

FOR THE MEETING OF: December 20, 2017CASE NO.: CU-ZC17-14**TO: HEARINGS OFFICER****FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY
DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR****SUBJECT: CONDITIONAL USE & QUASI-JUDICIAL ZONE CHANGE CASE NO. CU-
ZC17-14; FOR PROPERTY LOCATED IN THE 700 TO 800 BLOCKS OF
COMMERCIAL STREET NE****REQUEST**

A consolidated application for a Conditional Use Permit and Zone Change for the proposed relocation of the Union Gospel Mission (UGM) of Salem's men's shelter from its current downtown location at 345 Commercial Street NE to a proposed new location on property located in the 700 to 800 blocks of Commercial Street NE.

The application includes the following:

- 1) A Conditional Use Permit to allow the relocation of the UGM's existing Non-Profit Shelter with an expanded capacity to serve approximately 300 persons; and
- 2) A Zone Change to change the zoning of the property from CO (Commercial Office) with Riverfront Overlay to CB (Central Business District) with Riverfront Overlay in order to establish the existing UGM retail store located at the northern end of the property as a permitted conforming use rather than an existing non-conforming use.

The subject property totals approximately 2.3 acres in size, is currently zoned CO (Commercial Office) with Riverfront Overlay, and is located in the 700 to 800 blocks of Commercial Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, & 1900).

APPLICANT/OWNER: Union Gospel Mission of Salem

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located in the 700 to 800 Blocks of Commercial Street NE (Marion County Assessor Map and Tax Lot Number(s): 073W22AC03300 and 073W22DB01600, 1700, 1800, & 1900):

- A. **APPROVE** the Quasi-Judicial Zone Change to change the zoning of the property from CO (Commercial Office) with Riverfront Overlay to CB (Central Business District) with Riverfront Overlay in order to establish the existing UGM retail store located at the northern end of the property as a permitted conforming use rather than an existing non-conforming use.
- B. **APPROVE** the Conditional Use Permit to allow the relocation the UGM's existing Non-Profit Shelter with an expanded capacity to serve approximately 300 persons, subject to the following conditions of approval:

- Condition 1:** As a condition of the future development of the property, a State Highway Approach/access permit shall be obtained for each proposed driveway connection onto Commercial Street NE.
- Condition 2:** A pedestrian connection shall be provided within the development to connect the main guest entrance into the proposed shelter to a public sidewalk within an abutting street. If the only means of connecting to a public sidewalk within an abutting street is via the existing alley, the pedestrian connection shall be visually contrasted from the alley either by a change in material or a grade separation above the alley in a manner that will not impede vehicular access to the alley.
- Condition 3:** Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

BACKGROUND/PROPOSAL

The application under review by the Hearings Officer is a consolidated Conditional Use and Zone Change for property located in the 700 to 800 blocks of Commercial Street NE.

The Conditional Use Permit is required in order to allow for the relocation of the UGM's existing men's shelter located in the downtown at 345 Commercial Street NE to the proposed location on the subject property with an expanded capacity to serve approximately 300 persons. The Zone Change to change the zoning of the property from CO (Commercial Office) to CB (Central Business District) (**Attachment B**) has been proposed by the applicant in order to establish the existing UGM retail store located at the northern end of the property as a permitted conforming use. Under the property's current CO zoning, the retail store is not a permitted use and is therefore non-conforming.

As shown on the preliminary site plan for the proposal (**Attachment C**), the proposed relocated shelter will be located on the southern portion of the property, the existing retail store, with a proposed future addition, is located on the northern portion of the property, and an off-street parking area to serve both uses is provided between them on the middle portion of the property.

Vehicular access to the site will be provided from two proposed driveway approaches onto Commercial Street NE and the alley which runs along the western side of the property.

The existing conditions plan prepared by the applicant which shows the existing improvements on the subject property is included as **Attachment D**. The applicant's proposed preliminary site plan showing the preliminary concept for the future development of the property is included as **Attachment C**. The written statement provided by the applicant's representative addressing the proposal's conformance with the applicable approval criteria for the conditional use permit and zone change is included as **Attachment E**.

FACTS AND FINDINGS

1. Procedural Findings

On November 14, 2017, Jeff Tross, of Tross Consulting, Inc., filed on behalf of the Union Gospel Mission of Salem, the applicant and owner of property located in the 700 to 800 blocks of Commercial Street NE, an application for a consolidated Conditional Use Permit and Quasi-Judicial Zone Change for the relocation of the Union Gospel Mission's (UGM) men's shelter from its current location in the downtown at 345 Commercial Street NE to a proposed new location on property located in the 700 to 800 blocks of Commercial Street NE.

Because both a conditional use permit and zone change are required in connection with the proposal, the applicant, pursuant to SRC 300.120(c), chose to consolidate the applications and process them together as one. When multiple applications are consolidated, the review process for the consolidated application is required to follow the highest numbered procedure type required for the land use applications involved, and the Review Authority for the application shall be the highest applicable Review Authority under the highest numbered procedure type.

Based on these requirements, the proposed consolidated application is required to be reviewed by the Hearings Officer and processed as a Type III procedure.

The application was deemed complete for processing on November 21, 2017. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on November 30, 2017. Notice was also posted on the subject property by the applicant pursuant to SRC requirements on December 7, 2017.

The public hearing on the proposed Conditional Use Permit and Zone Change application is scheduled for December 20, 2017. The state-mandated 120-day local decision deadline for the application is March 21, 2018.

2. Salem Area Comprehensive Plan (SACP)

The subject property is designated "River-Oriented Mixed-Use" on the Salem Area Comprehensive Plan map. The Salem Area Comprehensive Plan (SACP) describes the intent of the River-Oriented Mixed Use designation as providing for, "a combination of urban uses which take advantage of the scenic, natural, and recreational qualities of the riverfront and to provide opportunities for the residents in the community to have both visual and physical access to the riverfront while allowing for the continuation of existing industries."

The River Oriented Mixed Use designation is implemented by several base zones, including CB (Central Business District), CO (Commercial Office), RH (Multiple Family High-Rise Residential), and SWMU (South Waterfront Mixed-Use). The River Oriented Mixed Use designation is also implemented by the Riverfront Overlay Zone which applies to specific identified properties in proximity to the Willamette River and generally located north of Division Street NE, south of Hood Street, and west of Commercial Street NE (**Attachment F**).

Because the subject property is designated River Oriented Mixed Use on the Comprehensive Plan map and located within the Riverfront Overlay Zone, the proposed zone change from CO to CB does not require a concurrent comprehensive plan change because the River Oriented Mixed Use Plan designation can be implemented by the CB zone.

The Comprehensive Plan designations of surrounding properties include:

Surrounding SACP Plan Map Designations	
North	Across D Street NE - "River Oriented Mixed Use"
South	Across Division Street NE - "River Oriented Mixed Use"
East	Across Commercial Street NE - "Central Business District"
West	"River Oriented Mixed Use"

3. Zoning

The subject property is currently zoned CO (Commercial Office) and is located within the Riverfront Overlay Zone (**Attachment F**). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Across D Street NE - CB (Central Business District) with Riverfront Overlay Zone
South	CO (Commercial Office) with Riverfront Overlay Zone
	Across Division Street NE - CO (Commercial Office) with Riverfront Overlay Zone
East	Across Commercial Street NE - CB (Central Business District) with General Retail/Office Overlay Zone
West	CO (Commercial Office) with Riverfront Overlay Zone

4. Existing Site Conditions

The site consists of a five different properties (Marion County Assessor Map & Tax Lot Numbers (073W22AC03300 and 073W22DB01600, 1700, 1800, & 1900) totaling approximately 2.3 acres in size. Existing improvements on the site include five buildings and paved off-street parking areas to serve them.

A. Circulation & Access: The subject property has frontage on Division Street NE at its southern boundary, D Street NE at its northern boundary, and Commercial Street NE at its eastern boundary. An existing alley also runs the entire length of the property along its western boundary.

The section of Commercial Street abutting the subject property is designated as a parkway in the City's Transportation System Plan (TSP) and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The current right-of-way width of Commercial Street adjacent to the subject property is approximately 99 feet, which is less than the minimum required width. At the time of site plan review approval for the future development of the subject property, right-of-way dedication and improvement of the street frontage of the subject

property, including provision of the required bike lane, planting strip, and property line sidewalks, will be required.

The sections of D Street and Division Street which abut the subject property are designated as local streets in the City's TSP. The right-of-way widths of these streets currently conform to the minimum required right-of-way width. Any additional required street improvements for these streets will be addressed at the time of Site Plan Review approval for the future development of the property.

Primary vehicular access to the subject property is provided via five existing driveways onto Commercial Street NE. Vehicular access is also available from the alley along the property's western boundary. The applicant's proposed preliminary site plan for the future development of the property (**Attachment C**) shows a proposed reduction in the number of driveways onto Commercial Street NE from five to two. No driveway access is proposed onto Division Street or D Street and alley access will be maintained.

As previously discussed, because Commercial Street NE is under the jurisdiction of the Oregon Department of Transportation, proposed vehicular access onto Commercial Street will require approval by ODOT.

B. Natural Features:

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. 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 applicant's existing conditions plan (**Attachment D**), there are trees existing on the subject property. Any removal of trees from the property to accommodate the future development of the site must comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and federal wetlands laws are also administered by DSL and the Army Corps of Engineers, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetlands Inventory (LWI), the subject property does not contain any mapped wetlands or waterways. The subject property also does not contain any hydric or wetlands-type soils. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the future development of the subject property.

Landslide Hazards: The topography of the subject property 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 (SRC Chapter 810), a geologic

assessment is therefore not required in conjunction with the future development of the subject property.

5. Neighborhood Association Comments

The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CANDO) neighborhood association. As of the date of completion of this staff report, no written comments have been received from the neighborhood association.

6. Public Comments

All property owners within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property. As of the date of completion of this staff report, no written comments have been received from surrounding property owners or members of the public.

