

NOTICE OF DECISION

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

**MINOR COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE
CASE NO. CPC-ZC20-02**

APPLICATION NO.: 20-104136-ZO / 20-105831-ZO

NOTICE OF DECISION DATE: JUNE 3, 2020

SUMMARY: A Minor Comprehensive Plan Map Amendment and Zone Change from PH (Public and Private Health Services) to MU-I (Mixed Use-I).

REQUEST: A Minor Comprehensive Plan Map Amendment from CSH (Community Services Health) to Mixed Use and a Zone Change from PH (Public and Private Health Services) to MU-I (Mixed Use-I) for a 14.94 acre portion of property approximately 47.37 acres in size, and located at 2575 Center Street NE - 97301 (Marion County Assessors Map and Tax Lot number: 073W24C / 00100).

APPLICANT: Brad Kilby, HHP, Inc., on behalf of Darrin Brightman, State of Oregon – Department of Administrative Services

LOCATION: 2575 Center Street NE

CRITERIA: Salem Revised Code (SRC) Chapter(s) SRC 64.025(e)(2) - Comprehensive Plan Change and SRC 265.005(e) – Quasi-judicial Zone Change

FINDINGS: The findings are in the attached Decision dated June 3, 2020.

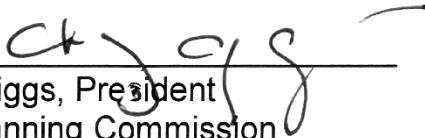
DECISION: The **Planning Commission APPROVED** Minor Comprehensive Plan Map Amendment / Zone Change CPC-ZC20-02 subject to the following conditions of approval:

Condition 1: The applicant shall provide a copy of the Historic Clearance Review approval letter from the Oregon State Historic Preservation Office authorizing the proposed ground disturbing activity on this site prior to issuance of grading and building permits for adaptive reuse, alterations or new construction within the subject property.

Condition 2: Proposed adaptive reuse or alterations of the Dome Building as a result of any change of use shall be subject to Historic Design Review before the Historic Landmarks Commission to ensure development proposals are compatible with the remaining buildings in the Historic District.

VOTE:

Yes 7 No 0 Absent 1 (Levin)



Chane Griggs, President
Salem Planning Commission

Application Deemed Complete: April 24, 2020
Public Hearing Date: May 19, 2020
Notice of Decision Mailing Date: June 3, 2020
Decision Effective Date: June 19, 2020
State Mandate Date: August 22, 2020

Case Manager: Aaron Panko, APanko@cityofsalem.net, 503-540-2356

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division by 5:00 p.m., Thursday, June 18, 2020. **PLEASE NOTE: Due to the COVID-19 pandemic, City of Salem Offices are closed to the public until further notice.** The notice of appeal can be submitted electronically at planning@cityofsalem.net or mailed to City of Salem Planning, Room 320, 555 Liberty Street SE, Salem OR 97301. The appeal must be received by the above date and time. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 320, City Hall, 555 Liberty Street SE, during regular business hours. For access to case related documents during the closure of City Hall to the public because of the Covid-19 pandemic, please contact the Case Manager.

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

FACTS & FINDINGS

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC20-02

JUNE 3, 2020

PROCEDURAL FINDINGS

1. On January 18, 2020, an application was filed for a Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change by Brad Kilby, AICP, of Harper, Houf, Peterson, Righellis, Inc. on behalf of the applicant and property owner the State of Oregon, Department of Administrative Services, represented by Darrin Brightman, AICP, MRED.
2. The consolidated application was deemed complete for processing on April 24, 2020, and a public hearing to consider the application was scheduled for May 19, 2020.
3. Notice of the consolidated application was provided to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on April 29, 2020. Public notice was posted on the property on May 1, 2020.
4. DLCD Notice. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of the proposed Comprehensive Plan Change and Zone Change application to DLCD on April 10, 2020.
5. On May 19, 2020, a public hearing was held before the Planning Commission. At the hearing the Planning Commission received staff's presentation and heard testimony from the applicant's representative. Subsequent to the Commission's questions of the applicant and staff, the hearing was closed and the record left open for a period of seven days, until May 26, 2020, at 5:00 p.m., in order to allow any party to submit additional written testimony regarding the proposal. The applicant was correspondingly granted a subsequent seven days, until June 2, 2020, at 5:00 p.m., to submit final written rebuttal.
6. On June 2, 2020, the Planning Commission conducted deliberations on the proposal and voted to approve the Minor Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change subject to the recommended conditions of approval.
7. 120-Day Rule. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

BACKGROUND / PROPOSAL

The applicant is proposing to rezone a portion of the subject property located at 2575 Center Street NE (**Attachment A**) from PH (Public and Private Health Services) to MU-I (Mixed-Use I) as shown on the proposed zoning map.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Community Services - Health" to "Mixed-Use."
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from PH (Public and Private Health Services) to MU-I (Mixed-Use I).

APPLICANT'S PLANS AND STATEMENT

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

- Applicant's Written Statement and Existing Conditions Plan: **Attachment B**

Staff utilized the information included in the applicant's statement to evaluate the proposal and to establish the facts and findings within this staff report.

SUMMARY OF RECORD

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

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "CSH – Community Services Health."

The Comprehensive Plan designations of surrounding properties include:

North: (D Street NE) "Single Family Residential"

South: (Across Center Street NE) “Community Services - Government”

East: (Across Park Avenue NE) “Multi-Family Residential”

West: (Across 23rd Street NE) “Community Services - Health”

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. The subject property has frontage along 23rd Street NE and Park Avenue NE, designated as collector streets, D Street NE, designated as a minor arterial, and Center Street NE, designated as a major arterial.

Relationship to the Urban Service Area

The subject property is located outside the Urban Service Area. SRC Chapter 200 (Urban Growth Management) requires issuance of an Urban Growth Preliminary Declaration prior to development of property located outside the City’s Urban Service Area. An Urban Growth Preliminary Declaration was approved for the property in 2017 (SUB-UGA17-05).

Infrastructure

Public Infrastructure plan: The Water System Mater Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the subject property.

2. Zoning

The subject property is zoned PH (Public and Private Health Services), RM-II (Multiple Family Residential) and RS (Single Family Residential). Surrounding properties are zoned and used as follows:

North: Across D Street NE – RS (Single Family Residential), Single Family Dwellings

South: Across Center Street NE – PH (Public and Private Health Services) – Oregon State Hospital

East: Across Park Avenue NE – RD (Duplex Residential) and RM-II (Multi-Family Residential), Single Family Dwellings

West: Across 23rd Street NE – PH (Public and Private Health Services) – Salem Hospital

3. Existing Conditions

The site currently consists of one single large unit of land, approximately 47 acres in size, that is rectangular in shape with dimensions of approximately 1,600 feet east-west and 1,250 feet north-south. The Oregon State Hospital main campus is located to the south of the subject property, across Center Street NE.

The property was formerly the North Campus of the Oregon State Psychiatric Hospital. In 2012, the hospital vacated the property and consolidated all their operations to a newly rebuilt facility across Center Street NE to the south. Several former hospital buildings on the east side of the subject property were demolished in early 2017, leaving the eastern part of the property, east of 25th Street, clear of structures and ready for future redevelopment. There are two former hospital buildings remaining on the property - Dome Building near the southwest corner of the site and Yaquina Hall near the middle of the western half of the property. The Dome Building is currently being used as administrative offices for a state agency. The Salem Housing Authority is in the process of acquiring Yaquina Hall for a planned conversion of the former nurse's dormitory into 50 affordable housing units.

The property has been state owned land used for institutional purposes for over one hundred years. The southern half of the subject property was annexed into the City of Salem in 1909 and the northern half was annexed in 1946, but the site is not within the City's Urban Service Area. The surrounding land to the north and east is developed primarily with single family dwellings on individual lots mostly built in the mid twentieth century.

The portion of property that is subject to this Comprehensive Plan Map Amendment and Zone Change request is identified as Lot 1 (SUB-UGA17-05), also known as the Dome Lot, which is approximately 6.96 acres in size, and Lots 3 and 4 (CPC-ZC-SUB-ADJ19-02), also known as the Center Street Lots, which are approximately 7.98 acre in size.

4. City Department Comments

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

Salem Fire Department – The Salem Fire Department reviewed the application and indicated they have no concerns with the comp plan and zoning amendment. Items including the Fire Department access and water supply will be required at the time of future development.

