Si necesita ayuda para comprender esta información, por favor llame 503-588-6173

DECISION OF THE PLANNING ADMINISTRATOR

CLASS 1 SITE PLAN REVIEW

APPLICATION NO.: 23-109927 -PLN

NOTICE OF DECISION DATE: June, 8th, 2023

REQUEST: A Class 1 Site Plan Review for interior tenant improvements and a change of occupancy. The subject property approximately 4.26 acres in size, zoned RM II (Multiple Family Residential) and located at 375 Madrona Av S, (Marion County Assessor Map and Tax Lot083W04AD/7800).

APPLICANT: Michael Junge

LOCATION: 375 Madrona Av S

FINDINGS: The findings are in the attached Decision dated June 8th, 2023.

DECISION: The **Planning Administrator APPROVED** the application based upon the submitted materials and the findings as presented in the decision.

The rights granted by the attached decision, which are effective as of the date of this decision, must be exercised by June, 8th, 2027, or this approval shall be null and void.

<u>Case Manager</u>: Abigail Pedersen, Planner I, <u>apedersen@cityofsalem.net</u>, 503-540-2309

This decision is final; there is no local appeal process. Any person with standing may appeal this decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301, **not later than 21 days** after <u>June 8th</u>, 2023. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The following items are submitted to the record: 1) All materials and evidence submitted by the applicant, including any applicable professional studies; and 2) All materials, evidence, and comments from City Departments and public agencies. The application materials are available on the City's online Permit Application Center at https://permits.cityofsalem.net. To view the materials without registering, you may use the search function and enter the permit number listed here: 23 109927.

http://www.cityofsalem.net/planning

BEFORE THE PLANNING ADMINISTRATOR OF THE CITY OF SALEM

DECISION

IN THE MATTER OF APPROVAL OF) FINDINGS & ORDER
CLASS 1 SITE PLAN REVIEW)
23-125117-PLN)
375 MADRONA AVENUE S) June 8 th , 2023

In the matter of the application for a Class 1 Site Plan Review, the Planning Administrator, having received and reviewed the evidence and application materials, makes the following findings, and adopts the following order as set forth herein.

REQUEST

A Class 1 Site Plan Review for interior tenant improvements. The subject property approximately 4.26 acres in size, zoned RM II (Multiple Family Residential) and located at 375 Madrona Av S, (Marion County Assessor Map and Tax Lot083W04AD/7800).

PROCEDURAL FINDINGS

- 1. On May 9th, 2023, an application for a Class 1 Site Plan Review was submitted for property located at 375 Madrona Avenue S.
- 2. On May 25th the application was deemed complete.

SUBSTANTIVE FINDINGS

1. Proposal

The proposed Class 1 Site Plan Review for 375 Madrona Avenue S (**Attachment B**). The Class 1 Site Plan Review proposes interior renovations which includes a balcony expansion that will add approximately 1,195 sq feet to the Salem Heights Church without impacting building footprint or seating capacity of the worship area (**Attachment C & D**).

DECISION CRITERIA FINDINGS

2. Analysis of Class 1 Site Plan Review Approval Criteria

The purpose of Site Plan Review is to provide a unified, consistent, and efficient means to review for development activity that requires a building permit, to ensure that such development meets all applicable standards of the UDC, including, but not limited to, standards related to access, pedestrian connectivity, setbacks, parking areas, external refuse storage areas, open areas, landscaping, and transportation and utility infrastructure.

Pursuant to SRC 220.005(b)(1), Class 1 Site Plan Review is required for any development that requires a building permit, that does not involve a land use decision or limited land use decision, as those terms are defined in ORS 197.015, and that involves a change of use or change of occupancy where only construction or improvements to the interior of the building or structure are required.

SRC 220.005(f)(1) provides that an application for Class 1 Site Plan Review shall be granted if:

(a) The application involves only a change of use or a change of occupancy, and there is no pending application for an associated land use decision or limited land use decision:

Finding: The applicant is requesting an interior only tenant improvement. There are no associated land use or limited land use decisions with this request. This criterion has been met.

(b) Only construction or improvements to the interior of the building or structure will be made:

Finding: The scope of work for the project only includes interior improvements to the existing building. The additional approximate 1,195 square feet will provide for additional balcony space and will not impact the footprint of the building. This criterion has been met.

(c) The new use or occupancy will not require exterior improvements to the building or structure or alteration to existing parking, landscaping, or buffer yards.

Finding: Modification to the exterior of the site is not in the scope of work for the proposed tenant improvements or change of occupancy. This criterion has been met.

(d) Only clear and objective standards which do not require the exercise of discretion or legal judgment are applicable to the site plan review application; and

Finding: Only clear and objective standards apply to the proposed development. Complete findings are included in section e below.

(e) The application meets all applicable standards of the SRC.

Finding: The subject property is zoned RM-II (Multiple Family Residential). Development of the property is therefore subject to the use and development standards of the RM-II zone (SRC Chapter 514) and all other applicable standards of the UDC. The proposal conforms to SRC Chapter 514 and all other applicable development standards of the UDC as follows:

Development Standards – RM-II (Multiple Family Residential) Zone:

SRC 514.005 - Uses:

The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CB zone are set forth in Table 514-1.

Finding: The proposed renovations to an approximately 28,599 square foot building for religious assembly, which is permitted under a special use provision in the RM2 zone per SRC Chapter 514. The religious assembly is subject to SRC 700.055, which is addressed below.

Comprehensive Plan Zone Change CPC/ZC01-04 (**Attachment E**) changed the zoning from Single Family Residential (RS) to Multifamily Residential (RM-II) in 2001. This decision also

stated that the shared parking agreement with Salem Heights Elementary constituted 294 feet of street frontage on a collector or arterial street for the church. Special use requirements for religious assembly in the RM-II zone with more than 250 meets the special use requirements for religious assembly to allow for no maximum seating capacity.

Special Use Provisions- Religious Assembly

SRC 700.055(c) – Seating Capacity

The seating capacity of the largest space within a religious assembly shall not exceed the standards set forth in Table 700-3. Where seating is provided in the form of fixed individual seating, one fixed individual seat equals one seat. Where seating is provided in the form of fixed benches, two feet of fixed bench length equals one seat. In areas where portable seating is provided, 15 square feet of floor area equals one seat. Maximum seating capacity cannot be modified through conditional use approval.

Finding: Comprehensive Plan Zone Change CPC/ZC01-04 changed the zoning from Single Family Residential (RS) to Multifamily Residential (RM-II). This decision also stated that the shared parking agreement with Salem Heights Elementary constituted 294 feet of street frontage on a collector or arterial street for the church. This decision allows that Salem Heights Church to have no max on seating capacity. There is no proposed change of total amount of seating in the worship area; this criterion is not applicable.

SRC 700.055(d) – Locational Standards

Religious assemblies shall be located on streets as set forth in Table 700-4.

Finding: The proposal is for interior improvements only there is no proposed change to location; this criterion is not applicable.

SRC 700.055(e) – Access

Access to religious assemblies may be provided from local, collector, or arterial streets. Access provided from a local street shall conform to the standards set forth in Table 700-5

Finding: The proposal is for interior improvements only there is no proposed change to access point locations; this criterion is not applicable.

SRC 700.055(f) – Lot Standards

Maximum lot area and minimum street frontage requirements for religious assemblies are set forth in Table 700-6.

Finding: The proposal is for interior improvements only there is no proposed change to lot area or frontage; this criterion is not applicable.

SRC 700.055(g) – Setbacks

Setbacks for religious assemblies shall be provided as set forth in Table 700-7.

Finding: The proposal is for interior improvements only there is no proposed change to setbacks; this criterion is not applicable.

SRC 700.055(h)

23-109927-PLN Decision 6/8/23 Page 5

Lot coverage; height. Buildings and accessory structures for religious assemblies shall conform to the lot coverage and height standards set forth in Table 700-8.

Finding: The proposal is for interior improvements only there is no proposed change to lot coverage or height; this criterion is not applicable.

SRC 700.055 (i) - Off-street parking

Finding: The proposal is for interior improvements only there is no proposed change parking; this criterion is not applicable.

SRC 700.055 (j) - Landscaping.

All lot area not developed for buildings, structures, sports fields, parking, loading, or driveways shall be landscaped as provided in SRC chapter 807.

Off-Street Parking and Driveways.

Finding: The proposal is for interior improvements; this criterion is not applicable.

Off-Street Parking and Driveways

SRC 806.005(a) – Off-Street Parking; When Required.

Off-street parking shall be provided and maintained as required under SRC Chapter 806 for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

SRC 806.010 – Proximity of Off-Street Parking to Use or Activity Served. Required off-street parking shall be located on the same development site as the use or activity it serves.

SRC 806.015 – Amount of Off-Street Parking.

- (a) Minimum Required Off-Street Parking. Unless otherwise provided under the UDC, off-street parking shall be provided in amounts not less than those set forth in Table 806-1.
- (b) Compact Parking. Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- (c) Carpool and Vanpool Parking. New developments with 60 or more required off-street parking spaces and falling within the Public Services and Industrial use classifications, and the Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- (d) Maximum Off-Street Parking. Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Tables 806-2A or 806-2B.

Finding: Religious assembly requires one parking space per five seats. The proposal states there is no change in the number of seats in the worship area. The applicant indicated the balcony space allowed for rearranging of the seats in the worship space with the number of seats remaining the same; this standard is not applicable.

Bicycle Parking

SRC 806.045 - General Applicability.

- (a) Bicycle parking shall be provided as required under this chapter for each proposed new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity.
- (b) Applicability to change of use of existing building in Central Business District (CB) zone. Notwithstanding any other provision of this chapter, the bicycle parking requirements for a change of use of an existing building within the CB zone shall be met if there are a minimum of eight bicycle parking spaces located within the public right-of-way of the block face adjacent to the primary entrance of the building. If the minimum number of required bicycle parking spaces are not present within the block face, the applicant shall be required to obtain a permit to have the required number of spaces installed. For purposes of this subsection, "block face" means the area within the public street right-of-way located along one side of a block, from intersecting street to intersecting street.
- (c) Applicability to nonconforming bicycle parking area. When bicycle parking is required to be added to an existing bicycle parking area that has a nonconforming number of spaces, the number of spaces required under this chapter for any new use or activity, any change of use or activity, or any intensification, expansion, or enlargement of a use or activity shall be provided, in addition to the number of spaces required to remedy the existing deficiency.

SRC 806.050 – Proximity of Bicycle Parking to use or Activity Served.

Bicycle parking shall be located on the same development site as the use or activity it serves.

SRC 806.055 – Amount of Bicycle Parking.

Unless otherwise provided under the UDC, bicycle parking shall be provided in amounts not less than those set forth in Table 806-9.

Finding: Religious assembly requires one bike parking spot per thirty vehicle parking spaces. There is no proposed change in number of parking spaces; this criterion has not been triggered.

SRC 806.060 – Bicycle Parking Development Standards

Unless otherwise provided under the UDC, bicycle parking areas shall be developed and maintained as set forth in this section.

- (a) Location. Short-term bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
 - (1) Bicycle parking located outside a building shall be located within a convenient distance of, and be clearly visible from, the primary building entrance. In no event shall bicycle parking be located more than 50 feet from the primary building entrance, as measured along a direct pedestrian access route.
 - (2) Where bicycle parking cannot be located outside a building, it may be located inside a building within a convenient distance of, and accessible from, the primary building entrance.

Finding: Since no change in number of bike parking spaces is required, the development standard is not applicable.

(b) Access. Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance that is free of obstructions and any

barriers, such as curbs or stairs, which would require users to lift their bikes in order to access the bicycle parking area.

Finding: Since no change in number of bike parking spaces is required, the development standard is not applicable.

- (c) Dimensions. Except as provided in subsection (f) of this section, bicycle parking areas shall meet the following dimension requirements:
 - (1) Bicycle parking spaces. Bicycle parking spaces shall be a minimum of six feet in length and one and half feet in width when the proposed bicycle racks are side-by-side. For horizontal spaces, the bike rack shall be centered along the long edge of the bicycle parking space.
 - (2) Access aisles. Bicycle parking spaces shall be served by a minimum four-foot-wide access aisle. Access aisles serving bicycle parking spaces may be located within the public right-of-way.

Finding: Since no change in number of bike parking spaces is required, the development standard is not applicable.

(d) Surfacing. Where bicycle parking is located outside a building, the bicycle parking area shall consist of a hard surface material, such as concrete, asphalt pavement, pavers, or similar material, meeting the Public Works Design Standards.

Finding: Since no change in number of bike parking spaces is required, the development standard is not applicable.

- (e) Bicycle Racks. Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall meet the following standards.
 - (1) Racks must support the bicycle frame in a stable position, in two or more places a minimum of six inches horizontally apart, without damage to wheels, frame, or components.
 - (2) Racks must allow the bicycle frame and at least one wheel to be locked to the rack with a high security, U-shaped shackle lock;
 - (3) Racks shall be of a material that resists cutting, rusting, and bending or deformation; and
 - (4) Racks shall be securely anchored.
 - (5) Examples of types of bicycle racks that do, and do not, meet these standards are shown in Figure 806-10.

Finding Since no change in number of spaces is required, the development standard is not applicable.

Off-Street Loading Areas

SRC 806.065 – General Applicability.

Off-street loading areas shall be provided and maintained for each proposed new use or activity; any change of use or activity, when such change of use or activity results in a greater number of required off-street loading spaces than the previous use or activity; or any intensification, expansion, or enlargement of a use or activity.

23-109927-PLN Decision 6/8/23 Page 8

SRC 806.070 – Proximity of Off-Street Loading Areas to use or Activity Served. Off-street loading shall be located on the same development site as the use or activity it serves.

SRC 806.075 – Amount of Off-Street Loading.

Unless otherwise provided under the UDC, off-street loading shall be provided in amounts not less than those set forth in Table 806-11.

Finding: The change square footage from approximately 27,279 to approximately 28,599 does not require additional loading spaces. This standard is not applicable.

3. Conclusion

Based on the conformance with the preceding requirements the Planning Administrator certifies that the proposed Class 1 Site Plan Review is in conformance with the UDC and the approval criteria provided in SRC 220.005(f)(1), provided compliance occurs with any applicable items noted above.

<u>Please Note:</u> Findings included in this decision by the direction of the Salem Fire Department are based on non-discretionary standards. Fire Code related findings are intended to inform the applicant of the clear and objective Fire Prevention Code standards of SRC Chapter 58 that will apply to this development proposal on application for building permit(s). Additional or different Fire Prevention Code standards may apply based on the actual building permit application submitted.

If a building permit application has not already been submitted for this project, please submit a copy of this decision with your building permit application for the work proposed.

IT IS HEREBY ORDERED

The proposed Class 1 Site Plan Review is consistent with the provisions of SRC Chapter 220 and is hereby **APPROVED** subject to the applicable standards of the Salem Revised Code and the findings contained herein.

Abigail Pedersen, Planner I, on behalf of Lisa Anderson-Ogilvie, AICP

Planning Administrator

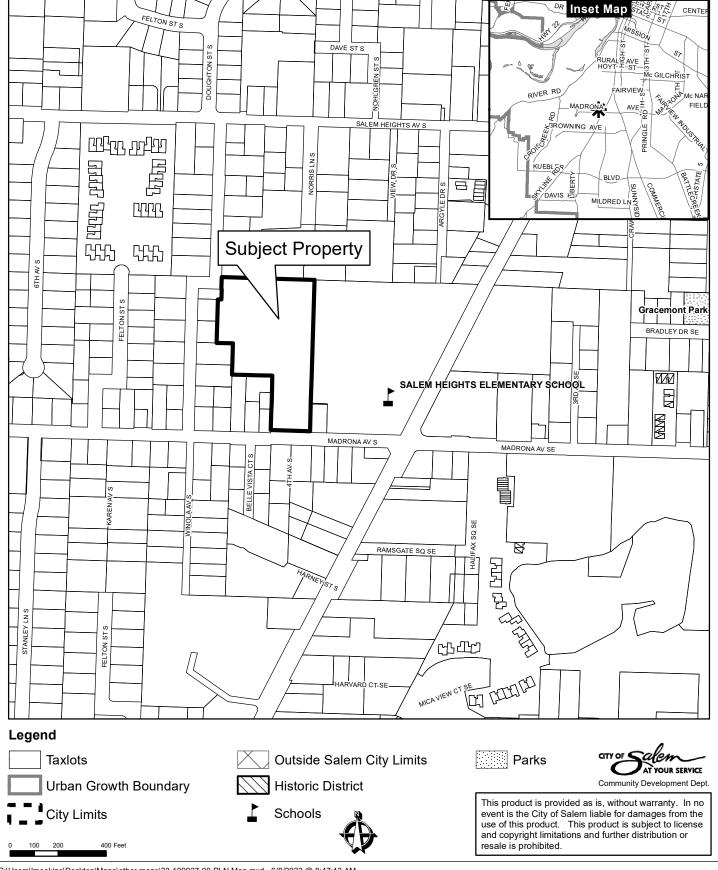
Attachments: A. Vicinity Map

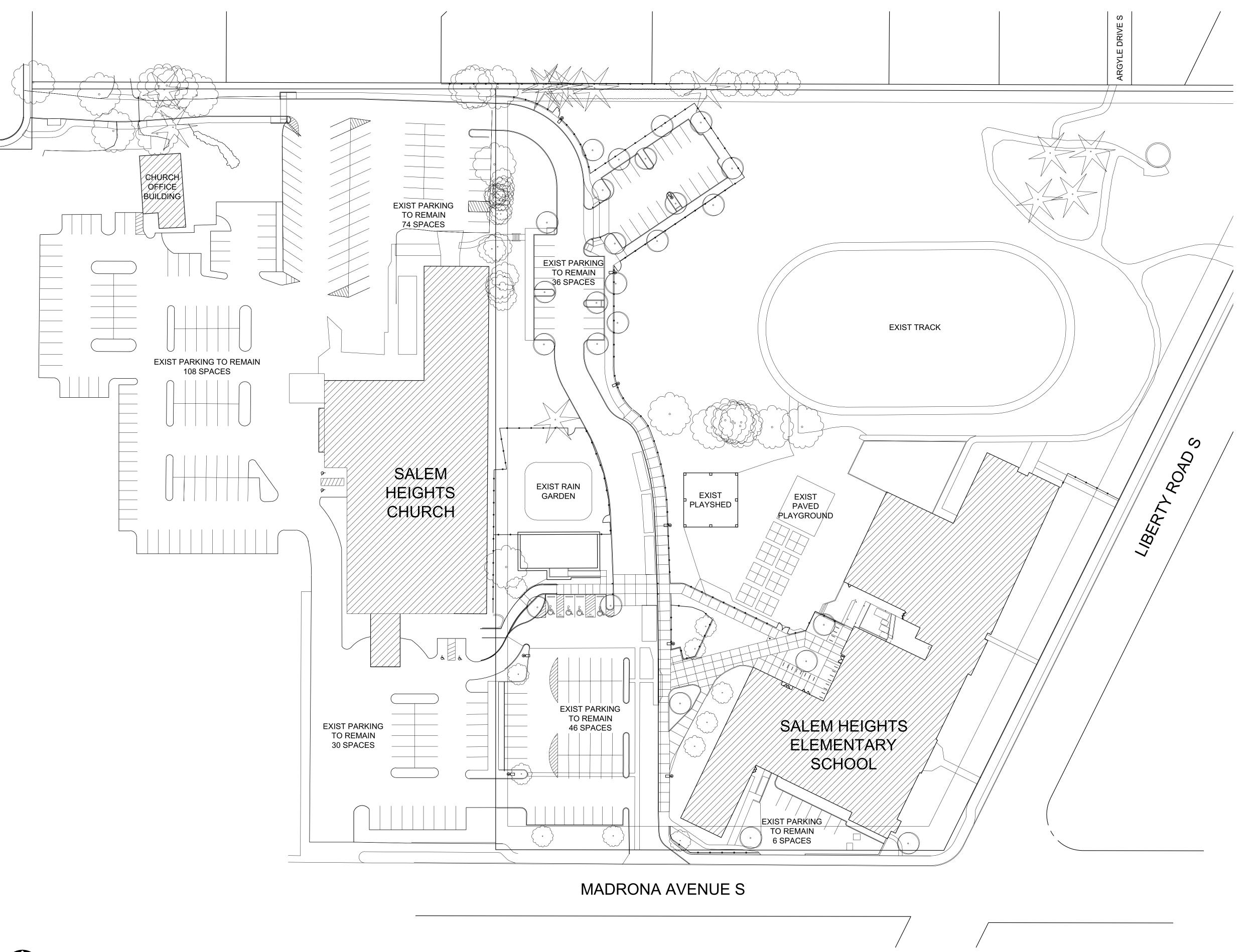
B. Site Plan
C. Tittle Sheet

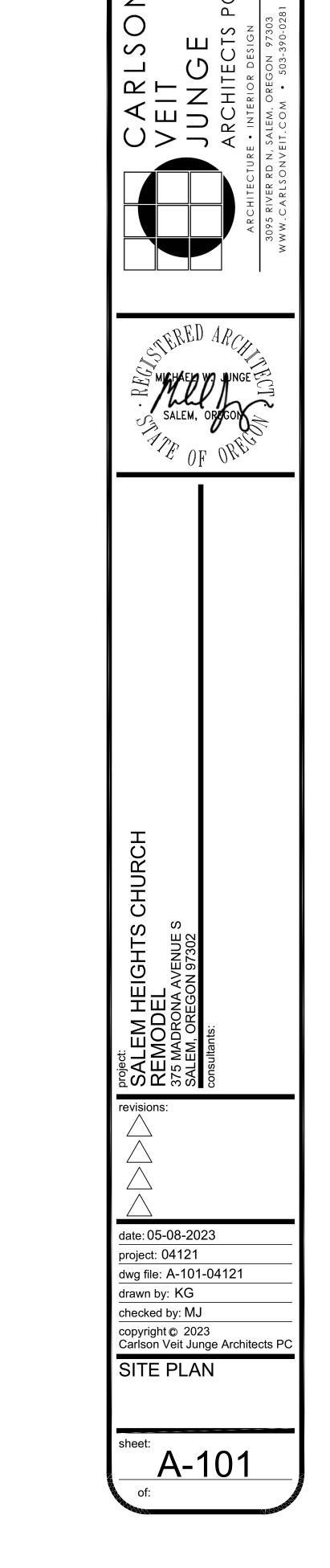
D. Occupancy Plans

E. Comprehensive Plan Zone Change CPC/ZC01-04

Vicinity Map 375 Madrona Av S





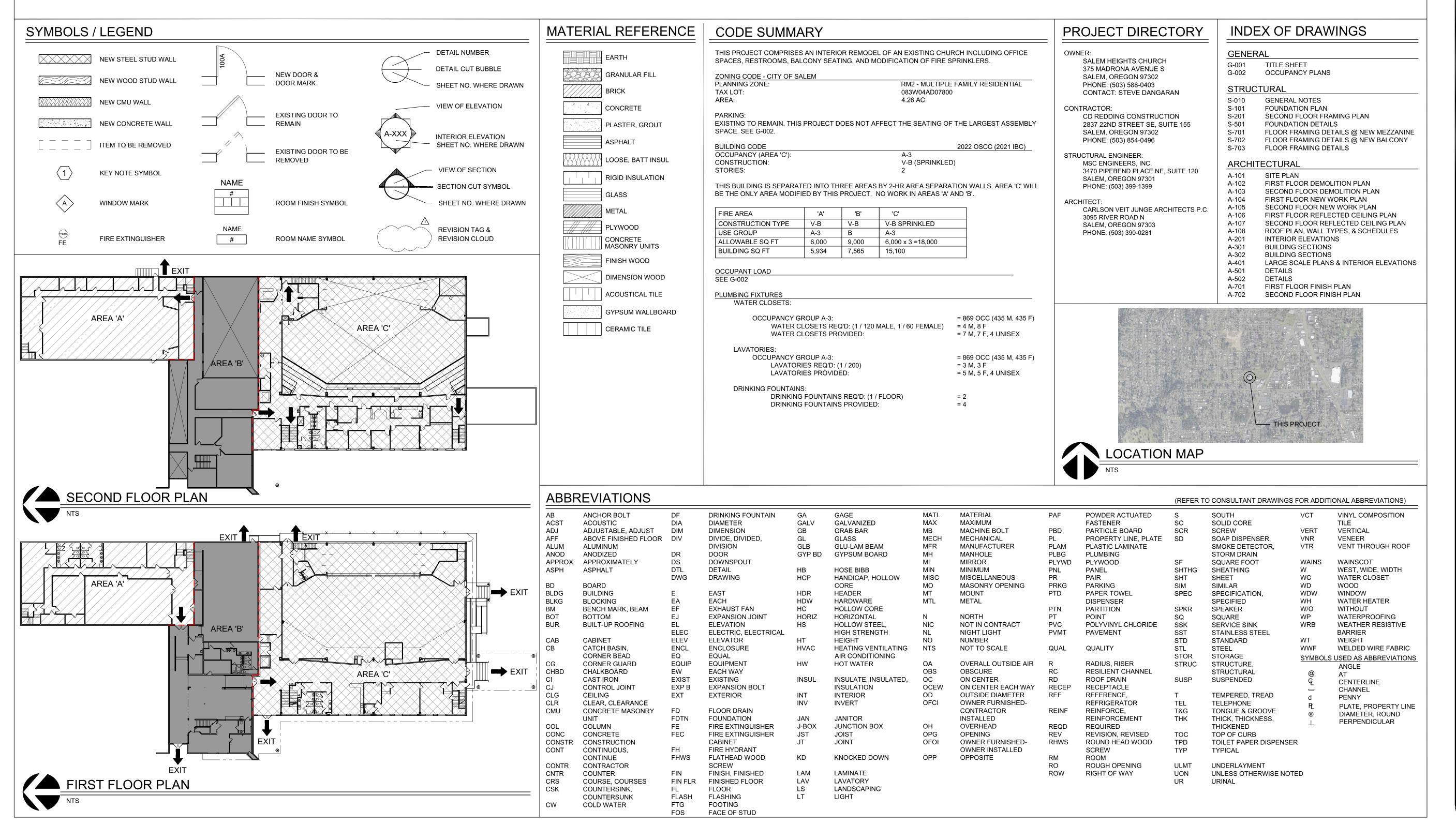


SITE PLAN

1" = 40'-0"

