

Attachment 8

From: Sharon Edwards [<mailto:97301sace@gmail.com>]
Sent: Thursday, July 26, 2018 9:20 AM
To: Bryce Bishop <BBishop@cityofsalem.net>
Cc: Sally Long <SJLong@cityofsalem.net>
Subject: Case Number: CU-ADJ18-07

Case Number: CU-ADJ18-07
Address: [725 High Street SE](#)
[Zip Code: 97301](#)
Case Manager: Bryce Bishop

My name is Sharon Edwards and I live at 735 Church St SE, Salem.
I am opposed to the house at 725 High St becoming a VRBO.

Gaiety Hill is not just four blocks of houses in the Salem area. It is a Historic neighborhood. It is Homes that are owner occupied (or lived in by long term lessees that become part of the community) Homes that are lovingly maintained and keep to the standards of the Historic district. Sadly, the walkability and proximity to downtown, the Capital, and Willamette U make it an Ideal and desirable place for a VROB

But we are a close knit community that watch out for one another. We know each other by name, we have been in each others homes. We share holidays together. We know when someone is gone and look out for their property because it is an extension of our own. We care what happens to our neighbors and our neighborhood.

This is a Single Family, Residential neighborhood that would be adversely impacted by having a vacant house that is sometimes occupied by random visitors coming and going at all hours of the day or night. As nice as they may be, they won't be our neighbors. We won't know who should be there or if someone is breaking in to the empty house. They won't have any investment in the safety and livability of our neighborhood.

Parking is at a premium in Gaiety Hill. With the Library and Civic Center on one side and Salem Hospital on the other, it is a constant battle to keep our own cars parked. High St is a busy through fare and to add four more parked cars to one driveway that would have to back out blind, because of the massive Laurel hedge that blocks the view of the north west sidewalk, street and hill, on to this busy street is potentially dangerous. Anyone visiting the guests at 725 High, as well as workers and maintenance people, will have no other option but to park on the streets that are already over crowded.

In summation as lovely as it would be for visitors to get to stay at 725 High St it would be a constant problem and concern for the long term residents of Gaiety Hill and I add my voice to those in opposition to the venture.

Sharon Edwards

From: Cheryl Randall [mailto:randall5793@comcast.net]
Sent: Thursday, July 26, 2018 10:41 PM
To: Sally Long <SJLong@cityofsalem.net>; Leslie Street <lesliestreet345@googlegroups.com>
Subject: Written Comments Re: Conditional Use / Class 2 Adjustment Case no. CU-ADJ18-07

FROM: Cheryl Randall
460 Leslie Street SE
Salem, OR 97301-3546

TO: Sally Long
Bryce Bishop
Salem Planning Division
Community Development Department
555 Liberty Street SE Room 305
Salem, Oregon 97301

RE: Case No. CU-ADJ18-07

I am Cheryl Randall. I live with my husband, Jim, at 460 Leslie Street SE, Salem, OR 97301. We both attended the hearing last night, July 25th, and I am sending additional written testimony. I am not in favor of granting a conditional use permit that will make it possible for a commercial enterprise to become established in the historic district. I believe that the decision to allow for residential single family neighborhoods to accommodate an airbnb was made without regard to and without knowledge of an already existing guideline that suggested no commercial establishments be allowed within the boundaries of historic districts. I respectfully disagree that the guidelines of the historic districts only apply to the appearance of the buildings therein. It is clear in the wording that those guidelines also apply to how the buildings are used. The second, more recent regulation of a year ago appears to run roughshod over the intent of the historic district guidelines. Therefore I believe the second should be revisited and revised.

Another concern became apparent to me during the hearing. The intended property manager and representative of the owner of the home at 725 High Street asked for some changes in the conditions the city had imposed in order for approval to be granted. The condition that the conditional use permit, if granted, would not run with the property but would need to be applied for again for a new owner, was requested to be waived in the case of the ownership transferring to a family member of the owner. This would seem to negate that condition altogether and could easily extend the use of this home as a commercial establishment for much longer. I am not in favor of any change in the conditions as they were presented, if the conditional use should be granted.

In conclusion, I support SCAN's revised recommendations that the conditional use permit be denied. I also support the recommendations of our neighbors who have advocated for the denial of the permit by noting all the reasons it should be denied. Many of those reasons concern the safety of current and future residents, as well as potential guests. I agree with my husband, Jim Randall, that there should be a separate designation for historic residential neighborhoods. The zoning could be RSH, with the H standing for historic, reminding all that historic districts have different guidelines or rules.

I regret that the owner of 725 High Street SE has invested a lot in refurbishing a home that I hope will not be able to be used for the purpose he/she envisioned. However, I believe it would have been better to have investigated that possibility first.

Respectfully submitted,

Cheryl Randall

RECEIVED

JUL 27 2018

COMMUNITY DEVELOPMENT

July 27, 2018

Case Number: CU-ADJ18-07

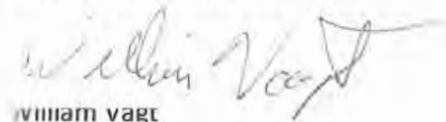
Subject: Testimony Against

At the July 25 hearing the cumulative effect of the requested Adjustment and Conditional use was not fully address. Along with the short term tenant parking further parking was requested for this enterprise. It was clear from the described required cleaning, maintenance, and management activities and the required vehicles for these activities, that this proposed conditional use would not be consistent with Gaiety Hill's residential zoning, nor could any imposed condition make it thus.

Pursuant to the Conditional Use and Adjustment requested under SRC240.005 (d), the proposed use would significantly increase the traffic on the already dangerously congested High Street. Not only would there be guests (who would be unfamiliar with traffic flow of this dangerous street) coming and going, but there would be cleaning services and an increase in maintenance and management vehicles required for such an enterprise. There are no conditions that could mitigate this dangerous safety issue. This is also not a minimal impact on the livability of surrounding property.

As requested in the Adjustment an increase in the parking would only exacerbate this already dangerous situation. Allowing four cars total in a drive that is only two cars wide would cause continuous jocking of these parked vehicles. Cars would increasing be backing out across, a heavily used sidewalk, onto the dangerous congested High street. This would detract from the livability and appearance of the residential area and cause a cumulative effect that is not consistent with our residential designation.

It is unconscionable for the current residential property owners and residents to bear the inconvenience, the reduced security, the reduction in safety, and ultimately the financial burden of this ill-conceived enterprise.



William Vagt

690 Liberty St SE
Salem, OR 97301

From: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Sent: Saturday, July 28, 2018 9:50:35 AM
To: Sally Long
Cc: lesliestreet345@googlegroups.com
Subject: Case No. CU-ADJ18-07

I am submitting additional written testimony. We totally agree with Cheryl and Jim Randall. We would like to see the city rules revised so that even the possibility of a Conditional Use Permit for a Non-Owner occupied Short Term Rental in a residential historic district is nonexistent. This commercial enterprise is absolutely not in keeping with the historic nature and quality of this designated historic district. Thank you for your consideration, Mary Anne Spradlin and Hugh Nelson at 712 High Street SE

To: Amy Cook
Hearings Officer

Re: Conditional Use Permit for 725 High Street SE, Case No. CU-ADJ1807

Dear Ms. Cook,

I respectfully submit that Staff's Findings of Fact on the proposed Conditional Use are incomplete, that the proposed use does not comply with SRC 240.005(d)(3), and that such use is incompatible with the surrounding properties and with Gaiety Hill/Bush's Pasture Park, a National Historic District.

Upon examination of the Salem Comprehensive Policies Plan, Nov. 2015, I am submitting new evidence that supports denial of the approval for the conditional use permit. Based upon those findings, a conditional use permit for a short-term rental in a historic district in Salem need not, and should not, be governed by criteria that are applied to RS zones in general.

These findings are found in the Definitions of Special Resources and the Intent Statement regarding those Special Resources, which are set forth in the Salem Comprehensive Policies Plan, Nov. 2015.

The Plan lists and defines the eight Special Resources: Floodplains, Geologic Conditions, Soils, Aggregate Resources, Fish and Wildlife, Willamette River Greenway Boundary, Historic Resources, and Airspace Obstruction Limitations. (pgs. 12-13)

The Plan defines Historic Resources as follows: "Local historic resources include landmarks and districts on the National Historic Register and designated under the City's land development ordinances." (pg. 13)

I would like to emphasize that the definition of Historic Resource is not limited to structures. It clearly defines a district as a Historic Resource.

The Plan distinguishes the use of these Special Resources in the "Intent Statement." (pg. 12) The Intent Statement reads: "Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner."

I would further note that Historic Resources is the only Special Resource on the list of eight that includes residential land use. Historic districts defined as a Historic Resource are clearly distinguished from other residential land uses. I submit that Gaiety Hill/Bush's Pasture Park Historic District has "special conditions" that "need to be recognized in order to develop in a satisfactory manner."

This recognition of "special conditions" of historic districts, while not a zoning overlay, needs to govern decisions of appropriate development in historic districts.

In 1986 when our neighborhood was designated a Historic District on the National Register, the intent was “to preserve.” Our small size, our inner-city location, and our vulnerability to commercial encroachment make preservation of our residential historic district an ongoing challenge. I join with our neighbors, and with SCAN, in writing and in person, to again request denial of the conditional use permit that would allow one of our homes to be used as a short-term rental.

Respectfully,
Patricia Deminna

635 Church St. SE
Salem, OR 97301

Sources

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

Comprehensive Policies Plan, Nov. 2015

SPECIAL RESOURCE INFORMATION Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner. The following outlines sources of information on these special conditions and resources. (pg. 12)

Comprehensive Policies Plan, Nov. 2015

Historic Resources Local historic resources include landmarks and districts on the National Historic Register and designated under the City’s land development ordinances. (pg. 13)

From: ed.arabas@comcast.net [mailto:ed.arabas@comcast.net]

Sent: Sunday, July 29, 2018 4:38 PM

To: Sally Long <SJLong@cityofsalem.net>

Cc: Bryce Bishop <BBishop@cityofsalem.net>; Bacchus <lesliestreet345@googlegroups.com>

Subject: CU-ADJ18-07 Written testimony

Good morning, Sally,

Below I provide the text of my testimony at the hearing last Wednesday night (7/25/2018) as well as additional testimony about the applicant's requests to change the conditions, should the hearings officer decide to approve the application for a conditional use.

Good evening,

My name is Ed Arabas. My wife and I have lived at 1015 High St SE since May 2001, and we are grateful to live in an engaging and energetic neighborhood within the Gaiety Hill-Bush Pasture Park Historic District. I oppose the approval of the Type III Conditional Use Permit and Class II Adjustment request concerning the property located at 725 High St SE (Case No. CU-ADJ18-07).

I believe that other testimony opposing this action is compelling, particularly the testimony from Kendra Mingo and David Craig pointing out that the lack of references to the Historic District Overlay and its restrictions are not factored into the application nor were they factored into the City's recommendation until this evening's presentation. Of critical importance is an objective analysis of the potential effect of this conditional use on livability within the neighborhood. I also support the testimony supplied by the SCAN Board today (July 25, 2018).

As all present are certainly aware, the proximity of this neighborhood to the downtown area is very attractive for many reasons. My question, though, relates to the City's vision for this area, and whether or not it is the City's intent to encourage temporary (short-term) accommodations near the core of Salem. That intent is unclear in either the application or in the City's recommendation, and that would appear to be evidence that this situation is reactive to an application for conditional commercial use in a single-family residential zone, rather than a step towards a shared vision for the City.

I share my neighbors' concern that this single example may have an unintended effect on property values, and that at least one of the attractions of commercial, short-term living quarters near the City's core (that is, a vibrant neighborhood) may be eroded. Neighbors interact with each other in regular and frequent patterns. None of the short-term occupants of 725 High St SE will have regular and frequent interactions with neighbors.

I was surprised to see no analysis of the original intent of the creation of the historic district, and wonder if there was any sense of preserving neighborhood livability cited when the historic districts were created.

Finally, it is unclear to me why this particular property was chosen by the applicants for their short-term living accommodations opportunity, unless it was specifically to take advantage of the historical nature of the dwelling, its location in a vibrant neighborhood community, and its proximity to Salem's downtown core. There would appear to be many other locations around Salem that could satisfy their stated need(s) – locations that would not impact a historic neighborhood (which is much more than just the structures themselves).

Thank you for your time.

Ed Arabas
1015 High St SE
Salem, OR 97302

Addendum: In response to the request by the applicant for changes to the conditions of approval, I would like to add that I DO NOT SUPPORT extending the conditional use beyond the specific current owner to family heirs and beneficiaries (and worry that if the property is purchased by a trust that the conditional use may never expire). I also DO NOT SUPPORT their request that the definition of "child" be changed to 18 years of age or younger. That definition would open the conditional use to college freshmen and visiting high school families that could easily push the occupancy well beyond the six adults that are currently conditionally allowed.

I would also like to restate my concern about opening a short-term commercial living accommodation within the historic district that is closest to downtown Salem, to Willamette University, and to the Salem Hospital. One can easily imagine that other properties will feel pressured to convert to that use when they are made available for sale, either by realtors or by inflated pricing. That is a slippery slope that will lead to creating a miniature museum of small short term rentals that have an historic appearance, but that have no real historic neighborhood value and context.

Thanks, Ed

Sally Long

From: Phyllis Foust <pjfoust@gmail.com>
Sent: Monday, July 30, 2018 8:54 PM
To: Sally Long
Subject: Conditional Use Permit for 25 High St, CU-ADJ18-07

We have lived for 24 years at 560 Leslie St SE in the Gaiity Hilll neighborhood. We oppose the permit that would allow the AirB&B in this historic district. This is not some family enterprise. It is a business. One business would just set a precedent for others. Since the property changed hands to the out-of-state owner, the front yard has become an eye sore. We care about the appearance of the neighborhood and believe it should remain a single family residential zone with no commercial intrusions.

Sincerely,

Jack and Phyllis Foust
560 Leslie St SE
Salem, OR 97301

Sally Long

To: Bret1932@comcast.net; Bryce Bishop
Subject: RE: [Leslie List] Case Number: CU-ADJ18-07

From: Bret1932@comcast.net [mailto:bret1932@comcast.net]
Sent: Wednesday, August 01, 2018 12:47 PM
To: Bryce Bishop <BBishop@cityofsalem.net>
Cc: Sally Long <SJLong@cityofsalem.net>
Subject: Re: [Leslie List] Case Number: CU-ADJ18-07

From: Bret & Tracy Wilcox
490 Leslie St SE
Salem, OR 97301

To: Sally Long
Bryce Bishop
Salem Planning Division
Community Development Department
555 Liberty Street SE Room 305
Salem, OR 97301

Re: Case No. CU-ADJ18-07

My name is Bret Wilcox and I live with my wife, Tracy, and 2 of our daughters, Payton and Sydney, at 490 Leslie St SE, Salem, OR 97301. We recently moved here at the end of May, 2018. One of the reasons we moved to this location, was because it is a Historic neighborhood, and we loved the amazing houses and surrounding area. Our understanding was that this was a tightly connected family community, that met regularly and kept watch over each other, as well as their homes. I am opposed to 725 High Street becoming a VRBO, especially because I am directly affected. The home is located directly behind me, and there is a shared gate between us. At this point, I have used a padlock to secure the gate, because we have no idea who will have access to our courtyard. Additionally, having a VRBO would make it impossible for me to know if there was someone renting the home, or if the house was being broken into.

I fully support SCAN's revised comments on the proposal recommending denial of the conditional use as well as adjustments for parking. Additionally, I support testimony from Kendra Mingo and David Craig, that the Historic District Overlay and its restrictions are not factored into this application.

Respectfully,

Bret & Tracy Wilcox
490 Leslie St SE
Salem, OR 97301

Sally Long

From: Jacqueline Heavey <jacquelineabheavey@gmail.com>
Sent: Wednesday, August 01, 2018 2:34 PM
To: Sally Long
Subject: Fwd: 725 high street

The testimony I didn't get to finish due to time restrictions- thanks...

When my young family and I purchased a single family home in a residential National Historic District we were making a choice, a commitment to a place, to a neighborhood of single family homes, that at times would require adherence to a more strict code of compliance in design review and standards, that would require a different level of a maintenance and cost to aspects of our house seen in the public right of way. We knew we would make adjustments to the restricted residential parking. We knew that this would mean different requirements because of this National Historic District overlay. We could have bought in other neighborhoods with different requirements- we chose not to. We were willing to commit to these aspects of historic preservation to protect this resource not just for the time we live in the neighborhood but also in the time of our children and future generations. This is not just our neighborhood this history belongs to all of Salem.

