

**RECOMMENDATION OF THE PLANNING COMMISSION
CODE AMENDMENT CASE NO. CA17-02**

WHEREAS, on January 10, 2017, amendments to the Salem Revised Code (SRC) were initiated by the Salem Planning Commission, which, with subsequent revisions made throughout the public outreach process, will allow non-profit shelters for victims of domestic violence with 10 or fewer people as a permitted use in residential and commercial zones, remove some siting requirements for domestic violence shelters in certain residential zones, and establish an off-street parking requirement for domestic violence shelters of one parking space per guest room or suite; and

WHEREAS, after due notice, a public hearing on the proposed code amendments was held before the Planning Commission on March 21, 2017, at which time witnesses were heard and testimony received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding, including the testimony presented at the hearing, and after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM,
OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated March 21, 2017, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, the Planning Commission
RECOMMENDS the City Council take the following action:

That the City Council accept first reading of an ordinance bill for the purpose of amending Salem Revised Code (SRC) Chapters 510, 511, 512, 513, 514, 515, 520, 521, 522, 523, 524, 551, and 806 to allow non-profit shelters for victims of domestic violence with 10 or fewer people as a permitted use in residential and commercial zones, remove some siting requirements for domestic violence shelters in certain residential zones, and establish an off-street parking requirement for domestic violence shelters of one parking space per guest room or suite.

PLANNING COMMISSION VOTE

YES 9 NO 0 ABSENT 0 ABSTAIN 0


Rich Fry, President
Salem Planning Commission

**NOTICE OF
RECOMMENDATION**

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


CITY OF SALEM
AT YOUR SERVICE

Pursuant to SRC 300.1110(i), the City Council may proceed with adoption of an ordinance, hold a public hearing to receive additional evidence and testimony, refer the proposal back to the Planning Commission for additional deliberation, or abandon the proposal.

The City Council will make a final decision on the proposal. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the mailing date of the Council decision.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Bryan Colbourne, Case Manager, at 503-540-2363 or bcolbourne@cityofsalem.net to review the case file.



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TO: PLANNING COMMISSION *LAD*
FROM: LISA ANDERSON-OGILVIE, AICP, PLANNING ADMINISTRATOR
SUBJECT: PROPOSED AMENDMENTS TO THE SALEM REVISED CODE TO
PERMIT NON-PROFIT SHELTERS FOR VICTIMS OF DOMESTIC
VIOLENCE WITH UP TO 10 PEOPLE IN RESIDENTIAL AND
COMMERCIAL ZONES AND AMEND SITING RESTRICTIONS AND
PARKING STANDARDS FOR DOMESTIC VIOLENCE SHELTERS (CA
17-02)

ISSUE:

Should the City amend Salem Revised Code (SRC) Chapters 510, 511, 512, 513, 514, 515, 520, 521, 522, 523, 524, 551, and 806 to allow non-profit shelters for victims of domestic violence with 10 or fewer people as a permitted use in residential and commercial zones, remove some siting requirements for domestic violence shelters in certain residential zones, and establish an off-street parking requirement for domestic violence shelters of one parking space per guest room or suite?

RECOMMENDATION:

Adopt the facts and findings of this staff report and recommend that the City Council accept first reading of an ordinance bill for the purpose of amending Salem Revised Code (SRC) Chapters 510, 511, 512, 513, 514, 515, 520, 521, 522, 523, 524, 551, and 806 to allow non-profit shelters for victims of domestic violence with 10 or fewer people as a permitted use in residential and commercial zones, remove some siting requirements for domestic violence shelters in certain residential zones, and establish an off-street parking requirement for domestic violence shelters of one parking space per guest room or suite.

SUMMARY AND BACKGROUND:

This code amendment changes how non-profit shelters for victims of domestic violence are allowed under the zoning code. Currently, domestic violence shelters are classified in the zoning code as "Non-Profit Shelters", which is a broad category that encompasses many different types of institutions and shelters, including homeless shelters. Therefore, non-profit shelters require a conditional use permit and public hearing process in order to locate in residential neighborhoods.