SALEM HEIGHTS CHURCH - REMODEL

375 MADRONA AVENUE S - SALEM, OREGON 97302







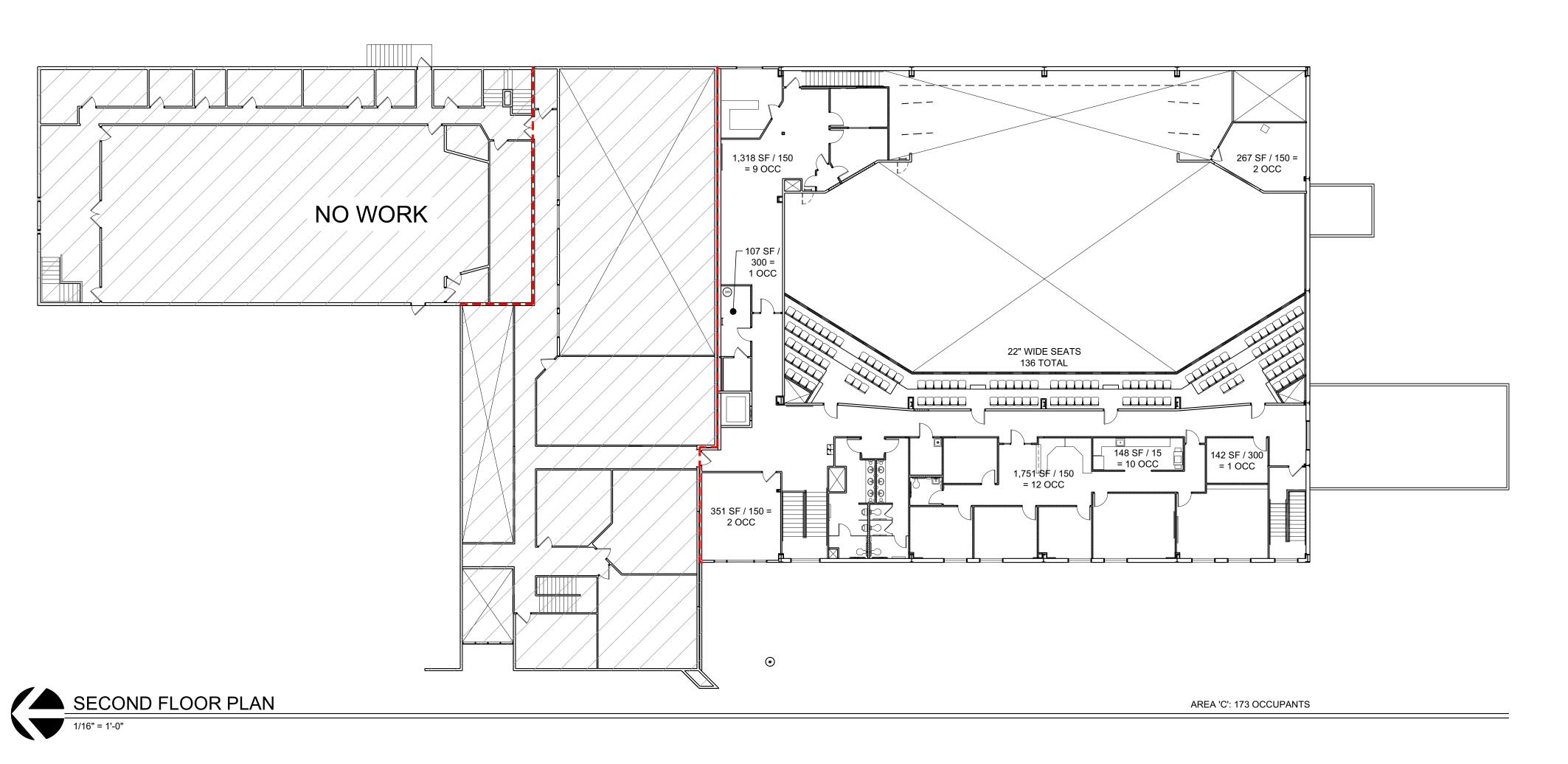
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SALEM HEIGHTS CHURC|
REMODEL
375 MADRONA AVENUE S
SALEM, OREGON 97302
consultants:

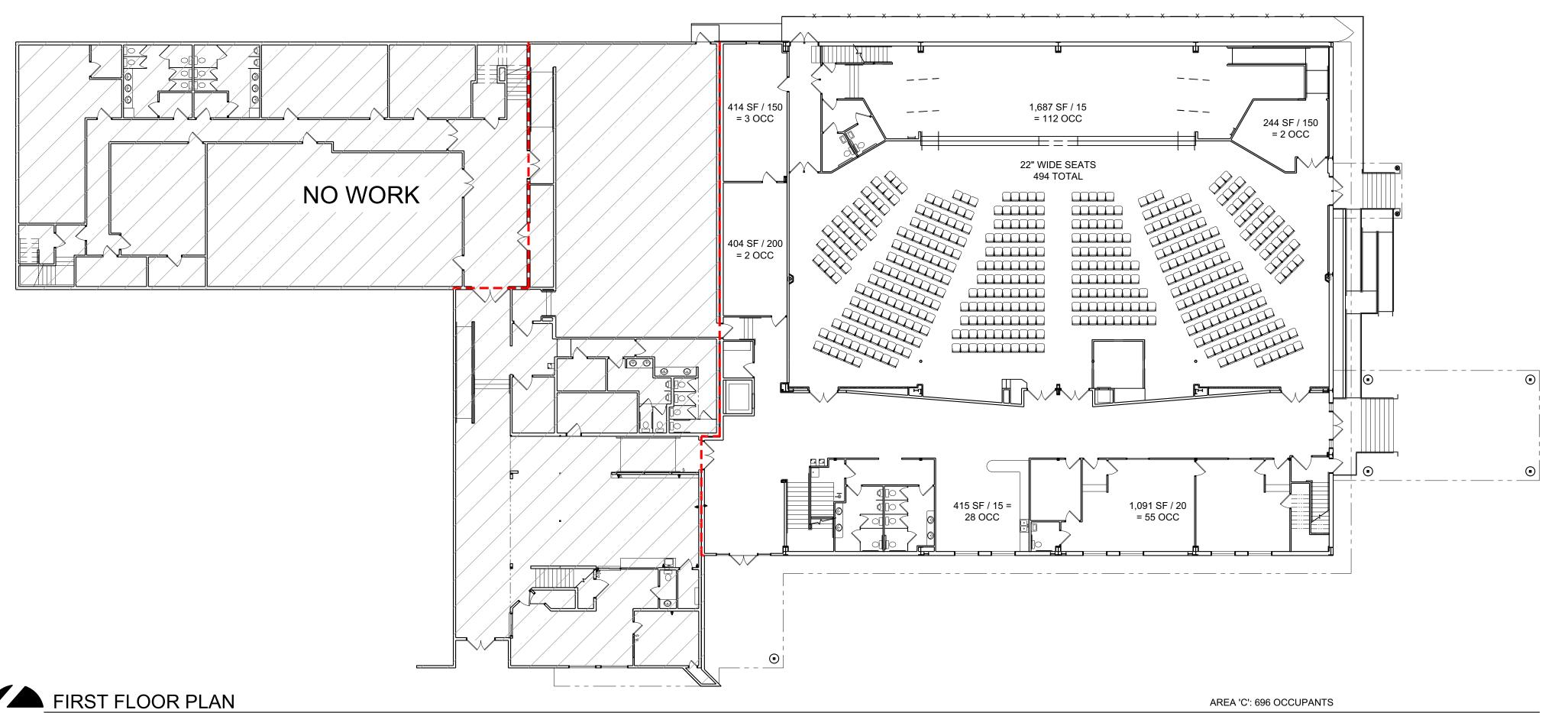
date: 05-08-2023
project: 04121
dwg file: G-001-X-04121

drawn by: KG
checked by: MJ
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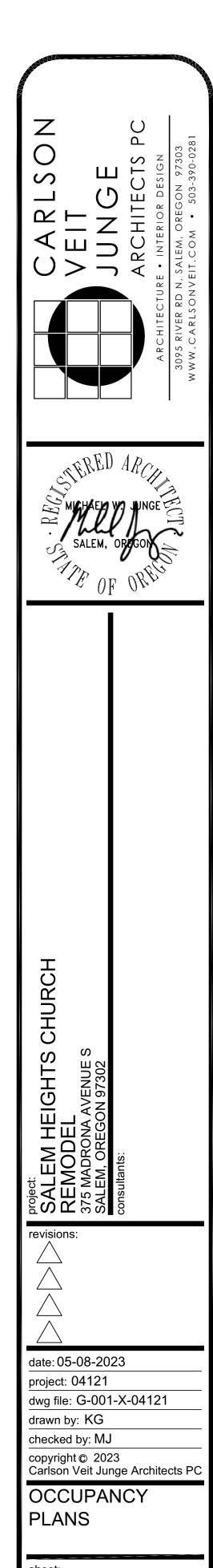
TITLE SHEET

G-001





1/16" = 1'-0"



G-002

SUMMARY OF TESTIMONY

1. Case: Comprehensive Plan Change/Zone Change Case No. 01-

4; 375 Madrona Ave S. Planning Commission, July 3,

2001.

2. **Summary of Issue(s):** To change the Salem Area Comprehensive Plan (SACP)

designation from "Single Family" to "Multi-Family Residential" and to change the zone from RS (Single Family Residential) to RM2 (Multiple Family Residential). The subject property is approximately 4.31 acres. The applicant's proposal is to expand the current church building and increase seating capacity in a new, multi-purpose auditorium to 780. The existing building footprint is approximately 13,000 sq. ft. The addition will increase the overall building footprint to approximately 28,000 sq. ft.

3. **Staff Recommendation:** APPROVE the request.

4. **Neighborhood Association:** South Salem Neighborhood Association.

a. Oral Testimony: None.

b. Written Testimony: South Salem Neighborhood Association submitted a letter

supporting the proposal and recommending approval.

5. **Interested Parties:** The applicant's representatives attended the meeting.

a. Oral Testimony: The applicant's representative discussed the development

concept and its relationship to the existing land use pattern and summarized the justification to support the request.

and outfindinged the justification to support the request.

b. Written Testimony: Other than the applicant, there were no additional written

materials submitted regarding the request.

6. **Decision: APPROVE** the request.

7. **Basis of Decision:** Based on the staff report, written and oral testimony at the

hearing, the Planning Commission found that the approval criteria for the requested Comprehensive Plan Change and the Zone Change had been satisfied by the applicant (SRC 64.090(b) and SRC 114.160). The reasons for the

approval are summarized as follows:

The Planning Commission adopted the findings as presented by Staff and found that the subject property was a suitable location for the church expansion and that the applicant provided sufficient factual evidence to satisfy all

applicable approval criteria.

Note: This summary statement is for information only and is not a part of the official record or finding of the case.

NOTICE OF ADOPTION

This form must be mailed to DLCD not later than 5 working days after adoption ORS 197.615 and OAR Chapter 660, Division 18

Jurisdiction City of Salem	Local File Number CPC/ZC 01-4	
Date of Adoption July 3, 2001	Date Mailed July 10, 2001	
Date the Notice of Proposed Amendment w	as mailed to DLCD May 10, 2001	
Comprehensive Plan Text Amendment	X Comprehensive Plan Map Amendment	
Land Use Regulation Amendment	X Zoning Map Amendment	
New Land Use Regulation		
Summarize the adopted amendment. Do n	ot use technical terms. Do not write "See Attached."	
Changed the Salem Area Comprehensive F	Plan designation from Single Family Residential to Multiple Family	
Residential and the zoning designation from	n RS (Single Family Residential) to RM2 (Multi-Family Residential) for	
a portion of the subject property located at 3	375 Madrona Ave S.	
Describe how the adopted amendment difference you did not give notice of the proposed amendment.	ers from the proposed amendment. If it is the same, write "Same". If endment, write "N/A."	
Same		
Plan Map Change From Single Family Residential to Multiple Family Residential		
	Residential) to RM2 (Multi-Family Residential)	
Location: <u>375 Madrona Avenue S</u> Applicable goals:		
Did DI CD receive a Notice of Proposed Am	nendment 45 days prior to the final hearing?	
·		
X Yes No The Statewide Plan Emergency Circumstances Required E		
Affected State or Federal Agencies, Local C	Sovernments or Special Districts:	
Local Contact: Brian Kennedy, Associate P		
Address: 555 Liberty Street SE, Room 30	05, Salem, OR 97301	
Specify Density: Previous Density	New Density	

503-588-6005

FAX:

RESOLUTION NO.: PC 01-8

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 01-4

WHEREAS, a petition for a Comprehensive Plan change from

"Single Family Residential" to "Multifamily Residential",

and zone change from

RS (Single Family Residential) to RM2 (Multi-Family Residential)

for property located at

375 Madrona Avenue S

was filed by

Jeff Tross, on behalf of the Salem Heights Church

with the Planning Commission of the City of Salem, and

WHEREAS, after due notice, a public hearing on the proposed changes was held before the Planning Commission on July 3, 2001, at which time witnesses were heard and evidence received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding including the testimony presented at the hearing, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report(s) on this matter dated July 3, 2001, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, it is hereby ordered:

- (a) The proposed Comprehensive Plan change in this matter from "Single Family Residential" to "Multifamily Residential" be granted;
- (b) The zone change from RS (Single Family Residential) to RM2 (Multi-Family Residential) for the above defined area be granted, subject to the following conditions:
 - The applicant shall be required to dedicate an additional 11 feet of right-of-way adjacent to the subject property to equal 36 feet measured between the centerline of right-of-way and the south right-of-way line of Madrona Avenue S (SRC 113.205(b)(11)). The traffic impact of the proposed development warrants the dedication of the additional right-of-way.
 - 2. The applicant shall be required to construct a half-street improvement along Madrona Avenue S adjacent to the subject property.
 - a. The half-street improvement is to measure 24 feet between the centerline of right-of-way and the north curbline of Madrona Avenue S (SRC 113.205(b)(11))
 - 3. The applicant may defer the half-street improvement along Madrona Avenue S as described in SRC 113.205(b)(11)(a).

- 4. As a condition of development, the applicant shall be required to construct an 8-foot wide sidewalk along the frontage of Madrona Avenue S. Sidewalks within 400 feet of and providing direct access to a school, shall be a minimum of 8 feet (SRC 63.235 (i)). This property is next to Salem Heights Elementary School.
- 5. The City Traffic Engineer has determined that the applicant is required to construct a sidewalk ramp on Madrona Avenue S adjacent to the subject property. The applicant shall coordinate the ramp location with the City Traffic Engineer at the time of development.
- 6. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide storm drain easements along all the existing public storm drains to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.19).
- 7. There is an existing 4-inch public water line, adequate for domestic use only, located within the driveway off Madrona Avenue S for a distance of 300 feet which serves the subject property and properties to the west. There appears to be no easement on this water line. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide public water line easement to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.12).
- 8. Fire Department access and required fire flow will be determined when the site is developed. The proposed site plan is not approved by the Salem Fire Department. The Uniform Fire Code requires Fire Department access roads to be located within 150-feet of an exterior wall as measured by an approved route used by Fire Apparatus.
- 9. The applicant shall be required to maintain pedestrian access to the school and adjoining park.
- 10. Prior to the issuance of occupancy permits, the applicant shall provide the Planning Administrator with written documentation that the Salem Keizer School District approves the design of the joint use parking area with the Salem Heights Elementary School.
- 11. The applicant shall be required to comply with the Transportation Planning Rule at the time of building permit issuance.
- 12. Applicant shall be required to consult with the Public Works Department as to alternative stormwater mitigation strategies.

ADOPTED by the Planning Commission this 3rd day of July, 2001.

President, Planding Commission

APPEAL PERIOD ENDS: July 23, 2001

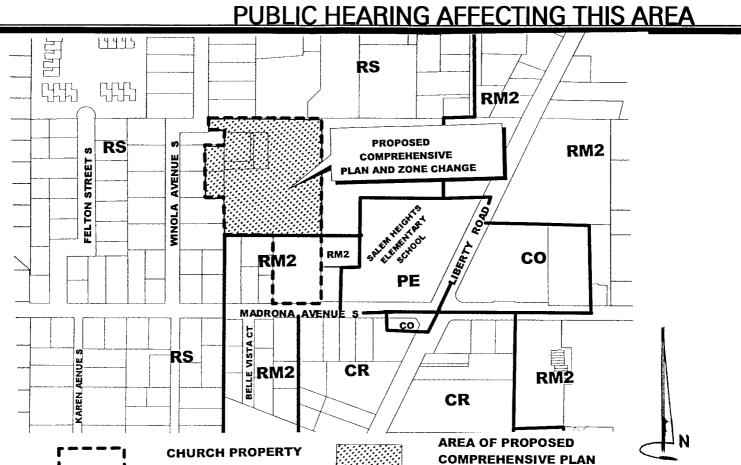
Copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.

Planning Commission Vote:

Yes 4 No 0 Absent Munger, Shirack



NOTICE



TIME OF HEARING: 5:30 P.M.

HEARD BY: PLANNING COMMISSION

DATE OF HEARING: JULY 3, 2001

LOCATION OF HEARING:

AND ZONE CHANGE

City Council Chambers Civic Center/Room 240 555 Liberty Street SE Salem, OR 97301

ZONE MAP: 8304S

CASE NO. COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 01-4

ADDRESS: 375 Madrona Avenue S

PROPERTY OWNERS: Salem Heights Church, Phillip Strom and Bardwell and Bonnie Marshall

FILER: Jeff Tross

PROPOSAL

COMPREHENSIVE PLAN CHANGE:

To change the Salem Area Comprehensive Plan designation from Single Family Residen-

tial to Multiple Family Residential

ZONE CHANGE: To change the zoning designation from RS (Single Family Residential) to RM2 (Multi-

Family Residential) for a portion of the subject property located at 375 Madrona Ave S.

NOTICE MAILING DATE: June 21, 2001

FOR MEETING OF: July 3, 2001
AGENDA ITEM NO.: 4.1

TO: PLANNING COMMISSION

FROM: VICKIE HARDIN WOODS

URBAN PLANNING ADMINISTRATOR

SUBJECT: COMPREHENSIVE PLAN/ZONE CHANGE CASE NO. 01-04; 375 MADRONA

AVENUE S

ISSUE

To change the Salem Area Comprehensive Plan (SACP) designation from "Single Family Residential" to "Multifamily Residential" and to change the zone from RS (Single Family Residential) to RM2 (Multiple Family Residential) for a portion of the property located at 375 Madrona Ave S.

BACKGROUND

A pre-application conference was held on April 19, 2001. On May 3, 2001, Jeff Tross, on behalf of the Salem Heights Church, filed a Comprehensive Plan Change/Zone Change application for the subject property. On May 9, 2001, staff deemed the application complete.

Salem Revised Code (SRC) Chapter 119.500 requires that churches with maximum seating capacities over 500 be located along an arterial or collector with at least 250 feet of frontage. The Salem Heights Church owns 162 feet of frontage along Madrona Ave S (which is classified as a minor arterial by the Salem Transportation System Plan). The Salem Heights Church is located directly to the west of the Salem Heights Elementary School. Both facilities have shared parking several years and in 1996 signed a joint use agreement. In 1996, the Salem Heights Church requested a code interpretation from the Planning Commission. The Salem Heights Elementary parking lot has 132 feet of frontage on Madrona, which would give the church a total of 294 feet of frontage. Findings adopted by the Planning Commission state that the frontage requirement is to "assure that the site has sufficient size and accessibility along major traffic corridors in the city, so the abutting residential areas are not affected by the traffic generated by the church." The Planning Commission found that the joint use agreement fulfilled that requirement, and approved the code interpretation.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) Designation

The subject property is designated "Single Family Residential" on the Comprehensive Plan map.

