

Comprehensive Plan/Zone Change

East Park Estates

Revised-May 31, 2019

Background:

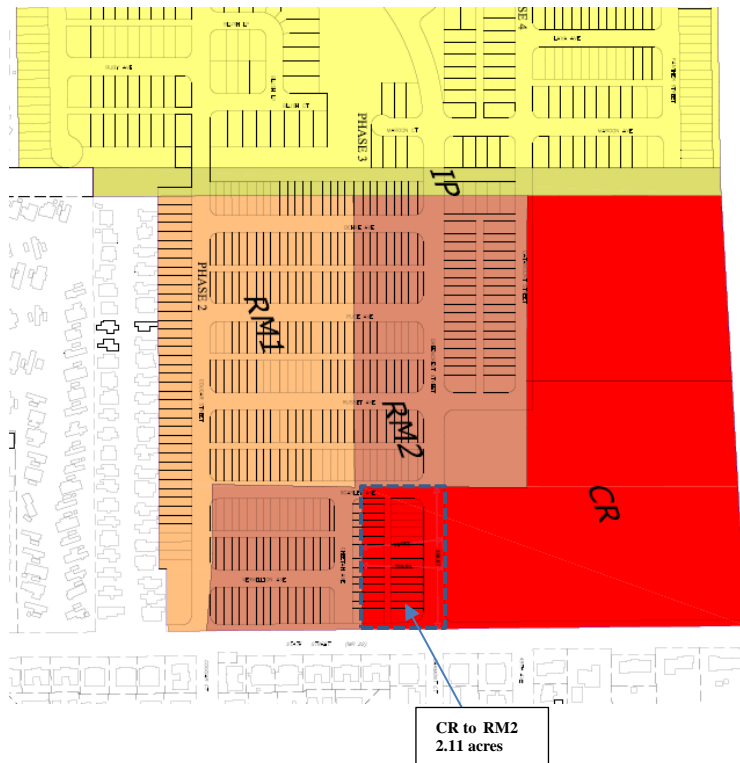
On June 18, 2018, a Pre-Application Conference (PRE-AP18-72) was held with the applicant and City staff. The purpose of the pre-app was to discuss the potential development of the property.

The applicant attended the East Lancaster Neighborhood Association meeting and the East Suburban Neighborhood Association meeting on October 4, 2018, to discuss the proposal with the Neighborhood Association and adjacent property owners.

The applicant is proposing to subdivide 122 acres into a six (6) Phase, 874-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 7.51 acres of park land and 12.29 acres of open space.

Proposal:

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 change the comprehensive plan designation from 'Commercial' to 'Multi-Family Residential'.



EXISTING SITE CONDITIONS

Vicinity Information:

The subject property contains approximately 122 acres. The subject property is zoned RS (Single-Family Residential), RM1 and RM2 (Multi-Family Residential), CR (Commercial Retail), and IP (Industrial Park). The subject property is vacant. Topography, property configuration and dimensions area illustrated on the tentative plan.

The surrounding properties are zoned and used as follows:

North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings
East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses
South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings
West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

The subject property is located within the City limits (ANXC-689) and the Urban Growth Boundary.

NEIGHBORHOOD PLAN

The subject property is located within the East Lancaster Neighborhood Association (ELNA). The East Lancaster Neighborhood Plan was adopted by Salem City Council on January 16, 1984 (Ordinance No. 19-84). The subject property is not identified on the East Lancaster Neighborhood Land Use Plan Map.

The Land Use Intent Statement under D (Residential (page 6)) states the following:

“According to the Salem Area Comprehensive Plan Map (March 1982), most of the land in ELNA is designated as Single Family Residential. A few areas are designated Multifamily Residential. To accommodate a mix of housing types, the ELNA plan has established tow subcategories:

- 1. Single Family: The intent is to conserve the single-family character of the neighborhood by encouraging the maintenance of existing single-family housing and by promoting the development of new housing through traditional and nontraditional subdivision, planned unit development, and mobile home subdivisions. Zoning for this category shall be Residential Agriculture (RS) and Single Family Residential (RS).*
- 2. Multi Family Density: The intent is to provide a compatible mix of multi-family and single-family dwelling units in order to offer a variety of housing types to neighborhood residents.”*

The subject property contains approximately 122 acres. As shown on the September 2018 Salem Comprehensive Plan Map, the subject properties are designated ‘Single-Family Residential’, ‘Multi-Family Residential’, ‘Commercial’, and ‘Industrial’.

The applicant is requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 and change the comprehensive plan designation from ‘Commercial’ to ‘Multi-Family Residential’. The rezoning of these portions of the site will be consist with the intent of the ELNA Plan and consist with the existing zoning of the remainder of the property.

The rezoning of a portion of the CR zone will allow the entire site to be developed as a Planned Unit Development. Providing a mixture of housing types such as attached single family dwellings, detached single family dwellings, and multi-family units.

Therefore, by providing a Planned Unit Development with a compatible mixture of housing types on the site, the proposal is in compliance with the intent of the East Lancaster Neighborhood Association Plan.

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.020(f)(2) minor plan change criteria:

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

64.025(e)(2)(A)(ii): *Equally or Better Suited Designation*

Findings (CR to RM2): There is a lack of appropriately designated vacant RM2 sites within this vicinity located within the City limits. There is multi-family zoned property located to the west of the site that is located within the County and is fully developed. The subject property gives the applicant the ability to provide mixed housing within this area and help Salem meet their housing needs. Rezoning 2.11 acres of the CR zone to RMII will allow additional housing to be provided within the proposed PUD, while still leaving 12.82 acres of CR zoned property for future commercial development.

Multi-family units are permitted in the CR zone through the Conditional Use Permit process. However, in order to provide private streets and greater amenities, the applicant is developing the site as a Planned Unit Development (PUD). Planned Unit Developments are not permitted within the CR zone. Therefore, this rezone is necessary in order to provide additional housing and develop the PUD.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land." With a multi-family designation, the subject property can be developed as multi-family dwellings within the proposed PUD; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system to provide more efficient circulation in this area of Salem.

In conclusion, due to the social, economic, or demographic patterns of the nearby vicinity, the current IP zone designation is no longer appropriate. Therefore, rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent.

Furthermore, due to the development of the site as a PUD and the additional of needed housing within the City limits, the proposed RM2 zoning is better suited than the current CR zone.

Therefore, this criterion has been met.

64.025(e)(2)(B): *Services*

The City provided information at the pre-application conference (PRE-AP18-72) that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

64.025(e)(2)(C): Urbanization

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the planned unit development, and comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the planned unit development of the subject property into the City of Salem. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do exist on the site. Therefore, a geological assessment is not required. A geological assessment is being finalized and will be provided to the City of Salem.

