

TO: HEARINGS OFFICER

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

SUBJECT: CONDITIONAL USE / PROPERTY LINE ADJUSTMENT CASE NO. CU-PLA24-09; 211 AND 215 BOONE ROAD SE

REQUEST

A consolidated application for a Conditional Use Permit and Property Line Adjustment to allow a proposed residential care facility serving up to 15 persons on property located at 211 Boone Road SE and to relocate the property line between the properties located at 211 Boone Road SE and 215 Boone Road SE. The subject properties are zoned RS (Single Family Residential) and total approximately 0.62 acres in size (Marion County Assessor Map and Tax Lot Numbers: 083W09DD10901 and 083W09DD10900).

APPLICANT: Bridgeway Recovery Services (Timothy Murphy, Patrick Vance, James Campbell)

OWNER: Bridgeway Holdings LLC (Timothy Murphy, Isaac Vandergon)

REPRESENTATIVE: Britany Randall, BRAND Land Use

PROPOSAL

The application under review by the Hearings Officer is a consolidated application for a Conditional Use Permit and Property Line Adjustment for two properties totaling approximately 0.62 acres in size and located at 211 and 215 Boone Road SE (**Attachment A**).

The application seeks approval of a Conditional Use Permit to allow a proposed residential care facility serving up to 15 persons recovering from substance abuse on the property located at 211 Boone Road SE; together with a property line adjustment to relocate the property line between the two properties.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; 2) Any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) All documents referenced in this report.

All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You can use the search function without registering and enter the permit number listed here: 24 111280.

APPLICANT'S MATERIALS

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code and must be supported by proof they conform to such standards and approval criteria. The plans submitted by the applicant depicting the proposed development, and in support of the proposal, are attached to this report as follows:

- Site Plan: **Attachment B**

FACTS AND FINDINGS

1. Procedural Findings

On May 23, 2024, an application for a Conditional Use Permit and Property Line Adjustment was submitted by Britany Randall, of BRAND Land Use, on behalf of the applicant, Bridgeway Recovery Services, and property owner, Bridgeway Holdings LLC.

Because multiple land use applications are required in connection with the proposed development, they have been consolidated and are being processed together as one pursuant to SRC 300.120(c). When multiple applications are consolidated, the review process for the application follows the highest numbered procedure type required for the land use applications involved, and the Review Authority is the highest applicable Review Authority under the highest numbered procedure type. Based on these requirements, the consolidated Conditional Use Permit and Property Line Adjustment is required to be reviewed by the Hearings Officer and processed as a Type III procedure.

The original application submitted by the applicant included a property line adjustment and a single conditional use permit request for residential care facilities serving up to 15 persons at both 211 Boone Road SE and 215 Boone Road SE. However, upon review of the application staff notified the applicant's representative that separate conditional use permits were required for each of the properties. After a second, separate, conditional use permit was submitted for the property at 215 Boone Road SE and additional required information requested by staff was provided by the applicant, the application was deemed complete for processing and notice of the public hearing was sent, pursuant to SRC requirements, on August 22, 2024. Notice of the public hearing was posted on the property by the applicant on August 29, 2024. The 120-day state mandated local decision deadline for the application is December 20, 2024.

The public hearing on proposal is scheduled for September 11, 2024.

2. Existing Conditions

Site Characteristics

The proposal includes two properties located at 211 Boone Road SE and 215 Boone Road SE. The property at 211 Boone Road SE is approximately 0.38 acres (*16,449 square feet*) in size and configured as a flag lot with vehicle access to Boone Road provided by 25-foot-wide access easement over the abutting property to the south at 215 Boone Road SE.

The property at 215 Boone Road SE is approximately 0.24 acres (*10,355 square feet*) in size and has frontage on Boone Road SE, which is classified as a collector street under the City Transportation System Plan (TSP).

Trees

The City's tree preservation ordinance (SRC Chapter 808) protects:

- 1) Heritage Trees;
- 2) Significant Trees (including Oregon White Oaks with diameter-at-breast-height (*dbh*) of 20 inches or greater and any other tree with a *dbh* of 30 inches or greater, with the exception of tree of heaven, empress tree, black cottonwood, and black locust);
- 3) Trees and native vegetation in riparian corridors; and
- 4) Trees on lots or parcels 20,000 square feet or greater.

The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more *dbh*, and possesses an upright arrangement of branches and leaves."

As shown on the existing conditions plan submitted by the applicant, there are no existing trees on the property.

Wetlands

Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

The City's wetlands ordinance (SRC Chapter 809) establishes requirements for notification of DSL when an application for development is received in an area designated as a wetland on the official wetlands map.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no mapped wetlands or waterways located on the subject property.

Site Topography

The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility.

The topography of the subject property and the surrounding area is flat. According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance, a geologic assessment is therefore not required in conjunction with the

proposed development.

Salem Area Comprehensive Plan (SACP)

The subject property is located inside the Salem Urban Growth Boundary and the corporate city limits. The property is designated “Single Family Residential” on the Salem Area Comprehensive Plan (SACP) Map. The comprehensive plan map designations of surrounding properties are as follows:

| Comprehensive Plan Map Designations of Surrounding Properties | |
|--|---|
| North | Single Family Residential |
| South | Across Boone Road SE, Single Family Residential and Multiple Family Residential |
| East | Single Family Residential |
| West | Single Family Residential |

Relationship to Urban Service Area

The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended. The subject property is located inside the City’s Urban Service Area.

