

TO: PLANNING COMMISSION

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

DATE: SEPTEMBER 10, 2020

**SUBJECT: SUPPLEMENTAL STAFF REPORT FOR COMPREHENSIVE PLAN
CHANGE / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE / SITE
PLAN REVIEW / ADJUSTMENT / DESIGN REVIEW CASE NO. 20-03;
905 and 925 COTTAGE STREET NE - 97301**

SUPPLEMENTAL FINDINGS

A letter from State of Oregon State Historic Preservation Office was submitted into the record (Attachment B). The additional findings are listed below with updated conditions of approval.

Statewide Planning Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces: *To protect natural resources and conserve scenic and historic areas and open spaces*

Finding: The funding for the proposed project includes federal funds that are passed through the City of Salem to the applicant. These federal funds trigger a review under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). Funds for this project are from the federal Housing and Urban Development Department (HUD). As required by HUD, prior to distribution of these federal funds, the City of Salem is responsible for demonstrating compliance under 36 CFR, Part 800 and 24 CFR Part 58.5(a) (Attachment A). The review must determine if the structures are eligible for listing on the National Register of Historic Places, and if so, if the proposed project will constitute an adverse effect to these historic resources. If the Oregon State Historic Preservation Office (SHPO) determines the resource is eligible and the project will have an adverse effect, these adverse effects must be resolved according to 36 CFR Part 800. If an adverse effect cannot be avoided, appropriate mitigation must then be imposed. These determinations are made by SHPO, though the City's Historic Landmarks Commission will be asked to weigh in on proposed mitigation, if necessary.

A letter from SHPO regarding this project has been submitted. SHPO concludes that the Evergreen Church and Parsonage located at 905 and 925 Cottage Street NE are currently eligible for listing on the National Register of Historic Places and are therefore significant historic resources under Oregon's Statewide Planning Goal 5 within the City of Salem (Attachment B). The SHPO further concludes that the proposed rehabilitation project with conversion of the church to housing will constitute an adverse effect to these historic resources and mitigation is required by the Oregon SHPO under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). In order to address this adverse effect and meet the requirements under Goal 5 for the protection of historic resources, staff recommends a condition of approval be placed on the zone change.

SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:

- (i) A mistake in the application of a land use designation to the property**
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

The Oregon State Historic Preservation Office (SHPO) concludes that the Evergreen Church and Parsonage located at 905 and 925 Cottage Street NE are currently eligible for listing on the National Register of Historic Places and are therefore significant historic resources under Oregon's Statewide Planning Goal 5 within the City of Salem (Attachment B). Previous comments from the Grant Neighborhood Association raised concerns related to the effects of the zone change on the existing buildings. The SHPO concludes that the proposed rehabilitation project with conversion of the church to housing will constitute an adverse effect to these historic resources and mitigation is required by the Oregon SHPO under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). In order to address this adverse effect and meet the requirements under Goal 5 for the protection of historic resources, staff recommends the following condition:

Condition 5: The applicant shall be required to demonstrate that mitigation for the adverse effect to the resources at 905 and 925 Cottage Street NE has been agreed to through submittal of the Memorandum of Agreement (MOA) signed by the State Historic Preservation Office (SHPO) prior to building permit issuance for the project.

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Planning Commission take the following actions for the property at 905 and 925 Cottage Street NE for two lots each approximately 0.15-acre lot, zoned RS (Single Family Residential), and located at 905 and 925 Cottage Street NE (Marion County Assessor map and tax lot number 073W23CB/ 14300 and 073W23CB / 14301):

- A. APPROVE Minor Comprehensive Plan Map Amendment from "Single Family Residential" to "Multiple Family";
- B. APPROVE Neighborhood Plan Map Amendment to "Multiple Family"; and
- C. APPROVE Zone Change from RS (Single Family Residential) zoning to "Multiple Family" with RH (Residential High-Rise), subject to the following conditions of approval:

- Condition 1:** The subject properties shall be limited to 19 units.
- Condition 2:** The maximum lot coverage allowance for all uses shall not exceed 50 percent.
- Condition 3:** The maximum building height allowance for all uses shall be 50 feet.
- Condition 4:** Outdoor Storage shall be screened from streets and adjacent properties by a minimum 6-foot high sight-obscuring fence, wall, or hedge.
- Condition 5:** The applicant shall be required to demonstrate that mitigation for the adverse effect to the resources at 905 and 925 Cottage Street NE has been agreed to through submittal of the Memorandum of Agreement (MOA) signed by the State Historic Preservation Office (SHPO) prior to building permit issuance for the project.

