



# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

*There is a development proposal for the property listed in this notice and shown on the attached map. The City is seeking input from neighbors on the proposal. If you have questions or comments about the proposal, contact the case manager.*

*Esta carta es un aviso sobre una propuesta de desarrollo para la propiedad enumerada y que se muestra en el mapa adjunto. La ciudad está buscando la opinión de los vecinos sobre la propuesta. Si tiene preguntas o comentarios sobre la propuesta, póngase en contacto con nosotros al 503-588-6213*

<b>CASE NUMBER:</b>	Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change Case No. CPC-NPC-ZC20-06
<b>PROPERTY LOCATION:</b>	4120 Kurth Street S, Salem OR 97302
<b>SUMMARY:</b>	A Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential).
<b>HEARING INFORMATION:</b>	Salem Planning Commission, <b>September 15, 2020 at 5:30 P.M.</b>  <b>DUE TO SOCIAL DISTANCING MEASURES IN PLACE TO HELP STOP THE SPREAD OF THE COVID-19 VIRUS THIS HEARING WILL BE HELD VIRTUALLY</b>  To view the meeting LIVE on YouTube please visit this link with any computer, tablet, or smart phone: <a href="http://bit.ly/planningpublicmeetings">http://bit.ly/planningpublicmeetings</a>
<b>HOW TO PROVIDE TESTIMONY:</b>	Both written and oral testimony will be accepted on this case. Only those participating by submitting written testimony, or by testifying virtually at the hearing, have the right to appeal the decision.  <b>To provide written testimony:</b> Direct written comment to the case manager listed below. Staff recommends emailing your comments to ensure receipt before the public hearing.  <b>To testify virtually at the public hearing:</b> Sign up by contacting Shelby Guizar at <a href="mailto:sguizar@cityofsalem.net">sguizar@cityofsalem.net</a> or 503-540-2315 by <u>September 15, 2020 at 3:00 P.M.</u>
<b>CASE MANAGER:</b>	<b>Bryce Bishop, Planner II</b> , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, OR 97301. Telephone: 503-540-2399; E-mail: <a href="mailto:bbishop@cityofsalem.net">bbishop@cityofsalem.net</a> .
<b>NEIGHBORHOOD ASSOCIATION:</b>	Sunnyslope Neighborhood Association, Evan White, Land Use Chair; Phone: 503-585-4814; Email: <a href="mailto:epwhitehouse@comcast.net">epwhitehouse@comcast.net</a> .  Adjacent Neighborhood Association - Southwest Association of Neighbors (SWAN), Ted Burney, Land Use Chair; Phone: 503-428-0625; Email: <a href="mailto:burney.ted.tb@gmail.com">burney.ted.tb@gmail.com</a> ; and Ron Eachus, Land Use; Email: <a href="mailto:re4890@comcast.net">re4890@comcast.net</a> .  <i>Neighborhood associations are volunteer organizations of neighbors coming together to make neighborhoods the best they can be. They receive notice of land use applications within their boundaries, and they often submit comments on the applications to the City. Neighborhood association meetings are open to everyone. Contact your neighborhood association to get involved.</i>
<b>STAFF REPORT:</b>	The Staff Report will be available seven (7) days prior to the hearing and will thereafter be posted on the Community Development website: <a href="https://www.cityofsalem.net/notice">https://www.cityofsalem.net/notice</a> .
<b>ACCESS:</b>	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
<b>CRITERIA:</b>	Salem Revised Code (SRC) Chapter(s) 64.025(e)(2) – Comprehensive Plan Map Amendments and 265.005(e)(1) – Zone Changes  Salem Revised Code (SRC) is available to view at this link: <a href="http://bit.ly/salemorcode">http://bit.ly/salemorcode</a> . Type in the chapter number(s) listed above to view the applicable criteria.