7. City Department Comments

- A. The Building and Safety Division reviewed the proposal and indicated no comments.
- B. The Fire Department reviewed the proposal and provided comments indicating they have no objections to the conditional use permit or zone change requests and that Fire Department related issues including, but not limited to, fire department access and water supply will be required to be addressed at the time of building permit review.
- C. The Public Works Department reviewed the proposal and provided comments regarding improvements required to serve the site in conformance with the applicable requirements of the SRC. Comments from the Public Works Department are included as **Attachment G**.

As previously indicated in this report, the right-of-way of Commercial Street NE abutting the property is currently less than the minimum required 120-foot width. At the time of site plan review approval for the future development of the subject property, right-of-way dedication and improvement of the street frontage of the subject property, including provision of the required bike lane, planting strip, and property line sidewalks, will be required.

8. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. As of the date of completing this staff report, the following comments were received:

- A. Portland General Electric (PGE) reviewed the proposal and provided comments indicating that development cost will be per current tariff and service requirements and that a 10-foot-wide public utility easement (PUE) is required on all front street lots.

B. The Oregon Department of Transportation (ODOT) reviewed the proposal and provided comments that are included as **Attachment H**. In summary, ODOT indicates that the site contains five private driveway connections to Salem Highway No. 72, State Route OR-22/Commercial Street NE. ODOT indicates that as a land use matter they do not object to the applicant's proposal and that they concur with the proposed reduction of number of driveways from five to two. ODOT indicates they currently have no access permit records on file for any of the existing driveway connections onto OR-22/Commercial Street and therefore the two proposed driveways to serve the future development of the property will require an access permit. In order to ensure that access to the site meets State requirements, ODOT recommends that a condition of approval be placed on the decision requiring the applicant to submit an *Application for State Highway Approach* (access permit application) for each of the proposed driveway connections. ODOT indicates that approval of the application will require highway frontage improvements.

ODOT also indicates that if the applicant or their contractor is required to occupy state highway right-of-way to relocate or reconstruct facilities, a *Permit to Occupy or Perform Operations Upon a State Highway* will also be necessary.

9. Applicant Submittal Information

Land use applications must include a written statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant addressing the applicable application approval criteria is included as **Attachment E** to this staff report. Staff utilized the information from the applicant's written statement to help evaluate the proposal and formulate the facts and findings within this staff report.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR QUASI-JUDICIAL ZONE CHANGE

10. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA

Salem Revised Code (SRC) 265.005(e)(1) sets forth the following criteria that must be met before approval can be granted to an application for a quasi-judicial zone change. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Quasi-Judicial Zone Change application, or for the issuance of certain conditions to ensure the criteria are met.

(A) The zone change is justified based on the existence of one or more of the following:

- (i) A mistake in the application of a land use designation to the property;***
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern; or***

(iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Finding: The written statement provided by the applicant (**Attachment E**) indicates that the proposed zone change from CO to CB is appropriate because the proposed CB zone is equally or better suited for the property than the existing CO zone.

The applicant explains that the UGM property has included a mix of retail and offices uses since prior to the application of the Riverfront Overlay Zone and the CO zone to the property. The applicant indicates that the CO zone caused the UGM retail outlet to become non-conforming and that the non-conforming status limits the opportunities for improvement, expansion, or change of the operation. The applicant explains that the physical characteristics of the property are appropriate for the proposed CB zone because it is located along Commercial Street just north of the downtown core, it presents no obstacles or obstructions that prevent its use by activities that are allowed in the CB zone, and the site will consolidate the CB zoning that already exists to the south, north and east. The applicant indicates that the proposed zone is logical with the surrounding uses because it is consistent with intent of the River-Oriented Mixed-Use Comp Plan designation and provides for activities that are appropriate for the central area of the city. The applicant also explains that the land to the east across Commercial Street will be the site of the new Police Facility, which is a compatible use and another major public service to locate in this area. The applicant indicates that because the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

Staff concurs with the findings included in the applicant's written statement. The location of the subject property directly adjacent to the north of the downtown, but also south of Mill Creek represents a logical extension of the City's CB zoning and is consistent with the CB zoning of property located to the north of the subject property across D Street and to the east of the subject property across Commercial Street.

The variety of uses allowed in the CB zone, together with the additional development standards and design review requirements of the Riverfront Overlay zone, will promote a land use and development pattern that is in keeping with the intent of the River-Oriented Mixed-Use comprehensive plan designation and will also allow for the existing UGM retail store to become a permitted conforming use rather than an existing non-conforming use with limits on its ability to be expanded, altered, or rebuilt if destroyed.

The proposed zone change conforms to this approval criterion.

- (B) *If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.***

Finding: The written statement provided by the applicant (**Attachment E**) indicates that the proposal is not a City-initiated zone change and therefore this criterion does not apply.

Staff concurs with the findings included in the applicant's written statement. The proposed zone change has not been initiated by the City, but has instead been initiated by the owners of the subject property, the Union Gospel Mission. Because the proposed zone change is not a City initiated zone change, this approval criterion is not applicable to the proposal.

- (C) *The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.***

Finding: The subject property is designated River Oriented Mixed-Use on the Salem Area Comprehensive Plan Map. Because of the property's mixed-use comprehensive plan designation, the Mixed-Use Development goals and policies contained in section IV.F of the Salem Area Comprehensive Plan (SACP) are applicable to the proposal.

As identified in the written statement provided by the applicant (**Attachment E**), and as provided below, the requested zone change from CO (Commercial Office) to CB (Central Business District) complies with the applicable provisions of the Salem Area Comprehensive Plan.

▪ **Mixed-Use Development Goal (SACP Section IV.F):**

To provide a mixture of complimentary land uses that may include housing, retail, offices, services, industrial, and civic uses, to create economic and social vitality.

The applicant's written statement indicates that the City has determined this area to be appropriate for a mix of uses. The site is currently zoned CO, but it is also the location of a long-standing retail store. The proposed CB zone implements the River Oriented Mixed Use Comp Plan designation, and provides for retail uses. It will convert the existing store from a non-conforming use to a permitted use. In addition, the Riverfront Overlay Zone preserves the uses in the underlying base zone. The existing CO zone, and proposed CB zone, both allow non-profit shelters. The Riverfront Overlay was amended to allow the relocation of a non-profit shelter with a larger service capacity than in these base zones. The zone change does not affect use of the site for the shelter. The CB zone provides for a complimentary mix of land uses within the area, including service and civic uses, as anticipated by the Plan designation. For these reasons, the proposal is consistent with this Goal.

Staff concurs with the findings included in the applicant's written statement. With a few exceptions, permitted uses in the Riverfront Overlay Zone are based on

the permitted uses in the underlying base zone. While the CO zone currently allows for some limited non-office uses, the CB zone permits a much wider range of retail sales, eating and drinking establishments, and personal services.

The CB zone permits the “combination of urban uses” referred to in the SACP description for the River-Oriented Mixed Uses designation. While the proposed zone change from CO to CB does not affect the allowance of UGM’s proposed relocated men’s shelter at this location, it does allow UGM’s existing retail store to become a conforming permitted use in the CB zone rather than a non-conforming prohibited use under the existing CO zone.

The land uses in the surrounding area currently include a mixture of commercial service businesses, retail, office, and industrial. The City will also be establishing a new police facility directly across Commercial Street from the subject property. The proposed zone change to CB expands the variety of uses that would be allowed on the subject property consistent with the variety of uses existing in the area and the mixed-use development goal. The proposed zone change complies with this provision of the comprehensive plan.

▪ **Mixed-Use Development Policy No. 1 (Development)(SACP Section IV.F.1):**

Encourage use of land by facilitating compact, high density development and minimizing the amount of land that is needed to accommodate automobile parking.

The applicant’s written statement indicates that the proposal represents the efficient use of land for compact, high-density development by providing for the continuance and future expansion of the existing retail store, and a shelter with greatly expanded capacity in a building that will include emergency housing, rehabilitation and training services, and administrative offices. This will result in an overall more intensive use of the site than at present. Parking will be contained within the site. These features are consistent with this policy.

Staff concurs with the findings included in the applicant’s written statement. The proposed zone change will facilitate more intense use of an already-developed property by establishing a wider range of allowed uses and by making the existing retail store a conforming use. As a conforming use in the CB zone rather than a non-conforming use in the CO zone, it will be easier for the UGM to expand their existing retail store as shown on the applicant’s proposed preliminary site plan. The expansion of the retail store consistent with the development standards and design review requirements of the Riverfront Overlay Zone ensures a more compact and urban form consistent with this comprehensive plan policy and also facilitates the more efficient use of the UGM’s property by allowing them to locate their proposed new shelter and retail store on the same development site where parking between the two uses can be shared. The proposed zone change complies with this provision of the comprehensive plan.

- **Mixed-Use Development Policy No. 2 (Development)(SACP Section IV.F.2):**

Encourage development that preserves open space.

The applicant's written statement indicates that the site is developed and it is not designated as open space, and it has no open space features that require preservation. New development will include landscaping, as may be required. These factors are consistent with this policy.

Staff concurs with the findings included in the applicant's written statement. The subject property is developed and not designated as open space. There are also no existing site features, such as riparian corridors or wetlands, located on the property that would require protection or preservation as open space. As the applicant indicates, installation of landscaping will be required as part of the future development of the property. Required setbacks must be landscaped and landscaping will also be required within the proposed off-street surface parking lot between the retail store and shelter.

The proposed zone change will also facilitate a more intensive re-development of property located near the downtown core of the City; thereby allowing the more efficient use of land and reducing the amount of open space that might otherwise be developed elsewhere to accommodate the proposed uses. The proposed zone change conforms to this provision of the comprehensive plan.

- **Mixed-Use Development Policy No. 3 (Priorities for Mobility and Access)(SACP Section IV.F.3):**

Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where appropriate.

The written statement provided by the applicant indicates that the UGM shelter serves a predominantly non-driving population. The provision of on-site services, and location in proximity to the downtown core area, reduces the need for SOV trips. These factors are consistent with this policy.

Staff concurs with the findings included in the applicant's written statement. The location of the subject property in proximity to the downtown core area ensures better access to transit and other needed services. The proposed zone change to CB also allows for the existing retail store to become a conforming permitted use in the zone. This in turn allows for the proposed relocated shelter and expanded retail store to be located on the same development site which encourages less SOV trips by ensuring that any staff who have responsibilities at the shelter and the store do not have to leave the property to travel to another location by car. The proposed zone change conforms to this provision of the comprehensive plan.