There are no significant historic buildings on the subject property. If identified, the applicant will work with the City to determine the appropriate permits and process for a historic building.

The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 9 – Economy of the State

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The subject property will provide a location for commercial and residential uses. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive and returns little value to the City because of the current various zones. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. The site will offer economic diversification because it will provide for the expansion of new residential development, while still providing over 12 acres of CR zoned property within the southeast corner of the site.

Therefore, this proposal complies with Goal 9.

Goal 10 – Housing:

In 1998 and 2000, in order to meet State Wide Planning Goal 10 (Housing), properties along Wallace Road were rezoned to RM1 and RM2 as part of the Salem Multi-Family Residential Land Study (SMFLS).

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 and change the comprehensive plan designation from 'Commercial' to 'Multi-Family Residential'.

According to the 2014 Housing Needs Analysis, "Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ...Salem has a deficit of about 207 gross acres of land in

the Multi-Family Residential.” The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

As stated in the Salem’s Housing Needs Analysis dated December 2014, Page 48:

“Increase land available for multifamily housing types in single-family designations. One approach to addressing a portion of the deficit of Multi-Family land is to increase opportunities for development of townhouses, duplexes, tri-plexes, and quad-plexes in the Single-Family and (possibly) Developing Residential designations. These types of multifamily housing are generally compatible with single-family detached housing.”

The applicant’s proposal helps the City re-designate land while helping meet the housing needs. By rezoning the CR portion of this property, the applicant will be able to develop the site as a Planned Unit Development with a mixture of attached and detached housing types. Therefore, meeting the intent of the Housing Needs Analysis.

The development will also be located in an area in close proximity to existing and proposed services. Auburn Elementary School, Holland Youth Park and Auburn Center Golf Club are located to the west and east of the property. Commercial Services are currently available to the west along State Street.

The existing neighborhood consists of single family housing and multi-family housing. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards through the required Site Plan Review/Design Review process.

The City’s adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City’s adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City’s capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district’s master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous developments. A Traffic Impact Analysis is currently be finalized and will be provided to the City of Salem.

64.025(e)(2)(E): Public Interest

The public is benefitted by creating a well-located parcel of multi-family land and single-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and housing needs, and by providing a compatible use, the proposed change benefits the public.

ZONE CHANGE CRITERIA SRC CHAPTER 265

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the rezoning of the property is consistent with the character of the neighborhood. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a higher density use on the site. The proposed RM2 zone will implement the requested "Multi-Family Residential" SACP map designation.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) The zone change is justified based on the existence of 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 proposed zone would be compatible with the vicinity's development pattern; or*
- (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property 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.*

Applicant Response to (A)(iii): The proposed zone change fits the development pattern of the vicinity. The surrounding properties to the west, east, and south are located within the County and developed as multi-family and single-family residential dwellings. Properties to the north are located within the City of Salem and County and developed as single-family dwellings. The proposed zone change will allow the site to be developed as a Planned Unit Development with high density housing which will be compatible with the existing uses and additional amenities such as open space.

There is RM2 zoned property in the area. These sites are all developed. This site gives the applicant the ability to provide mixed housing and needed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no RM2 property contiguous to the existing site that is vacant.

According to the Housing Needs Analysis, “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation and a single-family designation, the subject property can be developed as multi-family and single-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system.

In conclusion, there are no vacant sites located in this area. A multi-family and single-family use on the site is better suited for the site because of the location and by helping to provide additional housing in the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

(B) City-initiated zone change.

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from “Developing Residential” to ‘Multi-Family Residential’.

The proposal complies with the “Residential” Goals and provisions of the SACP by creating an area that promotes multi-family and single-family uses.

Residential Development Goal

The SACP states that one of the intents of the Residential Development goals is, “To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing.”

The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

Residential Development Policies

Establishing Residential Uses: The applicant’s proposal is to rezone 2.11 acres of the property from CR to RM2 to allow additional higher density to be built on the site within a Planned Unit Development. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. Therefore, establishing a mixture of residential uses within the area.

Facilities and Services Location: The City’s adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous development.

The City’s adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City’s capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All

necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located outside the Urban Service Area. Urban Growth Area Development Permit UGA09-07MOD1 has been approved for the property. At this time, a new UGA permit has not been deemed necessary.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: There are existing structure located on the subject property. In order to provide a needed housing type in Salem, the applicant is requesting a zone change. All the properties within the area are developed as single-family development, multi-family development, and commercial development. The comprehensive plan encourages a mixture of housing types with in a neighborhoods that have access to commercial services.

The comprehensive plan change/zone change will promote infill development with the development of a property that is already served by City Services and transportation, to be developed with a higher density of housing that is needed in this area.

Multi-Family Housing: The development will also be located in an area in close proximity to existing and proposed services. There are several parks located to the west and east of the subject property. Commercial services are located west of the site along State Street.

The existing neighborhood consists of single family housing and multi-family dwellings. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Planned Unit Development and Design Standards. The applicant will be required to go through the PUD and Design Review/Site Plan Review process prior to development.

Circulation System and Through Traffic: The subject property is located south of Auburn Road, west of Cordon Road, and north of State Street. The subject property will have direct access onto Auburn Road and State Street when developed. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and multi-family. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem while meeting the required Design Standards and Planned Unit Development guidelines.

Requests for Rezoning: The subject property is designated for residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards and PUD standards as outlined in the Code. As required by code, the applicant will submit a Design Review and Site Plan Review application.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. This development will be in a location with accessibility to the commercial developments west on State Street. Therefore, meeting the guidelines of providing housing within areas with services. The development of the site will encourage a mixture of housing types and higher densities within an infill lot.

Salem-Keizer Housing Needs Analysis:

According to the Housing Needs Analysis, “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Therefore, this criteria has been met.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Applicant Response to (D): All Planning Goals have been addressed above. See findings under **64.025(e)(2)(D)**.

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Applicant Response to (E): The applicant is proposing to change the zone of 2.11 acres from CR to RMII.

The purpose of the City’s Economic Development Goal is to “Strengthen the economic base of the Salem area . . .” The proposal meets this goal because it does change the plan designation from an industrial use to a non-industrial use that will create development, which in turn creates jobs. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for residential uses along with new opportunity for the local labor force to obtain employment through development of the PUD. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the urban area, which is consistent with economic development and the goals of the Comprehensive Plan.

Data is available in the Economic Opportunity Analysis (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial and commercial land within the urban area for the 20-year planning period.

