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503-588-6173*

DECISION OF THE HEARINGS OFFICER

CONDITIONAL USE / PROPERTY LINE ADJUSTMENT CASE NO.: CU-PLA24-09

APPLICATION NO.: 24-111280-PLN

NOTICE OF DECISION DATE: September 23, 2024

SUMMARY: Proposed Conditional Use Permit and Property Line Adjustment to allow a residential care facility serving up to 15 persons.

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)

LOCATION: 211 and 215 Boone Rd SE, Salem OR 97306

CRITERIA: Salem Revised Code (SRC) Chapters 240.005(d) – Conditional Use Permit; 205.055(d) – Property Line Adjustment

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

DECISION: The **Hearings Officer APPROVED** Conditional Use / Property Line Adjustment Case No. CU-PLA24-09 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.
- Condition 3:** Prior to site plan review approval, the property line adjustment deed and record of survey of the property line adjustment shall be recorded with the County.
- Condition 4:** The applicant must secure a Class 2 Adjustment to exceed the maximum lot line coverage by 14.3 percent.

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.

NOTICE OF DECISION

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



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

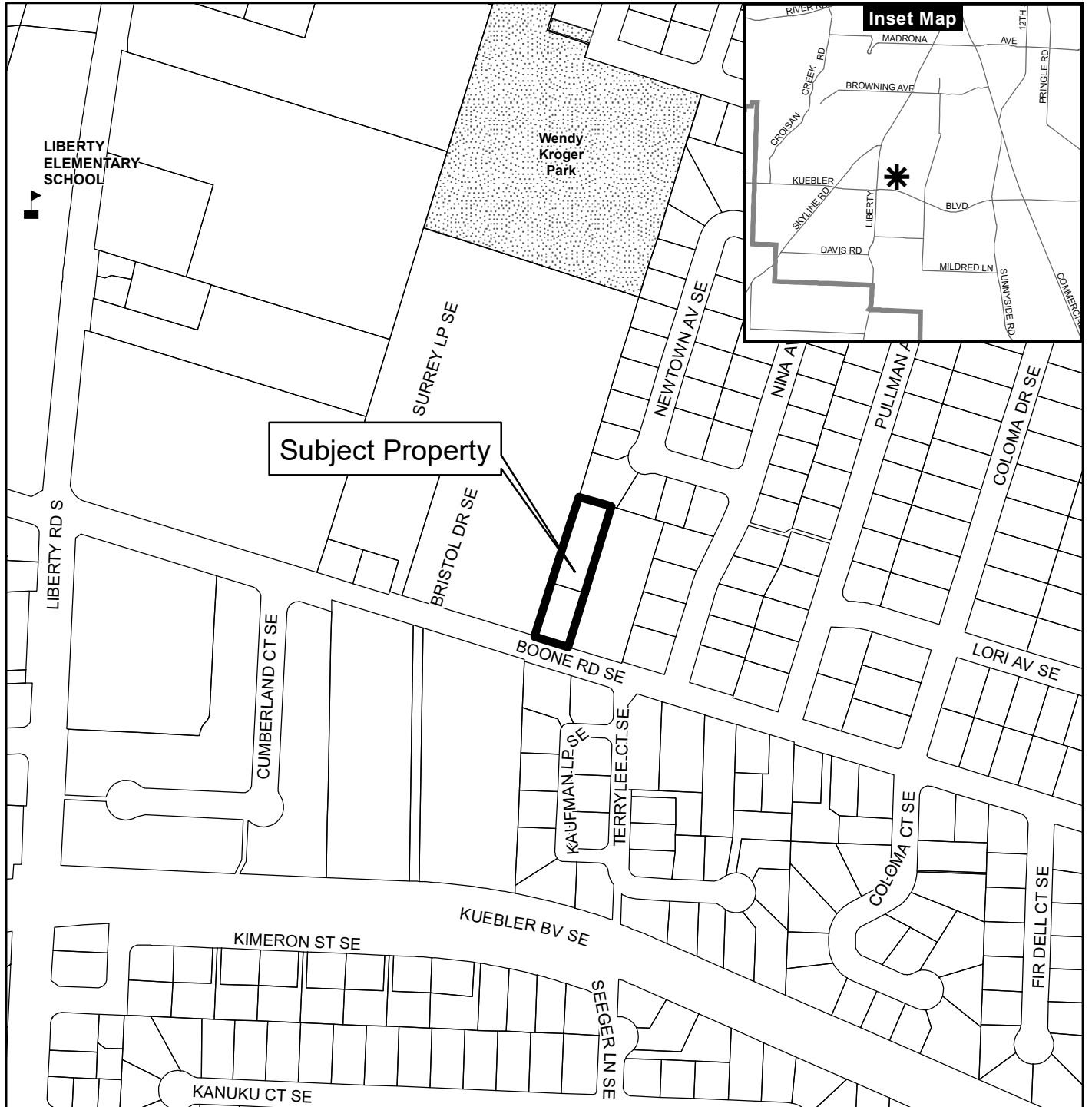
Case Manager: Bryce Bishop, bbishop@cityofsalem.net, 503-540-2399

