

NOTICE OF DECISION

PLANNING DIVISION
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*Si necesita ayuda para comprender esta informacion, por favor llame
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DECISION OF THE SALEM PLANNING COMMISSION

MINOR COMPREHENSIVE PLAN MAP AMENDMENT / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE CASE NO.: CPC-NPC-ZC20-07

APPLICATION NO.: 20-106290-ZO / 20-115347-ZO / 20-106298-ZO

NOTICE OF DECISION DATE: October 22, 2020

REQUEST: A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change and Zone change of an approximately ten acres land area from Developing Residential with RS (Single Family Residential) zoning to Multiple Family with RM-II (Multiple Family Residential) zoning. The subject site is an approximately 27.72 acres in size, zoned RA (Residential Agriculture), and located at 4800 Block of Battle Creek Road SE (Marion County Assessor map and tax lot numbers: 083W11D / 400 and 601).

APPLICANT: Brandie Dalton, Multi-Tech Engineering Services Inc., on behalf of Westwood Homes LLC (Todd Richard Boyce and Bill Wagoner)

LOCATION: 4800 Block of Battle Creek Road SE

CRITERIA: Salem Revised Code (SRC) Chapters 64.025(e)(2) – Comprehensive Plan Map Amendments and 265.005(e)(1) – Zone Changes

FINDINGS: The findings are in the attached Decision dated October 22, 2020.

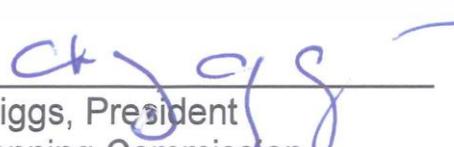
DECISION: The **Planning Commission APPROVED** Minor Comprehensive Plan Map Amendment, Neighborhood Plan Change, and Zone Change CPC-NPC-ZC20-07 subject to the following conditions of approval:

Condition 1: Any development shall provide internal connection to Marion County Tax Lots Number 083W11D / 202 083W11D / 300 and 083W11D / 500 & 602 on local streets.

Condition 2: Any development shall provide access through future local streets to the undeveloped property to the east (083W12C / 700).

VOTE:

Yes 7 No 2 (Heller, Slater) Absent 0



Chane Griggs, President
Salem Planning Commission

Application Deemed Complete:	<u>September 23, 2020</u>
Public Hearing Date:	<u>October 20, 2020</u>
Notice of Decision Mailing Date:	<u>October 22, 2020</u>
Decision Effective Date:	<u>November 7, 2020</u>
State Mandate Date:	<u>January 21, 2021</u>

Case Manager: Olivia Dias, odias@cityofsalem.net, 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Friday, November 6, 2020. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64 and 265. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the Salem City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

<http://www.cityofsalem.net/planning>

FACTS & FINDINGS

COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE CASE NO. CPC-NPC-ZC20-07

OCTOBER 22, 2020

PROCEDURAL FINDINGS

1. On September 2, 2020, an application was filed for a Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change by Brandie Dalton of Multi Tech Engineering to change ten acre portion of two properties totaling approximately 27.72-acre subject property from “Residential Agriculture” to “Multiple Family Residential” and to change the zoning of that portion from RA (Residential Agriculture) to RM-II (Multi-Family Residential).
2. The consolidated application was deemed complete for processing on September 23, 2020, and a public hearing to consider the application was scheduled for October 20, 2020.
3. On August 12, 2020, the applicant and their representatives attended the Neighborhood Association Meeting and presented their proposal, meeting the open house requirements of SRC 300.320.
4. Notice of the consolidated application was provided to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on September 30, 2020. The property was posted in accordance with the posting provision outlined in SRC 300.620.
5. DLCD Notice. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of the proposed Comprehensive Plan Change and Zone Change application to DLCD on September 15, 2020.
6. On October 20, 2020, the Planning Commission held a public hearing for the consolidated applications. The Planning Commission received testimony both for and against the application. The public hearing was closed and voted to grant the Comprehensive Plan Change, Neighborhood Plan Change, Zone Change applications.
7. 120-Day Rule. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

BACKGROUND / PROPOSAL

The applicant is requesting a comprehensive plan change, neighborhood plan change from “Developing Residential” to “Multiple Family” and to change the zoning of that portion from RA (Residential Agriculture) to RM-II (Multiple Family Residential).

APPLICANT’S STATEMENT

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing compliance with the applicable approval criteria, as well as the existing conditions plan illustrating the existing development on the property, are attached to this report as follows:

- Applicant’s Written Statement: **Attachment C**

Planning Commission utilized the information included in the applicant’s statement to evaluate the proposal and to establish the facts and findings.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, any materials and comments from public agencies, City Departments, neighborhood associations, and the public; and all documents referenced in this report.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designates the subject property as “Developing Residential.” The SACP describes the intent of the “Developing Residential” designation as “to hold the properties needed to accommodate future urban development during the next 20 years.”

The Comprehensive Plan designations of surrounding properties include:

- | | |
|--------|---------------------------------------|
| North: | “Developing Residential” |
| South: | (Across Kuebler Blvd SE) “Commercial” |
| East: | “Developing Residential” |
| West: | “Developing Residential” |

Components of the Comprehensive Plan

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Kuebler Blvd, designated as a parkway street in the TSP, which abuts the southern boundary of the subject property, Reed Road SE, designated a Minor Arterial street in the TSP abuts the northern boundary of the property and Battle Creek Road, designated as a Major Arterial street in the TSP abuts the western boundary of the property.

Relationship to the Urban Service Area

The subject property is located outside of the Urban Service Area. A UGA permit is not required for the Comprehensive Map Change or Zone Change applications. The applicant has an approved UGA Permit (UGA17-03MOD1). Prior to plat of SUB-ADJ19-08 or future development of multi-family, a modification to the previous UGA permit will be required.

Infrastructure

Water:

The *Salem Water System Master Plan* identifies the subject property to be within the S-1 and S-2 water service levels.

A 12-inch public water line in the S-2 service level located in Kuebler Boulevard SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sewer:

A 15-inch sewer line is located in Battle Creek Road SE.

Storm Drainage:

Drainage patterns in this area are generally conveyed into Pringle Creek. A portion of the property appears to drain southeast toward Kuebler Boulevard SE.

Streets:

Kuebler Boulevard SE has an approximate 70 to 80-foot improvement within a 120 to 150-foot-wide right-of-way abutting the subject property. This street is designated as a Parkway street in the Salem TSP. This section of the parkway was previously approved for an alternative street standard to allow a 70-foot improvement within a 120-foot-wide right-of-way.

Battle Creek Road SE has an approximate 20 to 46-foot improvement within a 60 to 72-foot-wide right-of-way

abutting the subject property. This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

Reed Road SE has an approximate 20 improvement within a 40-foot-wide right-of-way abutting the subject property. This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

Transportation Planning Rule: A Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) is needed to demonstrate that the proposed Comprehensive Plan Change/Zone Change (CPC/ZC) will not have a significant effect on the transportation system as defined by OAR 660-012-0060. Findings addressing the Transportation Planning Rule can be found below.

2. Zoning

The subject property is zoned RA (Residential Agriculture) and is currently vacant. Surrounding properties are zoned and used as follows:

North: RA (Residential Agriculture); Vacant with approved single-family subdivision.

South: (Across Kuebler Blvd SE) CR (Retail Commercial); vacant.

East: RA (Residential Agriculture); Vacant

West: RA (Residential Agriculture); single family homes.

3. Existing Conditions

The subject property is approximately 27.72 acres in size and is currently vacant. The property was previously approved for a phased subdivision (SUB-ADJ19-08). The subdivision was approved for a total of 209-lots on a total of 52.80 acres. The subdivision has not yet been platted or constructed.

4. City Department Comments

Salem Public Works Department – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (**Attachment F**).

Salem Fire Department – The Salem Fire Department submitted comments indicating no concerns with the proposed Comprehensive Plan and zone change, and that Fire Code issues would be addressed at the time of building permit application.

Salem Community Development Department, Building and Safety Division – The Building and Safety Division submitted comments indicating no concerns with the proposal.

5. Public Agency & Private Service Provider Comments

Salem-Keizer Public Schools – Salem-Keizer Public Schools reviewed the proposal and submitted comments detailing school capacity.

Oregon Department of Land Conservation and Development (DLCD) – No comments received.

6. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association (Morningside) and adjacent to South Gateway Neighborhood Association (SGNA).

Required Open House/Neighborhood Meeting. Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and conduct an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On August 12, 2020, the applicant and their representatives attended Morningside Neighborhood Association meeting to present their proposal. A summary of the comments provided at the neighborhood association meeting prepared by the applicant's representative are included in the record.

Notification was sent to the Morningside, SGNA, surrounding property owners and tenants on September 23, 2020. One comment from Oregon Fair Housing Council was submitted in support of the application.

Morningside Neighborhood Association and one surrounding property owner submitted comments in opposition and raised the following issues:

Traffic Impacts to Reed Road

The Morningside Neighborhood Association is opposed to the zone change due to the increase in traffic on Reed Road SE. Several projects in the area will bring additional vehicle traffic volumes to the existing street, which is already unsafe and dangerous. Reed Road SE is narrow, has no shoulder. Reed Road SE is in need of widening and improvements to the intersection of Battle Creek Road SE and Reed Road should be completed prior to approval of any zone changes that result in increased traffic until those improvements have been made.

Findings:

Transportation Planning Rule (TPR)

The determination of significant impact on a transportation facility is based upon a

comparison of potential trip generation from uses allowed under the current designations and uses allowed under the proposed designations; it is not based upon a comparison of trips generated from the current use -- undeveloped land – to trips generated from potential uses under the proposed designations. The applicant is not required to identify proposed land uses or provide a development plan for this application for land use designations, and the City is not required to impose conditions that will mitigate any potential effect development may have on transportation facilities. The finding in the original staff report discusses the requirement and staff analysis:

“The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. The TPR analysis takes into consideration the existing zoning in the vicinity, including the previously approved residential and commercial property across Kuebler Blvd (Costco). The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect.”

The requested comprehensive plan change, neighborhood plan change, and zone change will not have a significant effect on the existing transportation system beyond what the current land use designations would allow. The previously approved UGA17-03MOD1, conditions of approval require right-of-way dedication and improvements on Reed Road and the intersection of Reed Road SE and Battle Creek Road SE, which will include a bike lane and sidewalk along the frontage of the property.

