

TO: HEARINGS OFFICER

**FROM: LISA ANDERSON-OGILVIE, AICP
DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING
ADMINISTRATOR**

SUBJECT: CONDITIONAL USE & CLASS 2 ADJUSTMENT CASE NO. CU-ADJ18-07; FOR PROPERTY LOCATED AT 725 HIGH STREET SE

REQUEST

A consolidated application for a Conditional Use Permit and Class 2 Adjustment to allow an existing single-family dwelling located at 725 High Street SE to be used as a short-term rental.

The application includes the following:

- 1) A Conditional Use Permit to allow the use of the existing single family dwelling as a short-term rental; and
- 2) A Class 2 Adjustment to allow a portion of the required off-street parking serving the proposed use to be located in the public street right-of-way of High Street on the existing driveway leading to the home rather than on the subject property. The required parking will be located on the driveway, but because the majority of the driveway is located within the right-of-way of High Street, it would not be located on the property.

The subject property is approximately 0.1 acres in size, zoned RS (Single Family Residential) within the Gaiety Hill/Bush's Pasture Park Historic District, and located at 725 High Street SE (Marion County Assessor Map and Tax Lot Number: 073W27CA00200).

APPLICANT/OWNER

Stuart Kirchick and Pensco Trust Company, LLC

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at 725 High Street SE (Marion County Assessor Map and Tax Lot Number: 073W27CA00200):

- A. **APPROVE** the Conditional Use Permit to allow the existing single family dwelling located at 725 High Street SE to be used as a short-term rental, subject to the following conditions of approval:

Condition 1: The maximum number of occupants in the short-term rental shall not exceed 6 persons. For purposes of this condition of approval,

children under 12 years of age do not count towards the maximum number of occupants.

Condition 2: The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.

Condition 3: Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, such as events, parties, gatherings, luncheons, banquets, weddings, meetings, fundraising, or commercial or advertising activities are prohibited.

Condition 4: Off-street parking in the existing driveway shall be limited to a maximum of 3 vehicles at any given time.

Condition 5: The conditional use permit shall be valid only for the current applicant/owner. The conditional use permit shall not run with the land and is not transferable to any other applicant or owner.

- B. **APPROVE** the Class 2 Adjustment to allow a portion of the required off-street parking serving the proposed use to be located in the public street right-of-way of High Street on the existing driveway leading to the home rather than on the subject property.

BACKGROUND/PROPOSAL

The application under review by the Hearings Officer is a consolidated Conditional Use and Class 2 Adjustment application for property located at 725 High Street SE (**Attachment A**).

The Conditional Use Permit is required in order to allow the existing single family dwelling to be used as a non-owner occupied short-term rental and the Class 2 Adjustment is necessary in order to allow the existing parking spaces within the driveway leading to the garage of the home, the majority of which is located in the public street right-of-way of High Street, to be counted towards the proposed short-term rental's minimum off-street parking requirement.

The site plan prepared by the applicant showing the location of the existing home on the property is included as **Attachment B**. Floor plans showing both the ground floor and upper floor layout of the dwelling are included as **Attachment C**. The written statement provided by the applicant addressing the proposal's conformance with the applicable approval criteria for the conditional use permit and class 2 adjustment is included as **Attachment D**.

FACTS AND FINDINGS

1. Procedural Findings

On March 23, 2018, Susan Martin, on behalf of Pensco Trust Company, LLC, and Stuart Kirchick, the applicant and owner of property located at 725 High Street SE,

filed an application for a Conditional Use Permit to allow the existing single family dwelling located at 725 High Street SE to be used as a short-term rental.

Subsequent to staff's initial review of the application for completeness and identification of additional information that was needed in order to continue processing the application, an additional application for a Class 2 Adjustment was subsequently filed by the applicant's representative on May 4, 2018, in order to allow the existing parking spaces within the driveway leading to the garage of the home to be counted towards the proposed development's minimum required off-street parking.

Because both the conditional use permit and class 2 adjustment are required in connection with the proposal, the applicant, pursuant to SRC 300.120(c), chose to consolidate the applications and process them together as one. When multiple applications are consolidated, the review process for the consolidated application is required to follow the highest numbered procedure type required for the land use applications involved, and the Review Authority for the application shall be the highest applicable Review Authority under the highest numbered procedure type.

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

The application was deemed complete for processing on June 22, 2018. Notice of the public hearing on the proposed development was subsequently provided pursuant to SRC requirements on July 5, 2018. Notice was also posted on the subject property by the applicant's representative pursuant to SRC requirements on July 11, 2018.

The public hearing on the proposed Conditional Use Permit and Class 2 Adjustment application is scheduled for July 25, 2018. The state-mandated 120-day local decision deadline for the application is October 20, 2018.

2. Salem Area Comprehensive Plan (SACP)

The subject property is designated "Single Family Residential" on the Salem Area Comprehensive Plan map and is located within the Urban Growth Boundary and the City's Urban Service Area.

3. Zoning

The subject property is zoned RS (Single Family Residential) and is located within the Gaiety Hill/Bush's Pasture Park Historic District. The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	RS (Single Family Residential) within the Gaiety Hill/Bush's Pasture Park Historic District
South	RS (Single Family Residential) within the Gaiety Hill/Bush's Pasture Park Historic District
East	Across High Street SE - RS (Single Family Residential) within the Gaiety Hill/Bush's Pasture Park Historic District

West	RS (Single Family Residential) within the Gaiety Hill/Bush's Pasture Park Historic District
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4. **Existing Conditions**

The subject property at 725 High Street SE is approximately 0.1 acres (*4,743 square feet*) and is located within the Gaiety Hill/Bush's Pasture Park Historic District. The property is improved with a two-story, 1,884 square-foot, three-bedroom home that is listed as a historic contributing resource within the Historic District. The site also includes an existing single car garage and a driveway which connects to High Street.

A. Circulation & Access: The subject property abuts High Street SE along its eastern boundary. High Street is designated as a collector street under the City's Transportation System Plan (TSP). The current right-of-way width of High Street in this area is approximately 99 feet, which exceeds the minimum required 60-foot right-of-way width for a collector street. As a result of the wider right-of-way in this area, the majority of the driveway serving the subject property is located within the public street right-of-way of High Street, as are the driveways of other homes on High Street and portions of existing buildings and structures.

Primary vehicular access to the subject property is provided via the existing driveway onto High Street.

B. Natural Features:

Trees: The City's tree preservation ordinance (SRC Chapter 808) protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The tree preservation ordinance defines "tree" as, "any living woody plant that grows to 15 feet or more in height, typically with one main stem called a trunk, which is 10 inches or more dbh, and possesses an upright arrangement of branches and leaves."

No trees have been identified for removal by the applicant as part of this conditional use permit and class 2 adjustment application. Any removal of trees from the property must comply with the requirements of the City's tree preservation ordinance (SRC Chapter 808).

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

The Salem-Keizer Local Wetlands Inventory (LWI) does not identify any mapped wetlands or waterways as being present on the subject property. The property also does not contain any hydric or wetlands-type soils and no grading or construction activities are planned. As such, no impacts to wetlands or required mitigation measures are required in conjunction with the proposal.

Landslide Hazards: The topography of the subject property is flat. According to the City's adopted landslide hazard susceptibility maps, the subject property does not contain any areas of mapped landslide hazard susceptibility points. Pursuant to the City's landslide hazard ordinance (SRC Chapter 810), a geologic assessment is therefore not required in conjunction with the proposal.

5. Neighborhood Association Comments

The subject property is located within the boundaries of the South Central Association of Neighbors (SCAN) neighborhood association. The neighborhood association was notified of the proposal and the SCAN Land Use & Transportation Committee provided comments which are included as **Attachment E**.

Comments provided by the SCAN Land Use & Transportation Committee indicate, in summary, that the applicant has not met conditional use approval criterion No. 3, which requires the proposed use to be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. The committee explains that this criterion is not met because the proposed non-owner occupied short-term rental represents a commercial use in a single-family zone where renters will come and go in quick succession without any involvement in the residential community. It is explained that this type of use distracts from the residential nature of the neighborhood and the livability for surrounding residents.

The Committee also indicates that the proposal does not meet conditional use approval criterion No. 2, which requires a finding that the reasonably likely adverse impacts of the use on the immediate neighborhood can be minimized through the imposition of conditions, unless the following conditions are imposed:

- 1) Off-street parking in the existing driveway is limited to a maximum of two vehicles at any one time.
- 2) No multiple bookings are allowed.
- 3) No events are allowed.
- 4) Rental is limited to a maximum of six people, including children, at any one time.
- 5) The owner shall provide surrounding property owners the contact information of the current property manager and update the information as needed.

The comments provided explain that if the application is approved with the identified conditions, then the Committee supports the adjustment request to allow the driveway to serve as the required off-street parking, even though it is in the right-of-way.

The Committee also indicated that the SCAN Board remains opposed to the short-term rental of housing that is not also occupied by the owner or long-term renter of the house.

Staff Response: As identified in the findings included under Sections 10 and 11 of this report, the proposed conditional use permit and class 2 adjustment satisfy the applicable approval criteria. 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. As a short-term rental, people may choose to stay in the home one night, a few days, or a few weeks, but in all cases people choose to stay there in order to have a place to reside and live on a temporary basis.

Although a short-term rental is not classified as a residential use under the 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 been found to be reasonably compatible with and appropriate within the context of residential areas. Accessory short-term rentals, where owners or long-term renters rent their homes on a short-term basis but still reside in the home, are allowed outright as a Special Use in the RS zone subject to the additional special use standards under SRC 700.006 and the requirement to obtain an annual license. Short-term rentals on the other hand do not require the owners to reside in the home; therefore, this type of rental, while allowed in the RS zone, must obtain Conditional Use Permit approval in addition to the required annual license.

The conditional use permit review process applicable to the approval of short-term rentals allows for the placement of additional conditions on the use when necessary to mitigate potential impacts on the immediate neighborhood and to ensure the use will be reasonably compatible with and have minimal impact on the livability and appropriate development of surrounding property.

As is identified in Section 10 of this report, though the owner of the short-term rental is located out of state, it will be managed by a local property manager who will be available to respond to and address any issues that may arise when the home is being rented. Staff has also recommended that the Hearings Officer place conditions on the approval of the conditional use permit including:

- 1) Limiting the number of overall guests that may stay in the home at any one time;
- 2) Restricting the number of bookings of the home at any given time to one group of guests;
- 3) Restricting the types of activities the home may be rented for;
- 4) Limiting the number of parking spaces that may be provided in the driveway; and
- 5) Limiting the transferability of the conditional use permit another applicant or owner.

The recommended conditions of approval are consistent with the requirements applicable to accessory short-term rentals, which are allowed outright within the RS zone as a Special Use without the requirement to obtain a conditional use permit, and they ensure that the number of guests and types of activity occurring on the property will be similar to that of the surrounding residential neighborhood.

Staff does not recommend, however, that a condition of approval be established requiring the owner to provide surrounding property owners with the contact

information of the current property manager and any updates to that information as needed. Though the applicant has indicated their willingness to provide this information to surrounding property owners in their supplemental written response dated July 17, 2018 (**Attachment F**), and they indeed may choose to do so in order to help fulfill their role of being a responsible neighbor, establishing this requirement as a conditional of approval on the conditional use permit would be difficult to enforce and the City already has a system in place through the short-term rental licensing program whereby, upon approval of a license, the contact information for the property manager is posted on the City's SPLASH - License Search website at the following location:

https://splash.cityofsalem.net/AMANDA5/eNtraprise/Salem/public/public_query_license.jsp

The information is available on the website 24-hours a day and if there are any changes to the contact information the licensee is required to notify the City of those changes and the updated information is later posted. By having this information on the City's website, it is available widely to everyone, rather than to a more limited list of surrounding property owners.

6. Public Comments

All property owners within 250 feet of the subject property were mailed notice of the proposal. Notice of public hearing was also posted on the subject property. As of the date of completion of this staff report, comments from 20 area property owners have been submitted which are included at **Attachment G**. The comments received express concerns and opposition to the proposal which can be summarized as falling into the following main categories:

A. Impact on Residential Character of Neighborhood and Residential Historic District. The majority of the comments submitted express concerns about the conversion of this 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. Specific concerns raised regarding the proposal and its potential impacts to the neighborhood and Historic District include the following:

- The potential for absentee/out-of-state landlords to be non-responsive and the property not being adequately monitored and maintained;
- The use of the property as a short-term rental will remove one more family home from the neighborhood and replace it with short-term renters who won't be involved, or have a vested interest, in the neighborhood. Unlike homeowners or tenants in a long-term rental, there is no chance to develop a relationship or to work out problems with renters in a short-term rental. It is the people who live in the neighborhood that keep the historic district sound and viable;

- Allowing long-distance landlords to operate short-term rentals will destroy the quality of the neighborhood and encourage more out-of-town buyers to purchase homes in the neighborhood to convert them to short-term rentals.
- The Gaiety Hill/Bush's Pasture Park Historic District was put in place to preserve the Gaiety Hill neighborhood and protect Bush Park. The neighborhood and park and valuable assets to the City and are vulnerable to development that would be detrimental to the character of the neighborhood and park. Allowing the short-term rental and non-residents will reduce the quality and desirability, and undermine the integrity, of the neighborhood.
- The removal of housing stock from the neighborhood and the potential for rising rents.
- Allowing a contributing historic resource within the Gaiety Hill/Bush's Pasture Park Historic District to be used as a non-owner occupied short-term rental subverts the policies and guidance set forth in the Salem Area Comprehensive Policies Plan and the purpose of the City's Historic Preservation ordinance (SRC Chapter 230).

Staff Response: 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 guests for periods of less than 30 days. As explained by the applicant, guests will go about their days much the same as other families in the neighborhood and eat, sleep, work, stroll through Bush Park, and visit restaurants.

Because this type of use shares similarities with residential uses, both short-term rentals and accessory short-term rentals are allowed within the RS zone. However, because short-term rentals are not required to be owner occupied they must go through the conditional use review process and obtain a conditional use permit. The conditional use permit review process is intended to provide neighboring property owners with an ability 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. As identified in this report, conditions of approval have been recommend to limit the maximum number of guests allowed in the rental, the number vehicles that may be parked in the driveway, the type of activities the rental may be used for, and the number of bookings that may be made at any one time. These conditions help to ensure that the number of guest within the dwelling, the number of cars within the driveway, and the types of activities occurring the property will be consistent with that of other single family dwellings in the neighborhood and therefore ensure the compatibility of the use and the preservation of livability for surrounding properties.