We believed we were moving into a protected and stabilized downtown historic neighborhood. This stabilization as I would come to learn did not happen by chance. This 4 block neighborhood became buffered from commercialization because of the efforts of past neighbors. Many of these people I have never known, and some of whom are still here today- they worked diligently in creating a National Historic District nomination back in 1986. All I can say is thank you, I do not think our residential neighborhood would still be here today-if not for them. The very intent of the National Historic District nomination was to exclude commercial uses, the application states- "to be a defense against commercial encroachment".

Our view is that the proposed Conditional Use and Class 2 adjustment at 725 High Street is incompatible with the primary intent in creating the boundaries of the residential National Historic District. 725 High Street is to become a commercial enterprise from out of state investors.

Again from the nomination- The National Historic District was to stabilize a neighborhood and to increase owner occupancy. Many cities call these non-owner occupied investments "defacto hotels". So let's be clear: Hotel guests do not stabilize a neighborhood- they don't form relationships with neighbors, hotel guests do not know who is on vacation, hotel guests don't act as

neighborhood watch, hotel guests don't know there are children learning to ride bikes in the alley. Hotel guests don't show up at meetings to push back on ever increasing pressures to this very small residential historic neighborhood.

Just since we have been here-our neighbors have had to continually show-up at meetings and advocate. Our residential neighborhood was to be absorbed into a downtown parking plan until we advocated. The hospital purchased a single family residence until we advocated, there was a plan to put the police station at the western edge of our neighborhood until we advocated. The citizens advisory traffic commission just restricted parking on Church St from ten hours to three hours, in part to relieve the continual pressure of the automobile on residential life, because we advocated. The list goes on but if you are keeping track- it is literally pressure from all sides! We need neighbors not hotel guests to stabilize our neighborhood and contribute to its livability.

Taking one home out from being a contributing resource-dramatically effects this tiny four block radius of a neighborhood. Allowing a commercial entity to be put in the middle of the neighborhood effects the viability of the entire "district". The district is more than a collection of individual historic properties, and like any resource, the district needs to be managed appropriately to be preserved for everyone. Again, the district is Salem's history and Salem's resource.

In conclusion, the commercial utilization of 725 High Street S.E. is not compatible with the surrounding properties or the livability and context of the residential Nation Historic District required under the Salem Revised Code (SRC) 240.005 (d)(3).

Thank you!

Jacqueline Heavey and Mark Dolan

From: Ed [mailto:ed.arabas@comcast.net]
Sent: Wednesday, August 01, 2018 3:31 PM
To: Bryce Bishop <BBishop@cityofsalem.net>; Sally Long <SJLong@cityofsalem.net>
Cc: Bacchus <lesliestreet345@googlegroups.com>
Subject: Re: CU-ADJ18-07 Written testimony

Good afternoon, Bryce.

Thank you for your response. I hope that we record notes my request and your response, as it seems to indicate that City staff has not done adequate research and analysis related to the establishment of livability conditions related to the Conditional Use application that is currently under consideration by the Hearings Officer. To the best of my knowledge and recollection, no evidence from City Council meetings in the period when Salem's Historic Districts were established had been referenced in application for Conditional Use nor in the Staff recommendation to approve that application.

Whether or not the minutes from the relevant timeframe (1985 through 1987) are explicitly included in the evidentiary record at this time, I believe that those records will be relevant in the case that there is an appeal or if the case is called up by City Council for review.

Thanks for your time,

Ed Arabas
1015 High St SE

----- Original Message -----

From: Bryce Bishop
To: Ed, Sally Long
Cc: Bacchus
Sent: August 1, 2018 at 1:07 PM
Subject: RE: CU-ADJ18-07 Written testimony
Good Afternoon Ed,

We received your request but it's not possible to submit evidence into the record by reference. Instead you'll need to obtain copies of the referenced documents and submit them either physically or electronically by the 5 p.m. deadline today. To review and obtain copies of the documents you'll need to contact the City Recorder's Office in order to make a public records request. Information about how to file a public records request can be found on the City's website at the following location:

<https://www.cityofsalem.net/Pages/public-records-request.aspx>

If you have any other questions, please let me know.

Thanks,

Bryce

Bryce Bishop – Planner II

City of Salem Community Development Department

555 Liberty Street SE / Room 305

Salem, OR 97301

503-540-2399

bbishop@cityofsalem.net

[FaceBook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: Ed [<mailto:ed.arabas@comcast.net>]

Sent: Wednesday, August 01, 2018 12:26 PM

To: Sally Long <SJLong@cityofsalem.net>

Cc: Bacchus <lesliestreet345@googlegroups.com>; Bryce Bishop <BBishop@cityofsalem.net>

Subject: Re: CU-ADJ18-07 Written testimony

Good afternoon, Sally,

I request that all City Council (then called Common Council) meeting minutes and supporting documents from 1985 through 1987 be included in the record for the above referenced Conditional Use application. These public records help to establish the express intent of creating historic DISTRICTS within Salem (as opposed to historic buildings as separate entities) and the relevant additional conditions that may affect the Hearings Officer's decision about livability.

Thank you.

Ed Arabas

1015 High St SE

Tom and Cesie Delve Scheuermann
1089 High Street SE
Salem, Oregon 97302
(503) 375-3826

August 1, 2018

Sally J. Long
Planning Staff Support
City of Salem, Oregon
Community Development Department
555 Liberty Street, SE / Room 305
Salem, OR 97301-3513

Dear Ms. Long,

Greetings. We are submitting this letter in reference to Conditional Use / **Case No. CU-ADJ18-07**; it is 8-pages in length and comprises a:

Statement in Opposition to the Application for Conditional Use Permit

The Scheuermann family has resided in our home in this single-family residential, historic district since 1992. We moved to this home with the understanding and expectation that the neighborhood in which we lived was and would remain, a *single-family residential* neighborhood. Further, we were attracted to, and have supported the designation of our neighborhood as *historic*. Like our neighbors, we love our neighborhood and take pride in our home, and the other homes and park around and near us. As you probably know, it is a unique and wonderful place to live and has been home to families of various types and sizes, backgrounds, ages, and occupations and interests, which adds to the positive character of our neighborhood.

In preparing our statement, we reviewed several documents and information on the City's website (which is very well organized and detailed). In the *Owning Historic Properties* page (<https://www.cityofsalem.net/Pages/owning-historic-properties.aspx>), we read about historic properties, including those in our neighborhood:

“Designated historic properties are a part of Salem’s rich history and give our City its sense of place. The City of Salem was founded in 1841 and became the capital of Oregon in 1850. The City currently has over 150 individually listed properties, building dates ranging from the mid-nineteenth to mid-twentieth centuries, and four National Register Historic Districts:

. . .

The **Gaiety Hill/Bush's Pasture Park Residential District** (1986) is located south of the central business district in Salem and is notable for its cohesive collection of Bungalows constructed between 1900-1915 along the west side of High Street, opposite Bush's Pasture Park.

Historic District description, map:

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TI_TXUNDECO_UDC_CH230HIPR_S230.025STHICOBUREHIDI

And we then read further about the benefits of living in neighborhoods of this designation:

Benefits

While owning historic properties requires additional reviews for exterior remodeling and construction, it also offers the possibility of tax benefits and grants. As an owner, your benefits include:

- Financial help maintaining your property
- Increased investment value
- Increased neighborhood stability
- Inclusion in an involved community of historic property owners

Regarding these Benefits, while we have not requested financial help in maintaining our home, and it's great that the value of our home has increased in the 26 years that we've lived here – we did and continue to have the expectations of “Increased neighborhood stability,” and “Inclusion in an involved community of historic property owners.”

As we read the City's website on Neighborhood Associations, we are further encouraged that our family made a good choice to buy our home on High Street in 1992, and live in the SCAN neighborhood:

NEIGHBORHOOD ASSOCIATION PROGRAM

Sec. 64.250. - Purpose.

The purpose of the neighborhood association program is to involve citizens in local government planning and decision-making that affects their neighborhoods and the City as a whole; to provide an effective mechanism whereby the citizens of the City sharing common neighborhood identity, goals, and concerns, may form neighborhood associations and undertake an advisory role for the Council and all boards and commissions engaged in community planning and development; to provide a mechanism for citizens, through their neighborhood associations, to provide input to Council on livability and quality of life issues affecting their neighborhood and the City as a whole; and to provide a mechanism for local community involvement, neighborhood improvement, and volunteer opportunities. (source:

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=PTIICOOR_TITVCODEST_C_H64COPL).

It is apparent to us as residents of the Gaiety Hill/Bush's Pasture Park Residential District and as I (Tom) listened to the testimony of our neighbors and SCAN president at the July 25th hearing, that we are "[involved] citizens in local government planning and decision-making that affects [our] neighborhoods and the City as a whole...". The neighbor/neighborhood opposition to this application for modification at the hearing was unanimous, and the statements of opposition I heard were not based on the selfish interests of individual homeowners, but on the collective concern for our neighborhood and the integrity and purpose of the single-family residential and historic neighborhood designations.

We ask the City to consider both what you have stated about the Benefits of living in a historic district, and of having a strong neighborhood association, and to honor that statement as well as our voices as you make your decision.

Negative Implications of Approval; Strong Neighbor and Association Opposition

Approving the modification of homes (even one home) in this neighborhood from single-family residences to short-term rentals would change the nature of our neighborhood. It would be a net negative for those of us who moved and reside here with the shared expectation that the integrity of our neighborhood would not be compromised with alternate uses of homes, such as the one proposed in this application.

The owner(s), on the other hand, who we are asked to take at their word will be a good and conscientious neighbor, did not even attend the hearing or (to my knowledge) submit a statement of their own – they spoke through a property management-representative, which is their right. They present themselves as fundamentally a business, and less as a neighbor.

A Matter of Trust

Essentially what our neighbors and we expect from our City and City officials, is to honor the trust that we have placed in them (you) to protect and preserve our neighborhood as a specifically-designated single-family residential and historic place to live, raise families, create community, and thrive. Approval of this application would, we believe, be a clear breach of that trust.

Short-Term Rentals in a Home = A Business

This application requests our City officials to approve the location of a business in an area specifically designated as single-family residential. In reading the application and listening to the owner's representative testify at the hearing, it is clear to us and we believe to our neighbors as well -- despite the [unenforceable] promises to be "reasonably compatible with" the surrounding

property, and “minimize reasonably likely adverse impacts” -- what they propose in real and practical terms, is the conversion of this home to a small hotel. This is consistent with the application statement that [the] “Owner will not occupy home.”

The key issue in this case is not whether some number of cars can be accommodated in the driveway on the property (although there is no limit of cars in the application); it is not whether the exterior of the home will be modified (it may not be, and that is covered by codes); it is not whether “events will be permitted...” (they will probably occur, despite even good faith promises of the owner and property manager). The core question is:

Should the conversion of a *single-family home* to a hotel, even one with only three bedrooms, be permitted in this district? Our neighbors and we believe that it should not.

The application states that “Three bedrooms in the home will all be utilized for rent,” and the application notes that up to six individuals could live there at any one time. While the application states that “No multiple bookings [are] expected,” there is no guarantee on the face of this application or in the staff report that rooms could not be rented to six unrelated individuals, for some “short” period of time to be determined by the (out-of-state) owner. The gaps in this application that could result in significant, intrusive uses of this home should be obvious and of concern – not only to the neighbors and SCAN, which they are – but to the City as well.

The owner is an LLC managing an IRA for the applicant in Colorado:

PENSCO Trust Company, LLC
FBO Stuart D Kirchick IRA 100%
Denver, CO
Case Number CU-ADJ18-07
>source: <https://www.cityofsalem.net/citydocuments/cu-adj18-07-hearing-notice-2018-07-25.pdf>

The owner is represented by a property manager, Goodman Property Management of Salem, OR. While LLCs, trusts, and IRAs are common legal entities and investments (we own a trust and several IRAs), and property management is a fine occupation; this form of ownership and representation, and the stated purpose of the use of this home, make it clear that 725 High Street SE will, if this application is approved, become a business enterprise.

Such use is problematic in relation to this application for exception, if not arguably in violation of zoning and other laws, for at least two reasons (per the Criteria to be considered in a Land Use Request): (1) There is a more than reasonable risk and likelihood that the property use as requested will be

incompatible with the use and enjoyment of homes nearby and in the single-family residential neighborhood; and (2) The adverse impacts of operating a business-hotel in this house cannot be minimized through conditions. The applicant has already identified “conditions” -- and these fail to meet the criteria necessary for a decision to approve this requested use.

In the application, there is an Additional Written Statement in Support, from Stuart D. Kirchick, Law Office of Stuart D. Kirchick, Capitola, CA:

“The adjustment is allowed as a conditional use in this zone . . .”

The paragraph that follows in Mr. Kirchick’s statement refers to the driveway of the house, parking; property line and City Right of Way. While this use may be “allowed,” there is no mention of the single-family residential neighborhood, livability, or other criteria to be considered by the hearing officer. The neighbors, SCAN -- and the City -- are asked to believe that the owner of this home and their contracted property manager will maintain the integrity of the neighborhood even as they rent rooms as they see fit, to whomever they like, for however short- or long-term they want to, with the only limitation being that a maximum of six persons will reside in the house (i.e. small hotel) at any one time. This concerns me and many of our neighbors, and it should concern the City as well.

This application falls far short of meeting the published criteria (please see my additional comments in the Appendix). The applicant has requested a modification to land use -- an exception to the rules -- and they have not met the specific criteria for having such an exception approved. The modification requested by the applicant is per se incompatible with the existing, long-standing, single-family residential and historic designations.

Long-Term Implications – Negative Precedent

Should this application for modification be approved, the door to other requests for similar modifications will have been opened. An approval would make it more likely that other business enterprise-owners would (understandably, and perhaps in good faith) look to purchase single-family homes in our neighborhood and turn them into businesses, such as short-term rentals or small hotels. We are proponents of the free market and the right of businesses to seek opportunities and profits. But the pull of market forces is strong and pays little if any heed to concepts such as “neighborhood,” “family,” “residential,” or “historic.” This is a case for the City to stem and shift that pull as it is being inappropriately exerted on our single-family residential, historic neighborhood.

There are many other fine areas in our city that are zoned for commercial enterprises such as hotel-type businesses (of various sizes) that this applicant

is proposing. The applicant's enterprise could, and we believe should, be located in one of those areas if they wish to do business in Salem.

Thank you for your consideration of our statement and related materials. We join our neighbors and SCAN in asking the City to reject this application for modification, and that you advise the owners that the appropriate and viable use of the house at 725 High Street SE should be as a single-family residence and not a business enterprise. Should they make this house their family residence, we are confident that they would be welcomed as neighbors.

Sincerely,

Tom and Cesie Delve Scheuermann

APPENDIX – Please see Attached two pages

APPENDIX

Additional Comments related to Criteria, Applicable SRC Sections

Additional Comments on Criteria To Be Considered

(please see “Comments” in the text below)

CONDITIONAL USE

Pursuant to SRC 240.005(d), an application for a CONDITIONAL USE PERMIT shall be granted if the following criteria are met:

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

>Comment: From what we have heard (but do not understand given the single-family residential zoning of our neighborhood) the proposed use is allowed.

2. The reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions;

>Comment: As detailed in our statement above, and as noted by many of our neighbors and SCAN, there are likely to be several adverse impacts of locating a business in the house at 725 High Street SE, and these cannot be minimized through the imposition of conditions, at least conditions that could be verifiably and consistently enforced.

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

>Comment: As detailed in our statement above, the proposed use of the house at 725 High Street SE is not reasonably compatible with a *single-family residential, historic neighborhood*. The sole proposed use of that house constitutes a business enterprise, not a single-family (or even long-term) *residence*. The proposed use would have more than “minimal impact on the livability...of surrounding property.” As noted in the SCAN testimony and that of neighbors, concerns include: Parking, traffic, noise, multiple/unknown short-term residents, owner not occupying the residence, lack of responsibility and responsiveness as a neighbor vs. a business, etc.

CLASS 2 ADJUSTMENT

Pursuant to SRC 250.005(d)(2), an application for a CLASS 2 ADJUSTMENT shall be granted if all the following criteria are met:

A. The purpose underlying the specific development standard proposed for adjustment is:

(i) Clearly inapplicable to the proposed development; or

(ii) Equally or better met by the proposed development.

B. If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

>Comment: As noted in our statement above, the proposed development will detract from the livability (and likely the appearance, given the possibility of up to 6 unrelated and short-term occupants, cars, use of the exterior of the property, etc.) of what is designated for single-family residential use.

C. If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone

>T.S. Comment: While only one adjustment is currently being considered, approval of this application will likely encourage others – and a negative, potentially irreversible, precedent will have been set by the City. The City, if it approves this application, will have given the green light to a business enterprise to locate in a district specifically designated for a distinctly different use, and thereby compromise the integrity of this single-family residential community.