- **Mixed-Use Development Policy No. 4 (Priorities for Mobility and Access)(SACP Section IV.F.4):**

Reinforce streets as public places that encourage pedestrian and bicycle travel.

The written statement provided by the applicant indicates that by creating and maintaining a support service destination in proximity to downtown and the public open spaces in the area, with access along the major streets including Commercial Street and Front Street, the proposal will encourage the use of the street for pedestrian and bicycle travel and thereby reinforce streets as a public place, as directed by this policy.

Staff concurs with the findings included in the applicant's written statement. The subject property is located within proximity to the downtown core of the City and is served by an existing street network where pedestrian and bicycle facilities are provided. As previously discussed in this report, the right-of-way width of Commercial Street abutting the property does not currently conform to the minimum required right-of-way width for a parkway street under the City's Transportation System Plan (TSP). As such, additional right-of-way dedication and street improvements will be required as provided in the TSP along the frontage of Commercial Street in conjunction with the future redevelopment of the property. Improvement of Commercial Street to the applicable TSP standards will ensure the public street right-of-way is developed in a manner so as to re-inforce it as a public place for pedestrian and bicycle travel.

In addition, because the subject property is located within the Riverfront Overlay Zone, the future redevelopment of the property will be required to comply with the design review standards and guidelines of the overlay zone which generally require buildings to be constructed in close proximity to the public street right-of-way with canopies over the sidewalk for weather protection and transparent windows along the ground floor street facing facades to promote an active and inviting pedestrian environment. The proposed zone change conforms to this provision of the comprehensive plan.

- **Mixed-Use Development Policy No. 5 (Priorities for Mobility and Access)(SACP Section IV.F.5):**

Provide roadway and pedestrian connections to residential areas.

The written statement provided by the applicant indicates that the subject site is connected to Commercial Street, Division Street and D Street and that D Street and Division Street connect to Front Street. Connection to residential areas are available, although not specifically applicable to this proposal.

Staff concurs with the findings included in the applicant's written statement. The proposed zoning change conforms to this provision of the comprehensive plan.

- **Mixed-Use Development Policy No. 6 (Design)(SACP Section IV.F.6):**

Develop commercial and residential areas that are safe, comfortable, and attractive to pedestrians.

The written statement provided by the applicant indicates that the retail store is already a part of the local commercial area. It is accessible to pedestrians via

Commercial Street and D Street. The shelter will also be served by the existing pedestrian facilities along the bordering streets. These factors are consistent with this policy.

Staff concurs with the findings included in the applicant's written statement. In addition, because the property is located within the Riverfront Overlay Zone, the design review standards and guidelines included in the overlay zone establish requirements to promote a safe, comfortable, and attractive urban environment that is inviting to pedestrian. Conformance with these design review requirements at the time of future redevelopment of the property will ensure development consistent with this comprehensive plan policy. The proposed zone change conforms to this provision of the comprehensive plan.

▪ **Mixed-Use Development Policy No. 7 (Design)(SACP Section IV.F.7):**

Provide flexibility in the siting and design of new developments, facilities, and redevelopment to respond to changes in the marketplace and infrastructure systems.

The written statement provided by the applicant indicates that changing the zone to CB as proposed will promote and encourage the future improvement and redevelopment of the existing retail structure, and will provide flexibility for its future use. As new residential development occurs in this area, as encouraged by the Overlay zone, the store will be able to change in response to the expected changes in the marketplace. These factors are consistent with this policy.

Staff concurs with the findings included in the applicant's written statement. By changing the zoning of the property from CO to CB the existing UGM retail store will become a conforming permitted use rather than a non-conforming use. By establishing the use as a conforming use, the proposed zone change will facilitate investments to improve and expand the existing store as shown on the applicant's preliminary site plan. In addition, the wider range of potential uses for the subject property under the proposed CB zone affords the property owner greater flexibility in adapting to changing conditions over time. The proposed zone changes conforms to this provision of the comprehensive plan.

▪ **Mixed-Use Development Policy No. 8 (Design)(SACP Section IV.F.8):**

Provide appropriate transitions between mixed-use areas and adjacent single-use neighborhoods.

The written statement provided by the applicant indicates that the CB zone provides for a wider variety of uses than the existing CO zone and thereby contributes to a mixed-use neighborhood as encouraged by the River Oriented Mixed Use designation and the Overlay zone. The subject site is not adjacent to a single-use neighborhood.

The zone change will consolidate CB zoning between the downtown and Mill Creek, which provides an appropriate transition to the areas to the west and north.

Staff concurs with the findings included in the applicant's written statement. The subject property is located within an area characterized by a wide variety of land uses including office, retail, commercial services, and industrial. Both the River-Oriented Mixed-Use comprehensive plan designation and the Riverfront Overlay Zone that apply to the subject property and the surrounding area are intended to promote mixed-use rather than single use neighborhoods. The proposed zone change conforms to the existing and planned mixed-use character of the neighborhood, and is not situated in an area of transition between mixed-use areas and single-use neighborhoods. The proposed zone change conforms to this provision of the comprehensive plan.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The written statement provided by the applicant (**Attachment E**) indicates that The Salem Area Comprehensive Plan is acknowledged to be in conformance with the Statewide Planning Goals and Administrative Rules. As such, the Plan implements the State Goals and rules. The proposed zone change to CB complies with the applicable Goals and Policies of the Comp. Plan. A Comprehensive Plan Map Amendment is not required. Because the proposal complies with the acknowledged SACP, the proposal satisfies this criterion.

Staff concurs with the findings included in the applicant's written statement. The City's adopted Comprehensive Plan implements the Statewide Planning Goals and applicable administrative rules, and is acknowledged to be in compliance with the Statewide Planning Goals. The proposed zone change does not require a corresponding change to the Salem Area Comprehensive Plan Map designation for the property and the proposed zone change conforms to the applicable goals and policies of the Salem Area Comprehensive Plan, as identified in the findings included within this report. The proposed zone change satisfies this approval criterion.

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The written statement provided by the applicant (**Attachment E**) indicates that the zone change is from CO to CB, it does not affect an industrial designation, and a comprehensive plan change is not required. This criterion does not apply.

Staff concurs with the findings included in the applicant's written statement. The subject property is designated River-Oriented Mixed-Use on the Salem Area Comprehensive Plan map. The River-Oriented Mixed-Use comprehensive plan designation is not an industrial, commercial, or employment designation. The proposed zone change from CO to CB also does not require a comprehensive plan change from an industrial, commercial, or employment designation. This criterion is therefore not applicable to the proposed zone change.

- (F) *The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.***

Finding: Pursuant to Oregon Administrative Rule (OAR) 660-012-0060(9), the proposed zone change from CO to CB is exempt from the Transportation Planning Rule determination of significant affect because the current CO zone and the proposed CB zone both implement the River Oriented-Mixed Use comprehensive plan designation. As such, a change to the City's Comprehensive Plan map is not required. Because both the CO and CB zones implement the property's current River Oriented Mixed-Use Comprehensive Plan designation, the City's acknowledged Transportation System Plan (TSP) already anticipates the resultant levels of traffic from development of the property under either the existing CO zone or the proposed CB zone. This criterion is satisfied.

- (G) *The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.***

Finding: The written statement provided by the applicant (**Attachment E**) indicates that all necessary public facilities and services are present in this area and already provide service to the existing uses. Water and sewer mains and storm drain lines are located in Commercial Street and D Street. Future service levels for new uses will be determined at the time development permits area requested. The existing public facilities and services are capable of serving the uses allowed in the proposed CB zone.

Staff concurs with the findings included in the applicant's written statement. As indicated in the comments provided by the Public Works Department (**Attachment G**), water, sewer, and stormwater infrastructure are available within surrounding streets/areas and appear to be adequate to serve existing and future tenants and development. Site specific infrastructure requirements will be addressed during the site plan review approval process for the future redevelopment of the property. This criterion is satisfied.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CONDITINOAL USE PERMIT

11. CONDITIONAL USE PERMIT APPROVAL CRITERIA

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 evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit application, or for the issuance of certain conditions to ensure the criteria are met.

(1) The proposed use is allowed as a conditional use in the zone.

Finding: The written statement provided by the applicant (**Attachment E**) indicates that the UGM property is within the Riverfront Overlay Zone. This zone includes "Relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993." as an Additional Conditional Use, SRC 617.015(c), Table 617-2. The UGM shelter satisfies these specific pre-requisites because it is an existing non-profit shelter that is currently in the CB zone, and it has been at its current location continuously since 1953. Because the proposed use is allowed as a Conditional Use in the Overlay Zone this criterion is satisfied.

Staff concurs with the findings included in the applicant's written statement. One of the provisions of the Riverfront Overlay Zone is to allow additional uses beyond those allowed in the underlying zone. One such additional use allowed within the overlay zone is Non-Profit Shelters. The overlay zone, pursuant to SRC 617.015(c), Table 617-2, allows as an additional conditional use the relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people provided the shelter continually existed in the CB zone as of September 1, 1993.

As indicated in the applicant's written statement, the site of the UGM's existing shelter at 345 Commercial Street NE is zoned CB and the shelter has operated at that location continuously since 1953. Because the shelter will be relocated from the CB zone at its current location to its new proposed location on property within the Riverfront Overlay Zone, which allows the relocated shelter as a conditional use, the proposed relocated shelter conforms to this approval criterion.

(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 (**Attachment E**) indicates that the site for the UGM shelter was chosen due to the lack of potentially incompatible uses in the immediate vicinity, and the expectation of minimal adverse impacts. The immediate neighborhood currently includes commercial/service and industrial uses, and a grocery store. There are no adjacent residential uses. The property is along a major street corridor and multiple modes of transportation are available. In the near future the new Police facility will be located directly across Commercial Street.

The applicant indicates that major noise impacts in the area are from vehicle traffic on Commercial and Front Streets, and the rail line along Front Street.

Activities associated with the shelter will occur within the building. There will be no exterior noise impacts created by these activities. The potential for adverse impact from noise from activities at the shelter is minimal. Similarly, the types of activities and services provided at the shelter will not create odors to the surrounding area.