The proposed use also conforms to the applicable policies of the Salem Area Comprehensive Plan concerning the preservation of historic properties and is consistent with the purpose of the City's Historic Preservation ordinance (SRC Chapter 230). Though the proposed use is not strictly residential in nature

because it's being operated for the commercial purpose of renting rooms on a short-term basis to individuals, the general characteristics of the use are similar to those of a single family residential use in that there are people living in the structure, albeit on a temporary basis. The proposed use requires no alterations to the dwelling that would preclude it from being used as a single family home in the future, the investments made in the dwelling by the owner will help to ensure the long-term viability of the resource, and any changes to the exterior will be subject to the requirements of Historic Design Review to ensure the appearance of the structure is maintained as a contributing historic resource within the Gaiety Hill/Bush's Pasture Park Historic District and the property remains consistent with the development pattern of surrounding properties.

In the applicant's supplemental written statement provided on July 17, 2018 (**Attachment F**), it is indicated that not only will there be no detracting from the livability of the neighborhood, the owners of the house and the Property Manager all hope to be engaged as residents in this neighborhood. In addition it is explained that the neighborhood could potentially gain three more people championing the preservation of the historic area and the taxes generated will promote tourism and revenue for the community.

- B. Parking Impacts.** Comments received express concern about the potential parking impacts of the proposed use. Comments received explain that parking is a particular problem in the area and permit parking is only available on the street.

Staff Response: The minimum off-street parking requirement for short-term rentals established under SRC 806.015(a), Table 806-1, is one per guest room or suite. Because there are three bedrooms within the home, a minimum of three off-street parking spaces are required for the proposed short-term rental. Parking for the rental is proposed to be provided within the existing single-car garage and the driveway leading to it. Based on the parking stall dimension requirements under SRC 806, which require standard sized parking stall to be 9 feet wide by 19 feet in depth, and the depth of the driveway between the front of the garage and the sidewalk (*approximately 40 ft.*) and the landscaping bed and the sidewalk (*approximately 35 ft.*), there is space within the driveway to accommodate three standard size parking spaces. The three spaces within the driveway and the one space within the garage results in a total of four spaces being available to serve the proposed use, therefore exceeding the minimum off-street parking requirements.

As indicated in the comments provided, the property is located within a residential parking district where the availability of additional on-street parking in front of the property is limited. Within a residential parking district, on-street parking is available with a permit but only to individual who reside in the dwelling. Because the owner of the short-term rental will not reside in the dwelling, a residential parking permit will not be available to allow guest to park on the street. As such, parking to accommodate the proposed guests must be accommodated on-site.

As identified in this report, the applicant has requested a class 2 adjustment in order to allow a portion of the required off-street parking serving the proposed

short-term rental to be located in the public street right-of-way of High Street on the existing driveway leading to the home rather than on the subject property. The need for the adjustment is because the 99-foot right-of-way width of High Street in the area of the subject property exceeds the minimum 60-foot width required for a collector street. Because of the extra right-of-way width the majority of the existing driveway serving the property is located within the public street right-of-way rather than being located on the subject property (**Attachment H**).

As provided in the findings included under Section 11 of this report, the requested adjustment to allow a portion of the required off-street parking to be located in the public right-of-way satisfies the applicable approval criteria. With the approval of the adjustment there will be a total of four off-street parking spaces to serve the proposed use (*three spaces in the driveway and one space in the garage*). Due to limited off-street parking and no on-street parking, staff has recommended a limit on the maximum number of guests that may stay in the rental and a corresponding limit on the number of vehicle parking spaces that may be accommodated in the existing driveway. With these recommended limits, the number of guests and the number of parking spaces will be similar to that of other single family dwellings in the neighborhood and therefore the proposed use will not contribute to additional parking congestion in the neighborhood.

- C. **Vehicle and Pedestrian Safety on High Street.** Comments received express concern regarding the heavy volume of traffic on High Street and the potential safety problems that will be created as a result of out-of-town guests who are unfamiliar with the traffic in this area backing out onto High Street and creating a safety risk to themselves and others. Comments provided explain that there have been numerous accidents through this section of street.

Staff Response: In order to assess the potential vehicle and pedestrian safety risk resulting from the proposed use and the backing out of vehicles onto High Street, staff consulted with the City's Assistant Traffic Engineer who provided the following information regarding traffic on High Street:

- **Speed Limit:** The posted speed limit on High Street is 25 MPH. The signs were installed in 2015.
- **Traffic Volume:** Traffic volume data is collected on High Street approximately 200 feet south of Trade Street SE. There has been a downward trend in traffic volumes over the past 15 years of collected data. In 1993 there was 7,260 vehicles per day using High Street SE at the count location, but in the most recent counts (2002, 2005, 2007, and 2008) show the volume is about 3,100 vehicles per day.
- **Crash Statistics:** A review of the 5-year crash data (2012 through 2016) along High Street at Mission Street, Oak Street and Leslie Street show zero (0) reported crashes that could be attributed to vehicles backing out of a driveway.

Based on the above data provided from the City's Assistant Traffic Engineer, traffic volumes on High Street have decreased over the past 15 years and there have

been no reported crashes (*from 2012 through 2016*) resulting from vehicles backing out of driveways onto High Street.

As identified in Section 10 of this report, conditions of approval have been recommended to limit both the overall number of guests who may stay in the short-term rental and the number of vehicles that may be parked in the driveway. These limits ensure that the number of people staying in the rental and the number of vehicles parked in the driveway will be consistent with what is typical for other single family homes in the neighborhood. Approval of the short-term rental in this location will therefore not pose a unique or greater risk to vehicle and pedestrian safety than what is associated with other existing single family dwellings in the neighborhood.

7. City Department Comments

- A. The Building and Safety Division reviewed the proposal and provided comments indicating that per the Oregon Building Codes, the maximum allowable number of occupants within the dwelling is sixteen and must be posted or install fire sprinklers.

Staff Response: In order to minimize the impact of the proposed use on the immediate area as is required by the approval criteria for conditional use permits under SRC 240.005(d), a condition of approval is recommended limiting the maximum number of guests within the short-term rental to 6 persons. This limit on the number of guests ensures that the maximum occupant load allowed for the dwelling will not exceed building code requirements.

- B. The Fire Department reviewed the proposal and provided comments indicating that the existing structure meets Fire Department access and water supply requirements.
- C. The Public Works Department reviewed the proposal and provided comments indicating they have no concerns with the proposal.

8. Public Agency & Private Service Provider Comments

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

- A. Portland General Electric (PGE) reviewed the proposal and indicated that they have no comments.

9. Applicant Submittal Information

Land use applications must include a written statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement from the applicant that was provided with the original land use application submittal addressing the

applicable application approval criteria is include as **Attachment D** to this staff report. Subsequent to public notice being provided, the applicant and the applicant's representative reviewed the public testimony that had been submitted thus far and provided a supplemental written response to the public testimony and comments. The applicant's supplemental written response is included as **Attachment F** to this staff report. Staff utilized the information from the applicant's original written statement and supplemental written response to help evaluate the proposal and formulate the facts, findings, and recommendations contained within this staff report.

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

10. CONDITIONAL USE PERMIT APPROVAL CRITERIA

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. In order for a use that is allowed as a conditional use in a zone be established it must first receive approval of a Conditional Use Permit pursuant to the requirements of SRC Chapter 240 (Conditional Use).

Salem Revised Code (SRC) 240.005(d) sets forth the following criteria that must be met before approval can be granted to an application for a Conditional Use Permit. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Conditional Use Permit application, or for the issuance of certain conditions to ensure the criteria are met.

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

Finding: The 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 rentals are specifically identified as being allowed as a conditional use within the RS zone, this criterion is met.

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

Finding: The original written statement provided by the applicant (**Attachment D**) indicates, in summary, that minimization of the reasonably likely adverse impacts of the use on the neighborhood can be achieved by requiring off-street parking only within the driveway, prohibiting events, and including other similar terms to respect the neighborhood into the short-term rental agreement.

In the supplemental written response provided by the applicant on July 17, 2018 (**Attachment F**) it is indicated that the proposed use will be reasonably compatible with surrounding properties as guests will go about their days much the same as other families in the neighborhood. They will eat, sleep, work, stroll

through Bush Park, and visit restaurants. The applicant indicates the whole house will be rented each time and it will not be rented to strangers renting individual rooms.

As indicated by the applicant, though the proposed short-term rental will not be used as a single family dwelling, the types of activities occurring in the dwelling will be similar to that of a single family dwelling, but on a short-term basis and without the owner residing on-site. Though the owner of the short-term rental is out-of-state, they will employ a local property manager in Salem, as required by the license standards for short-term rentals under SRC 30.1105(b), to be a point of contact for neighbors, respond to any issues that arise, and ensure the proper maintenance of the property to preserve their financial investment.

As previously identified in this report, both short-term rentals and accessory short-term rentals are allowed in the RS zone. Unlike short-term rentals, however, accessory short-term rentals are allowed outright in the RS zone as a Special Use without the need for a conditional use permit, but must conform to the additional special use standards included under SRC 700.006. The special use standards under SRC 700.006 were established to help ensure that accessory short-term rentals operate in a manner that is compatible with the residential neighborhoods they are located within.

In order to ensure the proposed short-term rental operates in a manner that will not impact the immediate neighborhood, the following standards applicable to non-hosted accessory short-term rentals under SRC 700.006 are recommended to be applied to the proposed short-term rental at 725 High Street:

- Condition 1:** The maximum number of occupants in the short-term rental shall not exceed 6 persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants.
- Condition 2:** The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.
- Condition 3:** Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, such as events, parties, gatherings, luncheons, banquets, weddings, meetings, fundraising, or commercial or advertising activities are prohibited.

Further, in order to ensure the parking provided for the proposed use will not result in additional impacts to the neighborhood and that the parking provided will have an appearance similar to that of parking provided for single family dwellings in the neighborhood, the following condition of approval is recommended:

- Condition 4:** Off-street parking in the existing driveway shall be limited to a maximum of 3 vehicles at any given time.

Under SRC 240.005(e), conditional use permit approvals run with the land unless otherwise provided in the decision granting the conditional use permit. Because the potential for adverse impacts associated with short-term rentals is largely dependent upon the individual owner, their designated property manager, and how they choose to manage the property, requiring a separate conditional use permit for any future owner of the property helps to ensure accountability and public input in the approval process. As such, in order to ensure that the proposed conditional use permit, if approved, is only valid for the current owner/applicant and cannot be transferred to any future owner/applicant, the following condition of approval is recommended:

Condition 5: The conditional use permit shall be valid only for the current applicant/owner. The conditional use permit shall not run with the land and is not transferable to any other applicant or owner.

As proposed and conditioned, the short-term rental will have a minimal impact on the immediate neighborhood. The proposal meets this criterion.

As identified in the applicant's written statement and discussed in the associated findings in response to this approval criterion, the reasonably likely adverse impacts of the proposed short-term rental on the immediate neighborhood are minimized through the recommended conditions of approval and conformance with the applicable licensing requirements for short-term rentals included under SRC Chapter 30. This criterion is met.

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

Finding: The written statement provided by the applicant (**Attachment D**) indicates that the proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property. In the applicant's supplemental written statement provided on July 17, 2018 (**Attachment F**), it is indicated that not only will there be no detractor from the livability of the neighborhood, the owners of the house and the Property Manager all hope to be engaged as residents in this neighborhood. In addition it is explained that the neighborhood could potentially gain three more people championing the preservation of the historic area and the taxes generated will promote tourism and revenue for the community.

As previously discussed in this report, 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 guests for periods of less than 30 days. As explained by the applicant, guests will go about their days much the same as other families in the neighborhood and eat, sleep, work, stroll through Bush Park, and visit restaurants.

Because this type of use shares similarities with residential uses, both short-term rentals and accessory short-term rentals are allowed within the RS zone. However, because short-term rentals are not required to be owner occupied they must go through the conditional use review process and obtain a conditional use permit. The conditional use permit review process is intended to provide neighboring property owners with an ability 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. As identified in this report, conditions of approval have been recommend to limit the maximum number of guests allowed in the rental, the number vehicles that may be parked in the driveway, the type of activities the rental may be used for, and the number of bookings that may be made at any one time. These conditions help to ensure that the number of guest within the dwelling, the number of cars within the driveway, and the types of activities occurring the property will be consistent with that of other single family dwellings in the neighborhood and therefore ensure the compatibility of the use and the preservation of livability for surrounding properties.

The proposed use also conforms to the applicable policies of the Salem Area Comprehensive Plan concerning the preservation of historic properties and is consistent with the purpose of the City's Historic Preservation ordinance (SRC Chapter 230). Though the proposed use in not strictly residential in nature because it's being operated for the commercial purpose of renting rooms on a short-term basis to individuals, the general characteristics of the use are similar to those of a single family residential use in that there are people living in the structure, albeit on a temporary basis. The proposed use requires no alterations to the dwelling that would preclude it from being used as a single family home in the future, the investments made in the dwelling by the owner will help to ensure the long-term viability of the resource, and any changes to the exterior will be subject to the requirements of Historic Design Review to ensure the appearance of the structure is maintained as a contributing historic resource within the Gaiety Hill/Bush's Pasture Park Historic District and the property remains consistent with the development pattern of surrounding properties.

As proposed and recommended to be conditioned, the short-term rental will have a minimal impact on the livability or development of the surrounding property. This approval criterion is met.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR CLASS 2 ADJUSTMENT

11. CLASS 2 ADJUSTMENT APPROVAL CRITERIA

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the 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.***

Finding: Due to the excess right-of-way width of High Street, the applicant is required to obtain approval of a Class 2 Adjustment in order to allow the existing driveway which serves the property, a majority of which is located within the public street right-of-way of High Street (**Attachment H**), to accommodate a portion of the required off-street parking for the proposed short-term rental.

Based on the requirements of SRC Chapter 806 (Off-Street Parking, Loading, & Driveways), the proposed short-term rental is required to provide a minimum of three off-street parking spaces. Parking for the rental is proposed to be accommodated within the existing single-car garage and the driveway leading to it. Based on the dimensions of the driveway there is sufficient space to accommodate three off-street parking spaces meeting the requirements of SRC Chapter 806. The three spaces in the driveway together with the one space in the garage result in a total of four parking spaces being provided to serve the proposed use. However, because the three spaces within the driveway are not located on the subject property, but rather within the public street right-of-way, an adjustment is necessary in order to count these three spaces towards the short-term rental's off-street parking requirement.