The surrounding areas are designated "Single Family Residential," "Multi-family Residential," "Community Services - Education," and "Commercial."

2. Zoning and Surrounding Land Uses

The subject property is currently used by the Salem Heights Church. The existing church has a seating capacity of 325 (consistent with the current zoning).

Surrounding zoning and land uses consist of the following:

North: RS (Single Family Residential), duplexes, and single family houses West: RS (Single Family Residential), duplexes, and single family houses

South: RS (Single Family Residential), RM2 (Multifamily Residential), duplexes, and single

family houses, CR (Commercial Retail), commercial retail and service uses

East: RS (Single Family Residential), duplexes, and single family houses, PE (Public Educational Services), Salem Heights Elementary School

The land use pattern surrounding the subject property is predominantly single family residential (Attachment 8). There are commercial services located at the intersection of Madrona Ave S and Liberty Street S.

3. Neighborhood Association

The subject property is within the South Salem Neighborhood Association.

4. Natural Features

The subject property is approximately 4.31 acres. There are no identified waterbodies, drainageways, or wetland resources on the property. There are no trees on the property that fall within the scope of the City's Tree Ordinance.

5. Site Development Concept

As indicated in the applicant's narrative (Attachment 2), the proposal is to expand the current church building and increase seating capacity in a new, multi-purpose auditorium to 780. The existing building footprint is approximately 13,000 sq. ft. The addition will increase the overall building footprint to approximately 28,000 sq. ft.

6. Access, Circulation and Connectivity

The proposed development can be expected to generate approximately 200 new vehicle trips per day using the public street system. The streets adjacent to the proposed development do not currently meet adopted urban standards and must be improved per Public Works Department requirements (Attachment 4).

The applicant will need to demonstrate compliance with the Transportation Planning Rule at the time of building permit issuance. Primarily, the applicant will need to address safe and convenient pedestrian access from the addition to the existing church to Madrona Ave S.

7. Citizen and Neighborhood Association Comments

- a. The subject property is located within the South Salem Neighborhood boundary. The South Salem Neighborhood Association submitted a letter in support of the proposed change (Attachment 7).
- b. No written responses have been received from the affected property owners at the time of publishing this report.

8. Agency Comments and Responses

a. The Salem/Keizer School District 24-J was advised of the proposed Comprehensive Plan Change/Zone Change and had several comments (Attachment 5)

- b. The Building and Safety Division of the City of Salem stated that they will not be reviewing the proposal and have no comments.
- c. Marion County Public Works, and Salem Area Transit was advised of the proposed Comprehensive Plan Change/Zone Change. No comments were provided.
- d. The Fire Department reviewed the proposal and had several comments (Attachment 6).
- e. The Police Department reviewed the proposal and had no objections.
- f. The Public Works Department reviewed the proposal and had several comments (Attachment 4).
- 9. Comprehensive Plan Change

SRC 64.040(g) defines a minor plan change as a single proceeding for amendment to the Comprehensive Plan affecting less than five privately and separately owned tax lots. This request is a Category 4 minor plan change, which is a quasi-judicial act. The burden of proof rests with the proponent of the change (SRC 64.090 (a)).

SRC 64.090(b) establishes the approval criteria for minor plan changes. The proposal must satisfy either Criteria 1A, 1B, 2A or 2B **and** Criteria 3, 4, 5 and 6.The approval criteria are:

"<u>Criteria 1</u>: A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of alternative sites are limited to one or both of the following:

- (A) Size: Suitability of the size of the alternative sites to accommodate the proposed use; <u>or</u>
- (B) Location: Suitability of the location of the alternative sites to permit the proposed use; or

<u>Criteria 2</u>: A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following:

- (A) The construction of a major capital improvement (e.g., an arterial or major collector, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan or elements of the Comprehensive Plan were adopted or last amended.
- (B) Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate; and

<u>Criteria 3</u>: The proposed plan change considers and accommodates, as much as possible, all applicable statewide planning goals; and

Criteria 4: The proposed change is logical and harmonious with the land use; and

<u>Criteria 5:</u> The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and

Criteria 6: The proposed change benefits the public."

10. Applicant's Analysis of Comprehensive Plan Change Criteria.

Criteria 1:

A lack of appropriately designated suitable alternative sites within the vicinity for the proposed use. Factors in determining the suitability of the alternative sites are limited to one or **both** of the following:

- (a) Size: Suitability of the size of the alternative site to accommodate the proposed use;
- (b) Location: Suitability of the location of the alternative site to permit the proposed use;

Staff finding: See Attachment 2 (pg. 6-7) for the applicant's analysis. An expansion-in-place is a scenario that does not appear to have been specifically anticipated by Criteria 1. However, staff concurs with the applicant's assessment that there are no appropriately designated suitable alternative sites within the vicinity. Staff finds that there is sufficient evidence in the written record to satisfy Criteria 1.

Criteria 3, Statewide Goals:

Oregon's 19 Statewide Planning Goals constitute the framework for a statewide program of land use planning. The Statewide Goals are achieved through local comprehensive planning. State law requires each city and county to have a comprehensive plan and the zoning and land division ordinances needed to put the plan into effect.

The locally adopted comprehensive plans must be consistent with the statewide planning goals. The plans are reviewed for such consistency by the state's Land Conservation and Development Commission (LCDC). When LCDC has officially approved a local government's plan, that plan is "acknowledged." An acknowledged local comprehensive plan is the controlling document of land use in the area covered by that plan.

Since the Salem Area Comprehensive Plan was acknowledged by LCDC to carry out the Statewide Planning Goals, the applicant needs to analyze how the proposal affects the Salem Area Comprehensive Plan's compliance with the Statewide Planning Goals.

Staff finding: The goals affected by the proposed change were addressed by the applicant in the narrative (Attachment 2, pg. 7-11). Staff concurs with the applicant's assessment and finds that there is sufficient evidence in the written record to satisfy Criteria 3.

Criteria 4, Change is logical and harmonious:

Staff Finding: Refer to page 11 of the applicant's narrative (Attachment 2) for their analysis. Because this is an expansion-in-place, the question is not whether the existing, legal use is logical and harmonious. Rather, would the expansion of the existing use continue to be logical and harmonious? Staff concurs with the applicant's assessment that the expansion will have little affect on the land use pattern and that adequate buffers can be provided. Staff finds that there is sufficient evidence in the written record to satisfy Criteria 4.

<u>Criteria 5, The proposed change conforms to all criteria imposed by the applicable goals and policies of the Comprehensive Plan in light of its intent statements.</u>

Staff Finding: Refer to pages 12-16 of the applicant's statement for their analysis (Attachment 2).

Staff concurs with the applicant's assessment and finds that there is sufficient evidence in the written record to satisfy Criteria 5.

Criteria 6 Benefits the public:

Staff Finding: Refer to pages 16-17 of the applicant's statement for their analysis (Attachment 2).

Staff believes it is particularly beneficial to validate the joint use agreement between the Salem Heights Church and the Salem Heights Elementary School. Staff concurs that this change would benefit the public and finds that there is sufficient evidence in the written record to satisfy Criteria 6.

11. Zone Change

Salem Revised Code (SRC) 114.160 provides the approval criteria for a zone change as quoted below:

"The applicant . . . shall have the burden of proving justification for the proposal. The greater the impact of the proposal in an area, the greater is the burden of the proponent.

The proposal must be supported by proof that it conforms to all applicable criteria imposed in this zoning code; that it conforms to all standards imposed by applicable goals and policies of the comprehensive plan in light of its intent statements, including adopted neighborhood plans; and that it conforms with all applicable land use standards imposed by state law or administrative regulation. The burden rests ultimately on the proponent to bring forward testimony or other evidence sufficient to prove compliance with these standards. At a minimum, the proponent's case should identify and evaluate the proposal in the context of all applicable standards."

Besides the proof above, the following factors should be evaluated by the proponent and shall, where relevant, be addressed by the administrative body in its final decision (SRC 114.160(c)):

"(1) The existence of a mistake in the compilation of any map, or in the application of a particular land use designation to any property in this zoning code or the comprehensive plan;

Staff Finding: Staff concurs that there is not an error on the zoning map. The applicant's analysis is available on pages 17-18 (Attachment 2). Staff finds that there is sufficient evidence in the written record to satisfy Zone Change Criteria 1.

- (2) A change in the social, economic, or demographic patterns of the neighborhood or of the community;
- (3) A change of conditions in the character of the neighborhood in which the use or development is proposed;

Staff Finding: The applicant addressed Zone Change Criteria 2 & 3 together. Staff concurs with the applicant's assessment (Attachment 2, pg. 18) that the proposal will maintain the existing pattern and character of the neighborhood. Staff finds that there is sufficient evidence in the written record to satisfy Zone Change Criteria 2 and 3.

(4) The effect of the proposal on the neighborhood, the physical characteristics of the subject property, and public facilities and services;

Staff Finding: Staff concurs with the applicant that the proposal will have no significant effect on the neighborhood (Attachment 2, pg. 18). Staff finds that there is sufficient evidence in the written record to satisfy Zone Change Criteria 4.

(5) All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant."

Staff Finding: Staff concurs with the applicant that the proposal will create no impacts detrimental to the public health, safety or general welfare (Attachment 2, pg. 19). However, based on comments from the Fire Department, changes to the preliminary site design will be necessary to comply with the Uniform Fire Code (Attachment 6). It is important to note that a site plan or detailed development plan is not required as part of the approval criteria for a Comprehensive Plan Change/Zone Change. The critical analysis at this stage is whether the proposed use (regardless of specific designs for any buildings that may accommodate that use) is in, and of itself, harmful to the public health, safety, and/or general welfare. Staff finds that there is sufficient evidence in the written record to satisfy Zone Change Criteria 5 and demonstrate that the proposed use is not harmful to the public health, safety and general welfare.

Based on the facts and evidence presented and the circumstances that apply, the proposal considers the relevant review factors and qualifies for the proposed zone change.

Staff Finding: Staff finds that this proposal meets the criteria for a zone change.

ALTERNATIVES

The Planning Commission has two alternatives for consideration regarding the requested Comprehensive Plan Change/Neighborhood Plan Change/Zone Change request.

Alternative 1:

That the Planning Commission **APPROVE,** by resolution, the requested changes for the subject property located at 375 Madrona Avenue S.

- A. The Salem Area Comprehensive Plan (SACP) map designation change from "Single Family Residential" to "Multi-family Residential";
- B. The zone change from RS (Single Family Residential) to RM2 (Multiple Family Residential), subject to the following conditions:
 - 1. The applicant shall be required to dedicate an additional 11 feet of right-of-way adjacent to the subject property to equal 36 feet measured between the centerline of right-of-way and the south right-of-way line of Madrona Avenue S (SRC 113.205(b)(11)). The traffic impact of the proposed development warrants the dedication of the additional right-of-way.

- 2. The applicant shall be required to construct a half-street improvement along Madrona Avenue S adjacent to the subject property.
 - a. The half-street improvement is to measure 24 feet between the centerline of right-of-way and the north curbline of Madrona Avenue S (SRC 113.205(b)(11))
- 3. The applicant may defer the half-street improvement along Madrona Avenue as described in SRC 113.205(b)(11)(a).
- 4. As a condition of development, the applicant shall be required to construct an 8-foot wide sidewalk along the frontage of Madrona Avenue S. Sidewalks within 400 feet of and providing direct access to a school, shall be a minimum of 8 feet (SRC 63.235 (i)). This property is next to Salem Heights Elementary School.
- 5. The City Traffic Engineer has determined that the applicant is required to construct a sidewalk ramp on Madrona Avenue S adjacent to the subject property. The applicant shall coordinate the ramp location with the City Traffic Engineer at the time of development.
- 6. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide storm drain easements along all the existing public storm drains to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.19).
- 7. There is an existing 4-inch public water line, adequate for domestic use only, located within the driveway off Madrona Avenue S for a distance of 300 feet which serves the subject property and properties to the west. There appears to be no easement on this water line. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide public water line easement to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.12).
- 8. Fire Department access and required fire flow will be determined when the site is developed. The proposed site plan is not approved by the Salem Fire Department. The Uniform Fire Code requires Fire Department access roads to be located within 150-feet of an exterior wall as measured by an approved route used by Fire Apparatus.
- 9. The applicant shall be required to maintain pedestrian access to the school and adjoining park.
- 10. Prior to the issuance of occupancy permits, the applicant shall provide the Planning Administrator with written documentation that the Salem Keizer School District approves the design of the joint use parking area with the Salem Heights Elementary School.
- 11. The applicant shall be required to comply with the Transportation Planning Rule at the time of building permit issuance.

This alternative indicates that the application has provided sufficient evidence to address and support the criteria for the requested Comprehensive Plan Change/Zone Change request.

Alternative 2:

That the Planning Commission **DENY**, by resolution, the requested changes for the subject property located at 375 Madrona Avenue S.

RECOMMENDATION

Adopt Alternative 1 in which the applicant's request is APPROVED.

Application Filing Date: May 3, 2001
State Mandated Decision Date: Not applicable

Attachments: 1. Public Hearing Notice and Map

- 2. Applicant's Statement
- 3. Applicant's Preliminary Site Plan
- 4. Public Works Memorandum, June 19, 2001
- 5. Salem Keizer Public Schools Letter, May 31, 2001
- 6. Fire Department Memorandum, May 29, 2001
- 7. South Salem Neighborhood Association Letter, June 21, 2001
- 8. Vicinity and Zoning Map

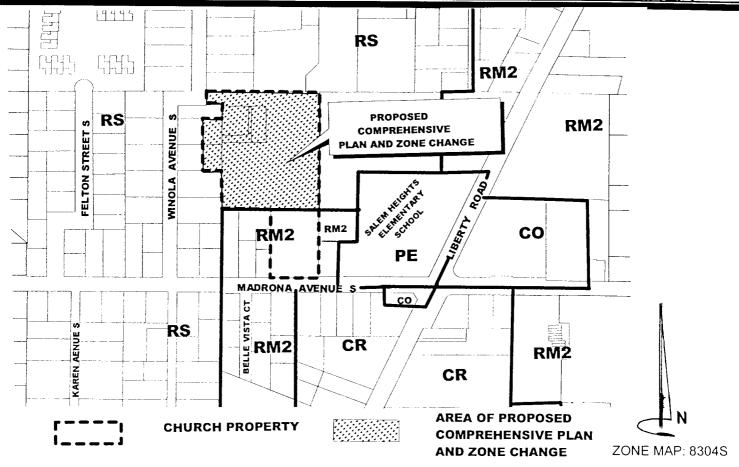
Prepared by Brian Kennedy, Associate Planner

CPC01-4.bmk.wpd



NOTICE

PUBLIC HEARING AFFECTING THIS AREA



TIME OF HEARING: 5:30 P.M.

HEARD BY: PLANNING COMMISSION

DATE OF HEARING: **JULY 3, 2001** **LOCATION** OF

HEARING:

City Council Chambers Civic Center/Room 240 555 Liberty Street SE Salem, OR 97301

CASE NO. COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 01-4

ADDRESS: 375 Madrona Avenue S

PROPERTY OWNERS: Salem Heights Church, Phillip Strom and Bardwell and Bonnie Marshall

Jeff Tross FILER:

PROPOSAL

COMPREHENSIVE PLAN

CHANGE:

ZONE CHANGE:

To change the Salem Area Comprehensive Plan designation from Single Family Residen-

tial to Multiple Family Residential

To change the zoning designation from RS (Single Family Residential) to RM2 (Multi-Family Residential) for a portion of the subject property located at 375 Madrona Ave S.

NOTICE MAILING DATE: June 21, 2001

CONTINUED ON THE REVERSE SIDE

ATTACHMENT 1

CRITERIA

The testimony and evidence for the public hearing must be directed toward the following criteria:

- A. Comprehensive Plan Change:
 - 1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or
 - 2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and
 - 3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and
 - 4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and
 - 5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and
 - The proposed change benefits the public.
- B. Zone Change conforms to the Comprehensive Plan and Zone Code considering the following factors as may be relevant:
 - 1. Mistake in the zoning map:
 - 2. Change in social and economic patterns;
 - 3. Change in character of the neighborhood:
 - 4. Effect of proposal on site and neighborhood; and/or,
 - 5. All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant.

TESTIMONY

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the public hearing. Written comments may also be submitted at the public hearing. Include case number with the written comments. Prior to the public hearing, written comments may be filed with the Salem Planning Commission, 555 Liberty Street SE, Room 305, Salem, Oregon 97301.

The hearing will be conducted with the staff presentation first, followed by the proponent's case, neighborhood organizations, testimony of persons in favor, opposing testimony, and rebuttal. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicants testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing body will then continue the public hearing or leave the record open for additional written evidence or testimony.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

DOCUMENTATION AND STAFF REPORT

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost and copies will be available at a reasonable cost. A copy of the staff report will be available for inspection at no cost on June 26, 2001.

ACCESS

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

FOR ADDITIONAL INFORMATION CONTACT

STAFF:

Brian Kennedy, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: (503) 588-6173, Ext. 7524.

NEIGHBORHOOD:

Leonard Nelson, South Salem Land Use Chairperson. Telephone: (503) 581-5195.

In order to ensure the broadest range of services to individuals with disabilities, the City of Salem will be pleased to make necessary arrangements. To request services, please call the number listed below at least two working days (48 hours) in advance:

COMMUNITY DEVELOPMENT: (503) 588-6173

TEXT TELEPHONE: (503) 588-6353

NOTE: Equipment for the hearing impaired is available for loan at the Recording Secretary's desk

JEFFREY R. TROSS Land Planning and Development Consultant 1720 Liberty St. S.E., Salem, Oregon 97302 (503) 370-8704

APPLICANT'S STATEMENT FOR SALEM HEIGHTS CHURCH COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE FOR AUDITORIUM EXPANSION

ATTACHMENT 2

BACKGROUND

Property Location and Characteristics

The Salem Heights Church is located at 375 Madrona Avenue S, which is the north side of Madrona Avenue just west of Liberty Road S. The Church has been at this location since 1962. The church occupies a parcel of 3.6 acres, which is identified as Tax Lot 7800 on Marion County Assessor's map T8S R3W Section 04AD. As shown on the Assessor's map the property extends from the Madrona Avenue frontage approximately 660' to the north.

The Church is situated in between a public school on the east, and residential neighborhoods to the north, west and south. Salem Heights Elementary School is located at the northwest corner of Liberty and Madrona, and adjoins the east border of the Church property. Single-family residential neighborhoods zoned RS are located to the north, west and southwest of the church property, while a small enclave of older apartment buildings zoned RM2 is situated between the southern boundary of the church property and the north side of Madrona.

The main driveway access to the church is from Madrona Avenue, which is designated as a Minor Arterial by the Salem Transportation System Plan (STSP). Although it borders residential areas, the church property has only indirect and accessory access to the adjoining neighborhoods. The far north end of the church property is a 40' wide driveway strip that serves as an accessory access to Winola Avenue. This driveway is normally closed off by a cable, and is only used on Sundays to accommodate traffic leaving services. At all other times all access is limited to the Madrona driveway.

The Church ownership includes three other adjacent, small parcels, which are single-family residential sites that are not currently in use as a part of the church. A tract made up of Tax Lots 7500, 7600, and 7700 is the site of one single family home. This property has a gated access to the main church property along its east line. It has no street frontage, but obtains access to Winola Ave. through the use of the accessory driveway at the north end of the church property. The Church also owns Tax Lots 2100 and 2200, which are located in between the east side of Winola and the west line of the Church property.

The Church property is divided between two land use categories. The southern part of the property, from Madrona Avenue north approximately 260', is designated *Multi-family Residential* on the Comprehensive Plan map and is zoned RM2. The zoning for this part

of the property corresponds to the RM area that is adjacent on the west. The rest of the property is designated *Single Family Residential* on the Comp Plan map, and it is zoned RS. The existing church building is situated within the part of the property that is zoned RS.

Since the time it was established the Church has had to add to its facilities in order to accommodate increases in its membership, and to expand the types of programs and activities that it offers to the congregation. The last facility expansion was in 1995, when the current classrooms were added. The seating capacity of the largest space in the existing facility is currently 325, which makes it consistent with the development standards for religious institutions in the RS zone, as provided for in SRC Chapter 119, Table 119-1. The RS zone provides for a maximum seating capacity of 375.

The existing church consists of a single building located along the east side of the property. The building occupies a ground surface "footprint" of 12,493 s.f., and with the second floor of 3,215 s.f. contains a total of 15,708 s.f. The open area to the north, south, and west of the building is used as parking area. The building is \sim 150' from the north property line, \sim 170' from the west line, and \sim 350' from the south line along the Madrona frontage. The parking areas provide a substantial separation between the building and the bordering properties.

The Proposal

Due to continued growth in membership the Church finds that it is again necessary to expand its facilities. The existing sanctuary space is now too small to accommodate the congregation at Sunday services, with the result that two services must be held at separate times. This prevents the congregation from gathering as one, and puts additional burdens on the staff.

To remedy this situation the Church proposes to expand the existing building and add a new multi-purpose auditorium with a seating capacity of approximately 780. This requires a location in the RM zone. Because the property is currently split-zoned, the more restrictive provisions of the RS zone apply. The maximum seating capacity allowed in the RS zone is 375 (Table 119-1). Therefore, in order to expand the seating capacity of its facility, Salem Heights Church requests a Comp Plan Amendment and Zone Change for the portion of the property that is designated *Single-family Residential* and RS, to *Multifamily Residential* and RM2. This request includes Tax Lot 7800, the existing

church site; and the tract composed of Tax Lots 7500-7600-7700. (Tax Lot 7800 will include the eastern 68' of Tax Lots 2100 and 2200, as a result of a recent Lot Line Adjustment procedure.)

The proposed building expansion is shown on the preliminary site plan that accompanies this application. As shown on the site plan the addition is planned to expand the building to the south, along the east line of the property. This will maintain the relationship of the structure within the property and keep it a maximum distance from the residential properties to the west. By extending the existing building to the south a building entry will be located closer to the Madrona Avenue frontage, where it will be more accessible to pedestrians and transit users. The existing building is ~350' from Madrona, and the new building will be within ~200'.

The proposed addition will add a total of 22,062 s.f. to the existing building. The ground-floor area of the addition is planned to be 15,662. With the existing building, this will increase the overall building footprint to 28,155 s.f., or approximately 17.6% of the lot area. Even with the proposed addition, the building density on the property remains low.

The property has no physical characteristics that limit its use for the proposed addition.

In addition to requiring RM zoning, in order to qualify for the expanded seating capacity as proposed the subject site must have a minimum of 250' of frontage on an arterial street (Table 119-1). By ownership, the Church frontage along Madrona is 162'. However, the Church and the adjoining school have a "joint parking agreement" which allows them to use parking spaces on each others properties. This arrangement serves to solve the peak parking demand requirements of both uses, without either having occupy land or expend financial resources to build additional parking lots. This cooperative arrangement has worked to the benefit of both parties. This agreement has also been recognized by the Planning Commission, through a Site Specific Code Interpretation of October 1, 1996, as establishing the Church frontage along Madrona as meeting the 250' requirement for functional purposes. Based on that interpretation the Church property meets the frontage qualification for the proposed expanded seating capacity.