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, 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, 205. 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 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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0' 30' 60'
SCALE: 1 INCH = 30 FEET

EXISTING CONDITIONS

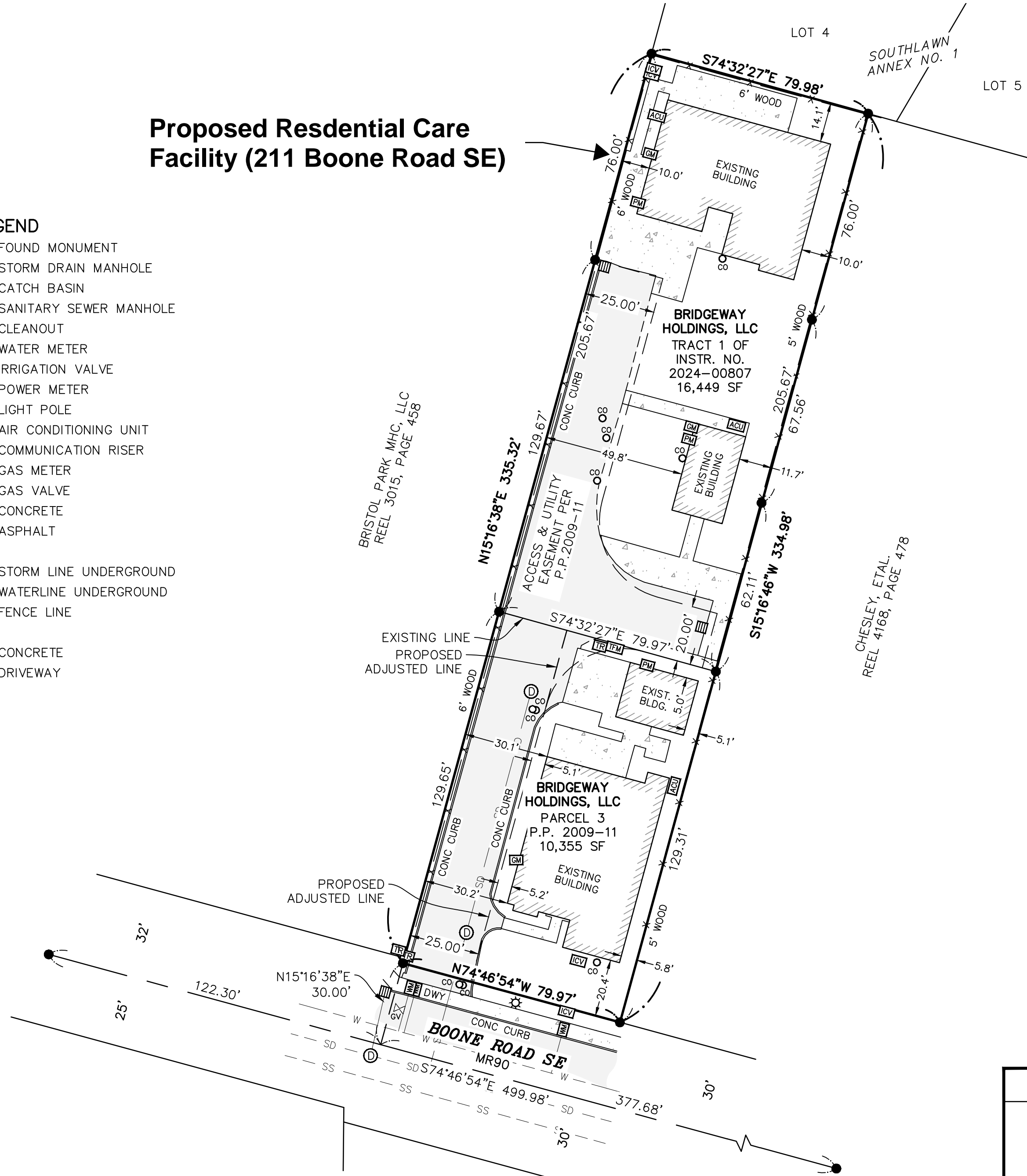
IN THE SE 1/4 OF SECTION 9, T.8S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