SRC 806.010 generally requires off-street parking to be located on the same development site as the use of activity it serves. The underlying purpose of this standard is to ensure that developments have sufficient parking on-site to serve the use without creating congestion or the need to rely on on-street parking which generally cannot be reserved for a specific use because such parking is intended to be available to the public.

In the case of the proposed adjustment, the parking proposed in the driveway is not intended to be considered as on-street parking, but is instead a consequence of public right-of-way that is greater than the minimum required width for the classification of street. As previously indicated, High Street is classified as a collector street within the City's Transportation System Plan (TSP) which requires a minimum right-of-way width of 60. The right-of-way width adjacent to the subject property and other properties in the area, however is 99 feet.

On-street parking parallel parking along High Street is provided, but these spaces are distinct from the parking spaces the applicant has requested to utilize in the existing driveway serving the property.

Because the parking spaces within the driveway are functionally off-street parking spaces serving the existing dwelling, rather than on-street spaces serving the public, the proposed adjustment to allow the parking spaces within the existing driveway to count towards the off-street parking requirements for the short-term rental equally meets the underlying purpose of the standard and therefore this approval criterion is met.

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

Finding: The subject property is located within the RS (Single Family Residential) zone. The applicant's requested adjustment to allow the existing driveway to serve towards meeting the proposed short-term rental's minimum off-street parking requirement will not detract from the livability or appearance of the residential area. The driveway currently exists and has been used as an area for parking vehicles prior to this proposed conditional use and class 2 adjustment request. The configuration of the driveway is not proposed to be changed in conjunction with the short-term rental use. As such, it will maintain its appearance as a driveway serving a single family dwelling and therefore will not detract from the livability or appearance of the residential area. This approval criterion is met.

(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.

Finding: The proposal includes only one adjustment request to allow a portion of the required off-street parking serving the proposed short-term rental to be located in the public street right-of-way of High Street on the existing driveway leading to the home rather than on the subject property. Because the proposal does not include more than one adjustment, this approval criterion is not applicable.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Conditional Use Permit, as recommended to be conditioned, and the Class 2 Adjustment satisfy the applicable criteria contained under SRC 240.005(d) and SRC 250.005(d)(2) for approval.

RECOMMENDATION

Staff recommends that the Hearings Officer adopt the facts and findings of the staff report and take the following action for the subject property located at 725 High Street SE (Marion County Assessor Map and Tax Lot Number: 073W27CA00200):

- A. **APPROVE** the Conditional Use Permit to allow the existing single family dwelling located at 725 High Street SE to be used as a short-term rental, subject to the following conditions of approval:

Condition 1: The maximum number of occupants in the short-term rental shall not exceed 6 persons. For purposes of this condition of approval, children under 12 years of age do not count towards the maximum number of occupants.

Condition 2: The short-term rental shall be rented to only one group of guests at a time. Bookings of the rental by more than one group of guests at any given time is prohibited.

Condition 3: Use of the short-term rental shall be limited to the provision of lodging. Activities other than lodging, such as events, parties, gatherings, luncheons, banquets, weddings, meetings, fundraising, or commercial or advertising activities are prohibited.

Condition 4: Off-street parking in the existing driveway shall be limited to a maximum of 3 vehicles at any given time.

Condition 5: The conditional use permit shall be valid only for the current applicant/owner. The conditional use permit shall not run with the land and is not transferable to any other applicant or owner.

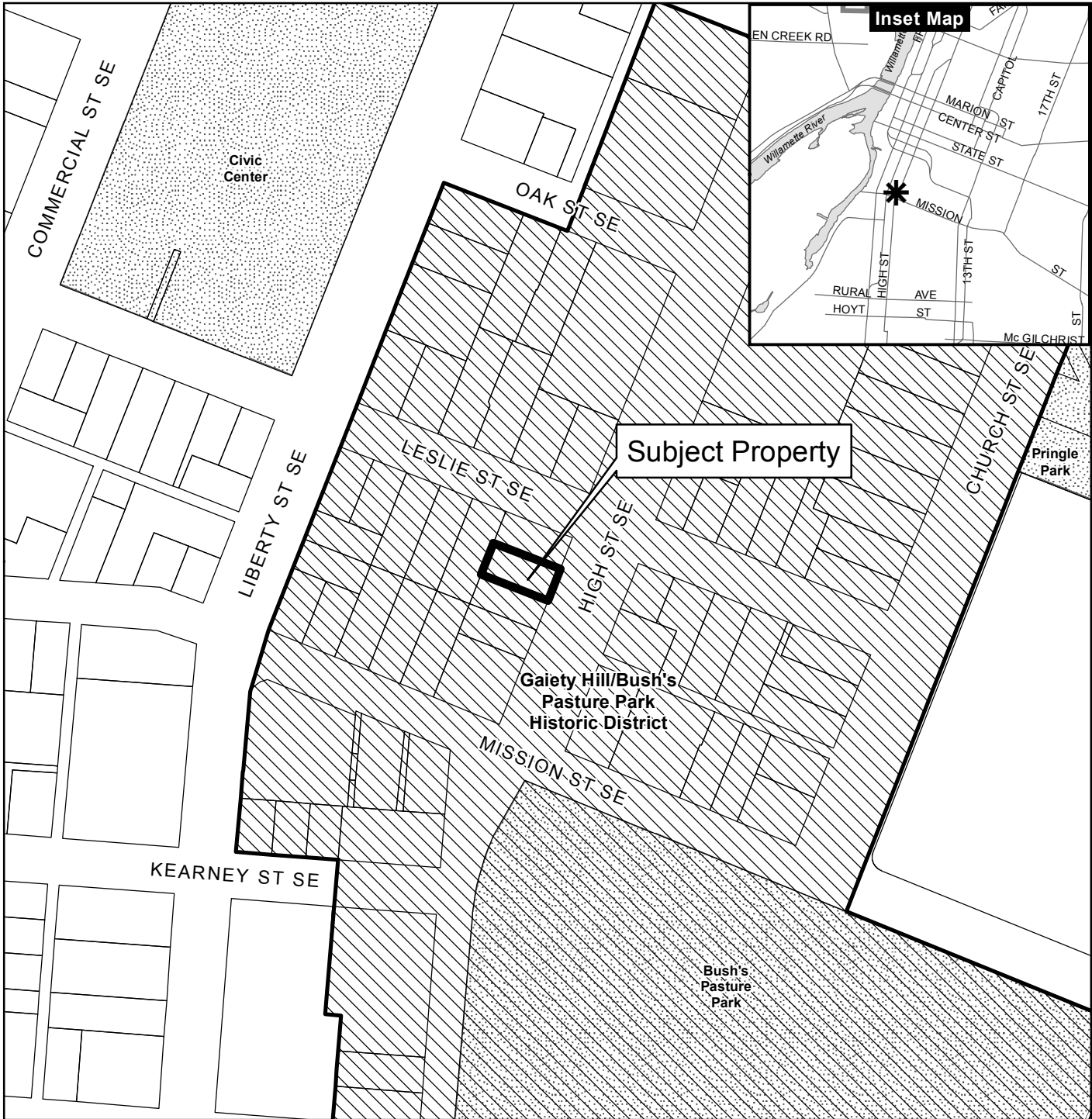
B. **APPROVE** the Class 2 Adjustment allow a portion of the required off-street parking serving the proposed use to be located in the public street right-of-way of High Street on the existing driveway leading to the home rather than on the subject property.

Attachments:

- A. Vicinity Map
- B. Site Plan
- C. Floor Plans
- D. Applicant's Written Statement
- E. SCAN Neighborhood Association Land Use & Transportation Committee Comments
- F. Applicant's Supplemental Written Statement (July 17, 2018)
- G. Public Comments
- H. High Street Right-of-Way in Relation to Subject Property

Prepared by Bryce Bishop, Planner II

Vicinity Map
725 High Street SE



Legend

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

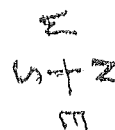
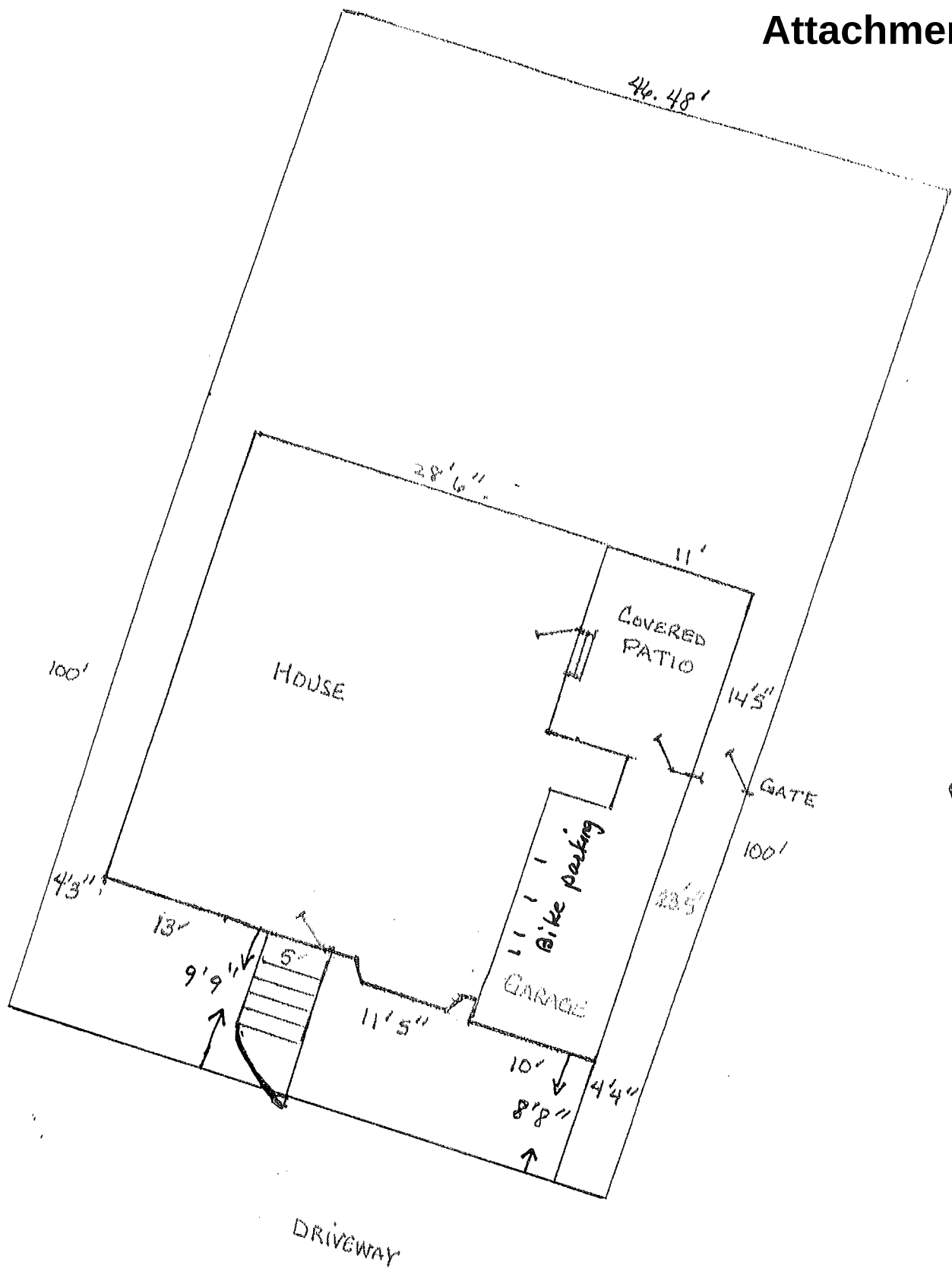
Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet

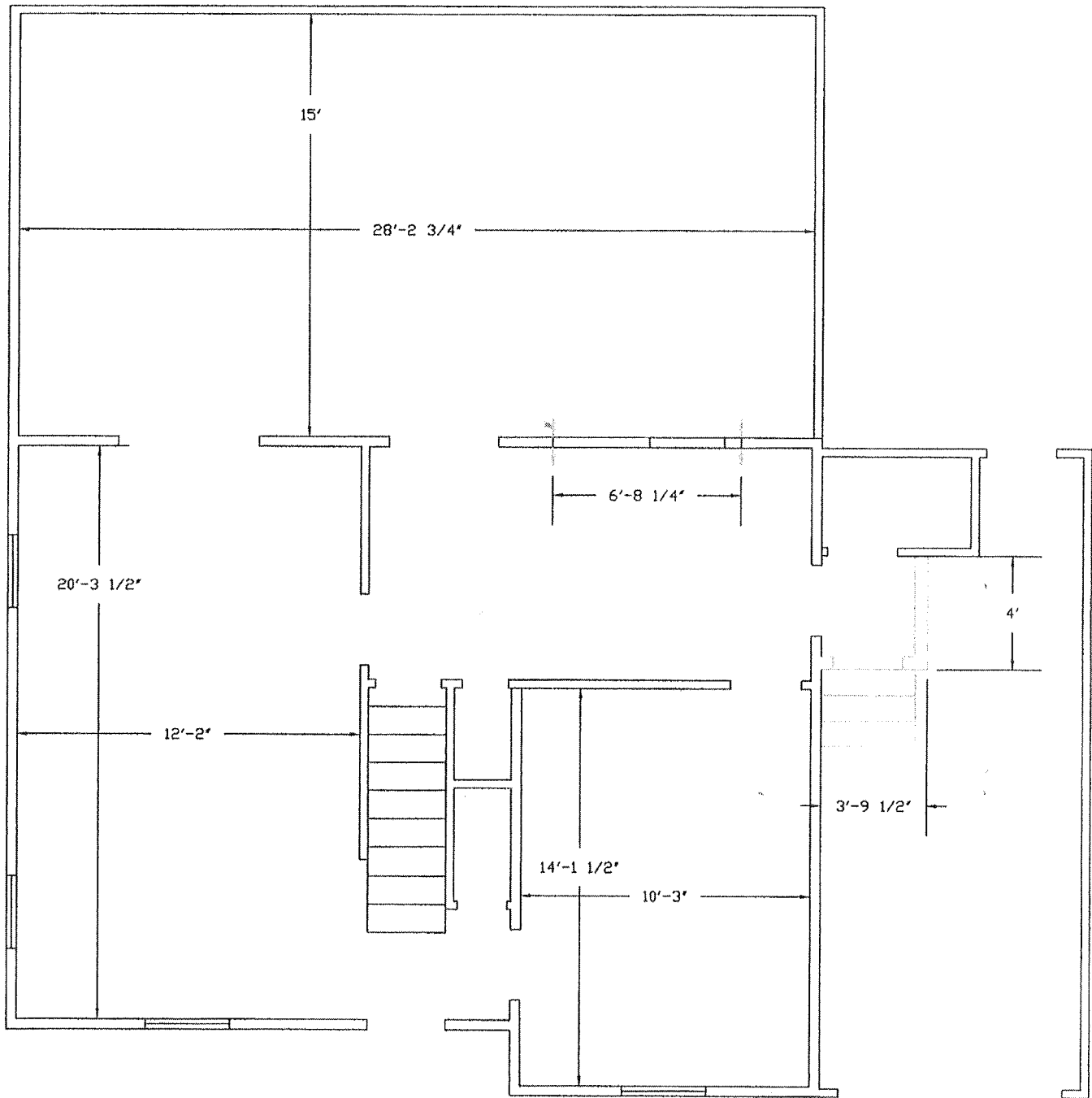




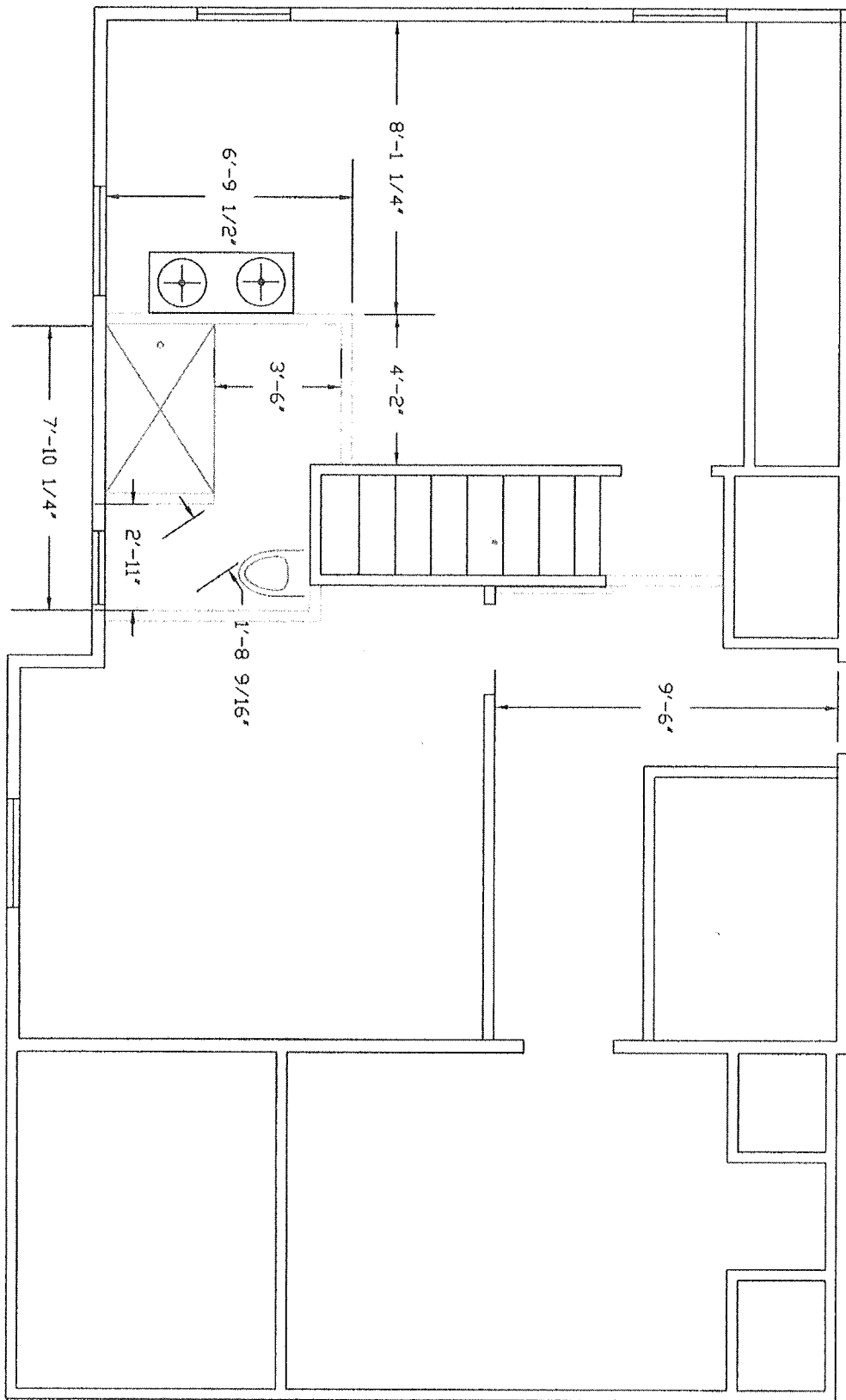
725 W. 16th St. SE, Salem, OR 97301
SITE PLAN SCALE 1:128 (3/32"=1')

Site Plan

Attachment C



Ground Floor Plan



Second Floor Plan

WRITTEN STATEMENT IN SUPPORT OF PROPOSAL FOR TYPE III CONDITIONAL USE PERMIT [SRC 240.005(E)] and CLASS II ADJUSTMENT [SRC 250.005(D)(2)]

This proposal is to seek a conditional use permit for short-term rentals at 725 High St., SE, a single family residence:

Account No.: R89574
Situs Address: 725 HIGH ST SE, SALEM, OR 97301
Map Tax Lot: 073W27CA00200

Owner:
PENSCO TRUST COMPANY LLC
FBO STUART D KIRCHICK IRA 100%
1560 BROADWAY #400
DENVER, CO 80202

ID:
Legal Description:
SALEM SUBDIVISION BLOCKS 14 & 15, BLOCK 14, LOT 1, ACRES 0.108
Subdivision:
78772 SALEM SUBDIVISION BLOCKS 14 & 15

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

Zoning: RS (Contact Local Jurisdiction)

Minimization of reasonably likely adverse impacts can be achieved with requiring only off street parking which driveway allows for four cars. Additionally, events will not be permitted and other similar terms to respect the neighborhood can be included in the short-term rental agreement.

The proposed use will be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property for the same reasons stated above. The president of the neighborhood association, Jeff Schumacher, is aware of the proposed use and welcomed it indicating no concerns for the neighborhood impact. He intends to share the proposal at the next association meeting.

INFORMATION REQUESTED April 20, 2018:

Three Bedrooms in the home will all be utilized for rent. 6 people maximum. Owner will not occupy home. No multiple bookings expected.

Local Representative: Amy Goodman , Goodman Property Management
1165 13th St NE
Salem, OR 97301
503-569-9337

**ADDITIONAL WRITTEN STATEMENT IN SUPPORT OF
CLASS II ADJUSTMENT [SRC 250.005(D)(2)]**

The adjustment is allowed as a conditional use in the zone.

The driveway that exists that will fit the cars and presents no issue at all. As to the purpose underlying development standard proposed for adjustment is equally met given the adjustment doesn't change anything about the subject property. The property lines mandating the adjustment are fictitious on our street and do not match up with the realities of everyone's property from Mission to downtown.

Stuart D. Kirchick
LAW OFFICE OF STUART D. KIRCHICK
820 Bay Ave., Suite 248
Capitola, CA 95010
(831) 464-8340 phone
(831) 464-8342 fax

Land Use & Transportation Committee
South Central Association of Neighbors (SCAN)

7/6/2018

Comments on Conditional Use for Short Term Rental at 725 High St. SE, CU-ADJ18-07

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.**

The short-term rental use is a commercial use in a single-family zone because the house is not also owner-occupied. This detracts from the residential nature of the neighborhood and livability for the surrounding residents. Renters will come and go in quick succession without any involvement in the residential community. This detracts from the residential nature of the neighborhood and the livability for surrounding residents.

The application does not meet approval criteria (2), unless the following conditions are imposed:

1. Off street parking in the existing driveway is limited to a maximum of two vehicles at any one time.
2. No multiple books are allowed.
3. No events are allowed.
4. Rental is limited to a maximum of six people, including children, at any one time.
5. The owner shall provide surrounding property owners the contact information of the current property manager and update the information as needed.

If the application is approved with the above conditions, then the Committee supports the adjustment request to allow the driveway to serve as the required off street parking, even though it is in the right of way.

The Committee wants to correct the applicant's statement that Jeff Schumacher, President of SCAN, welcomed the proposed use and had "no concerns for the neighborhood impact." This is not correct. Jeff had a phone conversation with Stuart Kirchick on March 2 and there is no written transcript. Jeff says he did not discuss any concerns he did or did not have about the impact of a short-term rental on the neighborhood.

The SCAN Board remains opposed to the short-term rental of housing that is not also occupied by the owner or long-term renter of the house.

Thank you,

Roz Shirack, Chair
SCAN Land Use & Transportation Committee

Attachment F

July 17, 2108

Dear Bryce,

We hear the concerns from the SCAN neighbors and in the spirit of being neighborly and compliant, we have provided some responses in hopes of alleviating their concerns.

The owners of this house are Stu and Kym Kirchick and they live in Aptos, California. Stu is an Attorney and Kym is a Homemaker. Together they raised 4 boys. Their youngest, Bronson, is attending Willamette University. When Bronson broke his foot last year he couldn't care for himself, could barely move and couldn't travel due to the severity of his injury. His parents needed to come to Salem to take care of him but they couldn't find anywhere to stay where they could cook meals, do laundry and provide a home environment where they could all be together while they cared for their son.

After that ordeal Stu and Kym realized the need in Salem for such a short term rental. They viewed several houses around Bush Park, including one a block away. When they found 725 High Street they felt the heart of the neighborhood and the house. They knew right away that this was the right house even though it needed considerable work. After careful consideration, Stu and Kym decided to take their retirement fund and set up a self directed IRA (Pensco Trust), as required by law, and they bought the High Street house.

They were advised to flip the house and make a profit. They refused. They were advised to rent the house (likely to college students due to the proximity to the University). They refused. Instead they put \$150,000 into remodeling this house for safety, preserve its character and designed for elegance and warmth. Everyone told them they were crazy.

The vision for the house at 725 High St, apply named The Sanctuary on High, was born out of Stu and Kym's experience with their son. They want this house to be a high quality short term rental where people can come to just be together with family, sit on a real couch and watch a ball game, watch their college student graduate or bring grandparents out of assisted living for a weekend to spend family time in a real house with a real Christmas tree.

We agree that the relationship with the Property Manager is key. For that very reason I am personally and currently moving to Salem, only 6 minutes away from this house, in order to be responsive and attentive. I have 25 years experience managing property and I specialize in single family homes. In anticipation of keeping High Street in the highest caliber of homes, I have engaged cleaning, maintenance and landscaping professionals.

The proposed use will be reasonably compatible with the surrounding property as its guest will go about their day much as every other family in the neighborhood does. They eat, sleep, work, stroll through Bush Park and visit our restaurants. Further, the whole house will be rented each time. It will not be rented to strangers renting individual rooms. The anticipated cost of a stay at the house will likely deter the type of person we all want to avoid.

Not only will there be no detracting from the livability of the neighborhood as the owners of the house and the Property Manager all hope to be engaged as residents of this neighborhood. In addition, the neighborhood could potentially gain 3 more people championing the preservation of this historic area and the taxes generated will promote tourism and revenue for the community.

The owners spent an enormous amount of money (approx \$150k) bringing this house to code for safety and designed it for elegance and warmth, but it did so while preserving all it could of the character of the house with zero exterior changes.

The very concerns that are addressed by Roz Schirack in a letter dated 7-6-18 are the same as the concerns we have:

1. Our garage and driveway easily accommodates 4 vehicles which, much of the time, will be more than enough. On the occasion where on street parking may be needed it will be extremely limited.
2. No multiple bookings or subletting allowed.
3. No significant events will be allowed that are not common to a normal single family residence....(family BBQs are allowed, weddings are not).
4. The home sleeps 6 and will be advertised that way. If, for instance, a family has 4 parents, 4 grown kids and they want to collect Grandma from

the assisted living home, we will not turn them away providing they check out ok.

5. The neighbors shall be provided with the contact information of the Property Manager and that information shall be updated as needed.

In response to Ms Mingo and Mr Craigs concerns, our intended use of this home as a short term rental actually **supports** the Salem Comprehensive Policies Plan (Nov 2015) and the purpose of Chapter 230 of the Salem Revised Code. Not only have the owners invested nearly a half million dollars into this home to rehabilitate it and preserve it in a manner that limits it's use to that which it was built to be (a human residence) as stated in the Salem Comprehensive Policies Plan, but in doing so they have met the purposes of Chapter 230 by fostering civic pride in the beautiful condition of this home. By offering this historical beauty as a short term rental, it further meets the requirement to encourage cultural heritage tourism and promotes the productive use of this recognized resource.

In response to the concerns about vetting potential guests, it is currently common practice for short term rental websites like Airbnb, VRBO, etc to rate the guests and we can use that to accept or deny them. In addition, we plan to develop a recurring guest list for those folks who find our home their favorite place to stay when they come to Salem.

We hope this answers many of the questions you may have and alleviates the fears the neighbors.

Thank you kindly,

Susan Martin
Susan Martin Property Management (for Stu and Kym Kirchick)
503-709-9852

Bryce Bishop

From: Andrea Foust. <andreafoust@gmail.com>
Sent: Wednesday, July 11, 2018 4:06 PM
To: Bryce Bishop
Cc: lesliestreet345@googlegroups.com
Subject: CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

My name is Andrea Foust and my daughter and I live at 565 Leslie St., SE. I am writing to state our 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, as well as our property values and sets a precedent that moves our neighborhood away from being a residential area.

Thank you for your consideration.
Sincerely,
Andrea Foust and Madeleine Carlson

On Wed, Jul 4, 2018, 9:32 AM Leonard Kelly <leonard.kelly@gmail.com> wrote:
My name is Leonard Kelly and I live at 690 High St., SE along with my wife Linda. We are writing to state our opposition to a conditional use permit for 725 High St., SE.