Salem Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

5. Public Agency & Private Service Provider Comments

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

Oregon Department of Transportation – Rail Division – ODOT Rail reviewed the proposal and commented that due to the distance between the project and the nearest railroad crossing, that there are no concerns with this request.

6. Neighborhood Association and Public Comments

The subject property is located adjacent to the boundaries of the Northeast Salem Community Association (NESCA) and Northeast Neighbors (NEN). Notification was sent to the neighborhood associations, as of the time of this staff report, no comments have been received from NESCA or NEN.

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed application. Two public comments have been received with questions regarding the future use of the property and the status of existing mature trees on this portion of the subject property.

Staff Response: The applicant has not identified future use or development plans for this portion of the subject property. Future development will be reviewed for conformance with all applicable development standards of the Unified Development Code.

Preservation of identified natural open space areas and areas of natural resource significance are protected either through public acquisition, and/or land use regulations. The City of Salem will be acquiring an approximately 5.87 acre portion of the North Campus property for future use as a city park. SRC Chapter 808 is the tree preservation ordinance which provides protection of heritage trees, significant trees, and trees and native vegetation in riparian corridors, as natural resources for the City. Future development of the subject property shall comply with all applicable tree protection standards of Chapter 808.

7. Open Record Periods

At the May 19, 2020, public hearing the Planning Commission voted to leave the written record open for a period of seven days, until May 26, 2020, at 5:00 p.m., to allow for any party to submit additional testimony on the proposal. The Commission also correspondingly voted to allow the applicant a subsequent seven days, until June 2, 2020, at 5:00 p.m., to submit final written rebuttal.

On May 26, 2020 staff provided the Planning Commission a memo summarizing comments received prior to the hearing, additional testimony from the applicant, and a memo from the City of Salem Long Range Planning Manager providing the Planning Commission an update on what the Planning Division has been working on to implement the Salem Housing Needs Analysis Work Plan since directed to do so by the City Council in 2016 (**Attachment D**).

During the final seven-day open record period no final rebuttal was submitted by the applicant.

8. MINOR COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA

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

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

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

Finding: The applicant's findings address (i) and (ii) above, demonstrating that there has been an alteration in the social and economic conditions within the area, and that the proposed "Mixed Use" designation is equally or better suited for the subject property than the current Community Services – Health designation.

The property was formally the North Campus of the Oregon State Psychiatric Hospital. The applicant states that in 2012, the hospital vacated the subject property and consolidated all their operations to a newly built facility across Center Street NE to the south. In 2017, all former hospital buildings on the east side of 25th Street NE were demolished to prepare the property for future redevelopment. The State of Oregon currently owns the subject property and does not intend to develop or use the portion of the property subject to this comprehensive plan map amendment for future hospital or community service use.

Two adjacent neighborhood associations have documented a desire to reclassify portions of the North Campus for mixed use development. The proposed designation allows the property to be developed with a variety of uses, including general office, retail sales and services and multi-family residential. As evidenced in the 2014 Economic Opportunities Analysis (EOA) and 2014 Housing Needs Analysis, the City has a deficit of available commercial land and multi-family residential land. The proposed mixed-use designation is appropriate based on the change in social and economic conditions in the area, and the proposed mixed-use designation is equally or better suited to meet the City's future land use needs than the existing community services – health designation.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation.

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appears to be adequate to serve the existing and future proposed development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

The subject property is served by Englewood Park to the northwest, Hoover Park to the northeast, and Geer Park to the south. A new park is being proposed on Lot 4 of SUB-UGA17-05. The subject property is capable of being served with necessary public facilities.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), in an area that is surrounded by existing residential neighborhoods and services. Public facilities required to serve future development of the property are in close proximity. The proposed comprehensive plan map amendment will allow the logical and efficient use of vacant land and contribute to the land use needs of the community.

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

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

Salem Urban Area Goals and Policies, General Development (Pages 23-26, Salem Comprehensive Policies Plan):

To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Economic Growth B.3

Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.

Finding: The applicant indicates that this land is no longer needed for the Oregon State Hospital to meet its public service needs. The proposal strengthens the economic base of the City by allowing the land to be used for a purpose that aligns with the City's future land use needs.

Salem Urban Area Goals and Policies, Urban Growth (Page 26, Salem Comprehensive Policies Plan):

To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.

UGB is Urbanizable C.3

Urbanizable areas within the urban growth boundary shall be considered as available for annexation and urban development.

Finding: The subject property is located within the UGB, but is currently outside of the Urban Service Area. As redevelopment of the North Campus occurs, urban services that are in place nearby by will be extended into the site, consistent with this goal.

Infill C.4

Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.

Finding: While the subject property is not located within the urban service area, urban services, including water and sewer, are existing and available to serve the subject property.

Salem Urban Area Goals and Policies, Growth Management (Pages 27-30, Salem Comprehensive Policies Plan):

To manage growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to ensure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm lands by:

- A. *Establishing and periodically reviewing an urban growth boundary to identify and separate urbanizable land from rural land while insuring sufficient amounts of urbanizable land to accommodate population needs.*
- B. *Planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.*

Infill Development D.6

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Finding: The subject property was previously used by the Oregon State Hospital, but most of the buildings on the North Campus that served the Hospital were decommissioned and removed. The Hospital no longer needs the subject property to meet its long-term public service need. The proposal utilizes existing developable land with nearby public facilities to be repurposed to serve the future land use needs of the City with minimal public cost.

Infill on Facilities D.9

New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

Finding: Utilities and infrastructure are in place in the surrounding area to serve the subject property, new streets and public facilities are not required to be extended in order to serve the property.

The applicable Statewide Planning Goals are addressed as follows:

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

Finding: Prior to submittal of an application for a Minor Comprehensive Plan Map Amendment, the applicant was required to hold a Neighborhood open house pursuant to SRC 300.320. The purpose of an open house is to provide an opportunity for applicants to share plans for certain types of proposed land use applications with the public in advance of the applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.

Notice of the proposal was provided to Northeast Neighbors (NEN), North East Salem Community Association (NESCA), to surrounding property owners within the notice area, and posted on the property prior to the hearing. The Planning Commission will hold a public hearing to consider the request. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this

Goal for citizen involvement in the land use planning process.

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

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

Statewide Planning Goal 3 – Agriculture Lands; Goal 4 – Forest Lands

Finding: The subject property is not identified as agricultural land or forest land, these Statewide Planning Goals are not applicable to this application.

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

Finding: A portion of the subject property subject to this request is located within the Oregon State Hospital Historic District.

Lot 1 and Lot 2 of the subject property are currently located within the Oregon State Hospital National Register Historic District. The applicant has not adequately demonstrated that the proposed zone change/comp plan amendment will not result in an adverse effect to the Dome Building, which is designated as an individual local landmark, individually designated on the National Register of Historic Places and a contributing resource to the Oregon State Hospital National Register Historic District. Adaptive reuse of these resources or any alterations of the resources as a result of any change of use must satisfy all applicable historic design review requirements of SRC Chapter 230. Goal 5 Resources also include archaeological resources. The tax lots comprising the North Campus site that is subject to the CPC/ZC has been designated as an archaeological site as defined under ORS 358.905-ORS 358.961 and subject to protection under SRC 230.100. The applicant has not adequately demonstrated that there will be no adverse effect to the remaining historic and pre-contact archaeological resources that remain due to the proposed zone change/comp plan amendment. In order to better ensure that the proposal complies with Goal 5 as well as other applicable federal, state and local laws related to the protection of both historic and archaeological resources, the City's Historic Preservation Officer recommends the following conditions of approval be placed on the zone change per SRC 265.005(e)(1)(D):

Condition 1: The applicant shall provide a copy of the Historic Clearance Review approval letter from the Oregon State Historic Preservation Office authorizing the proposed ground disturbing activity on this site prior to issuance of grading and building permits for adaptive reuse, alterations or new construction within the subject property.

Condition 2: Proposed adaptive reuse or alterations of the Dome Building as a result of any change of use shall be subject to Historic Design Review before the Historic Landmarks Commission to ensure development proposals are compatible with the remaining buildings in the Historic District.

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

Finding: Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. There are no significant natural resources located on the subject property. Future development of the property is subject to tree preservation, stormwater and waste water requirements of the UDC which are intended to minimize the impact of development on natural resources. The proposal is consistent with Goal 6.

