

Olivia Dias

From: SARAH OWENS <hlowens2@msn.com>
Sent: Friday, October 30, 2020 9:09 AM
To: Olivia Dias
Cc: Michael Livingston
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Thank you for the notice that Grant has chosen to appeal the Planning Commission's decision and will have a hearing before the City Council on November 23. Please accept this as public comment for that hearing.

The applicant made significant plan amendments in response to Grant's initial objections to the project, yet Grant remains opposed to this quality affordable housing project. Why? In its notice of appeal, Grant argues that,

1. the map/zone change is NOT "equally or better suited" for the property/zone,
2. public engagement was INSUFFICIENT,
3. the multifamily use will somehow INTERFERE with neighbors' ability get on the National Register of Historic Places,
4. multifamily housing in Grant will HARM Grant more than it will benefit the community,
5. Grant's neighborhood plan says zone changes like the one at issue should be DENIED.

We walk in SCAN, CANDO and Grant every day. The property at issue sits on the boundary between CANDO and Grant. We live on Winter, a couple of blocks from the property, and walk by it several times a week. To get there, we walk one block north on Cottage to D Street, past offices, single and multifamily dwellings, and a nursing home. At the end of the block, we have a single-family home to our left, the nursing home to our right, and Evergreen Baptist Church in front of us. From a neighborhood perspective, converting this mostly empty church property to multifamily housing makes total sense.

Grant argues that the project would create a zoning "donut hole" in the middle of RS, but, in fact, it would not, as we have described above. Grant's fixation on preventing a zoning change keeps them from seeing what a beautiful project DevNW is offering the community. All they can do is argue, basically, that once an area is designated RS, it should never be changed. Grant is just anti-zone change from RS.

DevNW had an open house on its first proposal, which was substantially similar to the second, presented to at least one Grant and one CANDO meeting, and at the June Council hearing on the federal grant approval for the project. Grant hasn't alleged and cannot show they were in any way prejudiced by there not being additional public process. This is a ridiculous claim.

Grant's claim that multifamily use would have an adverse impact on property eligible for historic register designation fails for the same reasons the argument failed in the *Gaeity Hill vs Airbnb* case — namely, it's the *physical structure*, not the use that's relevant to historic register designations.

Grant offers zero authority for its claim that regional and local needs and "public interest" *outside of Grant neighborhood* — the need for affordable housing, for example — can't be considered in a zone change proceeding. This is another ridiculous claim.

Obviously, Grant just doesn't want any more multifamily housing in the neighborhood. Salem has more than a thousand unsheltered individuals living in places unfit for human habitation, and Grant is saying, in essence, too bad. It's disgraceful. It's even more disgraceful that some on the City Council encouraged Grant to appeal by exhibiting clear bias against the project during the June hearing on the federal grant approval. See ["'Progressive' Council Snuffs Affordable Housing Project"](#) (29 June 2020, *CANDO Archive*). The Oregon Government Ethics Commission even found [probable cause to investigate Councilor Kaser's conduct](#) in that business as a possible violation of ORS 244.120(2). Salem simply cannot afford to lose this project, which is a distinct possibility if Council fails to get it right on November 23. If Council kills this project again, it will send a strong message to affordable housing developers everywhere, as well as the community, that Salem doesn't care about quality affordable housing.

The Planning Commission *unanimously* found that the applicant had met its burden of showing the project meets all the necessary criteria for the map/zone change. City Council should also.

Michael Livingston
Sarah Owens
CANDO

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Oregon

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Monday, June 29, 2020

'Progressive' Council Snuffs Affordable Hsg Project

By Sarah Owens and Michael Livingston



So much for Salem's commitment to affordable housing.

The plan was to purchase Evergreen Presbyterian Church and turn it into 14 units of low-income housing with on-site management and support. Project description in the [2020-2021 Action Plan](#) at 15. *Salem Breakfast on Bikes* wrote about the plan back in [May](#).

The property sits on D Street, right at CANDO's edge, just inside the Grant

neighborhood.