“Economic Opportunities Analysis” (EOA) report of October 2004, prepared for the Salem Regional Employment Center-Mill Creek Industrial Park Project. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of commercial land within the urban area for the 20-year planning period.

The EOA presents data regarding national, state, regional and local employment trends. The national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services, to increase (Table 1). The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase (Tables 2 and 3). The increase in job growth in these sectors is tied to the projected increases and changes in the population (p. 7). Job growth specific to Marion and Polk Counties is shown in Table 4, p. 9. This table shows an increase of 18,198 jobs from 2002 to 2012, with a large percentage of the new jobs occurring in the retail and service sections (p. 8). Employment in the services sector is projected at a faster rate than the other sectors (Table 4, p. 9).

The analysis in the EOA shows that employment in wholesale and retail trade within the urban area will likely continue to grow during the 20-year planning period. Within the Marion-Polk Counties region, employment in retail trade is projected to r-o-w 1.4% between 2002 and 2012. Within the category of finance, insurance and real estate, employment is projected to grow 1.4%, and employment in services is projected to grow 2.2% (Table 4). These employment categories are among the highest average annual rates of employment growth that are projected.

The proposal is to re-designate 2.11 acres of CR zoned land to RMII. However, 12.46 acres of CR zoned property will remain in the southeast corner of the site. This CR zoned portion of the subject site will provide a location for expanded opportunities for employment in retail trade and services, consistent with this employment growth projection.

The 2.11 acres of land being rezoned on subject property is not situated in an area feasible to provide commercial services. In addition, the economic study identifies the siting requirements for “service center retail” to include “excellent visibility to attract drive-by users and adequate proximity to major roadways”. The 2.11 acres of the property proposed to be rezoned is not in an area visible to major roadways. Therefore, it's not suitable for commercial development. Whereas the 12.46 acres of the site currently zoned CR is located along the major, high-volume roadway, which affords it excellent visibility and accessibility to drive-by traffic.

By providing an additional area on the site for the development of residential dwellings, the proposal serves to provide an opportunity of a work/live environment while meeting the housing needs and the economic growth needs for the City of Salem.

Therefore, this criteria has been met.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be Adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Applicant Response to (F): The current zoning of the property is IP, CR, RS, RM1, and RM2. The applicant is proposing to change the zone of 2.11 acres from CR to RM2, so the site can be developed at a higher density within a Planned Unit Development.

A Traffic Impact Analysis is currently being reviewed by the City of Salem.

This criterion has been met.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RM2 zone.

Therefore, this criteria has been met.

CONCLUSION

We believe that the requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria. As demonstrated herein, the “Multi-Family Residential” land use designation and corresponding RM2 (Multi-Family Residential) zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

Comprehensive Plan/Zone Change

East Park Estates

Revised-May 31, 2019

Background:

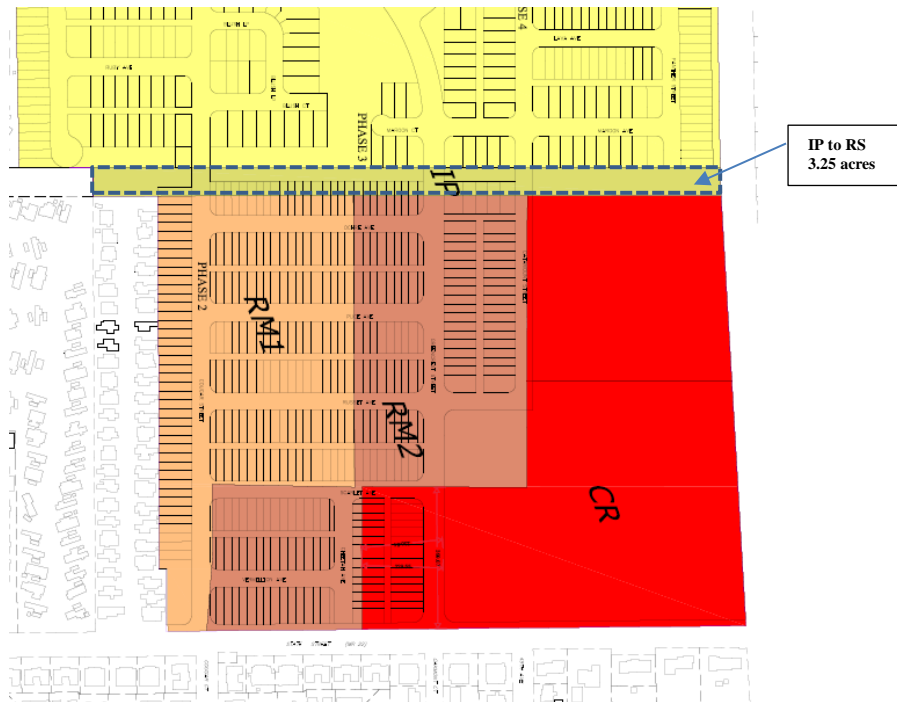
On June 18, 2018, a Pre-Application Conference (PRE-AP18-72) was held with the applicant and City staff. The purpose of the pre-app was to discuss the potential development of the property.

The applicant attended the East Lancaster Neighborhood Association meeting and the East Suburban Neighborhood Association meeting on October 4, 2018, to discuss the proposal with the Neighborhood Association and adjacent property owners.

The applicant is proposing to subdivide 122 acres into a six (6) Phase, 874-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 7.51 acres of park land and 12.29 acres of open space.

Proposal:

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.



EXISTING SITE CONDITIONS

Vicinity Information:

The subject property contains approximately 122 acres. The subject property is zoned RS (Single-Family Residential), RM1 and RM2 (Multi-Family Residential), CR (Commercial Retail), and IP (Industrial Park). The subject property is vacant. Topography, property configuration and dimensions area illustrated on the tentative plan.

The surrounding properties are zoned and used as follows:

North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings
East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses
South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings
West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

The subject property is located within the City limits (ANXC-689) and the Urban Growth Boundary.

NEIGHBORHOOD PLAN

The subject property is located within the East Lancaster Neighborhood Association (ELNA). The East Lancaster Neighborhood Plan was adopted by Salem City Council on January 16, 1984 (Ordinance No. 19-84). The subject property is not identified on the East Lancaster Neighborhood Land Use Plan Map.