As a result of the joint parking agreement with the school no additional parking area will be required by the proposed building addition. For 780 seats, a minimum of 156 spaces

are required (1 per 5 seats, SRC Table 133-1, 21.A) and a maximum of 273 spaces can be allowed (140 \times 1.75). With the existing on-site parking and the shared parking area on the school grounds, there will be a total of 245 spaces available for church use.

Surrounding Neighborhood Characteristics

The Madrona-Liberty intersection is a commercial and community activity center along the Liberty Road S corridor. Community activities around the intersection include the school, the church, and the Salem Heights Hall, located at the southwest corner, which is used for variety of social activities. Commercial activities around the intersection consist of professional offices and a variety of retail and service uses, which include a convenience market, hair salon, and brew pub, among others.

Zoning around the intersection reflects the various uses. Salem Heights School is zoned PE. The offices in the northeast quadrant of the intersection are zoned CO, and the mix of office, service and retail uses in the southeast and southwest quadrants are zoned CR with the exception of the Salem Heights Hall, which is a .1 acre (4356 s.f.) parcel zoned CO. As noted earlier, beyond the church to the north and west lie extensive residential areas. These areas are zoned RS. The area immediately south of the church is zoned RM2, and RM zoning borders Liberty Road to the north and south of the Madrona intersection.

The various activities around the intersection are supported by the two streets that make up the major elements of the local transportation system. As noted, the STSP classifies Madrona as a Minor Arterial, and Liberty Road is designated as a Major Arterial. All of the community and commercial uses around the intersection have access from one of these two streets. Both streets also provide connections to other neighborhoods and other major transportation routes. Madrona is a main route into the extensive residential neighborhood to the west, and provides a link to Commercial St. SE which is about a half mile to the east. Liberty Road is a major north-south route through south Salem, and at its northern terminus connects with South Commercial St. for a direct route to the city center.

Both Liberty and Madrona are public transit routes, and both are suitable as bike routes that provide connection to residential areas and other parts of the community. There are sidewalks along Madrona and along Liberty in this area.

The area around the subject site is fully developed with a variety of urban density activities. The church is part of the established land use pattern of this area. The proposed building expansion will take place within the existing church property. The proposed expansion makes efficient use of the site, and is in keeping with its size and dimensions. The location of the addition maintains the relationship of the church building to the uses and activities on adjacent lands. For these reasons, the existing land use pattern will not be altered or significantly affected by the proposed building expansion. In addition, the proposed building expansion will improve the proximity of the building to pedestrian and transit facilities.

CRITERIA AND FINDINGS

Salem Area Comprehensive Plan (SACP)

Proposals to amend the Comp Plan map designation are reviewed according to the criteria of SRC 64.090(b)(1-6). (1)(A) or (B), or (2)(A) or (B) may apply, as well as (3) to (6).

This proposal addresses (1)(a) and (b), as follows:

- (1) A lack of appropriately designated suitable alternative sites within the vicinity for the proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the following:
- (a) size: Suitability of the size of the alternative site to accommodate the proposed use;
- (b) location: Suitability of the location of the alternate sites to permit the proposed use;

The existing church is located within a fully developed part of the urban area. Surrounding properties are developed with urban-density residential, commercial, and public land uses. The purpose of this proposal is to expand the seating capacity of the existing facility, from 325 to 780, by expanding the existing building. All of the other existing facilities, such as classrooms and offices, will remain in place for continued use. Therefore, the proposal is for an "expansion in place", which will result in more efficient use of an established church facility through infill on the existing site. Since the proposal is to expand an existing facility a "suitable alternative site" would be one that is not only appropriately designated, but which also provides an existing building with the same level of facilities as exists at the subject site and which is suitable for expansion, and which has sufficient area to provide for the additional building area, required parking, and other required property development features.

Furthermore, because of the special development standards of the Zone Code that apply to churches, in this case an "appropriately designated" alternative site is one that requires more than just a land use designation that provides for the size of the church that is proposed. An appropriate alternative site must also meet the special locational conditions of Table 119-1 that are required as prerequisites to allow the size of the church that is proposed.

In order to determine whether any "appropriately designated suitable alternative sites" exist, a surrounding "vicinity" of a one-mile radius from the subject property was examined. The one-mile radius vicinity from the subject site is shown on the "Alternate

Sites Vicinity" map that accompanies this application. For reference purposes, the following landmarks are located on or near the outer edge of the one-mile radius:

- -On the north, Hoyt St. SE, McKinley, School, City View Cemetery.
- -On the west, South River Road and Croisen Creek Road.
- -On the east, 12th St. SE and Morningside School.
- -On the south, Sunnyslope Shopping Center.

Within this one-mile radius, the zones that would allow for the church as proposed include RM, CO, CR, and CG. RM, CO and CR zoning is found along Liberty Road S, and all of these zones are found along Commercial St. SE. RM zoning is also found between Madrona Avenue and Salem Heights Avenue, between Liberty and Commercial.

Within the one-mile vicinity, all of the areas where these zoned are located are intensively developed with residential and commercial uses. There are no appropriately designated sites within this area that are suitable for the proposed church expansion, considering size or location. Because the evidence shows that there are no appropriately designated suitable alternative sites, based on their ability to accommodate the proposed church expansion, this criteria is satisfied.

(3) The proposed Plan change considers and accommodates as closely as possible all applicable Statewide Planning Goals.

The following Statewide Planning Goals apply to this proposal:

GOAL 1 - CITIZEN INVOLVEMENT

This application will be reviewed according to the public review process established by the City of Salem. Notice of the proposal will be provided to surrounding property owners, public agencies, published in the newspaper, and posted on the property. The mailed and published notice will describe the nature of the request and the applicable criteria that apply. 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 hearings, 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 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 ordinances, as well as the Statewide Planning Goals. A description of the proposal in relation to the applicable Comp Plan goals and policies, the Comp Plan Change criteria, the Zone Change considerations, and the Statewide Planning Goals, is a part of this report. Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change and Zone Change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposal is to expand a building on an existing developed site. The building addition will be served by City sewer, water, and storm drainage facilities. These services are already in place on the property and serve the existing building. The site is within a developed area and services are provided at adequate capacities to serve the proposed expansion project. Waste water will be discharged into the City's sewer system, and surface water runoff will be collected and removed by the City's storm drainage system. The City is responsible for assuring that treated wastewater discharges meet the applicable standards for environmental quality. Through the use of these public facilities water quality will be protected. There will be no withdrawal of subsurface groundwater resources.

The proposed building expansion will not impact air quality. The major impact on air quality in the immediate vicinity is vehicle traffic along the nearby arterial streets. The expansion of the church building will not in itself generate additional traffic. Since the expanded sanctuary will be able to accommodate the congregation at one instead of two services, the traffic volumes generated by the Church will occur at different times from the present. However, Church services take place on Sunday mornings when traffic loads are generally light, so Church traffic will not have a significant effect on total vehicle emissions occurring in the area. In addition, the Church is located along a transit route and is accessible by bicycle, and these transportation modes can decrease vehicle usage from this project with a corresponding decrease in vehicle emissions.

For these reasons, the proposed development will create no significant adverse impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards have been identified that are specific to this site, or which would prevent the proposed use.

GOAL 10 - HOUSING

Although the subject site is currently zoned RS and RM it is developed as a church. There is no housing on parcel 7800, the location of the existing church facility and the site of the proposed addition. No housing will be removed by the proposed building addition. Because the site is developed for use as a church, no future housing opportunities will be lost as a result of this proposal. There is one single-family dwelling on parcel 7500, and this structure will remain in residential use for the near term. In the future it may be converted into church offices or meeting space, in which case one dwelling unit will be removed from the city inventory. The subject site lies at the edge of an extensive single-family residential area, however, in which a wide variety of single-family homes are present. The homes in the area exhibit variety in terms of their size and cost. The possible future removal of one dwelling from the range of single-family homes that are present in this area will have no discernible effect on the ability to provide housing for a variety of income levels in this area or in the community. For these reasons, the proposal does not conflict with this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

All necessary public services and facilities are provided to this property and will be installed as needed in the proposed building addition. The City will determine the need for any additional services in keeping with adopted design standards and engineering practices in effect at the time building permits are requested.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. These systems have adequate capacity to serve this proposed use. The service needs of the building addition will be reviewed by the City prior to construction, and the service requirements will be specified when construction permits are issued. By providing the necessary public service facilities for the proposed use, the requirements of this Goal will be met.

GOAL 12 - TRANSPORTATION

The subject site has existing access to Madrona Avenue, a minor arterial, and is just west of Liberty Road S, a major arterial. The site access drive is approximately 500' west of

the Liberty intersection, which is an appropriate distance for safe and efficient access. The intersection is controlled by a traffic signal. Liberty Road provides a direct route north to the city center, and to the extensive residential areas to the south. Madrona provides a link to Commercial St. SE about a half mile to the east, and to the residential areas to the west. Both Liberty and Madrona are transit routes and bike routes, and both have sidewalks. The location of the site along these arterial routes enhances the opportunity for use of public transit or other non-motorized forms of transportation. In addition, the accessory access to Winola Avenue at the north end of the site can serve especially well as an access for pedestrians and bicycles.

The proposed project will have little or no effect upon the local street connectivity policies of the STSP, or on the provisions of the State TPR. No new streets are intended or required by the project, no existing streets will be changed, and the circulation pattern within the neighborhood will not change. The existing street system is adequate to provide for the proposed use. Traffic from the project will not cause a Level of Service (LOS) to fall below acceptable levels, exceed the capacity of a street or intersection, or cause a change in a functional classification of any street. The location of the property near existing arterials, transit routes and bike routes encourages alternatives to the use of private vehicles and provides the opportunity to reduce the vehicle miles traveled within the community. A pedestrian access will be provided to link the front of the new building and Madrona Avenue. These factors make the proposal consistent with the requirements of the STSP and the Transportation Planning Rule. For these reasons, the requirements of this Goal are satisfied.

GOAL 13 - ENERGY CONSERVATION

The property is located in a developed part of the urban area. The transportation system in this area makes access to the property direct, efficient and convenient. Public transit is available to site, as is pedestrian access and bicycle routes. All new construction will be required to meet the energy conservation codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation, and it will be energy efficient.

GOAL 14 - URBANIZATION

The project will expand an existing use in place, and make use of urban land that is provided with the necessary public facilities and services. Continued development on this site will contribute to maintaining community services within a compact and efficient

pattern of urban use. The proposal does not affect the size or location of the Urban Growth Boundary. For these reasons, the proposal conforms to the Urbanization Goal.

Considering the facts and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals, and this criterion is satisfied.

(4) The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the Plan map.

The subject property is one of the community and commercial activities that are centered around the Liberty and Madrona intersection. The land use pattern around the subject property includes residential areas to the north, west and south, a public school on the east, and commercial uses in the other quadrants of the intersection. The property serves as buffer between the residential areas to the west and the Liberty Road corridor to the east.

The purpose of the request to change the Plan map designation is to accommodate the growth of the church congregation, by providing for additional seating in a larger auditorium. This will be done through an addition to the existing church building. The building expansion will occur entirely within the existing property, and will expand the existing building to the south, along the east property line. The use of the property will not change, and there will be little affect on the relationship of the building to the surrounding land use pattern. The proposal will not affect the pattern or density of residential use at this location because the proposal is not for residential development.

The proposed change is logical with the land use pattern of the area because it utilizes vacant land within the Church property, and expands the existing building in place. No additional parking is required, due to the agreement for the use of the parking lot on the adjacent school property. This results in efficient use of the available ground and the existing utility services, and minimization of pavement. The proposed use does not remove or affect any existing residential structures.

The proposed change is harmonious with the land use pattern of the area because it maintains the existing use, it maintains the relationship among the various land uses, it does not affect the residential density in the area, and it does not affect the pattern of streets or circulation in the area.

For these reasons, the proposed change is logical and harmonious with the land use pattern for the greater area as shown on the Plan map, and this criterion is satisfied.

(5) The proposed change conforms to all criteria imposed by the applicable goals and policies of the Comp Plan in light of its intent statements:

The following sections of the Salem Area Comprehensive Plan (SACP) apply to this proposal:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: As stated in this section, the intent of the Comp Plan map is to project the goal of the most desirable pattern of land use in the Salem area, taking into account various factors such as the transportation system, location of public facilities, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed.

The Plan describes the chosen method of meeting this commitment as through the phased provision of land for various uses over time, through annexation and rezoning in response to demand for specific land uses. This method recognizes the need to remain responsive to changing and evolving land demands within the context of plan policies and implementing measures. The intent of this approach is to retain flexibility in order to remain responsive to changing conditions, and to recognize the legitimacy of existing zoning and plan implementation. The Plan recognizes that land use and zoning are expected to change as conditions change.

This proposal involves a request for rezoning to accommodate the needs of a specific, existing land use. The proposal is a response to conditions that have changed, yet the proposed use remains consistent with the neighborhood pattern. The existing Plan map designation provides for the existing church, up to a maximum seating capacity of 375. The Church now needs a seating capacity of 780. Under the provisions of SRC Table 119-1, the mechanism for allowing an increase in the seating capacity is to change the land use designation. In this case, the most reasonable land use designation that provides for the increase in seating capacity is *Multifamily*, with a corresponding RM zone category. This will also be the most compatible designation with regards to the existing land use pattern of the area.

By proposing a change in the Plan map designation to allow for an increase in the seating capacity of the existing church through a building addition that will occupy available ground within the existing church site, the proposal is consistent with the intent of the Plan to provide flexibility in response to changing conditions and demands which will help meet the current needs of the people.

3. Plan Map Designations

a. Residential: The *Multifamily Residential* designation is applied in areas that are currently developed or served by public facilities and suitable for development. This designation also accommodates the need for residential support facilities and services, such as churches, located in proximity to living areas. The Plan states the intent to allow these support facilities provided their location, design and maintenance are compatible with a residential environment.

The stated intent of the residential designations includes:

- (c) To provide and maintain an overall land use pattern in the urban area that is consistent with the service capabilities of the jurisdictions: Expanding the church on its existing site will maintain the land use pattern at a location that is already provided with services.
- (f) To stabilize and protect the essential characteristics of residential environments, including natural features: The Church has been at this location since 1962, and it is a part of the existing neighborhood character. Maintaining the church at this location will stabilize and protect the existing residential environment, and the local land use pattern.

This proposal involves an existing church that has been a part of the neighborhood environment since 1962. The church is located at the edge of an extensive residential neighborhood. The proposed building addition will expand the existing building and maintain the relationship of the facility to the neighborhood. The proposal meets all of the qualifications that are presented here for consistency with the intent of the Plan designation.

IV. Salem Urban Area Goals and Policies

B. General Development Goal: To insure that future decisions concerning the use of land within the Salem urban area are consistent with the State Land Use Goals. The proposal has been described in relation to the applicable State Land Use Goals, and the proposal has been shown to be consistent with the Goals.

Policies:

- 6. Carrying Capacity: The project will meet all applicable local, state and federal standards through the provision and use of public utility services.
- 7. Optimal Use of the Land: The proposed building addition will utilize land within the existing church property. No land that is available for or currently in residential use will be affected. The proposed addition will make more efficient use of the available ground and the public services that are already provided to this site. The proposal is appropriate for the location, considering the surrounding public and commercial uses and the arterial street system. The site has no physical limitations that will affect the proposed use, and the building addition will have no adverse effects upon the natural terrain, watercourses, or the potential for erosion or soil conditions. As a result, the project as planned will serve to optimize the use of land at this site.

C. Urban Growth Policies

4. Infill: Continued development of this site will improve the efficient use of urban land and the existing public services. The proposed building expansion is consistent with the intent of this policy to make maximum use of serviced urban land prior to conversion of urbanizeable land to urban uses. The project constitutes infill on serviced urban land, as encouraged by this policy.

D. Growth Management Policies

- 6. Infill Development: The proposal will make use of the available land area within the existing church site. There are no specific environmental features to consider in this case. All necessary public services exist on the site and are available to support the proposed use. The site is served by the existing arterial street system and no new streets are needed to serve the proposed use. No other public facilities are needed. The proposal conforms to this policy by infilling on existing, serviced land within a developed area.
- 9. Infill on Facilities: The necessary public facilities and services are in place on this property, and only the normal extensions into the new building will be needed. As a result, the project will result in the least costs to the public, as required by this policy.

E. Residential Development

Goal: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.

The request to change the Plan map designation does not involve new residential development. The change in the residential designation is requested in order to allow an increase in the seating capacity of the church auditorium. The change in the Plan map designation is needed in order to conform to the requirements of the special development standards of SRC Table 119-1. No existing housing or future housing opportunities will be affected by the change in the Plan map designation for the Church property. The request will not affect the location or density of housing in the area or in the city. For these reasons, the proposal is not directly related to the Residential Development Goal and the Goal is not affected by the proposal.

The following Residential Development Policies apply to this proposal:

- 2. Residential uses and neighborhood facilities and services shall be located to:
- a. Accommodate pedestrian, bicycle and vehicle access;

The site accommodates all modes of transportation that are available in the city. The site has direct frontage and access onto Madrona Avenue, a minor arterial. Liberty Road, a major arterial, is 500' to the east. Access to the property by vehicles and bicycles is direct and efficient, the street is a transit route, and sidewalks are provided along the street frontage. The proposed building addition will include an improved link to the street frontage for pedestrians. For these reasons the location accommodates pedestrian, bicycle and vehicle access.

b. Accommodate population growth

The expanded seating capacity in the auditorium is needed in order to accommodate the growth of the congregation.

c. Avoid unnecessary duplication of utilities, facilities and services.

Expanding the existing use on the site will utilize the existing public utilities, facilities and services avoids their unnecessary duplication.

d. Avoid existing nuisances and hazards to residents.

There are no identified nuisances or hazards to residents at this location.

3. City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

The Church property currently presents a low level of development. Expanding the existing building will make use of underutilized land within the site, while maintaining a low development density. With the proposed addition the building coverage will be only 17.6%. The Church has been at this location since 1962, and expanding the Church will serve to maintain the stability of the neighborhood.

7. Neighborhood circulation system

The subject site is served by the existing transportation system and no additions or revisions to the street system are needed. The site has direct access to a minor arterial. The existing street system that serves the area provides for all modes of transportation, and it is therefore consistent with this policy directive.

8. Residential areas shall be protected from more intensive land use activity in abutting zones.

The type of use on the site will not change from the present. Although the building will be expanded, the level of activity will not significantly increase. The expanded auditorium will allow the congregation to gather at once, instead of at two or more sessions. The site will retain a residential designation that is in keeping with the character of the neighborhood.

For the reasons and factors cited, the proposal is consistent with the Residential Development Policies that are applicable to neighborhood support services.

(6) The proposed change benefits the public.

The proposed change will benefit the public by providing for the needs of the Church Congregation. In order to meet the needs of the Congregation the Church must expand its auditorium. This could take place at the existing site, or require moving to a new location. There are no sites within the vicinity that can accommodate the facilities that are needed by the Congregation, and a new site would likely be in an outlying area. Relocating the Church to an outlying area would be contrary to City policies to promote infill on existing, serviced property, to utilize the existing public infrastructure, to maintain neighborhood support facilities, and to promote the stability of existing neighborhoods. Expanding the existing building is consistent with all of these policy considerations. For these reasons,

the proposed change in the Plan map designation to allow an increase in the seating capacity of the auditorium will benefit the public.

There are no appropriately designated suitable alternative sites in the vicinity of the subject property. The proposal does not affect the inventory of residential land, or affect the housing inventory of the community. The proposed use will not affect the transportation system that serves the area, and it will be accessible by all forms of transportation that are available at this location. The proposal is consistent with the Statewide Planning Goals. The project will make use of underutilized land that is already provided with the necessary public utilities and services. By maintaining the existing use the proposal will contribute to the stability of the neighborhood and the existing land use pattern. By using available ground within the site and expanding the existing building the proposal is logical and harmonious with the land use pattern of the area. Maintaining the use at this location benefits the public that uses the facility. For these reasons and the factors and circumstances discussed above, the criteria for a Comp Plan Change are satisfied.

Zone Change Considerations

The intent and purpose of zone changes is described in SRC 113.100(a). 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. Because of this, the City has found it is generally inappropriate to make site-specific legislative decisions regarding zoning of undeveloped property in anticipation of future needs, and the zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

SRC 114.160(c) provides the following factors which are to be reviewed and addressed, where relevant, when considering a zone change:

(1) Existence of a Mistake in the Land Use Plan:

The property is currently zoned RS and RM. Churches are subject to the special development standards of SRC Table 119-1. For the purpose of determining the development standards that apply in this case, the more restrictive provisions under the RS zone apply. The church is permitted under the existing RS zone, but the seating capacity is limited to the provisions of Table 119-1 that apply under the RS zone. The Church now

needs to expand its seating capacity beyond the limits imposed by the RS zone. A change to the RM zone is the mechanism by which the seating capacity can be expanded.

Since the RS zone provides for the existing church the land use plan is not in error. The zone change to RM2 is proposed in order to allow an increase in the maximum seating capacity by expanding the existing building. A mistake is the land use plan is not alleged, and this consideration is not relevant in this case.

- (2) Change in the Neighborhood Patterns, and
- (3) Change in the Character of the Neighborhood:

These considerations are closely related, and under the circumstances of this case are best considered together.

The Church is located in a fully developed, mature neighborhood. The Church has been a part of the pattern and character of the neighborhood since 1962. The Church predates many of the existing buildings and uses in the area, such as the office buildings located around the Liberty-Madrona intersection and the Hidden Lakes retirement complex. The Church property has room for the proposed building expansion, and no additional land has had to be acquired by the Church in order to accommodate an enlarged auditorium. No other uses in the area will be changed or displaced by the proposed use, so the pattern of the neighborhood will not be affected. The use of the subject property will not change, so the character of the neighborhood will not be affected. No public facilities will be affected by the proposed building addition. The proposal will maintain the existing pattern and character of the neighborhood.