We are in close proximity to the property and can visually see the house. High Street is a very busy traffic street to Downtown. There have been numerous accidents through this section as a result. With proposed "out of towners" backing out onto High Street traffic from this property poses a great risk for themselves and others. This will add to an already busy and unsafe neighborhood street. We ask that this Conditional Use Permit be denied.

We agree with the other comments submitted by our neighbors.

Thank you for helping to keep our neighborhood street safe.

Leonard and Linda Kelly

Sent from my iPad

--

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>.

Bryce Bishop

From: Robin Olsen <RGO2020@outlook.com>
Sent: Wednesday, July 11, 2018 2:12 PM
To: Bryce Bishop
Cc: Bacchus
Subject: [Leslie List] CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

My name is Robin G. Olsen. I reside at 525 Leslie St. SE, Salem, Oregon 97301.

I oppose the application for a Conditional Use Permit. All of us who live in this neighborhood abide by the current rules and have moved here with those in mind. High Street is already perilous with several blind spots, and considerable pedestrian traffic of children and mothers. I don't see the compelling reason for the permit to be granted, and ask the city to produce such. Moreover, I question the manner in which this process has been conducted. I concur with the other comments of my neighbors.

Sincerely,

Robin Olsen

Bryce Bishop

From: ed scan <edscannewsletter@gmail.com>
Sent: Tuesday, July 10, 2018 3:16 PM
To: John Prohodsky
Cc: Roz Shirack; Bryce Bishop; Brian Sund; Carel De Winkel; Carol Snyder; Jeff Schumacher; Kathleen Moynihan; Lorrie Walker; Mark Wigg; Roger Heusser
Subject: Re: Comments on 725 High St. SE

John, I will respond to your email later today or tomorrow. I believe we should oppose the Class 2 Adjustment and the Conditional Use: the feedback I sent to the Committee was from a key person in the NEN Neighborhood. Experience in NEN.

Right now I am preparing for the Memorial service this evening for Ken Hetsel Jr.

Ken thrived in Salem from his initial experience on the SCAN Board. Very giving individual.

SCAN is a living workshop in civic affairs at the grassroots level. Comes from everyone's contribution.

JOnC

On Tue, Jul 10, 2018 at 2:50 PM, John Prohodsky <johnmpro@gmail.com> wrote:

If the adjustment and conditional use for 735 High St. SE is granted, the key to compatibility with the neighborhood is the local property manager. If the property manager uses a service that allows renters to be evaluated by the landlord, there might be hope that the tenants will be courteous to the neighbors and there will be a good relationship with the property manager.

The owner is a trust in Denver, CO and the lawyer advising the trust is from Capitola, CA. If it becomes a short term rental I'm anticipating there will be complaints from the neighbors. We have friends who live on the coast and their stories from having had a short term rental two doors down from their home, having dealt with other short term rentals in their neighborhood and stories from friends who have short term rentals close by support what Jon has said about the horrible experience others have had with short term rentals. Their experience with property managers has not been good. The property managers have not returned phone calls and have lied.

John

On 7/6/2018 4:20 PM, Roz Shirack wrote:

Comments from the SCAN Land Use & Transportation Committee are attached.

Roz Shirack, Chair

Bryce Bishop

From: John Prohodsky <johnmpro@gmail.com>
Sent: Tuesday, July 10, 2018 2:50 PM
To: Roz Shirack; Bryce Bishop
Cc: Brian Sund; Carel De Winkel; Carol Snyder; Jeff Schumacher; Jon Christenson; Kathleen Moynihan; Lorrie Walker; Mark Wigg; Roger Heusser
Subject: Re: Comments on 725 High St. SE

If the adjustment and conditional use for 735 High St. SE is granted, the key to compatibility with the neighborhood is the local property manager. If the property manager uses a service that allows renters to be evaluated by the landlord, there might be hope that the tenants will be courteous to the neighbors and there will be a good relationship with the property manager.

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John

On 7/6/2018 4:20 PM, Roz Shirack wrote:

Comments from the SCAN Land Use & Transportation Committee are attached.

Roz Shirack, Chair

Land Use & Transportation Committee
South Central Association of Neighbors (SCAN)

7/6/2018

Comments on Conditional Use for Short Term Rental at 725 High St. SE, CU-ADJ18-07

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.**

The short-term rental use is a commercial use in a single-family zone because the house is not also owner-occupied. This detracts from the residential nature of the neighborhood and livability for the surrounding residents. Renters will come and go in quick succession without any involvement in the residential community. This detracts from the residential nature of the neighborhood and the livability for surrounding residents.

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The SCAN Board remains opposed to the short-term rental of housing that is not also occupied by the owner or long-term renter of the house.

Thank you,

Roz Shirack, Chair
SCAN Land Use & Transportation Committee

Bryce Bishop

From: coleen vandreal <cvandreal@yahoo.com>
Sent: Friday, July 06, 2018 3:43 PM
To: Bryce Bishop; lesliestreet345@googlegroups.com
Subject: [Leslie List] Case number CU-ADJ18-07 Conditional use permit for 725 High Street SE

We are John and Coleen VanDreal and we live at 595 Leslie Street SE. We request that the City of Salem deny the consolidated application for a Conditional Use Permit and Class 2 Adjustment to use the single family home at 725 High Street as a short term, non-owner occupied rental.

Thank you,
John and Coleen VanDreal
595 Leslie St SE
Salem, OR 97301

Bryce Bishop

From: Phyllis Foust <pjfoust@gmail.com>
Sent: Friday, July 06, 2018 2:38 PM
To: Bryce Bishop
Subject: Hearing Notice - Case No. CU-ADJ18-07, 725 High St SE

Mr Bryce Bishop, Planner II for City of Salem,

As a long time resident of 560 Leslie St SE, I am opposed to the conditional use permit to allow short-term rentals in this neighborhood. I feel strongly that this would detract from the quality of single family residences and be a detriment to the historic district we live in.

I agree with all the points made in the letter to you from Kendra Mingo.

Sincerely,

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

Bryce Bishop

From: ed scan <edscannewsletter@gmail.com>
Sent: Wednesday, July 18, 2018 9:14 AM
To: Bryce Bishop
Subject: Fwd: Conditional use permit at 725 High St SE

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

From: **Roz Shirack** <rozshirack7@gmail.com>
Date: Wed, Jul 18, 2018 at 9:09 AM
Subject: Fwd: Conditional use permit at 725 High St SE
To: Brian Sund <sund60@icloud.com>, Carel De Winkel <cdewinkel@comcast.net>, Carol Snyder <snyder2858@comcast.net>, Curt Fisher <curtwfisher@gmail.com>, Jeff Schumacher <jeff.schumacher@gmail.com>, John Prohodsky <johnmpro@gmail.com>, Jon Christenson <edscannewsletter@gmail.com>, Joyce Judy <pacajoyce@sbcglobal.net>, Kathleen Moynihan <kmoynihan425@aol.com>, Lorrie Walker <dakotalor@msn.com>, Mark Wigg <mark_wigg@hotmail.com>, Roger Heusser <rnheusser@earthlink.net>

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

From: **Phyllis Foust** <pjfoust@gmail.com>
Date: Tue, Jul 17, 2018 at 11:17 AM
Subject: Conditional use permit at 725 High St SE
To: Roz Shirack <rozshirack7@gmail.com>

As long time residents of 560 Leslie St SE, we are opposed to the conditional use permit to allow short-term rentals in our historic neighborhood. We feel strongly that this change would detract from the quality of single family residences and the historic quality of the area.

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

Bryce Bishop

From: Kelly Hadley <kellyrhadley@hotmail.com>
Sent: Wednesday, July 04, 2018 12:53 PM
To: kmingo@willamette.edu
Cc: Bryce Bishop; lesliestreet345@googlegroups.com; David Craig
Subject: Re: [Leslie List] Comments for Public Record - Case number CU-ADJ18-07 Conditional use permit for 725 High Street SE

We are Hans and Kelly Hadley and live at 425 Leslie Street SE. We agree with the statements made in this email.

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 single-family home at 725 High Street SE as a short-term, non-owner occupied rental for up to 6 non-related tenants.

Thank you,

Hans and Kelly Hadley
425 Leslie Street SE
Salem, OR 97301
503-566-7376

On Jul 3, 2018, at 4:15 PM, Kendra Mingo <kmingo@willamette.edu> wrote:

CASE NO: CU-ADJ18-07
AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO
ADDRESS: 725 High Street SE
ZIPCODE: 97301
HEARD BY: Salem Hearings Officer
CASE MANAGER: Bryce Bishop

Dear Bryce,

Our names are Kendra Mingo and David Craig, and we live at 445 Leslie Street SE, four houses west of the Gaiety Hill home that has applied for a Conditional Use Permit and Class 2 Adjustment to allow an existing single-family dwelling at 725 High Street SE to be used as a short-term rental.

REQUEST: 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 single-family home at 725 High Street SE as a short-term, non-owner occupied rental for up to 6 non-related tenants.

Public Statement: We oppose the conditional use permit for two reasons: (1) the proposed land use is not consistent with the historic and cultural character of the Gaiety Hill Bush Pasture Park Historic District, and; (2) the request does **NOT meet two of the three criteria necessary for approval** as outlined in Section 240.005 of the Salem Revised Code:

The reasonably likely adverse impacts of the use on the immediate neighborhood **CANNOT** be minimized through the imposition of conditions.

The proposed use will **NOT** be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

As you know, the Gaiety Hill Bush Pasture Park Historic District is **one of only four historic districts** listed in the National Register of Historic Places in Salem. The home in question, 725 High Street SE, was built in 1939 and is a *contributing building* to the Gaiety Hill Bush Pasture Park Historic District. As such, 725 High Street SE contributes to our *historic district*, described in Chapter 230 of the Salem Revised Code as:

"a geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register of Historic Places."

The home is also immediately adjacent to numerous other *contributing buildings* (all single-family residences) of the historic district (Table 1.)

Table 1. Proximity of 725 High St. SE to Contributing Buildings of Gaiety Hill/Bush's Pasture Park Historic District (Source: National Register of Historic Places (NHRP) Historic Districts – Contributing Buildings)

Name of Contributing Historic Building	Address	Yr Built	Relation to 725 High St.
French Renaissance Residence - 490 Leslie St SE	490 Leslie St SE	1938	Next door
Bungalow Residence - 712 High St SE	712 High St SE	1920	Across the street
Bungalow Residence - 750 High St SE	750 High St SE	1920	Across the street
David W. and Beryl Eyre House	505 Mission St SE	1926	Across the street
Dr. & Mrs. A. D. Woodhmansee House	695 High St SE	1935	2 houses north
Pearce House	490 Oak St SE	1924	3 houses north
Smith-Fry House	606 High St SE	1859	4 houses north
Colonial Residence – 670 High St SE	670 High St SE	1923	3 houses north
Norman Farmhouse Residence	470 Leslie St SE	1938	1 house west
Cape Cod Residence - 460 Leslie St SE	460 Leslie St SE	1938	2 houses west
English Cottage Residence - 475 Leslie St SE	475 Leslie St SE	1930	3 houses west
Cape Cod Residence - 440 Leslie St SE	440 Leslie St SE	1938	3 houses west
Elizabeth Lord House – Lord and Schryver Conservancy	545 Mission St SE	1932	2 houses east
Bungalow Residence - 555 Mission St SE	555 Mission St SE	1920	3 houses east
Bungalow Residence - 535 Leslie St SE	535 Leslie St SE	1920	3 houses east
English Cottage Residence - 525 Leslie St SE	525 Leslie St SE	1935	2 houses east
Bungalow Residence - 545 Leslie St SE	545 Leslie St SE	1921	4 houses east
John A. Hetzel House – Cape Cod Residence	560 Leslie St SE	1937	4 houses east
Bungalow Residence - 565 Leslie St SE	565 Leslie St SE	1920	5 houses east
Colonial Residence - 595 Leslie St SE	595 Leslie St SE	1920	6 houses east
Norman Farmhouse Residence	470 Leslie St SE	1938	1 house west
Cape Cod Residence - 460 Leslie St SE	460 Leslie St SE	1938	2 houses west
English Cottage Residence - 475 Leslie St SE	475 Leslie St SE	1930	3 houses west
Cape Cod Residence - 440 Leslie St SE	440 Leslie St SE	1938	3 houses west
Walter and Della Smith House	460 Mission St SE	1938	4 houses south

Virgil Pringle House	883 High St SE	1880	5 houses south
Italianate Residence – 975 High St SE	975 High St SE	1880	7 houses south

The Salem Comprehensive Policies Plan (November 2015) states that *“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.”*

If the City of Salem were to approve the conditional use permit and allow a *contributing building* in the historic district to be used as a non-owner occupied, short-term rental unit, then you would subvert both the policies and guidance put forth in the Salem Comprehensive Policies Plan, as well as the purpose of Chapter 230 of the Salem Revised Code, which is to

“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.”

Furthermore, converting a single-family residence into non-owner occupied, short-term rental unit for up to six adult, non-related tenants is unlikely to encourage preservation of the resource.

Thanks very much for considering our testimony and request.

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

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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>.

Bryce Bishop

From: Leonard Kelly <leonard.kelly@gmail.com>
Sent: Wednesday, July 04, 2018 9:32 AM
To: Bryce Bishop
Cc: Baccaus
Subject: CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

My name is Leonard Kelly and I live at 690 High St., SE along with my wife Linda. We are writing to state our opposition to a conditional use permit for 725 High St., SE.

We are in close proximity to the property and can visually see the house. High Street is a very busy traffic street to Downtown. There have been numerous accidents through this section as a result. With proposed "out of towners" backing out onto High Street traffic from this property poses a great risk for themselves and others. This will add to an already busy and unsafe neighborhood street. We ask that this Conditional Use Permit be denied.

We agree with the other comments submitted by our neighbors.

Thank you for helping to keep our neighborhood street safe.

Leonard and Linda Kelly

Sent from my iPad

Bryce Bishop

From: jacqueheavey@gmail.com
Sent: Tuesday, July 03, 2018 8:06 PM
To: Bryce Bishop
Subject: Re: [Leslie List] Comments for Public Record - Case number CU-ADJ18-07 Conditional use permit for 725 High Street SE

CASE NO: CU-ADJ18-07

AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

ADDRESS: 725 High Street SE

ZIPCODE: 97301

HEARD BY: Salem Hearings Officer

CASE MANAGER: Bryce Bishop

Dear Bryce- We are the Dolan's at 747 Church St. S.E.. We are in agreement with our neighbors and their subsequent reasoning to deny the conditional use permit for 725 High Street as a short term, non- owner occupied rental for up to six unrelated tenants. Thank you for considering the livability of our historic residential neighborhood and making decisions to sustain it for future generations.