<b>OWNER(S):</b>	John Wulf, JPRE LLC
<b>APPLICANT / AGENT(S):</b>	Geoffrey James on behalf of John Wulf, JPRE LLC
<b>PROPOSAL / REQUEST:</b>	A consolidated Minor Comprehensive Plan Map Amendment from Single Family Residential to Multiple Family Residential, Minor Neighborhood Plan Map Amendment from Single Family to Multiple Family Residential, and Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential) for properties totaling approximately 1.52 acres in size and located at 4120 Kurth Street S (Marion County Assessor Map and Tax Lot Numbers: 083W09BB01600 and 300).
<b>HEARING PROCEDURE:</b>	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. A hearing is not a venue to ask questions of staff, the applicant, or the decision maker(s) on this case but rather an opportunity to provide testimony to the decision maker(s) on the merits of the land use case; questions about the application, the recommended conditions of approval, or the Planning Administrator's recommendation, should be directed to the Case Manager prior to the hearing.</p> <p>Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony. Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p> <p>Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either virtually or in writing, and anyone who requested to receive notice of the decision.</p>
<b>MORE INFORMATION:</b>	Documents and evidence submitted by the applicant are available for review and paper copies can be obtained at a reasonable cost. You can also find out more information about the status of the proposed application on the City's online Permit Application Center at <a href="https://permits.cityofsalem.net">https://permits.cityofsalem.net</a> . Just enter the permit number listed here: 20 108363
<b>NOTICE MAILING DATE:</b>	August 26, 2020

**PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.**

**For more information about Planning in Salem:**

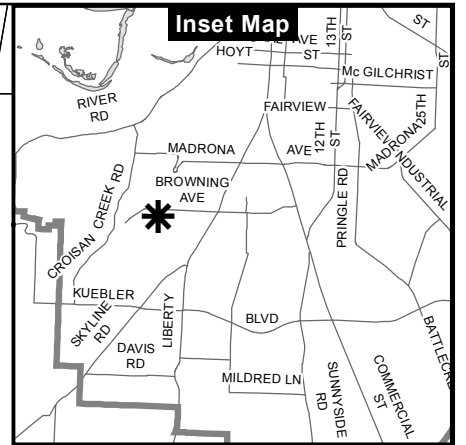
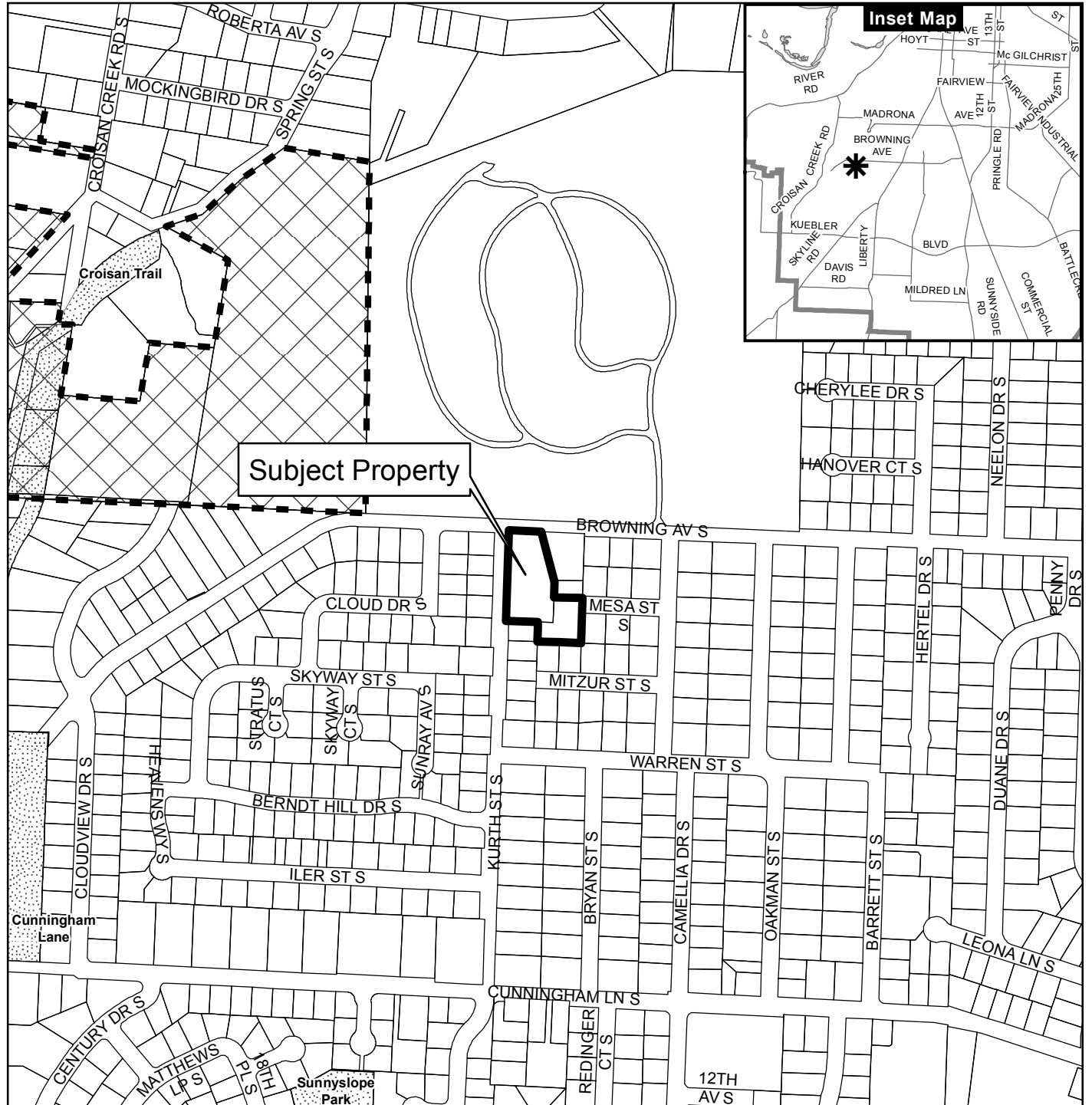
**<http://www.cityofsalem.net/planning>**