Because the subject property is located inside the Urban Service Area, an Urban Growth Preliminary Declaration is not required for the proposed development.

Zoning Map Designation

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

| Zoning of Surrounding Properties | |
|---|--|
| North | RS (Single Family Residential) |
| South | Across Boone Road SE, RS (Single Family Residential) and RM-II (Multiple Family Residential) |
| East | RS (Single Family Residential) |
| West | RS (Single Family Residential) |

3. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Faye Wright Neighborhood

Association.

Applicant Neighborhood Association Contact:

SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. On May 16, 2024, the applicant's representative contacted the Faye Wright Neighborhood Association to provide details about the proposal; thereby satisfying the requirements of SRC 300.310.

Neighborhood Association Comments:

Notice of the application was provided to the Faye Wright Neighborhood Association pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of the staff report, no comments were received from the neighborhood association.

Homeowners' Association:

Pursuant to SRC 300.620(b)(2)(B)(vi), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) involving property subject to a Type III land use application. According to application materials submitted by the applicant, the subject property is not located within a Homeowners' Association (HOA); therefore, HOA notice is not applicable.

Public Comments:

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), to property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, one public comment was received that is included as **Attachment C**. The comment received expresses, in summary, opposition to the proposal based on their negative experiences with the previous use of the site, concern about the types of individuals who will be served by the proposed new facility, and the encroachment of a commercial business into an area zoned for single family use.

Staff Response: The subject property is zoned RS (Single Family Residential) and abuts other RS zoned properties to the north, east, and west. To the south of the subject property across Boone Road SE is RS zoned property, as well multiple family property zoned RM-II (Multiple Family Residential).

As identified under SRC 511.001, the RS zone is intended to generally allow single family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area. This intent is accomplished through the identification of allowed uses and by prescribing standards

applicable to development within the zone. Uses specifically identified as being allowed within a zone are considered to be compatible with the intended character and development pattern of that zone, as well as the comprehensive plan designation the zone implements.

In this case, the proposed use of the property is a residential care facility for individuals recovering from alcoholism and substance abuse. As provided under the City's Use Classification chapter (SRC 400), specifically SRC 400.005 – Table 400-1 and SRC 400.035(b), residential care is classified as a type of group living residential use. Under State law, pursuant to ORS 197.665 and 197.667, residential homes (*serving up to 5 persons*) and residential facilities (*serving 6 to 15 persons*) are generally required to be allowed in residential zones because these facilities are intended to provide care, training, and treatment in a residential setting where an individual can reside and receive the services they need. Within the RS zone, residential facilities are an allowed use, in compliance with the ORS, and because they are classified as a type of residential use they are also considered to be compatible with the intended residential character of the zone and no change to the zoning of the property is included or required in connection with the proposal.

4. City Department Comments

- A. The City of Salem Building and Safety Division reviewed the proposal and identified no concerns.
- B. The City of Salem Fire Department reviewed the proposal and indicated, in summary, that the applicant will be required to identify at the time of building permit plan review how the proposed facility will be licensed by the State in order to determine any specific requirements that may need to be met based on the license.
- C. The City of Salem Development Services Division reviewed the proposal and identified no issues.

5. Public Agency Comments

As of the date of completion of this staff report, no comments from public agencies were received.

DECISION CRITERIA FINDINGS

6. Analysis of Conditional Use Permit Approval 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.

Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by

findings of fact evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit or for the issuance of conditions of approval to satisfy the criteria.

SRC 240.005(d)(1): The proposed use is allowed as a conditional use in the zone.

Finding: The requested conditional use permit is for a proposed residential facility operated by the applicant, Bridgeway Recovery Services, on property located at 211 Boone Road SE. The written statement provided by the applicant indicates that the proposed residential facility will operate as one of their residential recovery services programs which provides safe shelter for individuals who are struggling with alcoholism and substance abuse in a structured social environment where they can learn from the support of each other while engaging in clinical services, including skill building groups and individual sessions. The applicant indicates that all individuals residing in the shelter will be screened prior to admission to ensure they don't need assistance with day-to-day living tasks and are able to administer their own medications. The applicant explains that the facility will have 24-hour staff who provide structured support and cohesion for residents.

The written statement provided by the applicant indicates that in accordance with SRC 511.005, Table 511-1, group living residential care uses serving 5 or more persons are permitted as a conditional use in the RS zone that that because the applicant wishes to serve more than five individuals, a conditional use permit is required.

Staff concurs with the findings included in the applicant's written statement. The subject property is zoned RS (Single Family Residential). Within the RS zone, pursuant to SRC 511.005 – Table 511-1, residential facilities, as defined under ORS 197.660, are allowed as a Conditional Use when located on a lot with frontage on an arterial or collector street.

Both ORS 197.660 and SRC Chapter 111 (Definitions) define a residential facility as:

“...a residential care, residential training, or residential treatment facility, as those terms are defined in ORS 443.400, that provides residential care alone or in conjunction with treatment or training or a combination thereof for six to 15 individuals who need not be related. Staff persons required to meet licensing requirements shall not be counted in the number of facility residents, and need not be related to each other or to any resident of the residential facility.”

Pursuant to ORS 443.400(11), a residential treatment facility is defined as, *“...a facility that provides, for six or more individuals with mental, emotional or behavioral disturbances or alcohol or drug dependence, residential care and treatment in one or more buildings on contiguous properties.”*

Because the purpose of the proposed facility, as identified by the applicant, is to provide residential recovery services to individuals struggling with alcohol and drug dependence, the proposed residential care facility falls under the classification of a residential treatment facility under State law and is therefore allowed as a conditional use within the RS zone specifically when located on a lot with frontage on an arterial or collector street. “Frontage” is defined under SRC Chapter 111 as, “...that portion of real property which abuts a street,

whether or not access to the property is accorded thereby, and whether or not a building or structure faces the street.”