END

From: GARY ELIZABETH BETTENDORF [mailto:eb400@msn.com]
Sent: Wednesday, August 01, 2018 4:46 PM
To: Bryce Bishop <BBishop@cityofsalem.net>
Subject: 725 High St SE

Mr. Bishop,

My husband Gary and I are very opposed to allowing this family dwelling to be used for short-term rental. This area is residential and should remain residential. People who would rent this property would have no vested interest in maintaining the quality of life here. We do not want a commercial property in this area.

Sincerely, Elizabeth Bettendorf
Sent from my iPad

Sally Long

From: jacqueheavey@gmail.com
Sent: Wednesday, August 01, 2018 4:58 PM
To: Sally Long
Subject: My neighbors

For the record- my neighbors that put together the National Historic District Nomination. Such a big thank-you to those I will never meet...



Sent from [Mail](#) for Windows 10

--

You received this message because you are subscribed to the Google Groups "Leslie Street" group.
To unsubscribe from this group and stop receiving emails from it, send an email to lesliestreet345+unsubscribe@googlegroups.com.
To post to this group, send email to lesliestreet345@googlegroups.com.
For more options, visit <https://groups.google.com/d/optout>.

Sally Long

From: Andrea Foust <andreafoust@gmail.com>
Sent: Wednesday, August 01, 2018 4:59 PM
To: Sally Long
Subject: Public Comment: Response and Objections to CASE NO: CU-ADJ18-07
Attachments: Recommendation to Bd for 725 High St.docx; Mingo-CraigResponse_Case Number CU-ADJ18-07_071818.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: Follow-up

Dear Ms. Long,

I would also like to add my concern about the traffic situation at the corner of Leslie St. and High St to my previous statements. This intersection has been a frequent site of multiple accidents over the years with cars either ending up in the yard at 712 High St (across the street from 725 High St.) or through the yard at 690 High St. Those may not have been caused by "people backing out of a driveway" but they do represent that there is a significant concern with people speeding down the hill.

Thank you again for your consideration,
Andrea Foust

----- Forwarded message -----

From: Andrea Foust <andreafoust@gmail.com>
Date: Wed, Jul 25, 2018 at 8:23 AM
Subject: Public Comment: Response and Objections to CASE NO: CU-ADJ18-07
To: bbishop@cityofsalem.net, lesliestreet345@googlegroups.com

Dear Ms. Anderson-Ogilvie and Mr. Bishop,

I would like to update my previous letter regarding CASE NO: CU-ADJ18-07. My name is Andrea Foust and my daughter and I live at 565 Leslie St., SE. I am writing to state our continuing strong opposition to a conditional use permit for 725 High St. I join with my neighbors and their stated concerns and feel strongly that granting this conditional use permit would be extremely detrimental to our neighborhood. A non-owner occupied short term rental represents a commercialization of a single-family residence in one of only 2 residential historic districts in Salem, which provide a living and cherished anchor to Salem's past.

- I agree with the updated SCAN Board request that the Hearings Officer **deny the proposed conditional use permit for short-term rental of 725 High St. SE.** (the complete document is included as an attachment).
 - "The applicant has not met approval criteria (3): *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property*, based on the following findings."
- I also agree with Kendra Mingo and David Craig and their email to you dated July 21, 2018 (their complete letter is attached to this email) where they stated:
 - 1) The opinion that the proposed commercial use "is similar to a residential use" is insufficient to justify the rezoning from residential to commercial use.

- 2) While the staff report cites uses that “have generally been found to be reasonably compatible” in a RS zone, it does not address the exceptions or regulations of a Historic District overlay zone, nor does it address what is “compatible with and appropriate within the context” of a Historic District overlay zone. We contend that the applicants and the City must meet higher regulatory standards in order to rezone single-family residential dwellings to commercial use in a Historic District overlay zone.
- 3) The applicants have not provided evidence (i.e., case studies, legal findings, precedence, testimony from residents of the historic district, etc.) that commercial use in a Single-Family Residential zone that is ALSO a City of Salem Historic District overlay zone fulfills and/or complies with applicable policies and regulations.1,2,3,4
- 4) The subject property is zoned RS (Single Family Residential) within a Historic District overlay zone. The SRC states that an overlay zone “establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone.” The findings of this report regarding applicable Salem Revised Code approval criteria for the conditional use permit do not address or even mention the regulations addressing Historic District overlay zones, nor do they reference the incorporating documents that created and govern the Gaiety Hill/Bush's Pasture Park Historic District by the National Register of Historic Places in 1986.
- 5) Summary: The staff recommendation and findings do not provide compelling, factual evidence that rezoning an existing single-family dwelling in a Historic District overlay zone listed on the National Register of Historic Places for commercial use is consistent with the policies and guidance in the Salem Area Comprehensive Policies Plan and the City's Historic Preservation ordinance (SRC Chapter 230).
- Looking to the future, the owner's of 725 do have other options available to them rather than operating this as a short-term rental that is non-owner occupied with conditional use permits and parking zone changes. Many homes in our historic district have been rented out on a long-term basis successfully, with residents who actively participate in the preservation of Salem's historic districts and the fabric of our community.

Thank you for your consideration.

Sincerely,
Andrea Foust and Madeleine Carlson

FOR THE MEETING OF: July 25, 2018
CASE NO: CU-ADJ18-07
ADDRESS: 725 High Street SE
ZIPCODE: 97301
HEARD BY: Salem Hearings Officer
CASE MANAGER: Bryce Bishop

SUBJECT: Public Comment: Response and Objections to Recommendations and Finding of Lisa Anderson-Ogilvie, Deputy Community Development Director and Planning Administrator regarding CASE NO: CU-ADJ18-07

Dear Ms. Anderson-Ogilvie and Mr. Bishop:

Our names are Kendra Mingo and David Craig, and we live at 445 Leslie Street SE.

RESPONSE for Public Record regarding CU-ADJ18-07: We respectfully object to the recommendations and findings regarding to CU-ADJ18-07. We renew our request that the City of Salem Planning Division **deny** the consolidated application for a Conditional Use Permit and Class 2 Adjustment as a short-term, non-owner occupied rental for up to six, non-related tenants because:

- 1) The opinion that the proposed commercial use “is similar to a residential use” is insufficient to justify the rezoning from residential to commercial use.
- 2) While the staff report cites uses that “have generally been found to be reasonably compatible” in a RS zone, it does not address the exceptions or regulations of a Historic District overlay zone, nor does it address what is “compatible with and appropriate within the context” of a Historic District overlay zone. We contend that the applicants and the City must meet higher regulatory standards in order to rezone single-family residential dwellings to commercial use in a Historic District overlay zone.
- 3) The applicants have not provided evidence (i.e., case studies, legal findings, precedence, testimony from residents of the historic district, etc.) that commercial use in a Single-Family Residential zone that is ALSO a City of Salem Historic District overlay zone fulfills and/or complies with applicable policies and regulations.1,2,3,4
- 4) The subject property is zoned RS (Single Family Residential) within a Historic District overlay zone. The SRC states that an overlay zone “establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone.” The findings of this report regarding applicable Salem Revised Code approval criteria for the conditional use permit do not address or even mention the regulations addressing Historic District overlay zones, nor do they reference the incorporating documents that created and govern the Gaiety Hill/Bush's Pasture Park Historic District by the National Register of Historic Places in 1986.
- 5) Summary: The staff recommendation and findings do not provide compelling, factual evidence that rezoning an existing single-family dwelling in a Historic District overlay zone listed on the National Register of Historic Places for commercial use is consistent with the policies and guidance in the Salem Area Comprehensive Policies Plan and the City’s Historic Preservation ordinance (SRC Chapter 230).

References to and comments on staff findings report:

Page 3: *“Based on these requirements, the proposed consolidated application is required to be reviewed by the Hearings Officer and processed as a Type III procedure.”*

Procedural Objection: The application pertains to regulations of the Salem Revised Code that govern **both** a Single Family Residential Zone **and ALSO** a Historic District Overlay zone. Since this application pertains to two zone types with differing SRC standards, regulations, and policies, then we request that the Historic Landmarks Commission also review and render a decision on this application to conform to the judicial oversight required in a Type III procedure involving a property in a Historic District Overlay (SRC Section 300.100 – Procedural types). While the findings of this report discuss general zone regulations, they do not specifically address “additional regulations beyond the base zone to address specific community objectives” for Historic District overlay zones.

Page 5-6: *“While the proposed short-term rental is not a residential use where individuals reside on the property as their primary place of living, it is similar to a residential use in that it provides a place where living and sleeping accommodations are provided, albeit on a temporary basis, to persons for periods of less than 30 days.”*

Objection/Rebuttal: The purpose of the consolidated application is to change the purpose of the dwelling **from a single-family residence to commercial use**. The opinion that the use “*is similar to a residential use*” is insufficient to justify the rezoning from residential to commercial use. One could apply the same claim to the Salem Grand Hotel whose use “*is similar to a residential use in that it provides a place where living and sleeping recommendations are provided*”; however, use that “*is similar to residential use*” is not sufficient to reclassify a hotel (whose purpose is clearly and primarily commercial) to residential use.

Further, one can just as easily assert that the intended use of the property is **commercial**, with the above phrasing defining a hotel: “*a business establishment with direct contact with paying customers where living and sleeping accommodations are provided for travelers and tourists, on a temporary basis, to persons for periods of less than 30 days.*”

Page 6: *“Although a short-term rental is not classified as a residential use under UDC, short-term rentals and accessory short-term rentals are, along with a limited list of other non-residential uses, allowed in the RS zone because these uses have generally found to be reasonably compatible with and appropriate within the context of residential areas.”*

Objection/Rebuttal: The staff report repeatedly states the above opinion above as support for the approval of consolidated application (See pages 5-6, 8, 8-9, 14, 15); however, this opinion is not consistent with the definition, purpose, **and regulations** of a single-family residential zone **that is ALSO** a Historic District overlay zone as specified by SRC Section 110.020⁴. While the staff report cites uses that “have generally been found to be reasonably compatible” in a RS zone, it **does not address** the exceptions or regulations of a Historic District overlay zone, nor does it address what is “compatible with and appropriate within the context” of a Historic District overlay zone. We contend that the applicants and the City must meet higher regulatory standards in order to rezone single-family residential dwellings to commercial use in a Historic District overlay zone.

Page 7: *“The majority of comments submitted express concerns about the conversion of the existing single family historic home with the Gaiety Hill/Bush’s Pasture Park Historic District into a commercial*

use accommodating a non-owner occupied short-term rental and the negative effects it will have on the character of the surrounding neighborhood and the Historic District; thereby precluding the proposed use from conforming with the applicable conditional use permit and class 2 adjustment approval criteria."

Objection/Rebuttal: Our original comments submitted to Mr. Bryce Bishop on July 3, 2018 did not merely "*express concerns about the conversion of the existing single family historic home with the Gaiety Hill/Bush's Pasture Park Historic District into a commercial use.*" Instead, we outlined how the application's purpose and rationale **failed to comply** with the policies and guidance in the Salem Area Comprehensive Policies Plan¹, the City's Historic Preservation ordinance (SRC Chapter 230)², other Oregon land use planning guiding documents³, or the sections of the Salem Revised Code governing zones and **overlay zones** (SRC Chapter 110, Section 020)⁴.

In order to meet the third criteria for a consolidated application for a Conditional Use Permit and Class to , then the owners of the property at 725 High Street SE need to demonstrate how their application will meet the **four conditions of this criteria for both the RS and the Historic District overlay zones**, namely that the application:

- 1) Be reasonably compatible **with the livability** of surrounding property;
- 2) Have minimal impact **on the livability** of surrounding property;
- 3) Be reasonably compatible **with the appropriate development** of surrounding property;
- 4) Have minimal impact **on the appropriate development** of surrounding property.

To do this, then the owners **need to provide evidence** (i.e., case studies, legal findings, testimony, precedence, etc.) that **commercial use** (i.e., hotel) in a Single-Family Residential Zone **that is ALSO** a City of Salem Historic District Overlay zone and recognized by the National Register of Historic Places:

- Preserves the historic, **cultural** and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use¹;
- Limits uses that conflict with the historic resource¹;
- Preserves significant properties in the Gaiety Hill Historic District²;
- Is consistent with the Salem Comprehensive Policies Plan³;
- Preserves assets of particular interest to the community, i.e., the Gaiety Hill Historic District³;
- Will have minimal adverse impact on abutting properties and the surrounding area of the historic district, taking into account location, size, design, and **operation characteristics of the proposed use**³;
- Is appropriate development and compliant with regulations of a Historic District Overlay zone⁴.

The stated intention that "*the owners of the house and the Property Manager all hope to be engaged as residents in this neighborhood*" is welcomed. **However**, intention of good will does not replace the burden of evidence (i.e., case studies, legal findings, testimony, etc.) of how the proposed **commercial use** addresses, fulfills, and/or complies with the Salem Area Comprehensive Policies Plan¹, the City's Historic Preservation ordinance², other Oregon land use planning guiding documents³, or sections of the Salem Revised Code governing zones and overlay zones⁴.

Page 12: *"The proposed use is allowed as a conditional use in the zone. Finding: The subject property at 725 High Street SE is zoned RS (Single Family Residential). Within the RS zone, short-term rentals are allowed as a conditional use pursuant to SRC 511.005(a). Table 511-1. Because short-term rental are specifically identified as being allowed as a conditional use with the RS zone, this criterion is met."*

Objection/Rebuttal: The subject property is zoned RS (Single Family Residential) **within a Historic District Overlay zone**. The Salem Revised Code states that an overlay zone *"establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone."* The findings addressing applicable Salem Revised Code approval criteria for the conditional use permit **do not address** or even mention the regulations addressing Historic District overlay zones **nor do they reference** the incorporating documents that created and govern the Gaiety Hill/Bush's Pasture Park Historic District by the National Register of Historic Places in 1986.

Thanks very much for considering our further testimony.

Sincerely,
Kendra Mingo and David Craig
Member of Gaiety Hill/Bush's Pasture Park Historic District
South Central Association of Neighbors (SCAN)
445 Leslie Street SE
Salem, OR 97301

References:

1. Salem Comprehensive Policies Plan. November 2015. Page 48.
<https://www.cityofsalem.net/CityDocuments/salem-area-comprehensive-policies-plan.pdf>

"The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource."

2. Salem Revised Code. Chapter 230. – Historic Preservation.
https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH230HIPR

The purpose of this chapter is to identify, designate, and preserve significant properties related to the community's prehistory and history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; encourage cultural heritage tourism; and promote the continued productive use of recognized resources, and to implement the policies contained in the Salem Area Comprehensive Plan for the preservation of historic resources.

3. Oregon Department of Land Conservation and Development. Pages 10-11
https://www.oregon.gov/LCD/docs/publications/introductory_guide_to_land_use_planning_in_oregon.pdf

Conditional use criteria also vary from city to city and county to county, but they are normally contained in the same section of the zoning ordinance as the conditional use review procedures. Typically, the criteria will provide that:

- a. The proposal be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city or county;*
- b. The proposal have a minimal adverse impact on abutting properties and the surrounding area compared to the impact of development that is permitted outright, taking into account location, size, design, and operation characteristics of the proposed use;*
- c. The proposal preserves assets of particular interest to the community; and*
- d. The applicant has a bona fide intent and capability to develop, use the land as proposed and has some appropriate purpose for submitting the proposal.*

4. Salem Revised Code. Section 110.020 – Zones and overlay zones, generally.

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH110GEZOPR_S110.020ZOOVZOG

Land in the City is zoned to provide areas suitable for certain types of development. Each zone provides a set of regulations governing the uses, lot size, building setbacks, height, and other development standards. Property may also be subject to an overlay zone. An overlay zone establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone.

Land Use & Transportation Committee

Recommended Comments for Board Approval Re: Proposed Short-Term Rental of 725 High St. SE

The SCAN Board requests the Hearings Officer deny the proposed conditional use permit for short-term rental of 725 High St. SE.

The applicant has not met approval criteria (3): *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property*, based on the following findings.

National Historic District Findings

The short-term rental use is a commercialization of a single family residence, that is in conflict with the expressed goal in the establishment of the residential Gaiety Hill/Bush's Pasture Park National Historic District, that "Gaiety Hill...provides the district with front line of defense against commercial encroachment...upon a distinctive intact residential neighborhood surrounding Bush's Pasture Park..." (National Register of Historic Places).

Commercial uses were specifically and intentionally excluded from the boundaries of the Gaiety Hill/Bush's Pasture Park National Historic District.

"The boundaries of the...district were carefully drawn." (National Register of Historic Places). "A decision was made to exclude...properties primarily because of the intrusion of commercial uses." (National Register of Historic Places).

Categories of uses within the District's carefully delineated boundaries were (a) museum; (b) park; (c) private residences; (d) religious; and (e) gardens. A specific use not included was commercial. (National Register of Historic Places).