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

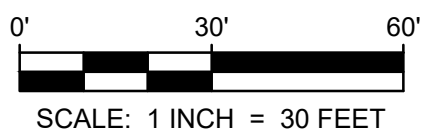
SHEET 1/1

RECORD OF SURVEY

FOR PROPOSED PROPERTY LINE ADJUSTMENT

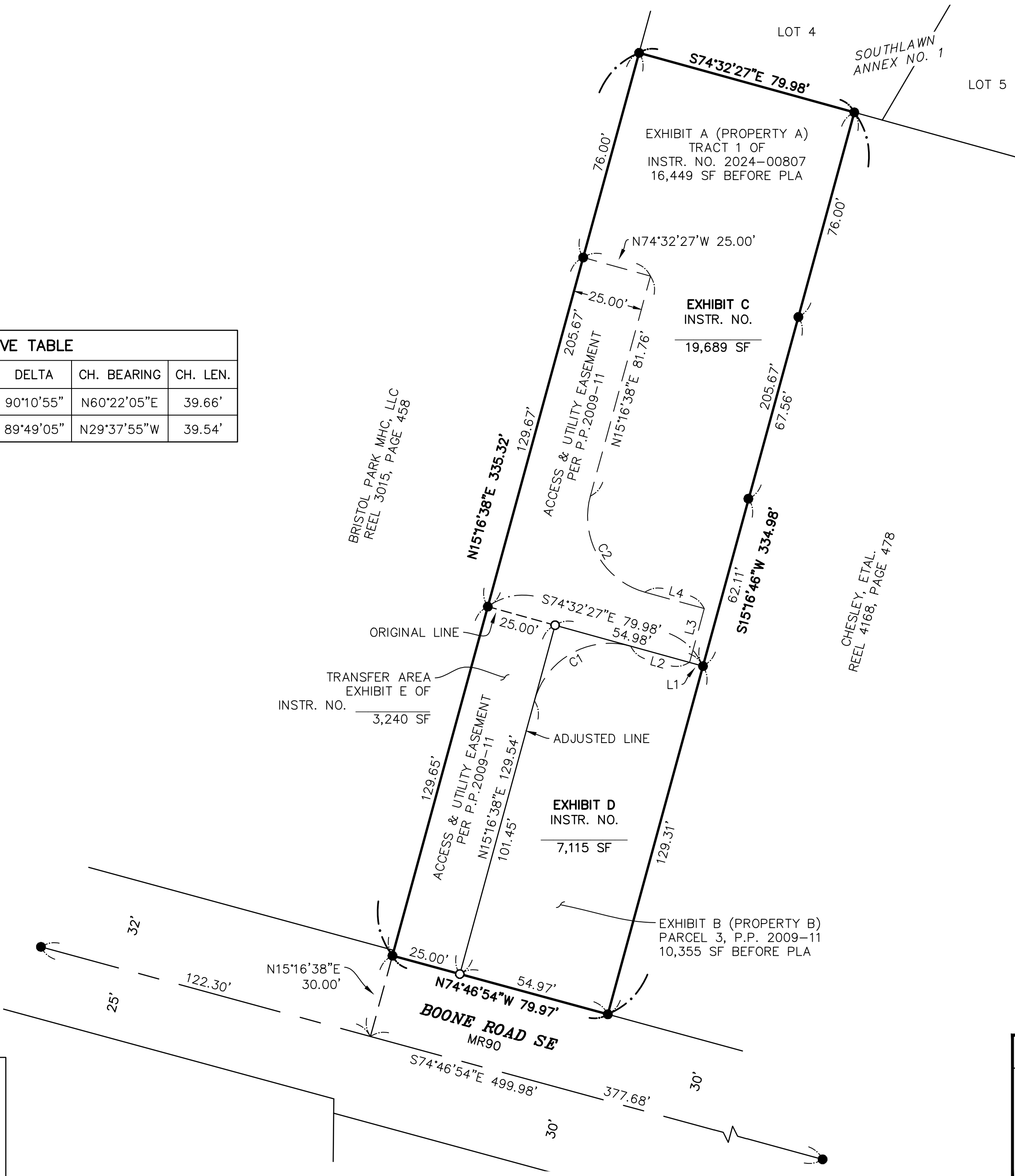
IN THE SE 1/4 OF SECTION 9, T.8S., R.3W., W.M.
CITY OF SALEM, MARION COUNTY, OREGON