The Land Use Intent Statement under D (Residential (page 6)) states the following:

“According to the Salem Area Comprehensive Plan Map (March 1982), most of the land in ELNA is designated as Single Family Residential. A few areas are designated Multifamily Residential. To accommodate a mix of housing types, the ELNA plan has established tow subcategories:

- 1. Single Family: The intent is to conserve the single-family character of the neighborhood by encouraging the maintenance of existing single-family housing and by promoting the development of new housing through traditional and nontraditional subdivision, planned unit development, and mobile home subdivisions. Zoning for this category shall be Residential Agriculture (RS) and Single Family Residential (RS).*
- 2. Multi Family Density: The intent is to provide a compatible mix of multi-family and single-family dwelling units in order to offer a variety of housing types to neighborhood residents.”*

The subject property contains approximately 122 acres. As shown on the September 2018 Salem Comprehensive Plan Map, the subject properties are designated ‘Single-Family Residential’, ‘Multi-Family Residential’, ‘Commercial’, and ‘Industrial’.

The applicant is requesting to rezone the portion of the site zoned IP (3.25 acres) to RS and change the comprehensive plan designation from ‘Industrial’ to ‘Single-Family Residential’. The rezoning of this portion of the site will be consist with the intent of the ELNA Plan and consist with the existing zoning of the remainder of the property.

The rezoning of the IP zone will allow the entire site to be developed as a Planned Unit Development. Providing a mixture of housing types such as attached single family dwellings, detached single family dwellings, and multi-family units.

Therefore, by providing a Planned Unit Development with a compatible mixture of housing types on the site, the proposal is in compliance with the intent of the East Lancaster Neighborhood Association Plan.

APPLICANT’S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.020(f)(2) minor plan change criteria:

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or

text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

64.025(e)(2)(A)(i): Alteration in circumstances

Findings (IP to RS): The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.

The IP zoned portion of the site is located within the center of the proposed PUD. The IP zoned portion is about 3.25 acres in size. The IP zone was at one time used for railroad right-of-way through the site but is no longer used for access. This IP portion of the site has been vacant for years and used as part of this property. Therefore, the use of the IP zone has changed.

As shown on the Salem Zone Map, the social, economic, or demographic patterns of the nearby vicinity have changed so the current IP zone designation is no longer appropriate. This is an area developed with single-family and multi-family dwellings, this 3.25-acre IP zoned property is no longer a feasible zone in this area. Rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent.

64.025(e)(2)(A)(ii): Equally or Better Suited Designation

Findings (IP to RS): The subject properties are approximately 103 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.

The IP zoned portion of the site is located within the center of the proposed PUD. The IP zoned portion is about 3.25 acres in size. This is an area developed with single-family and multi-family dwellings, this 3.25-acre IP zoned property is not a feasible zone in this area. Rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent.

The subject property will not only be a site that will contribute to the housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system to provide more efficient circulation in this area of Salem.

In conclusion, due to the social, economic, or demographic patterns of the nearby vicinity, the current IP zone designation is no longer appropriate. Rezoning the IP portion of the site to RS will allow the 3.25 acres to be developed with uses compatible with the surrounding area, along with a zone that is consistent. Therefore, it is a better suited for the site and neighborhood.

Therefore, this criterion has been met.

64.025(e)(2)(B): Services

The City provided information at the pre-application conference (PRE-AP18-72) that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

64.025(e)(2)(C): Urbanization

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the planned unit development, and comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with findings and evidence to support the planned unit development of the subject property into the City of Salem. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do exist on the site. Therefore, a geological assessment is not required. A geological assessment is being finalized and will be provided to the City of Salem.

There are no significant historic buildings on the subject property. If identified, the applicant will work with the City to determine the appropriate permits and process for a historic building.

The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 9 – Economy of the State:

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal meets this goal by providing a large development that will help provide jobs when under construction. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive and returns little value to the City because of the current zoning. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. There is 12.82 acres of CR zoned property for future commercial development. The site will offer economic diversification because it will provide for the expansion of new residential housing and commercial uses. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents for the development of the site.

The subject property is unlikely to develop as industrial uses in the future because of its location and it is lacking many favorable conditions that are more readily available at the Mill Creek industrial site. For these reasons, removing this site from the industrial lands inventory will not have a significant impact on the economy of the city, the region or the State and the proposed change does not conflict with this Goal.

Goal 10 – Housing:

The subject properties are approximately 122 acres in size and zoned RS, RM1, RM2, CR, and IP. The applicant is requesting to rezone the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Industrial' to 'Single-Family Residential'.

The applicant's proposal helps the City re-designate land while helping meet the housing needs. By rezoning the IP portions of this property, the applicant will be able to develop the site as a Planned Unit Development with a mixture of attached and detached housing types. Therefore, meeting the intent of the Housing Needs Analysis.

The development will also be located in an area in close proximity to existing and proposed services. Auburn Elementary School, Holland Youth Park and Auburn Center Golf Club are located to the west and east of the property. Commercial Services are currently available to the west along State Street.

The existing neighborhood consists of single family housing and multi-family housing. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Code requirements.

The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous developments. A Traffic Impact Analysis is currently being finalized and will be provided to the City of Salem.

Goal 14 – Urbanization:

The City's adopted Comprehensive Plan Urban Growth Management Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City and UGB. The subject property is within the City and the UGB and is located in an urbanizing area

of the city. The Comprehensive Plan Change/Zone Change advance the SACP by facilitating productive use of the site which is mostly underused. Since infrastructure is needed to serve development, the change in Plan designation will call for the extension of new sewer and water mains and construction of upgraded facilities. These can only happen by increasing the opportunity for development to pay for these infrastructure improvements which are appropriate for an urbanizing area.

The subject property is within a developing area of the City and outside the urban service area. The applicant has applied for a UGA permit. Specific development triggers specific facilities that are required to be connected to existing systems for looped service.

64.025(e)(2)(E): Public Interest

The public is benefitted by creating a well-located parcel of multi-family land and single-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and housing needs, and by providing a compatible use, the proposed change benefits the public.

ZONE CHANGE CRITERIA SRC CHAPTER 265

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the rezoning of the property is consistent with the character of the neighborhood. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a higher density use on the site. The proposed RS zone will implement the requested "Single-Family Residential" SACP map designation.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) The zone change is justified based on the existence of 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 proposed zone would be compatible with the vicinity's development pattern; or*
- (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property 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.*

Applicant Response to (A)(iii): The proposed zone change fits the development pattern of the vicinity. The surrounding properties to the west, east, and south are located within the County and developed as multi-family and single-family residential dwellings. Properties to the north are located within the City of Salem and County and developed as single-family dwellings. The proposed zone change will allow the site to be developed as a Planned Unit Development with high density housing which will be compatible with the existing uses and additional amenities such as open space.