The applicant explains that traffic will be associated with employees, and customers of the retail store as at present. Few clients have motor vehicles. Delivery trucks will access the building. These traffic impacts will be typical of existing traffic in this industrial and commercial area, and along a major street route that serves as a link between the central city, the Willamette River bridges, and the Salem Parkway.

The applicant indicates that the shelter will occupy a newly designed and built structure that will replace the old buildings presently on the property. The new building will be characteristic of the downtown core in scale and appearance, and be in keeping with the extension of the core area to the north. The building design will be required to follow the development standards that apply to the location. As a result, the visual impact of the location will improve from the present.

The applicant explains that the facility will be likely to attract a large amount of pedestrian traffic and that measures should be taken to discourage loitering on or obstructing the public sidewalk. No other adverse impacts that require conditions appear to be reasonably likely.

As indicated in the written statement provided by the applicant, the relocated shelter is proposed to be located in an area where there are no residential uses in the immediate vicinity, but instead a mixture of non-residential office, commercial-service, retail, and industrial uses so as to minimize the impact of the proposed shelter on the immediate neighborhood. In addition, the location of the proposed shelter on property in proximity to the downtown helps to ensure the shelter and its guests are not isolated from other social service organizations and agencies in the community that help to provide additional support and services to the homeless community. The proposed shelter will also be located directly across Commercial Street from the City's proposed new police facility, where its presence will have the potential of providing an influence to deter any undesired activity from occurring and impacting the immediate neighborhood. In regards to vehicle transportation impacts, the proposed shelter will not result in adverse traffic impacts on streets within the area because, as the applicant indicates in their written statement, few clients have motor vehicles and the amount of vehicle traffic generated from employees, customers of the retail store, and deliveries will be typical of the other existing uses in the area. As previously discussed in this report, because Commercial Street is also a State highway, comments from ODOT were received regarding proposed driveway access to the property. In order to ensure safe driveway access to the site that meets ODOT requirements, the following condition of approval is recommended:

Condition 1: As a condition of the future development of the property, a State Highway Approach/access permit shall be obtained for each proposed driveway connection onto Commercial Street NE.

In regards to pedestrian and bicycle traffic, the proposed shelter will generate increased amounts pedestrian and bicycle activity in the area. The increased pedestrian and bicycle activity will be accommodated by provision of required sidewalk and bike lane improvements along Commercial Street, as required under the City's Transportation System Plan for this classification of street, with the proposed redevelopment of the site. In order to minimize the potential of the public sidewalks being obstructed due to loitering, the proposed preliminary shelter design locates the main guest entry into the shelter, along with an adjacent plaza area, on the west side of the building facing the alley. The rear guest entry is reached via a pedestrian connection which leads to the alley, but does not connect to any other pedestrian route with a sidewalk. In order to ensure that safe and convenient pedestrian access is provided for the proposed guests of the facility, the following condition of approval is recommended:

Condition 2: A pedestrian connection shall be provided within the development to connect the main guest entrance into the proposed shelter to a public sidewalk within an abutting street. If the only means of connecting to a public sidewalk within an abutting street is via the existing alley, the pedestrian connection shall be visually contrasted from the alley either by a change in material or a grade separation above the alley in a manner that will not impede vehicular access to the alley.

In regards to potential visual impacts, the subject property is located within the Riverfront Overlay Zone which includes design review requirements intended to promote a vibrant and pedestrian oriented mixed-use residential and commercial district. In order to achieve this, the design review requirements generally require buildings to be brought up to the street with minimized setbacks; transparent ground floor windows facing the street; weather protection in form of canopies over sidewalks; and off-street parking and loading areas that are setback from the street and located to the rear or side of buildings. At the time of future redevelopment of the property, Site Plan Review, per SRC Chapter 220, and Design Review, per SRC Chapter 225, will be required. At that time the proposed development will be reviewed for conformance with the applicable development standards and design review requirements.

While the Riverfront Overlay Zone establishes several design review requirements to promote the desired urban form in this area, it does not, however, establish screening requirements for outdoor storage areas. Due to the nature of the proposed use, it is likely that an area for storage of personal belongings will be needed. The storage area could be within a building or outside on the site. It is unclear from the proposed preliminary site plan whether such an area(s) is proposed, but in order to reduce the potential visual impact of any outside storages area(s), if any will be provided, to the immediate neighborhood, the following condition of approval is recommended:

Condition 3: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

As identified in the applicant's written statement and discussed in the associated findings in response to this approval criterion, the reasonably likely adverse impacts of the proposed relocated shelter on the immediate neighborhood are minimized though it's proposed location, the recommended conditions of approval, and conformance with the applicable development standards and design review requirements of the Salem Revised Code at the time of future redevelopment of the property. This criterion is satisfied.

(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 (**Attachment E**) indicates that the immediate neighborhood consists of commercial/service and industrial uses, and a grocery store. The site is along a major street corridor, and close to an active rail line. There are no residential uses in the immediate vicinity. In the near future the new Salem Police facility will be located directly across Commercial Street.

The proposed use is in keeping with the intent of the Riverfront Overlay and mixed use concepts, as it provides a civic service in the area close to the city center and along major transportation routes. The site is accessible for pedestrians and bicycle traffic. The vehicular traffic impact will be low, as few clients have motor vehicles. Based on the operation and characteristics of the use, it will be reasonably compatible with surrounding properties, and minimize impacts on the livability and development of the surrounding properties, consistent with this criterion.

Staff concurs with the findings included in the applicant's written statement. The proposed shelter will be located in an area within proximity to the downtown where access to other social service providers in the community can still be maintained. It will be located in an area with a mixture of office, commercial, and industrial uses rather than residential uses. It will also be located across Commercial Street from the City's future police facility which will have the potential effect of deterring undesired activity that would impact surrounding properties. The proposed facility will also be required to conform with the applicable development standards and design review requirements of the SRC that are intended to promote compatibility between adjacent uses and development. The proposed shelter, a recommended to be conditioned conforms to this approval criterion.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Conditional Use Permit and Quasi-Judicial Zone Change, as recommended to be

conditioned, satisfy the applicable criteria contained under SRC 240.005(d) and SRC 265.005(e) for approval.

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located in the 700 to 800 Blocks of Commercial Street NE (Marion County Assessor Map and Tax Lot Number(s): 073W22AC03300 and 073W22DB01600, 1700, 1800, & 1900):

- C. **APPROVE** the Quasi-Judicial Zone Change to change the zoning of the property from CO (Commercial Office) with Riverfront Overlay to CB (Central Business District) with Riverfront Overlay in order to establish the existing UGM retail store located at the northern end of the property as a permitted conforming use rather than an existing non-conforming use.
- D. **APPROVE** the Conditional Use Permit to allow the relocation the UGM's existing Non-Profit Shelter with an expanded capacity to serve approximately 300 persons, subject to the following conditions of approval:

Condition 1: As a condition of the future development of the property, a State Highway Approach/access permit shall be obtained for each proposed driveway connection onto Commercial Street NE.

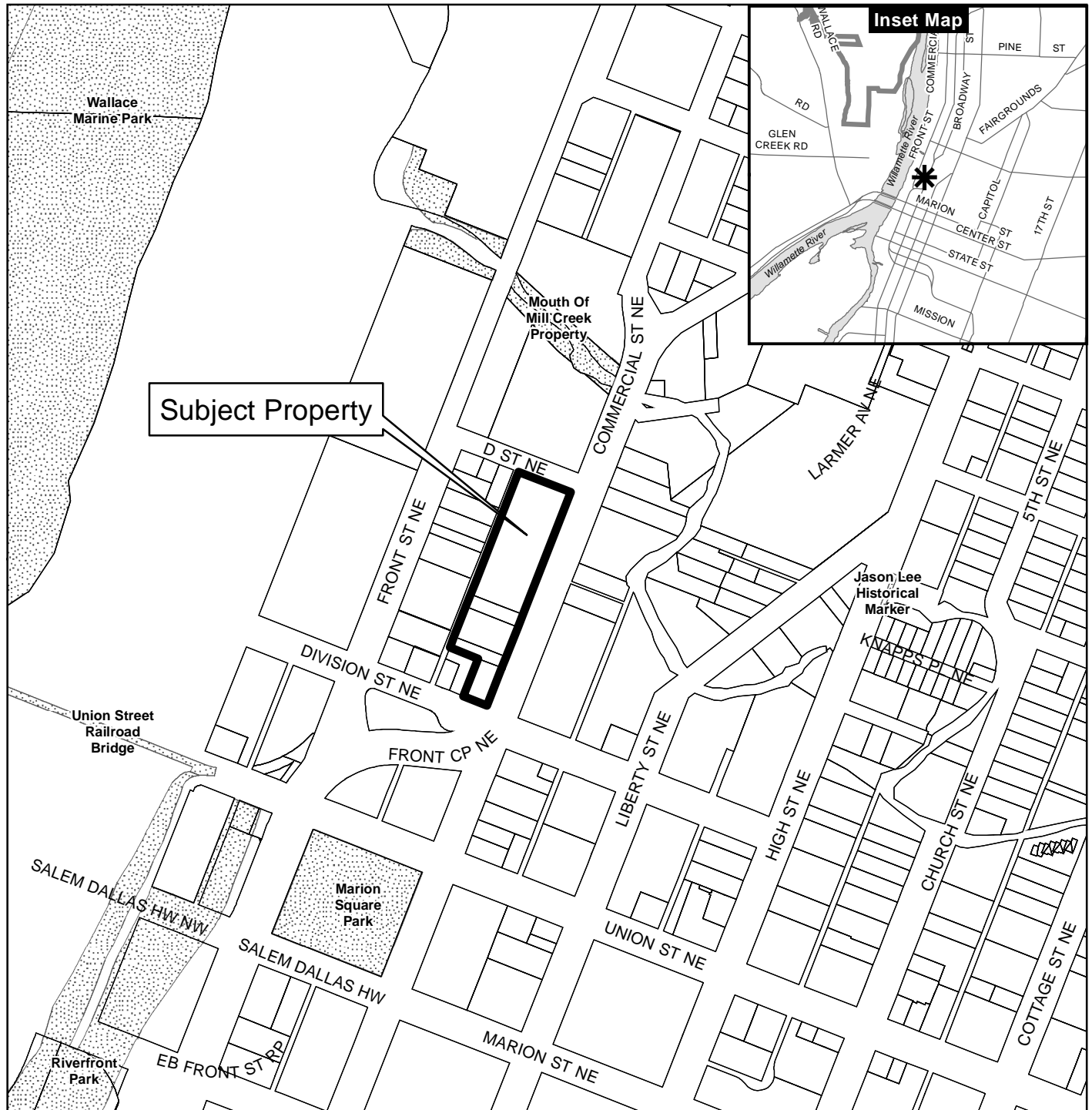
Condition 2: A pedestrian connection shall be provided within the development to connect the main guest entrance into the proposed shelter to a public sidewalk within an abutting street. If the only means of connecting to a public sidewalk within an abutting street is via the existing alley, the pedestrian connection shall be visually contrasted from the alley either by a change in material or a grade separation above the alley in a manner that will not impede vehicular access to the alley.