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

DRAFT

OREGON
SEPTEMBER 12, 2017
STEVEN LEE HOWELL
91569

RENEWS: 6-30-2025

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

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

BEFORE THE HEARINGS OFFICER

CONSOLIDATED APPLICATION FOR A)
CONDITIONAL USE PERMIT AND A)
PROPERTY LINE ADJUSTMENT TO ALLOW) CU-PLA24-09
A RESIDENTIAL CARE FACILITY IN A)
SINGLE FAMILY RESIDENTIAL ZONE ON)
PROPERTY 0.62 ACRES IN SIZE AND) FINDINGS OF FACT,
LOCATED AT 211 AND 215 BOONE ROAD) CONCLUSION AND DECISION
SE (MARION COUNTY ASSESSOR'S MAP)
AND TAX LOT NUMBERS 083W09DD/10900)
AND 10901))

DATE AND PLACE OF HEARING:

On September 11th, 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:

Staff: Bryce Bishop, Planner III
Neighborhood Association: Faye Wright Neighborhood Association
Proponents: Bridgeway Recovery Services, represented by Britany Randall, Brand Land Use, Rene Hancock
Opponents: 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 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 11th, 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 11th, 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)

3. Site Analysis

The subject property consists of two properties located at 211 and 215 Boone Road SE. The properties are 0.38 and 0.24 acres in size, respectively, with the latter parcel having 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.

4. 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.

At the time of this decision, one public comment had been received. This comment voiced concern that children and homeowners of a nearby residential park would be exposed to increasing potential for theft from clients of the applicant.

5. 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.

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 (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. Clients of Bridgeway Recovery Services are treated for alcohol and substance abuse and are monitored at all times during treatment. One the two existing dwellings on the subject property will be devoted to the treatment of men and the other will be devoted to the treatment of women. There will be one staff member on site during the evening hours and counseling and therapy services during the day. Treatment traditionally last from 20 to 45 days.

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 facility will have a few parking spaces for visitors but clients who do have vehicles will have to park their vehicles at an off-site parking area controlled by the applicant.

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. The subject property is screened by an existing opaque wooden fence and since no exterior alterations are proposed to the existing structures, the visual impact of the structures 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 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 as the treatment will be administered within the two existing dwellings 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.

7. Analysis of Property Line Adjustment Approval Criteria

Finding 5: 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. 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).

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:

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

Finding 6: 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). 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 7: 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.

In the RS Zone, the minimum lot area is 6,000 square feet, the minimum lot width is 40 feet, the minimum lot depth is 80 feet and 40 feet of street frontage is required. After the lot line adjustment, 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.

In order to ensure that 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, the following condition of approval is required:

Condition 3: Prior to site plan review approval, the property line adjustment deed and record of survey of the property line adjustment shall be recorded with the County.

SRC 511.010(d), Table 511–3, establishes the required setbacks within the RS Zone. Both properties at 211 and 215 Boone Road SE are developed with existing structures that currently conform to the minimum required setbacks and will continue to do so after the property line adjustment.

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 applicable to residential care facilities is 35 percent. The lot coverage for the building and accessory structure at 211 Boone Road SE is about 26.78 percent, below the maximum 35 percent lot coverage standard. However, the lot coverage for the building and accessory structure for the building and accessory structure at 215 Boone Road SE is about 49.3 percent.

To address this issue, the applicant has applied for a Class 2 Adjustment in Case No. CU–ADJ24–10 to get approval for an exemption to the 35 percent maximum lot line coverage standard. As a condition of approval, the applicant must secure the Class 2 Adjustment to meet SRC 205.055(d)(2).

Condition 4: The applicant must secure a Class 2 Adjustment to exceed the maximum lot line coverage by 14.3 percent.

As conditioned, the application meets this criterion.

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 8: 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 9: 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 10: 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 11: 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.

DECISION

Based upon the Facts and Findings herein, the Hearings Officer **APPROVES** the collective applications for a conditional use and property line adjustment for the proposed new Residential Care Facility use within an existing buildings located at 211 and 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.
- Condition 3:** Prior to site plan review approval, the property line adjustment deed and record of survey of the property line adjustment shall be recorded with the County.
- Condition 4:** The applicant must secure a Class 2 Adjustment to exceed the maximum lot line coverage by 14.3 percent.

DATED: September 17, 2024



Gary Darnielle, Hearings Officer