As previously identified, the property at 211 Boone Road SE is currently configured as a flag lot with access to Boone Road SE provided by an easement over the abutting property to the south located at 215 Boone Road SE. Under the City’s Transportation System Plan (TSP) Boone Road SE is classified as a collector street; however, no portion of the existing property currently has frontage on the street as required under SRC 511.005(a).

In order to satisfy the requirement of the RS zone that residential facilities must be located on lots with frontage on an arterial or collector street, the applicant has requested a property line adjustment in conjunction with the proposed conditional use permit **(Attachment D)**. The property line adjustment relocates a portion of the property line between the subject property and the abutting property at 215 Boone Road SE so that the existing access easement area on the property at 215 Boone Road SE is transferred into the subject property at 211 Boone Road SE; thereby providing the property with 25 feet of frontage on Boone Road SE and satisfying the requirements of SRC 511.005(a). Analysis of the requested property line adjustment and findings demonstrating conformance with the applicable property line adjustment approval criteria are included under Section 7 of this report.

In order to ensure the proposed residential care facility will be located on a lot with frontage on a collector street and is therefore allowed as a conditional use in the RS zone as required by this approval criterion, the following condition of approval is recommended:

Condition 1: Prior to site plan review approval, the property line adjustment deed and record of survey for the property line adjustment shall be recorded with the County.

In addition to complying with the above condition to establish the proposed use on the property, the City’s development code requires, pursuant to SRC 220.005(a)(1)(A)&(B), that any development that requires a building permit (*including a building permit for a change of occupancy of a building*) or any change of use, when a building permit is not otherwise required, must first obtain site plan review approval. Because the proposed residential care facility represents a change of use from the previous use of the property, site plan review approval is required prior to establishing the proposed use on the property. In order to ensure the proposed use conforms with the applicable requirements of the City’s development code and is lawfully established as a conditional use in the zone, the following condition of approval is recommended:

Condition 2: Prior to establishing the proposed use on the property, site plan review approval shall be obtained.

The proposed development, as recommended to be conditioned, satisfies this approval criterion.

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

Finding: The written statement provided by the applicant indicates, in summary, that they believe there will be no adverse impacts on the immediate neighborhood due to a number of existing factors. The applicant explains that the subject site was historically utilized in a similar capacity as a nonprofit shelter serving victims of domestic violence and successfully operated within the neighborhood. The applicant indicates that most of the individuals being served by Bridgeway Recovery Services do not have a vehicle on site, minimizing the likelihood of vehicular congestion; and no exterior alterations are proposed. The applicant explains that the proposed expansion will benefit the immediate neighborhood and the greater Faye Wright community by helping individuals experiencing addiction to become contributing members of society.

Staff concurs with the findings included in the applicant's written statement. The proposed use is a use that is allowed in the RS zone and the property has been previously used as a facility serving individuals in need for a number of years. The written statement provided by the applicant indicates that most of the individuals served by Bridgeway Recovery Services do not have a vehicle on site. Because it is likely that individuals will have less automobiles at the site, provision of accommodations for utilization of alternative modes of transportation, such as bicycle parking, becomes an important consideration to not only meet the needs of facility residents but also address the increase in non-single occupant vehicle transportation to and from the site.

Under the City's off-street parking chapter, pursuant to SRC 806.055(a) – Table 806-9, residential care facilities are required to have the greater of either four bicycle parking spaces or one space per 3,500 square feet of building area. Based on the size of the proposed residential facility, a minimum of four bicycle parking spaces are required. However, as shown on the existing conditions plan, no bicycle parking spaces are currently provided on the site. In order to ensure the proposed development provides bike parking spaces to meet the potential increased multi-modal transportation needs of facility residents, and to ensure the proposed development meets the minimum bicycle parking requirements of SRC Chapter 806.055, the following condition of approval is recommended:

Condition 3: A minimum of four bicycle parking spaces shall be installed on the site in conformance with the bicycle parking development standards included under SRC 806.060.

The proposed development, as recommended to be conditioned, satisfies this approval criterion.

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

Finding: The written statement provided by the applicant indicates, in summary, that they believe the proposed use will be reasonably compatible with the livability of surrounding developments and there will be no adverse impacts on the immediate neighborhood due to a number of existing factors. The applicant explains that the subject site was historically utilized in a similar capacity as a nonprofit shelter serving victims of domestic violence and successfully operated within the neighborhood. The applicant indicates that most of the individuals being served by Bridgeway Recovery Services do not have a vehicle on site,

minimizing the likelihood of vehicular congestion; and no exterior alterations are proposed.

Staff concurs with the findings included in the applicant's written statement. The subject property is zoned RS (Single Family Residential) and abuts other RS zoned properties to the north, east, and west. To the south of the subject property across Boone Road SE is RS zoned property, as well multiple family property zoned RM-II (Multiple Family Residential).

As identified under SRC 511.001, the RS zone is intended to generally allow single family, two family, three family, and four family residential uses, along with a mix of other uses that are compatible with and/or provide support and services to the residential area. This intent is accomplished through the identification of allowed uses and by prescribing standards applicable to development within the zone. Uses specifically identified as being allowed within a zone are considered to be compatible with the intended character and development pattern of that zone, as well as the comprehensive plan designation the zone implements.

