

CITY OF SALEM

Written Testimony

City Council

555 Liberty St SE
Salem, OR 97301

Monday, April 23, 2018

6:00 PM

Council Chambers

4. a. [18-162](#) West Salem Zone Code Clean-Up Amendments

Ward(s): All Wards
Councilor(s): All Councilors
Neighborhood(s): All Neighborhoods

Recommendation: Proceed to second reading for enactment of the West Salem Zone Code Clean-Up amendments, including various zoning code amendments, comprehensive plan map amendments, neighborhood plan map amendments, and zone map amendments to certain lands generally along Wallace Road NW, Edgewater Street NW, and Second Street NW.

Attachments: [Attachment 1 - Map of New Zones](#)
[Attachment 2 - Planning Commission Recommendation](#)
[Attachment 3 - Ordinance Bill 3-18](#)
[Attachment 4 - Exhibit 1, CPCNPC for ESMU](#)
[Attachment 5 - Exhibit 2, CPCNPC for WSCB](#)
[Attachment 6 - Exhibit 3, ZC for ESMU](#)
[Attachment 7 - Exhibit 4, ZC for WSCB](#)
[Attachment 8 - Exhibit 5, ZC to SCI](#)
[Attachment 9 - Exhibit 6, Findings](#)
[Written Testimony - Gehlar](#)
[Written Testimony - Easterly](#)
[Written Testimony - Anderson](#)

Add- Written Testimony.

4. b. [18-178](#) Appeal of Hearings Officer decision approving Conditional Use / Quasi-Judicial Zone Change Case No. CU-ZC17-14 for property located in the 700 to 800 blocks of Commercial Street NE.

Ward(s): Ward 1
Councilor(s): Kaser
Neighborhood(s): CANDO

Recommendation:

Affirm the February 9, 2018, Hearings Officer's decision approving the Union Gospel Mission of Salem's consolidated application for a conditional use permit to relocate their existing men's shelter from its current location at 345 Commercial Street NE to a proposed new location in the 700 to 800 blocks of Commercial Street NE and quasi-judicial zone change to change the zoning of that property from CO (Commercial Office) to CB (Central Business District) in order to make their existing retail store a conforming use.

Attachments:

[Attachment 1: Vicinity Map](#)

[Attachment 2: Applicant's Preliminary Site Plan](#)

[Attachment 3: Hearings Officer Decision for Conditional Use/Zone Change Case No. CI](#)

[Attachment 4: Notice of Appeal Submitted by David Glennie](#)

[Attachment 5: Public Comments](#)

[Attachment 6: Applicant's Rebuttal Testimony \(January 22, 2018\)](#)

[Attachment 7: Supplemental Findings by Staff \(January 5, 2018\)](#)

[Attachment 8: Revised Applicant's Written Statement \(January 4, 2018\)](#)

[Attachment 9: Staff Report to Hearings Officer \(December 20, 2017\)](#)

[Attachment 10: Appellant Testimony Submitted During Open Record Period \(January 5](#)

[Attachment 11: Ordinance Bill No. 19-14](#)

[Attachment 12: Planning Commission Staff Report for Ordinance Bill No. 59-93 \(Octob](#)

[Attachment 13: Ordinance Bill No. 59-93](#)

[Additional Written Testimony as of April 16, 2018](#)

[Letter to City from Applicant's Representative](#)

[Additional Written Testimony 1](#)

[Additional Written Testimony 2](#)

[Additional Written Testimony 3](#)

[Additional Written Testimony 4](#)

Add - Written Testimony.

Amy Johnson

From: STEVEN ANDERSON <andersonriskanalysis@comcast.net>
Sent: Monday, April 23, 2018 4:29 PM
To: CityRecorder
Cc: Steve Anderson
Subject: Testimony West Salem Rezone Public Hearing
Attachments: April 23, 2018 City Council WS Rezone Testimony.pptx

ATTN: City Recorder

Attached is my Power Point presentation for testimony before City Council tonight on the West Salem Rezoning project. Please file and add to the materials going to council. Upon receipt, please confirm that it is there and you are able to open and use.

Thank you.