Development funded improvements:

The subject property was granted previous approval for a single-family subdivision and Urban Growth Preliminary Declaration permit (UGA17-03MOD1), which requires the widening and construction of Reed Road, along the properties' frontage to include sidewalks and on-street parking abutting the future park. In addition to frontage improvements to Reed Road, the existing subdivision approval requires that prior to any development, or lots being created, the applicant construct a realigned intersection of Battle Creek Road SE and Reed Road SE to minor arterial standards. The intersection will include the following:

- A westbound to southbound left turn lane on Reed Road SE;
- A southbound to eastbound left turn lane on Battle Creek Road SE;
- A northbound to eastbound right turn lane on Battle Creek Road SE; and
- A pedestrian island on Battle Creek Road SE along the south side of the intersection.
(UGA17-03;1)

Future developments along the westside of Reed Road frontage will be required to construct a three-quarter street improvement (including travel lanes, sidewalks, and bike lanes on the east side). There have been inquiries regarding development in Fairview on parcels that have frontage along Reed Road. Any development on these parcels would be required to widen Reed Road from Fairview Industrial Road SE to Lindburg Road SE and make improvements, including: 46-foot wide (two lane) travel width, sidewalks and street

trees along the property's frontage. In addition, potential redevelopment of the Hillcrest Youth Correctional Facility property, which is on east side of Reed Road between the subject property and Strong Road, would be responsible for frontage improvements on their side of Reed Road, minimizing the gap between improvements.

Development within the former Fairview Training Center and subject to the Fairview Plan is required to contribute over 20 million dollars in Development District Fees (DDFs) for public improvements identified in the area. Reed Road is an identified street eligible for improvements with DDFs. Since development is required to partially improve the property frontages with development, the funds are typically used to fund additional improvements, such as increased travel width, and improvements on the opposite side of the street. Funds are intended to be used by developers to add to the required improvements that they are constructing.

The proposal will increase crime.

Findings: Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity. Approval criteria for land use applications do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the proposed development would exceed what would otherwise occur from any other legal development of property within the City.

The zone change will increase traffic with the addition of Costco.

Findings: The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a "significant effect" on the surrounding transportation system, as defined above or to propose mitigation of their impact.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. The TPR takes into consideration the existing zoning in the vicinity, including the proposed commercial property across Kuebler Blvd (Costco). The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect.

Areas of single-family homes should be left just as they are without imposing the multi-family dwelling developments on those of us who have worked so hard to be able to live in a quiet safe area.

Findings: The 2015 Housing Needs Analysis (HNA) identifies a deficit of approximately 207 acres of land designated for multifamily residential development. Although not adopted at this time, the HNA has been accepted by City Council and serves as the basis for a three-phase work plan adopted by the City to address the identified deficit of land for multifamily housing. The proposal to designate ten acres from "Developing Residential" to "Multifamily Residential" addresses a housing need identified in the HNA and supported by recent studies showing the multifamily vacancy rate as less than 2.5 percent. The

proposal is consistent with the range of existing and planned housing unit types in the immediate vicinity, which includes a mix of Single Family Residential and Multifamily Residential designations. The access to existing arterial street supports the applicant's contention that the site is equally or better suited for multifamily residential development than most other vacant properties in the vicinity.

7. MINOR COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) *Alteration in Circumstances.* Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.**
- (ii) *Equally or Better Suited Designation.* A demonstration that the proposed designation is equally or better suited for the property than the existing designation.**
- (iii) *Conflict Between Comprehensive Plan Map Designation and Zone Designation.* A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) Whether there was a mistake in the application of a land use designation to the property;**
 - (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.****

Finding: The applicant has provided findings which can be found in **Attachment C**. There is no conflict between the existing “Developing Residential” designation and RA (Residential Agriculture) zoning. The applicant does not assert that a mistake has been made in the application of the Developing Residential designation to the subject property. Staff concurs that the proposal is justified based on (ii); the proposed designation is equally or better suited for the property.

Definitions and intent statements for the “Developing Residential” designation within the Salem Area Comprehensive Plan describe the future use for lands under this designation as “primarily for single and multifamily residential with schools, parks, and churches.” Policy A.3.a.4 describes the process for “Conversion of Developing Residential or Urbanizable Areas to Urban Development,” including annexation, construction of public capital developments, and filing and approval of a subdivision or zone change. The policy cites orderly and economic extension of public facilities and services, providing adequate land for a variety of housing types, and maintaining an adequate land supply for a variety of uses as some of the reasons for converting urbanizable land into urban land.

The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately ten acres of land away from a single-family designation, where the accepted HNA identifies a surplus, to a multiple family residential designation, where the HNA identifies a deficit.

According to the Housing Needs Analysis (HNA), “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 Multiple Family Residential designation, the subject property could be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. The proposed 10.32 acres could provide between a 124 and 289 of unit based on the minimum and maximum density of the RM-II zone. The increase in density will reduce the deficit of identified in the HNA.

The proposed change in designation would allow for redevelopment for multi-family which will help to meet the changing needs of the Salem urban area. The Multiple Family Residential designation would be equally or better than the Single-Family Residential designation for the two properties due to their location on a Parkway, on the edge of a future residential neighborhood, their location which provides an ability to buffer higher intensity uses from single family uses, and their contribution to the identified deficit of land designated multi-family.

The Planning Commission finds the application meets this criterion.

SRC 64.025(e)(2)(B): 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 plan map designation.

Finding: The subject property is located outside of the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development, as conditioned in UGA17-03MOD1. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. As conditioned below, the applicant will be required to modify the previously approved phased subdivision and urban growth preliminary declaration permit ensuring public facilities are adequate to serve the development. The proposal meets this criterion.

SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land.

Finding: The proposed Multi-Family Residential designation is logical near a Parkway Street and Minor Arterial Street. The property abuts Kuebler Boulevard, a Parkway to the south and a new internal street. As the South Salem neighborhood expands over time, a distinct land use pattern has developed in the vicinity that includes a multi-family or higher density uses near the intersection of Reed Road and Kuebler Boulevard, and then transitioning into single family residential neighborhoods north. This pattern is reflected in the Salem Area Comprehensive Plan Map. The subject property's location makes the proposed multi-family designation a logical choice for the site, given its location near Kuebler Boulevard and the Interstate.

The proposal meets this criterion.

SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development.

Finding: The applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, Residential Development Goal (Page 30, Salem Comprehensive Policies Plan):

Policy E.1. The location and density of residential uses shall be determined after consideration of the following factors;

a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.

Finding: The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately ten acres of land away from a single-family designation, where the accepted HNA identifies a surplus, to a Multiple Family Residential designation, where the HNA identifies a deficit.

- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*

Finding: The land proposed for the Comprehensive Plan Map and zone change appears to have capacity for Multiple Family Residential development. The relative environmental suitability of the property is even greater when compared to the steeper residential properties in the southern portions of the City. There are no known natural hazards or geographical constraints which would prevent development of higher-density housing on the site.

- c. The capacity of public facilities, utilities, and services. Public facilities, utilities, and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*

Finding: The subject property is located outside of the Urban Service Area. A UGA permit is not required for the Comprehensive Map Change or Zone Change applications. The applicant has an approved UGA Permit (UGA17-03MOD1), Prior to plat of SUB-ADJ19-08 or development, a modification to the previous UGA permit will be required.

- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services.*

Finding: The property is located in an urbanized area of the city where services exist in the vicinity of the site, including a shopping, employment, entertainment, parks, elementary, middle and high schools. The Commercial Street corridor is located west of the property which has commercial nodes providing a wide range of shopping, employment, and entertainment opportunities. There are several churches and undeveloped commercial properties within the immediate vicinity. The Fairview Industrial area is located north of the subject property providing for multiple opportunities for employment.

- e. The character of the existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*

Finding: As described in findings above, residential properties in the vicinity of the site are developed, or planned for development, at a range of densities. The proposed Multiple Family Residential designation matches property to the south near Boone Road. Where the site abuts lower density residential properties to the north, Multiple Family Design Guidelines and Standards established in SRC Chapter 702 require multifamily design guidelines requires increased setbacks and screening to ensure a transition to the smaller bulk and scale of single-family residences.

- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*

Finding: The subject property is located outside of the Urban Service Area and adequate utilities are available to serve the property. A UGA permit is not required for the Comprehensive Map Change or Zone Change applications. The applicant has an approved UGA Permit (UGA17-03MOD1). Prior to plat of SUB-ADJ19-08 or future multi-family development, a modification to the previous UGA permit will be required.

g. The density goal of General Development Policy 7.

Finding: General Development Policy 7 provides in part that “the cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.” When applied to the subject property, the range of densities allowed in zones implementing the Multiple Family Residential designation provides for more dwelling units than the 6.5 dwelling units per acre, which is consistent with the Housing Needs Analysis (HNA) prepared in 2015.

Policy E.2 Residential uses and neighborhood facilities and services shall be located to:

- a. Accommodate pedestrian, bicycle and vehicle access;*
- b. Accommodate population growth;*
- c. Avoid unnecessary duplication of utilities, facilities, and services; and*
- d. Avoid existing nuisances and hazards to residents.*

Finding: As described in findings above, the subject property is located outside of the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development, as conditioned by UGA17-03MOD1. The development standards established in the UDC will ensure the commercial or multifamily residential uses developed on the site are adequately served.

Policy E.6 Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family residential zones;*
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;*
- c. Multiple family developments should be located in areas that provide walking, auto, or transit connections to:*

- (1) Employment centers;*
- (2) Shopping areas;*
- (3) Transit service;*
- (4) Parks;*
- (5) Public buildings.*

Finding: The RM-2 (Multiple Family Residential) zone proposed by the applicant includes a minimum density of 12 units per gross acre, encouraging efficient use of

residential land and public facilities. As described in findings above, the immediate vicinity includes a range of densities within existing developments and zoning district standards for undeveloped properties. The nearest transit service available to the subject property near the corner of Boone Road and Battle Creek Road, by way of Salem Keizer Transit's Route 6 bus line. The existing transit stop would require pedestrian and bicycles to cross Kuebler Blvd, a Parkway, which is over a half mile from the subject property. The need for public transportation to serve the additional density may be needed. To ensure public transportation can be provided to the proposed development will need to coordinate with Salem-Keizer Cherrits prior to any development proposal. The Comprehensive Parks System Master Plan shows that a Neighborhood Park (NP 32) and Urban Park (UP 3) are planned on or near the subject property. The previous subdivision is conditioned to reserve property for dedication of neighborhood park facility NP-32 based on sizing criteria established in SRC 200.075(b) and as proposed in the application.