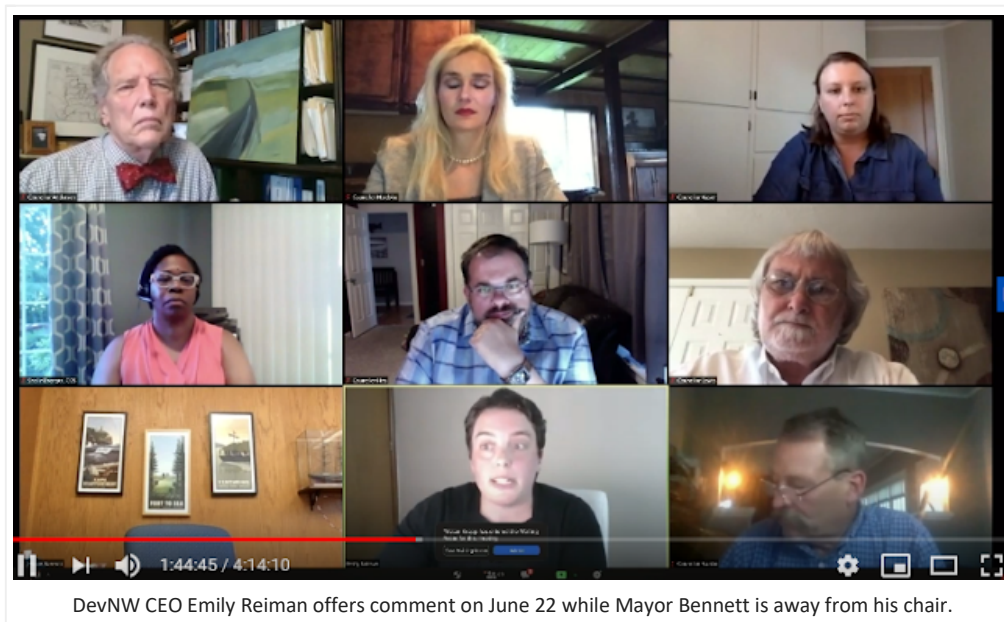
The Church has outgrown the space and is looking to move. It's not the first time Grant has felt one of its church's growing pains. See, e.g., Loew, T. "[A mega church is buying up a Salem neighborhood. Here's why.](#)" (19 August 2019, *Statesman Journal*.) ("Salem Alliance Church owns 31 properties, worth \$22.7 million, comprising part or all of eight blocks in the Grant neighborhood, north of downtown.")

Staff recommendation to Council was for the City to underwrite the purchase of the property using about \$400K in federal HOME Investment Partnership Program (HOME) funds. The developer, [DevNW](#), is Salem's only Community Housing Development Organization ([CHDO](#)) (pronounced "choh-doh"). Federal regulations require that at least 15% of the City's HOME funds be set aside for eligible CHDO activities. DevNW and the City spent many months looking for an appropriate project before deciding on the Evergreen Church location, and the project has been deemed eligible in all aspects.

With advice from City staff, DevNW is seeking to rezone the church property from RS (Single Family) to CO (Commercial Office), to allow it to use the manse as office space. DevNW currently rents an office in CANDO at 437 Union Street NE. The rezoning application is currently scheduled to go before the Planning Commission on July 21, 2020, but Council recent actions may change that.

Notwithstanding all the above, in a [June 17, 2020 letter](#) to Council, and in public comments on June 22, the Grant Land Use Committee chair asked Council to withhold funding for the project in order to prevent DevNW from attempting to rezone the property, which the Grant neighborhood believes would constitute a further "chipping away at [the neighborhood's] character", according to the letter.

During the public hearing on the Consolidated Plan/2020-2021 Annual Action Plan, DevNW CEO Emily Reiman gave a brief overview of the project and offered to answer questions.



Council Deliberates Rezoning

As Councilor Nanke would later comment, the Grant neighborhood's request that Council withhold funding for the DevNW project because of the rezoning issue was "kind of weird, in that it's throwing a land-use decision before it's been done into a Consolidated Plan."

Councilor Hoy asked Reiman about the need to convert the manse into an office, saying "seems like a real waste" given Salem's need for housing. Reiman responded that the exterior of the manse and grounds would be preserved, and that communities generally see on-site services and management "as a positive" because "we have eyes on the project, and the people living there have ready access to services", adding "that's our preference because that's what we think will provide the best experience for low-income families."

Mayor Bennett asked Reiman if she had been "informed of Council's long-term neighborhood and Council policy relative to bringing commercial office into that sort of historic older neighborhood." Reiman responded that her director of development could speak to that, but she was on vacation, however, the decision to seek the CO rezone "was made in partnership with City staff." Bennett shot back, saying, "I'm talking about the neighborhood. City staff is City staff. They do their own thing. I'm talking about the neighborhood...Did you understand how profoundly concerned they are about the changing character of that neighborhood?"

Reiman said, basically, yes, that's why DevNW was committed to preserving the manse exterior, but Bennett was dismissive, saying "The interior is an office and lobby center or something like that?" Reiman told him that DevNW offered a range of financial literacy classes and counseling, home-ownership classes and counseling, and credit-building services. Bennett asked, "Would you be entertaining legislators there, as part of a lobby effort?" Reiman replied that DevNW does engage in housing advocacy, is occasionally called to offer expert testimony at the legislature, and participates in meetings at the Oregon Department of Housing and Community Services, but those activities amount to <1% of what they do.

Bennett wanted to know if she had "researched alternative office locations nearby, in a commercial office area already." Reiman replied that their office was about four blocks away, and reiterated that "most people feel more comfortable about an affordable housing development when the property management and the owner are on site."

Councilor Kaser also asked why DevNW wanted its office on site, "and not someplace else." Reiman reiterated the importance of onsite management and services, and DevNW's commitment to encouraging property ownership, saying they'd been looking for several years for a housing project that would allow DevNW to own its own office, "and have deeper roots in the Salem community."

Kaser asked Reiman if DevNW had "pursued other zoning" like RM1 or RM2, and what the "long-term impacts" of a CO rezone "would be to the neighborhood, in terms of changing its character." Kaser said she thought DevNW wasn't willing to compromise "because you need the office." She said, "that's very concerning. It's very concerning to be using this [HOME Investment Partnership] money to build a permanent office space for you." (As noted above, the project was eligible in all aspects.)