There is RS zoned property in the area. These sites are all developed. This site gives the applicant the ability to provide mixed housing and needed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no RS property contiguous to the existing site that is vacant. Plus this portion of the site is surrounded by RS zoned property. The subject portion of this site will never be developed as IP, It's not large enough for an industrial use and its surrounded by RS zoned land.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation and a single-family designation, the subject property can be developed as single-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property as a whole will not only be a site that will contribute to the housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the existing street system.

In conclusion, there are no vacant sites located in this area. A single-family use on the site is better suited for the site because of the location and by helping to provide additional housing in the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

(B) City-initiated zone change.

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Industrial" to 'Single-Family Residential'

The proposal complies with the "Residential" Goals and provisions of the SACP by creating an area that promotes multi-family and single-family uses.

Residential Development Goal

The SACP states that one of the intents of the Residential Development goals is, "To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing."

The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

Residential Development Policies

Establishing Residential Uses: The applicant's proposal is to rezone 3.25 acres of the property from IP to RS to allow a higher density to be built on the site within a Planned Unit Development. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. Therefore, establishing a mixture of residential uses within the area.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located outside the Urban Service Area. Urban Growth Area Development Permit UGA09-07MOD1 has been approved for the property. At this time, a new UGA permit has not been deemed necessary.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: There are existing structure located on the subject property. In order to provide a needed housing type in Salem, the applicant is requesting a zone change. All the properties within the area are developed as single-family development, multi-family development, and commercial development. The comprehensive plan encourages a mixture of housing types within a neighborhoods that have access to commercial services.

The comprehensive plan change/zone change will promote infill development with the development of a property that is already served by City Services and transportation, to be developed with a higher density of housing that is needed in this area.

Circulation System and Through Traffic: The subject property is located south of Auburn Road, west of Cordon Road, and north of State Street. The subject property will have direct access onto Auburn Road and State Street when developed. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and multi-family. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem while meeting the required Design Standards and Planned Unit Development guidelines.

Requests for Rezoning: The subject property is designated for residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards and PUD standards as outlined in the Code. As required by code, the applicant will submit a Design Review and Site Plan Review application.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. This development will be in a location with accessibility to the commercial developments west on State Street. Therefore, meeting the guidelines of providing housing within areas with services. The development of the site will encourage a mixture of housing types and higher densities within an infill lot.

Salem-Keizer Housing Needs Analysis:

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Therefore, this criteria has been met.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Applicant Response to (D): All Planning Goals have been addressed above. See findings under **64.025(e)(2)(D)**.

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Applicant Response to (E): The applicant is proposing to change the zone of 3.25 acres from IP to RS.

The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal meets this goal because it does change the plan designation from an industrial use to a non-industrial use that will create development, which in turn creates jobs. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for residential uses along with new opportunity for the local labor forces to obtain employment through development of the PUD. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. Redevelopment contributes to the economic base of the urban area, which is consistent with economic development and the goals of the Comprehensive Plan.

Data is available in the Economic Opportunity Analysis (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial and commercial land within the urban area for the 20-year planning period.

The EOA presents data regarding national, state, regional and local employment trends. The national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services, to increase (Table 1). The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase (Tables 2 and 3). The increase in job growth in these sectors is tied to the projected increases and changes in the population (p. 7). Job growth specific to Marion and Polk Counties is shown in Table 4, p. 9. This table shows an increase of 18,198 jobs from 2002 to 2012, with a large percentage of the new jobs occurring in the retail and service sectors (p. 8). Employment in the services sector is projected at a faster rate than the other sectors (Table 4, p. 9). The analysis in the EOA shows that employment in wholesale and retail trade within the urban area will likely continue to grow during the 20-year planning period. Within the Marion-Polk Counties region, employment in retail trade is projected to grow 1.4% between 2002 and 2012. Within the category of finance, insurance and real estate, employment is projected to grow 1.4%, and employment in services is projected to grow 2.2% (Table 4). These employment categories are among the highest average annual rates of employment growth that are projected.

The proposal is to re-designate 3.25 acres of undevelopable IP zoned land to RMII. However, 12.46 acres of CR zoned property will remain in the southeast corner of the site. This CR zoned portion of the subject site will provide a location for expanded opportunities for employment in retail trade and services, consistent with this employment growth projection.

The 3.25 acres of land being rezoned on subject property is not situated in an area feasible to provide industrial services. Its located in the center of the site and surrounded by residential zoned land. Therefore, it's not suitable for industrial development.

The Mill Creek Project has added 507 acres of developable land to the industrial inventory. This project is intended to provide “development ready” industrial sites where environmental factors have already been mitigated, and public infrastructure is readily available. Due to Mill Creek, the subject property will not be developed for industrial uses in the future. Unlike Mill Creek, the subject property is adjacent to residential neighborhoods and in close proximity to schools and commercial services (existing and future), which makes it an appropriate site for residential development.

Furthermore, by providing an additional area on the site for the development of residential dwellings, the site as a whole serves to provide an opportunity of a work/live environment while meeting the housing needs and the economic growth needs for the City of Salem.

Therefore, this criteria has been met.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Applicant Response to (F): The current zoning of the property is IP, CR, RS, RM1, and RM2. The applicant is proposing to change the zone of 3.25 acres from IP to RS, so the site can be developed at a higher density within a Planned Unit Development.

A Traffic Impact Analysis is currently being reviewed by the City of Salem.

This criterion has been met.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RS zone.

Therefore, this criteria has been met.

CONCLUSION

We believe that the requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria. As demonstrated herein, the “Single-Family Residential” land use designation and corresponding RS (Single-Family Residential) zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

East Park Estates

SUB/PUD Application

Revised-June 25, 2019

BACKGROUND:

On June 18, 2018, a Pre-Application Conference (PRE-AP18-72) was held with the applicant and City staff. The purpose of the pre-app was to discuss the potential development of the property.

The applicant attended the East Lancaster Neighborhood Association meeting and the East Suburban Neighborhood Association meeting on October 4, 2018, to discuss the proposal with the Neighborhood Association and adjacent property owners.

On January 3, 2019, the required PUD Pre-Application Conference (PRE-AP18-126) was held with the applicant and City staff.

PROPOSAL:

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

Phase 1:	147 lots
Phase 2:	94 lots
Phase 3:	106 lots
Phase 4:	99 lots
Phase 5:	101 lots
Phase 6:	112 lots

SITE VICINITY AND CHARACTERISTICS:

The subject property contains approximately 103 acres, including 12.29 acres of open space. The subject property is zoned RS (Single-Family Residential), RMI and RMII (Multi-Family Residential), CR (Commercial Retail), and IP (Industrial Park).