Sincerely,

Jacque Heavey and Mark Dolan

Sent from my iPhone

Bryce Bishop

From: Brent Koester <bckoester@gmail.com>
Sent: Tuesday, July 03, 2018 4:40 PM
To: Bryce Bishop; leslie new
Subject: CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

Brent and Teri Koester
625 Church St. SE

We oppose.

Brent and Teri Koester

Bryce Bishop

From: Kendra Mingo <kmingo@willamette.edu>
Sent: Tuesday, July 03, 2018 4:15 PM
To: Bryce Bishop; lesliestreet345@googlegroups.com
Cc: David Craig
Subject: Comments for Public Record - Case number CU-ADJ18-07 Conditional use permit for 725 High Street SE

CASE NO: CU-ADJ18-07
AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO
ADDRESS: 725 High Street SE
ZIPCODE: 97301
HEARD BY: Salem Hearings Officer
CASE MANAGER: Bryce Bishop

Dear Bryce,

Our names are Kendra Mingo and David Craig, and we live at 445 Leslie Street SE, four houses west of the Gaiety Hill home that has applied for a Conditional Use Permit and Class 2 Adjustment to allow an existing single-family dwelling at 725 High Street SE to be used as a short-term rental.

REQUEST: 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 single-family home at 725 High Street SE as a short-term, non-owner occupied rental for up to 6 non-related tenants.

Public Statement: We oppose the conditional use permit for two reasons: (1) the proposed land use is not consistent with the historic and cultural character of the Gaiety Hill Bush Pasture Park Historic District, and; (2) the request does **NOT meet two of the three criteria necessary for approval** as outlined in Section 240.005 of the Salem Revised Code:

The reasonably likely adverse impacts of the use on the immediate neighborhood **CANNOT** be minimized through the imposition of conditions.

The proposed use will **NOT** be reasonably compatible with and have minimal impact on the livability or appropriate development of surrounding property.

As you know, the Gaiety Hill Bush Pasture Park Historic District is **one of only four historic districts** listed in the National Register of Historic Places in Salem. The home in question, 725 High Street SE, was built in 1939 and is a *contributing building* to the Gaiety Hill Bush Pasture Park Historic District. As such, 725 High Street SE contributes to our *historic district*, described in Chapter 230 of the Salem Revised Code as:

"a geographically definable area containing a significant concentration, linkage, or continuity of buildings, structures, sites, or objects united historically or aesthetically by plan or physical development, and listed as a historic district in the National Register of Historic Places."

The home is also immediately adjacent to numerous other *contributing buildings* (all single-family residences) of the historic district (Table 1.)

Table 1. Proximity of 725 High St. SE to Contributing Buildings of Gaiety Hill/Bush's Pasture Park Historic District
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The Salem Comprehensive Policies Plan (November 2015) states that *“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.”*

If the City of Salem were to approve the conditional use permit and allow a *contributing building* in the historic district to be used as a non-owner occupied, short-term rental unit, then you would subvert both the policies and guidance put forth in the Salem Comprehensive Policies Plan, as well as the purpose of Chapter 230 of the Salem Revised Code, which is to

“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.”

Furthermore, converting a single-family residence into non-owner occupied, short-term rental unit for up to six adult, non-related tenants is unlikely to encourage preservation of the resource.

Thanks very much for considering our testimony and request.

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

Bryce Bishop

From: kmoynihan425@aol.com
Sent: Tuesday, July 03, 2018 12:56 PM
Subject: Fwd: CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

Sent to all - however I think it did go through :) Thanks Sylvia :)

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

From: sylvia.strand <sylvia.strand@comcast.net>
To: kmoynihan425 <kmoynihan425@aol.com>
Sent: Mon, Jul 2, 2018 7:58 pm
Subject: Fwd: CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

Kathleen, I sent this to bishop and Bacchus but dont think it went through. I'm hopeless with technology Would you forward it for me, please?
Sylvia

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

From: sylvia.strand@comcast.net
To: bbishop@cityofsalem.net
Date: July 2, 2018 at 7:21 PM
Subject: CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

My name is Sylvia Strand and I currently live at 520 Leslie Street. My former home for twenty- eight years was the "Lord and Schryver house at 545 Mission Street. When my husband died, we chose to sell the property to The Lord and Schryver Conservancy to preserve the integrity of our neighborhood.

Not only do I oppose the proposal set forth but it saddens me to think this is even being considered. Changes are inevitable but we rely on the integrity of those making decisions for our neighborhood to consider how we have to constantly adapt to changes to what we thought were established rules.

Parking has already encroached in our neighborhood, allowed by the use of parking permits for residents only. Three permits per address allowed.
I believe there is already more than one dwelling not complying with single-family residence rules..

I request consideration be given to protecting the very small Historic District that Salem has, protection for it's residents and renewal of our trust in those planning our future.

Respectfully,
Sylvia Strand

Bryce Bishop

From: Patricia Deminna <patdex@comcast.net>
Sent: Monday, July 02, 2018 8:00 PM
To: Bryce Bishop; Leslie List; Tom Andersen
Subject: [Leslie List] Case number CU-ADj1807 Conditional use permit for 725 High Street SE

My name is Patricia Deminna. My husband Roger and I live at 635 Church St. SE. We are strongly opposed to the granting of the conditional use permit for the property at 725 High St. SE. We are concerned about the adverse consequences — in practical terms, to the immediate neighbors; and most importantly, to the residential character of our historic neighborhood. Gaiety Hill & Bush's Pasture Park is a historic district valued by the city and the community at large, and loved by its residents. Preservation is always a challenge, but it's crucial. Allowing one of our homes to be turned into what amounts to a business enterprise to profit an out-of-state owner runs counter to what this neighborhood is about, its significance to Salem, and why we live here. I hope this permit is not approved. Thank you for the opportunity to voice my concern.

Bryce Bishop

From: Patricia Deminna <patdex@comcast.net>
Sent: Tuesday, July 03, 2018 1:17 PM
To: Bryce Bishop
Subject: Re: [Leslie List] Case number CU-ADj1807 Conditional use permit for 725 High Street SE

Hello Bryce,

Thanks for the advance notice on the timing of the public hearing. Also for including my comments and for adding my name to the public notification list.

As you're no doubt aware, this ordinance that allows for short-term rentals in single-family homes in our neighborhood came as a complete surprise to many of us. I had no idea. And what the ordinance appears to allow as conditional use, frankly I find disturbing.

I hope you can address the following:

Is this a recent ordinance or one that's been in place for some time?

Roz Shirack, in her email asking for comments, mentioned that you will supply the approval criteria for conditional use. If it's possible, I'd like to be a recipient.

Because Gaity Hill is a historic district, there is a high value placed on the preservation of its historic character, ambiance, and physical appearance. Will the Historic Landmarks Commission have a voice in this process?

Thanks again! Have an enjoyable 4th!
Pat

On Jul 3, 2018, at 7:42 AM, Bryce Bishop <BBishop@cityofsalem.net> wrote:

Good Morning Patricia,

Thank you for your comments. This is to confirm they were received and will be included in the record of the proceeding. Public notice for the case will be mailed this week and a public hearing is scheduled for July 25, 2018, @ 5:30 p.m. before the City's Hearings Officer. You'll also be added to the public notification list to ensure you'll receive a copy of the hearing notice when it is sent out. If you have any 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: Patricia Deminna [<mailto:patdex@comcast.net>]
Sent: Monday, July 02, 2018 8:00 PM
To: Bryce Bishop <BBishop@cityofsalem.net>; Leslie List <lesliestreet345@googlegroups.com>; Tom

Andersen <htandersen@aol.com>

Subject: [Leslie List] Case number CU-Adj1807 Conditional use permit for 725 High Street SE

My name is Patricia Deminna. My husband Roger and I live at 635 Church St. SE. We are strongly opposed to the granting of the conditional use permit for the property at 725 High St. SE. We are concerned about the adverse consequences — in practical terms, to the immediate neighbors; and most importantly, to the residential character of our historic neighborhood. Gaiety Hill & Bush's Pasture Park is a historic district valued by the city and the community at large, and loved by its residents. Preservation is always a challenge, but it's crucial. Allowing one of our homes to be turned into what amounts to a business enterprise to profit an out-of-state owner runs counter to what this neighborhood is about, its significance to Salem, and why we live here. I hope this permit is not approved. Thank you for the opportunity to voice my concern.

Bryce Bishop

From: sylvia.strand@comcast.net
Sent: Monday, July 02, 2018 7:21 PM
To: Bryce Bishop
Subject: CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO

My name is Sylvia Strand and I currently live at 520 Leslie Street. My former home for twenty- eight years was the "Lord and Schryver house at 545 Mission Street. When my husband died, we chose to sell the property to The Lord and Schryver Conservancy to preserve the integrity of our neighborhood.

Not only do I oppose the proposal set forth but it saddens me to think this is even being considered. Changes are inevitable but we rely on the integrity of those making decisions for our neighborhood to consider how we have to constantly adapt to changes to what we thought were established rules.

Parking has already encroached in our neighborhood, allowed by the use of parking permits for residents only. Three permits per address allowed.

I believe there is already more than one dwelling not complying with single-family residence rules..

I request consideration be given to protecting the very small Historic District that Salem has, protection for it's residents and renewal of our trust in those planning our future.

Respectfully,

Sylvia Strand

Bryce Bishop

From: ed scan <edscannewsletter@gmail.com>
Sent: Wednesday, July 18, 2018 9:15 AM
To: Bryce Bishop
Subject: Fwd: [Leslie List] 725 High St.

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

From: **Roz Shirack** <rozshirack7@gmail.com>
Date: Wed, Jul 18, 2018 at 9:09 AM
Subject: Fwd: [Leslie List] 725 High St.
To: Brian Sund <sund60@icloud.com>, Carel De Winkel <cdewinkel@comcast.net>, Carol Snyder <snyder2858@comcast.net>, Curt Fisher <curtwfisher@gmail.com>, Jeff Schumacher <jeff.schumacher@gmail.com>, John Prohodskey <johnmpro@gmail.com>, Jon Christenson <edscannewsletter@gmail.com>, Joyce Judy <pacajoyce@sbcglobal.net>, Kathleen Moynihan <kmoynihhan425@aol.com>, Lorrie Walker <dakotalor@msn.com>, Mark Wigg <mark_wigg@hotmail.com>, Roger Heusser <rnheusser@earthlink.net>

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

From: **Carlene Benson** <bensonwc@mac.com>
Date: Tue, Jul 17, 2018 at 3:31 PM
Subject: Fwd: [Leslie List] 725 High St.
To: Roz Shirack <rozshirack7@gmail.com>

Roz, this is from Sylvia Strand who will not be able to make it tonight.

Begin forwarded message:

From: sylvia.strand@comcast.net
Subject: Re: [Leslie List] 725 High St.
Date: July 16, 2018 at 3:06:24 PM PDT
To: bensonwc@mac.com
Reply-To: sylvia.strand@comcast.net

Hi Carlene,

This weather and my allergies have me feeling "under the weather" and so if I can not attend Tuesday's meeting, would you mind reading my message, please? If you are not able to attend I could ask Susan or Mary Anne . Let me know.

Sylvia

"My name is Sylvia Strand and I live at 520 Leslie Street; my family has lived in the Historic District for 28 years. The privilege of living here comes with responsibilities. Changes to outside appearances must be kept historically correct and permission obtained for those changes, of which most of you are aware. I will not reiterate.

That being said, I would ask that you consider this Neighborhood to not only be important for Salem, it is also our home. Are we required to comply with existing rules and regulations and have no input on the changes that would affect our livability

It seems that we are becoming a rabbit warren, more and more people squeezing into one property, each property allowed to purchase three extra parking permits when their own driveway is full to capacity.

I am fortunate to have parking at the rear of our property with alley access between High and Church. However, with the very short green light at High and Mission, the increased traffic piles up at the light and I cannot exit to get in line. When I can, another red light.

The west alley exit is often blocked by maintenance workers, garbage pick-up etc.

To allow the proposed measure would not seem to be in line with single-family residence, owner to live on the property, more parking permits in an already difficult situation and certainly not improve the livability for the families already residing here.

Respectfully request that you not allow this change."

Sylvia Strand

Dear neighbors, on Thursday, before we left town for the weekend, I sent the below letter to the SCAN board. It seems they are listening and this Tuesday night is our chance to let them know how we feel about a short term rental in the neighborhood, and your feelings about the recent SCAN meeting. This meeting is for Gaiety Hill residents and the only item on the agenda is 725 High St. I hope you will plan to be there, or send your comments.

6:30PM Pringle Hall, 7/17

Dear SCAN board,

Please see the email below from one of my neighbors after last night's meeting-it's one sample of what I've been getting. Unfortunately, I was unable to attend, as I am on a regular basis due to another event on the same night.

Let me first say how much I appreciate all the efforts of all of you on behalf of SCAN. Volunteers are the life blood of a community and also the unsung heroes.

I work hard to promote SCAN to the Gaiety Hill neighbors and I'm afraid last night's meeting undid some of that. Since I wasn't there I'd be interested in hearing your perspective of what happened, particularly moving up the "neighborhood concerns" that was scheduled for 6:55 on the published agenda but was heard earlier before many of the neighbors got there, and then told they were late and not given a chance to speak. It was my mistake in not telling them the meeting started at 6:30 and only mentioned the time for comment was 6:55. That's on me.

Again, I thank you for your time and efforts on our behalf. SCAN has heard us and supported us on many occasions and I want that to continue.

Carlene Benson

Date: July 11, 2018 at 8:41:11 PM PDT

To: Leslie Street Group

Subject: [Leslie List] SCAN meeting at Lord & Schriver

Reply-To:

Unfortunately the Scan committee decided to move the appointed time for our discussion of the Conditional use permit for 725 High St. When neighbors arrived at the set time, we found the issue had already been heard. Later, the chairperson told the back of the room (neighbors) to be quiet and Linda Kelly inquired about the time change and Linda was told that she must have been late. Not true. She would not hear Linda out. I think she owes Linda an apology.

This was a pretty shifty move by Scan. It should have been very obvious to the board that with the meeting in our neighborhood and the issue impacting homeowners that those 30 some extra people wanted to address the conditional use permit I think the Scan board owes the neighborhood an apology too.