*It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community*








*Development Department at 503-588-6173 at least three business days before this meeting or event.*

*TTD/TTY telephone 503-588-6439 is also available 24/7*

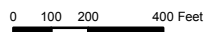
# Vicinity Map 4120 Kurth Street S



### Legend

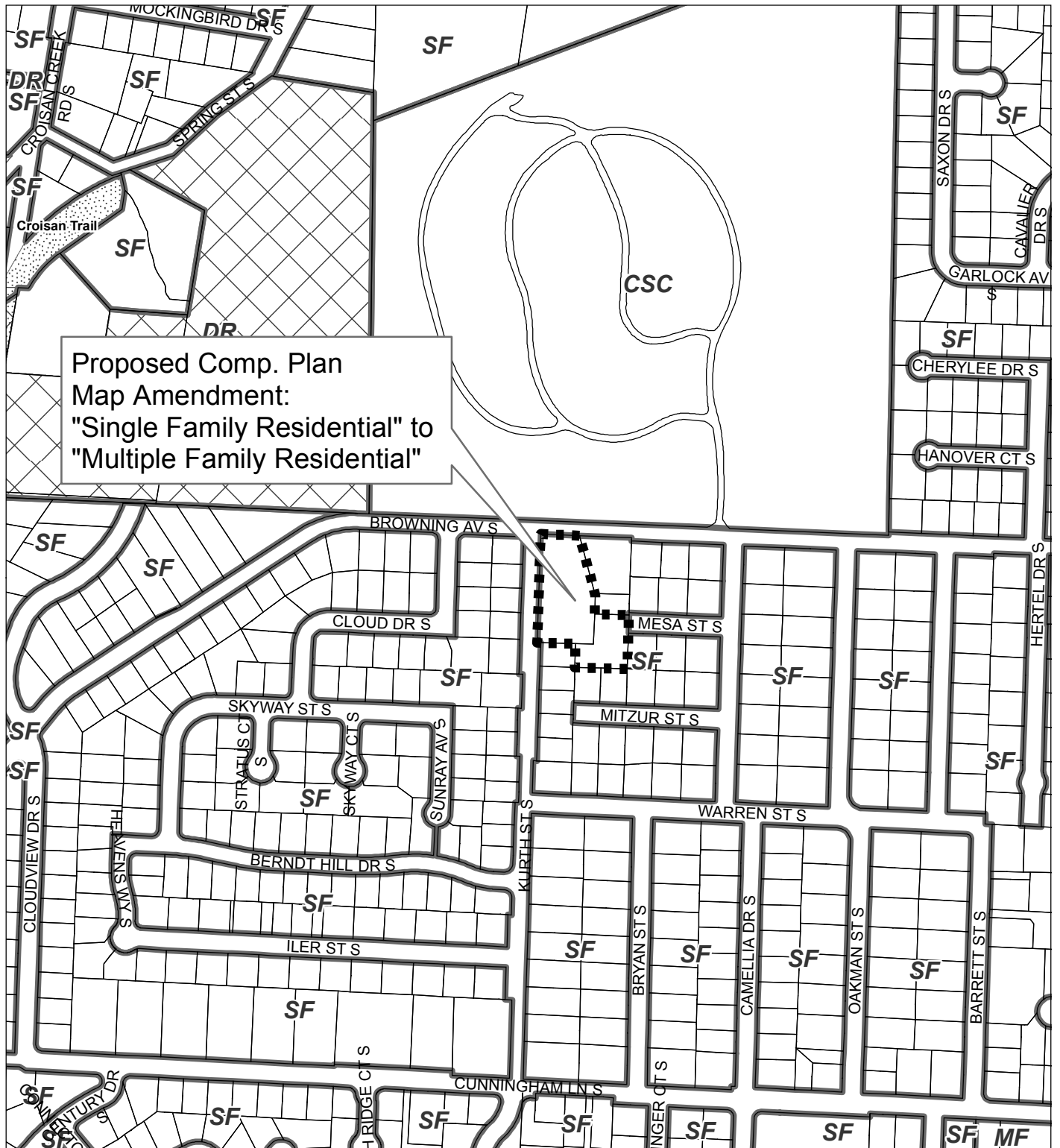
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks

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



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# Comprehensive Plan Map



Proposed Comp. Plan Map Amendment:  
 "Single Family Residential" to  
 "Multiple Family Residential"