The applicant has also submitted an application requesting to rezone the southwestern portion of the CR zone (2.11 acres) to RM2 and the IP zone (3.25 acres) to RS and change the comprehensive plan designation from 'Commercial' to 'Multi-Family Residential' and 'Industrial' to 'Single-Family Residential'.

The subject property is vacant. Topography, property configuration and dimensions area illustrated on the tentative plan.

The surrounding properties are zoned and used as follows:

North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings
East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses
South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings
West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

The subject property is located within the City limits (ANXC-689) and the Urban Growth Boundary.

COMPLIANCE WITH THE SALEM AREA COMPREHENSIVE PLAN (SACP):

Citizen involvement is provided via the City of Salem public hearing process necessary for the Subdivision/PUD application which allows public comment. The City's Plan is acknowledged to be in compliance with State Land Use Goals. The public hearing process is implemented by an administrative public hearing on the matter with written notification to property owners. The published notice will identify the applicable criteria. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision.

In addition, the SACP and its implementing ordinances are adopted by the City through the public hearing process of the City Council ordinance procedure. The subject property is within the city limits and is within the urbanized area. The proposal does not affect the size or location of the city limits or urban growth boundary.

The Statewide Planning Goals are implemented by the adopted goals and policies of the SACP and its implementing ordinances and facility plans. The proposal accommodates the Statewide Goals by being located within an adopted Urban Growth Boundary.

The SACP Residential Development Goal requires the promotion of *“ . . . a variety of housing opportunities for all income levels and the adequate supply of developable land to support such housing.”* The SACP is implemented by the zone, Subdivision, and PUD codes under the provisions of SRC Chapter 510 (RA), 511 (RS), 513 (RMI), 514 (RMII), 522 (CR), 553 (IP), 205 (Land Division) and 210 (PUD). The proposal is for a single-family and multi-family development. The proposal meets Residential Goals and Policies by providing a variety of housing types within a proposed Planned Unit Development/Subdivision.

CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC 205.010(d)(1):

The intent of the subdivision code is providing for orderly development through the application of appropriate rules and regulations. Pursuant to the application of the current enabling statutes, these regulations are those cited in UDC 205.010(d) and UDC 205.015(d). The decision criteria for subdivisions without a concurrent variance under UDC 205.010(d) and UDC 205.015(d) must be found to exist before an affirmative decision may be made for a subdivision application.

(1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:

(A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.

The proposal does not require any variances to lot development or street standards specified in the Code. UDC Chapter 210 does not have lot dimension requirements. The PUD Chapter is setup to provide flexibility in lot sizes. However, the proposed lots range in size from 3,150 to 9,264 square feet in size, with an average lot size of 4,120 square feet.

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

Phase 1: 147 lots
Phase 2: 94 lots
Phase 3: 106 lots
Phase 4: 99 lots
Phase 5: 101 lots
Phase 6: 112 lots

Density-Density within the PUD has been met as shown below:
RS Zone-Minimum 4,000 square foot lot size required

Lot Size w/Streets	Lot Size w/out Streets
77.27 acres	56.50 acres
814 lots- max allowed	615 lots- max allowed
460 lots- proposed	460 lots- proposed
Density met	Density met

RM1 Zone-8 units minimum/14 units maximum

Lot Size w/Streets	Lot Size w/out Streets
11.7 acres	8 acres
94 units-min required	64 units-min required
164 units-max allowed	112 units-max allowed
98 units-proposed	98 units-proposed
Density met	Density met

RM2 Zone-12 units minimum/28 units maximum

Lot Size w/Streets	Lot Size w/out Streets
15.34 acres	9.71 acres
184 units-min required	117 units-min required
430 units-max allowed	272 units-max allowed
121+ units-proposed	121+ units-proposed
20 units proposed within the southwest corner of Russet Avenue and Greencrest Street	20 units proposed within the southwest corner of Russet Avenue and Greencrest Street
Density met	Density met

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. The proposed subdivision is in compliance with lot size requirements and required access. Therefore, this criteria has been met.

(B) City infrastructure standards.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services. Therefore, this criterion has been met.

(C) Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.

There are wetlands and a waterway that runs through the subject property. The City will notify DSL to ensure that all applicable requirements pertaining to wetlands are met at the time of development. The waterway runs through subject property and has been incorporated into the green space within the development. Therefore, providing a natural amenity for the residents.

Based on the information provided in PRE-AP18-72 and PRE-AP18-126, a geologic assessment is required. A geologic assessment dated December 21, 2018, has been provided as part of this application.

This criterion has been met.

(2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.

The subject property is 103 acres in size. The applicant is proposing to develop 103 acres into 659-lots as shown on the site plan. Therefore, the proposed PUD/SUB will not impede future use or development of the commercial parcel or adjacent land.

The surrounding abutting properties are fully developed.

North: Across Auburn Road NE-RS (Single Family Residential) zone, and Marion county UT-5 (Urban Transition) and UD (Urban Development zones; existing single-family dwellings

East: Across Cordon Road-Marion County AR (Acreage Residential), P (Public), and I (Industrial) zones; existing Marion County Fire Department and existing industrial uses

South: Across State Street-Marion County UD (Urban Development), RM (Multi-Family Residential), and RL (Limited Multi-Family Residential) zones; RA (Residential Agriculture); existing single-family dwellings

West: Marion County RM (Multi-Family Residential); existing single-family and multi-family dwellings

All lots will have direct access onto Auburn Road (north) and State Street (south) via the proposed internal private street system. Since the adjacent properties are fully developed, access to adjacent properties is not necessary; therefore the subdivision does not impede the future use of the property or adjacent land.

The proposed site plan shows street improvements and access to all lots within the proposed subdivision. Therefore, this criterion has been met.

(3) Development within the tentative subdivision plan can be adequately served by City infrastructure.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer and fire/life/safety services.

Water, sewer, storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The tentative site plan illustrates the location of the public utility lines. Therefore, this criteria has been met.

Proposed Storm Water Management System:

Stormwater quality and quantity are required for this development. An LID (low impact development) Stormwater technique will be used to mitigate the increase in pollutants

contributed from development. This system may also be used to provide storage and water quantity control. The proposed stormwater system will meet City of Salem Stormwater Management standards in means and methods to provide all aspects of Stormwater management. A preliminary stormwater analysis is currently being finalized and will be provided as part of a completed application.

(4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.

All lots will have direct access onto Auburn Road (north) and State Street (south) via the proposed internal private street system. State Street is designated as a 'major arterial' that runs along the south side of the property and Auburn Road is designated as a 'collector' that runs along the north side of the property. The proposal provides the site with adequate improved vehicle, pedestrian and bike access to the existing streets.