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

Finding: There are no known natural hazards identified on the subject property. The subject property is not located within a floodplain or floodway. Minor mapped landslide hazards areas are identified near the Dome Building. Future development will be subject to the geological and geotechnical requirements of SRC Chapter 810 (Landslide Hazards). The proposal is consistent with Goal 7.

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

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

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

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

The proposed change from “Community Services – Health” to “Mixed-Use” will not have an impact on the supply of available industrial land. The existing “Community Services – Health: designation supports only limited types of commercial uses, the proposed “Mixed-

Use” designation allows for the possibility of a greater variety of commercial uses to be established on the property, which will contribute to the city’s employment and economic development needs. The proposal is consistent with Goal 9.

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

Finding: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land.

The proposed comprehensive plan map amendment would convert a portion of the land from “Community Services – Health” to “Mixed-Use”. The current designation does not allow residential uses. The proposed “Mixed-Use” designation allows a variety of residential uses. While there are no specific plans for developing the subject property at this time, the proposed designation leaves open the possibility of the land being used to provide diverse housing options to meet the future needs of the City. The proposal is in compliance with Goal 10.

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

Finding: The southern portion of the subject property was annexed into the City of Salem in 1910, with the remaining northern portion of the property annexed into the City in 1946. The subject property is located outside the Urban Service Areas (USA). In 2017, an Urban Growth Area Preliminary Declaration was approved for the subject property (SUB-UGA17-05), which concluded that adequate public services are available in nearby proximity to serve the subject property. The request allows for the efficient use and development of property requiring minimal extension of new public services.

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

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

or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

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

The Assistant City Traffic Engineer has reviewed the applicant’s TPR analysis and concurs with the findings. The February 14, 2020 TPR analysis submitted indicates this portion of the site would generate an estimated 5,993 daily trips under the reasonable worst-case scenario for the current PH zoning. The reasonable worst-case scenario under the proposed zoning is expected to generate approximately 3,700 daily trips, less than the daily trips allotted in the PH zone designation. Based on the reasonable worst-case trip generation evaluation, the proposed zone change would not result in a significant effect to the transportation system.

Statewide Planning Goal 13 – Energy Conservation: *To conserve energy.*

Finding: The applicant indicates that the subject property is located in the center of an established residential neighborhood. The proposed change in designation will allow the property to be used for a greater variety of commercial land uses to serve the neighborhood, including retail sales, eating and drinking uses, and office uses, in close proximity and in walking distance of existing residential uses, potential reducing the length and number of vehicular trips in the area. In addition, future redevelopment of the property will repurpose vacant land and the resulting uses will be built to comply with current energy efficient standards resulting in a more energy efficient use of the property, consistent with Goal 13.

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

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

Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources

Finding: The subject property is not located within the Willamette River Greenway or in an estuary or coastal area, these Statewide Planning Goals are not applicable to this application.

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

Finding: The proposed comprehensive plan map amendment will benefit the community by allowing underutilized public land that is no longer needed by the State Hospital and surrounded by existing residential neighborhoods and community services, to be developed in a way that will help the City meet future land use needs. The proposal satisfies this criterion.

9. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA

The following analysis addresses the proposed zone change for the subject property PH (Public and Private Health Services) to MU-I (Mixed Use-I).

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

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

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

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

Finding: The applicant's findings address (ii) and (iii) above, demonstrating that the proposed MU-I (Mixed-Use I) zoning designation is equally or better suited for the subject property than the current PH (Public and Private Health Services) zoning designation.

The property was formally the North Campus of the Oregon State Psychiatric Hospital. The applicant states that in 2012, the hospital vacated the subject property and consolidated all their operations to a newly building facility across Center Street NE to the south. In 2017, all former hospital buildings on the east side of 25th Street NE were demolished to prepare the property for future redevelopment. The State of Oregon currently owns the subject property and does not intend to develop or use the portion of

the property subject to this zone change for future hospital use.

Two adjacent neighborhood associations have documented a desire to reclassify portions of the North Campus for mixed use development. The proposed designation allows the property to be developed with a variety of uses, including general office, retail sales and services and multi-family residential. As evidenced in the 2014 Economic Opportunities Analysis (EOA) and 2014 Housing Needs Analysis, the City has a deficit of available commercial land and multi-family residential land. The proposed MU-I zoning designation is appropriate based on the change in social and economic conditions in the area and is equally or better suited to meet the City's future land use needs than the existing PH zone.

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

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

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

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

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

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

SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The property currently has a Community Services - Health comprehensive plan map designation, the request would change the map designation to Mixed Use, which is not an industrial designation. Because the zone change requires a comprehensive plan

change from a non-industrial, non-commercial designation to another designation, this criterion is not applicable.

SRC 265.005(e)(1)(F): The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC-ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings that the proposed zone change does not significantly affect a transportation facility.

SRC 265.005(e)(1)(G): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appears to be adequate to serve the existing and future proposed development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

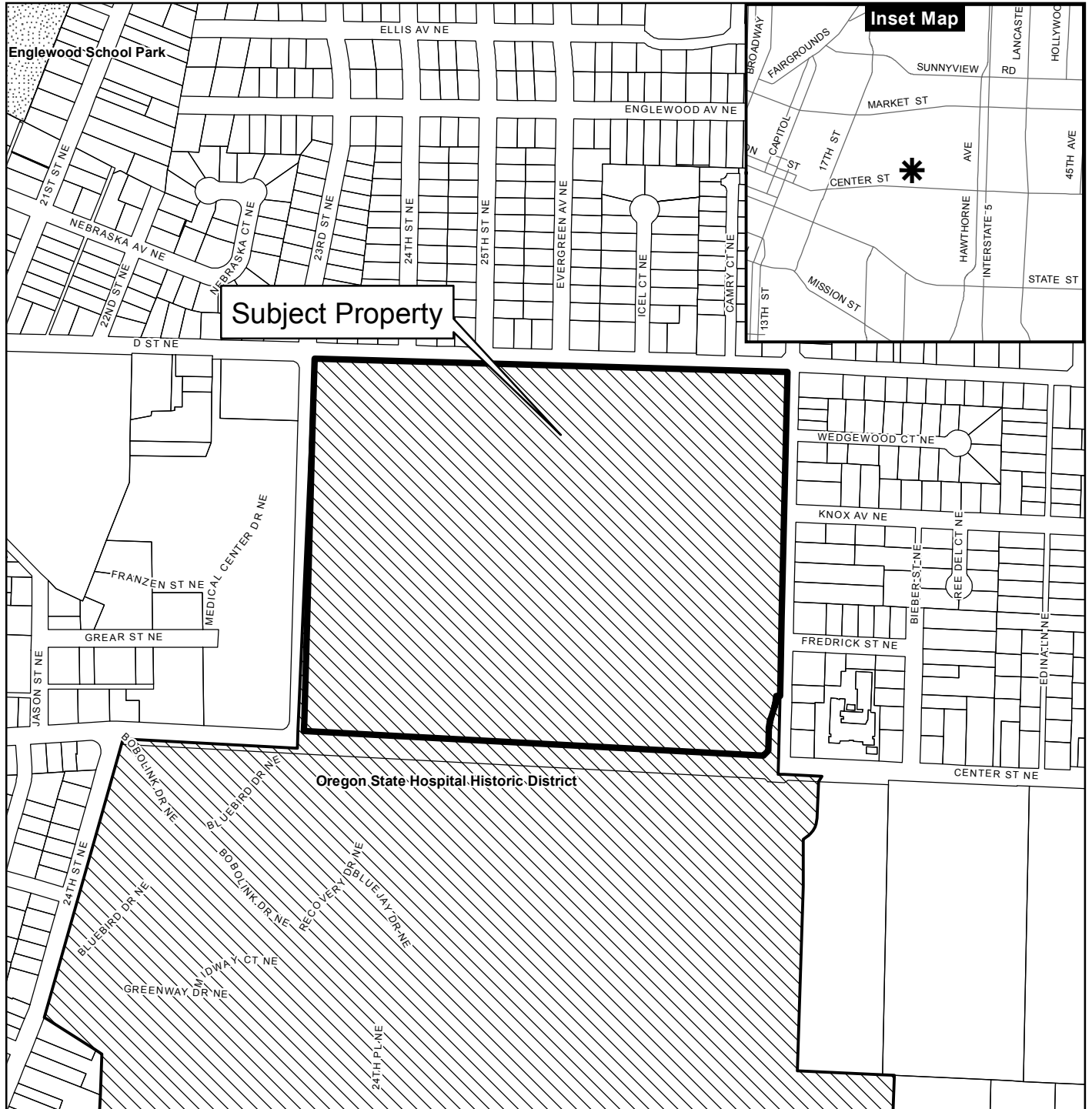
CONCLUSION

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

Attachments: A. Vicinity Map
B. Applicant's Written Statement
C. Public Works Department Memo
D. Open Record Memo dated May 26, 2020