In this case, the proposed use of the property is a residential care facility for individuals recovering from alcoholism and substance abuse. As provided under the City's Use Classification chapter (SRC 400), specifically SRC 400.005 – Table 400-1 and SRC 400.035(b), residential care is classified as a type of group living residential use. Under State law, pursuant to ORS 197.665 and 197.667, residential homes (*servicing up to 5 persons*) and residential facilities (*servicing 6 to 15 persons*) are generally required to be allowed in residential zones because these facilities are intended to provide care, training, and treatment in a residential setting where an individual can reside and receive the services they need. Within the RS zone, residential facilities are an allowed use, in compliance with the ORS, and because they are classified as a type of residential use they are also considered to be compatible with the intended residential character of the zone.

The area surrounding the subject property is characterized by a mix of residential uses, including single family dwellings, a manufactured dwelling park, and multi-family apartments; together with uses that serve the residential area, including nearby churches, an elementary school, and a park. The proposed residential care facility is compatible with the development pattern of the surrounding area and, as indicated by the applicant's representative, similar to the previous use of the property as a nonprofit shelter for victims of domestic violence due to both uses being places for individuals to reside and seek stability and recovery in a residential setting. The approval criterion is met.

7. Analysis of Property Line Adjustment Approval Criteria

Pursuant to SRC 205.055(a), a property line adjustment is required to relocate or eliminate all or a portion of a common property line between two abutting units of land that were lawfully established, as defined by ORS 92.010(3)(a). Property line adjustments shall not be used to create an additional unit of land, or to create units of land that are nonconforming.

Salem Revised Code (SRC) 205.055(d) sets forth the following criteria that must be met before approval can be granted to an application for a Property Line Adjustment. The

following subsections are organized with approval criteria shown in ***bold italic***, followed by findings of fact upon which the decision is based. Lack of compliance with the following criteria is grounds for denial of the property line adjustment.

SRC 205.055(d)(1): The property line adjustment will not create an additional unit of land.

Finding: The proposed property line adjustment relocates a portion of the common property line between two abutting units of land located at 211 and 215 Boone Road SE (Marion County Assessor’s Map and Tax Lot Nos. 083W09DD10901 & 083W09DD10900).

As shown on the property line adjustment site plan, there are two existing units of land before the proposed property line adjustment and there will be two units of land after the proposed property line adjustment. The proposed property line adjustment therefore does not create an additional unit of land. This approval criterion is met.

SRC 205.055(d)(2): The property line adjustment will not create nonconforming units of land or nonconforming development, or increase the degree of nonconformity in existing units of land or existing development.

Finding: The subject properties are zoned RS (Single Family Residential). As a result of the proposed property line adjustment, the property at 211 Boone Road SE will be increased in size by approximately 3,240 square feet and the property at 215 Boone Road SE will be correspondingly decreased in size by approximately 3,240 square feet.

Lot Standards. Lot standards within the RS zone are established under SRC 511.010(b), Table 511-2. Within the RS zone, lots for a residential care facility use are required to meet the following standards:

| RS Zone Lot Standards | |
|------------------------------|--|
| Lot Area | Min. 6,000 sq. ft. |
| Lot Width | Min. 40 ft. |
| Lot Depth | Min. 80 ft. |
| | Max. 300 percent of average lot width |
| Street Frontage | Min. 40 ft. <i>(except as allowed for flag lots pursuant to SRC 800.025)</i> |

As shown on the property line adjustment site plan, the property at 211 Boone Road SE will be increased in size to approximately 19,689 square feet (*approximately 12,052 square feet exclusive of the flag lot accessway*) and will have a width of approximately 65.72 feet (*exclusive of the flag lot accessway*) and a depth of approximately 186.9 feet (*exclusive of the flag lot accessway*). The property at 215 Boone Road SE will be correspondingly decreased in size to approximately 7,115 square feet (*approximately 6,957.8 square feet exclusive of the flag lot accessway*) and will have a width of approximately 54.97 feet, a depth of approximately 129.31 feet, and a street frontage of approximately 54.97 feet. The resulting lot area and dimensions of the properties after the proposed property line adjustment conform to the standards of the RS zone and will not result in the creation of non-conforming units of land.

Setbacks. Required setbacks within the RS zone are established under SRC 511.010(d), Table 511-3. Within the RS zone, residential care facilities have the following applicable minimum setbacks:

| RS Zone Setbacks | |
|-------------------------|--|
| Abutting Street | Min. 12 ft. |
| | Min. 20 ft. <i>(applicable abutting collector or arterial street)</i> |
| Interior Front | Min. 12 ft. |
| Interior Side | Min. 5 ft. <i>(applicable to new buildings)</i> |
| | Min. 3 ft. <i>(applicable to existing buildings)</i> |
| | Min. 10 ft. <i>(applicable to buildings not more than 35 feet in height located on "infill lots" where the side setback abuts lots zoned RA or RS)</i> |
| Interior Rear | Min. 14 ft. <i>(applicable to any portion of a building not more than one-story in height)</i> |
| | Min. 20 ft. <i>(applicable to any portion of a building greater than one-story in height)</i> |

As shown on the property line adjustment site plan, both properties at 211 and 215 Boone Road SE are developed with existing structures that currently conform to the minimum required setbacks of the RS zone. Under the proposed property line adjustment both properties will continue to conform to minimum setback requirements with a 5-foot setback between provided between the existing building at 215 Boone Road SE and the adjusted property line to the west.