All streets within the PUD/SUB are proposed to be private except for Greencrest Street that runs north/south through the development. Greencrest Street is designated as a 'collector' and will be designed to public street standards.

The major street network in the area has been established and is consistent with the Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this subdivision. Auburn Road, State Street, and Cordon Road provides connection to street system that serves the area.

Therefore, the existing street system and proposed street improvements will be in compliance with the STSP.

Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed partition is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

The subject property has direct street frontage on State Street to the south, Auburn Road to the north, and Cordon Road to the east. No access will be allowed onto Cordon Road. State Street and Auburn Road adjacent the subject property will be developed with sidewalks as required by staff. Sidewalks will be provided along the private street within the PUD. These sidewalks and the existing sidewalks will provide safe and efficient pedestrian access to the existing sidewalk system.

Transit service is also available along Auburn Road (Route 5A-Lancaster Mall) and along State Street (Route 16-Four Corners). The existing transit stops will be accessible to the residents of the PUD/SUB via proposed and existing sidewalks. Therefore, this criterion has been met.

(5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.

The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development. The local street system serving the development provides the necessary connections and access to the local street and circulation system serving this residential neighborhood and Crossler Middle School.

Access to, within, and from the development must be consistent with applicable requirements of the Transportation Planning Rule Requirements (TPR) that requires that development provide connectivity between land uses and transportation. Under the Rule, developments are responsible for providing for the safe and efficient circulation of vehicles, bicycles, and pedestrians into, through, and out of a development. The proposal develops the subject property within an established residential area where local and arterial streets and mass transit facilities exist. These facilities connect the transportation system to the surrounding residential neighborhoods.

A Traffic Impact Analysis (TIA) is being finalized and will be provided to the City of Salem staff when complete. The Public Works Department will address the level of street improvements that are roughly proportional to assure conformance to the development to subdivision code and applicable transportation system plan requirements. Completion of conditions of approval prior to the signing of the final plat will satisfy this criterion for the subdivision application. Therefore, this criterion has been met.

(6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.

The subdivision is served with adequate transportation infrastructure and the street system adjacent the property conforms to the Transportation System Plan and provides for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property on to the public street system.

All lots will have direct access onto Auburn Road (north) and State Street (south) via the proposed internal private street system. State Street is designated as a 'major arterial' that runs along the south side of the property and Auburn Road is designated as a 'collector' that runs along the north side of the property. The proposal provides the site with adequate improved vehicle, pedestrian and bike access to the existing streets.

The subject property has direct street frontage on State Street to the south, Auburn Road to the north, and Cordon Road to the east. No access will be allowed onto Cordon Road. State Street and Auburn Road adjacent the subject property will be developed with sidewalks as required by staff. Sidewalks will be provided along the private street within the PUD. These sidewalks and the existing sidewalks will provide safe and efficient pedestrian access to the existing sidewalk system.

Transit service is also available along Auburn Road (Route 5A-Lancaster Mall) and along State Street (Route 16-Four Corners). The existing transit stops will be accessible to the residents of the PUD/SUB via proposed and existing sidewalks.

The subject property is located in a developed and developing area where improved streets and sidewalks exist and continue with new development. The local street system serving the development provides the necessary connections and access to the local street and circulation system serving this residential neighborhood and Crossler Middle School.

Therefore, via paved streets and sidewalks, safe and convenient bicycle and pedestrian access will be provided to the site and to adjacent neighborhoods. Therefore, this criterion has been met.

(7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.

The proposal is for a 659-lot subdivision/planned unit development. A Traffic Impact Analysis (TIA) is being finalized and will be provided to the City of Salem staff when complete. The TIA and the City Public Works Department will determine required mitigation based on the TIA and the surrounding area.

The proposed subdivision plan mitigates impacts to the transportation system by providing adequate access and circulation for all 659-lots. Therefore, this criteria has been met.

(8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

All lots are in compliance with the UDC/SRC. Therefore, no variances have been requested.

(9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.

The subdivision code, requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The proposal does not require any variances to lot development or street standards specified in the Code. UDC Chapter 210 does not have lot dimension requirements. The PUD Chapter is setup to provide flexibility in lot sizes. However, the proposed lots range in size from 3,064 to 9,264 square feet in size, with an average lot size of 4,120 square feet.

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

Phase 1:	147 lots
Phase 2:	94 lots
Phase 3:	106 lots
Phase 4:	99 lots

Phase 5: 101 lots
Phase 6: 112 lots

The proposed lots are of sufficient size and dimensions to permit future development. The lot dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in UDC 510 and 511. The subdivision regulates minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

There are 233 trees located within the boundary of the property. Two-hundred and eighteen (218) trees are designated for removal with fifteen (15) trees designated for preservation. The 218 trees designated for removal are within a building envelop or within an area close to the building envelope but have the potential of being damaged during construction. The removal of trees is necessary for development of the site.

The plan proposes the removal of 218 trees, with 15 (or 6%) trees to be preserved.

There are 35 Oregon White Oaks 24" in diameter or greater located within the boundary of the site. Twenty-seven of these Oregon White Oaks are proposed for removal. These Oregon White Oaks are proposed for removal due to their location within the right-of-way, building envelopes, and/or they are proposed for removal because they are located within a cluster of trees proposed for removal and have the potential of being damaged. Eight (8) of the Oregon White Oak trees will remain on the site.

The layout of the lots takes into consideration the topography and vegetation of the site. All lots and streets are in compliance with the UDC. Therefore, no variances have been requested. Therefore, this criteria has been met.

10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

The property and development are outside the Urban Service Area (USA) and are subject to growth management requirements for public facilities under SRC Chapter 66. However, all services are available to the site as indicated at the Pre-App (PRE-AP18-72), (PRE-AP18-126) and the previously approved UGA (UGA09-07MOD1). Therefore, this criterion has been met.

CRITERIA AND APPLICANT'S REASONS ADDRESSING UDC CHAPTER 210:

The PUD tentative conforms to the development standards of this chapter:

All development standards have been met as outlined in Table 210-2. All setbacks, height, parking, and landscaping requirements will be complied with at the time of building permit submittal, per Table 210-3, Table 210-4, and Table 210-5.

(d)(2)(B) Common open space, which may be landscaped and/or left with natural tree cover, that is permanently set aside for the passive and/or active recreational use of the residents of the PUD and that is appropriate to the scale and character of the PUD considering its size, density, and the number and types of dwellings proposed. Examples of passive and/or active recreational use include, but are not limited to, community gardens, commons, and private parks;

Open space is being provided throughout the development. The open space area will be about 12.29 acres in size. The open space areas that run through the site will be landscaped and have pathways. As shown on the Open Space Plan, the on-site open space areas have the potential to provide amenities such as benches, pedestrian pathways, gazebos, play areas and picnic tables. The final open space amenities will be determined prior to the PUD Final Plan approval and outlined on the PUD Final Plan.