## Legend

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

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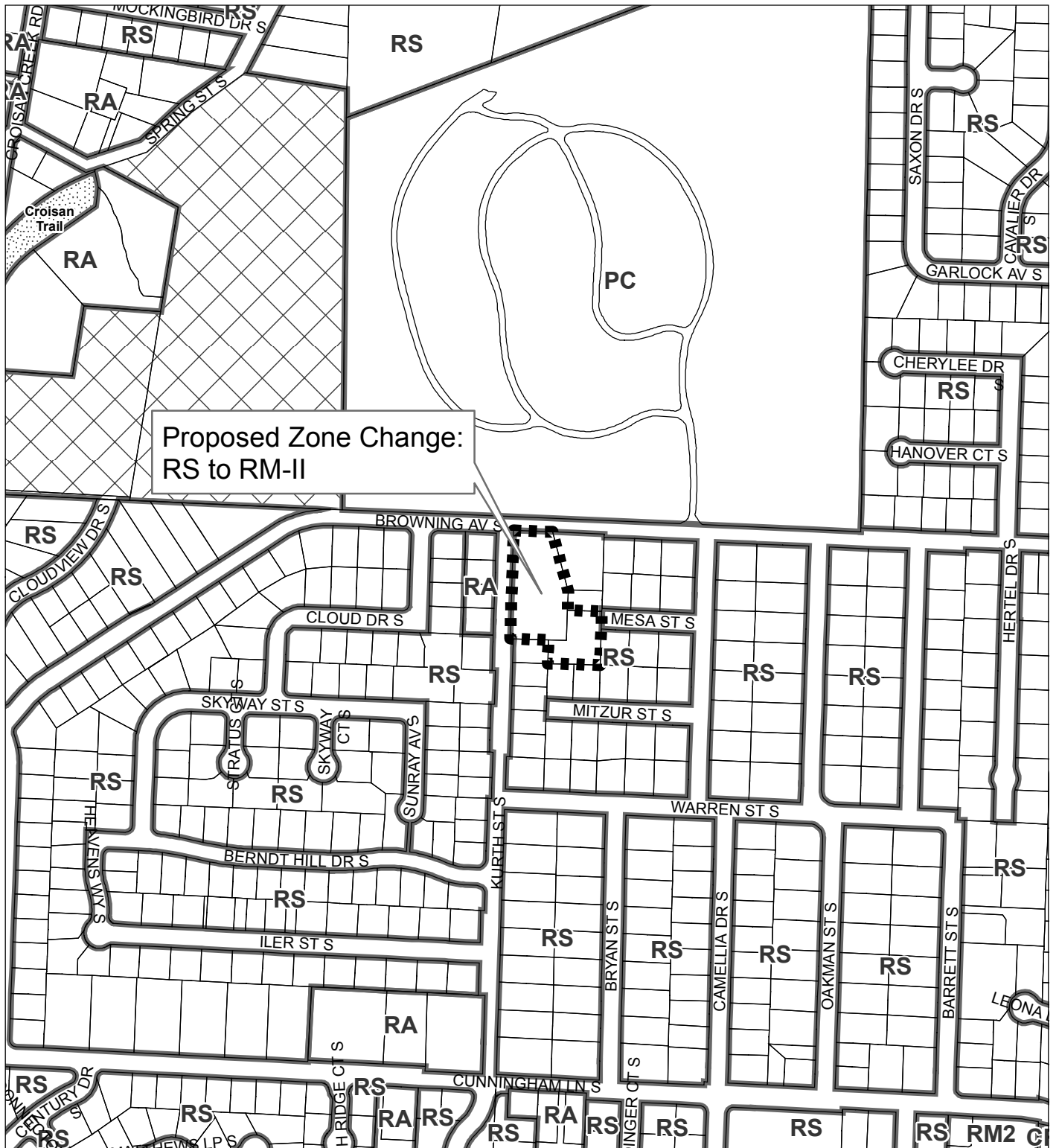
0 50 100 200 Feet



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 Community Development Dept.



# Zoning Map



Proposed Zone Change:  
RS to RM-II

## Legend

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

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### DESCRIPTION OF THE LAND USE PROPOSAL

The site is at the north-east corner of Kurth & Browning and is about 1.5 acres.

There is an empty, abandoned, care facility on the property, that is deteriorating. A couple of photos are included in this report.

The proposal is to build some apartment buildings on this corner, set back some 30 ft. from surrounding residential lots, set back some 20 ft. from both streets, which are both proposed to be widened, and the homes are to be accessed by private driveways from both streets. The code requires 1.5 parking spaces for each dwelling unit, so the parking will be off the internal driveway that connects both entry driveways.

There are some existing trees, that have been surveyed, and are shown in green on the plan, and the goal is to save most of these trees. In addition, there will be many new trees planted, to break up the parking area visually, plus many street trees.