The District was created in 1986 by City Council after an extensive three-year review process to meet the standards of the State Historic Preservation Officer, the State Advisory Committee on Historic Preservation, and the U. S. National Park Service (Department of Interior, and the Keeper of the National Register of Historic Places). Properties were identified from the Statewide Inventory of Historic Sites and Buildings (1976); the Salem Landmarks Commission's Historic Salem: An Inventory of Historic Places (1984); historic resource inventories of the South Central Association of Neighbors (1983); and designated trees of the Salem Heritage Tree Program (1982).

"One of the primary benefits of National Register nomination is...to help stabilize a neighborhood, stimulate increased owner occupancy by making it a more distinct and desirable place to live..." (State of Oregon Heritage Bulletin 6, June 2015, *Planning*

a National Register Historic District, Oregon Parks and Recreation Department, Oregon Heritage www.oregonheritage.org).

The proposed conditional use and class 2 adjustment does not stimulate increased owner occupancy or stabilize the neighborhood.

Overwhelming testimony from Gaiety Hill residents supports the finding and conclusion that commercialization of the property as a vacation short-term rental would not help to stabilize the neighborhood. Testimony finds the proposal undermines Gaiety Hill as a distinct and desirable place to live.

"Short-term rentals are not broadly in the public interest in cities," David Wachsmuth, Assistant Professor of Urban Planning, McGill University, NIGHTLY BUSINESS REPORT, July 4, 2018. Evidence is that short-term rentals increase rental costs and decrease availability of affordable housing and standard long-term rental units in the marketplace.

The proposal diminishes increased owner occupancy, "one of the primary benefits" of a National Register historic district nomination and designation.

The proposed conditional use is not compatible with and has unacceptable impact on the livability and appropriate development of Gaiety Hill as a residential National Historic District.

Livability Findings

The proposed conditional use cannot be found to be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

Short-term rentals are classified as commercial lodging. The applicant and staff report point to the superficial similarities of the proposed short-term rental to the surrounding single-family neighborhood. We believe this finding is in error.

"Livability" must be measured by the functionality of a neighborhood. Short-term renters come and go in quick succession without any involvement in the residential neighborhood. People living, sleeping, and eating in a house for a few days do not make neighbors. A single-family neighborhood of long-term owners and renters develops as a social and security network of neighbors helping neighbors; of neighbors watching out for each other's children and property. Neighbors do not speed in their own neighborhood. Neighbors volunteer to keep the streets and nearby parks clean; and to help the less-able maintain their property. As a result, neighborhoods become safer, friendlier, and more well-kept, which benefits all of the residents.

Every home converted to a short-term rental takes away a home for a neighbor, a potentially active community member, thereby eroding the ability of the

neighborhood to serve those functions. As a result, the "livability" of the neighborhood declines. The loss of even one long-term neighbor impacts the Gaiety Hill neighborhood because it is a small, geographically defined neighborhood surrounded by commercial, public health, and public use zones.

SCAN requests the Hearings Officer accept these findings of fact and deny the conditional use permit.

Sincerely

Jeff Schumacher, President

Sally Long

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Wednesday, August 01, 2018 4:12 PM
To: Sally Long
Subject: REVIEW COMMENTS re: Case No.CU-ADJ18-07 - 725 High Street SE

Amy Cook
HEARINGS OFFICER
Attention: Ms. Sally Long
City of Salem
Case No. CU-ADJ18-07 REQUEST FOR CONDITIONAL USE AND CLASS 2
ADJUSTMENT - 725 High Street SE

Dear Ms. Cook:

Thank you for the courtesies that you extended to our community and the opportunity to participate in the Public Hearing on the requested Conditional Use and Class 2 Adjustment.

RESEARCH, FINDINGS, FACTS AND CONCLUSIONS

In response to the oral testimony and written comments, we offer the following research, Findings, Facts and conclusions. The following addresses different aspects of the proposed Conditional Use and Class 2 Adjustment before you.

This case has an unique complexity because the applicant is impacting a residential National Historic District, a significant local, state and Federal historic resource.

1. Legislative History of the Gaiety Hill/Bush's Pasture Park National Historic District

At the hearing on July 25, 2018, former Ward 2 City Councilor Randall spoke of the "integral pieces that the City has put together in order to have a vibrant downtown, ..to have livability..(and) "a *blockage* that gives a vibrant neighborhood.."

Speaking in opposition to the Conditional Use CU-ADJ18-07, Councilor Randall spoke to the City Council's efforts to protect Gaiety Hill -- residential blocks in historic districts -- from encroachment from non-residential uses. Blocks were protected from commercial use.

The Conditional Use is incompatible with the primary intent of the National Historic District.

Our research and examination of the Minutes of City Council (March 10, 1986), -- Dwight Smith, one of the authors of the Gaiety Hill/Bush's Pasture Park National Register nomination, affirm "the boundary was carefully drawn" - as stated in U. S. National Park Service records cited by the South Central Association of Neighbors (SCAN) written testimony on July 25, 2018.

Robert Bergstrom, an engineer and resident of the proposed National Historic District, told City Council unless action is taken, the area "will be lost to commercialization" (Minutes, March 10, 1986). Addie Dyal, a Board member of the Marion County Historic Commission "expressed concern for homes changing to commercial development" City Council Minutes, March 10, 1986).

The Gaiety Hill/Bush's Pasture National Historic District was clearly established to preserve a historical residential neighborhood from commercialization.

Further, we also respectfully ask the Hearings Officer take note, to give value and credence, to the testimony of SCAN to the original intent and the legislative history of the Gaiety Hill/Bush's Pasture Park National Historic District as expressed by the South Central Association of Neighbors (SCAN) before you.

The South Central Association of Neighbors (SCAN) is the original, first party, affirmed in the City's formal records as the requesting party for the designation of the National Historic District, acknowledged as such in the City Ordinance 126-1986 City Council. The published public notice, AFFIDAVIT OF PUBLICATION, Statesman Journal, signed March 11, 1986, states as follows:

The South Central Association of Neighbors (SCAN) is proposing the establishing of a "Gaiety Hill/Bush's Pasture Park" historic district to entered into the National Register of Historic Places.

Notice published in the newspaper of record, STATESMAN JOURNAL, March 1, March 2, 1986 (see Exhibit A).

As the formal requesting party for the historic district designation adopted, and so noted in the City's formal records and public notice in the newspaper of record, the STATESMAN JOURNAL, it is reasonable to the legislative history of the ordinance that the South Central Association of Neighbors (SCAN) -- as the original first party to request enactment of the NHD overlay -- to have understanding to the intent of the ordinance (Salem Ordinance 126-1986); and to compatibility,

inclusion and non-inclusion of certain forms of commercial operation, benefit, impact, and to the primary purpose to be protection of a historically single family residential neighborhood, life and character, compatibility with and livability of the district, and levels of degree to impact.

We concur with the Finding of SCAN that the impact of the Conditional Use is not minimal.

We do not concur with the **de minimis** conclusion suggested to you by City Staff and suggest to you, in this specific case, weight should be given the testimony from SCAN -- the originator of the historic district ordinance, to interpretation of compatibility with, and impact on livability.

The South Central Association of Neighbors (SCAN) advises the Hearing Officer that the impact of the sought Conditional Use is significant, negative, and not minimal, on the residential National Historic District. and recommends DENIAL. **We concur with the SCAN conclusion and recommendation to the Hearings Officer.**

We believe original intent of the National Historical District has value in the Hearings Officer's determination.

Studying the National Register nomination, we find that the nomination material "text in context, along with the legislative history is relevant" (quote from **Lake Oswego Preservation Society v City of Lake Oswego**, to the test of compatibility.

2. Overall Response to the Staff Report

We do not concur with the *locutions de minimis non praeror* approach of Staff Report.

The development proposed for a commercial enterprise clearly is having a riveting impact to a community of single family residences already under continual pressure to forego its identity and life as intact historical inner city residential neighborhood. That evidence is very clear from the written and oral testimony from neighbors and SCAN.

We do find the Staff Report to be incomplete.

Photographs SEE EXHIBIT B of traffic congestion

The photographs presented to the Hearings Officer do not show the inordinate traffic and congestion, at times, on the 600-700 blocks of High Street or at the intersection of the 700 block and Mission Street. Please

see the photographs taken July 31, 2018 submitted as Exhibit B to this testimony.

Ad Hoc Definition

We find the Staff to making a definition of short-term non-owner occupied operation not found in the code. Accurate is the statement by City staff, page 15, of the Staff Report to you, "the proposed use..(is) not strictly residential residential in nature because its being operated for the commercial purpose of renting rooms on a short-term basis to individuals.."

Our view is this is a *de facto* hotel.

A *de facto* hotel is a term found commonly in the Planning profession literature for a STR (short-term rental).

Inaccurate is the City Staff statement "the general characteristics of use are similar to those of a single family residential use in there are people living in the structure, albeit on a temporary basis.."

"...people living in the structure, albeit on a temporary basis" could apply to a tent - a motel or a hotel.

Mr. Bishop appears to be creating definitions of short-term rentals (STRs), -- if it looks like "single family residential use," even if it isn't, it is -- therefore, must be compatible. Not found in the code,

We would caution against that type of definition, - please see LUBA Case: **Central Eastside Industrial Council v. City of Portland** (2016), and we are opposed to *faux* single family residences, in essence, being operated as hotels, vacation rentals. Gaiety Hill is not a California type-Disneyland vacation spot of historical contrived Americana: it is a living Oregon neighborhood.

We would also caution against a Staff assertion that the "general characteristics of use are similar to those of a single family residential use" or any other form of use -- without a very clear outline from City Staff of what those general characteristics are, and comparatively applied to multiple forms of uses, e.g., single family, motel, hotel -- and clear distinguishing characteristics, preferably with some form of strict application.

Compatibility

It is also very clear that the consolidated application for a CONDITIONAL USE and CLASS 2 ADJUSTMENT, unequivocally, had no community support at the Hearing, and residents in Gaiety Hill and the neighborhood association, SCAN, have reported accurately that the Conditional Use is widely found to be NOT COMPATIBLE with the surrounding properties, the residential Gaiety Hill/Bush's Pasture Park National Historic District (NHD), and the the livability of Gaiety Hill. Nor does the community hold the *de minimus* belief that the impact will be minimal.

3. Response to Specific Sections of the Staff Report

C. Vehicle and Pedestrian Safety on High Street (page 10):

Brought forward in the oral testimony at the Hearing is the fact that measures of the traffic numbers on High Street SE do not reflect the major construction and demolition activities nearby, one block away - north -- and one block east, since 2011.

The entire campus of the Oregon State School for the Blind (OSSB) was demolished, and a new health facilities campus was built in the period from 2011-2017.

In addition, immediately to north of Gaiety Hill, SAIF Corporation, - two blocks north - a major office complex, located at 400 High Street, has

been and is undergoing a major rebuild and expansion of the SAIF campus, which is still on-going and set parts remain to be completed.

The entire SAIF staff was relocated, 300 employees to locations in North Salem, at the direction of the SAIF Board (2015). The standard operations and traffic to/from the site changed.

Technical Analysis: Tools

The Staff Report is tidy, but incomplete.

With regard to Gaiety Hill, a more appropriate complete analysis would be contextual, CONTEXT SENSITIVE SOLUTIONS (CSS) analytical system espoused by the Institute of Traffic Engineers (ITE) for historical areas; it is a collaborative interdisciplinary approach that "fits its physical setting and preserves scenic, aesthetic, historic and environmental resources, while maintaining safety and mobility" (Federal Highway Administration).

CSS is a systematic interdisciplinary approach and more suitable to the analysis and needs of the setting, a residential National Historic District, than raw numbers during a period of high construction activity one block east and one block north.

4. Response to testimony from Ms. Martin, short-term rental manager

Information submitted by the applicant (Attachment F in the STAFF REPORT), we find error in characterization of Gaiety Hill: "They will eat, sleep, work, stroll through Bush Park (sic) [Bush's Pasture Park] and *visit restaurants*." There are no restaurants in Gaiety Hill or the National Historic District. It is not a commercialized or mixed use residential area.

The oral testimony from Ms. Martin was confusing. Ms. Martin stated the management would not impact parking while at the same time requested residential permits and street parking be allowed for maintenance and landscaping crews and managerial visits.

The testimony on age of children, unlimited numbers of "children" 18 or under 18, had no explanation. This would allow large groups, e.g., scouts, Camp Fire, youth athletic teams, youth dance groups, Soap Box Derby participants, to overnight at the facility. It is unbridled access. The remark to expand the use to family members, to the management company, did not make sense. There was a lot of contradicting aspects. We oppose this Conditional Use and Class 2 Adjustment.

5. Response to written testimony from Bruce Hoffman, nearby resident and chair of the CanDo Land Use (Central Area Neighborhood-Downtown Organization) Land Use Committee.

We concur with Mr. Hoffman's assessment, and also respect his knowledge of the affected area, Gaiety Hill, and Central City Downtown area, and that he knows the difference.

To quote Bruce Hoffman, who lives nearby, in the historic boyhood home of the former Chief Justice of the Oregon Supreme Court, Wallace P. Carson:

"We oppose the conditional use permit because it is not in keeping with the preservation of this neighborhood...allowing a non-resident to turn their house into a motel..is wrong on every level. This is one of the best neighborhoods in Salem. Please do not allow non-residents to reduce the quality and desirability of our neighborhood."

6. Fundamental Finding:

the applicant has not met approval criteria: SRC (3) The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

7. Additional Findings of Fact

(a) Short-term rentals (STRs) are of a form of commercial lodging under the Salem Revised Code.

The short-term rental use is a commercialization of a single family residence, that is in conflict, incompatible with the expressed goal in the establishment of the residential Gaiety Hill/Bush's Pasture Park National Historic District, that "Gaiety Hill..provides the district with front line of defense against commercial encroachment..upon a distinctive intact residential neighborhood surrounding Bush's Pasture Park.." National Register of Historic Places documentation (NRHP).

(b) Commercial uses were specifically and intentionally excluded from the boundaries drawn for the residential Gaiety Hill/Bush's Pasture Park National Historic District.

"The boundaries of the..district were carefully drawn" NR. "A decision was made to exclude..properties primarily because of the intrusion of commercial uses." NRHP

(c) Categories of uses within the District's carefully delineated boundaries were (a) museum; (b) park; (c) private residences; (d) religious; and (e) gardens. A specific use not included was commercial. NRHP

(d) The District was created in 1986, by our Salem City Council after an extensive three year review process (1983-86), to meet the standards of the State Historic Preservation Officer, the State Advisory Committee on Historic Preservation, the U. S, National Park Service (U. S. Department of Interior), and the Keeper of the National Register of Historic Places.

Properties within the Gaiety Hill/BPP Historic District were identified from the *Statewide Inventory of Historic Sites and Buildings* (1976); the Salem Landmarks Commission's *Historic Salem: An Inventory of Historic Places* (1984); historic resource inventories of the South Central Association of Neighbors (SCAN)(1983); and designated trees of the *Salem Heritage Tree Program* (1982).

(e) Primary Benefit of A National Historic District Designation

"One of the primary benefits of National Register nomination is...to help stabilize a neighborhood, stimulate increased owner occupancy by making it a more distinct and desirable place to live.." State of Oregon Heritage Bulletin 6, June 2015, *Planning a National Register Historic District*, Oregon Parks and Recreation Department, Oregon Heritage www.oregonheritage.org.

The proposed Conditional Use and Class 2 Adjustment does not stimulate increased owner occupancy or stabilize the neighborhood.

We do not concur with the Staff finding that a STR, non-owner occupancy, a form of commercial lodging being placed in Gaiety Hill, is "similar to residential use in that it provides a place where living and sleeping accommodations are provided."

(f) Overwhelming testimony from Gaiety Hill residents, and unanimously from the neighborhood association supports the conclusion that commercialization of the property as STR would not help to stabilize the neighborhood.

(g) Comments from neighbors are consistent with perceptions found in research "that STRs economically weaken communities by impacting resources such as availability of housing (especially affordable and rental housing) and police and city staff time who deal with complaints from neighbors/business owners" (S. Dinatale, *Assessing and Responding to Short-Term Rentals in Oregon: Enabling the Benefits of the Sharing Economy*, Sadie Dinatale, University of Oregon 2017. .

"Planners and city staff need to understand how short-term rentals are affecting their communities and respond with appropriate controls" (Dinatale).

(h) Impacts on Livability

In this case CU-ADJ18-07, we find City Staff did not adequately explain or evaluate the multiple factors of livability.

"Livability refers to various constructed views regarding the quality of life in any human living environment" URBAN LIVABILITY ACROSS THE DISCIPLINARY AND PROFESSIONAL BOUNDARIES (Frontiers of Architectural Research, Volume 5., Issue 2, June 2016, 239-253):

"Livable environments integrate physical and social well-being parameters to sustain a productive and meaningful human existence:

productive in the sense that the social clustering of humans yield considerably more than the sum total of individual productivity and meaningful in the sense that human beings need, by their very nature, to participate in forming successful and sustaining social systems.