(4) Effect on the Neighborhood, the Property and Public Facilities:

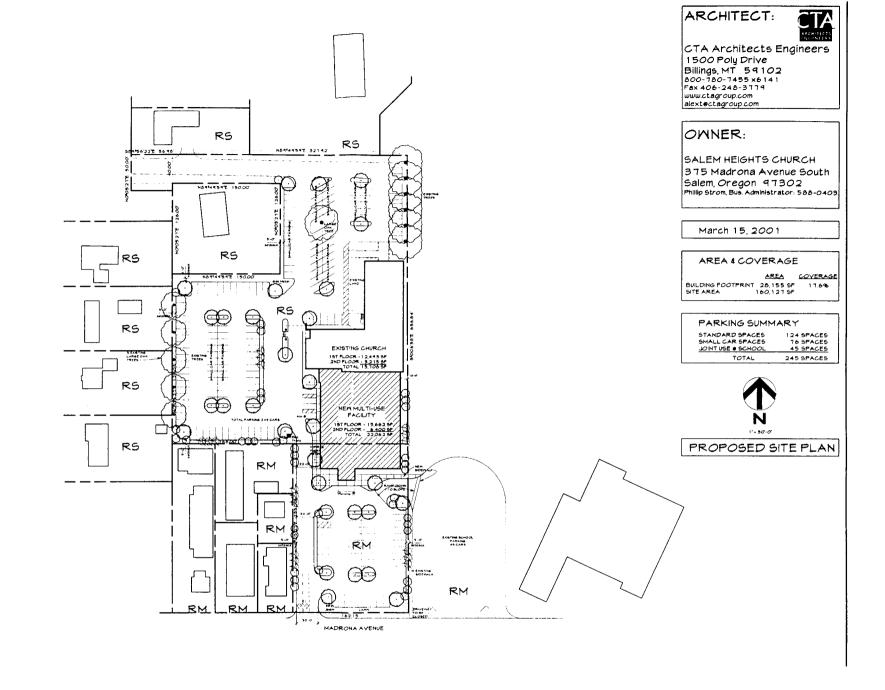
As discussed above, the proposed expansion of the existing church will have no significant effect on the neighborhood. The proposed expansion will occur within the existing Church property, and no other land will be altered or used. No new uses will be introduced to the neighborhood. The effect on the property will be to increase the percentage that is covered by the building. The total lot coverage will increase to 17.6%, which remains a very low building density. The addition will be located on existing vacant space, so the proposed addition will fill in underutilized land within the property. All necessary public facilities are in place and available to serve the proposed use, and the use will not exceed the capacity of any public facilities. For these reasons, the proposal will have no significant effects on the neighborhood, the property, or public facilities.

(5) Public Health, Safety and Welfare:

The proposal has no direct bearing on issues involving the public health, safety or welfare. The proposal expands the existing church building. Public health will be provided for through the use of City sewer, water, and storm drainage facilities. Public safety is addressed by maintaining the existing driveway location onto Madrona. The public welfare is addressed by maintaining the Church at a location that is accessible by multiple forms of public and private, motorized and non-motorized transportation. The proposed use will create no impacts that would be detrimental to the public health, safety or welfare.

Based on the reasons presented, and the facts and circumstances that apply to this site and to this area, the proposal addresses the relevant zone change considerations and qualifies for the requested zone change.

The property is suitable for the proposed use in terms of its size, location, existing use, the character and pattern of the neighborhood, the available public facilities and services, and the transportation system. The RM2 zone is needed in order to allow for the proposed seating capacity. The proposal does not change the existing land use pattern of the area, or introduce a new use to the neighborhood. The location of the proposed building addition will maintain the relationship of the church to the surrounding land uses. Access to the property will not change. For the reasons, facts, and evidence presented, the proposed Plan and Zone Change satisfies the applicable goals and policies of the Comp Plan and the criteria for a Plan and Zone Change.



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W O R K S

COMMUNITY DEV. DEPT. MEMO

TO:

Brian Kennedy, Associate Planner

Department of Community Development

THRU:

Robert Reitmajer, P.E., Chief Development Services Engineer

Public Works Department

FROM:

Leta Gay Snyder, Development Inspection Specialist

Public Works Department

DATE:

June 19, 2001

SUBJECT:

ZONE CHANGE 01-4, LOCATED AT 375 MADRONA AVENUE S

Code authority references are abbreviated in this document as follows: Salem Revised Code (SRC); Public Works Design Standards (PWDS); Salem Transportation System Plan (STSP); and Stormwater Management Plan (SMP).

The Public Works Department has reviewed the above-referenced application and has the following comments, requirements, and recommendations:

FACTS AND FINDINGS

Streets

- 1. The City Traffic Engineer has determined that this development can be expected to generate approximately 200 new vehicle trips per day using the public street system. The streets adjacent to the proposed development do not currently meet adopted urban standards and are inadequate as specified below. The right-of-way dedication and street improvement requirements listed herein are reasonably related to the public need and burden that the new development will create, and are roughly proportional to the expected impacts of the development. Any right-of-way requirements imposed as a result of this development proposal are in conformance with the current rational nexus guidelines adopted by the City Council, and are required to mitigate the impacts from the proposed development on the public street system.
- 2. Madrona Avenue S has an existing 36-foot improvement within a 50-foot-wide right-of-way.

- 3. This street is designated as a minor arterial street in the <u>Salem Transportation System Plan</u>. The standard for this classification of a street is a 48-foot-wide improvement within a 72-foot-wide right-of-way.
- 4. The applicant shall be required to dedicate an additional 11 feet of right-of-way adjacent to the subject property to equal 36 feet measured between the centerline of right-of-way and the north right-of-way line of Madrona Avenue S (SRC 113.205(b)(11)). The traffic impact of the proposed development warrants the dedication of the additional right-of-way.
- 5. The applicant shall be required to construct a half-street improvement along Madrona Avenue S adjacent to the subject property.
 - a. The half-street improvement is to measure 24 feet between the centerline of right-of-way and the north curbline of Madrona Avenue S (SRC 113.205(b)(11))
- 6. The applicant may defer the half-street improvement along Madrona Avenue A, as described in SRC 113.205(b)(11)(a).
- 7. There is an existing asphalt sidewalk located adjacent to the subject property along the north line of Madrona Avenue S, which is designated as an arterial street. The asphalt sidewalk does not meet the City of Salem standards for sidewalk material construction since sidewalks shall be constructed with Portland Cement Concrete in accordance with SRC 78.030.
- 8. As a condition of development, the applicant shall be required to construct an 8-foot wide sidewalk along the frontage of Madrona Avenue S. Sidewalks within 400 feet of and providing direct access to a school, shall be a minimum of 8 feet (SRC 63.235 (i)). This property is next to Salem Heights Elementary School.
- 9. The City Traffic Engineer has determined that the applicant is required to construct a sidewalk ramp on Madrona Avenue S adjacent to the subject property. The applicant shall coordinate the ramp location with the City Traffic Engineer at the time of development.
- 10. All street improvements shall be designed and constructed to meet the requirements of the City of Salem Street Design Standards (PWDS 1.02).

11. Madrona Avenue S is designated as an arterial street in the <u>Salem Transportation System Plan</u>. Access control along arterial streets limits street and driveway intersection points to 370 feet apart.

- 12. There are two existing driveways located along the subject property. One driveway accesses Madrona Avenue S directly and the other driveway at the far north end of the subject property has a limited accessory access on Winola Avenue S. The subject property has a joint parking agreement with Salem Heights Elementary School to the east with two driveways located approximately 150 feet & 250 feet respectively from the existing driveway on Madrona Avenue S.
- 13. The proposed site plan shows no changes to the driveways on the subject property, however, the plan reflects closure of the west driveway on the school property and an access ramp between the properties. Access to the subject property will be addressed by the City Traffic Engineer at the time of development.
- 14. All unused driveways shall be closed (SRC 80.140).
- 15. Vision clearance requirements shall be observed at all street and driveway intersections (SRC 130.280).

Storm Drainage

- 1. There is an existing 24-inch public storm drain line located in Madrona Avenue S.
- 2. There is an existing 10-inch public storm drain line located along the east line of the subject property.
- 3. There is an existing 18-inch public storm drain line located through the center of the property between Madrona Avenue S and Winola Avenue S.
- 4. The applicant shall be required to design and construct a complete storm drainage system at the time of development (SRC 113.205(b)(11)). All drainage systems shall be designed and constructed as required in the City of Salem Stormwater Management Design Standards (PWDS 1.02). This may require a drainage study and capacity calculations for the proposed point of disposal.

- 5. On-site detention must be provided at the time of development to contain the excess runoff generated by a 50-year design storm using a 0.3 cfs-per-acre release rate (SRC 63.195).
 - At the time of submittal of preliminary plans for subdivision, large multifamily, or commercial projects, the applicant/developer shall be required to submit a conceptual plan of the proposed detention basin and access easements. This plan shall include location, size, shape, depth, access, and landscape design to show compatibility of the detention basin with existing or proposed development.
- 6. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide storm drain easements along all the existing public storm drains to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.19).

Water

- 1. There is an existing 6-inch public water line, adequate for domestic use only, located in Madrona Avenue S.
- 2. There is an existing 4-inch public water line, adequate for domestic use only, located within the driveway off Madrona Avenue S for a distance of 300 feet which serves the subject property and properties to the west. There appears to be no easement on this water line. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide public water line easement to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.12).
- 3. A public water line shall be constructed to provide adequate water supply and fire flow for the proposed use (SRC 113.205(b)(11)).
- 4. Any water line crossing adjacent lots or parcels shall require a minimum ten-foot-wide public easement to provide access for construction and maintenance and for protection of the system (SRC 63.165).
- 5. Water meters shall be placed along the right-of-way of Madrona Avenue S adjacent to the subject property, as described in the City of Salem Policy and Procedure WA 2-7.
- 6. All water lines shall be designed and constructed as required in the City of Salem Water Distribution Design Standards (PWDS 1.03).



Sanitary Sewer

- 1. There is an existing 8-inch public sewer line located Madrona Avenue S.
- 2. There is an existing 8-inch public sewer line located within the driveway which runs through the property from Madrona Avenue S to Norris Lane S, within a 10-foot-wide easement.
- 3. All sanitary sewer lines shall be designed and constructed as required in the City of Salem Sanitary Sewer Design Standards (PWDS 1.03).

General Comments:

- 1. All development activity will require building and/or construction permits in accordance with the Salem Revised Code and the Public Works Department Design Standards and Standard Construction Specifications. Permits will not be issued by the City of Salem Permit Application Center until all construction plans have been approved by the Public Works Department.
- 2. Building over pipelines or within utility easements is prohibited (SRC 63.165 and Policy and Procedure GM 1-24).
- All utilities and roadway facilities shall be designed and constructed to meet the 3. requirements of the City of Salem Public Works Department Design Standards and Standard Construction Specifications.
- 4. All utility easements required to extend sanitary sewer, water, or storm drainage systems to or through the subject property or adjacent properties shall be the obligation of the applicant (SRC 63.165).
- 5. The applicant shall be required to obtain an excavation cut and fill permit prior to conducting any clearing and grubbing operations on parcels within the city limits if such parcels contain an easement of any kind for City public utilities (SRC 65.040).

SUMMARY OF RECOMMENDATIONS

The applicant shall be required to dedicate an additional 11 feet of right-of-way adjacent 1. to the subject property to equal 36 feet measured between the centerline of right-of-way and the south right-of-way line of Madrona Avenue S (SRC 113.205(b)(11)). The traffic impact of the proposed development warrants the dedication of the additional right-of-way.

- 2. The applicant shall be required to construct a half-street improvement along Madrona Avenue S adjacent to the subject property.
 - a. The half-street improvement is to measure 24 feet between the centerline of right-of-way and the north curbline of Madrona Avenue S (SRC 113.205(b)(11))
- 3. The applicant may defer the half-street improvement along Madrona Avenue A, as described in SRC 113.205(b)(11)(a).
- 4. As a condition of development, the applicant shall be required to construct an 8-foot wide sidewalk along the frontage of Madrona Avenue S. Sidewalks within 400 feet of and providing direct access to a school, shall be a minimum of 8 feet (SRC 63.235 (i)). This property is next to Salem Heights Elementary School.
- 5. The City Traffic Engineer has determined that the applicant is required to construct a sidewalk ramp on Madrona Avenue S adjacent to the subject property. The applicant shall coordinate the ramp location with the City Traffic Engineer at the time of development.
- 6. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide storm drain easements along all the existing public storm drains to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.19).
- 7. There is an existing 4-inch public water line, adequate for domestic use only, located within the driveway off Madrona Avenue S for a distance of 300 feet which serves the subject property and properties to the west. There appears to be no easement on this water line. As a condition of building permit issuance, the applicant shall be required to provide a minimum ten-foot-wide public water line easement to provide access for maintenance or repair and for protection of the system (SRC 63.165, PWDS 2.12).



RECEIVED JUN 0 4 2001 COMMUNITY

DEV. DEPT

HENRY F. BEHRENDT, Director Facilities and Auxiliary Services 3630 State Street • Salem, Oregon 97301-5316 503-399-3290 • FAX: 503-375-7847

Kay Baker, Superintendent

May 31, 2001

Brian Kennedy, Associate Planner Planning Division 555 Liberty Street SE, Rm. 305 Salem OR 97301

RE:

Land Use Activity

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE: 375 Madrona Ave. S.

Attached are our comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3297.

Summary:

Additional Elementary School (Salem Heights) Students: 0

Additional Middle School (Crossler) Students: 0 Additional High School (Sprague) Students: 0

Additional cost for new portables or new classroom additions: Short-term \$0 plus

long-term \$0 = \$0

FINDING: No significant impact on school attendance. Proposed site plan has significant impact on the use of school property as follows.

- 1. Existing school parking lot is used by School district as a bus loading area. Any redesign of the parking lot must allow adequate entrance, loading and exiting for school buses.
- 2. New parking lot must allow the school to separate bus-loading area from car parking, drop-off and pick-up. The proposed design will cause cars to cross directly in front of the bus loading area.
- 3. The church property will need to contain its own storm water retention without use of school property for this purpose. The school property is lower in elevation than the church property.
- 4. The church will need to address how it intends to maintain the fence between the school and the church.

5. There is a crosswalk across Madrona Ave. S. just east of the church parking lot entrance. This crosswalk may conflict with cars exiting and turning left as they leave the school. The left turning cars could pose a hazard to schoolchildren using the crosswalk.

Sincerely,

David Fridenmaker, Director Planning and Construction

c: Henry Behrendt, Director, Facilities & Auxiliary Services Cathy Mink, Director of Elementary Education Kathleen Hanneman, Director of Secondary Education

Atts: City of Salem, Response Sheet, 5/11/01

MEMO

To: Brian Kennedy, Associate Planner

From: An Bayless, Fire Marshal

Subject: Zone Change 01-4; 375 Madrona AV S

Date: May 29, 2001

ISSUE

Should the City of Salem approve the request to change the Salem Area Comprehensive Plan from Single Family Residential to Multiple Family Residential and the zoning designation from RS (Single Family Residential) to RM2 (Multi-Family Residential) for a portion of the subject property located at 375 Madrona Avenue S?

FACTS AND FINDINGS

Fire Staff has reviewed the request and has no objections to the request.

Fire Department access and required fire flow will be determined when the site is developed. The proposed site plan is not approved by the Salem Fire Department. The Uniform Fire Code requires Fire Department access roads to be located within 150-feet of an exterior wall as measured by an approved route used by Fire Apparatus.

South Salem Neighborhood Association John F. Safstrom, Chairperson

June 21, 2001

City of Salem
Planning Department
Chairperson of Planning Commission
555 Liberty SE
Salem, OR 97301

RE: Case

Case # CPC/ZC 01-4

Address 375 Madrona Ave. South

The South Salem Neighborhood Association Board of Directors approved a resolution of support for this proposed project, which requires the Commission's approval of a Comprehensive Plan Amendment and a Zone Change for a portion of the property.

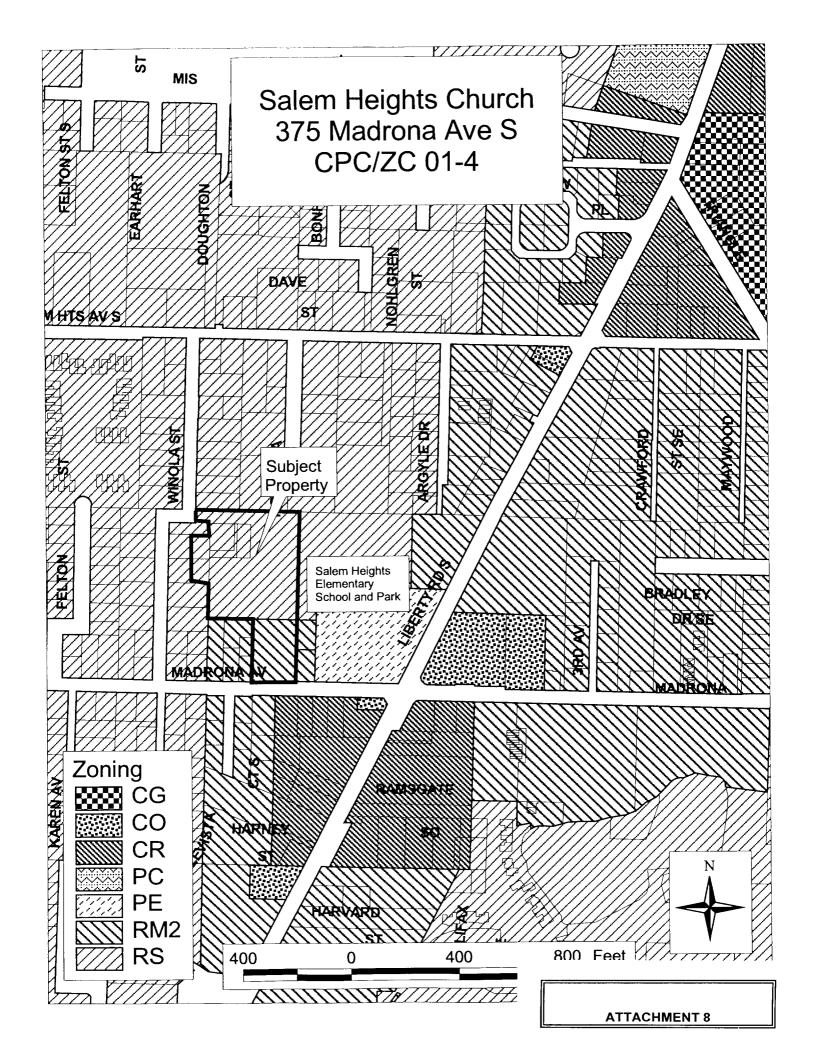
The Salem Heights Church development concept and alternatives were thoroughly discussed several months ago in preparation for this application.

Additionally, Salem Heights Church has a history of cooperative neighborhood involvement, sharing parking lot space with the school and providing use of their facilities for an SSNA event.

Please call the SSNA land use contact, Len Nelson, or me if you have any further questions.

Sincerely,

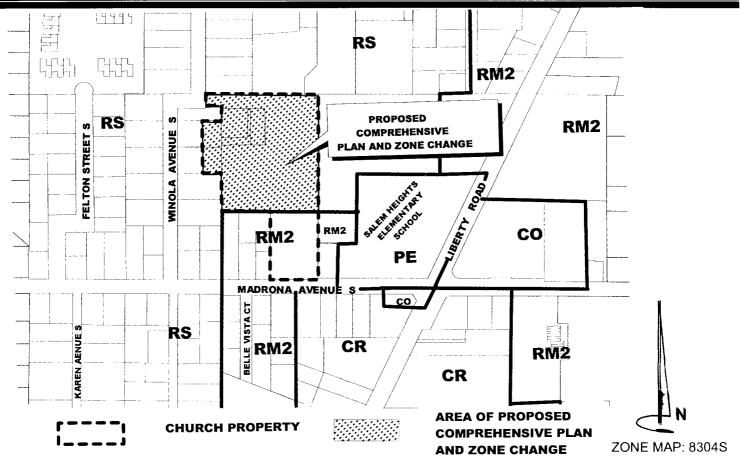
John F. Safstrom





NOTICE

PUBLIC HEARING AFFECTING THIS AREA



TIME OF HEARING:

5:30 P.M.

HEARD BY:

PLANNING COMMISSION

DATE OF HEARING:

JULY 3, 2001

LOCATION OF

HEARING:

City Council Chambers Civic Center/Room 240 555 Liberty Street SE Salem, OR 97301

CASE NO.

FILER:

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 01-4

ADDRESS:

375 Madrona Avenue S

PROPERTY OWNERS:

Salem Heights Church, Phillip Strom and Bardwell and Bonnie Marshall

Jeff Tross

PROPOSAL

COMPREHENSIVE PLAN

CHANGE:

To change the Salem Area Comprehensive Plan designation from Single Family Residen-

tial to Multiple Family Residential

ZONE CHANGE:

To change the zoning designation from RS (Single Family Residential) to RM2 (Multi-Family Residential) for a portion of the subject property located at 375 Madrona Ave S.

NOTICE MAILING DATE:

June 21, 2001

CRITERIA

The testimony and evidence for the public hearing must be directed toward the following criteria:

- Comprehensive Plan Change: A.
 - A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or
 - A major change in circumstances affecting a significant number of properties 2. within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and
 - The proposed plan change considers and accommodates as much as possible 3. all applicable statewide planning goals; and
 - The proposed change is logical and harmonious with the land use pattern for 4. the greater area as shown on the detailed and general plan maps; and
 - The proposed change conforms to all criteria imposed by applicable goals and 5. policies of the comprehensive plan in light of its intent statements; and
 - 6. The proposed change benefits the public.
- Zone Change conforms to the Comprehensive Plan and Zone Code considering the В. following factors as may be relevant:
 - Mistake in the zoning map; 1.
 - 2. Change in social and economic patterns;
 - Change in character of the neighborhood; 3.
 - Effect of proposal on site and neighborhood; and/or, 4.
 - All other factors relating to the public health, safety, and general welfare which 5. the administrative body deems relevant.

TESTIMONY

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the public hearing. Written comments may also be submitted at the public hearing. Include case number with the written comments. Prior to the public hearing, written comments may be filed with the Salem Planning Commission, 555 Liberty Street SE, Room 305, Salem, Oregon 97301.

The hearing will be conducted with the staff presentation first, followed by the proponent's case, neighborhood organizations, testimony of persons in favor, opposing testimony, and rebuttal. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicants testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. The hearing body will then continue the public hearing or leave the record open for additional written evidence or testimony.

Failure to raise an issue in person or by letter prior to the close of the public hearing with sufficient specificity to provide the Planning Commission opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

DOCUMENTATION AND STAFF REPORT

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost and copies will be available at a reasonable cost. A copy of the staff report will be available for inspection at no cost on June 26, 2001.