Lot Coverage: Lot coverage requirements within the RS zone are established under SRC 511.010(e), Table 511-4. Within the RS zone the maximum lot coverage requirement applicable to residential care facilities is 35 percent.

As calculated based on the existing conditions plan, the lot coverage for the building and accessory structure on the property at 211 Boone Road SE is approximately 26.78 percent, which falls below the maximum 35 percent lot coverage limit.

The lot coverage for the building and accessory structure on the property at 215 Boone Road SE is approximately 49.3 percent, which exceeds the maximum lot coverage of the RS zone. Although the property at 215 Boone Road SE will exceed maximum lot coverage, this is not due to the proposed property line adjustment but rather the proposed change of use of the property to a residential care facility. Pursuant to SRC 112.040, lot coverage is the percentage of a lot covered by structures and SRC 800.025(a) provides that lot area and dimensions under the UDC are calculated exclusive of the flag lot accessway. Because the proposed property line adjustment relocates the property line between the property at 211 and 215 Boone Road SE to be generally coincident with the existing flag lot accessway easement, the resulting lot areas and dimensions of the lots, as measured exclusive of the flag lot accessway, are not affected by the proposed property line adjustment and the lot coverage percentages of the lots remain unchanged. Because the applicant is also seeking approval to change the use of the property at 215 Boone Road SE to a residential care facility, the applicant has applied for a Class 2 Adjustment, along with a conditional use

permit, to increase the maximum lot coverage for that lot.

As identified above, because the proposed property line adjustment does not result in the creation of non-conforming units of land or nonconforming development, this approval criterion is met.

SRC 205.055(d)(3): The property line adjustment involves only units of land that were lawfully established, where the instruments creating the units of land have been properly recorded, or the property line adjustment involves the incorporation of excess right-of-way, acquired for street or other right-of-way purposes and subsequently sold by a public body, into a unit of land that was lawfully established;

Finding: The proposed property line adjustment relocates the common property line between two units of land that were lawfully established. The property at 215 Boone Road SE is a lawfully established unit of land created as Parcel 3 of Partition Case No. PAR08-07 (Partition Plat No. PP2009-11). The property at 211 Boone Road SE is comprised of two lawfully established units of land originally created as Parcel 1 and Parcel 2 of Partition Case No. PAR08-11 (Partition Plat No. PP2009-11). These two units of land were then later legally consolidated into one lot with the approval of Property Line Adjustment Case No. PLA19-15 in 2019. Because the proposed property line adjustment involves legal units of land that were created as part of a recorded partition plat and property line adjustment, this approval criterion is met.

SRC 205.055(d)(4): The property line adjustment is not prohibited by any existing City land use approval, or previous condition of approval, affecting one or both of the units of land;

Finding: The most recent land use approvals associated with the properties are Partition Case No. PAR08-07 and Property Line Adjustment Case No. PLA19-15. Neither of these land use approvals, or any associated conditions, prohibit the proposed property line adjustment. This approval criterion is met.

SRC 205.055(d)(5): The property line adjustment does not involve the relocation or elimination of any public easement or right-of-way.

Finding: The proposed property line adjustment involves only the relocation of a portion of the common property line between the properties at 211 and 215 Boone Road SE. The property line adjustment does not relocate or eliminate any public easements or public right-of-way. Because the proposed property line adjustment will not relocate or eliminate any public easements or public right-of-way, this approval criterion is met.

SRC 205.055(d)(6): The property line adjustment does not adversely affect the availability or access to public and private utilities or streets.

Finding: The proposed property line adjustment relocates a portion of the common property line between the two properties. Both properties will retain their required frontage onto the public street right-of-way after the proposed property line adjustment and public and private utilities are available to serve them.

The proposed property line adjustment does not affect availability or access to public and private utilities or streets. The City's Development Services Division reviewed the proposed property line adjustment and identified no concerns. This approval criterion is met.

RECOMMENDATION

Based upon the Facts and Findings contained in the staff report, staff recommends that the Hearings Officer adopt the facts and findings of the report and take the following actions for the subject properties located at 211 and 215 Boone Road SE (Marion County Assessor Map and Tax Lot Numbers: 083W09DD10901 and 083W09DD10900):

A. **APPROVE** the Conditional Use Permit subject to the following conditions of approval:

- Condition 1:** Prior to site plan review approval, the property line adjustment deed and record of survey for the property line adjustment shall be recorded with the County.
- Condition 2:** Prior to establishing the proposed use on the property, site plan review approval shall be obtained.
- Condition 3:** A minimum of four bicycle parking spaces shall be installed on the site in conformance with the bicycle parking development standards included under SRC 806.060.