Council also heard from Eric Bradfield, who, along with Sam Skillern, co-chairs the Grant neighborhood association. Bradfield said he lives at 934 Cottage Street NE, "just across the street from Evergreen Church and parsonage", and was "here to represent my household this evening." "The most contentious part of the project is the need for a zone and Comprehensive Plan change", he said, before arguing that Council should withhold funding for the project in order to prevent the rezone.

After a few more questions, Bennett moved to approve the Con Plan/2020-2021 Action Plan without the award to DevNW. "This one needs to go back to the drawing board, clearly" because DevNW was "unwilling to walk away from having commercial office space and plans to proceed" with the rezoning. "And I just don't want to start down that road, so I'm making the motion to just pull them out of this package. Maybe they'll rethink it." Kaser said she "completely agree[d]"

with Bennett, and that DevNW needed to look for "an area that would be compatible."

Councilor Ausec said he would not support removing the DevNW award because he thought the project was compatible with the neighborhood, comparable to the activities of the church, and noted that the Comprehensive plan had been amended numerous times. See [Comprehensive Plan](#) (adopted 1992, amended 1997, 2000, 2002, 2003, 2004, 2005, 2009, 2x in 2009, 2x in 2013, 2015) and [Grant Neighborhood Plan](#) (adopted by Grant 1979, revised 1983, adopted by City Council with exceptions 1983).

Bennett's motion passed 7-1, with Ausec voting no. Councilor Leung did not vote or participate in the discussion, having declared a conflict because she participates in a DevNW savings program.

Why Council Got it Wrong

There's a great deal not to like about this decision, but let's start with the result. This is what Jimmy Jones, Executive Director of the Mid-Willamette Valley Community Action Agency, had to say about Council's decision to eliminate the DevNW project from the 2020-2021 Action Plan:

It was unfortunate that DevNW's project wasn't approved. The community is in desperate need of affordable housing. Our limited rental stock and low vacancy rates, and high rental prices, are in large part the result of a lack of development in Salem and the surrounding communities going back to the recession of 2009. We've struggled as a community to attract affordable housing development to this area, and we are close to \$1 billion short in new development from meeting the affordable housing need. So every single unit matters. I hope that DevNW isn't discouraged, and continues to pursue the project. There's a way to do this that makes sure the community gets the project, that the neighborhood wishes are respected, and the best practice model of having onsite property management in these low-income housing models is in place.

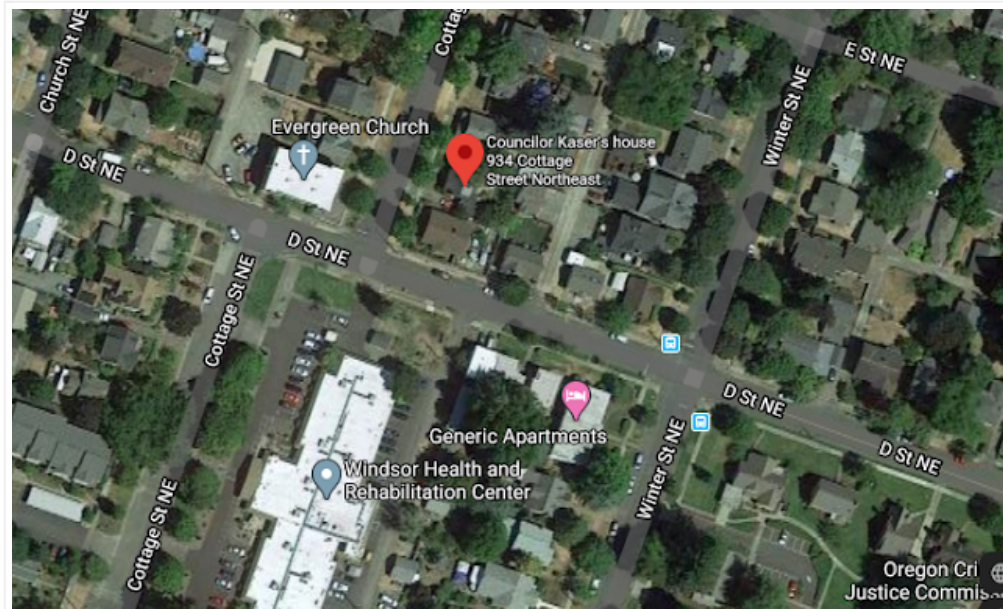
More concerning was the apparent lack of understanding of the Urban Renewal federal housing programs. It appeared that the Council came to the conclusion that there was very little post-award public process and oversight by the City of Salem with any development project financed by federal dollars, which is simply not the case. The City retains oversight over those dollars after they are awarded and has to sign off on project plans at critical junctures in the development process. I have worked with the City very closely on these projects for several years, and they do a good job of making sure everyone is held to account.

Now let's turn to the process. It wasn't just "kind of weird" for Council to decide a pending zoning (land-use) matter before it even went to the Planning Commission, it was wrong.

