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503-588-6173*

## DECISION OF THE HEARINGS OFFICER

**CONDITIONAL USE / CLASS 2 ADJUSTMENT CASE NO.: CU-ADJ24-10**

**APPLICATION NO.: 24-117815-PLN**

**NOTICE OF DECISION DATE:** September 23, 2024

**SUMMARY:** Proposed Conditional Use Permit and Class 2 Adjustment to allow a residential care facility serving up to 15 persons.

**REQUEST:** A consolidated application for a Conditional Use Permit to allow a proposed residential care facility serving up to 15 persons; together with a Class 2 Adjustment to increase the maximum allowed lot coverage for the proposed use from 35 percent, as required under SRC 511.010(e), to approximately 50 percent for property approximately 0.24 acres in size, zoned RS (Single Family Residential), and located at 215 Boone Road SE (Marion County Assessor Map and Tax Lot Number: 083W09DD10900).

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

**LOCATION:** 215 Boone Rd SE, Salem OR 97306

**CRITERIA:** Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use Permit; 250.005(d)(2) – Class 2 Adjustment

**FINDINGS:** The findings are in the attached Decision dated September 17, 2024.

**DECISION:** The **Hearings Officer APPROVED** Conditional Use / Class 2 Adjustment Case No. CU-ADJ24-10 subject to the following conditions of approval:

- Condition 1:** Prior to establishing the proposed use on the property, site plan review approval shall be obtained.
- Condition 2:** 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 rights granted by the attached decision must be exercised, or an extension granted, by October 15, 2026, or this approval shall be null and void.

Application Deemed Complete:	<u>August 22, 2024</u>
Public Hearing Date:	<u>September 11, 2024</u>
Notice of Decision Mailing Date:	<u>September 23, 2024</u>
Decision Effective Date:	<u>October 15, 2024</u>
State Mandate Date:	<u>December 20, 2024</u>

Case Manager: Bryce Bishop, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net), 503-540-2399