D. APPROVE Class 3 Site Plan Review, subject to the following conditions of approval:

- Condition 5 6:** Prior to issuance to building permits the applicant shall complete property line adjustment to consolidate 073W23CB / 14301 and 073W23CB/ 14300.
- Condition 6 7:** All pedestrian paths and connections shall be a minimum of 5-feet in width, shall be visually differentiated from driveways, parking areas, parking lot drive aisles, and loading areas by elevation changes, physical separation, speed bumps, or a different paving material. Wheel stop or extended curbs shall be provided along pedestrian connections to prevent encroachment.
- Condition 7 8:** Provide street trees to the maximum extent feasible along all property frontages pursuant to SRC 86.015(e).
- Condition 8 9:** The existing driveway approaches along D Street NE shall be closed and the curb, landscape strip and sidewalk replaced in accordance with Public Works Development Standards.

E. APPROVE Class 2 Adjustment;

F. APPROVE Class 1 Design Review.

- Attachment: A. Historic Preservation Checklist
B. State of Oregon State Historic Preservation Office Letter

Prepared by Olivia Dias, Planner III

Historic Preservation for Oregon

24 CFR Part 58

General requirements	Legislation	Regulation
Protect sites, buildings, objects, structures, and districts with national, state or local historic, cultural and/or archeological significance. Identify effects of project on historic properties	National Historic Preservation Act, 16 U.S.C. 470(f), section 106	36 CFR Part 800 24 CFR Part 58.5(a)

1. Does the project include repair, rehabilitation or conversion of existing properties; new construction; the acquisition of undeveloped land; or any activity that requires ground disturbance (defined as one cubic foot of disturbed soil)?

- No: STOP here. The Section 106 Historic Preservation review is complete.
Record your determination on the Statutory Worksheet or Environmental Assessment.
- Yes: PROCEED to #2

2. Does the project involve a structure that is less than 45 years old, is not in a historic district and has no ground disturbing activities?

- Yes: STOP here. The Section 106 Historic Preservation review is complete.
Record your determination that there is no potential to cause effect, including the age of the existing building and information from the National Register to show that the activity is not in a historic district, on the Statutory Worksheet or Environmental Assessment.
- No: PROCEED to #3

3. Consult with SHPO or THPO and any tribes or groups that may have an interest in the project to determine if the project is eligible for the National Register of Historic Places.

- You must define and consider the Area of Potential Effect (APE). The APE is the geographic area within which an undertaking may directly or indirectly cause changes in the character or use of historic properties. The APE is influenced by the scale and nature of an undertaking. (36 CFR Part 800.16).
- Determine if there are tribes or groups that have an interest in the historic aspects of the project and invite them to participate in the consultation. For ground disturbing activities, you must make a reasonable and good faith effort to identify Indian tribes that may have an interest. HUD's website lists interested tribes by county: <https://egis.hud.gov/tadat/> It is suggested that you go to the Legislative Commission on Indian Services, Tribal websites, or contact the SHPO to make sure contact information is current.
- Consult the State Historic Preservation Officer (SHPO), or if the project is on certain tribal lands, the Tribal Historic Preservation Officer (THPO), with details of the project and project site and your determination if it is eligible for the National Register of Historic Places. Instructions on how to submit projects for review to the Oregon SHPO and submittal requirements are below. SHPO or THPO has 30 calendar days from receipt of adequate documentation to review and concur or comment on your determination of eligibility and finding of effect. If SHPO does not respond within the timeframe, or provide a description of additional information needed, you may proceed with the next step of the process based on your finding or consult with the Advisory Council on Historic Preservation (ACHP).

State Historic Preservation Officer contacts: <http://www.nps.gov/nr/shpolist.htm>

Tribal Historic Preservation Officers contacts: <http://www.nathpo.org/map.html>

Proceed as appropriate based on the Finding:

- No Historic Properties Affected:** STOP here. The Section 106 Historic Preservation review is complete.
Attach SHPO/THPO concurrence, copies of letters to and from other interested parties and the tribes, and your response to the ERR. If SHPO/THPO did not respond within 30 days, your dated letter documents

compliance. Record your determination of no historic properties affected on the Statutory Worksheet or Environmental Assessment.