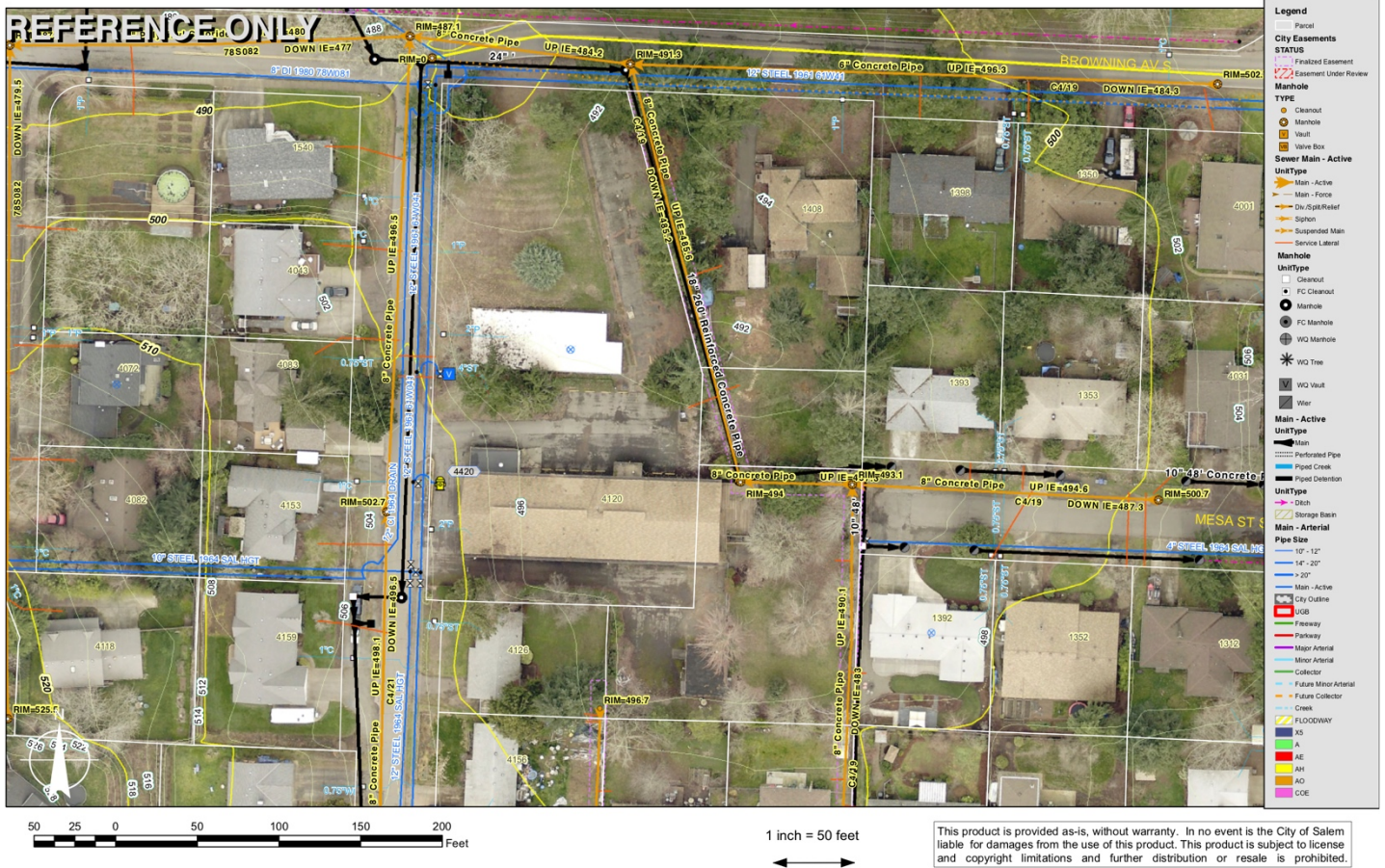
So, with RM-2 apartment zoning, some 42 units are permitted. However, this proposal is for a lower density development of just 36 units, maybe 24 units at 2-bedroom, 2-bath, plus 12 units at 1-bedroom, 1 bath. They would be walk-up apartments with 6 homes sharing one covered stair and there would be a total of 6 stairs. Four buildings are proposed, with landscaping between each building, and set back 20 ft. from the two streets and a minimum of 30 ft. from adjacent residential properties. Where there are no existing fences then 6-ft. wood fences are proposed at the boundary of the neighboring home sites.

To implement this proposal for 36 apartments, the applicant submits this ZC/CPC application to the City, which is specifically a zone change from RS to RM-2, and a comprehensive plan change of designation from Single Family Residential to Multifamily Residential.