(i) What is a Livable Community?

AARP is a leader on livability. Now in its 6th year, AARP sponsors a national conference on livability. Findings of AARP are: *"Proper land use planning and design are critical to developing livable communities...Governments should support...neighborhood cohesion and maximize opportunities for residents to be active and engaged with neighbors, family and friends. Individuals play a role in making communities safe and secure..*

The proposed Conditional Use use is not fostering neighborhood cohesion, a sense of physical and social well-being by commercializing a residential property.

Planning works when it understands impacts of livability. As stated, the Gaiety Hill/Bush's Pasture Park NHD was carefully delineated to protect livability. "Perfecting vehicular traffic and reducing the externalities that emerge from the proximity of incompatible uses are regarded by mainstream planners as embodiments of urban livability..," systems approach views the city as a collection of distinct social and economic components that can be physically segregated to optimize the performance and activities within each component." So it is, was, in making a clear decision in to exclude commercial uses from Gaiety Hill.

The National Register documentation also acknowledges the existence and need for restricted parking to protect livability from commercial uses, nearby offices and institutions.

(j) City Council and neighbors have also worked for a downward trend in vehicular saturation, and increasingly an emphasis in building a non-vehicular infrastructure of movement and design in the National Historic District. Adding a four car commercial short-term rental operation and parking does not enhance that goal.

Most recently, Salem City Council overturned unanimously, movement of metered paid parking into the Gaiety Hill/Bush's Pasture Park National Historical District (May 29, 2018). Sidewalks have been redesigned, incorporating a historic 4 square design throughout the District, widened 40% on Church Street to connect Pringle and Bush's Pasture Park.

(k) With regard to the Class 2 Adjustment, in response:

The wide public right-of-way is a historical feature of the Gaiety Hill on Church Street and [High Street SE, 700 block](#). [Wide](#) public right-of-ways provide an option for enhancement for a tree lined street on the west side of the 700 block of High Street SE. On Church Street, for example, the wide public right-of-way provides a beautiful setting for rows of star-shaped leaf/autumn multi-colored American Sweetgums. Planted at the suggestion of the renowned Salem architect "First Citizen" and City Councilor, the late Warren Carlin,

It is worth noting that the 700 block of High Street on the west side does not have trees along the street, a median or grassy area. The sidewalk runs right next to a very busy street.

Formally conceding the public right-of-way to a 4 car parking is not in the public interest. Or an enhancement to the appearance of the front of the historical property.

We do not concur with the Staff conclusion that the public right-of-way on the 700 block of High Street is "excess" in a historical context. Wider streets and wider grassy areas were a quality to life before many cities surrendered many streetscapes to the automobile.

(l) Testimony supports a Finding that the proposal lessens making Gaiety Hill as a residential NHD as a "distinct and desirable place to live."

(m) "Short-term renters come and go in quick succession without any involvement in the residential neighborhood" : Testimony South Central Association of Neighbors (SCAN). Available Oregon data affirms the concerns of the neighbors for the transitory character of STRs. Half of all STRs are reserved for less than 30 days: thirty-six percent for 10 days or less (Dintale). STRs are a form of "de facto" hotel.

(n) Absence of a broad public interest: "Short-term rentals (STRs) are not broadly in the public interest in cities," David Wachsmuth, Assistant Professor, School of Urban Planning, McGill University, NIGHTLY BUSINESS REPORT, July 4, 2018.

(o) Multiple recent studies across the country show a strong correlation between the growth of STRs and increased housing costs. STRs eliminate

houses from use by full time residents, decreasing supply. *The Impact of Vacation Rentals on Affordable and Workforce Housing in Sonoma County (2015)*; *Short Term Rentals and the Impact on Availability of Affordable Rental Housing in the City of Santa Barbara (2015)*; *Short-Term Rentals and Impact on the Apartment Market, Rosen, K.T., et al (2015)*.

(p) The Gaiety Hill/Bush's Pasture Park NHD is a significant state, Federal and local historic resource under state law. It should be protected and preserved as a residential historic neighborhood in character with the period of significance 1878-1938 to the full extent reasonable. It is not a commercial space.

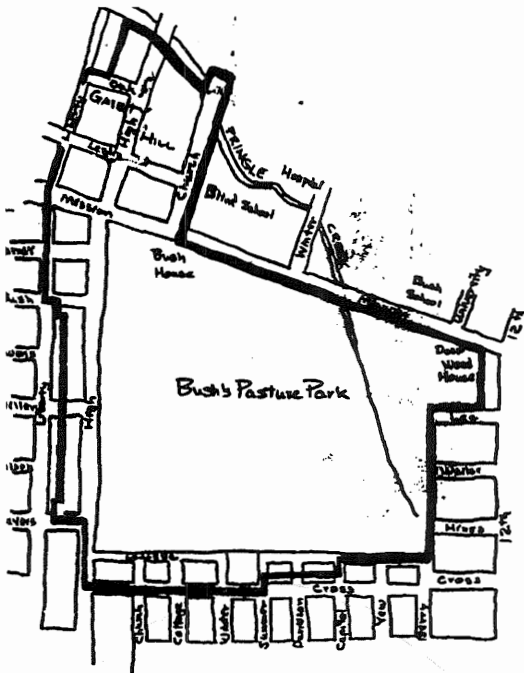
Respectfully submitted

Jon Christenson

Carlene Benson

Wally Benson

FRIENDS OF HISTORIC SALEM



NOTICE OF PUBLIC HEARING

The South Central Association of Neighbors (SCAN) is proposing the establishing of a "Gaiety Hill/Bush's Pasture Park" historic district to be entered onto the National Register of Historic Places.

A public hearing will be conducted before the Salem City Council on Monday, March 10, 1986, at 7:30 p.m. in the Council Chambers, Civic Center, Salem, Oregon. Any person or organization is invited to provide written or oral testimony. Written testimony should be filed with the City Recorder, Room 205, Civic Center, Salem, Oregon, on or before 12:00 noon, March 4, 1986.

Further information can be obtained by contacting Mr. Mark Siegel at (503) 588-6173, Room 305, Salem Civic Center, from 8:00 a.m. to 5:00 p.m., Monday through Friday.

DATED at Salem, Oregon this 24th day of February, 1986.

RAMONA HUDSON
CITY RECORDER

S-J Mar.12,1986

Affidavit of Publication

STATE OF OREGON, }
County of Marion, } ss.

I, Gene Fulton, being first duly sworn, depose and say that I am the principal clerk of the Statesman-Journal, a newspaper of general circulation as defined by sections 193.010 to 193.110, Oregon Revised Statutes; printed and published at Salem in the aforesaid county and state; that the,

Notice of Public Hearing-Gaiety Hill
With Map one time
Copy only one time.

RECEIVED
MAR 14 1986

CITY OF SALEM
Office of Planning & Development

a printed copy of which is hereby annexed, was published in the entire issue of said newspaper for TWO successive and consecutive times in the following issues: March 1, 2, 1986.

Subscribed and sworn to me this 11 day of March, 1986.

Notary Public for Oregon
My Commission expires 3/22/87

SM/ACT40R-580/H

EXHIBIT A

Official

Ordinance No. 126 86

Introduced by Mr. Berg

RECORDS OF THE CITY OF SALEM

AN ORDINANCE establishing the Gaiety Hill/Bush Pasture Park Historic District and designating primary and secondary historic buildings therein.

Filed NOV 18 1986 19

Recorder

Deputy

Read NOV 24 1986

Read 2nd time DEC 8 1986

Referred to City Manager

Reported back

P. Hyg 3/10/86

Read 3rd time

Passed DEC 8 1986

Recorded Volume Page

Entered Lien Docket, Vol

Page

Bill No. 122

BILL NO.

122

A BILL
FOR

ORDINANCE NO. 126 86

AN ORDINANCE establishing the Gaiety Hill/Bush's Pasture Park Historic District and designating primary and secondary historic buildings therein.

WHEREAS, the Common Council of the City of Salem received a request for historic district designation of the Gaiety Hill/Bush's Pasture Park Historic District along with a petition signed by 51 percent or more of the property owners within the district, and,

WHEREAS, following a public hearing and input by citizens, staff, Planning Commission, and Historic Landmarks Commission, the Council determined that the area proposed to be designated an historic district, as modified by Council, has architectural significance or is of historical importance based upon past or present use.

Now, therefore,

BE IT ORDAINED BY THE COMMON COUNCIL

OF THE CITY OF SALEM, OREGON:

Section 1. Designation of District. Pursuant to SRC 56.425, the Common Council of the City of Salem hereby designates as an historic district the Gaiety Hill/Bush's Pasture Park Historic District, the boundaries of which district are described in Exhibit A attached hereto and incorporated herein.

Section 2. Designation of Primary and Secondary Historic Buildings. Primary and secondary historic buildings, as reflecting the first and second chronological period of development within the historic district, are hereby designated as listed in attached Exhibit B attached hereto and

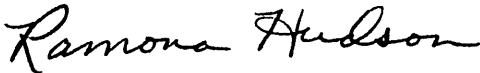
1 incorporated herein.

2
3 PASSED by the Common Council this 8th day of December, 1986.

4 SIGNED by the Mayor this 9th day of December, 1986.

5 
6 Mayor of the City of Salem, Oregon

7
8 ATTEST:

9 

10 CITY RECORDER

Exhibit A
Description of the Boundaries of the Gaiety Hill/Bush's
Pasture Park Historic District

Starting at the northernmost corner of Lot 2, Original Salem Plat, Block 16, Marion County Assesor's Map 27AC073W Tax Lot 073W-27AC-04600, near Pringle Creek, southbank; thence, southeast along northeast border of tax lot along creek bank line to city street, northwest right-of-way line at High Street Southeast; crossing High Street Southeast, on a southeast line (excluding any portion of the Pringle Creek Bridge on High Street Southeast) to the street right-of-way line bordering Lot 8, Block 11, Original Salem Plat; thence, following legal property line on the southbank of Pringle Creek through Lots 8, 7, 2, and 3, Block 11, owned by the Woodland Chapel and Library, 582 High Street Southeast, to the northwest edge of the Pringle Creek/Shelton Creek (Church Street Southeast) Bridge; thence, northeast along northwest edge of bridge to the northernmost end of the bridge, along the northeast end of the bridge structure across Church Street Southeast, and southwest along the southeast edge of the bridge to the southeast point of the bridge, to include the entire structure, land and waterways below. The boundaries include the stairwell on the southeast side of the bridge descending into Pringle Park, but are not intended to include any other portion of Pringle Park.

At the southeast corner of the Pringle Creek/Shelton Creek Bridge on Church Street Southeast, proceed in a straight southwest direction (along the southeast right-of-way line of Church Street Southeast) to the intersection of that line with Mission Street Southeast; thence across Mission Street Southeast, along same line to a point in Bush's Pasture Park at the southwest right-of-way line of Mission Street Southeast.

NOTE: The above-described boundary line along Church Street Southeast includes no portion of Pringle Park or the State School for the Blind, only street right-of-way, in the University Addition, Blocks 24 and 25.

From the point of encounter with Bush's Pasture Park on the southwest right-of-way line of Mission Street Southeast, proceed in a southeasterly direction along the northeast boundary of Bush's Pasture Park at the southwest right-of-way line of Mission Street Southeast to a point in the Yew Park Addition, Block 3, beginning with the property of the Deepwood Estate. This point is the northeasternmost point in Bush's Pasture Park and the northwesternmost point in the Deepwood Estate. (The boundary along the northeast edge of Bush's Pasture Park, along Mission Street Southeast, between Church Street Southeast and the Deepwood property crosses a small access road to the portion of the park area owned by Willamette University and that access road is Willamette University property.) From the northwest corner of the Deepwood Estate, Yew Park Addition, Block 3, continue in a southeast direction at the southwest right-of-way line of Mission Street Southeast and northeast boundary of the Deepwood Estate to the right-of-way line of 12th Street Southeast; thence, due south along 12th Street Southeast, to a point on the north right-of-way line of Lee Street Southeast; thence due west along the north right-of-way line along Lee Street Southeast, extending across Pringle Creek, to a point on the east legal boundary of Bush's Pasture Park. NOTE: These boundaries include all of the Deepwood Estate, and the city-owned Bush's Pasture Park-Yew Park Entrance parcel, but exclude any portion of Lee Street Southeast. Also excluded from the district is the small amount of land, sidewalk and landscaping along Mission Street in the Bush's Pasture Park-Yew Park Entrance reserved for the 12-24th Street improvement on Mission Street, now underway.

At the intersection of the east boundary of Bush's Pasture Park with the north edge of Lee Street Southeast, extended, proceed southward along the east boundary of Bush's Pasture Park to the southeast corner of the park, excluding any property from the Yew Park Addition, Blocks 4, 9, and 10, and vacated streets in the Yew Park Addition. From the southeast corner of Bush's Pasture Park, move in a due west direction along the south boundary of Bush's Pasture Park to a point at the extension of the west right-of-way line of Capitol Street Southeast across Leffelle Street Southeast, into Bush's Pasture Park; thence, south across Leffelle Street Southeast, to the southeast point of Lot 1, Pleasant Home Addition, Block 14, (address 1565 Capitol Street Southeast); thence; westward along south extent of Lots 1 and 6 (address 1510 Davidson Street Southeast) in the Pleasant Home Addition, Block 14, and across Davidson Street Southeast, in a southwest direction; thence, continuing westward along the south boundaries of Lots 2 and 5 in Block 13, Pleasant Home Addition, (addresses 940 and 920 Leffelle Street Southeast), across Summer Street Southeast, to a point along the west right-of-way line of Summer Street Southeast, intersecting with the east side of Lots 2 and 3, Block 8, Pleasant Home Addition.

At this point of contact on west right-of-way line of Summer Street Southeast, with the east boundary of Block 8, Pleasant Home Addition, between Lots 2 and 3, proceed southward along the west right-of-way line of Summer Street Southeast, to the north right-of-way line of Cross Street Southeast, this point being at the southeast point of Lot 3, in Block 8, Pleasant Home Addition; thence, in a generally west/southwest direction, continue to the southwest point, Lot 7, Block 1, Pleasant Home Addition, at the right-of-way lines of Cross Street Southeast (northside) and High Street Southeast (east side). This west/southwest line is south of and encompasses in the district all of the Pleasant Home Addition Blocks 8, 7, 2, and 1 and crosses Winter, Cottage, and Church Streets Southeast, at the north edge of Cross Street Southeast.

Continuing, at the southwest point of Lot 7, Block 1, Pleasant Home Addition, proceed northward along the east right-of-way line of High Street along the west side of Block 1 and across Leffelle Street Southeast, to the southwest corner of Bush's Pasture Park; thence, northward along the west edge of Bush's Pasture Park to a point along the extension of the north right-of-way line of Myers Street across High Street Southeast, to park boundary; at this point, cross High Street Southeast, proceeding in a westerly direction along the south boundaries of Lot 4 (address 1395 High Street Southeast) and Lot 5 (easterly one-half, address 445 Myers Street Southeast) to a point at the southwest corner of the property at 445 Myers Street Southeast, Marion County Assessor's Map 27CD073W 073W-27CD-01800, and the north right-of-way line of Myers Street Southeast; subject property lines are located in the George H. Jones Addition, Block 11; thence northward along west boundary of property at 445 Myers Street and then eastward along north boundary of property to middle of Block 11, George H. Jones Addition, to a point bordering Lot 3; thence, proceed northward with some irregularities in the middle of Blocks 11 and 10 (between Liberty and High Streets Southeast) along the west boundaries of all lots facing High Street Southeast, and including the west 1/2 of Lot 1, Block 10 (address 470 Miller Street Southeast, Marion County Assessor's Map 27CD073W 073W-27CD-00500).

Continuing in a northward direction, the district boundaries cross Miller Street Southeast, at the mid-block area between Liberty Street Southeast, and High Street Southeast; thence, northward at mid-block with some irregularities, along the west boundaries of properties facing High Street

Southeast, in Blocks 7 and 6, George H. Jones Addition, to a point on the west boundary of Lot 2, intersecting with the southernmost boundary of property (address 460 Bush Street Southeast), Marion County Assessor's Map 27CA-73W 073W-27CA-02800; thence, west along southern boundary of said property and south boundary of property at 440 Bush Street Southeast, Marion County Assessor's Map 27CA073W 073W-27CA-04200; thence, north, west, and north again along west boundary of property at 440 Bush Street to south right-of-way line of Bush Street Southeast, (between Liberty Street Southeast and High Street Southeast). These two properties facing Bush Street Southeast, 440 and 460, are sited on portions of Lots 1, 7, and 8 in Block 6, George H. Jones Addition.