Sent from my iPhone

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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>.

Bryce Bishop

From: kmoynihan425 <kmoynihan425@aol.com>
Sent: Monday, July 02, 2018 6:30 PM
To: spradlinmacn@hotmail.com; Bryce Bishop; lesliestreet345@googlegroups.com
Subject: Re: [Leslie List] Case number CU-ADJ18-07 Conditional use permit for 725 High Street SE

Excellent t Mary Anne !!!

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Date: 7/2/18 5:22 PM (GMT-08:00)
To: bbishop@cityofsalem.net, lesliestreet345@googlegroups.com
Subject: [Leslie List] Case number CU-ADJ18-07 Conditional use permit for 725 High Street SE

My name is Mary Anne Spradlin. I live with my husband, Hugh Nelson, at 712 High Street SE. We are almost directly across the street from the subject property. We are strongly opposed to the granting of this conditional use permit. The qualifier that the home owner must live in the home to be used for short term rentals is the only reason we agreed to the ordinance allowing short term rentals. Allowing long distance land lords to make short term rentals will destroy the residential quality of our neighborhood and is absolutely not what we want in our neighborhood. I believe that granting conditional use permits for this use will only encourage more out of town buyers to do the same thing. Thank you for considering our input.

Mary Anne Spradlin and Hugh Nelson 712 High Street SE 208-305-6561

Bryce Bishop

From: Bruce Hoffman <bruhof@gmail.com>
Sent: Monday, July 02, 2018 6:29 PM
To: Bryce Bishop
Cc: Bacchus
Subject: Conditional Use Permit Hearing

CASE NO: CU-ADJ18-07 AMANDA NO'S.: 18-106982-ZO & 18-109847-ZO
ADDRESS: 725 High Street SE ZIPCODE: 97301
HEARD BY: Salem Hearings Officer CASE MANAGER: Bryce Bishop

Our names are Bruce and Erma Hoffman and we live at 370 Leslie Street, SE approximately one block from the Gaiety Hill home that is being considered for a conditional use permit. We are also board members of the CanDo neighborhood association and Bruce is the chair of the land use committee for CanDo.

We oppose the conditional use permit because it is not in keeping with the preservation of this neighborhood. This is a historic neighborhood which requires that residents obtain permits to make any improvements in their homes. Requiring full time residents to seek permission to replace their windows or gutters but allowing a non-resident to turn their house into a motel with on-street parking 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. Please do not allow this conditional use.

Bruce and Erma Hoffman

Bryce Bishop

From: Irene LONGAKER <IRELON@msn.com>
Sent: Monday, July 02, 2018 5:51 PM
To: Bryce Bishop; Leslie Street Group; htandersen@aol.com
Subject: Case number CU-ADj1807 Conditional use permit for 725 High Street SE

My name is Irene Longaker and I live at 975 High Street SE. I am also strongly opposed to the granting of this conditional use permit. I agree with Mary Anne Spradlin on all points.

In addition, we are a part of the Gaiety Hill/Bush Park Historic District which was put in place over 30 years ago with the sole purpose to preserve this Gaiety Hill neighborhood and protect Bush Park. Both the Gaiety Hill neighborhood and Bush Park are valuable assets to the City of Salem and are vulnerable to development that would be detrimental to the character of both the neighborhood and park. Allowing this type of short term rental would undermine the integrity of our neighborhood. Parking is already a problem.

Thank you for asking my input and I am hoping this permit will not be approved.

Sent from Mail for Windows 10

Bryce Bishop

From: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Sent: Tuesday, July 17, 2018 5:02 PM
To: Bryce Bishop
Cc: lesliestreet345@googlegroups.com; Roz Shirack
Subject: Comments for Public Record- Case CU-ADJ18-07 Conditional Use Permit for 725 High Street SE Comment #2

We are Mary Anne Spradlin and Hugh Nelson and we live at 712 High Street SE, almost directly across High Street from the subject property at 725 High Street SE.

Cities all across America are struggling with the issue of non-owner occupied short-term rentals. These strictly commercial enterprises remove homes from the available housing stock of the neighborhood. It has a large impact because it reduces the number of people who live in the neighborhood and care about it and introduces people who have absolutely no long-term interest in the neighborhood. It's long-term interest and stewardship that contribute to the vitality, livability and sustainability of a neighborhood.

Therefore, it is our thought that there are NO conditions other than that the home to be used for a short-term rental be owner-occupied that will minimize the adverse impacts in this historic neighborhood. The proposed use as a short-term rental is not at all compatible with the liveability or the appropriate development of surrounding property.

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.

Mary Anne Spradlin and Hugh Nelson
712 High Street SE Salem Oregon 97301
spradlinmacn@hotmail.com 208-305-6561

Bryce Bishop

From: Mary Anne Spradlin <spradlinmacn@hotmail.com>
Sent: Monday, July 02, 2018 5:22 PM
To: Bryce Bishop; lesliestreet345@googlegroups.com
Subject: Case number CU-ADJ18-07 Conditional use permit for 725 High Street SE

My name is Mary Anne Spradlin. I live with my husband, Hugh Nelson, at 712 High Street SE. We are almost directly across the street from the subject property. We are strongly opposed to the granting of this conditional use permit. The qualifier that the home owner must live in the home to be used for short term rentals is the only reason we agreed to the ordinance allowing short term rentals. Allowing long distance landlords to make short term rentals will destroy the residential quality of our neighborhood and is absolutely not what we want in our neighborhood. I believe that granting conditional use permits for this use will only encourage more out of town buyers to do the same thing. Thank you for considering our input.

Mary Anne Spradlin and Hugh Nelson 712 High Street SE 208-305-6561

Bryce Bishop

From: Carlene Benson <bensonwc@mac.com>
Sent: Saturday, July 07, 2018 2:11 PM
To: Bryce Bishop
Subject: 725 High ST. SE

Bryce, you have been sent comments prepared by Roz Schirak, Chair of the SCAN Land Use Committee. Unfortunately those comments aren't representative of the many emails you received from independent Gaiety Hill residents, nor were they vetted by the entire SCAN board. Somehow things got crossed and SCAN forgot to give notice to and check in with the actual neighbors of this property. People are busy, and any volunteer is to be commended for the time they put in and we thank them for that, but you should in no way take those comments and conditions into any consideration regarding this proposal. As you can tell by those emails the neighbors do not want this.

Because the hearing is in the middle of summer, many people affected by this are away and unable to attend the hearing. The comments are recorded, but we've been to hearings many times and know that numbers matter. How can we address this?

Thank you,
Carlene Benson

Bryce Bishop

From: Carlene Benson <bensonwc@mac.com>
Sent: Monday, July 02, 2018 3:28 PM
To: Bryce Bishop
Cc: Tom Andersen
Subject: 725 High St.

Bryce, I am writing in opposition to any short term rental use by this property. This is the first our Gaiety Hill neighborhood has heard about this.

Parking 4 cars in that driveway is unreasonable, given that you have to jockey them around when you have to back out on to an increasingly busy High St., and this would be by people unfamiliar with the traffic patterns. It's not safe for pedestrians, bikers, or drivers.

One of the main concerns unrelated to parking is that short term rentals remove one more family home from a family neighborhood. Short term renters aren't going to be involved as neighbors, etc. We've had several houses go to student housing as well-same problem. If the city cares about this as a historic district we have to keep it family friendly. A rental management company and a long distance corporate owner are not going to do anything positive as neighbors helping neighbors, etc. This neighborhood is constantly being squeezed by outside pressures and it's because of the people who LIVE here that we can keep our historic district sound and viable.

I lived for 20+ years across from 725 and now live 3 doors down on Leslie. This is not in the best interest of this neighborhood.

Thank you,
Carlene Benson
545 Leslie St. SE

Bryce Bishop

From: Carlene Benson <bensonwc@mac.com>
Sent: Monday, July 02, 2018 5:31 PM
To: Bryce Bishop
Subject: Re: 725 High St.

Thank you. I understand that Jeff Schumacher really did not say he was in favor despite what is in the request. SCAN has always been opposed to short term rentals. How does that factor in?

> On Jul 2, 2018, at 4:06 PM, Carlene Benson <bensonwc@mac.com> wrote:

>

> Thank you. Although I'm early, will my comments still be recorded or do I need to resend?

>

> Sent from my iPhone

>

>> On Jul 2, 2018, at 3:53 PM, Bryce Bishop <BBishop@cityofsalem.net> wrote:

>>

>> Good Afternoon Carlene,

>>

>> Thank you for your comments regarding the conditional use permit for the short-term rental proposed for the property at 725 High Street SE. The public hearing notice for the proposal has not yet been provided, but information about the proposal was forwarded to the SCAN Neighborhood Association. The public notice for the case will be mailed to property owners within 250 feet of the subject property on July 5th and public notice will also be posted on the property between 10 and 14 days prior to the public hearing as required under the City's development code.

>>

>> A public hearing on the proposal will be held before the City's Hearings Officer on Wednesday, July 25th at 5:30 p.m. I'll make sure to add you to the notification list to ensure you receive a copy of the official public notice when it is mailed out this Thursday. In the meantime 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

>>

>> -----Original Message-----

>> From: Carlene Benson [mailto:bensonwc@mac.com]

>> Sent: Monday, July 02, 2018 3:28 PM

>> To: Bryce Bishop <BBishop@cityofsalem.net>

>> Cc: Tom Andersen <TAndersen@cityofsalem.net>

>> Subject: 725 High St.

>>

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>>

>> I lived for 20+ years across from 725 and now live 3 doors down on Leslie. This is not in the best interest of this neighborhood.

>>

>> Thank you,

>> Carlene Benson

>> 545 Leslie St. SE

>>

Bryce Bishop

From: SUSAN MILLER <gsmilleror@msn.com>
Sent: Monday, July 02, 2018 3:06 PM
To: Bryce Bishop
Subject: 725 High St. SE property conditional use

Dear Bryce,

I am a neighbor of this property. I live around the corner at 540 Leslie St. SE. I had this application for conditional use emailed to me by another neighbor. I don't understand why I did not receive this information as I will be impacted by this change.

First of all, what does short term-rental mean? Will this be an air B&B?

Second, will the number of cars be limited to 4 since that is what the driveway will hold? Parking is a particular problem in this neighborhood and we only have permit parking on the street. Will renters be given permits or will they be required to park in that driveway?

There is very little time for responding to this application with the July 4th holiday. I've spoken to some other neighbors who are unfamiliar with this case. I would like to ask that the deadline for input be extended.

Thank you,

Susan Miller
503-881-7056

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Friday, July 06, 2018 8:04 PM
To: Bryce Bishop
Subject: 725 High Street RE: Adjustment Class 2 and Conditional Use

Dear Mr. Bishop (Bryce):

I do want to add, the conclusions of incompatibility are correct:

however, the conditions proposed in the Committee Chair submission were not discussed by the full Committee or circulated to Committee members prior to submission or to the full SCAN Board or affected neighbors in Gaiety Hill.

It is why I have concern.

I concur with the conclusion of incompatibility and do not find commercialization of the residence to short-term rental to be in the public interest, best interest of the utilization and assignment of the public right-of-way or the residential National Historic District or the Gaiety Hill community.

This has been a very tight review and turnaround time for comment: too tight with the holiday.

Thank you for the opportunity to provide comment to you.

Jon Christenson

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

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Date: Fri, Jul 6, 2018 at 7:36 PM
Subject: 725 High Street RE: Adjustment Class 2 and Conditional Use Requests
To: Bryce Bishop <BBishop@cityofsalem.net>

Dear Mr. Bishop (Bryce):

The amazing work of Roz Shirack, chair of the SCAN Land Use & Transportation Committee: despite the short time for the regulatory review, the tough scheduling and individual schedules during a long national holiday, extended 4th of July vacations. Ms. Shirack was able to secure comments from her Committee members for your review.

Extraordinary volunteer work on the grass roots level.

Jon Christenson

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Friday, July 06, 2018 7:36 PM
To: Bryce Bishop
Subject: 725 High Street RE: Adjustment Class 2 and Conditional Use Requests

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Extraordinary volunteer work on the grass roots level.

Jon Christenson

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Friday, July 06, 2018 4:56 PM
To: Bryce Bishop
Subject: Feedback from short-term rental experience in Salem: RE: Adjustment Class 2 Conditional Use Request 725 High Street SE

Dear Mr. Bishop (Bryce):

Informal feedback I have received on experience elsewhere in the City: respective to livability, compatibility, appropriate development -- in a residential neighborhood - actual experience -

I quote

-it is "like a hotel" in a residential neighborhood

-even with owner occupied, there are problems.

When an owner is not present, the neighbors end up needing to handle the issues that will come up if the manager or owner is not responsive.

And unlike a tenant in a long term rental, there is no chance to develop a relationship or work out the problems with the person living there.

-These properties remove housing stock from the neighborhood and raise rents. Some cities are reconsidering them.

-Some of the owners live out of the area; it is a business and degrades the sense of community.

-The Conditional Use Permit is passed on to the next owner if the building is sold. We especially were concerned about this.

-Salem has a housing shortage and we need housing.

These rentals can make as much as 4x the income than renting to a tenant who is part of the community.

Problems in our neighborhood with the owner living in the same house:

A kitchen fire that caused damage to the counters.

A renter who got drunk, would not leave and had to be removed by law enforcement.

Loud parties.

Parking problems that upset the neighbors. And this is an owner who is very very careful with selecting tenants.

In this location, 725 High Street, given the congestion, parking, the ambiance of the historic residential district, Gaiety Hill, the proposed use will be conflicting, and, at times, disruptive. Even with on site owner, behavior problems can arise.

Submitted
respectfully

Jon Christenson

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Friday, July 06, 2018 4:04 PM
To: Bryce Bishop
Subject: Comment - Case No.CU-ADJ18-07 725 High Street SE

Dear Mr. Bishop (Bryce):

The proposed commercialization of residential property, converting a residence in the National Historic District, into a "de facto" hotel, with accompanying parking pressures, at this congested street location, impacts on livability and appearance does not meet the threshold of SRC 250.005(2)(B) for a Class 2 Adjustment.

The proposed Conditional Use, commercialization of the residential property, does not meet the threshold of SRC 240.005(d)(3) of compatibility on the livability or appropriate development of surrounding property.

This "intact inner city neighborhood is associated with a segment of the city's development over a period of 1878 to 1938. The area maintains the feeling and sense of an early residential area in its streetscapes and architecture..retains the scale and ambiance of an early Salem area..a sense of connected and united space" (National Register documentation).