ACCESS

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

FOR ADDITIONAL INFORMATION CONTACT

STAFF:

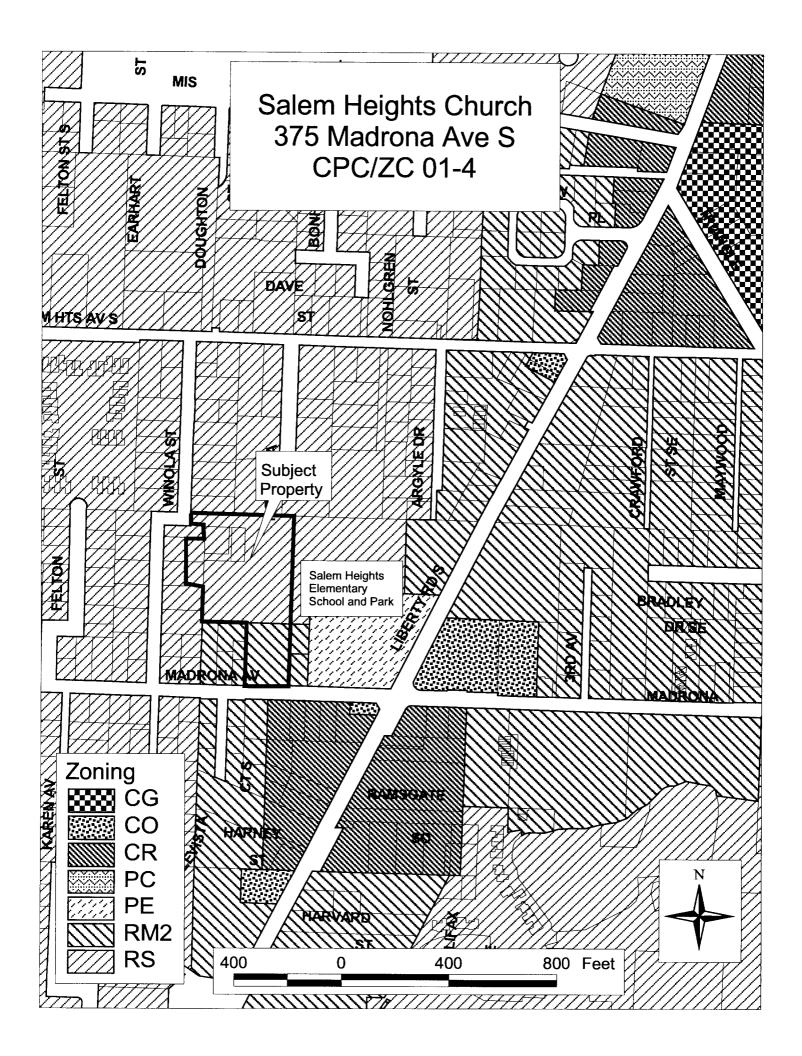
Brian Kennedy, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: (503) 588-6173, Ext. 7524.

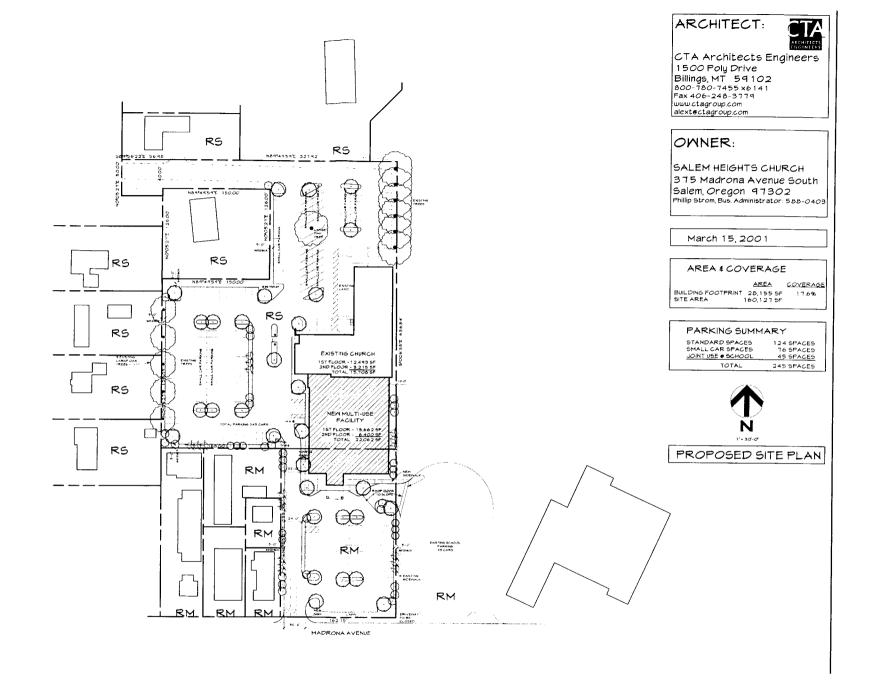
NEIGHBORHOOD:

Leonard Nelson, South Salem Land Use Chairperson. Telephone: (503) 581-5195.

In order to ensure the broadest range of services to individuals with disabilities, the City of Salem will be pleased to make necessary arrangements. To request services, please call the number listed below at least two working days (48 hours) in advance: COMMUNITY DEVELOPMENT: (503) 588-6173 TEXT TELEPHONE: (503) 588-6353

Equipment for the hearing impaired is available for loan at the Recording Secretary's desk





	FOR STAFF USE ONLY					
Ty N/ W/	PECEIVED BY BO YPE OF APPLICATION ASSOCIATION ARD NO N/NR NOTIFIED	POSTING NTC/AFFIDAVIT_COUNCIL PERSON Prach	RECEIPT NO. DATA MANAGEMENT S ZONE MAP NUMBER PRE-APPLICATION FILE	23 CYS		
II.	GENERAL DATA RE	QUIRED (to be completed by	the applicant):			
	Salem Heights Church c/o Phil Strom, Business Manager					
	(Names of Applicant for file identification) Bard and June Marshall (Bonni 3407 4th Ave. S Salem 97302 375 Madrona Avenue S 97302 503-588-0403			•		
	(Applicant's Current Mailing Address Include Zip)		(Day Time Phone & Fax Number)			
	375 Madrona Avenue S		_4.28 acres approx.			
	(Street Address or Loc	cation of Subject Property)	(Total Area of Subje Acres or Square Fee	•		
	Existing church, a	nd one single family house.	SFRES and MFRES	RM2 and RS		
	(Existing Use of Subje	ct Property)	(Comp Plan Designation)	(Zoning)		
	Expand the existing church building to provide increased seating capacity.					
	Owners Representa this application, if o	erty or Type of Development of Solive or Design Professional to ther than applicant. ADDRESS (INCLUDE ZII) ng Consultant 1720 Liberty	be contacted regard P) DAY TIME F	PHONE & FAX #		
m.	Property owners and application and mus capacity to and here	Y PROPERTY OWNERS (to be REQUIRED FOR URBAN SERVICE ARE CONTRACT purchasers are required to sign below. All signatures reby do authorize the filing of the libits herewith submitted are to NAME (PRINT OR TYPE)	EA AMENDMENT) uired to authorize the epresent that they ha his application and concert.	e filing of this ave full legal ertify that the		

May 2, Zier (Date)

SALEM, OREGON 97301 PHONE: 503-588-6256 FAX: 503-588-6005

TYPE OF APPLICATION (to be completed by the applicant)

Since this is a comprehensive application form, only those items related to your specific type of application are to be completed. Multiple issues one application except for combined Comprehensive Plan Change/Zone Change (75% of the total charges for an application with multiple issues decided by the same body)

Application fees include a non-refundable \$10 Permit Application Center processing/automation fee. NOTE:

COLUMN 1	COLUMN 2	COLUMN 3
FEE	Pursuant to the Salem Revised Code, application is made to the Planning	Number refers to additional data which must accompa-
	Division of the City of Salem for the following:	ny a particular application
	Indicate type of application(s) filed and include requested information.	(refer to number and
	indicate type of application(by mod and installed requestion	explanation on following
		page).
\$410*	ADJUSTMENT, ZONING From section(s)	1, 2, 4, 5, 8
\$360*	ADJUSTMENT, LOT LINE	13
\$2,130*	MOBILE HOME PARK	1, 2, 3, 4, 8, 19
(+\$3 per dwelling unit for	_ Total number of Mobile Home spaces to be created	
every unit in excess of 5)	CONDITIONAL USE	1, 2, 3, 4, 5, 8, 19
\$1,600*	ADMINISTRATIVE CONDITIONAL USE	1, 2, 3, 4, 5, 6, 14
\$1,335* No Charge	HISTORIC DESIGNATION	1, 2, 4, 5, 8
\$435*	GREENWAY DEVELOPMENT PERMIT	1, 2, 4, 5, 8, 19
\$2,660*	X COMPREHENSIVE PLAN CHANGE/ZONE CHANGE	1, 2, 3, 4, 5, 8
(Non-Residential or	Reclassifying the area from FRE designation to MFR designation.	
Residential)	Reclassifying the described property from a District to a RM	1
. 100/120/11.2./	Reclassifying the described property from a District to a Rivi	1
40 400* (N== D= 145-41-B	District. ZONE CHANGE	1, 2, 3, 4, 5, 8
\$2,130* (Non-Residential)	l - -	1 ., =, 0, ., 0, 0
\$1,600* (Residential)	Reclassifying the described property from a District to a	1
	District.	1, 2, 4, 5, 8, 19
\$1,335* (Non-Residential	_ VARIANCE	1, 2, 4, 0, 0, 10
or Residential)	From section(s) of the Salem Revised Code (SRC)	15
\$540*	STREET NAME CHANGES AND STREET NAMING	1, 2, 4, 7, 11
\$3,720* (+\$5 per acre for	_ ANNEXATION (Indicate requested zone district below)	[1, 2, 7, 1, 11
every acre in excess of 5)	_ ZONE CHANGE FOR ANNEXED AREA	
	Reclassifying the described property from a District in	1, 2, 3, 4, 5, 8, 11
	County to a District.	
	OR	No additional data required
	Waive the privilege of requesting a particular zoning classification for	140 additional data requires
	the area/properties petitioned for annexation.	
\$2,130* (Non-Residential	COMPREHENSIVE PLAN AMENDMENT	1, 2, 4, 5, 8
or Residential)	Reclassifying the area from designation to a designation.	
\$1,865* (+\$5 for every	_ UGA DEVELOPMENT PERMIT (SRC 66)	1, 2, 4, 10
acre in excess of 5)		
\$3,190* Outline Plan	_ PLANNED UNIT DEVELOPMENT	1, 2, 3, 4, 5, 8, 19
(+\$3 per unit for every unit	Total number of lots to be created.	
in excess of 5)		
\$540* Final Plan		
(+\$3 per unit for every unit		
in excess of 5)		1 1 2 2 4 6 0 10
\$2,660*	SUBDIVISION	1, 2, 3, 4, 6, 9, 19
(+\$5 per lot for every lot in		
excess of 5)	LAND DADTITIONING	1, 2, 3, 4, 6, 9, 19
\$1,070* (with/without	_ LAND PARTITIONING	1, 2, 3, 4, 0, 9, 19
Variances)		Dec 000 407
\$5,310* (+\$5 per lot in	_ EXPEDITED SUBDIVISION	Per ORS 197
excess of 5)	EVECUTED PARTITION	Per ORS 197
\$2,660*	EXPEDITED PARTITION	T EI ONG 191
A.454	_ DEVELOPMENT DESIGN REVIEW	1, 16
\$115*	Pre-application Conference Administrative Design Review	1, 2, 4, 8, 17
\$220*	Administrative Design Review Design Review	1 ., 2, ., 5,
\$435* \$2.510*	URBAN SERVICE AREA AMENDMENT	1, 10, 18
\$3,510*	TREE REGULATIONS	
\$190*	Single Family and Duplex - Building Permits	8, 19
\$190*	All Other Building Permits	8, 19
\$190*	Conditional Use Permit	8, 19
\$190*	Greenway Permit	8, 19
\$445*	Manufactured Dwelling Park	8, 19
\$310*	Partition	8, 19
\$445*	Planned Unit Development	8, 19
\$445*	Subdivision	8, 19
\$190*	Zoning Variance	8, 19
\$155*	Hazard/Diseased Trees	8, 20
	Variances from Tree Regulations	
\$410*	Appeal of Planning Administrator Decision	

JEFFREY R. TROSS Land Planning and Development Consultant 1720 Liberty St. S.E., Salem, Oregon 97302 (503) 370-8704

APPLICANT'S STATEMENT FOR SALEM HEIGHTS CHURCH COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE FOR AUDITORIUM EXPANSION

BACKGROUND

Property Location and Characteristics

The Salem Heights Church is located at 375 Madrona Avenue S, which is the north side of Madrona Avenue just west of Liberty Road S. The Church has been at this location since 1962. The church occupies a parcel of 3.6 acres, which is identified as Tax Lot 7800 on Marion County Assessor's map T8S R3W Section 04AD. As shown on the Assessor's map the property extends from the Madrona Avenue frontage approximately 660' to the north.

The Church is situated in between a public school on the east, and residential neighborhoods to the north, west and south. Salem Heights Elementary School is located at the northwest corner of Liberty and Madrona, and adjoins the east border of the Church property. Single-family residential neighborhoods zoned RS are located to the north, west and southwest of the church property, while a small enclave of older apartment buildings zoned RM2 is situated between the southern boundary of the church property and the north side of Madrona.

The main driveway access to the church is from Madrona Avenue, which is designated as a Minor Arterial by the Salem Transportation System Plan (STSP). Although it borders residential areas, the church property has only indirect and accessory access to the adjoining neighborhoods. The far north end of the church property is a 40' wide driveway strip that serves as an accessory access to Winola Avenue. This driveway is normally closed off by a cable, and is only used on Sundays to accommodate traffic leaving services. At all other times all access is limited to the Madrona driveway.

The Church ownership includes three other adjacent, small parcels, which are single-family residential sites that are not currently in use as a part of the church. A tract made up of Tax Lots 7500, 7600, and 7700 is the site of one single family home. This property has a gated access to the main church property along its east line. It has no street frontage, but obtains access to Winola Ave. through the use of the accessory driveway at the north end of the church property. The Church also owns Tax Lots 2100 and 2200, which are located in between the east side of Winola and the west line of the Church property.

The Church property is divided between two land use categories. The southern part of the property, from Madrona Avenue north approximately 260', is designated *Multi-family Residential* on the Comprehensive Plan map and is zoned RM2. The zoning for this part

of the property corresponds to the RM area that is adjacent on the west. The rest of the property is designated *Single Family Residential* on the Comp Plan map, and it is zoned RS. The existing church building is situated within the part of the property that is zoned RS.

Since the time it was established the Church has had to add to its facilities in order to accommodate increases in its membership, and to expand the types of programs and activities that it offers to the congregation. The last facility expansion was in 1995, when the current classrooms were added. The seating capacity of the largest space in the existing facility is currently 325, which makes it consistent with the development standards for religious institutions in the RS zone, as provided for in SRC Chapter 119, Table 119-1. The RS zone provides for a maximum seating capacity of 375.

The existing church consists of a single building located along the east side of the property. The building occupies a ground surface "footprint" of 12,493 s.f., and with the second floor of 3,215 s.f. contains a total of 15,708 s.f. The open area to the north, south, and west of the building is used as parking area. The building is \sim 150' from the north property line, \sim 170' from the west line, and \sim 350' from the south line along the Madrona frontage. The parking areas provide a substantial separation between the building and the bordering properties.

The Proposal

Due to continued growth in membership the Church finds that it is again necessary to expand its facilities. The existing sanctuary space is now too small to accommodate the congregation at Sunday services, with the result that two services must be held at separate times. This prevents the congregation from gathering as one, and puts additional burdens on the staff.

To remedy this situation the Church proposes to expand the existing building and add a new multi-purpose auditorium with a seating capacity of approximately 780. This requires a location in the RM zone. Because the property is currently split-zoned, the more restrictive provisions of the RS zone apply. The maximum seating capacity allowed in the RS zone is 375 (Table 119-1). Therefore, in order to expand the seating capacity of its facility, Salem Heights Church requests a Comp Plan Amendment and Zone Change for the portion of the property that is designated *Single-family Residential* and RS, to *Multifamily Residential* and RM2. This request includes Tax Lot 7800, the existing

church site; and the tract composed of Tax Lots 7500-7600-7700. (Tax Lot 7800 will include the eastern 68' of Tax Lots 2100 and 2200, as a result of a recent Lot Line Adjustment procedure.)

The proposed building expansion is shown on the preliminary site plan that accompanies this application. As shown on the site plan the addition is planned to expand the building to the south, along the east line of the property. This will maintain the relationship of the structure within the property and keep it a maximum distance from the residential properties to the west. By extending the existing building to the south a building entry will be located closer to the Madrona Avenue frontage, where it will be more accessible to pedestrians and transit users. The existing building is ~350' from Madrona, and the new building will be within ~200'.

The proposed addition will add a total of 22,062 s.f. to the existing building. The ground-floor area of the addition is planned to be 15,662. With the existing building, this will increase the overall building footprint to 28,155 s.f., or approximately 17.6% of the lot area. Even with the proposed addition, the building density on the property remains low.

The property has no physical characteristics that limit its use for the proposed addition.

In addition to requiring RM zoning, in order to qualify for the expanded seating capacity as proposed the subject site must have a minimum of 250' of frontage on an arterial street (Table 119-1). By ownership, the Church frontage along Madrona is 162'. However, the Church and the adjoining school have a "joint parking agreement" which allows them to use parking spaces on each others properties. This arrangement serves to solve the peak parking demand requirements of both uses, without either having occupy land or expend financial resources to build additional parking lots. This cooperative arrangement has worked to the benefit of both parties. This agreement has also been recognized by the Planning Commission, through a Site Specific Code Interpretation of October 1, 1996, as establishing the Church frontage along Madrona as meeting the 250' requirement for functional purposes. Based on that interpretation the Church property meets the frontage qualification for the proposed expanded seating capacity.

As a result of the joint parking agreement with the school no additional parking area will be required by the proposed building addition. For 780 seats, a minimum of 156 spaces

are required (1 per 5 seats, SRC Table 133-1, 21.A) and a maximum of 273 spaces can be allowed (140 x 1.75). With the existing on-site parking and the shared parking area on the school grounds, there will be a total of 245 spaces available for church use.

Surrounding Neighborhood Characteristics

The Madrona-Liberty intersection is a commercial and community activity center along the Liberty Road S corridor. Community activities around the intersection include the school, the church, and the Salem Heights Hall, located at the southwest corner, which is used for variety of social activities. Commercial activities around the intersection consist of professional offices and a variety of retail and service uses, which include a convenience market, hair salon, and brew pub, among others.

Zoning around the intersection reflects the various uses. Salem Heights School is zoned PE. The offices in the northeast quadrant of the intersection are zoned CO, and the mix of office, service and retail uses in the southeast and southwest quadrants are zoned CR with the exception of the Salem Heights Hall, which is a .1 acre (4356 s.f.) parcel zoned CO. As noted earlier, beyond the church to the north and west lie extensive residential areas. These areas are zoned RS. The area immediately south of the church is zoned RM2, and RM zoning borders Liberty Road to the north and south of the Madrona intersection.

The various activities around the intersection are supported by the two streets that make up the major elements of the local transportation system. As noted, the STSP classifies Madrona as a Minor Arterial, and Liberty Road is designated as a Major Arterial. All of the community and commercial uses around the intersection have access from one of these two streets. Both streets also provide connections to other neighborhoods and other major transportation routes. Madrona is a main route into the extensive residential neighborhood to the west, and provides a link to Commercial St. SE which is about a half mile to the east. Liberty Road is a major north-south route through south Salem, and at its northern terminus connects with South Commercial St. for a direct route to the city center.

Both Liberty and Madrona are public transit routes, and both are suitable as bike routes that provide connection to residential areas and other parts of the community. There are sidewalks along Madrona and along Liberty in this area.

The area around the subject site is fully developed with a variety of urban density activities. The church is part of the established land use pattern of this area. The proposed building expansion will take place within the existing church property. The proposed expansion makes efficient use of the site, and is in keeping with its size and dimensions. The location of the addition maintains the relationship of the church building to the uses and activities on adjacent lands. For these reasons, the existing land use pattern will not be altered or significantly affected by the proposed building expansion. In addition, the proposed building expansion will improve the proximity of the building to pedestrian and transit facilities.

CRITERIA AND FINDINGS

Salem Area Comprehensive Plan (SACP)

Proposals to amend the Comp Plan map designation are reviewed according to the criteria of SRC 64.090(b)(1-6). (1)(A) or (B), or (2)(A) or (B) may apply, as well as (3) to (6).

This proposal addresses (1)(a) and (b), as follows:

- (1) A lack of appropriately designated suitable alternative sites within the vicinity for the proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the following:
- (a) size: Suitability of the size of the alternative site to accommodate the proposed use;
- (b) location: Suitability of the location of the alternate sites to permit the proposed use;

The existing church is located within a fully developed part of the urban area. Surrounding properties are developed with urban-density residential, commercial, and public land uses. The purpose of this proposal is to expand the seating capacity of the existing facility, from 325 to 780, by expanding the existing building. All of the other existing facilities, such as classrooms and offices, will remain in place for continued use. Therefore, the proposal is for an "expansion in place", which will result in more efficient use of an established church facility through infill on the existing site. Since the proposal is to expand an existing facility a "suitable alternative site" would be one that is not only appropriately designated, but which also provides an existing building with the same level of facilities as exists at the subject site and which is suitable for expansion, and which has sufficient area to provide for the additional building area, required parking, and other required property development features.

Furthermore, because of the special development standards of the Zone Code that apply to churches, in this case an "appropriately designated" alternative site is one that requires more than just a land use designation that provides for the size of the church that is proposed. An appropriate alternative site must also meet the special locational conditions of Table 119-1 that are required as prerequisites to allow the size of the church that is proposed.

In order to determine whether any "appropriately designated suitable alternative sites" exist, a surrounding "vicinity" of a one-mile radius from the subject property was examined. The one-mile radius vicinity from the subject site is shown on the "Alternate

Sites Vicinity" map that accompanies this application. For reference purposes, the following landmarks are located on or near the outer edge of the one-mile radius:

- -On the north, Hoyt St. SE, McKinley, School, City View Cemetery.
- -On the west, South River Road and Croisen Creek Road.
- -On the east, 12th St. SE and Morningside School.
- -On the south, Sunnyslope Shopping Center.

Within this one-mile radius, the zones that would allow for the church as proposed include RM, CO, CR, and CG. RM, CO and CR zoning is found along Liberty Road S, and all of these zones are found along Commercial St. SE. RM zoning is also found between Madrona Avenue and Salem Heights Avenue, between Liberty and Commercial.

Within the one-mile vicinity, all of the areas where these zoned are located are intensively developed with residential and commercial uses. There are no appropriately designated sites within this area that are suitable for the proposed church expansion, considering size or location. Because the evidence shows that there are no appropriately designated suitable alternative sites, based on their ability to accommodate the proposed church expansion, this criteria is satisfied.

(3) The proposed Plan change considers and accommodates as closely as possible all applicable Statewide Planning Goals.

The following Statewide Planning Goals apply to this proposal:

GOAL 1 - CITIZEN INVOLVEMENT

This application will be reviewed according to the public review process established by the City of Salem. Notice of the proposal will be provided to surrounding property owners, public agencies, published in the newspaper, and posted on the property. The mailed and published notice will describe the nature of the request and the applicable criteria that apply. 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 hearings, 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 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 ordinances, as well as the Statewide Planning Goals. A description of the proposal in relation to the applicable Comp Plan goals and policies, the Comp Plan Change criteria, the Zone Change considerations, and the Statewide Planning Goals, is a part of this report. Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change and Zone Change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposal is to expand a building on an existing developed site. The building addition will be served by City sewer, water, and storm drainage facilities. These services are already in place on the property and serve the existing building. The site is within a developed area and services are provided at adequate capacities to serve the proposed expansion project. Waste water will be discharged into the City's sewer system, and surface water runoff will be collected and removed by the City's storm drainage system. The City is responsible for assuring that treated wastewater discharges meet the applicable standards for environmental quality. Through the use of these public facilities water quality will be protected. There will be no withdrawal of subsurface groundwater resources.