The City in in contract to purchase a 7.35-acre abutting property for a future park.

Policy E.7 Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;*
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;*
- c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

Finding: The planned street transportation system in the vicinity of the subject property establishes a framework of parkway and a arterials that provide both east/west and north/south access across the area which allows for short trips within the neighborhood to be made by a variety of routes, with or without driving.

Policy E.10 Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

- a. The site is so designated on the comprehensive plan map;*
- b. Adequate public services are planned to serve the site;*
- c. The site's physical characteristics support higher density development; and*
- d. Residential Development Policy 7 is met.*

Finding: The applicant's proposal includes a request for a quasi-judicial zone change from RA (Residential Agriculture) to the higher density RM-II (Multiple Family Residential) zone. The RM-II zone implements the "Multi-Family Residential" Comprehensive Plan

Map designation proposed as part of the consolidated application. As described in findings above, the subject property is located outside the Urban Service Area but served by utilities (UGA17-03MOD1). The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. The property is unencumbered by sensitive areas such as wetlands or riparian areas. The existing street network on properties in the vicinity meet the circulation requirements of Residential Development Policy 7.

Staff finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

Finding: The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Finding: Required Open House/Neighborhood Meeting. Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On August 12, 2020, the applicant and their representatives attended the Morningside Neighborhood Association meeting to present their proposal. A summary of the comments provided at the neighborhood association meeting prepared by the applicant's representative is included in the record. The applicant did not identify a homeowner's association for the subject property; therefore, no notice is required. A public hearing notice was mailed to the affected property owners, all property owners and tenants within 250 feet of the subject property and to the Morningside Neighborhood Association and South Gateway Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

Statewide Planning Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Finding: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

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

Finding: The subject property does not contain any protected natural resources or scenic and historic areas; this Statewide Planning Goal is not applicable.

Statewide Planning Goal 6– Air, Water, and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Finding: Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. Development of the property is subject to tree preservation, stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state’s natural resources. The proposal is consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: *To protect people and property from natural hazards.*

Finding: The subject property is not located within a floodplain or floodway. Mapped landslide hazards are identified on subject property, prior to development a geotechnical assessment will be required. The proposal is consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Finding: The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property, therefore, Goal 8 is not applicable to this proposal.

Statewide Planning Goal 9 – Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.*

Finding: In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem’s needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres and a surplus of approximately 907 acres of industrial land. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted the EOA and updated the Comprehensive Plan accordingly; the City now uses the EOA and its findings to inform policy decisions, including how to respond to request for rezoning land.

Statewide Planning Goal 10 – Housing: *To provide for the housing needs of the citizens of the state.*

Finding: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decisions related to residential land. According to the Housing Needs Analysis (HNA), “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 Multiple Family Residential designation, the subject property could be developed as multi-family

dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. The proposed 10.32 acres could provide between a 124 and 289 of unit based on the minimum and maximum density of the RM-II zone. The increase in density will reduce the deficit of identified in the HNA.

The proposed comprehensive plan map amendment would change the current “Single Family Residential” designation to “Multiple Family Residential”, and the zoning from RA (Residential Agriculture) to RM-II (Multiple Family Residential).

The City has a surplus of RA zoned land available to meet future needs. The RA zoning allows the property to be developed with single family uses, or in limited situations, two family uses, when the property is located on a corner lot or abutting a commercially zoned property. The proposed RM-II zoning designation allows for a greater variety of residential uses than the current zoning does, including single family, two family, and multiple family residential. The proposed change in designation is in compliance with Goal 10 by providing a designation that allows more diverse housing options than the current zoning to contribute towards the future housing needs of the City.

Statewide Planning Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Finding: The subject property is located outside of the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. As conditioned below, the applicant will be required to modify the previously approved phased subdivision and urban growth preliminary declaration permit ensuring public facilities are adequate to serve the development.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above or to propose mitigation of their impact.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect.

Pursuant to 803.035(a), the proposed development is required to provide connectivity to underdeveloped adjacent properties. At the time of future development, the applicant shall provide access to the subject property from the existing street system through future local street(s).

The proposal complies with Goal 12.

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development of the property are in close proximity. The proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB in compliance with Goal 14.

SRC 64.025(e)(2)(E): **The amendment is in the public interest and would be of general benefit.**

Finding: The proposed Comprehensive Plan Map amendment from Single Family Residential to Multifamily Residential is in the public interest and would be of general benefit because it would increase the number of housing units that can be provided on the subject property, consistent with the planned capacity of infrastructure serving future development. The proposed change in land use designation is consistent with the location and character of the property, with adjacent land use designations, and with the planned transportation facilities available to serve the property.

The proposal satisfies this criterion.

MORNINGSIDE NEIGHBORHOOD PLAN

Finding: The property is located within the boundaries of the Morningside Neighborhood Association. The Morningside Neighborhood Plan was adopted in 2014 and is in effect pursuant to SRC Chapter 64.

Residential

Goal 2: *Maintain and reinforce the residential areas of the neighborhood as safe, pleasant and engaging places to live.*

POLICIES:

Policy 2.5 - New multi-family buildings should be designed to engage the streetscape, with entrances and windows facing the public right-of-way.

Policy 2.6 - New residential developments of 15-dwelling units or more are encouraged to incorporate amenities such as community plazas, playgrounds, community gardens, open space tracts or pocket parks.

Policy 2.7 - The height, bulk and massing of new developments proposed adjacent to existing single-family dwellings should be designed in a context-sensitive manner to create a cohesive visual urban form and protect the single-family residential character of the neighborhood.

Finding: Multifamily development on the site would be subject to development standards adopted in the RM-2 Zone (SRC Chapter 514), as well as Multiple Family Design Review Guidelines and Standards (SRC Chapter 702). Future development will be reviewed for design, setbacks, open space, height and architectural detail, which would be consistent with the policies above.

Goal 3: *Promote architectural variety and a mix of housing unit types to accommodate changing demographics and economic conditions, and to provide appropriate affordable housing and age-in-place options throughout the neighborhood.*

POLICIES:

Policy 3.1 - Multifamily housing developments are encouraged in locations with access to arterial or collector streets with existing or planned transit service.

Policy 3.3 - New residential developments are encouraged to incorporate a diversity of housing types to attract residents of varying income levels, lifestyles and housing preferences.

Finding: The proposed zone change would locate Multi-family housing near an arterial street with future planned transit in the area. The proposed multifamily uses will be located near and in conjunction with a single-family residential subdivision providing a diversity of housing types.

Transportation

Goal 10: *Foster a local transportation system that achieves the following:*

- *Promotes improved efficient travel movement and a high level of connectivity for all modes of transportation.*

- *Encourages the development of safe walkable places with a high degree of pedestrian connectivity.*
- *Increases the availability and viability of transit and alternative transportation for neighborhood residents.*
- *Places a high priority on Level of Service (LOS) analysis that reflects design impacts for all transportation modes.*

POLICIES:

Policy 10.2 - New subdivisions should provide multiple external street connections to foster vehicle flow through a distributed or grid-type system and multiple access points to the arterial and collector street network.

Finding: The subject property is located along an arterial street and boulevard, which is intended to distribute traffic regionally and provide routes through the city. The previously approved subdivision provides for the single connection to Battle Creek Road and limits multiple access points to the arterial system. As conditioned, the proposed zone change will require internal street access to tax lots 083W11D / 202 083W11D / 300 and 083W11D / 500 & 602, in order to limit access points to Battle Creek Road.

The criteria for approval of a Neighborhood Plan Change are the same as the Minor Comprehensive Plan Map amendment, the findings above adequately address the proposed Neighborhood Plan change.

8. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA

The following analysis addresses the proposed zone change for the subject property from RA (Residential Agriculture) to RM-II (Multiple Family Residential).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a Quasi-Judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

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

- (i) **A mistake in the application of a land use designation to the property;**
- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or**

- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Finding: The proposed ten acres satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. The physical characteristics of the property, including its relationship to a parkway and arterial street, its location within an area that is approved to and has a wide range of housing types.

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” while conversely finding that the City has a surplus of available single family residential lands. The proposed change in designation would allow for a redevelopment that will allow multi-family development which will help to meet the changing needs of the Salem urban area. With the RM-II zone, the subject property could be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

In implementing the “Multifamily Residential” Comprehensive Plan Map designation, the RM-2 zone primarily allows apartments and related multifamily uses, as well as compatible services such as libraries, small scale day care facilities, and churches. Multifamily development on the site would be subject to development standards adopted in the RM-2 zone (SRC Chapter 514), as well as Multiple Family Design Review Guidelines and Standards (SRC Chapter 702).

The property abuts three smaller properties which should have limited access to Battle Creek Road, a minor arterial. Connection to these properties shall be made from the subject property. The three small land areas near the corner of Kuebler Blvd and Battle Creek Road and abutting the south west portion of the subject property should be included in the local street system of the development. This would provide for less connections to Battle Creek Road and for the future development of Marion County Tax Lots Number 083W11D / 202 083W11D / 300 and 083W11D / 500 & 602 on local streets.

Pursuant to 803.035(a), the proposed development is required to provide connectivity to underdeveloped adjacent properties. At the time of future development, the applicant shall provide access to the subject property from the existing street system through future local street(s), including the abutting property to the east. The previous subdivision had multiple connections to serve Marion County Tax Lot Number 083W12C / 700. The property to the east is approximately 1,000 feet north to south and shares that property line with the subject property. Pursuant to SRC 803, connections and block length would require approximately three connections to the east. The applicant has provided a site plan indicating the future local street system, which would be consistent with the standards and previously approved subdivision.

The following conditions ensure that connections and connectivity are consistency with the Salem Revised Code.

Condition 1: Any development shall provide internal connection to Marion County Tax Lots Number 083W11D / 202 083W11D / 300 and 083W11D / 500 & 602 on local streets.

Condition 2: Any development shall provide access through future local streets to the undeveloped property to the east (083W12C / 700).

This criterion is satisfied.

SRC 265.005(e)(1)(B): If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

SRC 265.005(e)(1)(C): The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this collective application.

SRC 265.005(e)(1)(D): The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address applicable Statewide Planning Goals and Oregon Administrative Rules for this collective application. The proposal satisfies this criterion.

SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use 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.

Finding: The subject property is not currently designated for industrial, commercial, or employment use. Therefore, this criterion does not apply to the proposal.