Prepared by Aaron Panko, Planner III

Vicinity Map 2600 Center Street NE










Subject Property

Inset Map

Oregon State Hospital Historic District

Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



Oregon State Hospital North Campus Rezone

Applicant/Owner: Oregon Department of Administrative Services
Attn: Darrin Brightman, AICP, MRED
1125 Ferry Street SE, U100
Salem, OR 97301-4281

Darrin Brightman
Darrin.W.BRIGHTMAN@oregon.gov

Planner Representative: Harper Houf Peterson Righellis, Inc.
205 SE Spokane Street
Portland, OR 97202

Planner
Brad Kilby, AICP
BradK@hhpr.com
(503) 221-1131

Site Location: 2575 Center Street NE

Parcel Number: Map – 073W24C – Tax lot 0100 (***Subdivision in process
SUB-UGA 17-05***)

Parcel Size: 47.37 Acres

Comprehensive Plan: Community Service Health

Zoning: Public and Private Health Services (PH)

Summary of Request: The State of Oregon is proposing a Comprehensive Plan Map amendment and rezone of 14.94 acres of a 47.37 acre site that has preliminary subdivision approval to be divided into 5 individual lots under SUB-UGA 17-05.

Date: Revised (March 18, 2020)

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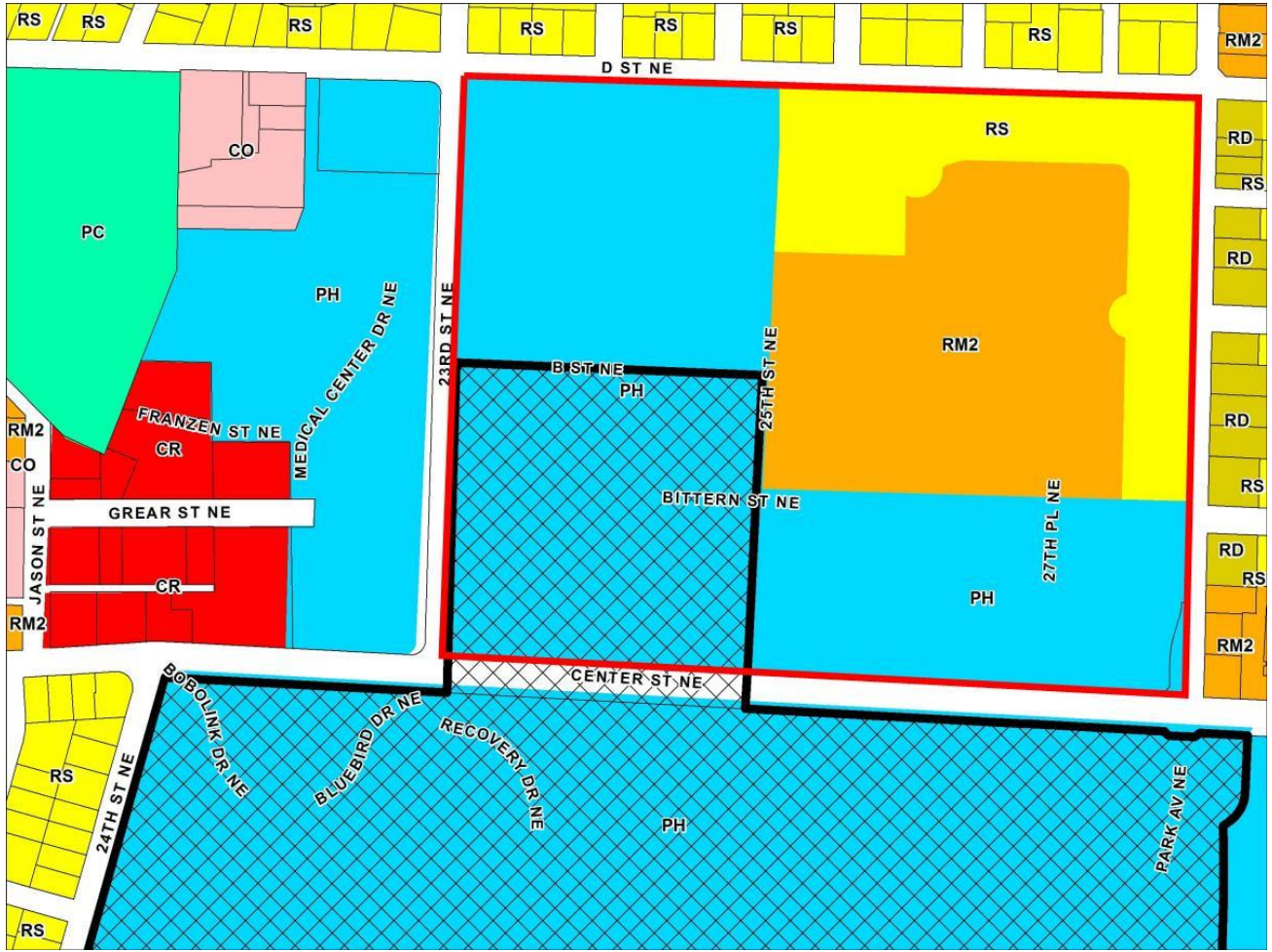
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ATTACHMENTS

1. Pre-application Meeting Notes PRE-AP 19-121
2. Existing Conditions Plan
3. TPR Analysis – DKS Associates
4. SUB-UGA 17-05 Notice of Decision
5. NESCA Neighborhood meeting Minutes and attendance sheet
6. NEN Neighborhood meeting minutes and attendance sheet



SALEM ZONING MAP



I. DESCRIPTION OF PROPOSAL

Background

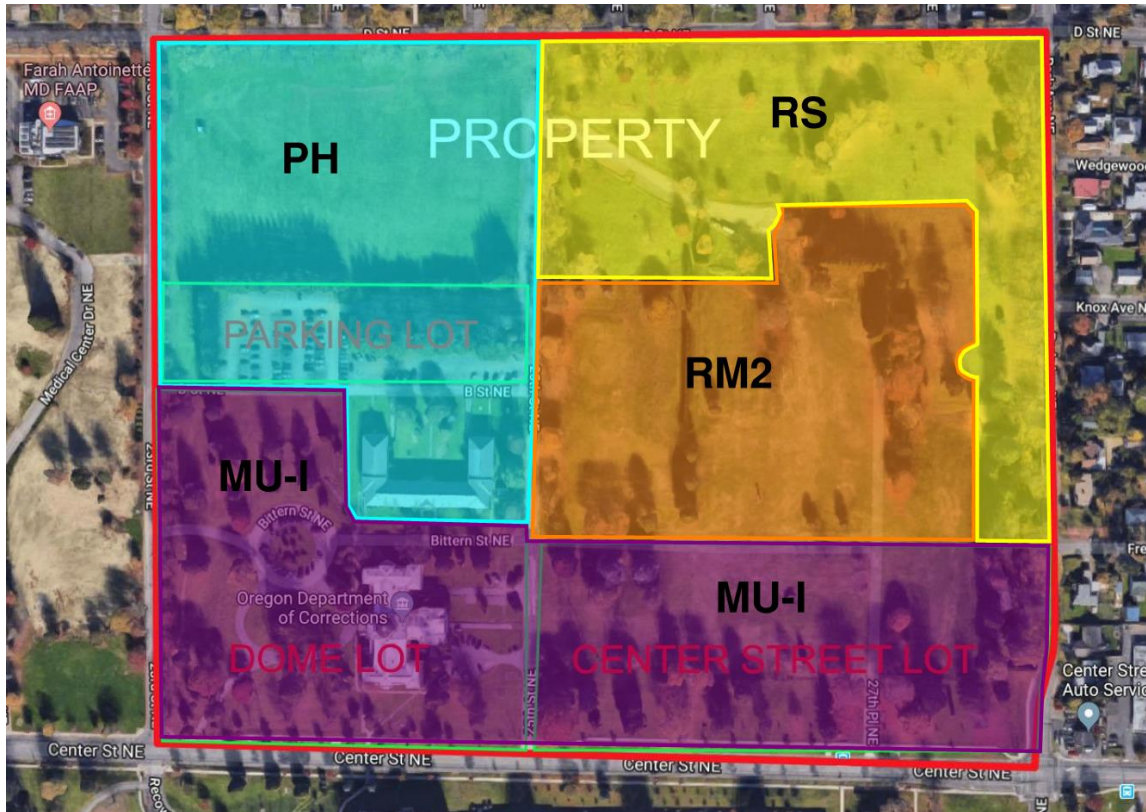
The subject site is home to the former Oregon State Hospital, is bounded by Center Street NE to the south, D Street NE to the north, Park Avenue NE to the east and 23rd Street NE to the west. The overall parent parcel has preliminary approval to divide the site into 5 individual lots under the Kirkbride Subdivision.