"Gaiety Hill also provides the district with a front line of defense against commercial encroachment ..upon a distinctive intact residential neighborhood surrounding Bush's Pasture Park.", (National Register documentation).

Commercialization of residential property in Gaiety Hill is not compatible with the historic district.

Not a good fit.

Also, the applicant's comment to SCAN may be misunderstood.

The proposal has not been reviewed by SCAN Board of Directors: has not been placed on the SCAN Board agenda by the president; the SCAN Land Use & Transportation Committee has not met nor the SCAN Historic Preservation, Parks & Gardens Committee to discuss the proposal: it is not on the published SCAN Board agenda for July 11, 2018, and the SCAN Board does not, as a practice, meet in August.

Mr. Bishop, there is significant opposition in Gaiety Hill to commercialization of the residential property, a "de facto" hotel.

The Gaiety Hill/Bush's Pasture Park National Historic District was the first to be established in Salem, when residents of Gaiety Hill led the effort in the 1980s, in part, to protect the area from commercial encroachment, receiving approvals after detailed reviews and meeting high architectural, human and cultural standards, from the Salem Historic Landmarks Commission, City Council, the State Historic Preservation Office (SHPO) and advisory committee, the U. S. Secretary of Interior, U. S. National Park Service and Keeper of the National Register.

The Gaiety Hill community collectively is very attentive, dedicated to maintaining the ambiance and historical quality, livability, compatibility of the area consistent with the period of significance 1878-1938, gardens, frontal exterior appearance, a connected unified space, suitable, appropriate - worthy - for an area of national,

state and local recognition. A sense of civic responsibility to maintain a historical residential ambiance. A lot of personal investment of resources, time, attention to detail, parking limitations. A very fine -- small - neighborhood - of many modest homes, well maintained, some small bungalows, mostly 1-2 level, single family households. Lot of civic pride.

Respectfully submitted

—

Jon Christenson

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Friday, July 06, 2018 3:30 PM
To: Lisa Anderson-Ogilvie
Cc: Bryce Bishop
Subject: Re: CU-ADJ18-07 how is this Case brought before City Council ?

yes, it does help

I would like to bring to your attention, sharing professionally, on July 4 - two days ago - on national television, PBS Nightly Business Report, there was a segment on short-term rentals, including an interview with a leading academic from McGill University School of Urban Planning.

McGill has also published two recent major studies on short-term rentals, (2017)[Montreal, Vancouver, Toronto - 81,000 in 2017 - 55% increase over the year before]: (2018)(New York City):

short-term rentals are viewed as "de facto hotels", are removing rental units from the standard market, escalating housing costs, "profit-seeking" operations: "increasing amounts of housing are being taken by profit-seeking short term rentals" "

and the short-term rental market is moving further and further away from the idea of home sharing"

High regards to all of you

Jon

On Fri, Jul 6, 2018 at 11:01 AM, Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

Jon,

This case will have a public hearing before the Hearings Officer. Once he issues a decision there will be a 15-day appeal period where the decision can be appealed by neighbors, the applicant or the neighborhood association. An appeal would be heard by the Planning Commission.

The Hearings Officer's decision will be placed on the City Council's agenda as an information item. The Council could, by majority vote, choose to call up the decision for review and have their own public hearing. Their decision would be the final local decision. The Council could call the decision up regardless of an appeal; if they do that it cannot be appealed to the Planning Commission.

Since the case is reviewable by the City Council, Councilors will probably not speak to neighbors about it or stay at neighborhood meetings where it is being discussed, due to ex-parte rules.

I hope this helps.

Lisa | 503-540-2381

From: Howard Hall [mailto:friendsofhistoricsalem@gmail.com]
Sent: Thursday, July 05, 2018 3:05 PM
To: Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net>
Subject: CU-ADJ18-07 how is this Case brought before City Council ?

How does Council review this conditional use - adjustment request ? What is process, should citizens be concerned

Jon Christenson

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Monday, July 02, 2018 1:13 PM
To: Bryce Bishop
Cc: Sally Long
Subject: Re: Request for Comments - Case No. CU-ADJ18-07 for 725 High Street SE

RE: CU-ADJ18-07 Attn: Bryce Bishop, Case Manager

Dear Mr. Bishop (Bryce),

Thank you for the opportunity to comment. Please advise us to what are the approval criteria for this Conditional Use. Also to SRC 240.005(d)(3) application standards to livability.

Is there a previous application of SRC 240.005(d)(3) to an approval or decline to approve.

This is a fragile residential, somewhat rectangular area - part of a National Historic District - bound on three sides by commercial and institutional development. On the north is the campus of SAIF. On the east is Salem Health. On the west is the major corridor of Commercial Street, millions of day trips per year on Commercial and Liberty Streets SE. The stability of this historic residential area is founded on long term owner occupied residency. This supports the the attention you will find to detail, historical nuances, gardens, lawns, flowers, exteriors, upkeep and the tidy historic appearance of the properties, parking, and neighbor-to-neighbor communication, safety, traffic. The area has out-of-the ordinary use, limited parking and street parking pressure from the commercial properties, the hospital, events at Bush's Pasture Park, Pringle Park, the Let's All Play area, so on-site ownership and presence supports the cohesion among neighbors and livability.

Residents of Gaiety Hill would be concerned to a short-term rental operation, certainly without owner on site.

The South Central Association of Neighbors (SCAN) also holds the position that such short term rental operations should have an owner on site, not absentee.

Experience has been absentee landlords or off site owners are often non-responsive, sometimes reside out-of-state, do not maintain grounds and do not monitor short-term rental behavior, negatively affecting the livability of the nearby residences.

This would be a particular poor area for a bad apple.

Thank you.

Jon Christenson

On Fri, Jun 22, 2018 at 2:41 PM, Sally Long <SJLong@cityofsalem.net> wrote:

Good Afternoon,

The Request For Comments for Conditional Use / Class 2 Zone Adjustment Case No. CU-ADJ18-07 is attached for your information. Comments are due by **5:00 P.M., Friday, July 6, 2018.** Hard copies go out in the mail today to those of you who are to receive one.

Application Summary: A request to allow an existing single-family dwelling to be used as a short-term rental.

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

Bryce Bishop, Planner II

BBishop@cityofsalem.net

503.540.2399

Regards,

Sally Long

Planning Staff

City of Salem

Community Development Depart.

555 Liberty St SE - Room 305

Salem, OR 97301

503-540-2311

Sjlong@cityofsalem.net

www.cityofsalem.net/planning

Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Monday, July 02, 2018 10:25 PM
To: Bryce Bishop
Subject: Clarifications please Re: Request for Comments - Case No. CU-ADJ18-07 for 725 High Street SE

RE: CY-ADJ18-07

Dear Bryce,

I would also ask please: is this Conditional Use, an administrative decision or administratively approved adjustment ?

Is it a report or recommendation that goes to a Hearing Officer or the Planning Commission ?

Is it a Staff administrative decision that can be appealed to an administrative officer or Administrator or Hearings Officer

Trying to understand the pathway because folks are asking: what the process is, what are the criteria and standards.

Thank you.

Jon Christenson

On Mon, Jul 2, 2018 at 1:12 PM, Howard Hall <friendsofhistoricsalem@gmail.com> wrote:
RE: CU-ADJ18-07 Attn: Bryce Bishop, Case Manager

Dear Mr. Bishop (Bryce),

Thank you for the opportunity to comment. Please advise us to what are the approval criteria for this Conditional Use. Also to SRC 240.005(d)(3) application standards to livability.

Is there a previous application of SRC 240.005(d)(3) to an approval or decline to approve.

This is a fragile residential, somewhat rectangular area - part of a National Historic District - bound on three sides by commercial and institutional development. On the north is the campus of SAIF. On the east is Salem Health. On the west is the major corridor of Commercial Street, millions of day trips per year on Commercial and Liberty Streets SE. The stability of this historic residential area is founded on long term owner occupied residency. This supports the the attention

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Residents of Gaiety Hill would be concerned to a short-term rental operation, certainly without owner on site.

The South Central Association of Neighbors (SCAN) also holds the position that such short term rental operations should have an owner on site, not absentee.

Experience has been absentee landlords or off site owners are often non-responsive, sometimes reside out-of-state, do not maintain grounds and do not monitor short-term rental behavior, negatively affecting the livability of the nearby residences.

This would be a particular poor area for a bad apple.

Thank you.

Jon Christenson

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Bryce Bishop, Planner II

BBishop@cityofsalem.net

503.540.2399

Regards,

Sally Long

Planning Staff

City of Salem

Community Development Depart.

555 Liberty St SE - Room 305

Salem, OR 97301

503-540-2311

Sjlong@cityofsalem.net

www.cityofsalem.net/planning

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Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Tuesday, July 03, 2018 9:52 AM
To: Bryce Bishop
Subject: Re: Clarifications please Re: Request for Comments - Case No. CU-ADJ18-07 for 725 High Street SE

Bryce,

so the Staff report will be available 7 days in advance

and the hearing in the Council Chambers on the 25th

is that accurate

Jon

On Tue, Jul 3, 2018 at 6:59 AM, Bryce Bishop <BBishop@cityofsalem.net> wrote:

Good Morning John,

The Conditional Use Permit and Class 2 Adjustment will be heard by the City's Hearings Officer. Notice for the public hearing will be mailed this week and the public hearing will be held on July 25th at 5:30 p.m. The approval criteria for the Conditional Use Permit are included under SRC 240.005(d). The approval criteria for the Class 2 Adjustment are included under SRC 250.005(d)(2).

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: Howard Hall [<mailto:friendsofhistoricsalem@gmail.com>]

Sent: Monday, July 02, 2018 10:25 PM

To: Bryce Bishop <BBishop@cityofsalem.net>

Subject: Clarifications please Re: Request for Comments - Case No. CU-ADJ18-07 for 725 High Street SE

RE: CY-ADJ18-07

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Thank you.

Jon Christenson

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On Fri, Jun 22, 2018 at 2:41 PM, Sally Long <SJLong@cityofsalem.net> wrote:

Good Afternoon,

The Request For Comments for Conditional Use / Class 2 Zone Adjustment Case No. CU-ADJ18-07 is attached for your information. Comments are due by **5:00 P.M., Friday, July 6, 2018.** Hard copies go out in the mail today to those of you who are to receive one.

Application Summary: A request to allow an existing single-family dwelling to be used as a short-term rental.

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

Bryce Bishop, Planner II

BBishop@cityofsalem.net

503.540.2399

Regards,

Sally Long

Planning Staff

City of Salem

Community Development Depart.

555 Liberty St SE - Room 305

Salem, OR 97301

503-540-2311

Sjlong@cityofsalem.net

www.cityofsalem.net/planning

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Bryce Bishop

From: Howard Hall <friendsofhistoricsalem@gmail.com>
Sent: Tuesday, July 03, 2018 9:56 AM
To: Bryce Bishop
Subject: Re: Clarifications please Re: Request for Comments - Case No. CU-ADJ18-07 for 725 High Street SE

can I also assume there is no available Case discussion or decision on what constitutes livability or impacts from short term rentals

Jon

On Tue, Jul 3, 2018 at 9:52 AM, Howard Hall <friendsofhistoricsalem@gmail.com> wrote:
Bryce,

so the Staff report will be available 7 days in advance

and the hearing in the Council Chambers on the 25th

is that accurate

Jon

On Tue, Jul 3, 2018 at 6:59 AM, Bryce Bishop <BBishop@cityofsalem.net> wrote:

Good Morning John,

The Conditional Use Permit and Class 2 Adjustment will be heard by the City's Hearings Officer. Notice for the public hearing will be mailed this week and the public hearing will be held on July 25th at 5:30 p.m. The approval criteria for the Conditional Use Permit are included under SRC 240.005(d). The approval criteria for the Class 2 Adjustment are included under SRC 250.005(d)(2).

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: Howard Hall [mailto:friendsofhistoricsalem@gmail.com]

Sent: Monday, July 02, 2018 10:25 PM

To: Bryce Bishop <BBishop@cityofsalem.net>

Subject: Clarifications please Re: Request for Comments - Case No. CU-ADJ18-07 for 725 High Street SE

RE: CY-ADJ18-07

Dear Bryce,

I would also ask please: is this Conditional Use, an administrative decision or administratively approved adjustment ?

Is it a report or recommendation that goes to a Hearing Officer or the Planning Commission ?

Is it a Staff administrative decision that can be appealed to an administrative officer or Administrator or Hearings Officer

Trying to understand the pathway because folks are asking: what the process is, what are the criteria and standards.

Thank you.

Jon Christenson

On Mon, Jul 2, 2018 at 1:12 PM, Howard Hall <friendsofhistoricsalem@gmail.com> wrote:

RE: CU-ADJ18-07 Attn: Bryce Bishop, Case Manager

Dear Mr. Bishop (Bryce),

Thank you for the opportunity to comment. Please advise us to what are the approval criteria for this Conditional Use. Also to SRC 240.005(d)(3) application standards to livability.

Is there a previous application of SRC 240.005(d)(3) to an approval or decline to approve.

This is a fragile residential, somewhat rectangular area - part of a National Historic District - bound on three sides by commercial and institutional development. On the north is the campus of SAIF. On the east is Salem Health. On the west is the major corridor of Commercial Street, millions of day trips per year on Commercial and Liberty Streets SE. The stability of this historic residential area is founded on long term owner occupied residency. This supports the the attention you will find to detail, historical nuances, gardens, lawns, flowers, exteriors, upkeep and the tidy historic appearance of the properties, parking, and neighbor-to-neighbor communication, safety, traffic. The area has out-of-the ordinary use, limited parking and street parking pressure from the commercial properties, the hospital, events at Bush's Pasture Park, Pringle Park, the Let's All Play area, so on-site ownership and presence supports the cohesion among neighbors and livability.

Residents of Gaiety Hill would be concerned to a short-term rental operation, certainly without owner on site.

The South Central Association of Neighbors (SCAN) also holds the position that such short term rental operations should have an owner on site, not absentee.

Experience has been absentee landlords or off site owners are often non-responsive, sometimes reside out-of-state, do not maintain grounds and do not monitor short-term rental behavior, negatively affecting the livability of the nearby residences.

This would be a particular poor area for a bad apple.

Thank you.

Jon Christenson

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725 High Street SE Driveway Location in Relation to Property Line



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

City of *Salem*
OF YOUR SERVICE
Community Development Dept.



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