Condition 3: Any outside storage areas, including outside storage areas for personal belongings, shall be screened by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge.

- Attachments:**
- A. Vicinity Map
 - B. Zoning Map
 - C. Preliminary Site Plan
 - D. Existing Conditions Plan
 - E. Applicant's Written Statement
 - F. Riverfront Overlay Zone Map
 - G. Public Works Department Comments
 - H. Oregon Department of Transportation (ODOT) Comments

Prepared by Bryce Bishop, Planner II

Vicinity Map 700 to 800 Blocks of Commercial Street NE



Legend

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

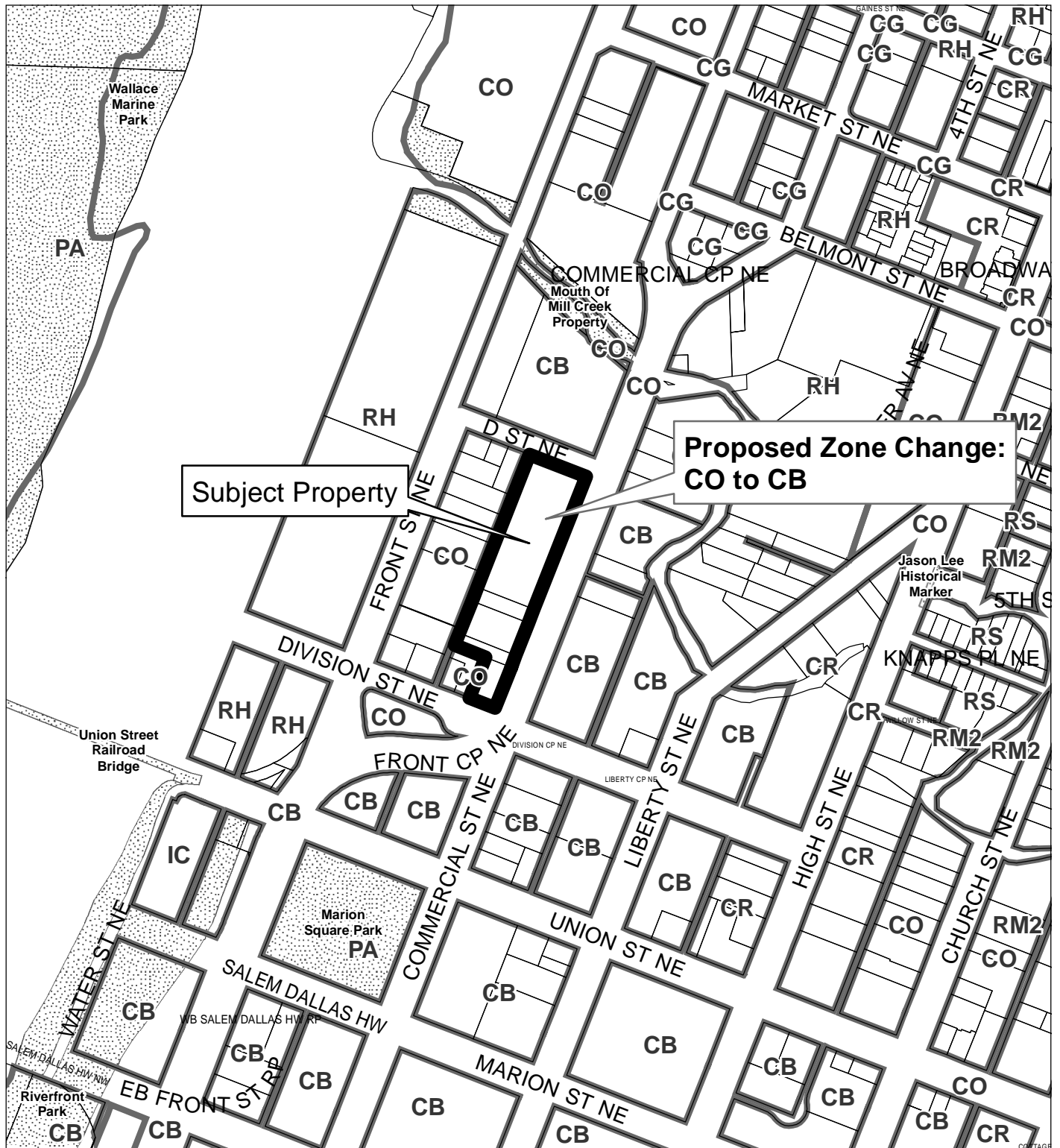
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Community Development Dept.

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ZONING MAP



Subject Property

Proposed Zone Change:
CO to CB

Legend

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

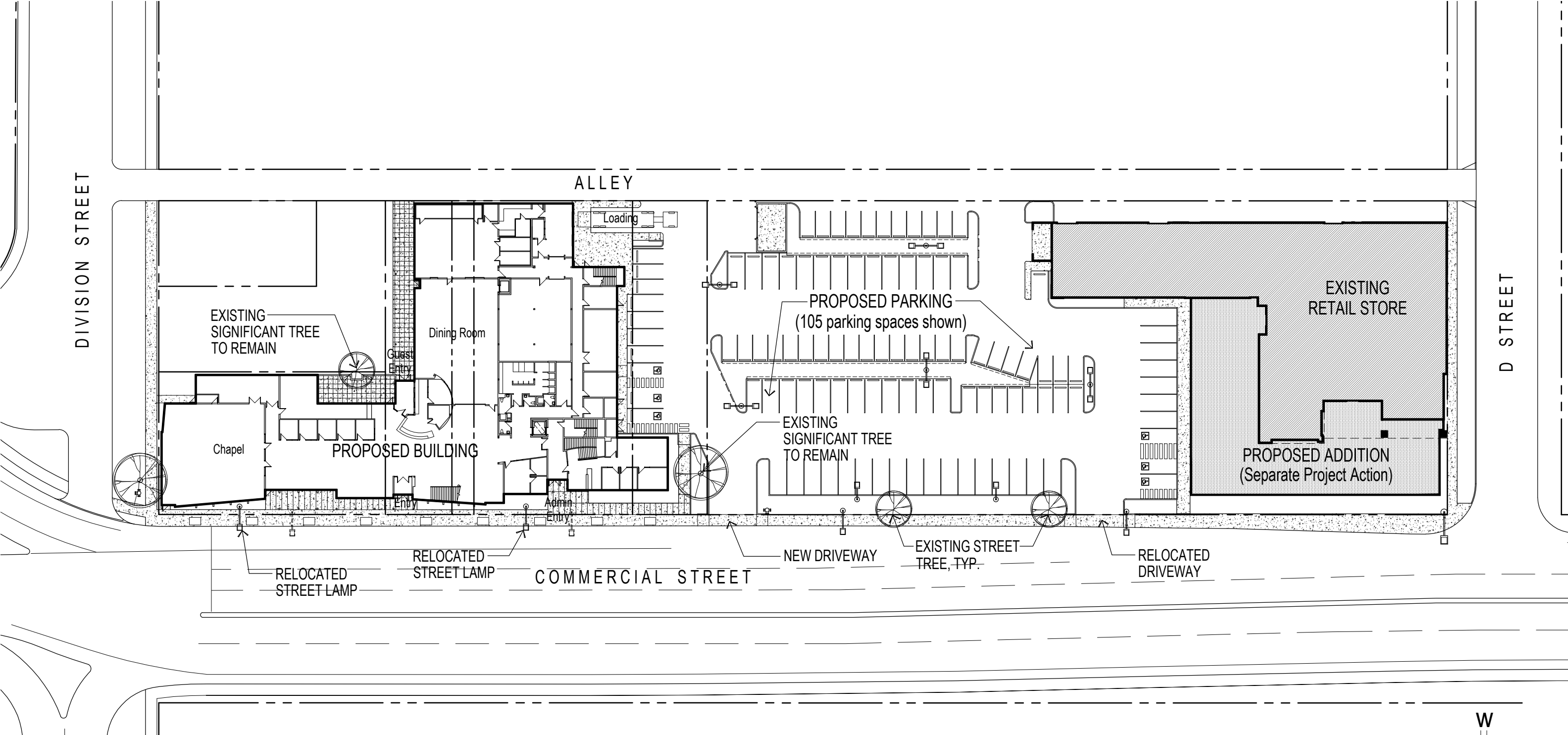
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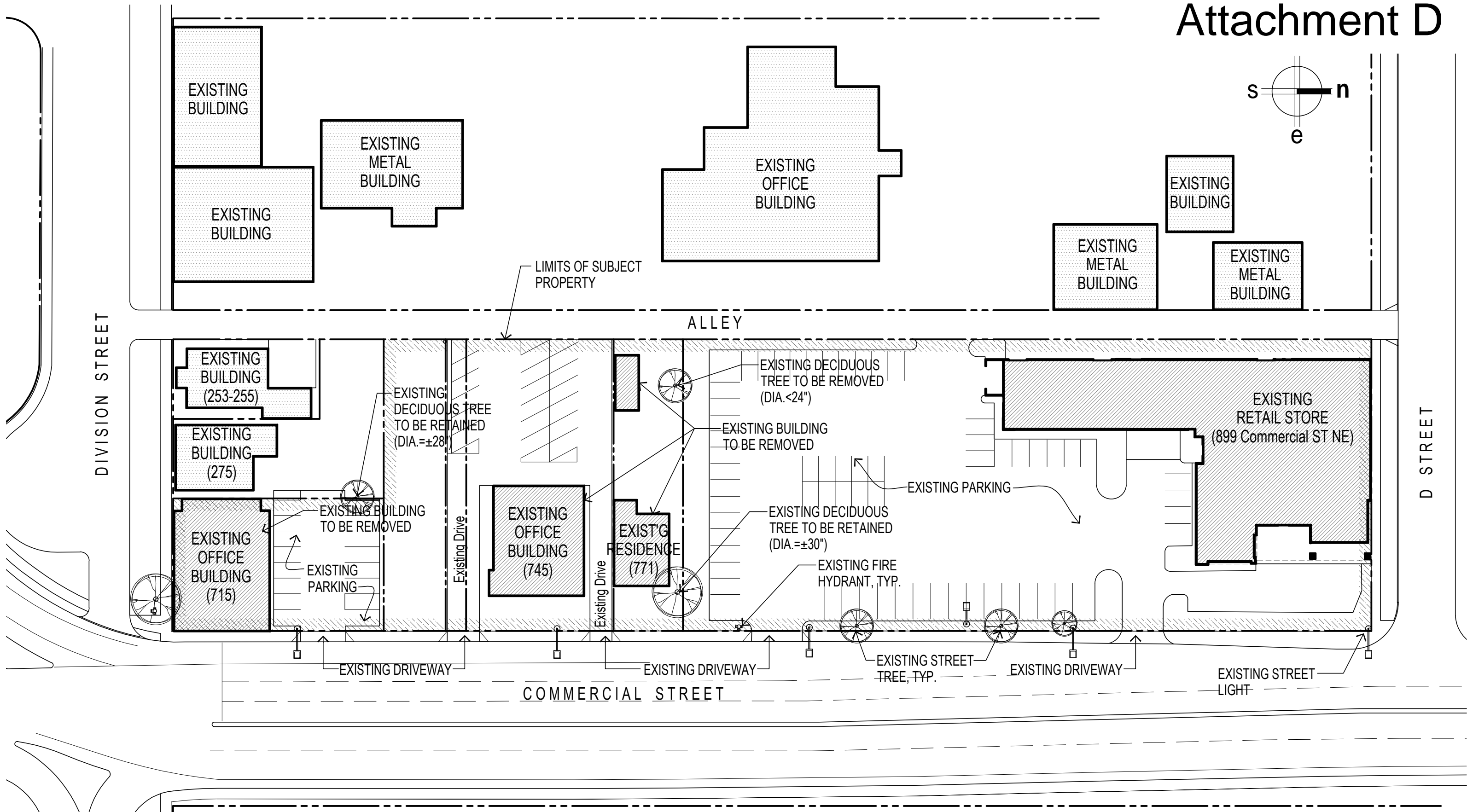