This specific request is a proposal to amend the comprehensive plan designation and rezone Lots 1, also known as the “Dome Lot” (6.96 acres), and a portion of Lot 5 (7.98 acres), also known as the “Center Street Lot” to Mixed Use-I (MU-I). The “Dome Lot” is located within a designated historic district. The Dome Lot currently houses offices for the Oregon Department of Corrections.

The remainder of lot 5 has been sold to a local developer, rezoned Single-Family Residential (RS) and Multiple Family Residential II (RM-II), and is expected to be developed in the future with a mix of housing.

Lot 2, is currently developed with “Yaquina Hall”, Lot 3 is developed with the “Parking Lot” and Lot 4, the lot immediately north of the “parking lot” is currently vacant. As proposed, these three lots will remain Public and Private Health Service (PH). The proposed zoning for the “Dome Lot” and “Center Street Lot” is illustrated in the image below.

PROPOSED ZONING



II. RESPONSE TO APPLICABLE APPROVAL CRITERIA AND CODE STANDARDS WITHIN THE SALEM REVISED CODE (SRC)

Chapter 64 – Comprehensive Planning

Sec. 64.001. Purpose.

The purpose of this chapter is to adopt a comprehensive plan and urban growth boundary for the City, and to establish procedures for amendments thereto, in order to create a framework whereby land use regulation may be carried out, including, but not limited to, providing for public infrastructure, community growth, and the preservation of natural and historic resources.

Response: The properties involved with this request are located within the Salem Urban Growth Boundary (UGB) and are designated Community Service Hospital in the adopted Salem Area Comprehensive Plan (SACP). The properties are within an urbanized area of the plan, are already served with public infrastructure, and are accounted for in the supporting documentation of the SACP.

Sec. 64.025. Plan map amendments.

(a) *Applicability. Amendments to a plan map shall be adopted as provided in this section. The two types of plan map amendments are major and minor. As used in this section, the term "plan map" means the urban growth boundary, the comprehensive plan map, or a general land use map in a neighborhood plan.*

(1) *A major plan map amendment is:*

(A) *Any amendment to the urban growth boundary; or*

(B) *An amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.*

(2) *A minor plan map amendment is an amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.*

Response: This proposal would amend the comprehensive plan designation and zoning for 2 lots identified within the SACP as well as adjacent to the boundaries of the North East Salem Community Association (NESCA) and Northeast Neighbors (NEN) neighborhood association.

The properties are located just southwest of the NESCA association but as illustrated below, are identified on the NESCA Neighborhood Opportunities Map (Figure 41 pg. 66). The plan includes policies related to land use and connectivity. The proposed amendments are consistent with the NESCA Neighborhood Plan policies related to land use.



NESCA Neighborhood Opportunities Map



The properties are also located adjacent to the NEN Neighborhood Plan area and identified as a Neighborhood Opportunity within the Document. The plan contains general goals and policies related to redevelopment of the site, but generally calls for a change to mixed use for the portions of the parent site associated with this request. The following plan illustrates the site on the NEN Neighborhood Opportunities Map as #7 (figure 41 pg. 73). The proposed amendments are consistent with the NEN Neighborhood Plan.

NEN Neighborhood Opportunities Map



(b) *Standing to initiate plan map amendments.*

- (1) *Notwithstanding SRC 300.1110, a major plan map amendment may only be initiated by the Council.*
- (2) *Notwithstanding SRC 300.1110, a minor plan map amendment may only be initiated by the Council, the Planning Commission, or an owner of property that is the subject of the amendment, or that owner's agent.*

Response: The proposed amendments affect only two lots of a larger site and are considered minor under our understanding of the Salem Code. The owner of the properties subject to this request is the State of Oregon. The Oregon Department of Administrative Services (DAS) represents the State as the owner's agent, and is responsible for initiating this request consistent with these provisions.

(c) *Procedure type.*

- (1) *Major plan map amendments are legislative decisions, and are processed according to the Legislative Procedures under SRC chapter 300.*
- (2) *Minor plan map amendments are quasi-judicial decisions, and are processed as a Type III procedure under SRC chapter 300.*

Response: Noted by the applicant.

(d) *Submittal requirements.*

(1) *Initiation.*

- (A) *A major or minor plan map amendment may be initiated by the Council by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment.*
- (B) *A minor plan map amendment may be initiated by the Council or the Planning Commission by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment, or by an applicant by the submission of an application that complies with subsection (d)(2) of this section.*

Response: The proposed map amendment is minor and is being initiated by the State of Oregon DAS as the applicant. This application and the supporting documentation represents the required submittal requirements outlined in (d)(2).

- (2) *In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for an applicant-initiated minor plan map amendment shall include the following:*

- (A) *An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:*



- (i) *The total site area, dimensions, and orientation relative to north;*
 - (ii) *The location of existing structures and other improvements on the site, including, but not limited to, buildings, accessory structures, fences, walls, parking areas, and driveways, noting their distance from property lines;*
 - (iii) *The location of drainage patterns and drainage courses, if applicable;*
- (B) *A traffic impact analysis, if required by the Director.*

Response: An existing conditions plan showing the total site area, dimensions, and orientation to north along with existing buildings, out buildings, and parking is provided as attachment 2 to this application, and a traffic impact analysis memorandum evaluating the proposal for the Transportation Planning Rule is provided as attachment 3.

(e) *Criteria.*

- (1) *Major plan map amendment. A major plan map amendment may be made if:*
- (A) *The amendment is in the best interest of the public health, safety, and welfare of the City.*
 - (B) *The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

Response: The proposed amendment constitutes a minor plan amendment. These criteria are not applicable to the proposed amendment.

- (2) *Minor plan map amendment. The greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A minor plan map amendment may be made if it complies with the following:*
- (A) *The minor plan map amendment is justified based on the existence of one of the following:*
 - (i) *Alteration in circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.*

Response: The proposed plan amendment is based on a change in social and economic conditions within the area. There is no longer a State hospital on the site. The hospital has been closed and demolished. Portions of the site have already been reclassified to a residential zone designation, and the two nearby neighborhood association plans have documented a desire to reclassify portions of the site for mixed use development. The current designation is no longer appropriate.

- (ii) *Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.*



Response: The proposed Commercial designation is better suited for the site given that the existing designation was applied in support of a use that is no longer occupying the site. The existing SACP designation and associated zoning were applied in support of the Oregon State Hospital. As mentioned previously, the neighborhood associations most likely to be impacted by this request, have both encouraged the need to reclassify portions of the site consistent with this request in their respective neighborhood plans. The State of Oregon owns the property and does not intend to develop or use the properties subject to this comprehensive plan map amendment for a future hospital or community service use.

(iii) Conflict between comprehensive plan map designation and zone designation. A minor plan map amendment may be granted where there is a conflict between the comprehensive plan map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the comprehensive plan map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

- (aa) Whether there was a mistake in the application of a land use designation to the property;*
- (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the comprehensive plan map designation;*
- (cc) Whether the property has been developed for uses that are incompatible with the comprehensive plan map designation; and*
- (dd) Whether the comprehensive plan map designation is compatible with the surrounding comprehensive plan map designations;*

Response: There is not a conflict between the Comprehensive Plan Map and Zone Designation. The properties are currently designated Community Service Health (CSH) on the Salem Area Comprehensive Plan (SACP) map and zoned Public and Private Health Services (PH) on the Salem Zoning Map. Through this application, the narrative, and the supporting documentation, the applicant maintains that the proposed Comprehensive Plan designation and associated zoning are more appropriate based upon the changing conditions outlined above.