This is consistent with the discussions at "Our Salem" where the community is planning for the next 20 or so years and the anticipated growth of population. We are realizing that Salem densities may have to increase slightly and there is a need for more housing types. Densities have already increased in the 30 years since the neighborhood plan was adopted. Whereas that plan prefers 14,000 sq. ft. lots, Salem now allows 4,000 sq. ft. Whereas the neighborhood plan prefers multifamily to be at a density of 15 units per acre, the Housing Needs Analysis indicates a need for slightly higher density. This proposal is for 24 per acre, which reflects current identified needs. The intersection of two collector (main) streets is still preferred for apartment locations, over locating in the middle of single-family areas, although more duplexes and triplexes are anticipated, per state mandate, and anticipated imminent code revisions. So, this modest sized site, at the corner of two collector streets, with its empty run-down care facility buildings, deserves an attractive improvement, and some multifamily homes, with lots of trees.

The design is only a site plan at this time of discussion, but if you want to see a similar example, there is the Riverbend Apartments at Riverbend & Wallace in West Salem, by the same architect, which is under construction, and is three similar sized buildings, with a total of 48 apartments (Kurth would be only 36) set in among the existing trees.

# 4120 KURTH S AT BROWNING: ZC/CPC



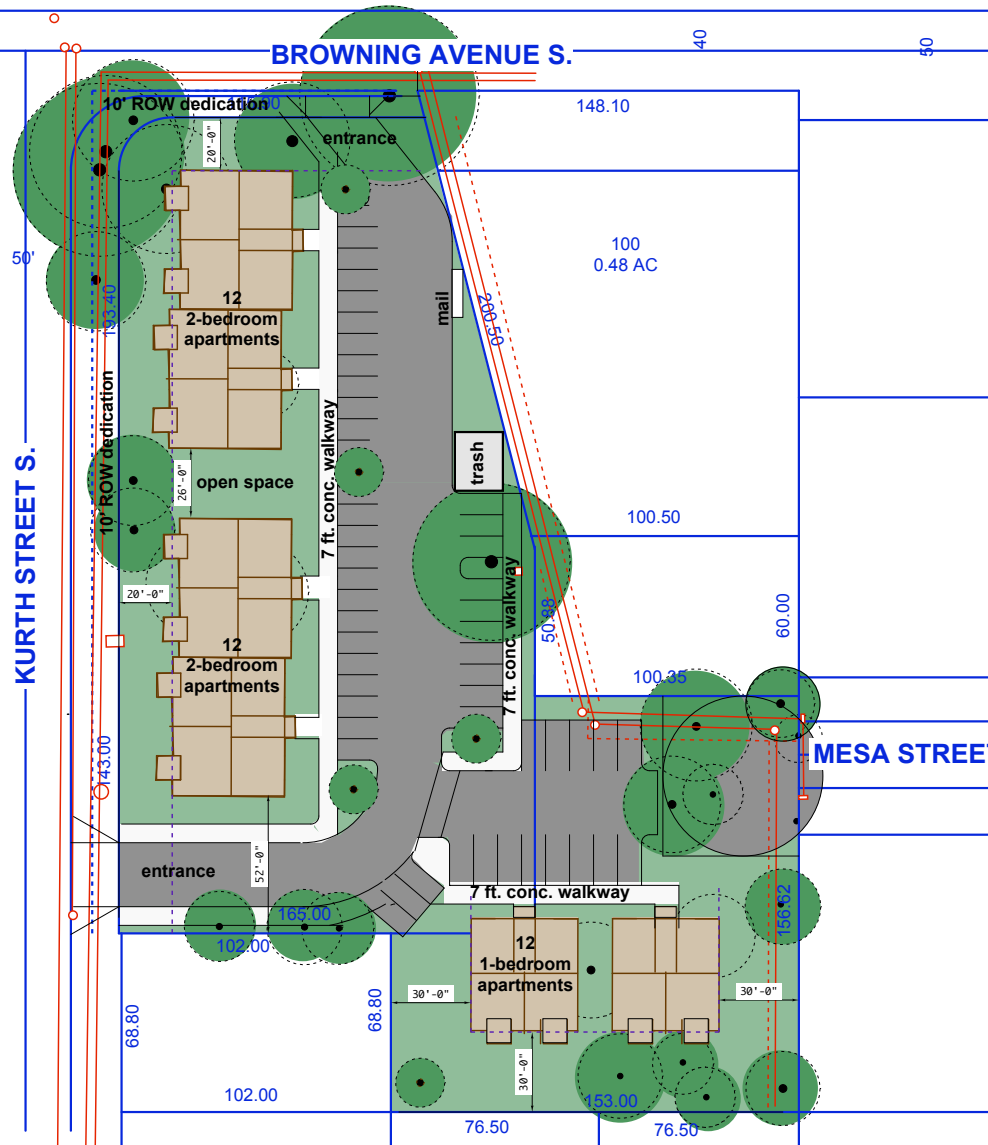
The City utilities map shows the 1.5-acre property on two parcels, at Kurth & Browning intersection of two collector streets. The two existing care center buildings are the white (flat) roof at the north, and the beige color (shed) roof building at the center, that overlaps into the second parcel to the south-east. A proposed PLA property line adjustment will combine the two parcels into one. The map shows that the project is served by sewer, water and storm, and this has been confirmed by Public Works. After the existing buildings are removed the new buildings will connect to the existing city utilities.