SRC 265.005(e)(1)(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.

Finding: The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

The three small land areas near the corner of Kuebler Blvd and Battle Creek Road and abutting the south west portion of the subject property should be included in the local street system of the development. This would provide for less connections to Battle Creek Road and for the future development of Marion County Tax Lots Number 083W11D / 202 083W11D / 300 and 083W11D / 500 & 602 on local streets. The proposed conditions ensure that connections and connectively are consistency with the Salem Revised Code.

The proposal meets this criterion.

SRC 265.005(e)(1)(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.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included earlier in this report, address the public facilities and services available to support the uses allowed on the subject property. The proposal satisfies this criterion.

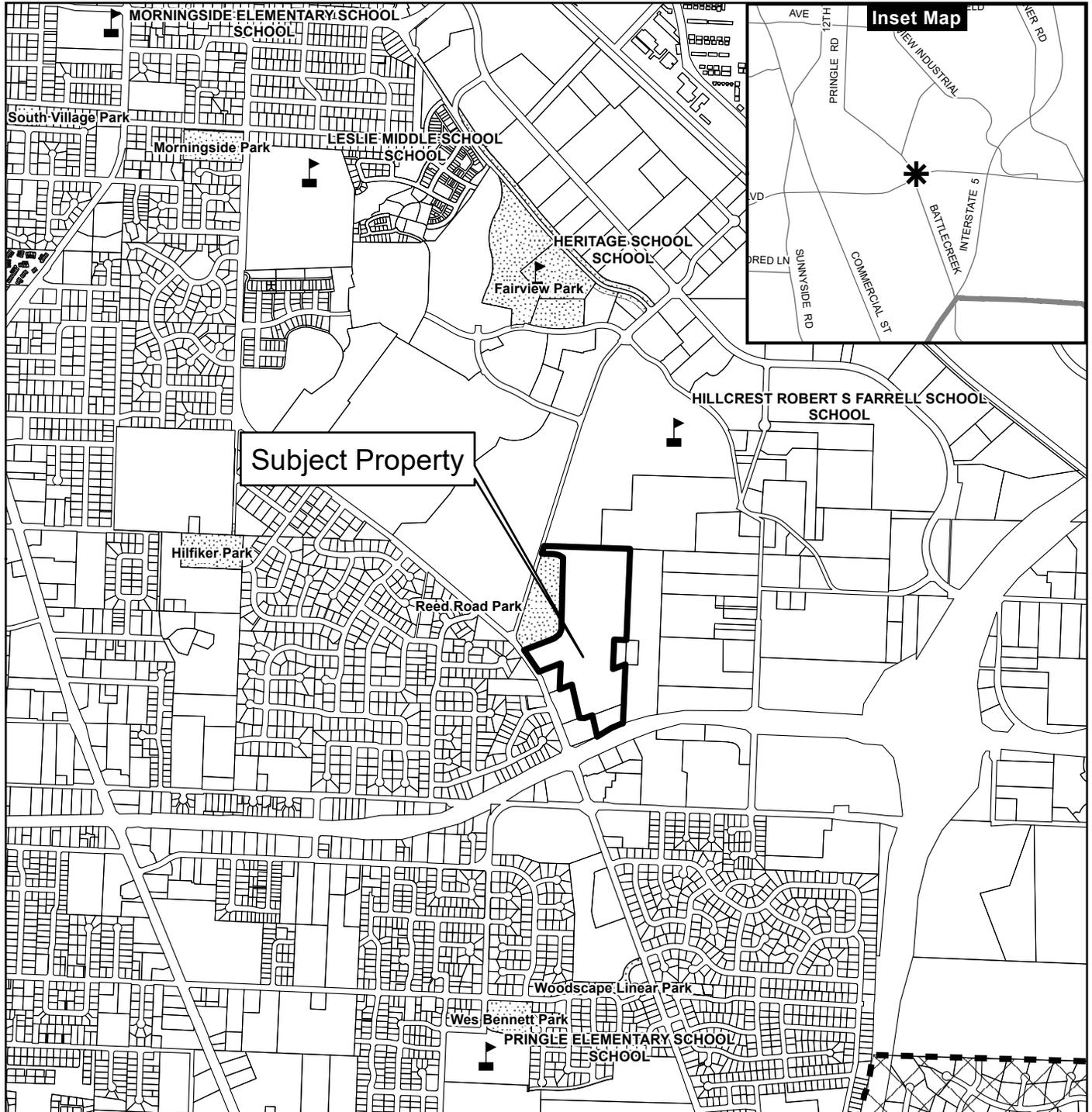
CONCLUSION

Based on the facts and findings presented herein, the proposed Minor Comprehensive Plan Map Amendment, Minor Neighborhood Plan Map Amendment, and Quasi-Judicial Zone Change, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2) and 265.005(e)(1) for approval.

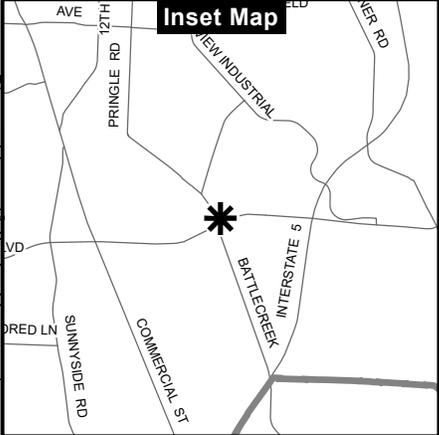
Attachments: A. Vicinity Map, Comprehensive Plan Map and Zoning
B. Site Plan
C. Applicant's Written Statement
D. Traffic Planning Rule Analysis
E. Cherrlots Routes
F. Public Works Department Memo

Prepared by Olivia Dias, Current Planning Manager

Vicinity Map 4800 Block Battle Creek Road



Subject Property



Legend

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

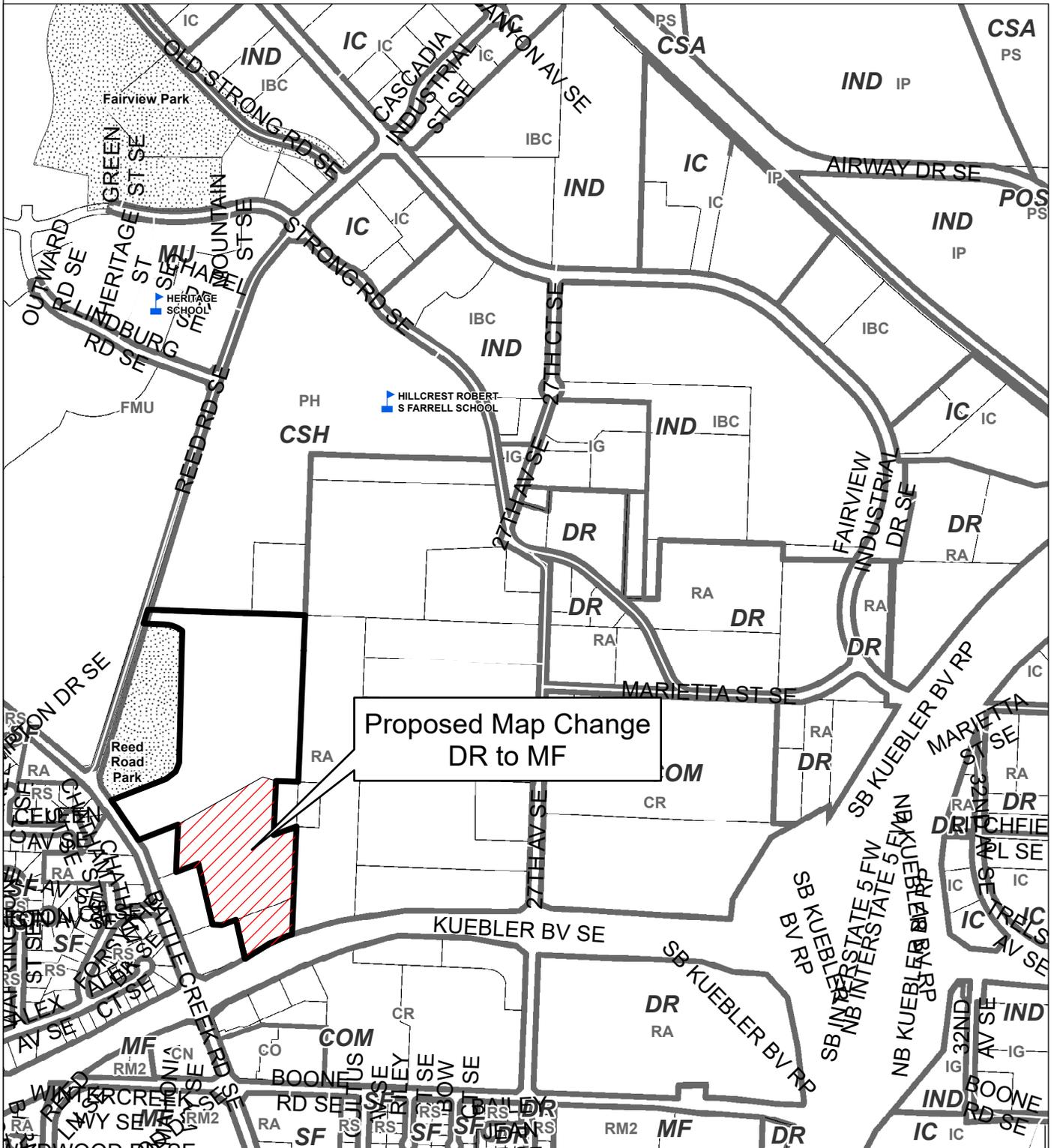


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010800 400 Feet



Comprehensive Plan Map - 4800 Blk Battle Creek Road



Proposed Map Change
DR to MF

Legend

-  Comprehensive Plan
-  Urban Growth Boundary
-  Outside Salem City Limits
-  Taxlots
-  Parks
-  Schools