The issue before Council was whether or not to approve staff recommendation and adopt the Consolidated and 2020-2021 Action Plan. Any decisions to withhold a federal grant for an eligible project for which there is adequate funding *must be* demonstrably unbiased and non-arbitrary.

This is especially true when the applicant is the area's only recognized CHDO and the award is within the federally mandated set-aside. Council's decision fails this test.

First, at no point before, during, or after the public hearing did Councilor Kaser state for the record that she is married to Bradfield, and, with him, owns and occupies the house directly across from the property in question (see map below).



We asked her why she didn't disclose the information or declare a conflict. This was her response:

Per City and State ethics rules, even though I own property across the street from this site, I don't have an actual or potential conflict of interest for this specific legislative decision because a single pecuniary, or material, tangible "benefit" or "detriment" to myself or any family member is not known and speculative at best.

But it's not at all clear that Council's decision was "legislative." Decisions whether to grant or withhold HOME funds are governed by § 92.356 of the Code of Federal Regulations (among others). Even if Kaser was correct that she wasn't bound to reveal her interests by Salem Revised Code, Title 1, Chapter 12 (City ethics rules), Oregon Revised Statutes, Chapter 244 (State ethics rules), she should have considered her obligations under the applicable Federal rules. When she was asked whether she had, she declined to comment. Bradfield, Kaser's husband, argued Council should not fund the DevNW project on behalf of "my household." He did not declare Kaser to be a member of that household, and neither did Kaser. At a minimum, there is the appearance of a conflict of interest.

Second, Council's decision was in the nature of a land-use decision, rather than a legislative decision, as Councilor Kaser would have it. Land-use decisions must be on the record *in the land use proceeding*, and untainted by *ex parte* contacts and conflicts of interest. They also require that interested parties be afforded notice and an opportunity to be heard. Council's decision fails all aspects of this test.

City Councilors knew DevNW's rezone request would be at the Planning Commission July 21, because City Attorney Dan Atchison told them so during the public hearing. Council deliberately withheld funding for an eligible project in order to prevent the developer from pursuing the rezone -- a process it was legally entitled to pursue -- *because they disapproved of the zoning change and wanted to circumvent the land use proceeding*. In essence, Council's decision was a land-use decision, even though it was not properly before them, was not free from the taint of *ex parte* contacts and **conflicts of interest**, and violated DevNW's right to due process before an impartial tribunal.

Given the obvious impropriety of Council's actions and the prejudice to DevNW, one has to ask where was the City Attorney? Was he taking advantage of the virtual meeting format to play Minecraft, or catch up on other work? It is a mystery the answer to which may never be known, but one thing we do know. He should have stopped Council at the very outset and informed them they could not withhold HOME funds for an eligible project except for a *legitimate* reason, which they didn't have. He also should have told them that DevNW had every right to seek the rezone, and, as it was a land-use matter, Council should keep their views to themselves and not discuss it unless and until the matter came before Council in due course.

Fortunately for Salem, DevNW plans to appeal Council's daft decision. This is not the first time the City's been in hot water over conflicts of interest in how it makes federal funding decisions. See Brynelson, T. "**City commission derailed over potential conflicts of interest**." *Salem Reporter*, 16 November 2018; Bach, J. "**Salem development commission may disband after feds raise ethics concerns**", *Statesman Journal*, 20 December 2018. And it probably won't be the last, given the astounding ignorance displayed during the public hearing.

And then there's the hypocrisy. None of those Black Lives Matter speeches (Andersen, Nordyke, Hoy, Kaser) decrying the "**crushing weight that 400 years of institutional, systemic, and personal racism has [had] on people of color**" mean a damn thing when the same so-called "progressive voices" aren't willing to do more than advocate for change. The first opportunity they had to *actually vote* against their privileged class interests in favor of housing and services for low-income families, what did they do? They voted with the NIMBYs to maintain the *status quo*. So predictable. And so Salem.

6/29/20 update: the July 21 hearing has been postponed at DevNW's request. They will now be seeking a zone change to RH (multifamily high rise residential) with proposed conditions and submit Site Plan Review and Design Review applications, to be consolidated with the zone change request. The new design eliminates the onsite management/services, adds 7 units (for a total of 21), and will require additional HOME funds. DevNW will present details of the new plan at CANDO's virtual meeting on July 21st. There will also be a presentation on the YMCA's veteran housing project.

7/8/20 update: see Harrell, S. "**Why Salem City Council nixed an affordable housing development over an office space**." (8 July 2020, Salem Reporter.) In other developments, the City has agreed to reserve the funds set aside for the Evergreen Project pending approval of the new design plan or new project plan, obviating the need for an appeal.

8/6/20 update: the minutes of the May meeting of the Grant neighborhood association -- just published -- state with reference to the Evergreen Church project, "Cara [Kaser] stated that she will recuse herself from any involvement by City Council in this process and will assist the neighborhood in its response to the land use process."