Steve Anderson

Substantive Findings

Adoption of the proposed code amendments and plan and zone map amendments **may be made if the following criteria are met:**

- 1. SRC Chapter 64, Plan Map Amendments, section 64.025:
- (e)(1)(B) **The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development**

Procedural Findings—Staff Report

5 (page 5 of 6)

In addition to the above changes, the Action Plan also recommends allowing Craft Industrial use on the industrial properties along 9th Street NW between Patterson Street NW and Wallace Road NW. These properties are zoned Industrial Park (IP). Rather than create another new zone or overlay along this section of 9th Street NW, **an amendment to the IP zone to allow craft industrial is proposed. This amendment would apply to IP-zoned property citywide.** Under this amendment, up to 30 percent of the floor area of the buildings on an IP-zoned site could be used for the retail component of a craft industrial manufacturing use located on the site

- **No notification (Land Use Goal 1)**
- **No transportation analysis (Land Use Goal 12)**

Land Use Goal 12 – Transportation

OAR 660-012-0060

5 Analysis Required to Determine Significant Affects: **NOT DONE**

- OAR 660-012-0060 (1)(a)
- OAR 660-012-0060 (1)(b)
- OAR 660-012-0060 (1)(c)(A)
- OAR 660-012-0060 (1)(c)(B)
- OAR 660-012-0060 (1)(c)(C)

February 14, 2018 Traffic Analysis Incomplete ***Does Not Comply with OAR 660-012-0060***

- No AM Peak Traffic Analysis
- No Analysis of the Craft Industrial Zone Change on 9th Street (Patterson Street to Wallace Road)
- Various assumptions reducing traffic volumes (*e.g.*, no mixed-use overlays)
- Results are not greater than sensitivity of method accuracy (no way to tell if really different than one another)
- **NOT** a “Reasonable Worst-Case” Scenario for Traffic Analysis as Reported

Traffic Analysis Incomplete

Does Not Comply with OHP 1999 1F.5

- Zone-to-Zone Comparison Not Applicable—Must Consider Traffic Impacts at the End of Transportation Planning Period (OAR 660-012-0060)
- Wallace Road Exceeds Mobility Standards Now (*Staff Testimony Case No. CPC-ZC-18-01; March 2018*)
 - 45,400 ADTs Wallace Road at Glen Creek (ODOT, 2016)
 - 46,200 ADTs Wallace Road at OR 22/Edgewater (ODOT, 2016)
- Any Additional Traffic Volume Greater Than 400 Vehicles per Day is a Significant Impact (OHP 1999 Policy 1F.5) Requiring Mitigation Considerations

Table4. WSCB Area Trip Generation under Proposed Zoning

Land Use (ITE Code)	Size	Weekday Trip Generation	
		Daily	PM Peak Hour
Individual Land Uses Allowed			
Quality Restaurant (931)	33 KSF	1,662	138
Fast Food with Drive-Thru (934)	14 KSF	3,473	229
Shopping Center (820)	191 KSF	10,662	929
Medical/Dental Office Building (720)	75 KSF	2,652	238
Day Care (565)	13 KSF	995	166
Athletic Club (493)	124 KSF	7,386	739
Apartment (220)	174 Dwelling Units	1,425	149
Industrial Park (130)	3 Acres	177	25
	Total	28,432	2,613

West Salem Business District Action Plan

Traffic Analysis (December 2015)

“The traffic analysis also considered the potential changes in land use, and **determined that improvements to mitigate the traffic impacts** of redevelopment and infill based on the future land use at full build-out **will be required.**”

- **THIS HAS NOT BEEN DONE**
- **PROPOSED REZONE ACTION DOES NOT CONFORM TO APPLICABLE STATEWIDE PLANNING GOALS AND APPLICABLE ADMINISTRATIVE RULES**
- **DO NOT ADOPT UNTIL REQUIRED WORK COMPLETED**

State Highway 221 / Wallace Rd NW

Transportation Facility

Transportation Facility Segments	Mobility Standard (V/C)	2012 (V/C)	2031 (V/C)	2041 (V/C)	2016 Traffic Volume (ADTs)	2035 Projected Traffic Volume (ADTs)	Policy 1F.5 Volume Limits (ADTs)
Wallace Rd / OR 22/Edgewater	0.90	1.01	1.39	1.50	46,200	51,300	25,000
Wallace Rd / Glen Creek	0.90	1.07	1.18	1.18	45,400	54,900	25,000
Wallace Rd / Orchard Heights	0.90	0.76	1.08	0.87	34,700	45,800	25,000
Wallace Rd / Brush College	0.90	0.72	0.64	>1.50	18,100	24,700	10,000



April 23, 2018

Dear Honorable Mayor Bennett and City Councilors;

My name is Dan Clem, and I am representing the Union Gospel Mission's application for a conditional use permit to relocate our Men's Mission from the downtown core to the 700-800 blocks of Commercial Street NE. First, I'd like to express how grateful and humbled we are for our many faithful donors, volunteers, caring and professional staff, and mentors who sustain our work.

Secondly, I'd like to mention that with me tonite are Mr. Jeff Tross, our land-use consultant and our land-use legal advice, Mr. Alan Sorem. Joining our team tonite are community leaders and several men and women who've been through our recovery program, entitled the "New Life Fellowship" program. They have come to share their stories of amazing restoration and new life through UGM. Thank-you to all of you for coming tonite. And, for those of you who support the new Men's Mission, would you please stand and be recognized. Thank-you.