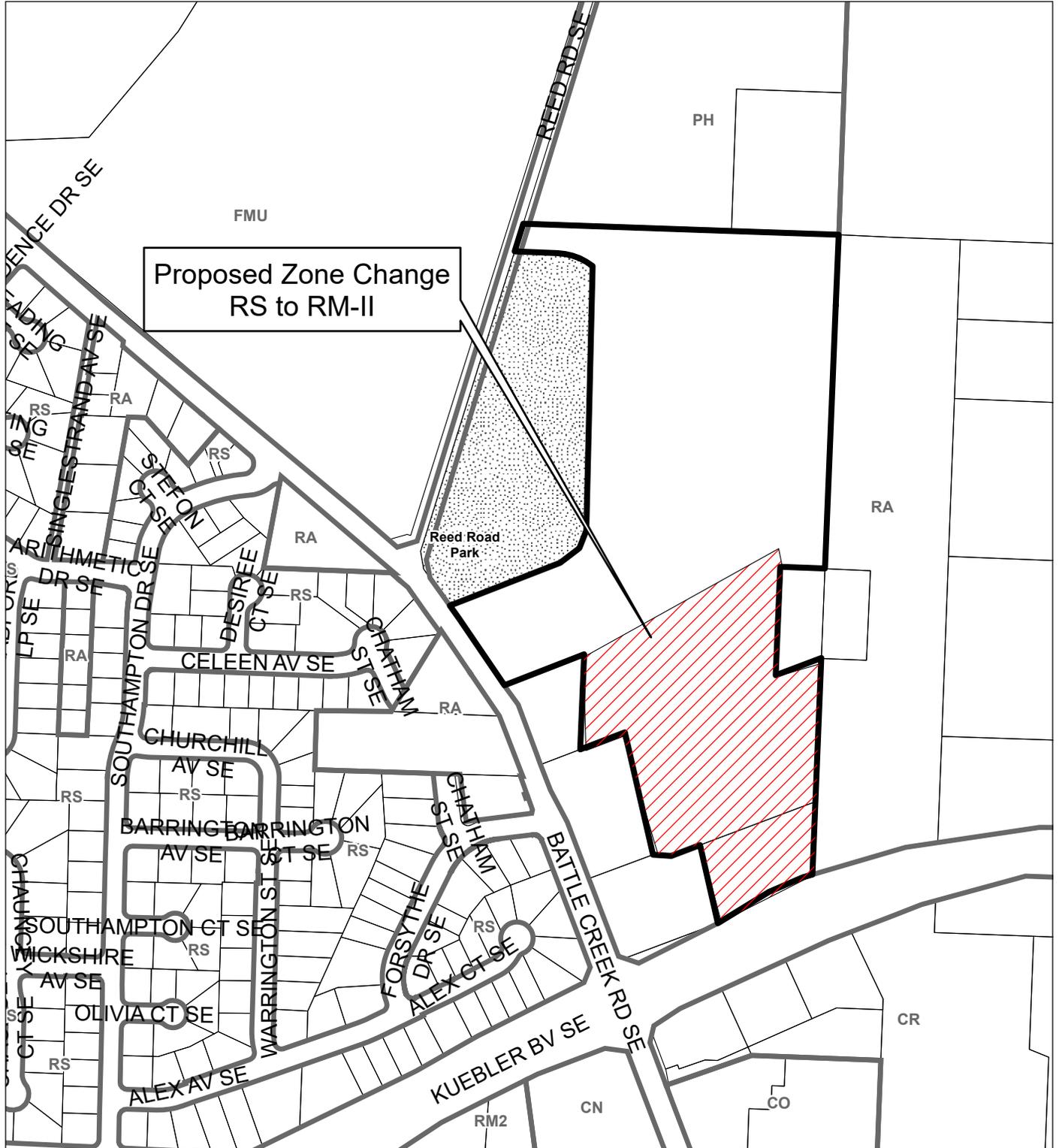
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05000 200 Feet



CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

Vicinity Zoning - 4800 Blk Battle Creek Road



Proposed Zone Change
RS to RM-II

Reed Road
Park

Legend

- RS Base Zoning
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

0 50 100 200 Feet



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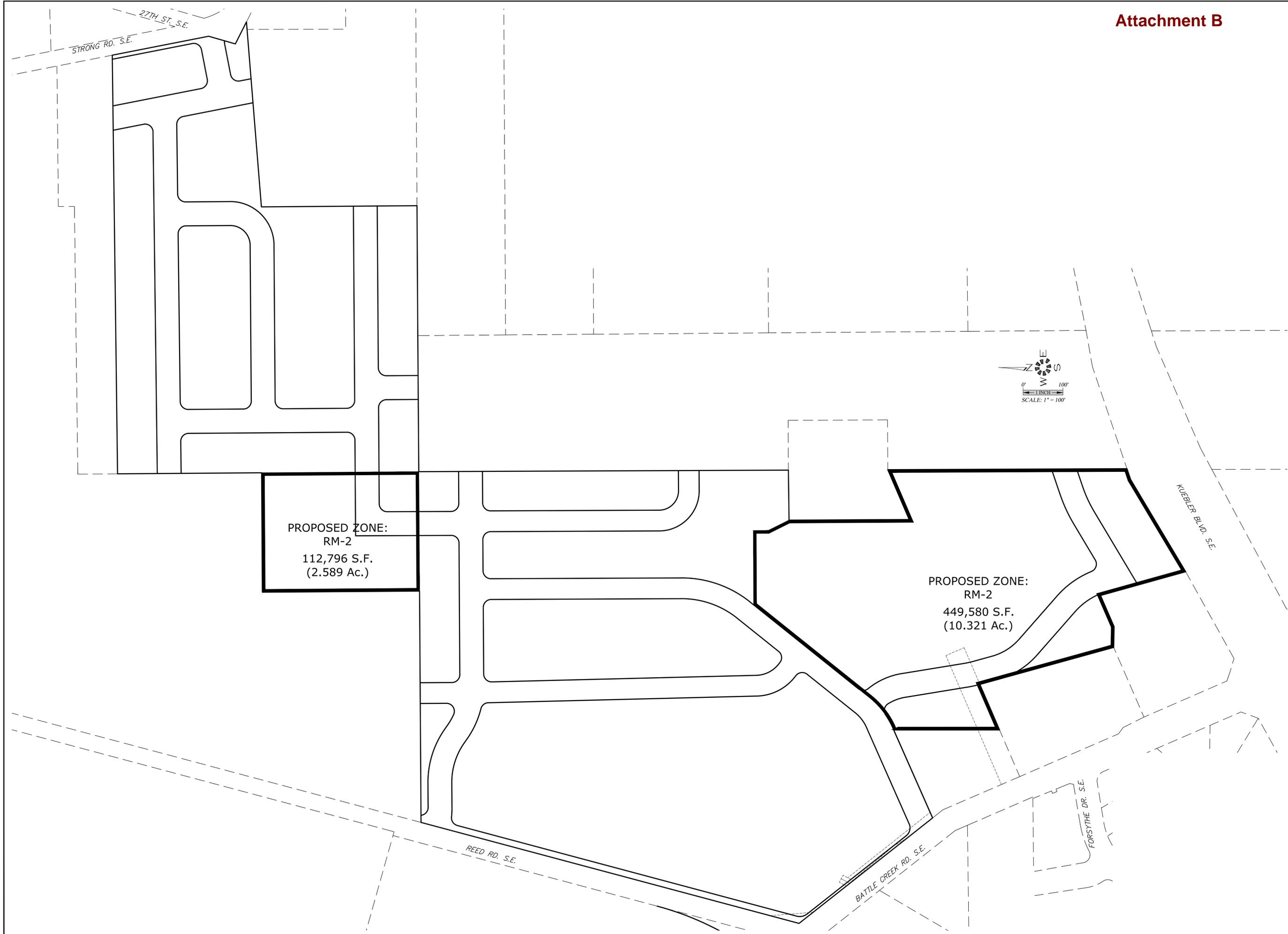
PROPOSED RIGHT OF WAY MAP

COBURN GRAND VIEW ESTATES

NO CHANGES, MODIFICATIONS OR REPRODUCTIONS TO BE MADE TO THESE DRAWINGS WITHOUT WRITTEN AUTHORIZATION FROM THE DESIGN ENGINEER. DIMENSIONS & NOTES TAKE PRECEDENCE OVER GRAPHICAL REPRESENTATION.

Design: M.D.G.
Drawn: P.H.S.
Checked: J.J.G.
Date: JUNE 2018
Scale: AS SHOWN

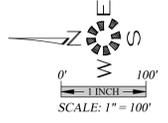
JOB # 6234



STRONG RD. S.E.
27TH ST. S.E.

PROPOSED ZONE:
RM-2
112,796 S.F.
(2.589 Ac.)

PROPOSED ZONE:
RM-2
449,580 S.F.
(10.321 Ac.)



KUEBLER BLVD. S.E.

REED RD. S.E.

BATTLE CREEK RD. S.E.

FORSYTHE DR. S.E.

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Comprehensive Plan/Zone Change

September 2, 2020

BACKGROUND/PROPOSAL

The subject property is approximately 10.32 acres in size and located at the northeast intersection of Kuebler Boulevard SE and Battle Creek Road SE (083W11D-Tax Lots 400 and 601). The subject properties are zoned RA (Residential Agriculture) and are designated as “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map. The subject properties are part of the approved SUB-ADJ19-08 and UGA17-03MOD1.

On November 21, 2019, SUB-ADJ19-08 and UGA17-03MOD1 were approved and included the subject properties

On March 5, 2020, a pre-application conference (PRE-AP20-24) was held with City of Salem staff to discuss development of the subject property.

Proposal: The applicant is proposing to rezone 083W11DD/Tax Lot 601 and the southern portion of 083W11DD/Tax Lot 400 from RA to RM2 and change the comprehensive plan designation from “Developing Residential” to “Multi-Family Residential”.

083W11DD-Tax Lot 601 and 083W11DD-Tax Lot 400 (southern portion):

10.32 acres

Rezone from RA to RM2

EXISTING SITE CONDITIONS

The subject properties is approximately 10.32 acres in size and located at the northeast intersection of Kuebler Boulevard SE and Battle Creek Road SE (083W11D-Tax Lots 400 and 601). The subject properties are zoned RA (Residential Agriculture) and are designated as “Public” and “Developing Residential” on the Salem Area Comprehensive Plan (SACP) Map.

The subject properties are part of the approved SUB-ADJ19-08 and UGA17-03MOD1.