There is a proposed 7.51-acre City Park that will be located adjacent to the PUD. The park will provide recreational opportunities to the residents within the PUD/SUB as well as the on-site open space areas.

Therefore, the open space requirements have been met.

TREE CONSERVATION/REMOVAL PLAN

There are 233 trees located within the boundary of the property. Two-hundred and eighteen (218) trees are designated for removal with fifteen (15) trees designated for preservation. The 218 trees designated for removal are within a building envelope or within an area close to the building envelope but have the potential of being damaged during construction. The removal of trees is necessary for development of the site.

The plan proposes the removal of 218 trees, with 15 (or 6%) trees to be preserved.

There are 35 Oregon White Oaks 24" in diameter or greater located within the boundary of the site. Twenty-seven of these Oregon White Oaks are proposed for removal. These Oregon White Oaks are proposed for removal due to their location within the right-of-way, building envelopes, and/or they are proposed for removal because they are located within a cluster of trees proposed for removal and have the potential of being damaged. Eight (8) of the Oregon White Oak trees will remain on the site.

East Park PUD

Adjustment Class-2 Application

PROPOSAL:

The applicant is proposing to subdivide 103 acres into a six (6) Phase, 659-Lot Planned Unit Development (PUD)/Subdivision (SUB) with 12.29 acres of open space.

Phase 1:	147 lots
Phase 2:	94 lots
Phase 3:	106 lots
Phase 4:	99 lots
Phase 5:	101 lots
Phase 6:	112 lots

Phase 6 includes a 36-unit apartment complex with 64 off-street parking spaces. Multi-Family units within the PUD are required to have 2.5 spaces per dwelling unit for the first 10 units, and 2 spaces per dwelling unit for each dwelling over 10 units. Therefore, 77 off-street parking spaces are required for the 36-units.

The applicant is requesting a Class-2 Adjustment to allow a reduction in the required off-street parking spaces.

Adjustment Criteria-SRC 250.005(d)(2) Criteria

(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.***

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

(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.

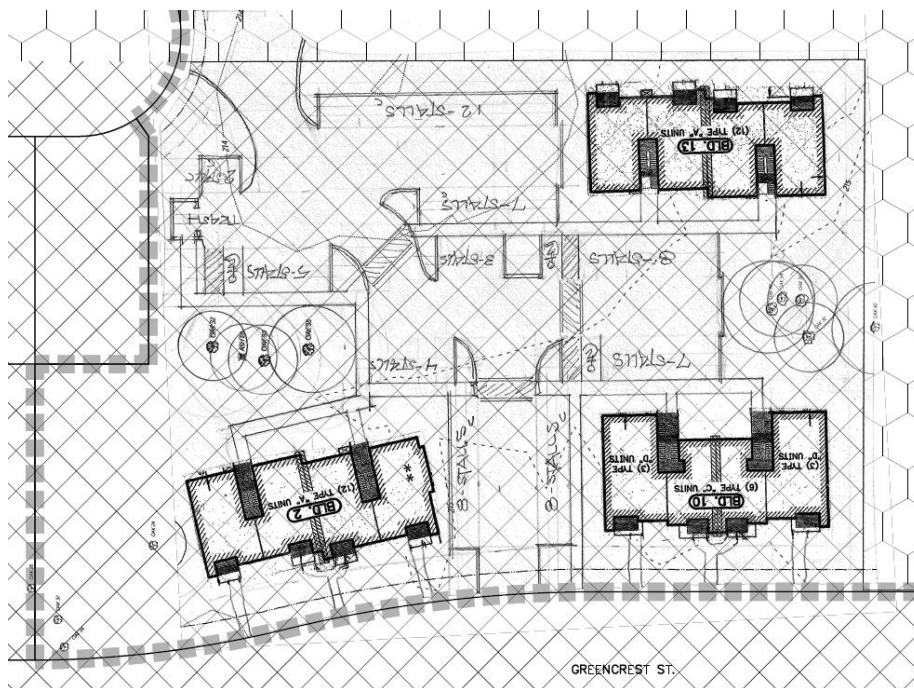
Applicant's Reasons:

- (A) The applicant is requesting an adjustment to allow 64 vehicle parking spaces where 77 vehicle parking spaces are required for the 36 multi-family units. Multi-Family units within a PUD are required to have 2.5 spaces per dwelling unit for the first 10 units, and 2 spaces per dwelling unit for each dwelling over 10 units. Multi-family units not within a PUD are required to provide 1.5 vehicle parking spaces per unit, which would only require the applicant provide 54 on-site vehicle parking spaces. The applicant's proposal exceeds the parking requirements for multi-family units not within a PUD, by providing 1.77 vehicle parking spaces per unit.

The adjustment will allow the applicant to provide 13 less on-site vehicle parking spaces while providing more than adequate parking on-site and more importantly preserving additional trees on-site. The reduction in parking allows the applicant to preserve additional trees on the site. In order to provide additional parking on the site, at least 7 or 8 additional trees would need to be removed. Those 7 or 8 trees that would be removed are all Oregon White Oak trees 24" in diameter or great.

The reduction in parking helps serve the property in a better way by preserving additional significant trees which is better for this development then providing additional on-site parking.

The purpose of this requirement is to provide adequate on-site parking for multi-family units. As stated above, multi-family units not within a PUD are only required to provide 1.5 vehicle parking spaces per unit, which would only require the applicant to provide 54 on-site vehicle parking spaces. The applicant is providing 64 vehicle parking spaces on sight which is 1.77 spaces per unit. The proposed 64 parking spaces is better met by the proposed because it provides adequate parking and preserves additional significant trees.



- (B) The subject property contains approximately 103 acres, including 12.29 acres of open space. The subject property is zoned RS (Single-Family Residential), RMI and RMII (Multi-Family Residential), and CR (Commercial Retail).

The applicant is going through the PUD land use process to ensure that Code requirements are met and that the proposal has little to no impact on the surrounding neighborhood. The proposed development will provide street connections to the existing street network. These connections will provide safer and more efficient

circulation throughout the development. The connections will even help to spread vehicle use out and through adjacent neighborhoods.

Any conditions placed on the PUD will require Code compliance, which will help ensure minimal to no impacts on the neighborhood.

- (C) The proposed adjustment will not affect surrounding existing or proposed development. The applicant is not requesting more than one adjustment.