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Attachment C



Attachment D



Tross Consulting, Inc.
Jeffrey R. Tross
Land Planning and Development Consultant
1720 Liberty St. SE, Salem, Oregon 97302
Phone (503) 370-8704 email jefftross@msn.com

**APPLICANT'S STATEMENT
FOR THE UNION GOSPEL MISSION OF SALEM
CONDITIONAL USE PERMIT FOR THE NEW MENS SHELTER
AND
ZONE CHANGE FOR THE RETAIL STORE**

BACKGROUND

The Union Gospel Mission of Salem (UGM) proposes to relocate its men's shelter, currently located downtown at 345 Commercial Street NE, to the north at a site along the west side of Commercial Street, between Division Street and D Street. The UGM retail/resale store and administration offices are currently at this location. The retail store has been on the site since 1987, and the organization's offices have been there since 2009.

The UGM ownership is now composed of five contiguous parcels, identified as Tax Lots 1600, 1700, 1800 and 1900 on Marion County Assessor's map 7-3W-22DB; and Tax Lot 3300 on map 7-3W-22AC. The five parcels are addressed as 715, 745, 771, and 885-899 Commercial St. NE. The retail store is at 885-889 (Tax Lot 3300), and the administration office is a separate building at 745 (Tax Lot 1700). In addition, the site also includes an old house on parcel 1600, and a vacant office building on parcel 1900.

The contiguous site totals 2.3 acres. It is currently zoned CO, and within the Riverfront Overlay Zone, Area 2 (SRC Chapter 617). It is designated River Oriented Mixed-Use on the Comprehensive Plan (SACP) map.

The River Oriented Mixed-Use designation and Riverfront Overlay Zone were established by the City in 1998 to promote the redevelopment and renewal of the older industrial and commercial area north of the downtown central business district. The intent of the Riverfront Overlay Zone is to encourage the conversion of the area to a high density residential and commercial neighborhood as an extension of the existing downtown core. Area 1 of the Overlay is between the river and Front Street, and is intended for redevelopment for high density residential use. Area 2 is between Front Street and Commercial Street, and is intended as the location for commercial services. (The site for the new Salem Police facility, recently acquired by the City, is directly east across Commercial Street from the UGM property. It is zoned CB but is not within the Overlay Zone).

In 2014, the City Council amended the Riverfront Overlay Zone to include non-profit shelters serving more than 75 persons as an "Additional Conditional Use" (Code Amendment Case

CA14-03, Ordinance Bill 19-14). The amendment was requested by the UGM in anticipation of relocating its shelter to this site with an expanded capacity to serve approximately 300 persons. Prior to the Code Amendment shelters were included as a Conditional Use in the zone, but were limited to serving a maximum of 75 persons. The new provision is limited to "Relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993." (617.015(c), Table 617-2). It is important to note that the Code Amendment did not introduce a new use into the Zone, but only altered the allowable scope of that use, depending on satisfaction of specific pre-requisites. The UGM shelter satisfies these specific pre-requisites because it is an existing non-profit shelter that is currently in the CB zone, and it has been at its current location continuously since 1953.

The Proposal

As provided for by the recent Code Amendment to the Overlay Zone, UGM requests a Conditional Use Permit to allow the relocation of its mens shelter to this site in order to serve more than 75 persons, as provided for in SRC 617.015(c). The new shelter is being planned to serve approximately 300 persons, in order to address the community need that is being experienced for this service.

While the Riverfront Overlay Zone is now capable of providing for the proposed shelter, the CO zone does not include commercial retail uses such as the UGM store. Under the existing CO zone the store is a non-conforming use, which severely restricts its ability to expand or change its operation.

Therefore, in order to establish its retail store as a permitted use, in conjunction with relocating its shelter, UGM requests a Zone Change from CO to CB. The CB zone allows retail stores as a permitted use, SRC Chapter 524.005, Table 524-1 Retail Sales and Services, as described in UDC Chapter 400.045(b). The CB zone implements the River Oriented Mixed-Use Comprehensive Plan designation, and it is consistent with the intent for this area of the Riverfront Overlay Zone. It is also appropriate for the northward expansion of the downtown core area.

Because this proposal has been the subject of prior meetings with City Staff, as well as the Code Amendment, to expedite this application UGM requested a waiver to the requirement for a Pre-Application Conference.

Preliminary Site Plan

A preliminary site plan is provided with this application to show how the site could be redeveloped for the shelter. The site plan shows the new shelter situated at the south end of the site. This will be a multi-story building of approximately 54,000 square feet. The new facility will replace the existing administration building and the old house and office building currently on the site. The retail store remains at its current location at the north end, with a possible future addition. Parking area is provided in between the two facilities, with 106 spaces shown. Access to the property is provided by driveways to Commercial St., and to the alley that runs along the west side of the site. A median in Commercial Street prevents left turns in or out of those driveways, restricting traffic to right-in/right-out southbound movements.

Surrounding Land Uses

The area around the UGM site presents a mix of industrial, office, and commercial/service uses located along the major transportation corridors to the north of downtown. The area has experienced little change since the adoption of the Overlay Zone.

The lands to the west of the UGM site include a number of small commercial-service businesses and the McNary Square office building. The commercial businesses include a heating and cooling contractor, an electric motor shop, and a tavern. The major industrial use in the area is the Truitt Bros. cannery, located along the west side of Front Street along the river. That site is now zoned RH (Multiple Family High Rise Residential) which reflects the intent of the River Oriented Mixed-Use designation (however, the cannery is included as a “conforming use” in the Riverfront Overlay Zone, which provides for its continuing use). The Grocery Outlet store is to the north, across D street, and a vacant, former industrial building, is adjacent to the west of the grocery store. Those two properties are currently zoned CB, as a result of separate, recent Zone Changes

(DR-ZC-VAR-SPR 12-04, and ZC14-01). As noted, the new Salem Police facility will be directly east across Commercial St. from the UGM property. That site is also zoned CB.

Summary

The Conditional use Permit will allow the UGM to relocate its mens shelter from downtown, where it has been since 1953, to this site, and to expand its capacity to meet current needs. The Zone Change to CB is appropriate for the location based on the Comprehensive Plan designation, and the stated intent for Area 2 of the Riverfront Overlay Zone. It will enable the retail store to be a permitted use, and eliminate its non-conforming use status. The proposed zone change is also consistent with the CB zoning to the north and east, and to the south across Union St. and into the city center. It will result in a uniform zoning pattern along the west side of Commercial Street between the city center and Mill Creek. This is consistent with the intent to expand the area that is compatible with the downtown core.

CRITERIA

Conditional Use Criteria, SRC 240.005(d)

The proposed relocation of the UGM shelter requires approval of a Conditional Use Permit. The criteria for a Conditional Use Permit are addressed as follows:

(d) Criteria. An application for a conditional use permit shall be granted if all of the following criteria are met:

(1) The proposed use is allowed as a conditional use in the zone.