The proposed building expansion will not impact air quality. The major impact on air quality in the immediate vicinity is vehicle traffic along the nearby arterial streets. The expansion of the church building will not in itself generate additional traffic. Since the expanded sanctuary will be able to accommodate the congregation at one instead of two services, the traffic volumes generated by the Church will occur at different times from the present. However, Church services take place on Sunday mornings when traffic loads are generally light, so Church traffic will not have a significant effect on total vehicle emissions occurring in the area. In addition, the Church is located along a transit route and is accessible by bicycle, and these transportation modes can decrease vehicle usage from this project with a corresponding decrease in vehicle emissions.

For these reasons, the proposed development will create no significant adverse impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards have been identified that are specific to this site, or which would prevent the proposed use.

GOAL 10 - HOUSING

Although the subject site is currently zoned RS and RM it is developed as a church. There is no housing on parcel 7800, the location of the existing church facility and the site of the proposed addition. No housing will be removed by the proposed building addition. Because the site is developed for use as a church, no future housing opportunities will be lost as a result of this proposal. There is one single-family dwelling on parcel 7500, and this structure will remain in residential use for the near term. In the future it may be converted into church offices or meeting space, in which case one dwelling unit will be removed from the city inventory. The subject site lies at the edge of an extensive single-family residential area, however, in which a wide variety of single-family homes are present. The homes in the area exhibit variety in terms of their size and cost. The possible future removal of one dwelling from the range of single-family homes that are present in this area will have no discernible effect on the ability to provide housing for a variety of income levels in this area or in the community. For these reasons, the proposal does not conflict with this Goal

GOAL 11 - PUBLIC FACILITIES AND SERVICES

All necessary public services and facilities are provided to this property and will be installed as needed in the proposed building addition. The City will determine the need for any additional services in keeping with adopted design standards and engineering practices in effect at the time building permits are requested.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. These systems have adequate capacity to serve this proposed use. The service needs of the building addition will be reviewed by the City prior to construction, and the service requirements will be specified when construction permits are issued. By providing the necessary public service facilities for the proposed use, the requirements of this Goal will be met.

GOAL 12 - TRANSPORTATION

The subject site has existing access to Madrona Avenue, a minor arterial, and is just west of Liberty Road S, a major arterial. The site access drive is approximately 500' west of

the Liberty intersection, which is an appropriate distance for safe and efficient access. The intersection is controlled by a traffic signal. Liberty Road provides a direct route north to the city center, and to the extensive residential areas to the south. Madrona provides a link to Commercial St. SE about a half mile to the east, and to the residential areas to the west. Both Liberty and Madrona are transit routes and bike routes, and both have sidewalks. The location of the site along these arterial routes enhances the opportunity for use of public transit or other non-motorized forms of transportation. In addition, the accessory access to Winola Avenue at the north end of the site can serve especially well as an access for pedestrians and bicycles.

The proposed project will have little or no effect upon the local street connectivity policies of the STSP, or on the provisions of the State TPR. No new streets are intended or required by the project, no existing streets will be changed, and the circulation pattern within the neighborhood will not change. The existing street system is adequate to provide for the proposed use. Traffic from the project will not cause a Level of Service (LOS) to fall below acceptable levels, exceed the capacity of a street or intersection, or cause a change in a functional classification of any street. The location of the property near existing arterials, transit routes and bike routes encourages alternatives to the use of private vehicles and provides the opportunity to reduce the vehicle miles traveled within the community. A pedestrian access will be provided to link the front of the new building and Madrona Avenue. These factors make the proposal consistent with the requirements of the STSP and the Transportation Planning Rule. For these reasons, the requirements of this Goal are satisfied.

GOAL 13 - ENERGY CONSERVATION

The property is located in a developed part of the urban area. The transportation system in this area makes access to the property direct, efficient and convenient. Public transit is available to site, as is pedestrian access and bicycle routes. All new construction will be required to meet the energy conservation codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation, and it will be energy efficient.

GOAL 14 - URBANIZATION

The project will expand an existing use in place, and make use of urban land that is provided with the necessary public facilities and services. Continued development on this site will contribute to maintaining community services within a compact and efficient

pattern of urban use. The proposal does not affect the size or location of the Urban Growth Boundary. For these reasons, the proposal conforms to the Urbanization Goal.

Considering the facts and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals, and this criterion is satisfied.

(4) The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the Plan map.

The subject property is one of the community and commercial activities that are centered around the Liberty and Madrona intersection. The land use pattern around the subject property includes residential areas to the north, west and south, a public school on the east, and commercial uses in the other quadrants of the intersection. The property serves as buffer between the residential areas to the west and the Liberty Road corridor to the east.

The purpose of the request to change the Plan map designation is to accommodate the growth of the church congregation, by providing for additional seating in a larger auditorium. This will be done through an addition to the existing church building. The building expansion will occur entirely within the existing property, and will expand the existing building to the south, along the east property line. The use of the property will not change, and there will be little affect on the relationship of the building to the surrounding land use pattern. The proposal will not affect the pattern or density of residential use at this location because the proposal is not for residential development.

The proposed change is logical with the land use pattern of the area because it utilizes vacant land within the Church property, and expands the existing building in place. No additional parking is required, due to the agreement for the use of the parking lot on the adjacent school property. This results in efficient use of the available ground and the existing utility services, and minimization of pavement. The proposed use does not remove or affect any existing residential structures.

The proposed change is harmonious with the land use pattern of the area because it maintains the existing use, it maintains the relationship among the various land uses, it does not affect the residential density in the area, and it does not affect the pattern of streets or circulation in the area.

For these reasons, the proposed change is logical and harmonious with the land use pattern for the greater area as shown on the Plan map, and this criterion is satisfied.

(5) The proposed change conforms to all criteria imposed by the applicable goals and policies of the Comp Plan in light of its intent statements:

The following sections of the Salem Area Comprehensive Plan (SACP) apply to this proposal:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: As stated in this section, the intent of the Comp Plan map is to project the goal of the most desirable pattern of land use in the Salem area, taking into account various factors such as the transportation system, location of public facilities, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment. To ensure that the anticipated urban land use needs are met, the Plan map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed.

The Plan describes the chosen method of meeting this commitment as through the phased provision of land for various uses over time, through annexation and rezoning in response to demand for specific land uses. This method recognizes the need to remain responsive to changing and evolving land demands within the context of plan policies and implementing measures. The intent of this approach is to retain flexibility in order to remain responsive to changing conditions, and to recognize the legitimacy of existing zoning and plan implementation. The Plan recognizes that land use and zoning are expected to change as conditions change.

This proposal involves a request for rezoning to accommodate the needs of a specific, existing land use. The proposal is a response to conditions that have changed, yet the proposed use remains consistent with the neighborhood pattern. The existing Plan map designation provides for the existing church, up to a maximum seating capacity of 375. The Church now needs a seating capacity of 780. Under the provisions of SRC Table 119-1, the mechanism for allowing an increase in the seating capacity is to change the land use designation. In this case, the most reasonable land use designation that provides for the increase in seating capacity is *Multifamily*, with a corresponding RM zone category. This will also be the most compatible designation with regards to the existing land use pattern of the area.

By proposing a change in the Plan map designation to allow for an increase in the seating capacity of the existing church through a building addition that will occupy available ground within the existing church site, the proposal is consistent with the intent of the Plan to provide flexibility in response to changing conditions and demands which will help meet the current needs of the people.

3. Plan Map Designations

a. Residential: The *Multifamily Residential* designation is applied in areas that are currently developed or served by public facilities and suitable for development. This designation also accommodates the need for residential support facilities and services, such as churches, located in proximity to living areas. The Plan states the intent to allow these support facilities provided their location, design and maintenance are compatible with a residential environment.

The stated intent of the residential designations includes:

- (c) To provide and maintain an overall land use pattern in the urban area that is consistent with the service capabilities of the jurisdictions: Expanding the church on its existing site will maintain the land use pattern at a location that is already provided with services.
- (f) To stabilize and protect the essential characteristics of residential environments, including natural features: The Church has been at this location since 1962, and it is a part of the existing neighborhood character. Maintaining the church at this location will stabilize and protect the existing residential environment, and the local land use pattern.

This proposal involves an existing church that has been a part of the neighborhood environment since 1962. The church is located at the edge of an extensive residential neighborhood. The proposed building addition will expand the existing building and maintain the relationship of the facility to the neighborhood. The proposal meets all of the qualifications that are presented here for consistency with the intent of the Plan designation.

IV. Salem Urban Area Goals and Policies

B. General Development Goal: To insure that future decisions concerning the use of land within the Salem urban area are consistent with the State Land Use Goals. The proposal has been described in relation to the applicable State Land Use Goals, and the proposal has been shown to be consistent with the Goals.

Policies:

- 6. Carrying Capacity: The project will meet all applicable local, state and federal standards through the provision and use of public utility services.
- 7. Optimal Use of the Land: The proposed building addition will utilize land within the existing church property. No land that is available for or currently in residential use will be affected. The proposed addition will make more efficient use of the available ground and the public services that are already provided to this site. The proposal is appropriate for the location, considering the surrounding public and commercial uses and the arterial street system. The site has no physical limitations that will affect the proposed use, and the building addition will have no adverse effects upon the natural terrain, watercourses, or the potential for erosion or soil conditions. As a result, the project as planned will serve to optimize the use of land at this site.

C. Urban Growth Policies

4. Infill: Continued development of this site will improve the efficient use of urban land and the existing public services. The proposed building expansion is consistent with the intent of this policy to make maximum use of serviced urban land prior to conversion of urbanizeable land to urban uses. The project constitutes infill on serviced urban land, as encouraged by this policy.

D. Growth Management Policies

- 6. Infill Development: The proposal will make use of the available land area within the existing church site. There are no specific environmental features to consider in this case. All necessary public services exist on the site and are available to support the proposed use. The site is served by the existing arterial street system and no new streets are needed to serve the proposed use. No other public facilities are needed. The proposal conforms to this policy by infilling on existing, serviced land within a developed area.
- 9. Infill on Facilities: The necessary public facilities and services are in place on this property, and only the normal extensions into the new building will be needed. As a result, the project will result in the least costs to the public, as required by this policy.

E. Residential Development

Goal: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.

The request to change the Plan map designation does not involve new residential development. The change in the residential designation is requested in order to allow an increase in the seating capacity of the church auditorium. The change in the Plan map designation is needed in order to conform to the requirements of the special development standards of SRC Table 119-1. No existing housing or future housing opportunities will be affected by the change in the Plan map designation for the Church property. The request will not affect the location or density of housing in the area or in the city. For these reasons, the proposal is not directly related to the Residential Development Goal and the Goal is not affected by the proposal.

The following Residential Development Policies apply to this proposal:

- 2. Residential uses and neighborhood facilities and services shall be located to:
- a. Accommodate pedestrian, bicycle and vehicle access;

The site accommodates all modes of transportation that are available in the city. The site has direct frontage and access onto Madrona Avenue, a minor arterial. Liberty Road, a major arterial, is 500' to the east. Access to the property by vehicles and bicycles is direct and efficient, the street is a transit route, and sidewalks are provided along the street frontage. The proposed building addition will include an improved link to the street frontage for pedestrians. For these reasons the location accommodates pedestrian, bicycle and vehicle access.

b. Accommodate population growth

The expanded seating capacity in the auditorium is needed in order to accommodate the growth of the congregation.

c. Avoid unnecessary duplication of utilities, facilities and services.

Expanding the existing use on the site will utilize the existing public utilities, facilities and services avoids their unnecessary duplication.

d. Avoid existing nuisances and hazards to residents.

There are no identified nuisances or hazards to residents at this location.

3. City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

The Church property currently presents a low level of development. Expanding the existing building will make use of underutilized land within the site, while maintaining a low development density. With the proposed addition the building coverage will be only 17.6%. The Church has been at this location since 1962, and expanding the Church will serve to maintain the stability of the neighborhood.

7. Neighborhood circulation system

The subject site is served by the existing transportation system and no additions or revisions to the street system are needed. The site has direct access to a minor arterial. The existing street system that serves the area provides for all modes of transportation, and it is therefore consistent with this policy directive.

8. Residential areas shall be protected from more intensive land use activity in abutting zones.

The type of use on the site will not change from the present. Although the building will be expanded, the level of activity will not significantly increase. The expanded auditorium will allow the congregation to gather at once, instead of at two or more sessions. The site will retain a residential designation that is in keeping with the character of the neighborhood.

For the reasons and factors cited, the proposal is consistent with the Residential Development Policies that are applicable to neighborhood support services.

(6) The proposed change benefits the public.

The proposed change will benefit the public by providing for the needs of the Church Congregation. In order to meet the needs of the Congregation the Church must expand its auditorium. This could take place at the existing site, or require moving to a new location. There are no sites within the vicinity that can accommodate the facilities that are needed by the Congregation, and a new site would likely be in an outlying area. Relocating the Church to an outlying area would be contrary to City policies to promote infill on existing, serviced property, to utilize the existing public infrastructure, to maintain neighborhood support facilities, and to promote the stability of existing neighborhoods. Expanding the existing building is consistent with all of these policy considerations. For these reasons,

the proposed change in the Plan map designation to allow an increase in the seating capacity of the auditorium will benefit the public.

There are no appropriately designated suitable alternative sites in the vicinity of the subject property. The proposal does not affect the inventory of residential land, or affect the housing inventory of the community. The proposed use will not affect the transportation system that serves the area, and it will be accessible by all forms of transportation that are available at this location. The proposal is consistent with the Statewide Planning Goals. The project will make use of underutilized land that is already provided with the necessary public utilities and services. By maintaining the existing use the proposal will contribute to the stability of the neighborhood and the existing land use pattern. By using available ground within the site and expanding the existing building the proposal is logical and harmonious with the land use pattern of the area. Maintaining the use at this location benefits the public that uses the facility. For these reasons and the factors and circumstances discussed above, the criteria for a Comp Plan Change are satisfied.

Zone Change Considerations

The intent and purpose of zone changes is described in SRC 113.100(a). 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. Because of this, the City has found it is generally inappropriate to make site-specific legislative decisions regarding zoning of undeveloped property in anticipation of future needs, and the zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

SRC 114.160(c) provides the following factors which are to be reviewed and addressed, where relevant, when considering a zone change:

(1) Existence of a Mistake in the Land Use Plan:

The property is currently zoned RS and RM. Churches are subject to the special development standards of SRC Table 119-1. For the purpose of determining the development standards that apply in this case, the more restrictive provisions under the RS zone apply. The church is permitted under the existing RS zone, but the seating capacity is limited to the provisions of Table 119-1 that apply under the RS zone. The Church now

needs to expand its seating capacity beyond the limits imposed by the RS zone. A change to the RM zone is the mechanism by which the seating capacity can be expanded.

Since the RS zone provides for the existing church the land use plan is not in error. The zone change to RM2 is proposed in order to allow an increase in the maximum seating capacity by expanding the existing building. A mistake is the land use plan is not alleged, and this consideration is not relevant in this case.

- (2) Change in the Neighborhood Patterns, and
- (3) Change in the Character of the Neighborhood:

These considerations are closely related, and under the circumstances of this case are best considered together.

The Church is located in a fully developed, mature neighborhood. The Church has been a part of the pattern and character of the neighborhood since 1962. The Church predates many of the existing buildings and uses in the area, such as the office buildings located around the Liberty-Madrona intersection and the Hidden Lakes retirement complex. The Church property has room for the proposed building expansion, and no additional land has had to be acquired by the Church in order to accommodate an enlarged auditorium. No other uses in the area will be changed or displaced by the proposed use, so the pattern of the neighborhood will not be affected. The use of the subject property will not change, so the character of the neighborhood will not be affected. No public facilities will be affected by the proposed building addition. The proposal will maintain the existing pattern and character of the neighborhood.

(4) Effect on the Neighborhood, the Property and Public Facilities:

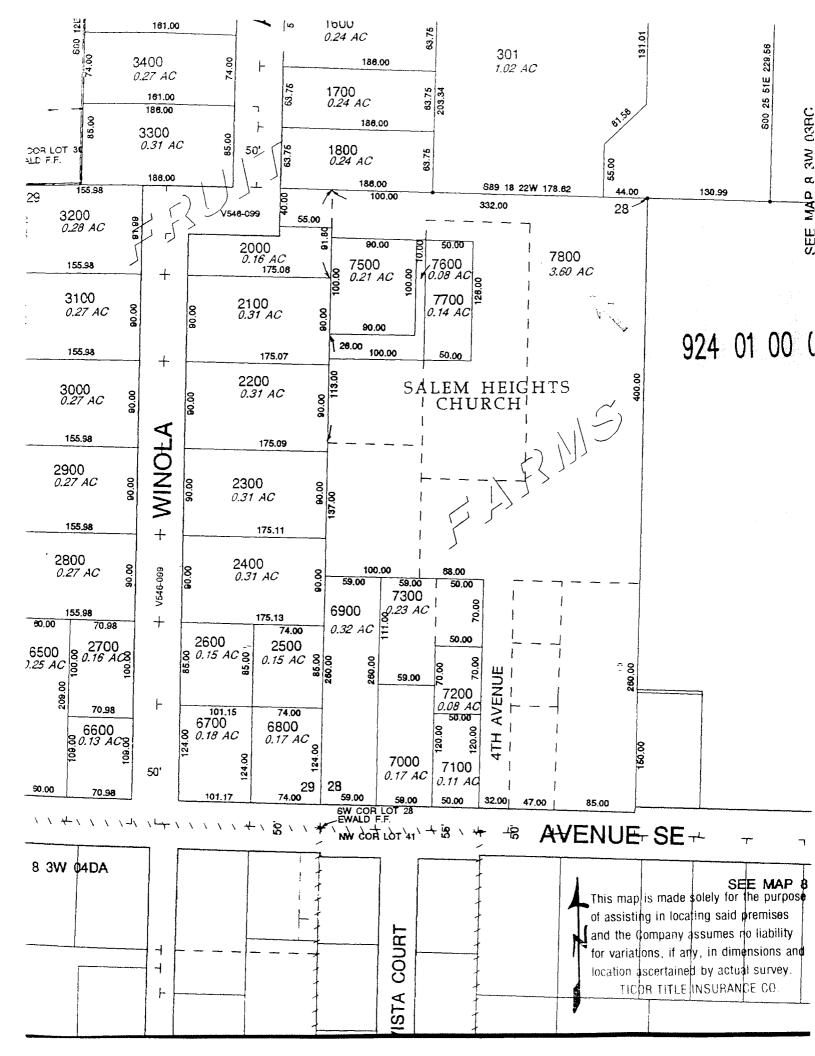
As discussed above, the proposed expansion of the existing church will have no significant effect on the neighborhood. The proposed expansion will occur within the existing Church property, and no other land will be altered or used. No new uses will be introduced to the neighborhood. The effect on the property will be to increase the percentage that is covered by the building. The total lot coverage will increase to 17.6%, which remains a very low building density. The addition will be located on existing vacant space, so the proposed addition will fill in underutilized land within the property. All necessary public facilities are in place and available to serve the proposed use, and the use will not exceed the capacity of any public facilities. For these reasons, the proposal will have no significant effects on the neighborhood, the property, or public facilities.

(5) Public Health, Safety and Welfare:

The proposal has no direct bearing on issues involving the public health, safety or welfare. The proposal expands the existing church building. Public health will be provided for through the use of City sewer, water, and storm drainage facilities. Public safety is addressed by maintaining the existing driveway location onto Madrona. The public welfare is addressed by maintaining the Church at a location that is accessible by multiple forms of public and private, motorized and non-motorized transportation. The proposed use will create no impacts that would be detrimental to the public health, safety or welfare.

Based on the reasons presented, and the facts and circumstances that apply to this site and to this area, the proposal addresses the relevant zone change considerations and qualifies for the requested zone change.

The property is suitable for the proposed use in terms of its size, location, existing use, the character and pattern of the neighborhood, the available public facilities and services, and the transportation system. The RM2 zone is needed in order to allow for the proposed seating capacity. The proposal does not change the existing land use pattern of the area, or introduce a new use to the neighborhood. The location of the proposed building addition will maintain the relationship of the church to the surrounding land uses. Access to the property will not change. For the reasons, facts, and evidence presented, the proposed Plan and Zone Change satisfies the applicable goals and policies of the Comp Plan and the criteria for a Plan and Zone Change.



PAGE

M TICOR TITLE INSURANCE REEL

STATUTORY WARRANTY DEED

SALEM HEIGHTS CHURCH OF SALEM, OREGON, which acquired title as Salem Heights Baptist Church of Salem

and warrants to SALEM HEIGHTS CHURCH OF SALEM, OREGON, a non-profit corporation Grantor, conveys

Grantee, the following described real property free of encumbrances except as specifically set forth herein situated in MARION County, Oregon to wit:

SEE ATTACHED LEGAL DESCRIPTION

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TICOR

THIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY DESCRIBED IN THIS INSTRUMENT IN VIO-LATION OF APPLICABLE LAND USE LAWS AND REGULATIONS. BEFORE SIGNING OR ACCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE TITLE TO THIS PROPERTY SHOULD THE APPRO-PRIATE CITY OR COUNTY PLANNING DEPARTMENT TO VERIFY APPROVED USES A TO DETERMINE ANY LIVITS ON LAWSUITS AGAINST FARMING OR FOREST PRACTICES AS DEFINED IN JR. 30.930. Property is free of encumbrances except easements of record

GRANTER

The true consideration for this conveyance is \$ none Dated this lithday of

19 95 SALEM HEIGHTS CHUPCH OF SALEM, OREGON July BY:

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State of Oregon, County of The foregoing instrument was acknowledged before . A day of 19 by

> CEFICIAL SEAL PATRICIA FISCHER OTARY PUBLIC - CRESON OMMISSION NO 199312 NAY OCCUPATION ON EXPRISES JAN 13, 1000

State of Oregon, County of Marion The foregoing instrument was acknowledged before me this _//_ day of _July 19 95by Dean E. Mattson

Por denovani Sec/Director of Administration Decoepasyout Salem Heights Church of

Salem , a Oregon corporation, on behalf of the corporation.

WARRANTY DEED

This Space Reserved for Recorder's Use

Until a change is requested, all tax statements shall be sent to the following address

Salem Heights Church of Salem 375 Madrona Ave S Salem, OR 97302

Escrow No 232328

Title No

After recording return to

Same as above

Inco Form No. 137 Statutory Warranty Deed 8/85

The Southerly 65 feet of the following described tract of land: Beginning at a point which is Westerly along the Southerly line 132 feet and Northerly parallel with the Eas.erly line 130 feet from the Southeast corner of Lot 28, EWALD FRUIT FARMS, in Marion County, Oregon; thence Northerly and parallel with the Easterly line of said Lot, 130 feet; thence Easterly and parallel with the Southerly line of said Lot, 51 feet to the Northwest corner of premises conveyed to William R. Davenport and wife, by Deed recribed in Volume 404, Page 525, Deed Records for Marion County, Oregon; thence Southerly along the Westerly line of said Davenport tract 130 feet; thence Westerly and parallel with the Southerly line of said Lot, 49 feet, more or less, to the place of beginning.