9/15/20 update: [Staff Report](#) recommended approval of zoning change and new plans. The September 21 hearing was postponed at DevNW's request. "[Grant NA Still Opposes Affordable Housing in Church Project](#)" (14 September 2020, *Salem Breakfast on Bikes*) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") See also "[Incumbency Privilege in the Historic Preservation Plan at Council Monday](#)" (10 July 2020, *Salem Breakfast on Bikes*).

9/21/21 update: Oregon Government Ethics Commission found probable cause to investigate Councilor Kaser's conduct in this matter as possible violation of ORS 244.120(2).

10/6/20 update: Planning Commission unanimously approved staff recommendation as modified, except for condition 8 (trees). See "[Affordable Housing Project in 1928 German Baptist Church to Try Again at Postponed Hearing](#)." (4 October 2020, *Salem Breakfast on Bikes*.)

10/26/20 update: Grant neighborhood association [appealed the Planning Commission's approval of the DevNW project](#). City Council to hear the appeal rather than the hearings officer. See "[City Council, October 26th - German Baptist Church Decision](#)." (25 October 2020, *Salem Breakfast on Bikes*.)

Labels: [DevNW](#), [follow the money](#)

3 comments:



Unknown July 5, 2020 at 7:43 AM

Thank you, Sarah and Michael, for burrowing down into the details of this most complex council action. While I am a strong supporter of preserving housing stock in Salem, I am also an "i" dotter and "t" crosser when it comes to following rules. Confabulating future land use rules with a federal grant funding decision may be a wise preemptive effort on the part of the Grant NA, but the implications for future city-wide Salem housing stock is serious. Again, thank you for the information. Thank you for describing the potential long term unintended consequences of the June 17th Council decision.

[Reply](#)



Mark DeCoursey September 30, 2020 at 6:14 PM

Look at this analysis of student demographics at the Grant School (<https://www.greatschools.org/oregon/salem/1042-Grant-Community-School/>).

Grant Neighborhood already has a nice mix of races and cultures. According to GreatSchools.org, Grant Community Elementary School student population is

40% European,
 52% Hispanic,
 3% mixed race, and
 2% African American. (Exhibit D)

Also note on that page, 75% of the students come from Low Income households.

As eager as you seem to be to find racism and classism, you will have to look somewhere else. This is not the neighborhood problem you are looking for. And next time, please look before slinging your invective.

[Reply](#)

Replies



Sarah Owens **October 1, 2020 at 5:31 AM**

Hey there Mark DeCoursey,

Normally, I would start by thanking you for reading the post, but it doesn't look like you did that. Maybe you meant to post on this blog? "Grant NA Still Opposes Affordable Housing in Church Project" (14 September 2020, Salem Breakfast on Bikes) ("On the whole the Neighborhood's opposition to the proposal, framed as an "existential threat to the existing neighborhood," is exaggerated, and the result is a NIMBY move to preserve incumbency privilege.") I will thank you for prompting us to update the post with the latest on the project, however.

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January 2019 Revision

The CANDO Archive was revised substantially in December 2018 and January 2019 to update links, add labels to facilitate searching, correct formatting, and remove outdated information. Sarah Owens and Michael Livingston

Old City Records

The CANDO Archive contains links that broke when the City "turned off" its old website on February 6, 2019. The linked documents can still be obtained through a public records request. It will help to submit a copy of the link with the request.

City Recorder: cityrecorder@cityofsalem.net

City Recorder: 503-588-6097

Make a public records request [here](#)

Disclaimer

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OREGON GOVERNMENT ETHICS COMMISSION
EXECUTIVE SESSION AGENDA

September 18, 2020

[To consider Preliminary Reviews pursuant to ORS 244.260(4)(d)].

Item Page

EXECUTIVE SESSION CONSENT CALENDAR

Reports of Preliminary Review

(all items removed from consent calendar for discussion)

End of Executive Session Consent Calendar

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Own Motion Preliminary Reviews

None.

Other Items (non-action informational only items)

None.

RECONVENE REGULAR OPEN SESSION

Olivia Dias

From: SARAH OWENS <hlowens2@msn.com>
Sent: Tuesday, November 3, 2020 7:20 AM
To: Olivia Dias
Cc: CanDo Board
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

In light of Grant's decision to appeal the Planning Commission's decision and the fact that there will now be a hearing before the City Council on November 23, CANDO would like to re-submit its comment on the project as public comment for that hearing:

Comment from CANDO:

CANDO supports approval of the proposed affordable housing project, per the vote at the July 2020 meeting.

From the July minutes:

The board heard a presentation by DevNW CEO Erin Dey and Emily Reiman, Director of Real Estate Development, on the revised plan to develop the Evergreen Presbyterian Church property at the corner of D and Cottage Streets, border of CANDO and Grant, inside Grant. The property is on the market because of the prohibitive cost of making the church building ADA-accessible and other needed upgrades. The basic plan is to provide ~20 smallish (studio/1BR) units of affordable housing while maintaining the building exteriors as conditions of approval of any rezone, except as needed to comply with ADA/safety standards (a rezone of the property is needed). Funding sources require affordable rents be maintained for a minimum of 20 years. DevNW currently rents an office in CANDO at 437 Union Street NE. DevNW is recognized by the City of Salem as a Community Housing Development Organization. A 3d-party traffic study concluded the development will not increase traffic. The original plan was to convert the manse/parsonage into an office for DevNW. The plan was revised in response to objections from the Grant neighborhood association board (GNA) and the City Council. GNA indicated at its July 9 meeting that it will oppose the revised plan as well.