The UGM property is within the Riverfront Overlay Zone. This zone includes "Relocation of an existing Non-Profit Shelter from the CB zone serving more than 75 people, provided the shelter continually existed in the CB zone as of September 1, 1993." as an Additional Conditional Use, SRC 617.015(c), Table 617-2. The UGM shelter satisfies these specific pre-requisites because it is an existing non-profit shelter that is currently in the CB zone, and it has been at its current location continuously since 1953. Because the proposed use is allowed as a Conditional Use in the Overlay Zone this criterion is satisfied.

(2) The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the impositions of conditions.

The site for the UGM shelter was chosen due to the lack of potentially incompatible uses in the immediate vicinity, and the expectation of minimal adverse impacts. The immediate neighborhood currently includes commercial/service and industrial uses, and a grocery store. There are no adjacent residential uses. The property is along a major street corridor and multiple modes of transportation are available. In the near future the new Police facility will be located directly across Commercial Street.

The major noise impacts in the area are from vehicle traffic on Commercial and Front Streets, and the rail line along Front Street. Activities associated with the shelter will occur within the building. There will be no exterior noise impacts created by these activities. The potential for adverse impact from noise from activities at the shelter is minimal. Similarly, the types of activities and services provided at the shelter will not create odors to the surrounding area.

Traffic will be associated with employees, and customers of the retail store as at present. Few clients have motor vehicles. Delivery trucks will access the building. These traffic impacts will be typical of existing traffic in this industrial and commercial area, and along a major street route that serves as a link between the central city, the Willamette River bridges, and the Salem Parkway.

The shelter will occupy a newly designed and built structure that will replace the old buildings presently on the property. The new building will be characteristic of the downtown core in scale and appearance, and be in keeping with the extension of the core area to the north. The building design will be required to follow the development standards that apply to the location. As a result, the visual impact of the location will improve from the present.

The facility will be likely to attract a large amount of pedestrian traffic. Measures should be taken to discourage loitering on or obstructing the public sidewalk

No other adverse impacts that require conditions appear to be reasonably likely.

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

As noted the immediate neighborhood consists of commercial/service and industrial uses, and a grocery store. The site is along a major street corridor, and close to an active rail line. There are no residential uses in the immediate vicinity. In the near future the new Salem Police facility will be located directly across Commercial Street.

The proposed use is in keeping with the intent of the Riverfront Overlay and mixed use concepts, as it provides a civic service in the area close to the city center and along major transportation routes. The site is accessible for pedestrians and bicycle traffic. The vehicular traffic impact will be low, as few clients have motor vehicles. Based on the operation and characteristics of the use, it will be reasonably compatible with surrounding properties, and minimize impacts on the livability and development of the surrounding properties, consistent with this criterion.

Zone Change Criteria, SRC Chapter 265

As stated in SRC 265.001, “Because of normal and anticipated growth of the city, changing development patterns, governmental policy decisions affecting land use, community needs, and other factors whose specific future application cannot be anticipated, the zoning pattern established by the Uniform Development Code cannot remain fixed in perpetuity, and the purpose of this chapter is to establish procedures and criteria to, when appropriate, change zoning designations.”

The intent of the Riverfront Overlay Zone is to create a mix of high density housing, commercial uses, and supporting services in proximity to the downtown core. To date, there has been little

change in the area since the Overlay was adopted. The development pattern in the area remains a mix of industrial, office, retail and service activities. The proposed Zone Change is consistent with the intent for this area based on the stated intent of the Overlay. The zone change to CB will recognize the long-standing UGM retail outlet, which supports its shelter and service activities, and is consistent with the pattern of recent zone changes to CB to the north. The provision for zone changes recognizes that the zoning pattern cannot remain fixed in perpetuity, but must be responsive to the effects of the factors that determine the development pattern. The proposed Zone Change is consistent with the stated purpose of this chapter.

Proposals for a Quasi-Judicial Zone Change must address the criteria of SRC 265.005(e), as follows:

(1) A quasi judicial zone change shall be granted if the following criteria are met:

(A) The zone change is justified based on the existence of one or more of the following (i-iii):

(iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing one. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

The UGM property has included a mix of retail and offices uses since prior to the application of the Riverfront Overlay Zone and the CO zone. The CO zone caused the UGM retail outlet to become non-conforming. That status limits the opportunities for improvement, expansion, or change of the operation. The physical characteristics of the property are appropriate for the proposed CB zone because it is located along Commercial Street just north of the downtown core, it presents no obstacles or obstructions that prevent its use by activities that are allowed in the CB zone, and the site will consolidate the CB zoning that already exists to the south, north and east. The proposed zone is logical with the surrounding uses because it is consistent with intent of the River-Oriented Mixed-Use Comp Plan designation and provides for activities that are appropriate for the central area of the city. In addition, the land to the east across Commercial St. will be the site of the new Police Facility, which is a compatible use and another major public service to locate in this area.

Because the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

(B) This criterion applies to City-initiated zone changes, and does not apply to this property-owner initiated change.

(C) The zone change conforms to the applicable provisions of the Salem Area Comprehensive Plan.

The site is designated River Oriented Mixed-Use by the Comp Plan. The Goals and Policies for this designation are found in Chapter IV. Part F. of the Plan, and are addressed as follows:

F. Mixed Use Development

Goal: To provide a mixture of complementary land uses that may include housing, retail, offices, services, industrial and civic uses, to create economic and social vitality.

The City has determined this area to be appropriate for a mix of uses. The site is currently zoned CO, but it is also the location of a long-standing retail store. The proposed CB zone implements the River Oriented Mixed Use Comp Plan designation, and provides for retail uses. It will convert the existing store from a non-conforming use to a permitted use. In addition, the Riverfront Overlay Zone preserves the uses in the underlying base zone. The existing CO zone, and proposed CB zone, both allow non-profit shelters. The Riverfront Overlay was amended to allow the relocation of a non-profit shelter with a larger service capacity than in these base zones. The zone change does not affect use of the site for the shelter. The CB zone provides for a complimentary mix of land uses within the area, including service and civic uses, as anticipated by the Plan designation. For these reasons, the proposal is consistent with this Goal.

Mixed Use Development Policies:

1. *Encourage efficient use of land by facilitating compact, high density development and minimizing the amount of land that is needed to accommodate automobile parking.*

The proposal represents the efficient use of land for compact, high-density development by providing for the continuance and future expansion of the existing retail store, and a shelter with greatly expanded capacity in a building that will include emergency housing, rehabilitation and training services, and administrative offices. This will result in an overall more intensive use of the site than at present. Parking will be contained within the site. These features are consistent with this policy.

2. Encourage development that preserves open space.

The site is developed and it is not designated as open space, and it has no open space features that require preservation. New development will include landscaping, as may be required. These factors are consistent with this policy.

3. Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where appropriate.

The UGM shelter serves a predominantly non-driving population. The provision of on-site services, and location in proximity to the downtown core area, reduces the need for SOV trips. The site is along a pedestrian, bicycle, and transit corridor. These factors are consistent with this policy.

4. Reinforce streets as public places that encourage pedestrian and bicycle travel.

By creating and maintaining a support service destination in proximity to downtown and the public open spaces in the area, with access along the major streets including Commercial Street and Front Street, the proposal will encourage the use of the street for pedestrian and bicycle travel and thereby reinforce streets as a public place, as directed by this policy.

5. Provide roadway and pedestrian connections to residential areas.

The subject site is connected to Commercial Street, Division Street and D Street, D and Division connect to Front Street. Connection to residential areas are available, although not specifically applicable to this proposal.

6. Develop commercial and residential areas that are safe, comfortable and attractive to pedestrians.

The retail store is already a part of the local commercial area. It is accessible to pedestrians via Commercial St. and D Street. The shelter will also be served by the existing pedestrian facilities along the bordering streets. These factors are consistent with this policy.

7. Provide flexibility in the siting and design of new developments, facilities and redevelopment to respond to changes in the marketplace and infrastructure systems.

Changing the zone to CB as proposed will promote and encourage the future improvement and redevelopment of the existing retail structure, and will provide flexibility for its future use. As new residential development occurs in the this area, as encouraged by the Overlay zone, the store will be able to change in response to the expected changes in the marketplace. These factors are consistent with this policy.

8. Provide appropriate transitions between mixed-use areas and adjacent single-use neighborhoods.

The CB zone provides for a wider variety of uses than the existing CO zone and thereby contributes to a mixed-use neighborhood as encouraged by the River Oriented Mixed Use designation and the Overlay zone. The subject site is not adjacent to a single-use neighborhood. The zone change will consolidate CB zoning between downtown and Mill Creek, which provides an appropriate transition to the areas to the west and north.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

The Salem Area Comprehensive Plan is Acknowledged to be in conformance with the Statewide Planning Goals and Administrative Rules. As such, the Plan implements the State Goals and rules. The proposed zone change to CB complies with the applicable Goals and Policies of the Comp Plan. A Comprehensive Plan Map Amendment is not required. Because the proposal complies with the Acknowledged SACP, the proposal satisfies this criterion.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation...a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan that which address the provision of land for economic development and employment growth, or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone, or include both the demonstration and an amendment to the Comprehensive Plan.

The zone change is from CO to CB. It does not affect an industrial designation. A comprehensive plan change is not required. This criterion does not apply.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with or conditions imposed upon, the zone change.

At this time the proposed zone change to CB only affects the status of the existing retail store. The shelter is allowed by the Riverfront Overlay Zone, and the capacity of the shelter is subject to the Conditional Use Permit, not the Zone Change. The potential effect of the Zone Change on the transportation system will be evaluated in the review of the TGE form by the City Traffic Engineer. Since the retail store already exists no significant affect to a transportation facility is expected as a result of this Zone Change proposal.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

All necessary public facilities and services are present in this area and already provide service to the existing uses. Water and sewer mains and storm drain lines are located in Commercial Street and D Street. Future service levels for new uses will be determined at the time development permits area requested. The existing public facilities and services are capable of serving the uses allowed in the proposed CB zone.

Can-Do Neighborhood Plan

The UGM property lies within the Can-Do Neighborhood Plan area. The Can-Do Neighborhood Plan was adopted in September 1978; and its Goals and Policies, and Land Use Plan Map, were adopted by the City Council in May, 1979.