ALSO: The following roadway easement over and across: Beginning at a point on the South line of Lot 28, EWALD FRUIT FARMS, Marion County, Oregon, at a point which is 168.0 feet Easterly from the Southwest corner of said Lot; thence North 0° 05' East parallel with the West line of said Lot, 260.0 feet; thence East parallel with the South line of said Lot, 30 feet; thence South 0° 03' West parallel with the West line of said Lot, 260.0 feet to the South line of said Lot; thence West 30.0 feet to the place of beginning.

PERCEL II

Beginning at a point on the Southerly line of Lot 28, EWALD FRUIT FARMS, Marion County, Oregon, which is 85 feet Westerly from the Southeast corner of said Lot; said point being the Southwest corner of that certain tract of land conveyed to William R. Davenport, et ux, by Deed recorded in Volume 404, Page 525, Deed Records for Marion County, Oregon; thence Westerly along the Southerly line of said Lot, 47 feet; thence Northerly and parallel with the Easterly line of said Lot, 130 feet; thence Easterly and parallel with the Southerly line of said Lot 49 feet, more of less, to the Westerly line of said Davenport tract; thence Southerly along said Davenport's West line, 130 feet to the place of beginning.

PARCEL III

Beginning at the Southeast corner of Lot 28, EWALD FRUIT FARMS, in Marion County, Oregon, as shown by the duly recorded Plat thereof at Volume 3, Page 84, Record of Town Plats of Marion County, Oregon; thence North along the East side of said Lot, 260.00 feet; thence West and parallel with the South line of said Lot, 81 feet; thence Southerly to the South line of said Lot to a point 85 feet West of the Southeast corner of said Lot; thence East along the South line of said Lot to the place of beginning.

SAVE AND EXCEPT

That portion conveyed to Marion County, Oregon by Deed recorded October 9, 1962 in Book 564, Page 508, Deed Records for Marion County, Oregon.

PARCEL IV

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Beginning at the Northwest corner of Lot 28, EWALD FRUIT FARMS, in Marion County, Oregon, thence East along the North line 330 feet to the Northeast corner thereof; therce South 400 feet; thence West parallel with the North line of said Lot, 132 feet to the Northwest corner of that tract conveyed to Frank W. Steuer by Deed recorded October 16, 1970 in Book 692, Page 440, Deed Records; thence South 0°03' West 235 feet to the North line of Madrona Avenue as conveyed to Marion County by Deed recorded October 26, 1962 in Book 565, Page 120, Deed Records; thence West along the North line of Madrona Avenue 30 feet to the East line of that tract conveyed to R.A. Peters, et ux, by Deed recorded February 21, 1956, in Book 485, Page 34, Deed Records; thence North 0°03' East 235 feet to the Northeast corner of that tract conveyed to Clifford T. Jones, et ux, by Deed recorded July 19, 1965, in Book 604, Page 93, Deed Records; thence West parallel with the South line of said Lot 28 a distance of 68 feet, more of

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of said Lot; thence North along said West line 113 feet, more or less, to the Southwest corner of that tract conveyed to James E. Preuit, et ux, by Deed recorded August 19, 1970 in Book 689, Page 445, Deed Records; thence East along the South line of said Preuit tract, 90 feet; thence North along the East line of said Prueit tract, 100 feet; thence West along the North line of said Pruueit tract, 90 feet, thence North along the West line of said Lot 28, a distance of 10 feet to the Southeast corner of that tract conveyed to Salem Heights Baptist Church by Deed recorded January 26, 1966, in Book 612, Page 348, Deed Records; thence West along the South line of said tract, 55 feet to the East line of Wicola Avanue; thence North along said East line, 40 feet to the Northwest corner of said tract; thence East along the North line of said Chruch tract, 55 feet to the place of beginning.

SAVE AND EXCEPT: Beginning at a point on the West line of Lot 28, of EWALD FRUIT FARMS, in Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon, said point being 150 feet South of the Northwest corner of said Lot 28, thence South along the West line of said Lot, 26 feet; thence East parallel to the North line of said Lot, 150 feet; thence North parallel to the West line of said Lot, 126 feet; thence West parallel to the North line of said Lot, 60 feet; thence South parallel to the West line of said Lot, 100 feet; thence West parallel to the North line of said Lot, 90 feet to the West line of said Lot, to the point of beginning.

PARCEL V
Beginning at a point which is 132.00 feet West (measured along the South line) and 195.00 feet North (parallel with the East line) from the Southeast corner of Lot 28, EWALD FRUIT FARMS in Township 8 South, Range 3 West of the Willamette Meridian in Marion County, Oregon; thence North parallel with the East line of said Lot, 65.00 feet; thence East parallel with the South line of said Lot, 51.00 feet; thence Southerly along a line which if extended would intersect the South line of said line of said Lot at a point 85.00 feet West of the Southeast corner thereof, a distance of 65.00 feet; thence West parallel with the South line of said Lot, 50.00 feet to the place of beginning.

PARCEL VI
Beginning on the West line of Lot 28, EWALD FRUIT FARMS, in Marion County, Oregon, at a
point which is 264.00 feet South from the Northwest corner thereof; thence South along
the West line of said Lot, 137.00 feet, more or less, to the Northwest corner of a tract
of land conveyed to J.E. Wright and Mae Wright, husband and wife, by Deed recorded March
8, 1939 in Volume 252, Page 33, of Deed Records for Marion County, Oregon; thence East
parallel with the North line of said Lot, 100.00 feet; thence North parallel with the
West line of said Lot, 137.00 feet; thence West 100.00 feet to the place of beginning.

This Indectors Witnessett, Dat	Surface in Hart, a place person,
for the sum of	DOLLARS d and by these presents do grant, bargain, sell and convey th, of Saless, Oregon, an Oregon Corporation or the laws of the State of Oregon. a to-wit:
	Corner of Lot Number twenty-eight (28) of 'lamette Meridian, Marion County, Oregon; thence got feet to an iron pipe; thence west 2.00 east 600 feet to an iron pipe is the north this to the point of beginning. Also the west 3 i F. F. in Marion County, Oregon. See Vol. 3, County and State. Save and Except the land art, single, and Emice R. Hart, single, to nd wife, dated March The, 1938 and recorded sed records for Marion, County, Oregon.
he entire East side; and 100 feet in a n width along the entire West side of natire North side of said tract for the not for other church purposes as the Brit forgreading the gospel. The grantor herein reserves approximately 110 feet by 270 feet, not lesives to use or occur the same duri	to grantor herein 120 feet in width along width along the entire South side; 100 feet said tract and 30 feet in width along the purposes of erecting a church building thereon, oard and Membership of said church shall see the remainder of said tract comprising re or less, for her tenancy as long as she ing the period of her natural life, and upon ession thereof shall be vested in said grantee.
or death latt often more and present	
a corporation, it successors a	teclif SUCCESSOR THE HOLE and Assigns, that the is: that said premises are free from all encumbrances subject
and that she will WARRAI save and except as above stated.	NT and DEFEND the same from all lawful claims whatsoever
WITNESS W hand sod se	day of September, 1958
	(SEAL)
STATE OF OREGON	STATE OF OREGON
County of Contain On County of Contain On County of Contain On County of Contain On County of Co	County or interior in the within instrument was re- ice 1 certify that the within instrument was re- ice 1 certain for record on the day of SEP 1.6.1958
Hart, a single person.	19 still o'clock M.M. and recorded in Book of M. Page Lill Record of Deeds of said
	Witness my hand and Seal of County of fixed.
	Becarded of Conveyances.
EN GENOVEIN	

va. 603 pre 739	* (* _*	$z \in \mathcal{C}^{(n)}$
KNOW ALL MEN BY THESE PRESENTS, That Eurice R. Hart A Single Person	1	
in consideration of Tan and Ma/100		
to her paid by Salem Heights Baptist Church of Salem, Oregon An Oregon Corporation		
do hereby remise, release and forever QUITCLAIM unto the said Salem Heights Baptist Church Lis Successors Lis		The state of the s
Its Successors all her right, title and interest in and to the following described parcel of real estate, together with the tenements, hereditaments and appurtenances, situate in Salam County of Marion State of Oregon, to wit:	-	The state of the s
Water at an American American W. P. Common of Lot Wimber twentyneight		
(28) of Ewald P. P. in T. 8 S. R. 3 West of Willamette Meridian, Marion County, Oregon; thence South along the east line of said lot 400 feet to an iron pipe; thence west 2.00 chains to an iron pipe; thence Worth 3	-	the sale harders and the
2.00 chains to the point of beginning. Also the west 3 acres of let		
twenty-eight (28) in Ewald. F. F. in Marion County, Oregon. See Vol. 3, Page 84, Record of town plats for said County and State. Save and Except the land contained in the deed given by U. J. Hart, single, and Eunice	-	as a home find a
R. Hart, single, to J. B. Wright and Mae Wright, husband and wife, lated March 7th, 1938 and recorded March 8th, 1938 in vol. 233 page 33, Deed		
records for Marion County, Oregon		
	•	
		particles of
	•	
To Have and to Hold the same to the said. Salem Heights Baptist Church		
Its Successors, and to the date and seller forever.		
IN WITNESS WHEREOF, I have hereints and my hand and mad this !!		
DOMESTIC OF THE STATE OF THE ST		
Ennice K. Hart (Sur)	1	
(800)	(1)	
(sur)	775	
		2
AM FILS ME TAIL		1

,			. vol. 603 ms 740	
Ĵ			STATE OF OREGON.	
			County of Varion 1965	
٠,		2	BE IT REMEMBERED. That on this // the day of	Section 1
			named Eunice R. Harv. A Single Person known to me to be the identical individual in described in and who executed the within instrument and	Mans
-	1 272		known to me to be the identical individual i	
•		4	my discal seal the day and year last above written.	
			Notary Public for Orefort.	Hear
			My Commission expires 7-16-65	
Giter				a de la companya de l
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	11 (** **)			
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	1 . W.S.			
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WARRANTY DEED

accel # 81592-130 To Have and to Hold the granted premises unto the said Grantee	KNOW ALL MEN BY THESE PRESENTS, That _CH	RISTOPHER SHEILDS RIORDAN . PENNY G.	
arcel # B1592-130 To Have and to Hold the granted promises unto the said Grantee	TORDAN	, Grantor_S_	
arcel # B1592-130 To Have and to Hold the granted promises unto the said Grantee	n consideration of EIGHTY ONE THOUSAND AND NO/	/100 Dol	llars,
TO How and to Hold the granted premises unto the said Grantee	- thom naid by the Gravies herein	n. do hereby grant, bargain, sell and convey unto	
TO How and to Hold the granted premises unto the said Grantee	C	in the County of MARION	and
TO Have and to Hold the granted premises unto the said Grantee	Granteethe joilowing described real property, stituted to State of Oregon, to wit:	in the county of	
To Have and to Hold the granted premises unto the said Grantee	EE EXHIBIT A WHICH BY THIS REFERENCE IS A	TTACHED AND MADE A PART HEREOF	
To Have and to Hold the granted premises unto the said Grantee			
moundaries of roads and roadways and thatthey will andthe! rheirs, executors and administrators, shall warrant and forever defend the grante remises, against the lawful claims and demands of all persons, except as above stated. Witnessouk hand s and sealthis	arcel # 81592-130 To Have and to Hold the granted premises unto the said And the Grantors do covenant thatthe	Grantee, <u>1ts</u> Heirs and Assigns forever.	: inted
MUTHERS OF FOREIGN AND FOREIGNAYS MUTHERS QUIL hand End IT, heirs, executors and administrators, shall warrant and forever defend the grante remises, against the lawful claims and demands of all persons, except as above stated. MUTHERS QUIL hand 8 and seal this granter foreign and seal this granter foreign the property of the prop	the public in and to that potition of the r	6 taxes, a lien not yet payable: Rights of herein described tract lying within the	<u>of</u>
Witness OUT hand s and seal this Witness OUT hand s and seal this Witness OUT hand s and seal this Systember 10 95 Witness OUT hand s and seal this Graph of the property of	boundaries of roads and roadways		
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Witness OUT hand s and seal this Witness OUT hand s and seal this Witness OUT hand s and seal this Systember 10 95 Witness OUT hand s and seal this Graph of the property of			
TATE OF ORESION/ CALIFORNIA Sounty of SAN DIESO BE IT REMEMBERED, That on this 30 May of South Now 19 May	HIS INSTRUMENT WILL NOT ALLOW USE OF THE PROPERTY SESCRIBED IN THIS INSTRUMENT IN VIOLATION OF APPLICABLE AND USE LAWS AND REGULATIONS. BEFORE SIGNING OR CCEPTING THIS INSTRUMENT, THE PERSON ACQUIRING FEE ITLE TO THE PROPERTY SHOULD CHECK WITH THE PROPERTY OR COUNTY PLANNING DEPARTMENT TO TERIFY APPROVED USES AND TO DETERMINE ANY LIMITS ON AWSUITS AGAINST ANY FARMING OR FOREST PRACTICES AS INSTRUMENT OF SECTION OF STATEMENT OF THE PROPERTY OF STATEMENT OF THE PRACTICES AS INSTRUMENT OF THE PRACTICES AS INSTRUMENT OF THE PRACTICES AS INSTRUMENT OF THE PRACTICES AS INSTRUMENT.	CHRISTOPHER SHIELDS RIORDAN Conclusion Conclusion	AL)
BE IT REMEMBERED, That on this	STATE OF UREXION/ CALIFORNIA		
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above inten. RENS	BE IT REMEMBERED, That on this 35 H. undersigned, a Notary Public in and for sgid. County and State 1, 16 to 10 to 2.	hefore me	e, the
IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above inten. RENS	described in	and who executed the within instrument and acknowledge	ed 10
Notary Public for Green My Commission expires / O / 17 / 9 7 Calli STATE OF OREGON County of	we wanted the same freely and volunt	tarily.	
INTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL IE SENT TO THE FOLLOWING ADDRESS: ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S ALEM, OR 97302 Return to: ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S Recorder of Conveyance.	written.	(A)	@項. lif(
INTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL IE SENT TO THE FOLLOWING ADDRESS: ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S ALEM, OR 97302 Return to: ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S Recorder of Conveyance.	OSA CILIFORNIA CARGO COUNTY		
ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S ALEM, OR 97302 Return to: ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S Recorder of Conveyance.	INTIL A CHANGE IS REQUESTED, ALL TAX STATEMENTS SHALL	County of	} ss.
75 MADRONA AVE, S ALEM, OR 97302 Return to: ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE, S ALEM HEIGHTS CHURCH OF SALEM, OREG Recorder of Conveyance:	ALEM HEIGHTS CHURCH OF SALEM, OREG		
Return to: of Deeds of said county. ALEM HEIGHTS CHURCH OF SALEM, OREG 75 MADRONA AVE. S Recorder of Conveyance:	375 MADRONA AVE, S	at	raed cord
75 MADRONA AVE. S Recorder of Conveyance:	Return to:		
	SALEM HEIGHTS CHURCH OF SALEM, OREG	Recorder of Commun	nces
	SALEM, OR 97302	necouse of conveys	

EXHIBIT A...

Beginning at a point which is 155.98 feet Easterly and 389.00 feet Northerly from the Southwest corner of Lot 29, of EWALD FRUIT FARMS, in Township 8 South, Range 3 West of the Willamette Meridian, Marion County, Oregon; thence Northerly parallel with the West line of said Lot 29, a distance of 90.00 feet; thence Easterly parallel with the South line of said Lot 29, a distance of 175.07 feet to the East line thereof; thence Southerly along the East line of said Lot 29, a distance of 90.00 feet; thence Westerly parallel with the South line of said Lot 29; a distance of 175.09 feet to the place of beginning.

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65618

WARRANTY DEED (INDIVIDUAL)

7600 REEL 208 + 778Ĉ PAGE 1278

	ents, that
Salem Heights Baptist Church	hereinafter called grantor, convey(s) to
Bardwoll O. Marshall and Bo	onnie June Marshall (Husband and Wife)
of Marion State of Oce	all that real property situated in the County
	gon, described as: Beginning at a point on the Wost line of making 8 South, Range 3 West of the Willamotte Meridian,
Marion County, Oregon, said point h	peing 150 feet south of the Northwest corner of said lot 20;
thence South along the West line of	said lot 26 feet; thence East parallel to the North line
of said lot 150 feet; thence North	parallel to the West line of said lot 126 feet; thence
West parallel to the North line of	said lot 60 feet; thence South parallel to the West line
West line of said lot, the point of	parallel to the North line of said lot 90 feet to the
-	
Together with an easement for ingre	ess and egress over the following described tract; beginning
of the Willamette Meridian. Marion	28 Ewald Fruit Farms in Township 8 South, Range 3 West County, Oregon, said point being 90 feet East of the North-
west corner of said lot 28, thence	East along the North line of said lot 60 feet; thence
South parallel to the West line of	said lot 50 feet; thence West parallel to the North line
of said lot 60 feet; thence North p	arallel to the West line of said lot 50 feet to the North
line of said lot, the point of begi	nning.
and covenant(s) that grantor is the owner of	the above described property free of all encumbrances except
SEE EXHIBIT AI and AII	
and will warrant and detend the same agains	st all persons who may lawfully claim the same, except as £'. nv/n above.
The true and actual consideration for	this transfer is \$* This is a total gift
from Salem Heights Baptist Church	ch to the above described.
Dated this 12+L day of No	vember , 19 81.
Dated (iiis day or	10_04
•	Wester T. linel - chiam of the
	Water To Lyely - changes of the
•	•
STATE OF OREGON, County ofMa	erion) ss.
1 Aul	
November 12th	, 19_81_personally appeared the above named
November 67+	, 19_81_personally appeared the above named and acknowledged the foregoing
November 2+	, 19_81_personally appeared the above named
November 1944 Wester T. Dyck instrument to be his vol	, 19 <u>81</u> personally appeared the above named and acknowledged the foregoing untary act and deed.
November 67+	, 19_81_personally appeared the above named and acknowledged the foregoing
November 1944 Wester T. Dyck instrument to be his vol	, 19 <u>81</u> personally appeared the above named and acknowledged the foregoing untary act and deed.
November 1944 Wester T. Dyck instrument to be his vol	, 19_81 personally appeared the above named and acknowledged the foregoing untary act and deed. Before me:
November 1944 Wester T. Dyck instrument to be his vol	ntary act and deed. Before me: Notary Public for Oregon
Wester T. Dyck instrument to be his vol	notary Public for Oregon My commission expires: 5-22-85
Wester T. Dyck instrument to be his volument to be	notary Public for Oregon My commission expires: 5-22-85 In plus all encumbrances existing against the property to which the
Wester T. Dyck instrument to be his volument OTAR volument OTAR volument OTAR volument The dollar amount should include cast property remains subject or which the polument	notary Public for Oregon My commission expires: 5-22-85 In plus all encumbrances existing against the property to which the purchaser agrees to pay or assume.
Wester T. Dyck instrument to be his volument to be	Notary Public for Oregon My commission expires: 5-32-85 In plus all encumbrances existing against the property to which the surchaser agrees to pay or assume. Type of the plus all encumbrances and the following: "However, the actual consideration
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Wester T. Dyck instrument to be his volument to be	Notary Public for Oregon My commission expires: 5-32-85 In plus all encumbrances existing against the property to which the surchaser agrees to pay or assume. Type of the plus all encumbrances and the following: "However, the actual consideration
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EXHIBIT AI

Deed Restrictions: 1) The existing driveway connection to the church parking lot be barricaded and obliturated and a new connection be established to the easement along the North side of the property. 2) Future use of the combined lots be limited to the existing, or replacement, single family dwelling only. 3) Existing restrictions on the easement on the North side of the property be allowed to stand and be observed.

4) Modifications of the driveway be accomplished prior to the property changing ownership.

EXHIBIT AII

Said easement is subject to termination upon the violation of any of the following terms and conditions by grantee:

- Said portion of the roadway shall be used only by grantee or their invites pursuant to this agreement.
- The property of grantee shall not be used for any commercial purpose for which access is by means of the easement herein conveyed.
- Any damage to said portion of roadway caused by grantee, or their invites shall be repaired promptly at grantee's expense.
- 4) Said portion of roadway shall not be used by grantee or their invitees to store or park motor vehicles or other personal property.
- 5) Grantee or their invitees shall do nothing that will interfere with or restrict the free use of the said portion of roadway by the grantor or its invitees.

It is expressly intended that the covenants, burdens, and restrictions and reservations contained herein shall run with the land and shall forever bind the grantor, its successors and/or assigns.

STATE OF OREGON

65618

County of Marion

I hereby certify that the within was received and duly recorded by me in Marion County records: DEC 14 11 58 AM '81

EDWIN P. MORGAN MARION COUNTY CLERK

BY _____ DEPUTY

Reel 268 Page 1278

9.00

NAME OF APPL	SUBJECT PROPERTY 375 MADRICANA AVE S TO CONTE
ADDRESS OF S	POSTING PROCEDURE FOR NOTICE OF PUBLIC HEARING
DOOT ON	964 7 p 7691
POST ON:	No sooner than ONG 2 (14 days prior to hearing) COMMUNITY
	No later than
	orm to Room 305 by: (5 days prior to hearing)
hearing before responsibility to when the applic	Council Chambers, 5:30 p.m.) Use 3, 2021 ised Code requires that one 2 foot by 3 foot notice be posted on a property involved in a the Hearings Officer or the Planning Commission. The ordinance assigns the post this notice to the applicant. The Planning Staff will furnish the appropriate placard cation is filed. A confirmation letter will also be furnished with verification of posting date and date to return the affidavit.
no public road	I be located in a place clearly visible on each street frontage of the subject property. If abuts thereon, this posting shall face in such a manner as may be most readily seen by the subject property is a corner lot, each street or road shall be posted.
ten days prior t	esponsibility of the applicant to provide a sign frame and to place such notice at least to the public hearing. At least five days prior to the hearing, the applicant shall file with rector the following affidavit that such a posting has occurred.
NOTE: Posting the close of the	notices shall be removed from the subject property by the applicant within 7 days of e hearing.
	CT PROPERTY IS NOT PROPERLY POSTED 10 DAYS PRIOR TO THE HEARING, THE NOT BE HELD.
	AFFIDAVIT OF POSTING NOTICE
	, being first duly sworn; say that I am over 21 years of age ed one notice as follows: (Describe location of notice)
1- FACING	A CAPRONNA AUG
1-AT TI	to END OF THE DELLOWAY FINEND WINDER AUG
That I posted s and in a conspi	aid notice in the manner at the place above stated on the 21 day of $\frac{1}{100}$, $\frac{1}{100}$, cuous place.
That I have per true.	sonal knowledge of all facts set forth and all the statements herein made are just and
	Ify A. Two
	Applicant's Signature
	NOTARY PUBLIC
Subscribed and	sworn to before me this $\frac{267 \pm 6}{2}$ day of June., $\frac{10_{-200}}{12(1)}$
	Notary Public for Oregon
PATRICE NOTARY PU	My Commission Expires: (A) TEWELL (B) CORREGON (C) NO. 322104 (C) CORRES APR 21, 2003
	/

Posting.ntc