UGM has an amazing team of servant-leaders, who help to save lives every day. Salem's Union Gospel Mission is Christ-centered, community-connected, and client-focused. Over 240 churches and almost 2000 volunteers assist our staff in giving men and women a hand-up, not a hand-out. Our very very experienced staff have served for many years. The Directors of the Men's Mission, Myron Jones, and our Women's Mission, Simonka Place, Kathy Smith, and many of our managers have well over 10 years each, in serving, guiding, helping, counselling, caring for tens of thousands of God's children. Our Board of Directors is entirely committed to serving homeless neighbors – their average tenure is over 7 years of service.

With over 1700 of our neighbors experiencing homelessness, we are privileged to provide hope, a warm place to sleep and three hot meals a day, for 365 days a year, for 64 years.

A couple of other facts, when UGM gets the call from Salem's Housing Rental Assistance Program, we schedule one of our trucks to load up and deliver a household package: literally every basic need from washcloths to bedroom furniture to shampoos and clothing. A place to move into is an absolute joy; one full of furnishings makes for a home. We are completely funded from private donations and are not a part of any organization, regionally or nationally. We extend care well outside of our current facilities: our Search and Rescue Team are assisting downtown businesses with sidewalk sleepers, as well as serving the human and spiritual needs in the camps, parks, and public spaces in and around all parts of

Salem. UGM operated the first full warming shelter operations. UGM provides free clothing, furniture, and needed items to people in need through the City's and other vouchers programs. Salem built the Mission and its loving donors sustain it. Our "Simonka Place" in Keizer provides recovery and shelter for single women and women with children, at an average of 100 per night. And our transitional housing facilities provide 58 long-term beds for formerly incarcerated men and men ready to transition back into the community.

We want to be perfectly clear about what our proposal is - to build a new Men's Mission with 222 shelter beds in dormitories (not open bays), and 78 beds in transitional housing apartments on the third floor. This isn't only about a shelter – it's about a Shelter AND Transitional Housing. We are asking to go from 150 beds to 300 beds total – remembering that 78 of those new beds are transitional housing on a new third floor. We are not building a super-facility with 500 beds! We want the opportunity to provide more beds so that we don't have to keep turning dozens of men away every night. We need to expand access to mental health and medical services, long-term recovery program seats, and transitional housing. This project is about new life: for more men, for the downtown core, and for the Salem-Keizer region.

Relocating the Men's Mission from the downtown core to a site across from the new Police Department will bring wonderful opportunities for downtown Salem. The location of the new Mission proximate to services that homeless men need to access (including the new day shelter and sobering center) allows our clients and guests to engage in more productive activities and lives. We've designed this moderately-sized facility to the City's design standards to prevent crime and to orient access for our guests and clients away from Commercial Street NE. The design of the new Men's Mission is consistent with the size and character as the new police facility, as well as neighboring McNary Square, ARCHES facility, and the MAPS Credit Union properties. And we've included the large outdoor courtyard nestled within the facility, to be a safe place for the men to hang-out and to meet with people.

We've designed the Men's Mission to be a more inviting place that homeless men will want to come to, not as a last resort. We deal with unsavory behaviors around and in our properties every single day. We've met with business, neighbors, and neighborhood associations. We know the concerns and are designing the new Men's Mission and increasing our operations to attract men inside to the Mission, where we can help create healthy behaviors. We're thankful for the support from the Grant Neighborhood Association and what we learned from the CAN-DO and Highland Neighborhood Associations. By providing more beds, mental health and medical services, and more access to our recovery program – we will improve neighborhood safety, encourage business activity, and improve property values.

And to help to minimize any negative impacts, we agree to the conditions contained in the Hearings Officer approval, and additionally, these listed below:

Condition 6: Applicant's shelter and transitional housing facility shall be limited to a maximum number of 300-over-night occupants.

Condition 7: Applicant shall install secure-covered storage for client personal belongings.

Condition 8: Prior to issuing building permits for a new shelter, Applicant shall apply for site plan review and demonstrate that the proposed design that incorporates the following additional requirements:

- a. Exterior gathering spaces shall be visible from within the buildings;

- b. Shrubs shall not exceed thirty-six inches in height; and
- c. The primary entrance for emergency shelter users shall not be located along the Commercial Street frontage.

Condition 9: The site's grounds shall be monitored 24-hours a day by staff through video surveillance or patrols.

Projects for more housing are critical. Every night, 150 men compete for a bed at the Men's Mission. Between 7 and 30 are turned away. Both the Men's and the Women's shelters are full every night. Those with us (inside our shelters) will be safe, fed, and cared for. They won't be carousing in the neighborhoods or conducting unsavory activities; they won't be on the sidewalks, they won't be continuing addictive behaviors, they won't be in unsafe situations, they won't be panhandling. They'll get a warm bed and be awakened at 05:30 am so they shave, shower, get clean clothes, eat breakfast, and go to chapel if they want to – not have to. Some meet with their counsellors or work on their resumes in the Learning center, get a haircut, work on their GED through our partnership with CCC or pull a shift on the Litter Patrol, or volunteer at our Donation Center or Store.

