North, the Welding company to the South, or small businesses to the East.
2. The shelter does not allow for women to come and go from the shelter at night. To control this the shelter takes the women's stuff upon entering and lock it up in a storage room. They are then not allowed access to it until the morning when they are checked out. This reduces neighborhood interference and noise during the evening hours.
3. The women using the shelter are required to leave the shelter at 7am and are not allowed to loiter around the building during the day. They are asked to take their belongings with them. This will assist the neighborhood by not allowing all day camping and waiting for the shelter to open back up.
4. There will be almost none to zero impact based on traffic. Most all of the visitors using the shelter do not own or operate a car. The users that are driving to the facility are the volunteers and workers.

If you should need anything else please let me know.

Sincerely,



Blake Bural
Architect | Partner