# NOTICE OF DECISION

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

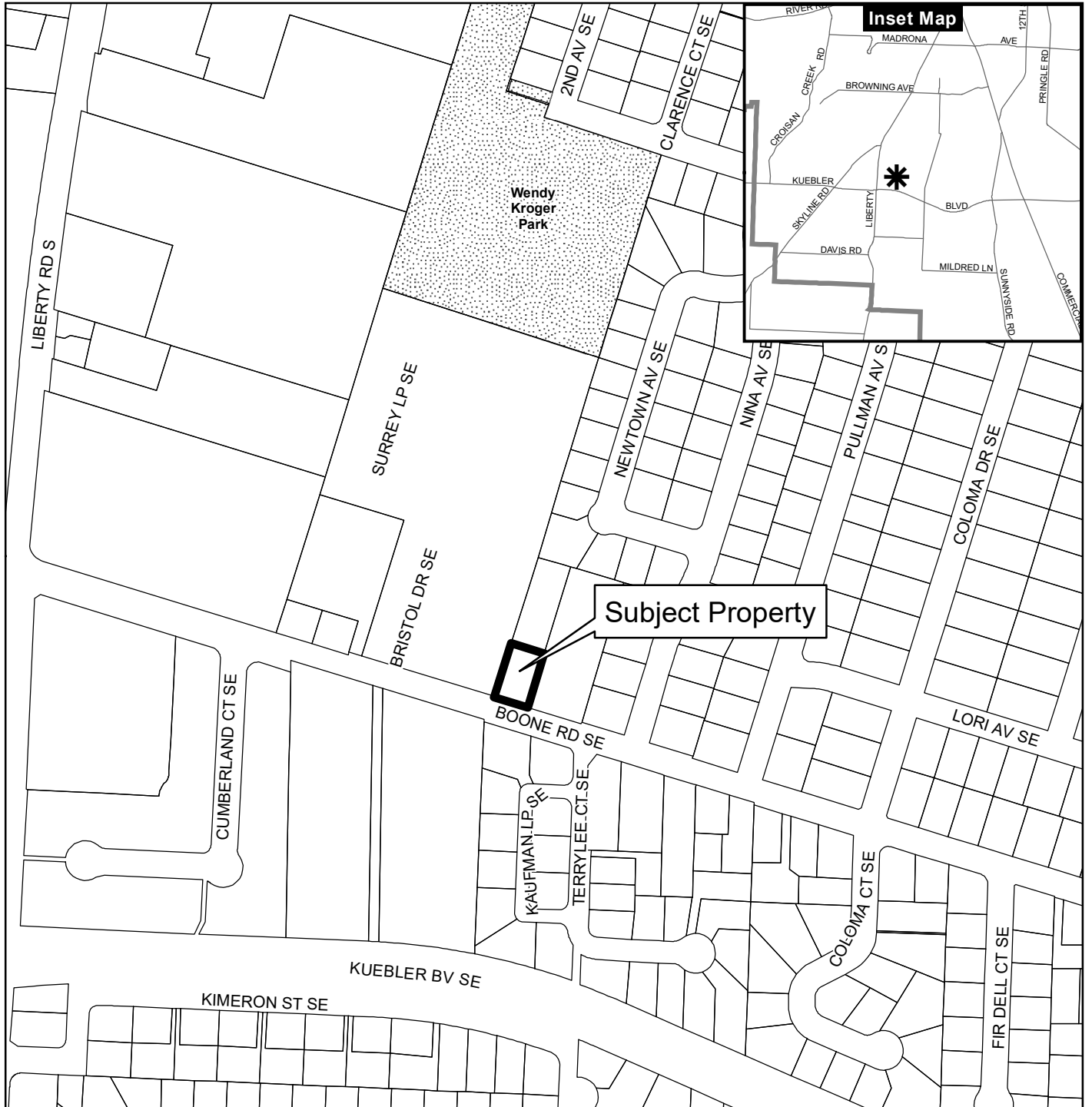


This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m. Tuesday, October 8, 2024. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 240, 250. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Planning Commission will review the appeal at a public hearing. After the hearing, the Planning Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.








The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

# Vicinity Map 215 Boone Road SE



## Legend

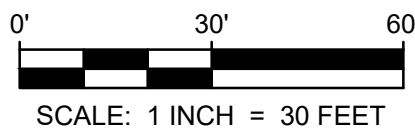
-  Taxlots
-  Urban Growth Boundary
-  City Limits
-  Outside Salem City Limits
-  Historic District
-  Schools
-  Parks



