Legislation Details (With Text)

File #:	17-168 **Version:** 1		
Type:	Ordinance First Reading	**Status:**	Second Reading
		In control:	City Council
On agenda:	4/24/2017	**Final action:**	
Title:	Amendments to the Salem Revised Code (SRC) to permit domestic violence shelters in residential and commercial zones (Ordinance Bill No. 6-17; Case No. CA17-02) Ward(s): All Wards Councilor(s): All Councilors Neighborhood(s): All Neighborhoods		
Sponsors:			
Indexes:			
Code sections:			
Attachments:	1. Attachment 1. Planning Commission Recommendation, 2. Attachment 2. Ordinance Bill No. 6-17, 3. Attachment 3. Ordinance Exhibit 1, 4. Attachment 4. SCAN Comments, 5. Attachment 5. ELNA Comments, 6. Attachment 6. NEN Comments, 7. Attachment 7. SESNA Comments, 8. Attachment 8. Letter from the Center for Hope & Safety, 9. Written Testimony - Grant Neighborhood Assoc.		

Date	Ver.	Action By	Action	Result
4/24/2017	1	City Council	introduced on first reading	Pass

TO: Mayor and City Council

THROUGH: Steve Powers, City Manager

FROM: Lisa Anderson-Ogilvie, AICP, Interim Community Development Director

SUBJECT:

Amendments to the Salem Revised Code (SRC) to permit domestic violence shelters in residential and commercial zones (Ordinance Bill No. 6-17; Case No. CA17-02)

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

ISSUE:

Should the City proceed to second reading of Ordinance Bill No. 6-17, amending the Salem Revised Code 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:

Proceed to second reading for enactment of Ordinance Bill No. 6-17, amending the Salem Revised Code 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:

The proposed 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," a broad category that encompasses many different types of institutions and shelters. Non-profit shelters require a conditional use permit and public hearing process to locate in residential neighborhoods.

Domestic violence shelters typically appear as a regular residential dwelling. Shelter occupants are usually women and children trying to re-establish their lives before moving to other living arrangements. 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. Public disclosure of a domestic violence shelter can compromise the safety of victims fleeing unsafe situations.

The proposed amendments allow domestic violence shelters with 10 or fewer people to locate in residential and commercial zones as an outright permitted use, avoiding the publicity of a conditional use permit hearing. The amendments 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.

City staff conducted outreach with neighborhood associations and with the Center for Hope and Safety, a non-profit organization that serves victims of domestic abuse and violence. Over two months, four neighborhood associations submitted written comments in support of the proposal. No written comments in opposition have been received. On March 21, 2017, the Planning Commission held a public hearing, and adopted a recommendation that Council approve the ordinance bill.

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.

2. 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 SRC.

3. City Staff conducted outreach with the neighborhood associations throughout January and February 2017. Staff were invited to present 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. No comments in opposition have been received. All comments are attached to this staff report.

4. On March 21, 2017, the Planning Commission held a public hearing on the proposed amendments and adopted a motion recommending that City Council approve the ordinance bill (Attachment 1).

Proposed Code Amendments

1. Currently, shelters for victims of domestic violence are classified in the zoning code as "Non-Profit Shelters," a broad 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.

2. 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. A conditional use permit hearing will not 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. 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;
    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). 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 roommates 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.

3. 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.

4. 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.

5. The proposed amendment to SRC Chapter 806 for parking is for smaller, neighborhood-scaled, domestic violence shelters. The proposed amendment would change the requirement from a facility's square footage to the number of guest rooms. The number of guest rooms accurately reflects 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 parking lot.

   According to the Center for Hope and Safety, residents at these shelters usually do not have a vehicle and use public transit or rely on transportation from others. The proposed off-street parking standard of one space per guest room or suite should ensure that potential impacts of parking on surrounding streets and neighbors is minimized.

   Under the current SRC, non-profit shelters must to provide one off-street parking space per every 350 square feet of building floor area. This floor area-based standard remains a reasonable measure of parking need for institutional shelter buildings, which could possibly combine shelter facilities with administrative offices into one large facility.

Findings Addressing Approval Criteria

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

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

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 as a residential dwelling whose occupants are usually women and children seeking shelter from domestic abuse and violence. 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. Public disclosure of a shelter's location compromises the safety of the occupants and their transition to safe, permanent housing and away 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, 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. 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.

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.

Bryan Colbourne, AICP
Planner III

Attachments:

1. Planning Commission Recommendation
2. Ordinance Bill No. 6-17
3. Ordinance Exhibit 1 (findings)
4. SCAN Neighborhood Association Comments
5. ELNA Neighborhood Association Comments
6. NEN Neighborhood Association Comments
7. SESNA Neighborhood Association Comments
8. Letter from the Center for Hope and Safety