(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Response: The property was the subject of a prior subdivision and Urban Growth Area Preliminary Declaration under Salem File number SUB-UGA 17-05. That decision stipulates that street improvements and proportionate contributions are required to the surrounding street system. It also indicates that public storm, sewer, and water are available on the perimeter of the properties, and requires future development on any of the properties, including the two included in this request, would require extension of public services into the site.



More specifically, the notice of decision indicates that the subject property is located within the G-0 service level for water with water lines ranging between 10 and 24 inches in size on the perimeter and through the site. With respect to sewer, there is a 10-inch sewer line in D Street NE, and a 4-inch sewer line in Park Avenue. Storm service is provided in Center Street NE, Park Avenue NE, and D Street NE in storm lines ranging from 6-12 inches in size.

As far as streets both properties will have frontage onto existing public streets as follows:

Dome Lot – Public street frontage on Center Street NE, 23rd Street NE, B Street NE, and 25th Street NE.

Center Street Lot – Public Street frontage on Center Street NE, 25th Street NE, and Park Avenue NE.

There are requirements associated with the Kirkbride Subdivision to dedicate and make improvements as appropriate. It is understood by the applicant that future development associated with this request will also be required to dedicate and improve those streets as necessary.

(C) The proposed plan map designation provides for the logical urbanization of land;

Response: The proposed plan map designation would provide more opportunities for a wider variety of users than the current designation. The properties subject to this request are within the Urban Growth Boundary, the Salem City limits, and surrounded on all four sides by properties that are developed. With the exception of the property located west of 23rd Street NE, the properties appear to be fully developed. That parcel is owned by Salem Health and is currently zoned PH.

(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Response: The proposed designations would be consistent with the policies of the Salem Area Comprehensive Plan that were adopted from the NESCA and NEN Neighborhood Plans as discussed previously. Both plans call for the original campus to include zoning for mixed uses, open spaces, and parks. The northeast portion of the parent parcel includes a comprehensive plan map amendment and zone change to accommodate residential development for both single-family and multi-family residential uses.

With respect to the Salem Area Comprehensive Plan, map designations are a representation of the Plan's goals and policies. The existing designation, Community Service Hospital is used for, "...sites and facilities for uses such as health and medicine...government..." This designation was most likely applied to the property based on the site's former use as a State Psychiatric Hospital that has since been demolished. Although there are offices related to the State Department of Corrections on the "Dome Lot," the remaining portions of the property that would be remapped and zoned as part of this request are planned for a mix of commercial and office uses, potentially including a housing component. For this reason, the State is requesting that the



property be reclassified as Commercial in the Comprehensive Plan and zoned Mixed Use – 1 to remain consistent with the long term vision for the properties and consistent with the commitments that have been made to the surrounding property owners and memorialized in the adjacent neighborhood plan documents. A Commercial comprehensive plan designation would appeal to a broader market should the State ultimately decide to surplus and sell the property. According to the SACP, a commercial designation would provide for shopping and service opportunities for community and neighborhood shopping and service facilities, convenience stores, commercial offices, and specialized shopping and service facilities.

Specific SACP policies related to this request include:

General Development Policy 1 – Citizen Involvement

Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.

Response: This particular request is consistent with outreach conducted by the State as a stakeholder and the City in their neighborhood planning processes. The request to remap and rezone the properties that are subject to this request have included input from the surrounding community as reflected in the NESCA and NEN Neighborhood Plans discussed earlier in this narrative. Further, the applicant has reached out and presented the proposal to both neighborhood associations (January 7, 2020 – NEN Neighborhood Association) and (January 21, 2020 – NESCA Neighborhood Association). In those meetings, the request was presented and refined to respond to their concerns. Finally, this application is subject to hearings that will be duly noticed before the Salem Planning Commission and the Salem City Council.

General Development Policy 3 – Economic Growth

Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.

Response: Approval of the request will allow the City to strengthen its economic base by making more land available for commerce as opposed to government facilities that, while important, and in many cases essential, are no longer needed in this location. Portions of the parent parcel have already been remapped, are under contract for sale to a private developer, and are currently in the process of being developed with a mix of residential uses. This type of redevelopment increases the need for supporting uses, increases the tax base of the community, and makes it more efficient to improve existing public services.

Urban Growth Policy 3 – UGB is Urbanizable

Urbanizable areas within the urban growth boundary shall be considered as available for annexation and urban development.

Response: As indicated earlier, the subject site is located within the Salem UGB and within the City limits of Salem. The site is not currently within the City's Urban Service Area, but as



redevelopment of the site occurs, urban services are readily available, and can be extended to serve the site consistent with this policy.

Urban Growth Policy 4 - Infill

Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.

Response: This policy is satisfied under this application because the project site already has access to existing urban services. Water and sewer infrastructure exists within the adjacent streets. Power lines, waste collection services, and mail service are already established within the area. The proposal does not pertain to the conversion of urbanizable lands to urban uses.

Growth Management Policy 6 – Infill Development

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks and transportation facilities.

Response: This proposal is representative of infill development. Any new development on the site will be served through the existing services provided to the neighborhood as outlined in SUB-UGA 17-05 attached as Attachment 4:

- Existing available capacity of water and sewer services located in adjacent streets
- No anticipated further degradation of existing surrounding roadway network or significant impact on the surrounding transportation system beyond the currently allowed uses, per Attachment 3 transportation analysis from DKS and Associates.
- The school facilities contained within the Salem-Keizer School District 24J
- Fire protection from the Salem Fire Department
- Police protection from the Salem Police Department
- Waste collection by Suburban Garbage Haulers
- Cherriots #5 bus line service along Center Street
- Recreation at nearby McCrae Park, Englewood Park, Geer Community Park, and Hoover School City Park

Growth Management Policy 7 – Development Requiring Water and Sewer

Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City and the appropriate County.

Response: As discussed above, this site is able to connect to water and sewer services that exist within the adjacent streets as outlined in Attachment 4.

Growth Management Policy 9 – Infill on Facilities

New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.



Response: As described above, utilities and infrastructure are already in place for the surrounding area. This project is an example of infill development that will not require significant public cost to support the development. Streets and transit are established, along with utility access and public services. New streets and public service facilities will not be required for the development.

Growth Management Policy 11 – Facility Responsibility

Where development creates a demand for new expanded facilities and services, a share of the costs of new or expanded facilities and services should be borne by the new development itself.

Response: In general, new expanded facilities and services should not be required to support the development since roads, parks, and utility infrastructure already serve the area. As redevelopment of each lot occurs, it is expected that the developer will extend and improve the existing adjacent utilities into each development. Further, it is expected that future development will pay into the various public systems through System Development Charges (SDC's) as required.

Mixed Use Development Policies 1 - 8

Encourage efficient use of land by facilitating compact, high-density development and minimizing the amount of land that is needed to accommodate automobile parking. Where appropriate, revise mixed-use design standards to make them simpler and easier to use, including making mixed-use design standards consistent across mixed-use areas.

Encourage development that preserves private open space for residents and employees of mixed-use development.

Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where applicable.

Reinforce streets as public places that encourage pedestrian and bicycle travel.

Provide roadway and pedestrian connections to residential areas.

Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians.

Provide flexibility in the siting and design of new developments, facilities, and redevelopment to respond to changes in the marketplace and infrastructure systems.

Provide appropriate transitions between mixed-use areas and adjacent single-use neighborhoods.

Response: The proposed map amendments would open the site up to future mixed use development. Future development of the properties would be subject to the use and dimensional requirements of the MU-I zone as well as the development and design chapters of the Salem Revised Code that are intended to implement these policies. The applicant is not requesting to have any of those standards waived or varied with this request.



Commercial Development Policy 4 – Community Shopping and Service Facilities

Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development that discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets and provisions for connectivity to the facilities for pedestrian and bicyclists from residential neighborhoods.

Response: Future development of the site will be subject to an existing network of streets around and through the site as well as the development standards of the Salem Revised Code pertaining to parking, street improvements, and service areas. The lots proposed to be remapped are adjacent to Center Street NE, a designated major arterial.

Commercial Development Policy 6 – Commercial Office Uses

Commercial office uses shall have direct access to collector and arterial streets or be located within one quarter mile of a collector or arterial street.

Response: As stated earlier in this narrative, the lots subject to this request will have frontage onto Center Street NE (a Major Arterial), Park Avenue NE (a Collector), or 23rd Street NE (a Collector). As such, it is feasible that future commercial and mixed use developments on these parcels will satisfy this policy by having direct access onto one of these streets. This request is consistent with this policy.