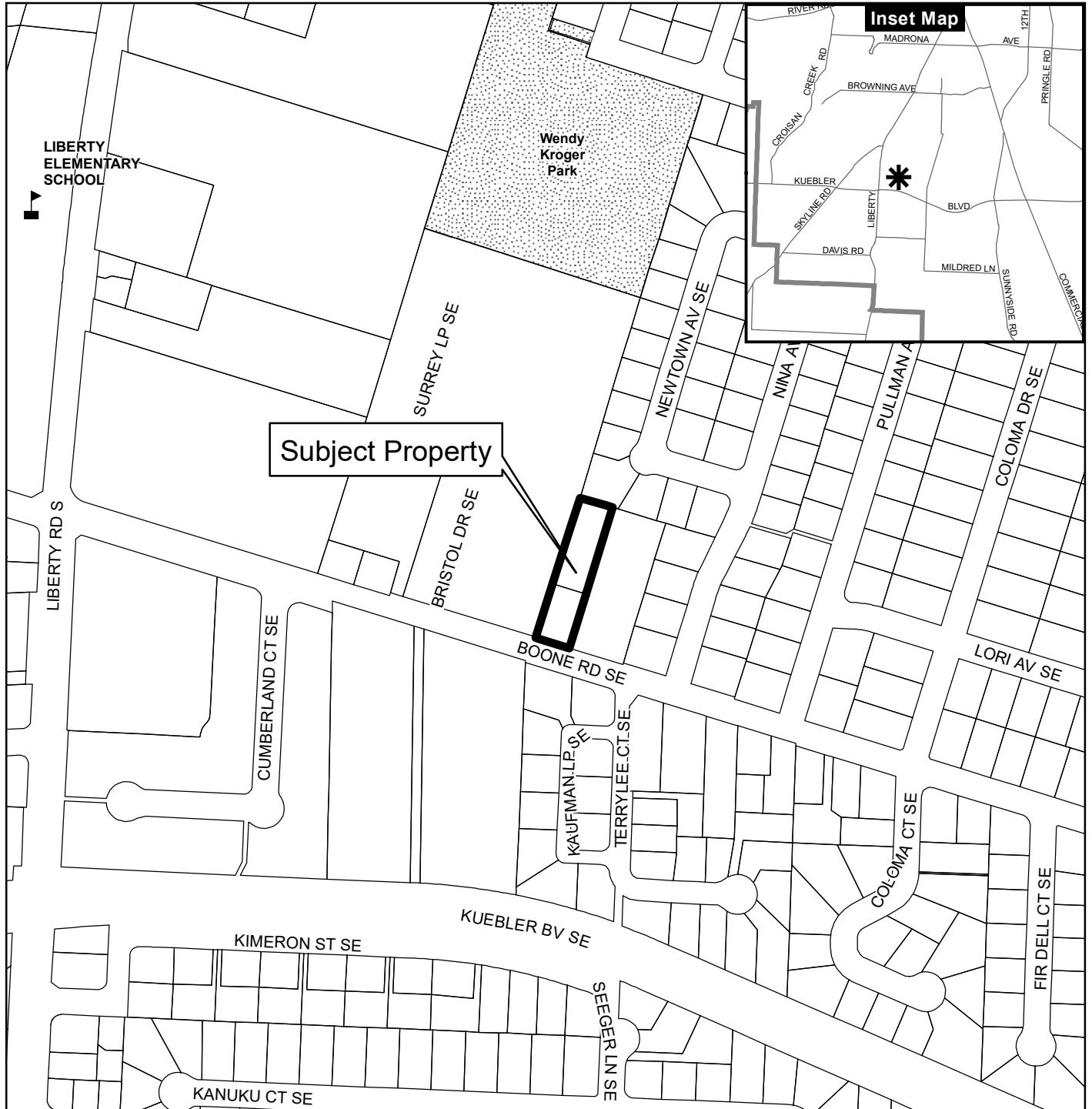
B. **APPROVE** the Property Line Adjustment.

Attachments:








- A. Vicinity Map
- B. Site Plan
- C. Public Comment
- D. Property Line Adjustment Site Plan

Prepared by Bryce Bishop, Planner III

Vicinity Map 211 & 215 Boone Road SE



Legend

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



0 100 200 400 Feet

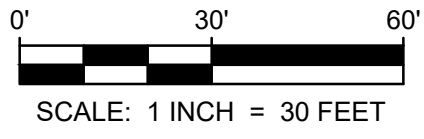


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EXISTING CONDITIONS

IN THE SE 1/4 OF SECTION 9, T.8S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