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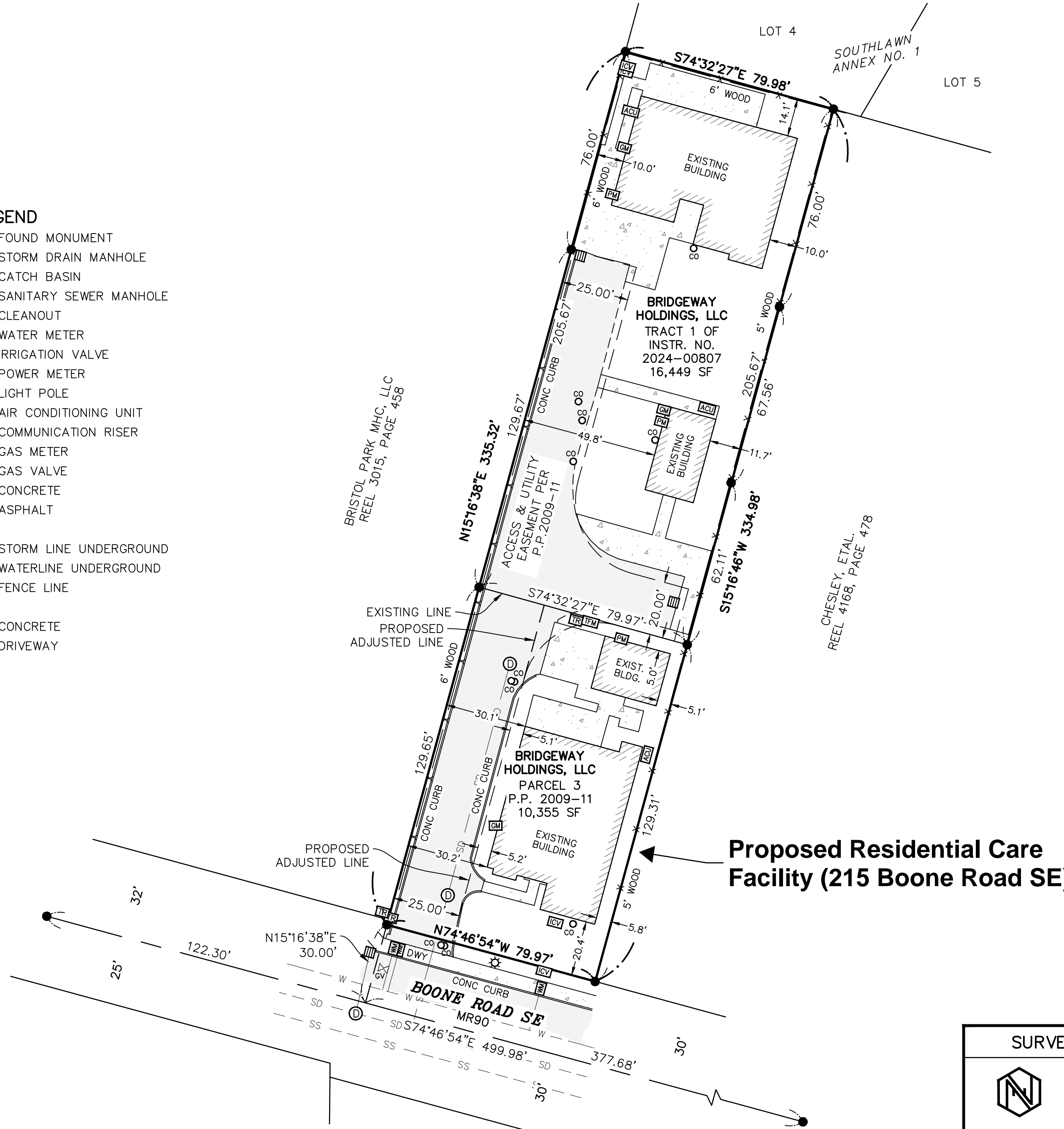
# EXISTING CONDITIONS

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

DATE: AUGUST 01, 2024

## 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

**Proposed Residential Care Facility (215 Boone Road SE)**

REGISTERED  
 PROFESSIONAL  
 LAND SURVEYOR

**DRAFT**

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

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

A CONSOLIDATED APPLICATION FOR A ) CONDITIONAL USE PERMIT AND CLASS ) 2 ADJUSTMENT TO ALLOW A ) RESIDENTIAL CARE FACILITY IN A ) SINGLE FAMILY RESIDENTIAL ZONE ) ON PROPERTY 0.24 ACRES IN SIZE AND ) LOCATED AT 215 BOONE ROAD SE ) (MARION COUNTY ASSESSOR’S MAP ) AND TAX LOT NUMBER 083W09DD / ) 10900)	CU-ADJ24-10  FINDINGS OF FACT, CONCLUSIONS, AND DECISION
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**DATE AND PLACE OF HEARING:**

On September 11<sup>th</sup>, 2024, at 5:30 p.m., a properly noticed hearing was held before the City of Salem Hearings Officer at Salem City Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

<u>Staff:</u>	Bryce Bishop, Planner III
<u>Neighborhood Association:</u>	Faye Wright Neighborhood Association
<u>Proponents:</u>	Bridgeway Recovery Services, represented by Britany Randall, Brand Land Use, Rene Hancock
<u>Opponents:</u>	Janette Lee, Jamie Rea; Janice Renander

**SUMMARY OF THE APPLICATION AND HEARING**

**BACKGROUND**

On May 23, 2024, the applicant's representative applied for a conditional use permit and property line adjustment for a residential care facility serving up to 15 persons at 211 and 215 Boone Road SE, Salem, Oregon. The applicant was notified that a separate conditional use permit was required for each of the properties and that a class 2 adjustment would be required for the property at 215 Boone Road SE in order to deviate from the maximum allowed lot coverage requirements of the RS zone. A second, separate conditional use permit and associated class 2 adjustment was submitted for the 215 Boone Road SE property and the application was deemed complete for processing on August 22, 2024.