All board members present reside within a few blocks of the proposed development. Comments included concerns that GNA still opposes the project, and that the GNA isn't representative of the neighborhood feeling on the project. Rebekah Engle stated that all the people she knows in the area directly around her apartment building are very supportive of the project. The board recognized the acute need in the neighborhood for smaller (studio/1BR) residential units.

Sarah Owens
CANDO Secretary/Treasurer

Olivia Dias

From: Brittany Truehitt <brittanytruehitt@gmail.com>
Sent: Monday, November 2, 2020 11:17 AM
To: Olivia Dias
Subject: Affordable housing

I just wanted to send in my support for the push for affordable housing that is currently on the table. I know there has been some vocal pushback but I'm confident that's due to wannabe elites who want to complain about our homeless neighbors while simultaneously throwing up roadblocks to granting easier access to housing. I know it has been an ongoing issue and I hope it will soon be resolved in the favor of constructing more units. Thank you for your time.

Brittany Truehitt
(469)-237-9848

Olivia Dias

From: SARAH OWENS <HLOWENS2@msn.com>
Sent: Friday, November 13, 2020 8:27 AM
To: Olivia Dias
Cc: CanDo Board
Subject: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE
Attachments: OGEC-Kaser Stip Agrmt 10-23-20.pdf

Please accept as public comment in the referenced matter the attached agreement between former Councilor Cara Kaser and the Oregon Government Ethics Commission, dated October 23, 2020, in which she agreed she'd violated ORS 244.120(2) by failing to disclose that she lived across the street from the subject property when the proposed development was before Council on an application for the City's HOME funds. She also failed to disclose that she was married to the neighborhood association officer who testified against the development. She was instrumental in persuading the Council not to approve the funding award, even though the project was eligible.

Kaser's conduct with regard to the proposed development has, I believe, tainted the approval process and unfairly prejudiced the City Council against it. To be explicit, I believe Council has already shown bias against the project, and I am concerned that they cannot be objective in determining whether the applicant has met its burden of proof in showing that the project meets all approval criteria. Nevertheless, I hope Council will overcome its bias and approve this much needed housing development for the good of the City.

Sarah Owens
CANDO

BEFORE THE OREGON GOVERNMENT ETHICS COMMISSION

In the Matter of)	
)	STIPULATED FINAL ORDER
)	
Cara Kaser)	CASE NO. 20-168ELC
)	
_____)	

1. PURPOSE: The purpose of this stipulated final order is to settle any and all claims, allegations and charges by the Oregon Government Ethics Commission (Commission) in the above referenced case against Cara Kaser.

2. JURISDICTION: At all material times, Cara Kaser was a City Council member with the City of Salem City Council (City Council). As a City Council member, Cara Kaser was a public official subject to the jurisdiction of the Commission pursuant to ORS Chapter 244.

3. STIPULATED FACTS:
 - A. Ms. Kaser is a city councilor in Salem, Oregon. She is serving in her fourth year as a city councilor and was elected to the position in 2016.

 - B. In June, 2020, Ms. Kaser participated in a City Council meeting in which the decision to approve the 2020-2024 Consolidated Plan to award and deny federal US Department of Housing and Urban Development "HOME" funds to multiple organizations. This decision specified the awarding of funds to multiple organizations and the denial of funds to one organization, DevNW.

 - C. Specifically, the funds denied to DevNW were for "acquisition and conversion of an existing church and parsonage for up to 14 affordable

housing units and office space for” DevNW for a potential project that would be located on real property at 905/925 Cottage Street NE in Salem, Oregon.

- D. Ms. Kaser owns and resides at real property located at 934 Cottage Street NE in Salem, Oregon, which is located across the street from the property DevNW wished to develop. The property is currently owned by Evergreen Presbyterian Church.
- E. Ms. Kaser, upon learning of the upcoming decision regarding the 2020-24 Consolidated Plan to award and deny federal HOME funds consulted with the city attorney about potential conflicts of interest prior to the June City Council meeting. The city attorney advised Ms. Kaser that a decision which might involve a conflict of interest would be many months removed from any potential land-use decision affecting the Evergreen Presbyterian Church property and that the legislative decision at issue would not result in any direct action being taken on that property.
- F. Ms. Kaser, acting in good faith and on the opinion of the city attorney and her own understanding, did not disclose that she owned and resided at property located across the street from the proposed DevNW property, currently owned by Evergreen Presbyterian Church, during the June 22, 2020 City Council meeting. Ms. Kaser voted on the Consolidated Plan which, in part, denied funds to DevNW for the property located at 905/925 Cottage St NE in Salem, Oregon at that meeting.
- G. Actual and potential conflicts of interest are defined in ORS 244.020(1) and (13), respectively, as arising when a public official, acting in his or her official capacity, participates in any action, decision, or recommendation, the effect of which would be (actual) or could be (potential) to the private pecuniary benefit or detriment of the public official, a relative, or any business with which the public official or a relative is associated.