Commercial Development Policy 7 – Mixed Use Development

With commercial development, buffer strips will be provided from residential uses, and external connectivity from residential development and other commercial development will be provided to commercial areas for pedestrian, bicycle and vehicular connectivity.

Response: The applicant is aware of requirements for pedestrian, bicycle, and vehicular connectivity for on-site circulation and is prepared to make accommodations for those facilities, as well as, meet the requirements for buffering, screening, and landscaping in the Salem Revised Code.

Although the SACP is an acknowledged Comprehensive Plan the following statewide planning goals are most likely applicable to this request:

Statewide Planning Goal 1: “Citizen Involvement”

“Citizen Involvement Goal 1 calls for “the opportunity for citizens to be involved in all phases of the planning process.” It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.”

Response: This quasi-judicial application provides multiple opportunities for citizen involvement in support of the first Statewide Planning Goal’s intent. First, notice of the application will be to surrounding owners. This notice will provide information about the date, time, and location of all hearings. At the hearings, members of the public will be allowed to testify for or against the proposed amendments, or as an alternative they are able to provide written comments during the public comment period up until the close of the public hearing. Finally, in the event an aggrieved



party participates in the process and has standing the final decision can be appealed in compliance with local and state laws.

Statewide Planning Goal 2: “Land Use Planning”

“Land Use Planning Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.”

Response: The proposed Comprehensive Plan Map and zone amendments are in alignment with the Salem Area Comprehensive Plan as discussed above. While no physical development is proposed with this application, the owner is aware that any proposed development will be required to comply with the applicable standards established in the City of Salem’s Municipal Code. No goal exceptions are required or requested by this proposal.

Statewide Planning Goal 5 “Open Space, Scenic and Historic Areas, and Natural Resources

To protect natural resources and conserve scenic and historic areas and open space.

Response: There are no open space or natural resources affected by the proposed rezone. A portion of the site is located in a city designated historic district, but the proposed rezoned does not prohibit future development from meeting any additional requirements associated with the historic district, nor does it place an additional burden on the City to administer the requirements of the overlay.

Statewide Planning Goal 6 “Air Water and Land Resources Quality”

To maintain and improve the quality of the air, water and land resources of the state.

Response: The proposed rezone of this area does not impact the quality of air, water, or land resources quality. The subject site is located within the existing Urban Growth Area, the City limits, and is currently underdeveloped. The proposed rezoning will result in allowing the property to be developed with a broader range of uses including housing and business. Portions of the original parent parcel have already been rezoned and are being developed with housing, improvements to the existing infrastructure, and providing for densification within the existing urban area. As a result, there is less demand to provide land outside of the urban areas, and eventually, more efficient public services.

Statewide Planning Goal 7 “Areas Subject to Natural Disasters and Hazards”

To protect people and property from natural hazards.

Response: The subject site is relatively flat with slopes ranging between 3-5%. There are no known natural hazards related to water resources on the site. The entire area is subject to earthquakes, but measures within the building codes are intended to mitigate impacts from those events.



Statewide Planning Goal 8 “Recreational Needs”

To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.

Response: the proposed amendment does not prohibit the City from meeting their needs as they apply to recreation. The site is not currently within the City’s inventory of recreation lands. A portion of the overall parent parcel may become a park in the future.

Statewide Planning Goal 9: “Economy of the State”

“Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.”

Response: This application is consistent with the City of Salem Economic Opportunities Analysis which indicated a deficit of commercial land in 2015. Although the current designation allows for public facilities, the requested designations will allow for more diverse economic opportunities by expanding the allowed uses, and opening the land up to more commercial uses. It does not take away from any employment or industrial land inventories.

Statewide Planning Goal 10: “Housing”

“This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.”

Response: The proposed amendments will allow for higher density single family and multi-family housing types as a permitted use. A recent buildable lands inventory assessment within the City of Salem Draft Housing Needs Analysis documented a deficiency in the supply of land for multi-family development. The multi-family residential deficit is quantified as 2,897 dwelling units and 207 acres of land. These amendments will provide land within the existing city limits and UGB to potentially assist in closing this deficit if future development includes housing as part of the programming.

Statewide Planning Goal 11 “Public Facilities and Services”

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: The City maintains public facilities and services to support urban development. The City has adopted Transportation, Stormwater, Wastewater and Water master facility plans. These plans outline the public facilities and services needed to serve land within the UGA. The existing public services and facilities in the area can be extended to serve the subject site consistent with the utility master plans.

Statewide Planning Goal 12 “Transportation”

To provide and encourage a safe, convenient and economic transportation system.

Response: The City of Salem Transportation System Plan (TSP) is in compliance with the requirements of this Goal. Goal 12 is implemented through the Transportation Planning Rule. The relationship of the proposal to the transportation system, and its impacts, have been



evaluated in the Traffic analysis prepared by the applicant's traffic engineer, DKS Associates (see attachment 3). The analysis has found that the traffic impacts of the project will not cause a change in the functional classification of any street or transportation facility and will not require or result in changes to the standards that implement the functional classifications system. The proposed plan amendment is therefore in compliance with the Oregon Transportation Planning Rule, the Salem Transportation System Plan and the goals and policies contained within the Salem Comprehensive Plan. In accordance with findings presented above, the proposed plan is consistent with Goal 12.

Statewide Planning Goal 13 “Energy Conservation”

To conserve energy

Response: Mixed use zoning allows for a mix of uses. Generally, residential uses and corresponding employment uses are promoted through mixed use zoning. This type of zoning inherently provides for the opportunity to reduce vehicle trips and miles traveled resulting in a reduction in the consumption of gasoline and associated emissions. Future development of the site, and supporting transportation infrastructure should encourage the use of alternative modes of transportation (bicycles, walking). The existing system should provide direct, efficient and convenient access to the new homes and businesses that result from the redevelopment of this site. Additionally, its proximity to adjacent developed residential neighborhoods may also help to reduce the vehicle miles traveled as this will encourage walking to access services that may be available in the area in the future. The buildings will be designed and constructed in compliance with the latest energy codes. For these reasons, the proposal will help conserve energy and be energy efficient, in keeping with the intent of this Goal.

Statewide Planning Goal 14: “Urbanization”

“This Goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an “urban growth boundary” (UGB) to “identify and separate urbanizable land from rural land.””

Response: The subject site is located within an existing urbanized area within the City. It is located within the Urban Growth Boundary and can feasibly be served by nearby urban services as the properties redevelop.

Statewide Planning Goals 15-19

Response: Statewide planning goals 15-19 are not applicable to this area and are not applicable to this proposal.

(E) The amendment is in the public interest and would be of general benefit.

Response: There is no evidence to suggest that the proposed amendments are not in the public interest. In fact, as documented earlier, these amendments have been anticipated in support of some of the future development concepts identified by the nearby neighborhood associations in their Neighborhood Plans. The site is currently under developed, no longer needed for a State Hospital, and is in a location that can be readily served by public services. It is located within the UGB and City Limits as opposed to the edge of the urban area, and is prime for redevelopment



with uses that can help to improve the nearby public facilities and boost the character and value of nearby neighborhoods.

Chapter 265 Zone Changes

Sec. 265.005. Quasi-judicial zone changes.

- (a) *Applicability. This section applies to any quasi-judicial zone change, other than a zone change by operation of law under SRC 265.015.*
- (b) *Standing to initiate quasi-judicial zone change. A quasi-judicial zone change may be initiated only by the Council, the Planning Commission, or the owner of the property subject to the proposed zone change, or that owner's agent.*
- (c) *Procedure type. A quasi-judicial zone change is processed as a Type III procedure under SRC chapter 300.*
- (d) *Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a quasi-judicial zone change shall include the following:*
 - (1) *An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:*
 - (A) *The total site area, dimensions, and orientation relative to north;*
 - (B) *The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and*
 - (C) *The location of drainage patterns and drainage courses, if applicable;*
 - (2) *A traffic impact analysis, if required, in the format specified, and based on thresholds specified in standards established, by the Director.*

Response: The proposed zone change includes a Comprehensive Plan Map amendment which is discussed previously in this narrative. The request is quasi-judicial and has been initiated by the Oregon Department of Administrative Services on behalf of the State of Oregon who owns the land. The submittal requirements for a comprehensive plan map amendment are the same as for a zone change and as indicated above are provided as attachments to this narrative.