# KURTH APARTMENTS

## STATISTICS:

- PROPERTY SIZE: 1.52 ACRES
- IN TWO TAX LOTS (to be combined)
- #1600: 1.08 ACRES
- #300: 0.44 ACRES
- EXISTING ZONING: RS
- PROPOSED ZONING: RM-2
- PERMITTED DENSITY: 28 UNITS/ACRE
- I.E. 42 UNITS PERMITTED
- PROPOSED USE: 3 STORY APTS.
- 12 1 BR APTS
- 24 2 BR APTS
- 36 TOTAL UNITS PROPOSED
- 20 FT. SETBACK FROM STREETS
- 30 FT. SETBACK FROM NEIGHBORS
- LAND USE APPLICATION:**
- ZC/CPC RS TO RM-2 / multifamily
- TREE CONSERVATION PLAN**
- 24 FT. PRIVATE STREETS
- "NO PARKING"
- 7'-0" WALKWAY (TWO SIDES)
- 9 X 19 PARKING SPACES: 1.5 PER UNIT
- 54 SPACES REQUIRED
- COMMON OPEN SPACE
- 24 X 18 RECYCLING CENTER
- MAIL PICK UP AREA
- PRIVATE MAINTENANCE
- CITY SEWER WATER STORM



The Site Plan of the proposed apartments shows four buildings, containing 36 apartments, laid out so that most existing trees are saved, and incorporated into the landscape plan, with extensive open space, and pedestrian walkways through the development, and connecting to both public streets. To meet city standards, the plan includes a dedication of 10 ft. off both Kurth and Browning. New sidewalks and a half street improvement is proposed within this ROW dedication, with a radiused corner at the intersection. Because the apartment complex is proposed to be served by a compact 24 ft. private driveway, from Kurth to Browning, with 9 x 19 parking spaces off that, to city code, the plan proposes constructing a new and public turnaround at the end of Mesa Street on a dedicated ROW that is connected to Mesa. Off the two streets are 20 ft. landscape setbacks, and the apartments are all to be set back with 30 ft. of landscaping from adjacent residential lots, plus a perimeter 6 ft. wood fence.



## 4120 KURTH S AT BROWNING: ZC/CPC



### EXISTING CARE HOME ON 1.5 ACRES

This is an aerial photo from the west of the two existing buildings of the care center, with Kurth Street in the foreground, and Browning Avenue on the west. Both streets are proposed to be widened, with additional dedicated right-of-way, half street improvements, and new sidewalks and street trees. A 6-ft. wood fence is proposed at the adjacent single-family lots, in addition to a 30 ft. landscaped setback.