- H. Cara Kaser was met with a potential conflict of interest while serving in her official capacity as a City Councilor at the June 22, 2020 City Council meeting when the Consolidated Plan was discussed and acted upon, as described in paragraphs (B) through (E), above.
- I. ORS 244.120(2)(a) requires an elected official, when met with a potential conflict of interest, to announce publicly the nature of the potential conflict prior to taking any action thereon in the capacity of a public official. Ms. Kaser did not announce the conflict at the June 22, 2020 City Council meeting.
- J. The actions described in paragraph 3(B), (E) and (F) constitute one violation of ORS 244.120(2).
- K. ORS 244.350 authorizes the Commission to assess civil penalties for violations of ORS 244.120 set forth in paragraph 3(I).
- L. The Commission contends that results of the investigation, if submitted through exhibits and testimony at a contested case hearing, would establish a preponderance of evidence in support of a post-hearing order to find one violation of ORS 244.120(2)(a).

4. TERMS OF SETTLEMENT:

The parties agree as follows:

- A. On September 18, 2020, the Commission considered information in the preliminary review phase of Case No. 20-168ELC and acted to find cause to initiate an investigation of this matter. Cara Kaser has indicated that she wishes to conclude this matter by agreeing to the terms and conditions in this order without completing the investigative phase.

- B. Cara Kaser will receive a letter of education, as authorized by ORS 244.350(5), in order to settle and compromise this matter.
- C. The Commission releases, settles and compromises any and all claims, which have been or could be asserted against Cara Kaser within the scope of the above-referenced proceedings.
- D. Cara Kaser will initiate no claims, litigation or other action against the Commission as a result of these proceedings.

5. REVIEW BY COUNSEL:

All of the parties hereto acknowledge that this agreement has been entered into by their own free will and with full understanding of the contents herein. Each of the parties further acknowledges that each has had the opportunity to seek the advice of counsel in comparing and reviewing this agreement.

6. EFFECT:

This agreement is subject to the final approval of the Commission. Once approved, this agreement shall be the final disposition of the matter and shall be binding upon all parties.

By signing this agreement, Cara Kaser agrees to waive her right to a contested case hearing as provided in ORS Chapter 183 and ORS 244.370. This order shall be the final order and all information in the Commission files on this matter shall become part of the record.

By signing this agreement, Cara Kaser agrees to waive her right to obtain judicial review of this order as provided in ORS 183.482.

IN WITNESS WHEREOF, the parties have entered into and signed this stipulated final order on the dates set forth below.



Cara Kaser

10/23/2020

Date

Nathan Sosa, Chairperson
Oregon Government Ethics Commission

Date



Administration
681 Center St NE
Salem, Oregon 97301
503-588-5828

November 11, 2020

Ms. Olivia Dias, City of Salem Planning Commission
Sent via email to: Odias@cityofsalem.net

Programs

West Salem
Clinic
Medical,
Dental &
Mental Health
503.378.7526

Total Health
Community
Clinic
503.378.7526

Crisis &
Information
Hotline
503.581.5535
1-800.560.5535

HOAP
503.588.5827

HOST
Program
503.588.5825

Connection
503-588-
5843

Working in
partnership
with:



RE: DevNW Request for Rezoning and Site Plan/Design Review, Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03; Application No. 20-108811-ZO / 20-108812-ZO / 20-112373-RP / 20-112375-ZO / 20-112374-DR

Dear Ms. Dias:

This letter is written in support DevNW’s efforts to provide affordable housing at the former site of the Evergreen Church (905 and 925 Cottage Street NE). As you are aware, Salem is facing an affordable housing crisis; we need hundreds more units, and this project is an important step forward.

We believe that our community is stronger when everyone has safe and affordable housing. Northwest Human Services (NWHS), a Community Health Center, provides medical, dental, mental health and social service supports for low income and homeless individuals and families in the Salem community. Permanent housing is a key component in creating stability and better health outcomes for our patients and clients. Affordable permanent housing accessible to services and public transportation in this location will strengthen the Grant Neighborhood by helping by helping to ensure a mix of housing types and affordability for years to come.

The opportunity to provide 19 units of affordable housing is an excellent use of the property and, we believe, is an equally or better suited use of this site than the current facility and underlying single family zoning. Studio and 1-bedroom units are critically important for a range of people, including seniors, veterans, young adults, low income individuals/couples without children, etc.

NWHS lends our support for this project. If you have any questions or need additional information, please do not hesitate to contact me.