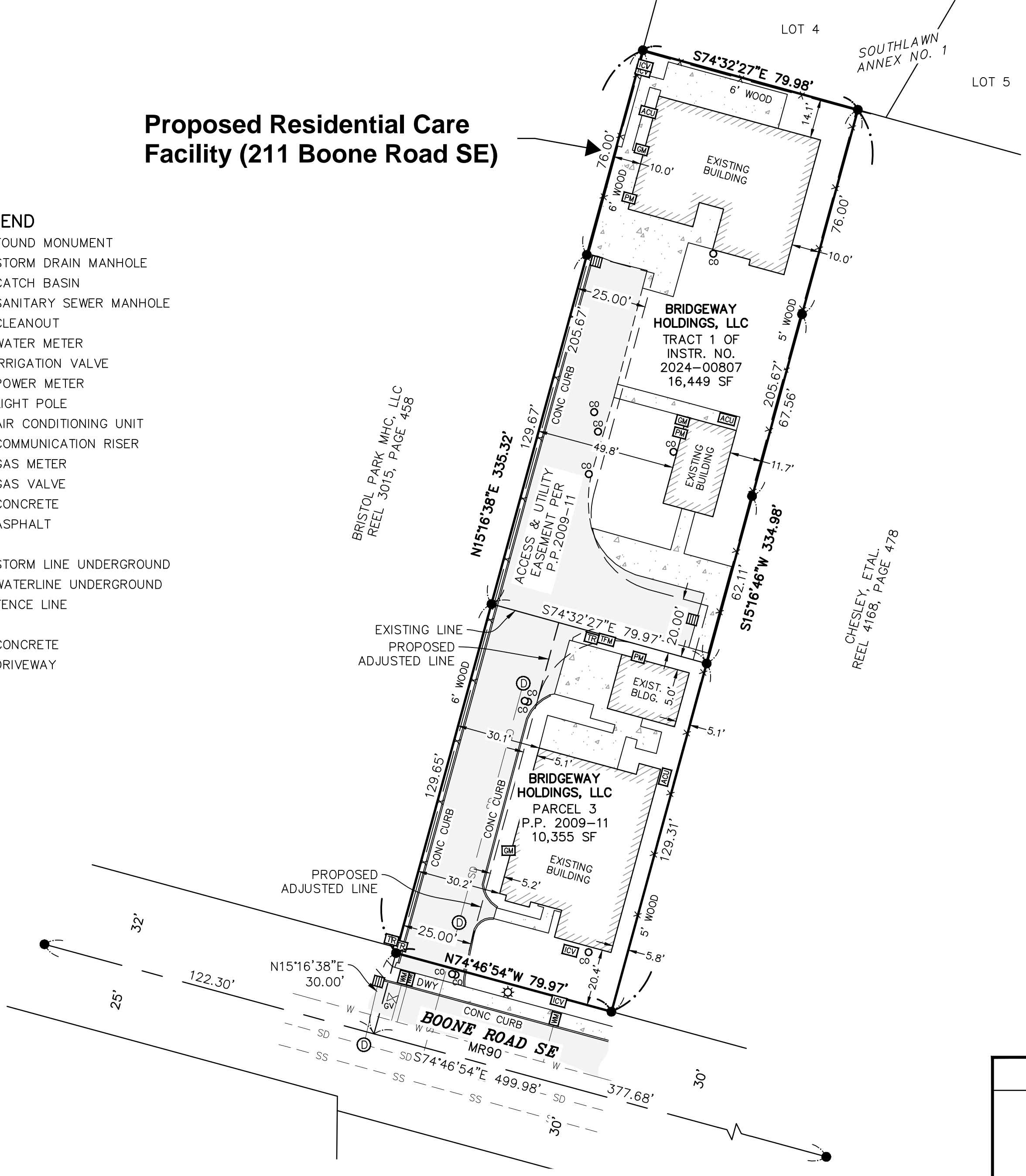
DATE: AUGUST 01, 2024



Proposed Residential Care Facility (211 Boone Road SE)

LEGEND

- FOUND MONUMENT
 - ⊙ STORM DRAIN MANHOLE
 - ▣ CATCH BASIN
 - ⊙ SANITARY SEWER MANHOLE
 - ∞ CLEANOUT
 - WM WATER METER
 - IV IRRIGATION VALVE
 - PM POWER METER
 - ☼ LIGHT POLE
 - ACU AIR CONDITIONING UNIT
 - TR COMMUNICATION RISER
 - GM GAS METER
 - GV GAS VALVE
 - ▨ CONCRETE
 - ▨ ASPHALT
-
- SD --- STORM LINE UNDERGROUND
 - W --- WATERLINE UNDERGROUND
 - X --- FENCE LINE
-
- CONC CONCRETE
 - DWY DRIVEWAY



PROPERTY INFORMATION

TRACT 1, INSTR. NO. 2024-00807
OWNER: BRIDGEWAY HOLDINGS, LLC
ADDRESS: 211 BOONE ROAD SE

PARCEL 3, P.P. 2009-11
OWNER: BRIDGEWAY HOLDINGS, LLC
ADDRESS: 215 BOONE ROAD SE

REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

SURVEYED FOR: BRIDGEWAY RECOVERY SERVICES

FFN SURVEYING

7230 3rd Street SE #145, Turner, OR 97392
P: (503) 558-3330 E: info@ffnsurveying.com

JOB NO. 24-493

SHEET 1/1

DRAFT

Bryce Bishop

From: kimby6148@aol.com
Sent: Saturday, August 24, 2024 7:47 PM
To: Bryce Bishop
Subject: Proposed change 215 Boone rd se

Good evening, my name is Kimberly Chesley-Kennedy and I reside at 225 Boone Rd SE. I am writing tonight about the proposed changes to the zoning of 215 Boone Rd SE. This property has been a problem for my family for over 10 years and my family has been at this address for over 90! When it was a women's crisis shelter we had women thrown from cars, Babies thrown into our front yard. Fist fights between man and woman at 3 am, nudity, and drug use, not to mention the man who tried to break into our house for a booty call as he put it. Just to list a few things.

The new owners are bringing drug addicts and criminals into our neighborhood less than 2 blocks from a school.

I spoke with Bridgeway and laid my concerns on the table. Especially about their plans to house recently released inmates. They assure me that nothing will happen but that is not a promise they can keep. By allowing a higher population in the homes it paves the way for more chances of crime and drugs. This used to be a beautiful neighborhood before my family subdivided and those homes went in.

The only inmates that go to a halfway home are those who have served hard time for over 10 years. These are not the kind of people I want next to my kids. Or a grade school. Who will be picking these inmates? Will they be rapists and sex offenders or killers? Where do we draw the line to protect our families?

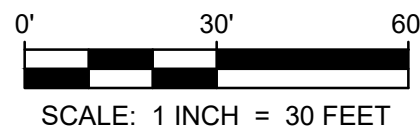
This property is zoned for single-family use... Bridgeway is a commercial business, not zoned for our area. How can they skirt the zoning? The homes should be sold and Bridgeway can go closer to an industrial area like Front St. Keeping the drugs and crimes away from all of our children.