At the point of intersection between the northwest corner of the property at 440 Bush Street Southeast, and the south right-of-way line of Bush Street Southeast, proceed due east along the south right-of-way line of Bush Street Southeast to a point opposite and cross north of Bush Street Southeast to the southeast corner of Lot 5, Block 3, George H. Jones Addition. At this point at the southeast corner of Lot 5, Block 3, George H. Jones Addition, and the north right-of-way line of Bush Street, proceed in a north direction in the middle of the block bordering the east boundaries of Lots 5, 6, 7, and 8 in Block 3, George H. Jones Addition (including in the district none of the property in the west half of Block 3). At the northeast corner of Lot 8 in Block 3 cross Kearney Street Southeast in a north direction; thence west along north right-of-way line of Kearney Street to its intersection with Liberty Street Southeast. At this point, continue in a north and northeasterly direction along Liberty Street along Lots 5, 6, 7, and 8 in Block 2, George H. Jones Addition; across Mission Street Southeast, to the Southwest corner of Lot 10, Block 14, Original Salem Plat; then continue in a northeast direction along the northwest boundaries of Lots 10, 9, 8, and 7, in Block 14, across Kearney Street Southeast, and along northwest boundaries of Lots 9, 8, 7, 6, in Block 15, Original Salem Plat to northernmost point of Lot 6, at the intersection of Liberty Street Southeast, and Oak Street Southeast. NOTE: The above-described boundary along the west edge of the George H. Jones Addition, Block 3, and the northwest edge of the Original Salem Plat, Block 3, and the northwest edge of the Original Salem Plat, Blocks 14 and 15, exclude any portion of Liberty Street Southeast, lying at the east or northeast right-of-way line of that city street.

At the northernmost point of Lot 6, Block 15, Original Salem Plat, the point at the intersection of Liberty Street Southeast and Oak Street Southeast, proceed along the southwest right-of-way line along Oak Street Southeast in a southeast direction (also, the line across the northeast boundaries of Lots 6, 5, and 4 in Block 15) to the easternmost point of Lot 4 (address 446 Oak Street Southeast), bordering Lot 3 and the southwest right-of-way line of Oak Street Southeast; thence, proceed across Oak Street Southeast in a northwesternly direction and continue along this line at the northwest boundaries of Lots 4, 3, and 2, Block 16, Original Salem Plat, to the point of departure or beginning of the specific boundaries of the Gaiety Hill/Bush's Pasture Park Historic District.

The boundaries so described delineate an area of 143 acres, more or less, and are intended to encompass all properties and features discussed in this nomination and included in the historic district.

Exhibit B
Primary and Secondary Historic Buildings
Gaiety Hill/Bush's Pasture Park Historic District

Primary

606 High Street SE
600 Mission Street SE
1116 Mission Street SE
883 High Street SE
840 Liberty Street SE
975 High Street SE
1043 High Street SE
1145 High Street SE
1197 High Street SE
1395 High Street SE
445 Myers Street SE
1595 Cottage Street SE
1565 Church Street SE
1590 Church Street SE
1510 Davidson Street SE
1565 Capitol Street SE

Secondary

537 High Street SE
567 High Street SE
446 Oak Street SE
460 Oak Street SE
490 Oak Street SE
695 High Street SE
475 Leslie Street SE
650 Liberty Street SE
620 Liberty Street SE
625 Church Street SE
635 Church Street SE
645 Church Street SE
651 Church Street SE
665 Church Street SE
675 Church Street SE
685 Church Street SE
595 Leslie Street SE
565 Leslie Street SE
545 Leslie Street SE
535 Leslie Street SE
525 Leslie Street SE
690 High Street SE
670 High Street SE
420 Leslie Street SE
440 Leslie Street SE
470 Leslie Street SE
490 Leslie Street SE
725 High Street SE
745 High Street SE
755 High Street SE
765 High Street SE
475 Mission Street
712 High Street SE
560 Leslie Street SE
705 Church Street SE
735 Church Street SE
747 Church Street SE
757 Church Street SE
795 Church Street SE
575 Mission Street SE
555 Mission Street SE
545 Mission Street SE
505 Mission Street SE
750 High Street SE
440 Mission Street SE
460 Mission Street SE
435 Kearney Street SE
425 Kearney Street SE
405 Kearney Street SE

868 Liberty Street SE
850 Liberty Street SE
985 High Street SE
440 Bush Street SE
460 Bush Street SE
1015 High Street SE
1077 High Street SE
1089 High Street SE
1099 High Street SE
1105 High Street SE
1165 High Street SE
470 Miller Street SE
490 Miller Street SE
1239 High Street SE
1265 High Street SE
1285 High Street SE
1297 High Street SE
1315 High Street SE
1339 High Street SE
1373 High Street Se
540 Leffelle Street SE
1525 Church Street SE
1541 Church Street SE
1595 Church Street SE
555 Cross Street SE
1584 High Street SE
1560 High Street SE
1530 High Street SE
680 Leffelle Street SE
787 Cross Street SE
1590 Cottage Street SE
1570 Cottage Street SE
1560 Cottage Street SE
1510 Winter Street SE
1590 Winter Street SE
875 Cross Street SE
920 Leffelle Street SE
940 Leffelle Street SE

Nov. 24
FOR COUNCIL MEETING OF: ~~DECEMBER 1~~, 1986

TO: MAYOR AND CITY COUNCIL
THRU: R. E. ABOLT, CITY MANAGER
FROM: ~~Robert Briscoe~~ ROBERT BRISCOE, DIRECTOR, COMMUNITY DEVELOPOMENT

AGENDA ITEM NO. 6.4.d

SUBJECT: APPROVAL OF NOMINATIONS TO THE NATIONAL REGISTER OF HISTORIC PLACES.

ISSUE

To inform Council of successful nominations.

BACKGROUND

In February-March of 1986, the City Council reviewed and approved two nominations to the National Register of Historic Places.

- 1) The Capitol Tower.
- 2) The Gaiety Hill Bush's Pasture Park Historic District.

Both nominations were then forwarded to the State and approved by the State Advisory Committee on Historic Preservation in May, 1986.

FACTS & FINDINGS

- 1) By the attached letter, formal notification has been received of their entry onto the National Register.
- 2) An article on both nominations appeared in the November 14, 1986 newspaper.
- 3) Staff will now notify all property owners in writing of the successful listing of the Gaiety Hill/Bush's Pature Park Historic District.

RECOMMENDATION

Information only.

Prepared by:

Mark Siegel
Mark Siegel
Administrative Assistant III

C/2430E



Department of Transportation

STATE HISTORIC PRESERVATION OFFICE

Parks and Recreation Division

525 TRADE STREET S.E., SALEM, OREGON 97310
November 10, 1986

The Honorable Sue Harris Miller
Mayor of Salem
City Hall
Salem, OR 97301

Dear Mayor Miller:

Earlier action by the State Advisory Committee on Historic Preservation led to nomination of the following properties to the National Register of Historic Places.

First National Bank Building (Old), 1926-1927
(Capitol Tower)
388 State Street
Salem, Marion County Oregon

Gaiety Hill/Bush's Pasture Park Historic District (1878-1938)
An irregularly-shaped area encompassing approximately 143 acres roughly bounded by Shelton Ditch and Mission Street on the north, Bush's Park boundary on the east, cross street on the south, and by High and Liberty Streets on the west, in Salem, Marion County, Oregon.

Official notification has been received from the Department of the Interior that the properties were entered in the National Register on October 9 and October 10, 1986, respectively.

Oregon's Congressional delegation also was informed of this action. We extend our congratulations to all concerned.

Owners of National Register properties who are interested in learning about the benefits offered under the State Historic Property Tax Law (ORS 358.475-358.565) are encouraged to request an information/application packet from the State Historic Preservation Office. It should be remembered that participation in the program for special assessment of historic properties is optional and involves an entirely separate application process. No one need feel compelled to apply for the benefits. If a property owner wishes to have the true cash value of his property frozen in a given calendar

The Honorable Sue Harris Miller

November 10, 1986

Page 2

year he is required by statute to file his application for special assessment status to this office not later than December 31 of the preceeding calendar year.

In accordance with Federal rule, owners of property within the historic district boundaries will be informed of the recent action taken by the Keeper of the National Register by means of a similar letter. A copy of the final, approved historic district nomination application was earlier supplied for the City's records.

If questions concerning this recent action arise, please be in touch with the State Historic Preservation Office, telephone 378-5001.

Sincerely,



David G. Talbot
State Historic Preservation Officer

DGT:jn

cc: Governor Victor Atiyeh
David Brauner, Chairman
State Advisory Committee
on Historic Preservation
Salem Area Historic Landmarks Commission
Jim Millegan

EXHIBIT/CN. B. PARKING ON TOW BLOCK, TRAFFIC, GARBAGE PICKUP



700 BLOCK
OF HIGH

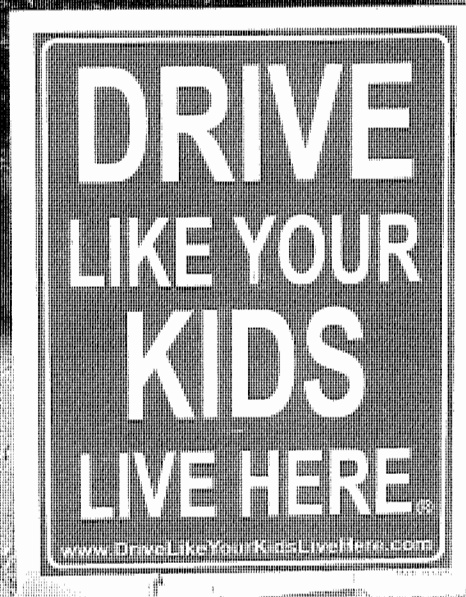


More of the traffic



EX B. PULL OUT CIRCUMSTANCE ON 100 BLOCK

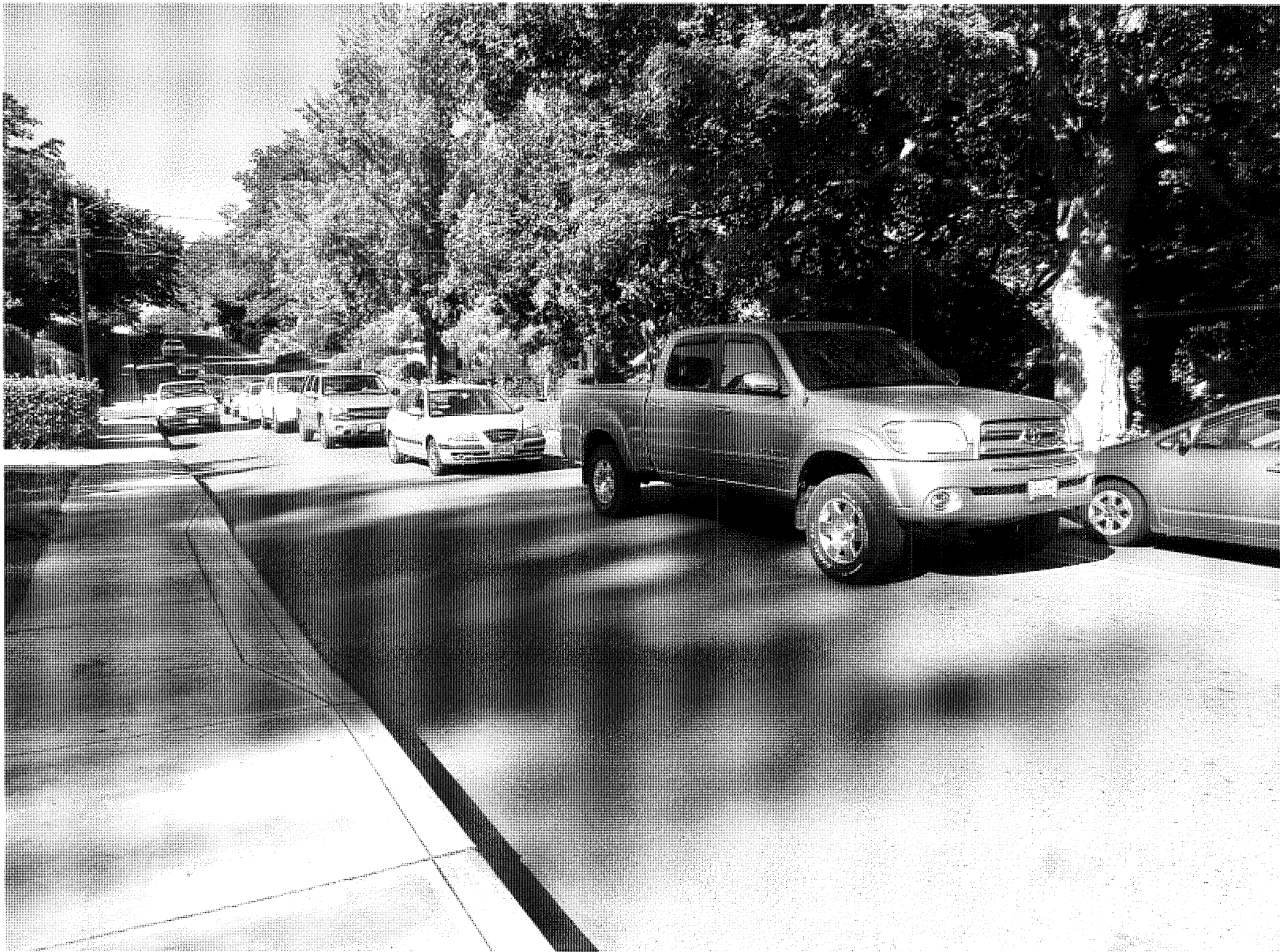




**DRIVE
LIKE YOUR
KIDS
LIVE HERE**

www.DriveLikeYourKidsLiveHere.com

EX B. TRAFFIC ON 600-700 BLOCK OF HIGH ST.





EN-B CUBBY ONE CAR USE OF DRIVEWAY - TOO BLOCK



EN B. COMMON 1 CAR USE OF DRIVEWAY - 700 BLOCK



CR-10

TRAFFIC AT THE INTERSECTION OF THE 700 BLOCK T MISSION



EX. B. TRAFFIC ON THE 100 BLOCK OF HIGH ST



LA 8 TRAFFIC ON MISSION AT HIGH



TRAFFIC
GOES UP THE
HILL



EX-B - TRAFFIC ON MISSION + HIGH BUMPER TO BUMPER TO 12TH



EN.B TRAFFIC 700 BLOCK OF HIGH ST + MISSION



EX-8. TRAFFIC AT HIGH T MISSION



EX. B TRAFFIC AT HIGH ON MISSION



020 725 HIGH ST



EX B - TRAFFIC WESTWARD AT 100 BLOCK OF HIGH T MISSION

HISTORIC PHOTO
ART GALLERY
BUSHY PARK



Sally Long

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Wednesday, August 01, 2018 4:17 PM
To: Sally Long
Subject: Additional Testimony CU-ADJ18-07
Attachments: Case No. CU-ADJ18-07 Additional Comments .pdf

For the proposes of a possible appeal, we add these additional comments into the record.

Thank you

Jon Christenson
Carlene Benson
wally Benson

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Friday, July 20, 2018 11:12 PM
To: Bryce Bishop
Cc: Lisa Anderson-Ogilvie
Subject: REQUEST FOR THE PUBLIC RECORD TO BE OPEN FOR A MINIMUM OF 7 DAYS TO EXAMINE THE MATERIALS SUBMITTED INTO THE PUBLIC RECORD FOLLOWING THE HEARING ON JULY 25, 2018 - CASE No. CU-ADJ18-07 for 725 High Street SE

RE: CASE No. CU-ADJ18-07

Dear Mr. Bishop (Bryce),

Presently the South Central Association of Neighbors (SCAN) Board of Directors may be revising Comments,

* following the submission by the Chair of the SCAN Land Use & Transportation Committee on July 6, 2018, review of the Committee Comments;

* a public meeting - open mutual meeting - of the SCAN Land Use & Transportation Committee with affected neighbors in Gaiety Hill and a representative of the owner of the property of 725 High Street SE at Pringle Community Hall;

* review of comments from 29 neighbors; and

* a work session by the SCAN Land Use & Transportation Committee on July 19, 2018.

I formally request, as a participant in the Case No. CU-ADJ18-07 Hearing proceedings, a minimum of 7 days as allowed under Oregon law ORS Chapter 197.763 (6) -- or longer, for the public record to remain open for a possible response -- the opportunity to review testimony and comments made at/entered into the record at the July 25, 2018, and to make additional Findings of Facts or Findings of Error in the Record, evidence, argument or comment.

Thank you.

Respectfully

Jon Christenson

Bryce Bishop

From: Jay Burr <jaybburr@gmail.com>
Sent: Monday, July 23, 2018 9:50 AM
To: Bryce Bishop
Subject: 725 High St. SE

My name is Jay Burr.