Domestic violence shelters typically appear just like a regular residential dwelling because their occupants are usually women and children trying to keep a low profile while re-establishing their lives so they can move on to more permanent living arrangements. In this way, domestic violence shelters are quite different from other types of non-profit shelters such as homeless shelters. The current requirement for a conditional use permit with public notice and a hearing results in the location of the shelter being disclosed to the public and defeats the purpose of these types of shelters to keep a safe low-profile location

for victims trying to flee from unsafe domestic situations. The proposed amendments will allow domestic violence shelters with 10 or fewer people to locate in residential and commercial zones as an outright permitted use, thereby avoiding the publicity of a conditional use permit hearing. The amendments also remove some siting restrictions for this type of shelter and establish an off-street parking standard specifically for domestic violence shelters of one parking space per guest room or suite.

On January 10, 2017, the Planning Commission adopted Resolution 17-01, initiating the proposed amendments to the Salem Revised Code. City staff conducted outreach with the neighborhood associations and received helpful input from a local operator of a domestic violence shelter, the Center for Hope and Safety, throughout January and February.

FACTS AND FINDINGS:

Procedural Findings

1. Under SRC 300.1100, legislative land use proceedings include proposals to amend the City's land use regulations and involve the creation, revision, or implementation of broad public policy generally affecting a large number of individual properties. The final decision in a legislative land use proceeding is an ordinance enacted by the City Council.

Under SRC 300.1110(a)(2), legislative land use proceedings may be initiated by the Planning Commission by adoption of a resolution. On January 10, 2017, the Planning Commission adopted Resolution 17-01, initiating the proposed amendment to the Salem Revised Code.

2. SRC 300.1110(e)(1)(A) requires that the City mail notice of the first evidentiary public hearing in a legislative land use proceeding not more than 40 days, but not less than 20 days prior to the first hearing. This notice was sent on March 1, 2017, in compliance with this requirement.

ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. This notice was sent on February 14, 2017, in compliance with this rule.

Proposed Code Amendments

1. Currently, shelters for victims of domestic violence are classified in the zoning code as "Non-Profit Shelters", which is a broad use category that includes many different types of institutions and shelters operated by non-profit organizations that provide overnight sleeping accommodations and temporary shelter for the homeless and other vulnerable populations. Non-profit shelters are allowed as a conditional use in low density residential zones (RA, RS, and RD), and are limited to five or fewer people. In higher density residential zones (RM-I, RM-II, and RH) and commercial zones, non-profit shelters serving five or fewer people are generally permitted outright and allowed as a conditional use when serving over five people. The proposed amendments will allow non-profit shelters specifically for victims of

domestic violence with 10 or fewer people as a permitted use in all residential zones, commercial zones, and the Industrial Commercial (IC) zone. This means that no conditional use permit hearing will be required for a domestic violence shelter with 10 or fewer people to locate in these zones. Any caretakers would not be counted toward the 10-person limit, although live-in caretakers are not typically needed for a domestic violence shelter. The requirements for all other non-profit shelters will remain unchanged. The 10-person limit is proposed for the following reasons:

- a) Shelters with up to 10 people meet the needs of the Center for Hope and Safety, a local domestic violence shelter operator familiar with demand for these services in the Salem area;
 - b) Domestic violence shelters typically serve both adults and children, and both adults and children are counted toward the 10-person limit (i.e. a woman and her three children staying at a shelter would count as four people). Therefore, domestic violence shelters with up to 10 people are likely comparable in neighborhood impact to other uses already permitted outright in single family zones that usually include just adult residents, such as a dwelling with up to seven unrelated adult roommates¹ or a residential home serving up to five disabled adults receiving care;
 - c) The residential building code classifies small domestic violence shelters as "lodging houses". Lodging houses with up to 10 residents and with no more than five guest rooms are treated similar to a single family dwelling, and are exempt from some of the more rigorous building and fire code requirements applicable to larger institutional buildings. This means that there is a financial incentive for small-scaled domestic violence shelters to keep a newly constructed facility at no more than 10 residents due to state building codes, regardless of the zoning rules.
2. The proposed amendments remove the current requirement that domestic violence shelters have frontage on an arterial or collector street in the RA and RS zones. This means that domestic violence shelters with 10 or fewer people will be allowed to locate on more secluded properties with only local street frontage in the interior of residential neighborhoods, consistent with their low-profile operating model.
 3. The minimum lot area required for a non-profit shelter in the RA, RS, and RD zones is currently 6,000 square feet and the maximum lot coverage standard is currently 35 percent. These requirements are more restrictive than the minimum lot area requirement of 4,000 square feet and maximum lot coverage standard of 60 percent currently applicable to single family dwellings in these zones. The proposed amendments will change the lot area and lot coverage standards for domestic violence shelters in the RA, RS, and RD zones to align with the less restrictive standards applicable to single family dwellings, based on the premise that domestic violence shelters are typically intended look just like a single family dwelling to blend into their neighborhood.

¹ A single family dwelling may contain up to five unrelated individuals meeting the definition of a "family". In addition, the taking of up to two boarders by a resident family is permitted within a single family dwelling in residential zones, for a total of seven unrelated individuals.

4. Salem Revised Code Chapter 806 sets forth minimum off-street parking requirements for different types of land uses so that needed parking for any one premises does not spill into the streets very much and negative impacts of parking on surrounding properties and neighborhoods is minimized. Chapter 806 requires non-profit shelters to provide one off-street parking space per every 350 square feet of building floor area. This floor area-based standard is a well-suited measure of parking need for institutional shelter buildings, which could possibly combine shelter facilities with administrative offices into one large facility.

A more appropriate approach for a smaller, neighborhood-scaled, domestic violence shelter is to base the parking standard on the number of guest rooms. This will more accurately reflect the number of potential guest vehicles that would need to be parked at the facility at any one time. The required off-street parking spaces could be located in a garage, carport, fully screened vehicle storage area, parking lot, or the driveway leading to one of these options, or possibly a more traditional parking lot.

Based on the feedback received from local domestic violence shelter operator, Center for Hope and Safety, in many cases, residents at these shelters do not have a vehicle and could use public transit or rely on vehicle rides from others. Therefore, the proposed off-street parking standard of one space per guest room or suite likely errs on the side of providing more than enough off-street parking for this type of land use. This ensures that potential impacts of parking on surrounding streets and neighbors is minimized.

5. The proposal amends various chapters of Title X (Zoning Code) of the Salem Revised Code. The following table outlines the specific amendments, grouped by zone district:

SRC Chapter & Title		Overview of Proposed Changes
510	RA – Residential Agriculture	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use. Removes the requirement that Domestic Violence Shelters to be located only on a collector or arterial street. Lowers the minimum lot area for Domestic Violence Shelters from 6,000 square feet to 4,000 square feet. Raises the maximum allowable lot coverage for Domestic Violence Shelters from 35% to 60%.
511	RS – Single Family Residential	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use. Removes the requirement that Domestic Violence Shelters to be located only on a collector or arterial street. Lowers the minimum lot area for Domestic Violence Shelters from 6,000 square feet to 4,000 square feet.

SRC Chapter & Title		Overview of Proposed Changes
		<ul style="list-style-type: none"> Raises the maximum allowable lot coverage for Domestic Violence Shelters from 35% to 60%.
512	RD – Duplex Residential	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use. Lowens the minimum lot area for Domestic Violence Shelters from 6,000 square feet to 4,000 square feet. Raises the maximum allowable lot coverage for Domestic Violence Shelters from 35% to 60%.
513	RM-I – Multiple Family Residential	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
514	RM-II – Multiple Family Residential	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
515	RH – High Rise Residential	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
520	CN – Neighborhood Commercial	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
521	CO – Commercial Office	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
522	CR – Retail Commercial	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
523	CG – General Commercial	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
524	CB – Central Business District	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
551	IC – Industrial Commercial	<ul style="list-style-type: none"> Domestic Violence Shelters with 10 or fewer people changed from conditional use to a permitted use.
806	Off-Street Parking, Loading, Driveways	<ul style="list-style-type: none"> Changes minimum off-street parking requirement for Domestic Violence Shelters from 1 space per 350 square feet to 1 space per guest room or suite