Vicinity Information:

The subject properties located outside the Urban Service Area (USA). On November 21, 2019, UGA17-03MOD1 was approved for the subject properties. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

- North: PH (Public Health); vacant land and existing single-family dwellings
- East: RA (Residential Agriculture); vacant land and existing single-family dwellings
- South: RA (Residential Agriculture); vacant land and existing single-family dwellings
- West: Across Reed Road, FMU (Fairview Mixed-Use); vacant land and existing single-family dwelling



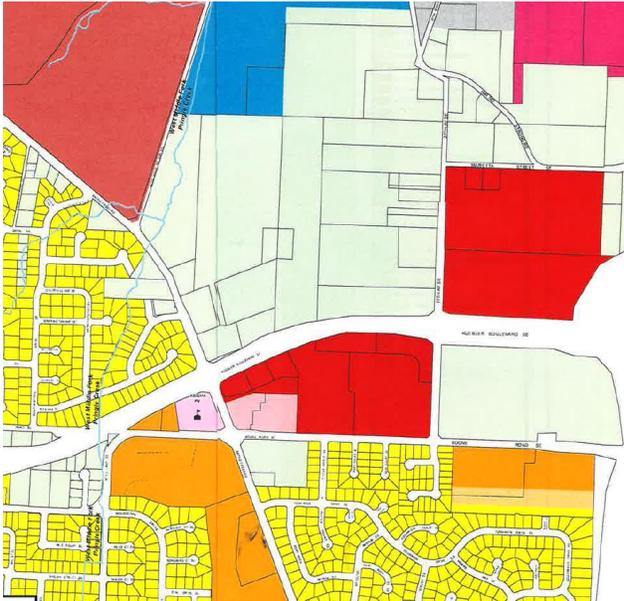
APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

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

There is a lack of appropriately designated vacant RMII sites within this vicinity. There is RM zoned property located to the south along Boone Road that is fully developed and along Battlecreek Road that has hazards that make development difficult. This site gives the applicant the ability to provide multi-family housing within this area and help Salem meet their housing needs.



As shown on the City land zone map there is no property contiguous to the existing site that is vacant RMII land, and there is none in the necessary proximity. The only appropriately designated property within the necessary proximity to the existing site is currently developed or difficult to developed.

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 with multi-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 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 properties to the north, east, and west for proposed and existing development.

The property totals 10.32 acres and could be developed with a minimum of 124 units to a maximum of 289 units on the site. This could include multi-family units and attached single family dwellings. Therefore, the rezone would allow 124 to 289 housing units within the City of Salem and within an area where higher density housing is needed.

In conclusion, there are no vacant sites for the proposed use located along Reed Road, Boone Road, Battlecreek Road, and Keubler Boulevard, that provide the necessary access to the major street system and adjacent properties, an area large enough, or which are appropriately designated. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. The rezone will allow the properties to be fully developed with a needed housing type in the area. Therefore, this zone is better suited for the site because of allowed density, the location and the minimal visual impacts on the area, along with helping to provide additional housing in the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

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

The City provided information at the pre-application conference (PRE-AP20-24) and within the approved UGA17-02MOD1 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 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 zone change application. 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 no 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 apply at the time of development and will ensure compliance with Goal 5.

There are trees located throughout the site. Prior to development of the site, the applicant will be required to get Site Plan Review approval. At the time of Site Plan Review, the layout of the site will take into consideration the location of the trees. All significant trees will be identified on the site plan.

A Geological Assessment dated June 20, 2018 was done for the entire site and approved.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables them 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 development, 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 prior to development.

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, Reed Road, Battle Creek Road, and Keubler Boulevard. Reed Road (west) is designated as a minor

arterial in the Salem Transportation System Plan (STSP). Battle Creek Road (southwest) is designated as a minor collector in the Salem Transportation System Plan (STSP). Kuebler Boulevard (south) is designated as a parkway in the Salem Transportation System Plan (STSP). The traffic generated from the site will be minor compared to the total volume of traffic in this area (on Kuebler Boulevard) and will not create a significant additional air quality impact. The TIA dated June 20, 2018, identifies the traffic needs for the site and mitigation measures.

The site is vacant. Development of vacant urban land is expected. 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 8 – Recreational Needs:

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. Salem identifies programs, activities and policies relating to parks and recreational activities in the community. The City's needs for leisure areas and open space areas have been identified in its adopted plans. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. As part of SUB-ADJ19-08 and UGA17-03MOD1, the applicant provided 7 acres of land to the City of Salem for park land. This park site will provide adequate parks and recreation within the area. Therefore, the proposal complies with this Goal.

Goal 9-Economic Development:

The proposed zone change will have a positive impact on the economy of the City of Salem. The rezone will allow the property to be developed, which will create employment along with a housing type that is a less expensive option for families.

Goal 10 – Housing:

The applicant is proposing to rezone 083W11DD/Tax Lot 601 and the southern portion of 083W11DD/Tax Lot 400 from RA to RM2 and change the comprehensive plan designation from "Developing Residential" to "Multi-Family Residential".

083W11DD-Tax Lot 601 and 083W11DD-Tax Lot 400 (southern portion):

10.32 acres

Rezone from RA to RM2

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:

"Re-designate or rezone land to Multi-Family. Salem's biggest opportunity to address the deficit of Multi-Family land will be through re-designating land from SF (or possibly DR) to MF. There may be opportunities to up-zone existing residential land to increase capacity, such as from RM1 to RM2. "

The applicant's proposal helps the City re-designate land while helping meet the housing needs.

The property totals 10.32 acres and could be developed with a minimum of 124 units to a maximum of 289 units on the site. This could include multi-family units and attached single family dwellings. Therefore, the rezone would allow 124 to 289 housing units within the City of Salem and within an area where higher density housing is needed.

The development will also be located in an area in close proximity to existing and proposed services. Lee Middle School is located about ½ a mile to the north of the site. As part of SUB-ADJ19-08 and UGA17-03MOD1, the applicant provided 7 acres of land to the City of Salem for park land. This park site will provide adequate parks and recreation within the area. Commercial Services are currently available to the west along Commercial Street.

The existing neighborhood consists of single-family housing and some multi-family housing on Boone Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards and provide bufferyards along property lines.

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 (at the time of development) 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 subject property is bordered by Reed Road, Battle Creek Road, and Keubler Boulevard. Reed Road (west) is designated as a minor arterial in the Salem Transportation System Plan (STSP). Battle Creek Road (southwest) is designated as a minor collector in the Salem Transportation System Plan (STSP). Keubler Boulevard (south) is designated as a parkway in the Salem Transportation System Plan (STSP). The TIA dated June 20, 2018, identifies the traffic needs for the site and mitigation measures.

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

The public is benefitted by creating a well-located parcel of multi-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 reasonable and a responsible manner.

The rezoning addresses planning issues such as use, access, 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 multi-family 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 zoning pattern cannot remain static. 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 RMII 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 are developed as multi-family residential and single-family residential. The proposed apartments will be compatible with the existing uses.

As shown on the City land zone map there is no property contiguous to the existing site that is vacant RM2 land, and there is none in the necessary proximity. The only appropriately designated property within the necessary proximity to the existing site is currently developed or being developed.

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 with multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The applicant is proposing to rezone 083W11DD/Tax Lot 601 and the southern portion of 083W11DD/Tax Lot 400 from RA to RM2 and change the comprehensive plan designation from "Developing Residential" to "Multi-Family Residential".

083W11DD-Tax Lot 601 and 083W11DD-Tax Lot 400 (southern portion):

10.32 acres

Rezone from RA to RM2

The applicant's proposal helps the City re-designate land while helping meet the housing needs.

The property totals 10.32 acres and could be developed with a minimum of 124 units to a maximum of 289 units on the site. This could include multi-family units and attached single family dwellings. Therefore, the rezone would allow 124 to 289 housing units within the City of Salem and within an area where higher density housing is needed.

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 adjacent properties for existing and proposed development.

The proposed RM2 zone is equally or better suited for the site because; 1) the site is located within an area of Salem with available public facilities and services; 2) per the TIA dated June 20, 2018, traffic impacts area minimal and will be mitigated as required; 3) the RM2 zone will allow the site to be developed with uses that are compatible with the surrounding existing single-family and multi-family uses; and, 4) the development of the site will provide additional housing in order to help meet housing needs within the City of Salem.

Therefore, the proposed RM2 zone will be equally or better suited for the site than the existing RA and PH zones.

This criteria 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 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 10.32 acres of property to RM2 to allow a higher density to be built on the site. 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.

The property totals 10.32 acres and could be developed with a minimum of 124 units to a maximum of 289 units on the site. This could include multi-family units and attached single family dwellings. Therefore, the rezone would allow 124 to 289 housing units.

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 subject

property is located east of Reed Road, northeast of Battle Creek Road and north of Kuebler Boulevard. The major streets are in place due to previous development. Street extensions to properties will be provided where feasible for existing and future 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. The subject property received UGA approval through UGA preliminary declaration Case No. 17-03MOD1.

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: The subject property is currently vacant. In order to provide a mixture of housing in the area, the applicant is requesting a zone change. The comprehensive plan encourages a mixture of housing types within a neighborhood.

The comprehensive plan designation for the sites are "Developing Residential" and "Public". The rezoning of the site to RM2 will be consistent with State Wide Planning Goal 10, and current housing needs in the area.

The comprehensive plan change/zone change will promote infill development with the development of a property that is already served by City Services and all 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. Lee Middle School is located about ½ a mile to the north of the site. As part of SUB-ADJ19-08 and UGA17-03MOD1, the applicant provided 7 acres of land to the City of Salem for park land. This park site will provide adequate parks and recreation within the area. Commercial Services are currently available to the west along Commercial Street.

The existing neighborhood consists of single-family housing and some multi-family dwellings on Boone Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

Circulation System and Through Traffic: The subject property is located east of Reed Road, northeast of Battle Creek Road and north of Kuebler Boulevard. The major streets are in place due to previous development. Street extensions to properties will be provided where feasible for existing and future development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development. 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.

Requests for Rezoning: The subject properties are currently designated for Residential and Public development. All public facilities and services are available to the site. The proposed development will meet Statewide Planning Goals and Policies pertaining to residential development. The development of the sites 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. At the time of development, the applicant's development will be in compliance with the Multi-Family Design Standards as outlined in 702. As required by code, prior to development of the site, 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. The rezoning of the property will provide 124 to 289 needed multi-family units within the area. This development will be in a location with accessibility to the commercial developments on Commercial Street to the west. Therefore, meeting the guidelines of providing housing within in 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.

The property totals 10.32 acres and could be developed with a minimum of 124 units to a maximum of 289 units on the site. This could include multi-family units and attached single family dwellings. Therefore, the rezone would allow 124 to 289 housing units within the City of Salem and within an area where higher density housing is needed.

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 zoning from RA to RM2.

083W11DD-Tax Lot 601 and 083W11DD-Tax Lot 400 (southern portion):

10.32 acres

Rezone from RA to RM2

Therefore, this criteria is not applicable.