The Hearing Notice was provided on August 22, 2024, to surrounding property owners and tenants pursuant to Salem Revised Code (SRC) and stated that the date for the hearing was September 11<sup>th</sup>, 2024.

The property was posted on August 29, 2024 consistent with the requirements of SRC 300.620(b)(3) for a Type III application. The applicant signed a notarized affidavit stating the notice was posted according to those requirements and the record shows a photograph of the posted notice. Per SRC 300.620(b)(2), posted notice is deemed to have been provided upon the date that the sign was first posted.

Multiple comments were submitted prior to the hearing and during the open record or the open rebuttal periods, and the applicant submitted a final written argument.

The City of Salem held a duly authorized and noticed public hearing on September 11<sup>th</sup>, 2024, regarding the Applicant's request. During the hearing, Bryce Bishop requested that the Staff Report be entered into the Record, and the Hearings Officer granted the request.

## **FINDINGS OF FACT AND CONCLUSIONS**

### **1. Salem Area Comprehensive Plan (SACP) designation**

The Salem Area Comprehensive Plan (SACP) map designation for the subject property is "Single-Family Residential." 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 RS (Single Family Residential). The zoning and uses of the surrounding properties include:

**North:** RS (Single Family Residential)

**South:** Across Boone Road, RS (Single Family Residential and RM-II Multiple Family Residential)

**East:** RS (Single Family Residential)

**West:** RS (Single Family Residential)

### **2. Site Analysis**

The subject property is 0.24 acres and has frontage on Boone Road, which is designated as a collector street in the Salem Transportation Plan (TSP). The property is currently occupied by four buildings.

### **3. Neighborhood and Citizen Comments**

The subject property is located within the Faye Wright Neighborhood Association (SGNA). Pursuant to SRC Chapter 300, the applicant is required to contact the

Neighborhood Association prior to submittal of this consolidated application. On May 16, 2024, the applicant contacted the Association, meeting the requirements of SRC 300.310(c). Notice was provided to the SGNA and to surrounding addresses, property owners, and tenants within 250 feet of the subject property.

The Faye Wright Neighborhood Association did not submit comments and the subject property is not located within a homeowner's association.

At the time of the staff report, one public comment had been received. The person commenting on the proposal was in opposition based upon previous uses of the site, concern about the types of individuals who will be served, and the encroachment of a commercial business into an area zoned for single family use.

#### **4. City Department and Public Agency Comments**

The Public Works Department reviewed the proposal and identified no concerns.

The Salem Building and Safety Division reviewed the proposal and indicated no concerns.

The Salem Fire Department reviewed the proposal and indicated 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.

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

**Finding 1:** SRC Chapter 511, Table 511–1, in conjunction with the definition of Residential Facility in SRC Section 111.001, provides that an residential facility that that provides service to between six and 15 individuals and has frontage on a collector street is allowed in the RS (Single–Family Residential) zone with a conditional use permit. The Applicant's proposal calls for a maximum of fifteen (15) adult clients.

The proposal requires a conditional use permit because it is a residential facility, as defined by ORS 197.660 and SRC 111.001, that is located on a lot that has frontage on a collector street.

In addition to the use being allowed as a conditional use in the zone, 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 1:** Prior to establishing the proposed use on the property, site plan review approval shall be obtained.

The Hearings Officer concludes that the proposal meets this criterion as conditioned.

**Criterion 2 (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 2:** 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. Most of the individuals being served by Bridgeway Recovery Services do not have a vehicle on site, minimizing the likelihood of vehicular congestion; and those that do park on an off-site parking area provided by the applicant. There are a few parking spaces on-site for visitors. No exterior alterations to the structure on the subject property are proposed and the subject property is screened by an opaque, wooden fence.

**Finding 3:** 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. 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 2:** 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.



**Criterion 3 (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 4:** 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.

As explained above, 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. Because most of the individuals being served by Bridgeway Recovery Services do not have a vehicle on site, the likelihood of vehicular congestion is minimized. Since no exterior alterations are proposed to the existing structure, the visual impact of the structure on the neighborhood will not change.