Testimony Received

City staff conducted outreach with neighborhood associations over the past several months. An email was sent to all neighborhood associations in December 2016, notifying them of the proposed amendments and offering for City staff to come speak with the neighborhoods and answer questions. Four neighborhoods invited City staff to come speak about the issue at their regular monthly meetings. Staff presented at South East

Salem Neighborhood Association (SESNA), Northeast Neighbors (NEN), South Central Association of Neighbors (SCAN), and Northeast Salem Community Association (NESCA). At these neighborhood presentations, City staff was joined by staff from the Center for Hope and Safety, who were able to answer questions about how domestic violence shelters operate.

SCAN, NEN, SESNA, and the East Lancaster Neighborhood Association (ELNA) submitted written comments in support of the proposal. All comments are attached to this staff report.

Changes were made to the draft ordinance throughout the public outreach period to arrive at the current proposal. Specific changes to the draft ordinance included the addition of the new parking requirement in February and the addition of the changed lot area and lot coverage standards and expanding the amendments to cover all residential and commercial zones in early March. In March, a memorandum was sent to all neighborhoods outlining contents of the latest draft of the proposed amendments, including the revisions that were made through the public outreach process. No additional comments were submitted regarding the revisions. No comments have been submitted by the general public.

Findings Addressing Approval Criteria

1. SRC 110.085 establishes the following approval criteria which must be met in order for a code amendment to be approved:

- a) The amendment is in the best interest of the public health, safety, and welfare of the City; and

Finding: Domestic violence shelters provide an essential service to the community by offering a place of refuge for victims of domestic violence. These shelters typically appear just like a regular residential dwelling because their occupants are usually women and children trying to keep a low profile while re-establishing their lives. The current requirement for a conditional use permit with public notice and a hearing results in the location of new shelters being disclosed to the public and defeats the purpose of these types of shelters to keep a safe low-profile location for victims trying to flee from unsafe domestic situations. The proposed amendments will allow domestic violence shelters with 10 or fewer people to locate in residential and commercial zones without a conditional use permit, thereby avoiding the publicity of a conditional use permit hearing. The amendments also provide more location options for these types of shelters by allowing them on local streets in residential neighborhoods and establishing a more appropriate off-street parking standard of one parking space per guest room or suite. In this way, the proposed amendments support the continued successful operation of domestic violence shelters in Salem and satisfies this criterion.

- b) The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.

Consistency with Salem Area Comprehensive Plan

SACP Section II (A)(3)(a), Residential Plan Map Designation

The criteria that will be used to develop an acceptable residential land use pattern will include the following: ... (e) The need to ensure opportunities for a variety of housing alternatives throughout the urban area.

Finding: The proposed amendments provide greater opportunities for domestic violence shelters to locate in residentially designated lands throughout the City. The criteria for acceptable land uses in the residential plan map designation include consideration of the needs for a variety of housing alternatives. Non-profit shelters for victims of domestic violence offer an important type of short term accommodations for a vulnerable segment of Salem's population. The proposed amendments will ensure the ongoing provision of this land use in residential areas, which is consistent with the stated criteria.

Consistency with Statewide Planning Goals

Goal 10 – Housing

To provide for the housing needs of citizens of the state.

And

Goal 11 – Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Finding: The proposed amendments provide new opportunities for domestic violence shelters to locate in residentially designated lands throughout the City, thereby providing both an important form of short term housing for a vulnerable segment of Salem's population and an essential community service. The proposal is consistent with the applicable Statewide Planning Goals.

Prepared by Bryan Colbourne, AICP, Planner III