(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 properties is RA and PH. The applicant is proposing to change the zone to RM2, so the sites can be developed at a higher density.

A TIA dated June 20, 2018, has been submitted with the application. The subject property is bordered by Reed Road, Battle Creek Road, and Keubler Boulevard. Reed Road (west) is designated as a minor arterial in the Salem Transportation System Plan (STSP). Battle Creek Road (southwest) is designated as a minor collector in the Salem Transportation System Plan (STSP). Keubler Boulevard (south) is designated as a parkway in the Salem Transportation System Plan (STSP). The TIA identifies the traffic needs for the site and mitigation measures.

A TRP memo Dated August 31, 2020, has been provided as part of this application.

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.

Neighborhood Plan

The subject property is located within the Morningside Neighborhood Association. The Morningside Neighborhood Plan was established on July 10, 2013. The subject properties are identified as RA (Residential Agriculture) within the Morningside NA Plan.

Goal 1 of the Morningside Plan is (Page 15 of the Morningside Plan):

“Provide for the future development of the Morningside Neighborhood through a compatible balance and appropriate mix of residential, commercial, industrial, public, mixed-use and open space uses facilitated through the implementation of effective and innovative development codes.”

Applicant Response: As stated above, the applicant is proposing to rezone 083W11DD/Tax Lot 601 and the southern portion of 083W11DD/Tax Lot 400 from RA to RM2 and change the comprehensive plan designation from “Developing Residential” to “Multi-Family Residential”.

083W11DD-Tax Lot 601 and 083W11DD-Tax Lot 400 (southern portion):

10.32 acres

Rezone from RA to RM2

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.

The applicant's proposal helps the City re-designate land while helping meet the housing needs.

The property totals 10.32 acres and could be developed with a minimum of 124 units to a maximum of 289 units on the site. This could include multi-family units and attached single family dwellings. The rezone allows the property to be developed with a needed housing type that will be required to provide open space, pedestrian circulation, and go through the Design Review process. Therefore, meeting Goal 1.

Goal 2 of the Morningside Plan is (Page 16-17 of the Morningside Plan):

“Maintain and reinforce the residential areas of the neighborhood as safe, pleasant, and engaging places to live.”

Applicant Response: As stated above, the applicant is proposing to rezone the property from RA to RM2 and change the comprehensive plan designation from “Developing Residential” to “Multi-Family Residential.

Uses allowed within the RMII zone have to meet Design Review Standards, like greater setbacks adjacent residential uses, open space areas, adequate parking, and pedestrian circulation. All these things help maintain and reinforce the existing and proposed residential uses in the neighborhood by providing a safe and visual engaging place to live.

Further more, the development will also be located in an area in close proximity to existing and proposed services. Lee Middle School is located about ½ a mile to the north of the site. As part of SUB-ADJ19-08 and UGA17-03MOD1, the applicant provided 7 acres of land to the City of Salem for park land. This park site will provide adequate parks and recreation within the area. Commercial Services are currently available to the west along Commercial Street.

The existing neighborhood consists of single-family housing and some multi-family housing on Boone Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards and provide bufferyards along property lines.

Therefore, meeting Goal 2.

Goal 3 of the Morningside Plan is (Page 18 of the Morningside Plan):

“Promote architectural variety and a mix of housing unit types to accommodate changing demographics and economic conditions, and to provide appropriate affordable housing and age-in-place options throughout the neighborhood.”

Applicant Response: Prior to development of the site, the applicant will be required to show compliance with the Design Review Standards. These standards are intended to promote building and site design that contributes positively to a sense of neighborhood and to the overall streetscape by carefully relating building mass, entries and yards to public streets.

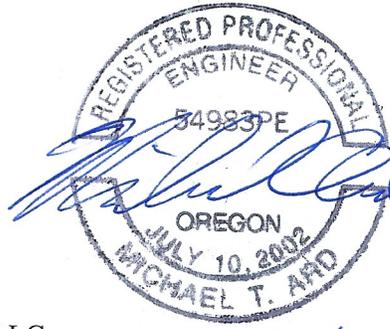
The subject property will not only be a site that will provide a needed and affordable housing type in this area, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the properties to the north, east, and west for proposed and existing development.

Therefore, meeting Goal 3.

CONCLUSION

We believe that requested Comprehensive Land 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 designations and corresponding RM2 (Multi-Family Residential) zoning designation are 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.



21370 SW Langer Farms Pkwy
Suite 142, Sherwood, OR 97140

Technical Memorandum

To: Todd Boyce - Westwood Homes, LLC

From: Michael Ard, PE

Date: August 31, 2020

Re: Coburn Grand View Zone Change - Salem, OR

EXPIRES: 12/31/2021

This memorandum is written to provide information related to two proposed zone change applications related to the planned Coburn Grand View Estates residential development located on the east side of Battle Creek Road north of Kuebler Boulevard in Salem, Oregon. The proposed zone changes consist of a conversion of 2.589 acres of property from PH (Public and Private Health Services) to RM-2 (Multiple Family Residential) and a conversion of 10.321 acres of property from RA (Residential Agriculture) to RM-2 (Multiple Family Residential).

The following analysis addresses the potential transportation impacts that can be anticipated following each of the two proposed zone changes, as well as the cumulative impacts of both zone changes. The analysis also includes a detailed examination of the requirements of Oregon's Transportation Planning Rule.

TRIP GENERATION

In order to quantify the potential change in site traffic volumes associated with each of the two proposed zone changes, estimates of trip generation for the "reasonable worst-case development scenarios" were developed for the existing and proposed zoning. The comparison between the existing and proposed zoning traffic levels thereby shows the maximum potential change in traffic that could result from each proposed zone change.

PH to RM-2 Zone Change (2.589 acres)

Under existing conditions, the City of Salem's PH zoning allows for development of the 2.589-acre (112,796 sf) property with a medical/dental office building. Assuming that the maximum reasonable gross floor area of the building will be 25 percent of the gross area of the property, the maximum reasonable building size for the medical/dental office would be 28,200 square feet.

Following approval of the proposed change to RM-2 zoning, the 2.589-acre property could be developed with multi-family residential uses, with up to 28 dwelling units per net acre. Assuming that 25 percent of the gross land area is used for roads and necessary infrastructure to support residential development, a maximum of 54 mid-rise apartments could be constructed on the subject property.



Trip generation estimates for the existing and proposed zoning were prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. Trip generation was calculated for the existing PH zoning using the published trip rates for ITE land use code 720, *Medical-Dental Office Building*. The calculations are based on the gross floor area of the building. For the proposed RM-2 zoning, the trip estimate was calculated using data for land use code 221, *Multi-Family Housing (Mid-Rise)*. The calculations are based on the number of dwelling units.

Based on the analysis, the first proposed zone change would be projected to result in a net decrease in site trips as compared to the development potential under the existing zoning. A summary of the trip generation calculations is provided in the table below. Detailed trip estimate worksheets for the existing and proposed zoning scenarios are provided in the attached technical appendix.

	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
Proposed RM-2 Zoning (54 Units)	5	14	19	15	9	24	294
-Ex PH Zoning (28,200 sf medical office)	-61	-17	-78	-27	-71	-98	-982
Net Change in Site Trips	-56	-3	-59	-12	-62	-74	-688

RA to RM-2 Zone Change (10.321 Acres)

Under existing conditions, the City of Salem's RA zoning allows for development of the 10.321-acre (449,580 sf) property with single-family homes with a minimum lot area of 4,000 square feet. Again, assuming that 25 percent of the gross land area is used for roads and necessary infrastructure to support residential development, a maximum of 84 single-family homes could be constructed on the subject property.

Following approval of the proposed change to RM-2 zoning, the 10.321-acre property could be developed with multi-family residential uses, with up to 28 dwelling units per acre. Assuming that 25 percent of the gross land area is used for roads and necessary infrastructure to support residential development, a maximum of 217 mid-rise apartment units could be constructed on the subject property.

Again, trip generation estimates for the existing and proposed zoning were prepared using data from the *Trip Generation Manual, 10th Edition*, published by the Institute of Transportation Engineers. Trip generation was calculated for the existing RA zoning using the published trip rates for ITE land use code 210, *Single-Family Detached Housing*. The calculations are based on the number of dwelling units. For the



proposed RM-2 zoning, the trip estimate was calculated using data for land use code 221, *Multi-Family Housing (Mid-Rise)*. The calculations are based on the number of dwelling units.

Based on the analysis, the second proposed zone change could result would be projected to result in a net increase of 16 trips during the morning peak hour, 12 trips during the evening peak hour, and 388 daily trips under the reasonable worst-case development scenarios. A summary of the trip generation calculations is provided in the table below. Detailed trip estimate worksheets for the existing and proposed zoning scenarios are provided in the attached technical appendix.

	Morning Peak Hour			Evening Peak Hour			Daily
	In	Out	Total	In	Out	Total	Total
Proposed RM-2 Zoning (217 Units)	20	58	78	58	37	95	1180
-Ex RA Zoning (84 Homes)	-16	-46	-62	-52	-31	-83	-792
Net Change in Site Trips	4	12	16	6	6	12	388

The trip generation analysis demonstrates that neither of the proposed zone changes will result in any significant increase in peak hour traffic. Although a slight increase in traffic is projected in association with the second zone change (RA to RM-2), 16 or fewer additional trips are projected during each of the peak hours. Additionally, the two zone changes cumulatively are projected to result in a net decrease of 43 trips during the morning peak hour, 62 fewer trips during the evening peak hour, and 300 fewer daily site trips.

Based on the analysis, neither of the proposed zone changes are projected to result in traffic added traffic volumes significant enough to require detailed operational analysis of impacts at the 20-year planning horizon, and when the two proposed zone changes are considered together, site traffic for the Coburn Grand View Estates site is decreased under the reasonable worst-case development scenario.

TRANSPORTATION PLANNING RULE ANALYSIS

In order to allow the proposed zone change, the City of Salem must find that the requirements of Oregon's Transportation Planning Rule (OAR 660-012-0060) are met. This rule provides guidance regarding whether and how the potential transportation impacts of a plan amendment must be mitigated. The relevant portions of the Transportation Planning Rule are quoted, along with responses specific to the proposed zone change.



660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);

No changes are proposed to the functional classification of existing or planned transportation facilities.

(b) Change standards implementing a functional classification system; or

No changes are proposed to the standards implementing the functional classification system.