Uses specifically identified as being conditionally allowed within a zone are considered to be compatible with the intended character and development pattern of that zone or can be made so with appropriate conditions of approval. 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.

Individuals who spoke in opposition to Case CUP-PLA24-09, voiced concerns that clients of the proposed facility who were recovering substance abusers would quit their treatment program before it was completed and would attempt to steal to support their substance addiction. Rene Hancock, the Director of Bridgeway Recovery Services, explained that when substance abuse clients went off their required medication or had visitors who brought them drugs they were expelled from the program. They were monitored before they left the facility and were transported elsewhere to transitional housing. She also noted that there was another Bridgeway facility that has been operating in the neighborhood for over 10 years. During that time only one complaint involving the facility was received and that complaint concerned noise from a party celebration. No other police involvement occurred.

As noted above, the area surrounding the subject property is characterized by a mix of residential uses. The proposed residential care facility is compatible with the development pattern of the surrounding area and is 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.

## **6. Analysis of Class 2 Adjustment Approval Criteria**

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment:

***SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:***

- (i) Clearly inapplicable to the proposed development; or***
- (ii) Equally or better met by the proposed development.***

**Finding 5:** The applicant has requested a Class 2 Adjustment in conjunction with the proposed conditional use permit increase the maximum allowed lot coverage for the proposed use from 35 percent, as required under SRC 511.010(e), to approximately 50 percent.

The existing structures on the property were originally established in connection with a single-family use and had an approximate 50 percent lot coverage (exclusive of the flat lot accessway). Within the RS zone, per SRC 511.010(c), the maximum lot coverage for single family uses, two family uses, three family uses, four family uses, and nonprofit shelters serving victims of domestic violence is 60 percent. The existing approximate 50 percent lot coverage was in conformance with the requirements of the RS zone and conformance with maximum lot coverage requirements was maintained when the use of the property was later changed to a nonprofit shelter serving victims of domestic violence because both single family dwellings and nonprofit shelters serving victims of domestic violence have the same maximum 60 percent lot coverage requirement.

The proposed change of use of the property to a residential care facility reduces the applicable maximum lot coverage from 60 percent to 35 percent. Because the existing 50 percent lot coverage for the property is above the maximum 35 percent, a Class 2 Adjustment has been requested by the applicant to allow it to be increased.

The proposed residential care use is classified as a type of group living residential use that is similar to a non-profit shelter serving victims of domestic violence, a residential home providing care, training, or treatment for up to five persons, and other residential uses allowed within the zone; all of which are allowed to have a maximum lot coverage of up to 60 percent.

The proposed residential facility will have a lot coverage of approximately 50 percent but complies with all of the applicable setbacks of the RS zone. Because the proposed lot coverage does not exceed the amount (60%) otherwise afforded to similar uses within the zone with similar impact and function, and because required yards and setbacks are maintained in conformance with the requirements of the RS zone, the

proposal equally meets the underlying purpose of the maximum lot coverage standard and this approval criterion is therefore met.

***SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.***

**Finding 6:** The subject property is located within an RS zone and developed with a single-family dwelling that was subsequently used as a nonprofit shelter and that now is proposed to be utilized as a residential care facility. No changes are proposed to the existing building or site that would detract from the livability or appearance of the residential area. Because the proposal involves only a change of use of the building and no increases are proposed to its size and no alterations are proposed that would give it an appearance other than a residential-type use, the proposed development will not detract from the livability or appearance of the surrounding residential area. This approval criterion is met.

***SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.***

**Finding 7:** Only one adjustment has been requested in conjunction with the proposed development. Because more than one adjustment has not been requested, this approval criterion is not applicable to the proposed development.

## DECISION

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the collective applications for a conditional use and Class 2 Adjustment for the proposed new residential care facility within an existing building located at 215 Boone Road SE, Salem, Oregon, subject to the following conditions of approval:

**Condition 1:** Prior to establishing the proposed use on the property, site plan review approval shall be obtained.

**Condition 2:** 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.

DATED: September 17, 2024

  
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Gary Darnielle, Hearings Officer