I ask that the proposed changes be denied.

Kimberly Chesley-Kennedy
225 Boone Rd SE
Salem, OR 97306
503-409-3541

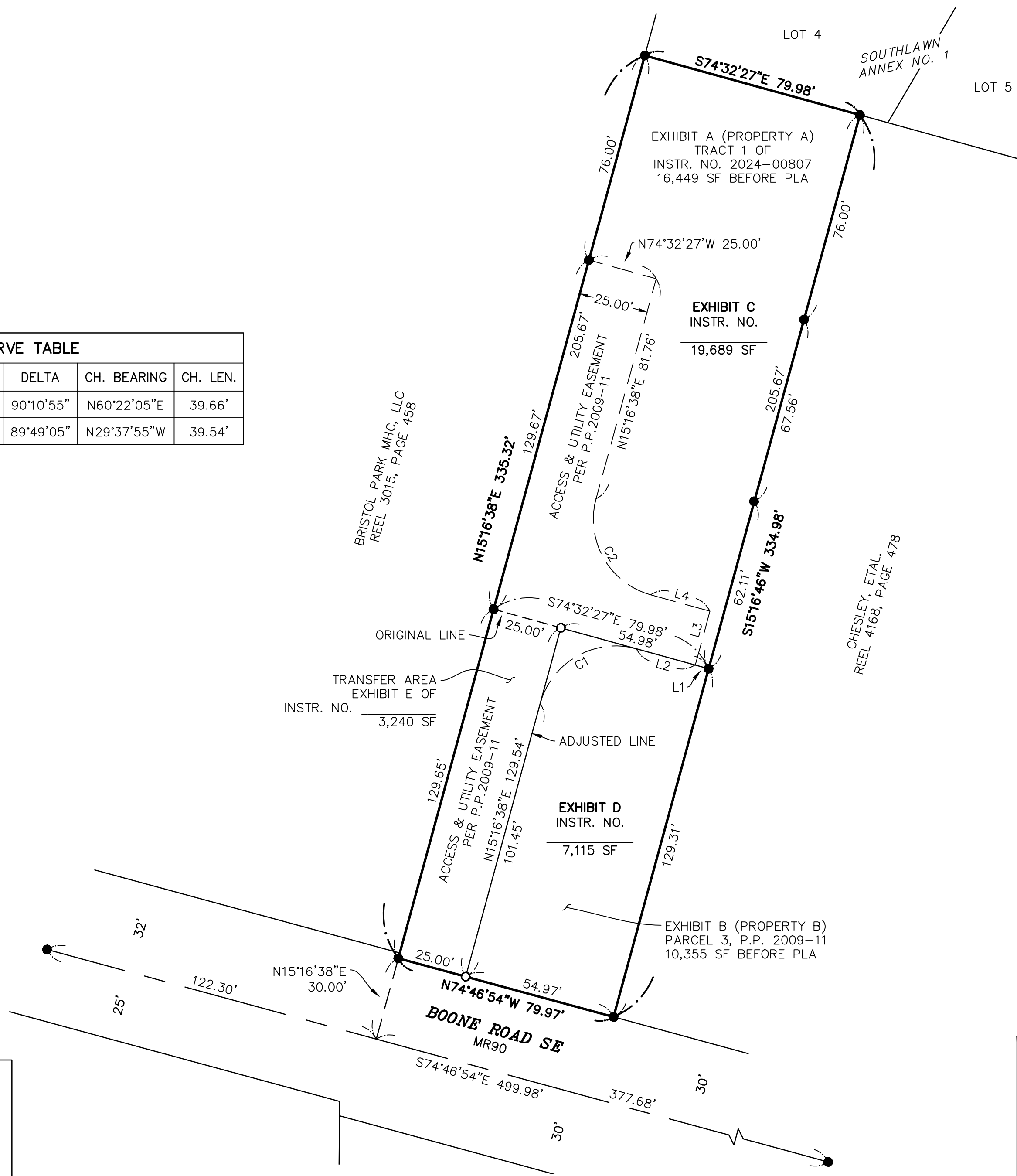
RECORD OF SURVEY FOR PROPOSED PROPERTY LINE ADJUSTMENT IN THE SE 1/4 OF SECTION 9, T.8S., R.3W., W.M. CITY OF SALEM, MARION COUNTY, OREGON

DATE: MARCH 08, 2024



| CURVE TABLE | | | | | |
|-------------|--------|--------|-----------|-------------|----------|
| CURVE # | LENGTH | RADIUS | DELTA | CH. BEARING | CH. LEN. |
| C1 | 44.07' | 28.00' | 90°10'55" | N60°22'05"E | 39.66' |
| C2 | 43.89' | 28.00' | 89°49'05" | N29°37'55"W | 39.54' |

| LINE TABLE | | |
|------------|-------------|--------|
| LINE # | DIRECTION | LENGTH |
| L1 | S74°32'27"E | 4.98' |
| L2 | S74°32'27"E | 21.90' |
| L3 | N15°16'38"E | 20.00' |
| L4 | N74°32'27"W | 22.08' |



REGISTERED
PROFESSIONAL
LAND SURVEYOR

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

DRAFT

RECEIVED ___/___/___ BY
MARION COUNTY SURVEYOR.
APPROVED FOR FILING ON
___/___/___
MCSR _____

SURVEYED FOR: BRIDGEWAY RECOVERY SERVICES



FFN SURVEYING

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SHEET 1/1