My wife, Nancy, and I live at 485 Leslie Street S.E.

I am writing in reference to Case no: CU-ADJ18-07 .

We have found that this neighborhood is a terrific place to live. Before moving here the longest I had ever lived in one house was 8 years, we have been at this house for 29 years. It is these characteristics that make this a great single family neighborhood but it would also make it an attractive area for VRBO homes. If the houses in this area start turning into these hotels it would destroy the character of this neighborhood. My wife and I are very much opposed to any change in city ordinances that would lead to this.

Sincerely,

Jay and Nancy Burr

Bryce Bishop

From: ashley carson cottingham <ashleybrey@gmail.com>
Sent: Tuesday, July 24, 2018 9:33 PM
To: Bryce Bishop
Subject: 725 High St. CASE NO: CU-ADJ18-07

To Whom It May Concern:

We respectfully request that the City of Salem Planning division deny the consolidated application for a Conditional Use Permit and Class 2 Adjustment to use the historic, single family home at 725 High Street SE as a short-term, non-owner occupied rental.

We moved to this neighborhood specifically due to its designation as an historic district. As home owners we are held to high standards in order to preserve the look and feel of the neighborhood. A short-term, non-owner occupied rental is not in alignment with the intent of an historic district designation.

We also have two small children and are concerned that additional vehicles and multiple occupants coming and going may pose safety issues to our children and other children in the neighborhood.

Thank you for your consideration of our comments.

Sincerely,
Ashley Carson Cottingham
755 High Street SE
Salem, OR 97301

--

"How far you go in life depends on your being tender with the young, compassionate with the aged, sympathetic with the striving, and tolerant of the weak and the strong -- because someday you will have been all of these."

George Washington Carver
US horticulturist (1864 - 1943)



July 25, 2018

City of Salem
Bryce Bishop
555 Liberty Street SE
Salem, Oregon 97301

Re: **Conditional Use & Class 2 Adjustment Application for 725 High Street SE**
Case No. CU-ADJ18-07

Dear Bryce,

Regarding the application for Conditional Use and Class 2 Application at 725 High Street SE, the SCAN Board offers the following comments and recommendations. This testimony comes from SCAN's Land Use & Transportation Committee which held a special meeting to hear from many Gaiety Hill neighbors. The neighbors were united in their opposition to the commercialization of their neighborhood, and many other concerns were expressed. After this special meeting of the Committee, the SCAN Board – by a vote of 17 in favor and none opposed – approved the below comments and recommendations.

The SCAN Board requests the Hearings Officer deny the proposed conditional use permit for short-term rental of 725 High St. SE.

The applicant has not met approval criteria (3): The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property, based on the following findings.

National Historic District Findings

The short-term rental use is a commercialization of a single family residence which conflicts with the expressed goal in the establishment of the residential Gaiety Hill/Bush's Pasture Park National Historic District – that “Gaiety Hill...provides the district with front line of defense against commercial encroachment...upon a distinctive intact residential neighborhood surrounding Bush's Pasture Park...”. (See *National Register* [“NR”] of *Historic Places – Gaiety Hill/Bush's Pasture Park Historic District*).

Commercial uses were specifically and intentionally excluded from the boundaries of the Gaiety Hill/Bush's Pasture Park National Historic District. “The boundaries of the...district were carefully drawn.” (NR). “A decision was made to exclude...properties primarily because of the intrusion of commercial uses.” (NR). Categories of uses within





Scan

South Central Association of Neighbors
Salem, Oregon

the District's carefully delineated boundaries were (a) museum; (b) park; (c) private residences; (d) religious; and (e) gardens. (NR). A specific use *not included* was commercial.

The District was created in 1986 by City Council after an extensive three-year review process to meet the standards of the State Historic Preservation Officer, the State Advisory Committee on Historic Preservation, and the U. S. National Park Service (Department of Interior, and the Keeper of the National Register of Historic Places). Properties were identified from the Statewide Inventory of Historic Sites and Buildings (1976); the Salem Landmarks Commission's Historic Salem: An Inventory of Historic Places (1984); historic resource inventories of the South Central Association of Neighbors (1983); and designated trees of the Salem Heritage Tree Program (1982).

"One of the primary benefits of National Register nomination is...to help stabilize a neighborhood, stimulate increased owner occupancy by making it a more distinct and desirable place to live...". (*State of Oregon Heritage Bulletin 6, June 2015, Planning a National Register Historic District, Oregon Parks and Recreation Department, see Oregon Heritage www.oregonheritage.org*). The proposed conditional use and class 2 adjustment does not stimulate increased owner occupancy or stabilize the neighborhood.

Overwhelming testimony from Gaiety Hill residents supports the finding and conclusion that commercialization of the property as a vacation short-term rental would not help to stabilize the neighborhood. Testimony finds the proposal undermines Gaiety Hill as a distinct and desirable place to live.

In addition to the Gaiety Hill testimony, there is broader concern about the impact of short term rentals. "Short-term rentals are not broadly in the public interest in cities," said David Wachsmuth, Assistant Professor of Urban Planning at McGill University (*see Nightly Business Report from July 4, 2018*). Evidence is that short-term rentals increase rental costs and decrease availability of affordable housing and standard long-term rental units in the marketplace. The proposal diminishes increased owner occupancy, "one of the primary benefits" of a National Register historic district nomination and designation.

The proposed conditional use is not compatible with and has unacceptable impact on the livability and appropriate development of Gaiety Hill as a residential National Historic District.

Livability Findings

The proposed conditional use cannot be found to be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.



South Central **SCAN** *Association of Neighbors*
Salem, Oregon

Short-term rentals are classified as commercial lodging. The applicant and staff report point to the superficial similarities of the proposed short-term rental to the surrounding single-family neighborhood. We believe this finding is in error.

"Livability" must be measured by the functionality of a neighborhood. Short-term renters come and go in quick succession without any involvement in the residential neighborhood. People living, sleeping, and eating in a house for a few days do not make neighbors. A single-family neighborhood of long-term owners and renters develops as a social and security network of neighbors helping neighbors; of neighbors watching out for each other's children and property. Neighbors do not speed in their own neighborhood. Neighbors volunteer to keep the streets and nearby parks clean; and to help the less-able maintain their property. As a result, neighborhoods become safer, friendlier, and more well-kept, which benefits all of the residents.

Every home converted to a short-term rental takes away a home for a neighbor, a potentially active community member, thereby eroding the ability of the neighborhood to serve those functions. As a result, the "livability" of the neighborhood declines. The loss of even one long-term neighbor impacts the Gaiety Hill neighborhood because it is a small, geographically defined neighborhood surrounded by commercial, public health, and public use zones.

SCAN requests the Hearings Officer accept these findings of fact and deny the conditional use permit.

Thank you for your consideration,

Jeff Schumacher
SCAN President, 2018-19

Bryce Bishop

From: Andrea Foust <andreafoust@gmail.com>
Sent: Wednesday, July 25, 2018 8:23 AM
To: Bryce Bishop; lesliestreet345@googlegroups.com
Subject: Public Comment: Response and Objections to CASE NO: CU-ADJ18-07
Attachments: Recommendation to Bd for 725 High St.docx; Mingo-CraigResponse_Case Number CU-ADJ18-07_071818.pdf

Dear Ms. Anderson-Ogilvie and Mr. Bishop,

I would like to update my previous letter regarding CASE NO: CU-ADJ18-07. My name is Andrea Foust and my daughter and I live at 565 Leslie St., SE. I am writing to state our continuing strong opposition to a conditional use permit for 725 High St. I join with my neighbors and their stated concerns and feel strongly that granting this conditional use permit would be extremely detrimental to our neighborhood. A non-owner occupied short term rental represents a commercialization of a single-family residence in one of only 2 residential historic districts in Salem, which provide a living and cherished anchor to Salem's past.

- I agree with the updated SCAN Board request that the Hearings Officer **deny the proposed conditional use permit for short-term rental of 725 High St. SE.** (the complete document is included as an attachment).
 - "The applicant has not met approval criteria (3): *The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property*, based on the following findings."
- I also agree with Kendra Mingo and David Craig and their email to you dated July 21, 2018 (their complete letter is attached to this email) where they stated:
 - 1) The opinion that the proposed commercial use "is similar to a residential use" is insufficient to justify the rezoning from residential to commercial use.
 - 2) While the staff report cites uses that "have generally been found to be reasonably compatible" in a RS zone, it does not address the exceptions or regulations of a Historic District overlay zone, nor does it address what is "compatible with and appropriate within the context" of a Historic District overlay zone. We contend that the applicants and the City must meet higher regulatory standards in order to rezone single-family residential dwellings to commercial use in a Historic District overlay zone.
 - 3) The applicants have not provided evidence (i.e., case studies, legal findings, precedence, testimony from residents of the historic district, etc.) that commercial use in a Single-Family Residential zone that is ALSO a City of Salem Historic District overlay zone fulfills and/or complies with applicable policies and regulations. 1,2,3,4
 - 4) The subject property is zoned RS (Single Family Residential) within a Historic District overlay zone. The SRC states that an overlay zone "establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone." The findings of this report regarding applicable Salem Revised Code approval criteria for the conditional use permit do not address or even mention the regulations addressing Historic District overlay zones, nor do they reference the incorporating documents that created and govern the Gaiety Hill/Bush's Pasture Park Historic District by the National Register of Historic Places in 1986.
 - 5) Summary: The staff recommendation and findings do not provide compelling, factual evidence that rezoning an existing single-family dwelling in a Historic District overlay zone listed on the National Register of Historic Places for commercial use is consistent with the policies and guidance in the Salem Area Comprehensive Policies Plan and the City's Historic Preservation ordinance (SRC Chapter 230).
- Looking to the future, the owner's of 725 do have other options available to them rather than operating this as a short-term rental that is non-owner occupied with conditional use permits and parking zone changes. Many homes in our historic district have been rented out on a long-term basis successfully, with residents who actively participate in the preservation of Salem's historic districts and the fabric of our community.

Thank you for your consideration.

Sincerely,
Andrea Foust and Madeleine Carlson

FOR THE MEETING OF: July 25, 2018

CASE NO: CU-ADJ18-07

ADDRESS: 725 High Street SE

ZIPCODE: 97301

HEARD BY: Salem Hearings Officer

CASE MANAGER: Bryce Bishop

SUBJECT: Public Comment: Response and Objections to Recommendations and Finding of Lisa Anderson-Ogilvie, Deputy Community Development Director and Planning Administrator regarding CASE NO: CU-ADJ18-07

Dear Ms. Anderson-Ogilvie and Mr. Bishop:

Our names are Kendra Mingo and David Craig, and we live at 445 Leslie Street SE.

RESPONSE for Public Record regarding CU-ADJ18-07: We respectfully object to the recommendations and findings regarding to CU-ADJ18-07. We renew our request that the City of Salem Planning Division deny the consolidated application for a Conditional Use Permit and Class 2 Adjustment as a short-term, non-owner occupied rental for up to six, non-related tenants because:

- 1) The opinion that the proposed commercial use "is similar to a residential use" is insufficient to justify the rezoning from residential to commercial use.
- 2) While the staff report cites uses that "have generally been found to be reasonably compatible" in a RS zone, it does not address the exceptions or regulations of a Historic District overlay zone, nor does it address what is "compatible with and appropriate within the context" of a Historic District overlay zone. We contend that the applicants and the City must meet higher regulatory standards in order to rezone single-family residential dwellings to commercial use in a Historic District overlay zone.
- 3) The applicants have not provided evidence (i.e., case studies, legal findings, precedence, testimony from residents of the historic district, etc.) that commercial use in a Single-Family Residential zone that is ALSO a City of Salem Historic District overlay zone fulfills and/or complies with applicable policies and regulations.1,2,3,4
- 4) The subject property is zoned RS (Single Family Residential) within a Historic District overlay zone. The SRC states that an overlay zone "establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone." The findings of this report regarding applicable Salem Revised Code approval criteria for the conditional use permit do not address or even mention the regulations addressing Historic District overlay zones, nor do they reference the incorporating documents that created and govern the Gaiety Hill/Bush's Pasture Park Historic District by the National Register of Historic Places in 1986.
- 5) Summary: The staff recommendation and findings do not provide compelling, factual evidence that rezoning an existing single-family dwelling in a Historic District overlay zone listed on the National Register of Historic Places for commercial use is consistent with the policies and guidance in the Salem Area Comprehensive Policies Plan and the City's Historic Preservation ordinance (SRC Chapter 230).

References to and comments on staff findings report:

Page 3: *"Based on these requirements, the proposed consolidated application is required to be reviewed by the Hearings Officer and processed as a Type III procedure."*

Procedural Objection: The application pertains to regulations of the Salem Revised Code that govern both a Single Family Residential Zone and ALSO a Historic District Overlay zone. Since this application pertains to two zone types with differing SRC standards, regulations, and policies, then we request that the Historic Landmarks Commission also review and render a decision on this application to conform to the judicial oversight required in a Type III procedure involving a property in a Historic District Overlay (SRC Section 300.100 – Procedural types). While the findings of this report discuss general zone regulations, they do not specifically address "additional regulations beyond the base zone to address specific community objectives" for Historic District overlay zones.

Page 5-6: *"While the proposed short-term rental is not a residential use where individuals reside on the property as their primary place of living, it is similar to a residential use in that it provides a place where living and sleeping accommodations are provided, albeit on a temporary basis, to persons for periods of less than 30 days."*

Objection/Rebuttal: The purpose of the consolidated application is to change the purpose of the dwelling from a single-family residence to commercial use. The opinion that the use "is similar to a residential use" is insufficient to justify the rezoning from residential to commercial use. One could apply the same claim to the Salem Grand Hotel whose use "is similar to a residential use in that it provides a place where living and sleeping recommendations are provided"; however, use that "is similar to residential use" is not sufficient to reclassify a hotel (whose purpose is clearly and primarily commercial) to residential use.

Further, one can just as easily assert that the intended use of the property is commercial, with the above phrasing defining a hotel: "a business establishment with direct contact with paying customers where living and sleeping accommodations are provided for travelers and tourists, on a temporary basis, to persons for periods of less than 30 days."

Page 6: *"Although a short-term rental is not classified as a residential use under UDC, short-term rentals and accessory short-term rentals are, along with a limited list of other non-residential uses, allowed in the RS zone because these uses have generally found to be reasonably compatible with and appropriate within the context of residential areas."*

Objection/Rebuttal: The staff report repeatedly states the above opinion above as support for the approval of consolidated application (See pages 5-6, 8, 8-9, 14, 15); however, this opinion is not consistent with the definition, purpose, and regulations of a single-family residential zone that is ALSO a Historic District overlay zone as specified by SRC Section 110.020⁴. While the staff report cites uses that "have generally been found to be reasonably compatible" in a RS zone, it does not address the exceptions or regulations of a Historic District overlay zone, nor does it address what is "compatible with and appropriate within the context" of a Historic District overlay zone. We contend that the applicants and the City must meet higher regulatory standards in order to rezone single-family residential dwellings to commercial use in a Historic District overlay zone.

Page 7: *"The majority of comments submitted express concerns about the conversion of the existing single family historic home with the Gaiety Hill/Bush's Pasture Park Historic District into a commercial*

use accommodating a non-owner occupied short-term rental and the negative effects it will have on the character of the surrounding neighborhood and the Historic District; thereby precluding the proposed use from conforming with the applicable conditional use permit and class 2 adjustment approval criteria."

Objection/Rebuttal: Our original comments submitted to Mr. Bryce Bishop on July 3, 2018 did not merely "express concerns about the conversion of the existing single family historic home with the Gaiety Hill/Bush's Pasture Park Historic District into a commercial use." Instead, we outlined how the application's purpose and rationale failed to comply with the policies and guidance in the Salem Area Comprehensive Policies Plan¹, the City's Historic Preservation ordinance (SRC Chapter 230)², other Oregon land use planning guiding documents³, or the sections of the Salem Revised Code governing zones and overlay zones (SRC Chapter 110, Section 020)⁴.

In order to meet the third criteria for a consolidated application for a Conditional Use Permit and Class to , then the owners of the property at 725 High Street SE need to demonstrate how their application will meet the four conditions of this criteria for both the RS and the Historic District overlay zones, namely that the application:

- 1) Be reasonably compatible **with the livability** of surrounding property;
- 2) Have minimal impact **on the livability** of surrounding property;
- 3) Be reasonably compatible **with the appropriate development** of surrounding property;
- 4) Have minimal impact **on the appropriate development** of surrounding property.