(c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.

(A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or

(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

The proposed residential zonings would generate traffic types and volumes consistent with the functional classifications of all existing and planned transportation facilities. The first zone change will result in a net decrease in traffic as measured at the planning horizon and the second zone change will result in a minimal increase in traffic. Neither zone change would be projected to degrade the performance of any existing or planned transportation facilities, and cumulatively approval of the two zone changes is projected to result in a reduction in traffic.



CONCLUSIONS

Based on the analysis, the proposed zone changes from City of Salem “PH” zoning to “RM-2” zoning and from “RA zoning to “RM-2” zoning will not result in a significant effect as defined under Oregon’s Transportation Planning Rule, and will not result in increases in traffic which would reasonably require detailed operational analysis of impacts at the long-range planning horizon. Accordingly, no mitigation is necessary or recommended in conjunction with either zone change individually or with the two zone changes cumulatively.

If you have any questions regarding this analysis, please feel free to contact me via email at mike.ard@gmail.com or via phone at 503-537-8511.

Appendix

Trip Generation Calculation Worksheet



Land Use Description: Medical-Dental Office Building
ITE Land Use Code: 720
Independent Variable: Gross Floor Area
Quantity: 28.2 Thousand Square Feet

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 2.78 trips per ksf
Directional Distribution: 78% Entering 22% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 3.46 trips per ksf
Directional Distribution: 28% Entering 72% Exiting

Total Weekday Traffic

Trip Rate: 34.80 trips per ksf
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

28.2 ksf Medical-Dental Office Building

	Entering	Exiting	Total
AM Peak Hour	61	17	78
PM Peak Hour	27	71	98
Weekday	491	491	982

Trip Generation Calculation Worksheet



Land Use Description: Multi-Family Housing (Mid-Rise)

ITE Land Use Code: 221

Independent Variable: Dwelling Units

Quantity: 54 Dwelling Units

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.36 trips per dwelling unit

Directional Distribution: 26% Entering 74% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.44 trips per dwelling unit

Directional Distribution: 61% Entering 39% Exiting

Total Weekday Traffic

Trip Rate: 5.44 trips per dwelling unit

Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

54 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	5	14	19
PM Peak Hour	15	9	24
Weekday	147	147	294

Trip Generation Calculation Worksheet



Land Use Description: Single-Family Detached Housing
ITE Land Use Code: 210
Independent Variable: Dwelling Units
Quantity: 84 Dwelling Units

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.74 trips per dwelling unit
Directional Distribution: 25% Entering 75% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.99 trips per dwelling unit
Directional Distribution: 63% Entering 37% Exiting

Total Weekday Traffic

Trip Rate: 9.44 trips per dwelling unit
Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

84 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	16	46	62
PM Peak Hour	52	31	83
Weekday	396	396	792

Trip Generation Calculation Worksheet



Land Use Description: Multi-Family Housing (Mid-Rise)

ITE Land Use Code: 221

Independent Variable: Dwelling Units

Quantity: 217 Dwelling Units

Summary of ITE Trip Generation Data

AM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.36 trips per dwelling unit

Directional Distribution: 26% Entering 74% Exiting

PM Peak Hour of Adjacent Street Traffic

Trip Rate: 0.44 trips per dwelling unit

Directional Distribution: 61% Entering 39% Exiting

Total Weekday Traffic

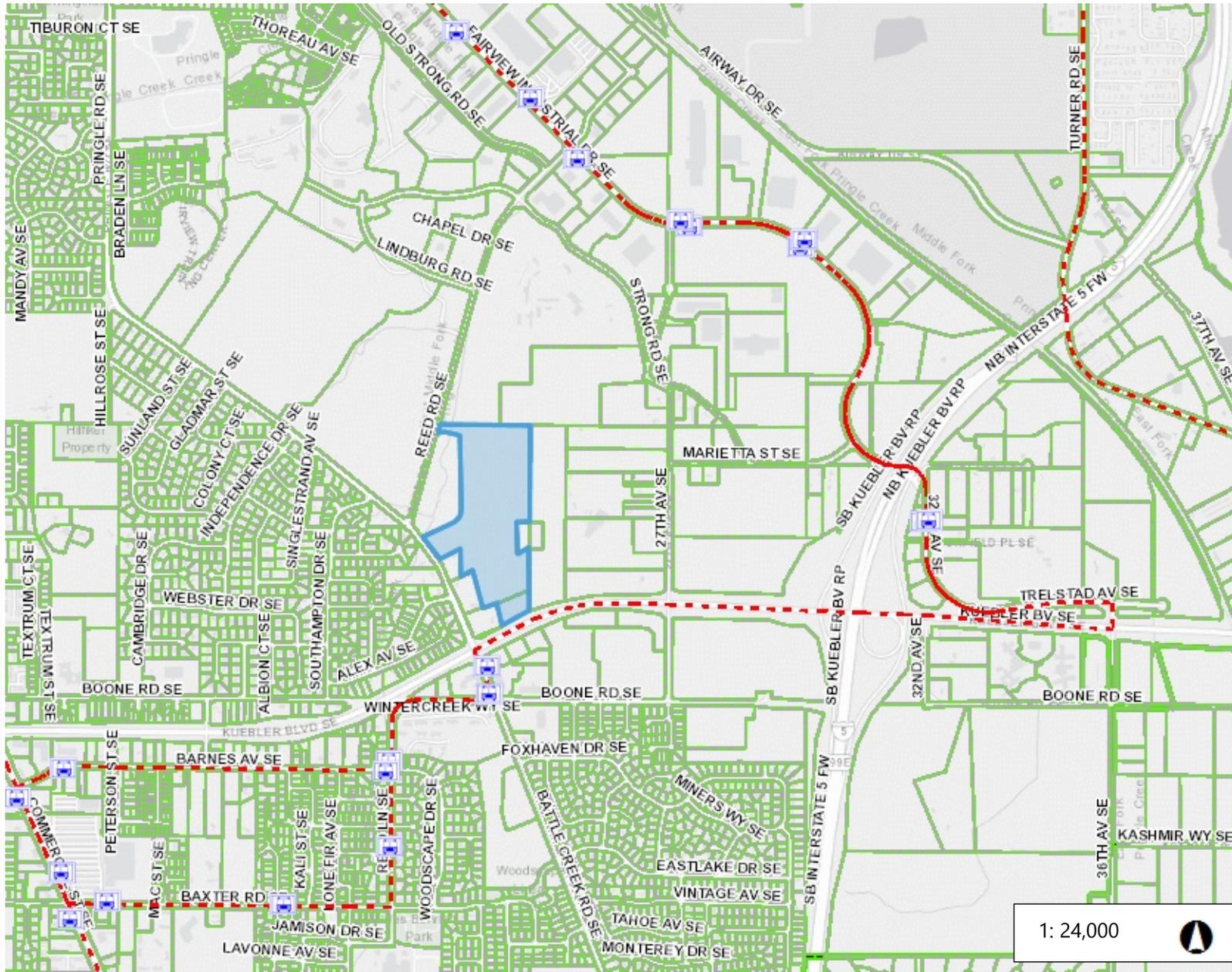
Trip Rate: 5.44 trips per dwelling unit

Directional Distribution: 50% Entering 50% Exiting

Site Trip Generation Calculations

217 Dwelling Units

	Entering	Exiting	Total
AM Peak Hour	20	58	78
PM Peak Hour	58	37	95
Weekday	590	590	1180



Legend

-  Bus Stop
-  Core Network
-  Cherrlots_Local-Regional_Rou
-  Centerline (Labels)
-  Taxlots
-  City Limit

1: 24,000 



WGS_1984_Web_Mercator_Auxiliary_Sphere
City of Salem, Oregon

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Notes

Enter notes here...



MEMO

TO: Olivia Dias, Planner III
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer 
Public Works Department

DATE: October 5, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-NPC-ZC20-07 (20-106290)
4800 BLOCK OF BATTLE CREEK ROAD SE
COMPREHENSIVE PLAN CHANGE AND ZONE CHANGE**

PROPOSAL

A consolidated application to change the Comprehensive Plan Map Designation, Neighborhood Plan Change, and Zone change of an approximately 10-acre land area from Developing Residential with RS (Single Family Residential) zoning to Multiple Family with RM-II (Multiple Family Residential) zoning. The subject site is approximately 27.72 acres in size, zoned RA (Residential Agriculture), and located at 4800 Block of Battle Creek Road SE (Marion County Assessor map and tax lot numbers: 083W11D 00400 and 00601).

RECOMMENDED CONDITIONS OF APPROVAL

1. At the time of future development, provide access within the subject property from the existing street system through future local street(s) to serve adjacent parcels.

FACTS

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Streets

1. Battle Creek Road SE
 - a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 20-foot to 46-foot improvement within a 60-foot to 72-foot-wide right-of-way abutting the subject property.
2. Reed Road SE
 - a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 20-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
3. Kuebler Boulevard SE
 - a. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 70-foot to 80-foot improvement within a 120-foot to 150-foot-wide right-of-way abutting the subject property. The parkway was previously approved for an alternative street standard to allow the 70-foot improvement width.
 - c. Access control—No driveway access will be granted onto Kuebler Boulevard SE.

Storm Drainage

1. Existing Conditions
 - a. Drainage patterns in this area are generally conveyed into Pringle Creek. A portion of the property appears to drain southeast toward Kuebler Boulevard SE.

Water

1. Existing Conditions
 - a. The subject property is located in the S-1 and S-2 water service levels.
 - b. A 12-inch water line in the S-2 service level is located in Kuebler Boulevard SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. A 15-inch sewer main is located in Battle Creek Road SE.

CRITERIA AND FINDINGS

Criteria: SRC 265.005(e)(1)(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.

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect.

Pursuant to 803.035(a), the proposed development is required to provide connectivity to underdeveloped adjacent properties as shown on the drawing labeled "Proposed Right of Way Map" provided with the application materials. At the time of future development, the applicant shall provide access within the subject property from the existing street system through future local street(s) to serve adjacent parcels.

Criteria: SRC 265.005(e)(1)(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.

Finding: Public utility requirements to serve the subject property is specified in land use case SUB-ADJ19-08 & UGA17-03MOD1. Water service for the subject property will be provided from a new 18-inch main in Reed Road SE. Sewer service will be provided from a 15-inch sewer main in Reed Road SE. Stormwater point of discharge will be provided from West Middle Fork Pringle Creek. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Jennifer Scott, Program Manager
cc: File