This past winter, we sheltered 198 men each night. During 2013 – 2016, we sheltered an average of over 200 men per night and we didn't see the proliferation of people on streets that we are experiencing today. Today, in meeting fire and building safety codes for this tired facility, we are now limited to only 150 bed nights. And along with fewer beds, we've seen a dramatic increase in the number of men in the doorways and sidewalks.

Fewer beds results in more homeless men on the sidewalks downtown and throughout our city.

We would ask that you allow us to serve more men – inside – with 72 more shelter beds, and to increase our recovery program with new and additional 78 beds in transitional housing.

Thank-you. I'm happy to answer any questions you may have.

Dan Clem

Executive Director
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please notify us immediately.

Jeffrey R. Tross
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April 23, 2018

Mayor Bennett and City Council
c/o Bryce Bishop
City of Salem, Planning Division
City Hall, Room 305
Salem, Oregon 97301 email: bbishop@cityofsalem.net

RE: UNION GOSPEL MISSION HOMELESS SHELTER, CASE CU17-14

Dear Mayor Bennett and Councilors:

I am writing to address certain concerns and criticisms that have been expressed in the record for the proposed Union Gospel Mission (UGM) homeless shelter facility, to be located in the 700-800 blocks of Commercial Street NE. In particular, there are assertions that the proposed facility will cause a variety of adverse impacts on the immediate neighborhood and surrounding area, resulting from the conduct of individuals who are or will be using the shelter or its services.

UGM acknowledges that unwanted and unacceptable activity and behavior occurs in the area around its existing location, downtown at 345 Commercial St. NE. However, UGM disagrees that there is evidence in the record that the existing facility or its programs are the *cause* of such activity and behavior. To the contrary, UGM is one of the leading local social service providers working to address and reduce the incidence of these issues.

The proposed UGM facility can be viewed as including two major operational components. These are social services (recovery and rehabilitation counseling, meal services, etc.), and overnight emergency shelter. (UGM's retail/resale store, another major component of its operation, is already located to the north of the proposed shelter facility.)

Of these two major components, it is the inclusion of the overnight emergency shelter that triggers the need for a Conditional Use Permit. This is because social services are outright Permitted uses in both the existing CO zone and the proposed CB zone, and as such are also permitted in the RO Riverfront Overlay zone (SRC 617.015 "... any use that is a permitted, special, conditional, or prohibited use in the underlying zone is a permitted, special, conditional, or prohibited use in the Riverfront Overlay Zone.").

Social services are included as a Permitted use in the CO zone in SRC 521.005 Uses, Table 521-1; and in the CB zone in SRC 524.005 Uses, Table 524-1; per SRC 400-Use Classifications, 400.075- Civic Services, part (b) Social services, stated as follows:

(1) *Characteristics*. Social services are characterized by the provision of on-going social services to clients or the general public on-site by organizations or agencies of a public or nonprofit nature. Clients or those seeking services typically go to the site to receive aid. Services are generally targeted to one or more vulnerable populations and are often provided free of charge.

(2) *Examples*. Facilities providing daytime shelter for the homeless and at-risk populations; government and nonprofit offices issuing welfare aid, rent supplements, and food stamps, and providing case management for such programs; individual and family counseling services; job training, vocational rehabilitation, and habilitation services for the unemployed, the underemployed, and the disabled; meal delivery programs; organizations providing legal and supportive services for immigrants; probation and parole offices; referral services for those in need.

Significantly, the description provided in the Characteristics notes that clients typically go the site to receive the services. In the case of services for the homeless, this means those individuals would be moving to and from the site, even if overnight shelter were not being provided.

The question, then, is what type or level of impact does the overnight shelter component create that would be different or greater than any impacts caused by the social services alone, which are outright Permitted at this location? In fact, once admitted to the shelter for the night, the amount of pedestrian traffic to and from facility will decrease, compared to the level of daytime activity for the social services and meal service programs.

Viewed this way, the inclusion of overnight sleeping facilities does not increase the types or level of impact on the immediate neighborhood or on surrounding development beyond that of the activities that are outright Permitted uses. Alleged impacts caused by individuals in the community who are not part of UGM's programs or services are not material to the City's determination as to whether the Applicant has satisfied the criteria for a Conditional Use Permit.

Thank you for considering this information as part of your review of the proposed Conditional Use Permit.

Sincerely,

Jeffrey R. Tross
Tross Consulting, Inc.
cc: Dan Clem, UGM