- No Adverse Effect on Historic Property:** STOP here. The Section 106 Historic Preservation review is complete. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**

Attach SHPO/THPO concurrence, copies of letters to and from other interested parties and the tribes, and your response to the ERR. Record your determination of no adverse affect on historic properties on the Statutory Worksheet or Environmental Assessment.

- Adverse Effect on Historic Property** Resolve Adverse Effects per 800.6 in consultation with SHPO/THPO, the ACHP if participating, and any consulting parties. The loan or grant may not be approved until adverse effects are resolved according to 800.6 or you have complied with 36 CFR Part 800. **Categorically Excluded projects (24 CFR Part 58.35(a)) CANNOT convert to exempt with this determination.**

Make sure that the resolution is fully documented in your ERR with all SHPO/THPO correspondence, copies of letters to and from other interested parties and the tribes, surveys, MOAs etc.

Submittal Processes for the Oregon SHPO:

The Oregon SHPO is able to electronically receive project documentation using Go Digital. Go Digital submittals are sent to ORSHPO.Clearance@oregon.gov with the appropriate attachments. This dedicated email account is monitored by support staff and ensures your project receives a SHPO case number and is assigned to the appropriate staff for review. Do not send digital submissions to individual staff members. Instructions on Go Digital are available for download from: <https://www.oregon.gov/oprd/HCD/SHPO/Pages/go-digital.aspx>.

Submittal Requirements for the Oregon SHPO

For all reviews, include a cover letter with the following:

- A statement that you are the “responsible entity” for Section 106 consultation.
- A detailed description of the proposed project actions.
- Determinations of eligibility for all cultural resources.
- Finding of effect for the undertaking.

For Built Environment reviews, include:

- Completed Oregon SHPO Clearance Form, available for download from https://www.oregon.gov/oprd/HCD/SHPO/Pages/preservation_106.aspx. If multiple properties are being recorded, each property needs a separate form.

For Archaeological review, include:

- A map with the APE clearly delineated.
- A history of the APE (e.g. past development, land use, existing utilities)
- An archaeological report with the SHPO report cover sheet, available for download from <https://www.oregon.gov/oprd/HCD/ARCH/Pages/index.aspx>.
- Shapefiles of APE, survey area, and any resources discovered



Oregon
Kate Brown, Governor

Parks and Recreation Department
State Historic Preservation Office
725 Summer St NE Ste C
Salem, OR 97301-1266
Phone (503) 986-0690
Fax (503) 986-0793
www.oregonheritage.org



August 10, 2020

Ms. Shelly Ehenger
City of Salem
350 Commercial Street NE
Salem, OR 97301

RE: SHPO Case No. 20-0775

City of Salem Urban Development Acquisition and Rehabilitation Project Evergreen Church
Purchase and convert with rehab to affordable housing including parsonage next door
905 and 925 Cottage St NE, Salem, Marion County

Dear Ms. Ehenger:

Thank you for submitting documentation on the project referenced above. We concur with the determination that the property is eligible for listing in the National Register of Historic Places. We do not concur with the finding of no adverse effect. The proposed project constitutes an adverse effect under Section 106. At this point in the consultation process, you may wish to conduct additional research to either confirm this evaluation, or provide information that suggests that the property is not eligible. If additional information is discovered or more detailed analysis suggests the property is not eligible, please provide this information to our office.

Alternatively, if you choose to acknowledge an adverse effect based on the existing information, please consider any reasonable alternatives that may avoid the adverse effect. If avoiding the adverse effect is not possible, please contact our office to begin discussions about appropriate mitigation measures that may be undertaken to resolve the adverse effect, and once agreed to, formalized in a Memorandum of Agreement.

This response is to assist you with your responsibilities under Section 106 of the National Historic Preservation Act (per 36 CFR Part 800). Local regulations, if any, still apply and review under local ordinances may be required. Please feel free to contact me if you have questions or concerns. In order to help us track your project accurately, please be sure to reference the SHPO case number above in all correspondence.

Sincerely,

Jason Allen, M.A.
Historic Preservation Specialist
(503) 986-0579
jason.allen@oregon.gov