Sincerely,

Paul Logan
Chief Executive Officer

Olivia Dias

From: Marissa Theve <marissatheve@gmail.com>
Sent: Friday, November 13, 2020 9:57 AM
To: Shelby Guizar
Cc: Olivia Dias
Subject: Re: City Council Hearing Notice - Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE

Hi there,
Please accept my comments for the record:

The appeal you are reviewing is based on unsubstantiated fears that the Grant neighborhood, my home, would be trashed by a project which has not yet happened based on site plan revisions that have not been requested. These fears are based on paranoia that the neighborhood would be opened up to high-rise development forever based on this single zone change. I disagree with the assumption that the city council would give in to development pressure based on a single low-income specific project. That is precisely why there are contingencies on this project's site plan. The Grant Neighborhood Association's assumptions and lack of trust in the city is stagnating a very good project which we desperately need.

If you divide up the 3,000 low-income unit deficit Salem has by the 18 neighborhoods in Salem, each neighborhood needs 167 units, or 148 left for Grant after this project is complete. Grant's proximity to services, schools, and public transit makes it ideal to *at least* carry its share of the solution. This would mean just one very large low-income development per neighborhood could close the gap, but if we are stuck fighting over small 19-unit projects, we will never get there. Kill the Not-In-My-Backyard attitude. Make Salem a place where everyone is welcome, not just NIMBY homeowners.

Thanks very much for hearing my voice,
Marissa Theve, homeowner
845 Gaines Street NE Salem, OR 97301-7321

On Thu, Oct 29, 2020 at 9:51 AM Shelby Guizar <SGuizar@cityofsalem.net> wrote:

Hello,

The City Council Hearing Notice of a Minor Comprehensive Plan Map Amendment / Neighborhood Plan Change / Zone Change / Class 3 Site Plan Review / Class 2 Adjustment / Class 1 Design Review Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 and 925 Cottage St NE, is attached for your information. Hard copies go out in the mail today to those of you who are to receive one. This case will be heard digitally before the Salem City Council on Monday, November 23, 2020 at 6:00 P.M.

Application Summary: **Appeal of the Salem Planning Commissioner's Decision** on a consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone Change including a Class 3 Site Plan Review, Class 1 Design Review, and five Class 2 Adjustments for the development of 19 multi-family units.

Please direct questions or comments to the **CASE MANAGER:**

Olivia Dias

[oDias@cityofsalem.net](mailto:ODias@cityofsalem.net)

503-540-2343

Thank you,

Shelby Guizar

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

sguizar@cityofsalem.net | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](#)

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Marissa Theve

Pronouns: she/her/hers

Olivia Dias

From: Rebekah Engle <rebekahengle@gmail.com>
Sent: Saturday, November 14, 2020 1:27 PM
To: CityRecorder; citycouncil; Olivia Dias
Subject: DevNW Case-11/23 Agenda

re: Case No. CPC-NPC-ZC-SPR-ADJ-DR20-03 for 905 & 925 Cottage St NE

Dear City of Salem Officials,

I am writing as a long term resident and board member of CANDO and as a concerned citizen of our city in general.

DevNW has made plans to create a wonderful affordable housing project in the old Evergreen Church building on the border of CANDO and Grant neighborhoods. Months ago representatives of the program reached out and came to our neighborhood meeting to share their plans. I had known of DevNW before, but was inspired by their compassionate, knowledgeable and professional presentation to look more into the programs they run. I am extremely impressed with the programs and feel like they have the potential to greatly impact housing and poverty issues in our city. Instead of putting roadblocks in their way, we should be supporting their work. If we claim to want to work on issues of homelessness and poverty in Salem, then we simply must support policies and programs that work towards that goal. DevNW is one of the programs we should be supporting.

I know that both Grant and CANDO neighborhoods feel a lot of the effects of homelessness. I live across from Arches and feel both compassion and frustration about things that happen with our unhoused neighbors. To oppose DevNW and this housing project is to shut off a viable source of help for the very issues that we are frustrated with. We need housing in Salem. We need all levels of housing, but particularly small, affordable housing. As a city, we need to support DevNW and this housing project to help with housing capacity particularly for our lower income residents.

The fact that there is any opposition to this development tells me that people are not thinking from a big picture perspective. In order to create a neighborhood that is pleasant for residential living, we must have city wide policies and plans that support all of our residents or eventually problems, such as homelessness, spill over into all of our neighborhoods. One thing we absolutely must have is housing that is plentiful enough that market prices are not driven up astronomically. Another thing we must have is a range of styles and types of housing to fit different needs. This DevNW project fits both of those needs while also maintaining a beautiful historical building that adds to the character of the neighborhood.

This project is a win for everyone in my book. If people are worried about small affordable apartments as housing they need to really look around the surrounding areas and notice that these types of small housing complexes almost always add character and vitality to a neighborhood rather than bringing problems. I live in such a building myself and love it's historic character, charm, and the wonderful neighbors who live here with me.

The attitude of wanting homelessness to go away, but not being willing to invest in changes that are proven to help, needs to be done away with. If we are going to work together to solve these problems we all need to be willing to adjust to a few changes. Living with the status quo of residential suburban type neighborhoods with little variety is part of what has gotten us into this problem. We are going to need some changes to our thinking to solve our current issues and I believe this project with DevNW is a great place to start that process.

Please do the right thing and support this project and any necessary changes of zoning, etc.

Sincerely and with great hope for the future of Salem,

Rebekah Engle
Ward 1, CANDO
610 Commercial St NE