To do this, then the owners need to provide evidence (i.e., case studies, legal findings, testimony, precedence, etc.) that commercial use (i.e., hotel) in a Single-Family Residential Zone that is ALSO a City of Salem Historic District Overlay zone and recognized by the National Register of Historic Places:

- Preserves the historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use¹;
- Limits uses that conflict with the historic resource¹;
- Preserves significant properties in the Gaiety Hill Historic District²;
- Is consistent with the Salem Comprehensive Policies Plan³;
- Preserves assets of particular interest to the community, i.e., the Gaiety Hill Historic District³;
- Will have minimal adverse impact on abutting properties and the surrounding area of the historic district, taking into account location, size, design, and operation characteristics of the proposed use³;
- Is appropriate development and compliant with regulations of a Historic District Overlay zone⁴.

The stated intention that "the owners of the house and the Property Manager all hope to be engaged as residents in this neighborhood" is welcomed. However, intention of good will does not replace the burden of evidence (i.e., case studies, legal findings, testimony, etc.) of how the proposed commercial use addresses, fulfills, and/or complies with the Salem Area Comprehensive Policies Plan¹, the City's Historic Preservation ordinance², other Oregon land use planning guiding documents³, or sections of the Salem Revised Code governing zones and overlay zones⁴.

Page 12: *"The proposed use is allowed as a conditional use in the zone. Finding: The subject property at 725 High Street SE is zoned RS (Single Family Residential). Within the RS zone, short-term rentals are allowed as a conditional use pursuant to SRC 511.005(a). Table 511-1. Because short-term rental are specifically identified as being allowed as a conditional use with the RS zone, this criterion is met."*

Objection/Rebuttal: The subject property is zoned RS (Single Family Residential) **within a Historic District Overlay zone**. The Salem Revised Code states that an overlay zone *"establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone."* The findings addressing applicable Salem Revised Code approval criteria for the conditional use permit **do not address** or even mention the regulations addressing Historic District overlay zones **nor do they reference** the incorporating documents that created and govern the Gaiety Hill/Bush's Pasture Park Historic District by the National Register of Historic Places in 1986.

Thanks very much for considering our further testimony.

Sincerely,
Kendra Mingo and David Craig
Member of Gaiety Hill/Bush's Pasture Park Historic District
South Central Association of Neighbors (SCAN)
445 Leslie Street SE
Salem, OR 97301

References:

1. Salem Comprehensive Policies Plan. November 2015. Page 48.
<https://www.cityofsalem.net/CityDocuments/salem-area-comprehensive-policies-plan.pdf>

"The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource."

2. Salem Revised Code. Chapter 230. – Historic Preservation.
https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH230HIPR

The purpose of this chapter is to identify, designate, and preserve significant properties related to the community's prehistory and history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; encourage cultural heritage tourism; and promote the continued productive use of recognized resources, and to implement the policies contained in the Salem Area Comprehensive Plan for the preservation of historic resources.

3. Oregon Department of Land Conservation and Development. Pages 10-11
https://www.oregon.gov/LCD/docs/publications/introductory_guide_to_land_use_planning_in_oregon.pdf

Conditional use criteria also vary from city to city and county to county, but they are normally contained in the same section of the zoning ordinance as the conditional use review procedures. Typically, the criteria will provide that:

- a. The proposal be consistent with the comprehensive plan and the objectives of the zoning ordinance and other applicable policies of the city or county;*
 - b. The proposal have a minimal adverse impact on abutting properties and the surrounding area compared to the impact of development that is permitted outright, taking into account location, size, design, and operation characteristics of the proposed use;*
 - c. The proposal preserves assets of particular interest to the community; and*
 - d. The applicant has a bona fide intent and capability to develop, use the land as proposed and has some appropriate purpose for submitting the proposal.*
4. Salem Revised Code. Section 110.020 – Zones and overlay zones, generally.
https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH110GEZOPR_S110.020ZO0VZ0GE

Land in the City is zoned to provide areas suitable for certain types of development. Each zone provides a set of regulations governing the uses, lot size, building setbacks, height, and other development standards. Property may also be subject to an overlay zone. An overlay zone establishes additional regulations beyond the base zone to address specific community objectives. In some cases, an overlay zone may provide exceptions to or supersede the regulations of the base zone.

RECEIVED

JUL 24 2018

COMMUNITY DEVELOPMENT

July 24, 2018

Case Number: CU-ADJ18-07

Subject: Testimony Against

Gaiety Hill is a unique historic neighborhood struggling to keep its residential nature. It is constantly being encroached upon by nonresidential uses, such as those requested by Pensco Trust Company.

Pursuant to the Conditional Use and Adjustment requested under SRC240.005 (d), the proposed use would significantly increase the traffic on the already dangerously congested High Street. Not only would there be guests (who would be unfamiliar with traffic flow of this dangerous street) coming and going, but there would be cleaning services and an increase in maintenance vehicles required for such an enterprise. There are no conditions that could mitigate this dangerous safety issue. This is also not a minimal impact on the livability of surrounding property. As requested in the Adjustment an increase in the parking would only exacerbate this already dangerous situation. Cars would increasingly be backing out across, a heavily use sidewalk, onto the dangerous congested High Street. This would detract from the livability and appearance of the residential area and cause a cumulative effect that is not consistent with a residential zone.

In addition an increase of strangers, coming and going, who are unfamiliar with the needs and issues of our neighborhood, is an increased security issue for a community where the residents are familiar and look out for their neighbors. This is a cumulative and not reasonably compatible effect on the livability of the surrounding property and this residential zone.

It is unconscionable for the current residential property owners and residents to bear the inconvenience, the reduced security, the reduction in safety, and ultimately the financial burden of this ill-conceived enterprise.



William Vagt
690 Liberty St SE
Salem, OR 97301

RECEIVED

JUL 25 2018

WRITTEN COMMENTS FOR:

Conditional Use / Class 2 Adjustment Case No. CU-ADJ18-07

COMMUNITY DEVELOPMENT

FROM: Leonard P. Kelly
690 High Street SE
Salem, Oregon

TO: Salem Planning Division
Community Development Department
555 Liberty Street SE
Room 305
Salem, Oregon 97301

RE: Case No. CU-ADJ18-07 Hearing Scheduled for July 25, 2018

My name is Leonard Kelly and I live at 690 High Street SE, Salem, OR. Unfortunately, I will not be present at the hearing scheduled for July 25, 2018, at 5:30 PM in Council Chambers, Room 240, Civic Center, 555 Liberty Street Se, Salem Oregon 97301. I have a prior commitment which I could not avoid. In place of my presence, I am submitting the following comments.

I am writing this letter to protest the conditional use permit application for 725 High St., SE. This conditional permit is not in compliance with the conditions of the National Historic District guideline and intent of the District. It is not a compatible use within our District. It will also contribute to an already unsafe busy major route to Downtown with "out-of-towners" backing onto High Street causing more of a hazard.

I do not support any variance to allow four cars parking within the right of way.

I fully support SCAN's revised comments on the proposal in which it recommends denial of the conditional use as well as the adjustment for parking. I also support the other comments my neighbors have submitted, particularly the comments submitted by Kendra Mingo.

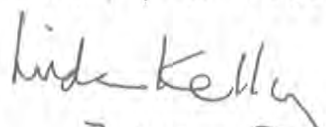
We are a residential neighborhood and do not want any commercial use within the Historic District.

I am surprised and disappointed and angry that the City Planning Staff made a recommendation without following the requirements and existing policies regarding National Historic Districts.

I am asking that this application for conditional use be Denied!

Respectfully,

Leonard Kelly

I concur with the above.

7.25.18

CU-APR18-07 Re: 725 High Street
FOR THE MEETING OF: July 25, 2018

CASE NO: CU-ADJ18-07

ADDRESS: 725 High Street SE

ZIPCODE: 97301

HEARD BY: Salem Hearings Officer

CASE MANAGER: Bryce Bishop

Dear Ms. Anderson-Ogilvie and Mr. Bishop:

cc Councilor Tom Andersen

RESPONSE for Public Record regarding CU-ADJ18-07: I respectfully object to the recommendations and findings regarding CU-ADJ18-07 and request that the City of Salem Planning Division deny the consolidated application for a Conditional Use Permit and Class 2 Adjustment as a short-term, non-owner occupied rental for up to six, non-related tenants.

As the former owner of 525 Leslie and a long-supporter of the historic district, I oppose the proposal to commercialize 725 High St.

Others have already addressed issues of:

- traffic and pedestrian safety
- congestion, already exacerbated by hospital expansion
- encroachment into the historic district
- and potentially setting a precedent that could damage the charm of the neighborhood and the value of nearby properties.

Those are all valid concerns and I concur.

But I also wonder whether the city is treating this new proposal differently –and not using the same rules applied to long-time homeowners, who have followed the regulations of the Historic Landmarks Commission and other city entities.

When I built a garage at 525 Leslie, I was required to hire an architect and appear before the Landmarks Commission, even tho my home was not “significant.” I made the modifications required before starting construction. I accepted that as the price and privilege of living in the Historic District.

During the years I was on the SCAN board, I saw homeowners being required to go thru the city’s processes—and change plans/rip out and replace inappropriate improvements, such as taking out vinyl windows and installing wooden ones.

Neighbors created the Bush’s Pasture Park/Gaiety Hill district to protect this beautiful oasis near downtown. It is part of the city’s charm to have well-kept (owner-occupied) historic homes so close to Bush Park, Deepwood and the art association. It makes the whole area walkable and attractive, which visitors can enjoy also.

Neighbors have made the commitment and kept it over the years, following city zoning, land use and landmark commission regulations.

Now the city needs to keep faith with residents who created and continue to maintain something of lasting value to Salem.

Please do not allow 725 High to become commercialized.

Carol Mitchell

1910 Saginaw 97302

Our names are Patricia Deminna and Roger Deminna, and we live at 635 Church St. SE.

Re: **Case Number CU-ADJ18-07**, we request the Hearings Officer deny the proposed conditional use permit of a short-term rental at 725 High St. SE. We respectfully submit that Criteria #2 and #3 have not been met.

We would like to address our testimony to the Staff's response to Public Comment (pgs. 8-9).

The Staff report describes the intent of the conditional use permit review process: that is, to give neighboring property owners the opportunity "to provide comments and identify additional conditions of approval to *help the use conform to the character* of a particular area and minimize potential impacts." In response to Public Comment, Staff has recommended placing limits and restrictions on the number of guests, the number of vehicles, the types of allowed activities, and the number of bookings. These conditions placed on short-term guests and their activities do not "*help the use conform to the character*" of the neighborhood. Commercial use of a home as a short-term rental, regardless of the conditions imposed, does not conform with the neighborhood's residential *character*, and is not reasonably compatible with "the livability...of surrounding property."

The *character* of our neighborhood – its identity, its distinctiveness, not solely its RS zoning – derives from its designation as a residential historic district in Salem. The intent of historic designation on the National Register of Historic Places was, and is, the historic district's preservation. Preservation of a residential historic district means to whatever extent possible, protecting it from encroaching commercialization and development. When Gaiety Hill/Bush's Pasture Park was listed on the National Register in 1986, the boundaries of the district were carefully drawn to exclude commercial enterprises, and "commerce" was excluded as a category of use within the district. A short-term rental, as an intrusion of commerce that removes from the neighborhood a residential dwelling, defies the intent of historic designation, which is to preserve and protect. Removal of residential housing stock by a short-term rental is incompatible with the livability – and by extension, the viability – of surrounding property because it would harm the neighborhood's *character* as a residential historic district.

Citing the Salem Area Comprehensive Plan and the City's Historic Preservation ordinance (Chapter 230), Staff report states that the proposed use as a short-term rental is consistent with the policies and purpose of the Plan and the ordinance. Chapter 230 cites as its purpose "to implement the policies contained in the Salem Area Comprehensive Plan for the preservation of historic resources." That goal of preservation, cited in the Plan, "is achieved by limiting those uses that conflict with the historic resource." Staff, however, finds that although the "proposed use is not strictly residential in naturethe general characteristics of the use are similar to those of a single family residence in that there are people living in the structure,

JUL 25 2018

RECEIVED

COMMUNITY DEVELOPMENT

albeit on a temporary basis.” Residential use is by definition long-term residency in the place you call home. Living in a *structure* on a short-term basis is not remotely residential use, nor does it fill a need in a residential zone. It’s commercial use on a temporary basis. It’s a use, as stated in the Comprehensive Plan, “that conflicts with the historic resource.”

In addressing impact on livability, Staff states that short-term renters “share similarities” with other families in the neighborhood, that they would “eat, sleep, work, stroll through Bush Park, and visit restaurants.” These broad “similarities” have no bearing on the proposed use being “reasonably compatible with” the livability of the neighborhood. Livability means a certain familiarity, engagement with the community, the ease and comfort of living next door to people you know. Livability means, by extension, viability over the long term. Short-term renters are not your neighbors next door.

Owner occupancy and long-term residency are what stabilize a neighborhood. Short-term rentals on the other hand, by their very nature, do not contribute to stability, nor to community engagement, or to long-term residency. They diminish the character and attractiveness of the neighborhood as a residential community, and they defy the intent of historic designation – to preserve and protect. Uses that conflict with the historic resource – commercial use of a single-family home – put an unreasonable burden on achieving historic preservation and are not reasonably compatible with the livability of our community.

Thank you for the opportunity to present our testimony.
Patricia and Roger Deminna

Resources cited above

Salem Comprehensive Policies Plan. November 2015. Page 48.

<https://www.cityofsalem.net/CityDocuments/salem-area-comprehensive-policies-plan.pdf>

“The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City’s land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource.”

Salem Revised Code. Chapter 230. – Historic Preservation.

https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH230HIPR

The purpose of this chapter is to identify, designate, and preserve significant properties related to the community's prehistory and history; encourage the rehabilitation and ongoing viability of historic buildings and structures; strengthen public support for historic preservation efforts within the community; foster civic pride; encourage cultural heritage tourism; and promote the continued productive use of recognized resources, and to implement the policies contained in the Salem Area Comprehensive Plan for the preservation of historic resources.

Sally Long

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Wednesday, August 01, 2018 4:24 PM
To: Sally Long
Subject: Testimony
Attachments: CU-ADJ18-07 New Evidence.docx

For the purposes of a possible appeal, we add the attached testimony

Jon Christenson
Carlene Benson
Wally Benson

Friends of Historic Salem

||

To: Amy Cook
Hearings Officer

Re: Conditional Use Permit for 725 High Street SE, Case No. CU-ADJ1807

Dear Ms. Cook,

I respectfully submit that Staff's Findings of Fact on the proposed Conditional Use are incomplete, that the proposed use does not comply with SRC 240.005(d)(3), and that such use is incompatible with the surrounding properties and with Gaiety Hill/Bush's Pasture Park, a National Historic District.

Upon examination of the Salem Comprehensive Policies Plan, Nov. 2015, I am submitting new evidence that supports denial of the approval for the conditional use permit. Based upon those findings, a conditional use permit for a short-term rental in a historic district in Salem need not, and should not, be governed by criteria that are applied to RS zones in general.

These findings are found in the Definitions of Special Resources and the Intent Statement regarding those Special Resources, which are set forth in the Salem Comprehensive Policies Plan, Nov. 2015.

The Plan lists and defines the eight Special Resources: Floodplains, Geologic Conditions, Soils, Aggregate Resources, Fish and Wildlife, Willamette River Greenway Boundary, Historic Resources, and Airspace Obstruction Limitations. (pgs. 12-13)

The Plan defines Historic Resources as follows: "Local historic resources include landmarks and districts on the National Historic Register and designated under the City's land development ordinances." (pg. 13)

I would like to emphasize that the definition of Historic Resource is not limited to structures. It clearly defines a district as a Historic Resource.

The Plan distinguishes the use of these Special Resources in the "Intent Statement." (pg. 12) The Intent Statement reads: "Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner."

I would further note that Historic Resources is the only Special Resource on the list of eight that includes residential land use. Historic districts defined as a Historic Resource are clearly distinguished from other residential land uses. I submit that Gaiety Hill/Bush's Pasture Park Historic District has "special conditions" that "need to be recognized in order to develop in a satisfactory manner."

This recognition of "special conditions" of historic districts, while not a zoning overlay, needs to govern decisions of appropriate development in historic districts.

In 1986 when our neighborhood was designated a Historic District on the National Register, the intent was “to preserve.” Our small size, our inner-city location, and our vulnerability to commercial encroachment make preservation of our residential historic district an ongoing challenge. I join with our neighbors, and with SCAN, in writing and in person, to again request denial of the conditional use permit that would allow one of our homes to be used as a short-term rental.

Respectfully,
Patricia Deminna

635 Church St. SE
Salem, OR 97301

Sources

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

Comprehensive Policies Plan, Nov. 2015

SPECIAL RESOURCE INFORMATION Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner. The following outlines sources of information on these special conditions and resources. (pg. 12)

Comprehensive Policies Plan, Nov. 2015

Historic Resources Local historic resources include landmarks and districts on the National Historic Register and designated under the City’s land development ordinances. (pg. 13)