The Neighborhood Land Use Plan Map shows the area of the UGM property designated as "Central Business". This proposal is consistent with that designation. In addition, in the Recommendations section of that Plan (p. 16), "Community Facilities - Transients", No. 96 states "Service agencies should be encouraged to provide counseling and rehabilitation services in conjunction with shelter and hot meals." The UGM shelter provides those services and will continue to do so at its proposed location. The UGM proposal is consistent with the Can-Do plan in terms of the requested zone and its functions.

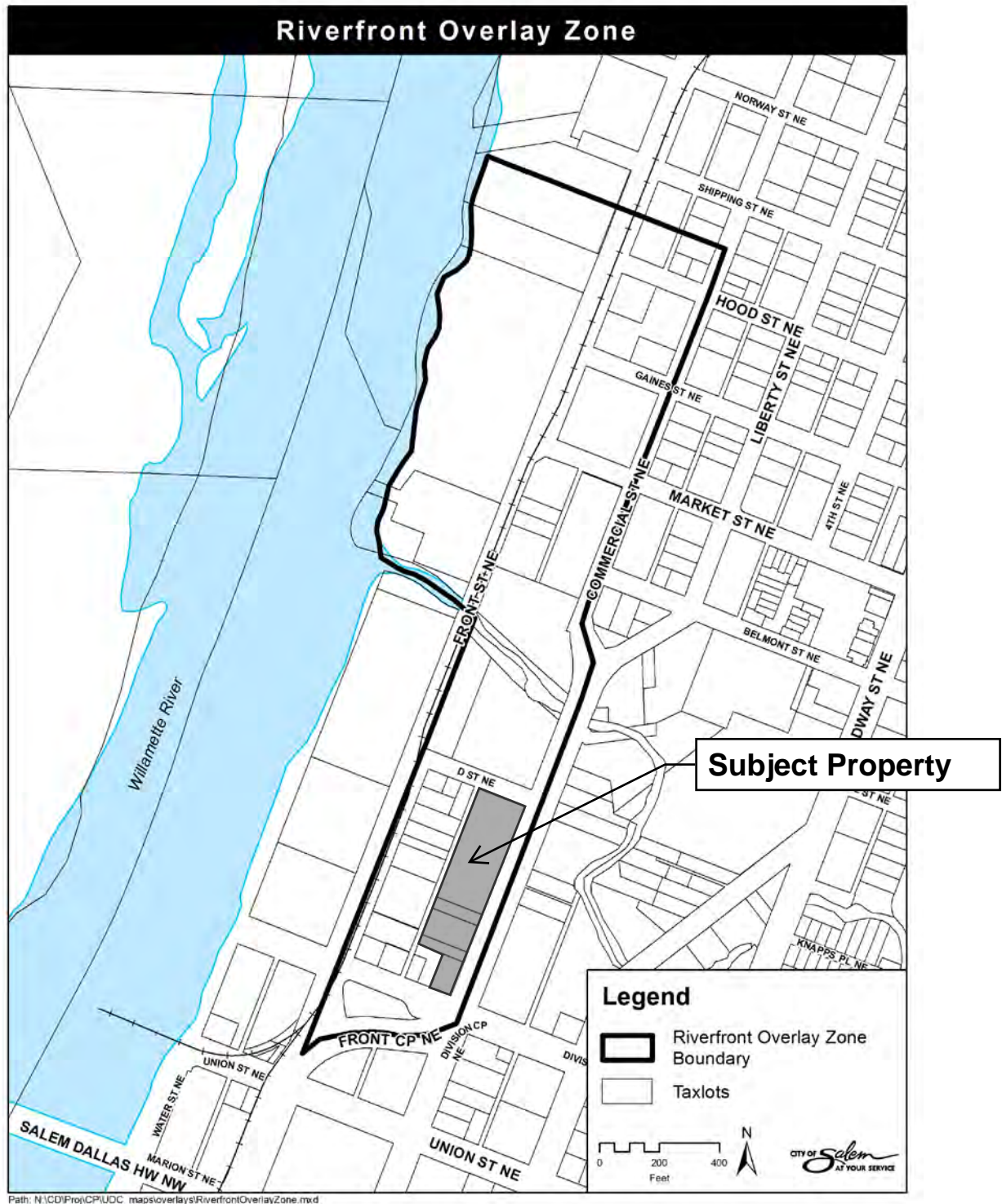
Summary

The Conditional Use Permit will provide for a shelter with a capacity and facility to serve contemporary needs. The Zone Change will provide for the long-term maintenance and use of the retail store. Together this combined proposal will serve to consolidate the activities of the UGM at a single site, and also create an opportunity for the future redevelopment and renewal of its current downtown location.

The proposal is compatible with the existing uses and the intended land use pattern of the area. The existing transportation system is adequate to serve the proposed uses. The proposal is consistent with the applicable Comp Plan policies. The CB zone, which applies in the central city downtown core, encourages the northward expansion of the core area.

For the facts and reasons presented, the proposal satisfies the criteria for a Conditional Use Permit and for a Zone Change.

**FIGURE 617-6
RIVERFRONT OVERLAY ZONE**



RECEIVED

DEC 11 2017



COMMUNITY DEVELOPMENT

MEMO

TO: Bryce Bishop, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department

DATE: December 11, 2017

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CU-ZC17-14 (17-122249-ZO)
715 COMMERCIAL STREET NE
CONDITIONAL USE/ZONE CHANGE FOR PROPOSED UNION
GOSPEL MISSION RELOCATION**

PROPOSAL

A consolidated application for a Conditional Use Permit and Zone Change for the proposed relocation of the Union Gospel Mission (UGM) of Salem's men's shelter from its current downtown location at 345 Commercial Street NE to a proposed new location on property located in the 700 to 800 blocks of Commercial Street NE.

The application includes the following:

1. A Conditional Use Permit to allow the relocation the UGM's existing Non-Profit Shelter with an expanded capacity to serve approximately 300 persons; and
2. A Zone Change of the property from CO (Commercial Office) with Riverfront Overlay to CB (Central Business District) with Riverfront Overlay in order to establish the existing UGM retail store located at the northern end of the property as a permitted conforming use rather than an existing non-conforming use.

The subject property totals approximately 2.3 acres in size, is currently zoned CO (Commercial Office) with Riverfront Overlay, and is located in the 700 to 800 blocks of Commercial Street NE (Marion County Assessor's Map and Tax Lot Numbers: 073W22AC03300 and 073W22DB01600, 1700, 1800, & 1900).

RECOMMENDED CONDITIONS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

CRITERIA AND FINDINGS

SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: Pursuant to *Oregon Administrative Rule* 660-012-0060(9), this request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not trigger analysis or improvements to the surrounding transportation system. Adequate urban services are available at the boundaries of the subject property. Infrastructure requirements to serve any development on the property are addressed as part of the Site Plan review process with future development.

SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the existing and future tenants or proposed development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Jennifer Scott, Project Coordinator
cc: File

Bryce Bishop

From: JUSTER Gerard P *Gerry <Gerard.P.JUSTER@odot.state.or.us>
Sent: Tuesday, December 05, 2017 12:56 PM
To: Bryce Bishop
Cc: EARL Robert; KNECHT Casey; LINER Duane J; SAGERS Thomas E * Tom
Subject: ODOT comments for City of Salem land use application CU-ZC17-14 - Union Gospel Mission

Dear Bryce,

Thank you for notifying the Oregon Department of Transportation (ODOT) of the consolidated application for a Conditional Use Permit and Zone Change. This message is submitted for inclusion in the public hearing record and ODOT should be considered a party to the land use action. Please provide a copy of the land use decision, notice of any time extensions or continuances, to ODOT at the address provided below, or you may provide notice to ODOT via e-mail. Electronic format is preferred.

Planning and Development Manager
Oregon Department of Transportation
Region 2 Headquarters
455 Airport Road SE, Building B
Salem, OR 97301-5395

Electronic documents can be directed to:

ODOTR2PLANMGR@ODOT.STATE.OR.US

ODOT staff has completed a review of the submitted application and has the following comments.

There are several properties and existing private connections (driveways) associated with this land use application, all of which abut the Salem Highway, No. 72, State Route OR-22, and is subject to state laws administered by the Oregon Department of Transportation. These laws may require the applicant to obtain one or more state permits to carry out the intended use of the property, or to otherwise comply with state law without need for a permit. ODOT has reviewed its access permit records and determined there are no existing permits for the highway connections.

As a land use matter, ODOT does not object to the applicant's proposal for a Zone Change. Specific to access permitting, the applicants proposal to OR-22/Commercial Street NE, will require further actions with ODOT. Based on staff review ODOT is recommending the following.

The site currently contains five (5) private connections (driveways) to OR-22/ Commercial Street NE. The applicant's proposal seeks to reduce the number of connections down to two (2). ODOT concurs with this proposal. Each of these new connections will require an access permit. Therefore, ODOT recommends the City include a condition of approval that the applicant submit [An Application for State Highway Approach](#) (access permit application) for each of the proposed connections (driveways). The application would be subject to review and approval criteria in Oregon Administrative Rule; specifically OAR 734-051. Approval of the application will require highway frontage improvements.

The applicant should contact Robert Earl, District 3 Senior Permit Specialist at 503.986.2902 to obtain a copy of the access permit application. If the applicant would like to schedule a preapplication meeting, prior to submittal of the access permit applications, they should contact Robert. Upon submittal of the access permit applications the applicant can include a copy of the Notice of Decision in lieu of the Land Use Compatibility Statement.

Please note if the applicant or their contractor is required to occupy state highway right-of-way to relocate or reconstruct franchise utilities, [**A Permit To Occupy Or Perform Operations Upon A State Highway**](#) will be necessary. The permit can be obtained by contacting Tom Sagers, District 3 Permit Specialist at 503.986.2876. The applicant or their contractor shall obtain the permit 30 calendar days prior to commencing any activities within state highway right-of-way.

If you have any questions please feel free to contact me at 503.986.2732.

Thank you,

Gerry Juster

Development Review Coordinator

Oregon Department of Transportation

855 Airport Rd SE, Bldg. Y | Salem, Oregon 97301

Office: 503.986.2732 | FAX: 503.986.2748

e-mail: gerard.p.juster@odot.state.or.us