- (e) *Criteria.*
 - (1) *A quasi-judicial zone change shall be granted if all of the following criteria are met:*
 - (A) *The zone change is justified based on the existence of one or more of the following:*
 - (i) *A mistake in the application of a land use designation to the property;*
 - (ii) *A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or*
 - (iii) *A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for*



the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Response: As stated previously, the proposed amendments are based on a change in social and economic conditions within the area. There is no longer a State hospital on the site. The hospital has been closed and demolished. Portions of the site have already been reclassified to residential map and zone designations, and the two nearby neighborhood association plans have documented a desire to reclassify portions of the site for mixed use development. The current designation is no longer appropriate. Secondly, the proposed mixed use designation is better suited for the site given that the existing designation was applied in support of a use that is no longer occupying the site. The existing SACP designation and associated zoning were applied in support of the Oregon State Hospital. As mentioned previously, the neighborhood associations most likely to be impacted by this request, have both indicated a desire to reclassify portions of the site consistent with this request in their respective neighborhood plans. The State of Oregon owns the property and does not intend to develop or use the properties subject to this comprehensive plan map amendment for a future hospital or community service use.

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

Response: The zone change is not a City-initiated request. This criterion is not applicable to this request.

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

Response: As discussed previously in this narrative, and for the same reasons listed above, the propose zone change complies with the applicable provisions of the SACP.

(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Response: As discussed previously in this narrative, the proposed zone change is consistent with the statewide planning goals and applicable administrative rules adopted by the DLCD.

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



Response: The proposed zoning would change the Comprehensive Plan designation from a very specific designation Community Services Hospital (CSH) which was likely applied to protect the former use of the site as the Oregon State Psychiatric Hospital to a Commercial designation. The SACP indicates that the most recent EOA for the City showed a deficit of commercial lands. This request is consistent with meeting that need. Specific details are discussed earlier in this narrative.

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

Response: A Transportation Planning Rule (TPR) analysis was conducted by DKS and Associates and is attached to this request as Attachment 3. As indicated, the proposed zone change would not significantly affect any existing transportation facilities. Future development of the site will likely require further analysis based on more specific development proposals. There is already a trip cap associated with development on the site that triggers the need for future street and intersection improvements. See Attachment 4, SUB-UGA 17-05 for specific details related to those required improvements.

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

Response: As indicated earlier in this narrative, and consistent with the requirements of the Urban Growth Preliminary Declaration decision, Attachment 4, there are public facilities and services nearby that can serve the site as development occurs.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

Response: Noted. This narrative and the supporting documentation satisfy the criteria that the proposed Comprehensive Plan Map amendment and zone change is appropriate and approvable.

Sec. 265.025. When zone change requires comprehensive map amendment.

A zone change may require an amendment to the comprehensive plan map. A zone change requires an amendment to the comprehensive plan map when the zone proposed with the change requires a different corresponding plan map designation. If an amendment to the comprehensive plan map is required, the zone change and comprehensive plan map amendment shall be consolidated under SRC chapter 300.

Response: The zone change also requires an amendment to the Comprehensive Plan Map. The applicant is aware that the applications are consolidated under these circumstances.

III. CONCLUSION

This land use application narrative and appendices meet the applicable Salem Area Comprehensive Plan amendment goals and policies or has the ability to demonstrate compliance, with further clarification as a condition of approval, at the time of building permit review. In addition,




the applicable standards and approval criteria for SRC Chapters 64 (Comprehensive Planning), and 265 (Zone Changes), have been addressed above, making a case for how the project meets the requirements. The applicant respectfully requests that the City approve the applications for a comprehensive plan amendment and zone change as requested.





MEMO

TO: Aaron Panko, Planner III
Community Development Department

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

DATE: May 11, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC20-02 (20-104136-ZO AND 20-105831-ZO)
2575 CENTER STREET NE
COMPREHENSIVE PLAN CHANGE AND ZONE CHANGE**

PROPOSAL

A Minor Comprehensive Plan Map Amendment from CSH (Community Services Health) to Mixed Use and a Zone Change from PH (Public and Private Health Services) to MU-I (Mixed Use-I) for a 14.94-acre portion of property approximately 47.37 acres in size, and located at 2575 Center Street NE - 97301 (Marion County Assessors Map and Tax Lot number 073W24C / 00100).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

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

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Streets

1. Center Street NE
 - a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 46-foot improvement within a 78-foot-wide right-of-way abutting the subject property.
2. Park Avenue NE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 30-foot improvement within a 40-foot-wide right-of-way abutting the subject property, with the exception of the improved intersection at Park Avenue NE and Center Street NE.
3. 23rd Street NE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 34-foot improvement within a 50-foot-wide right-of-way abutting the subject property.
4. 25th Street NE
 - a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Condition—This street has a variable 16- to 20-foot-wide improvement on private property abutting the subject property and will be improved to meet the Local street standard in conjunction with land use case SUB-UGA17-05.

Storm Drainage

1. Existing Conditions
 - a. A 10-inch storm main is located in Center Street NE.
 - b. A 6-inch storm main is located in Park Avenue NE.

Water

1. Existing Conditions
 - a. The subject property is located within the G-0 water service level.

- b. A 10-inch water main is located within an easement along the southern boundary of the subject property. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- c. A 10-inch water main is located in Park Avenue NE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.
- d. A 24-inch steel water line is located within an easement along the western boundary of 23rd Street NE. Mains of this size generally convey flows of 8,500 to 19,700 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 18-inch sewer main is located in Park Avenue NE.
- b. An 8-inch sewer main is located in 23rd Street NE.

CRITERIA AND FINDINGS

Criteria: SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC-ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings that the proposed zone change does not significantly affect a transportation facility.

Criteria: SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding: Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the existing and future proposed development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Jennifer Scott, Program Manager
cc: File



MEMO

TO: Planning Commission

THROUGH: Lisa Anderson-Ogilvie, Deputy Community Development Director and
Planning Administrator
Community Development Department

FROM: Aaron Panko, Planner III
Planning Division

DATE: May 26, 2020

SUBJECT: **CPC-ZC20-02 – 2575 Center Street NE; Open Record**

On May 19, 2020, the Planning Commission held a public hearing for CPC-ZC20-02. The hearing was closed, and the record was left open until May 26, 2020 at 5:00 p.m. for anyone to provide additional written testimony. The applicant has until June 2, 2020 at 5:00 p.m. to submit final written rebuttal. Two comments were submitted before the public hearing (**Attachment A and B**). The applicant submitted additional testimony after the public hearing (**Attachment C**).

During the comment period testimony was received from the Housing Land Advocates raising concerns that the applicant did not adequately address Statewide Planning Goal 10 (Housing) in their written findings, and that the City response did not indicate if the 2014 Housing Needs Analysis (HNA) included the subject property in the Buildable Lands Inventory (BLI).

The subject property was zoned PH (Public and Private Health Services) which is a zone that allows for very limited residential use. Because of its zoning, the property was not included in the BLI, which summarized vacant and partially vacant land suitable for residential development. Goal 10 is satisfied in this case because with the existing PH zoning designation, the property does not contribute to the future housing needs of the City. Therefore, the proposed Mixed-Use designation does not decrease the amount of land available for residential purposes, in fact, the proposed designation allows a variety of residential uses leaving open the possibility of the land being used for residential purposes in the future.

A memo dated May 22, 2020 from Eunice Kim, Long Range Planning Manager, is included in the record for this case (**Attachment D**). The memo provides the Planning Commission and update on what the Planning Division has been working on to implement the Salem Housing Needs Analysis Work Plan since directed to do so by the City Council in 2016.

Attachments: A. May 18, 2020, HLA and FHCO Comment
 B. May 18, 2020, Julie Frasier Comment
 C. May 19, 2020, Additional testimony from the applicant
 D. May 22, 2020, Update on Multifamily Development

cc: CPC-ZC20-02 File



May 18, 2020

City of Salem Planning Commission
555 Liberty ST SE
Salem OR 97301

Re: A Minor Comprehensive Plan Map Amendment from CSH (Community Services Health) to Mixed Use and a Zone (CPC/ZC20-02)

Dear Planning Commission Members:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, and as indicated on the Staff Report, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change.

The staff report for local file number CPC/ZC20-02 recommends its approval. This recommendation is contingent on the Goal 10 findings contained within the report, stating that since "the proposed designation leaves open the possibility of the land being used to provide diverse housing options" it complies with Goal 10. However, the statement "leaves open the possibility" does not inform concerned citizens what that possibility is, nor how the amendment will fulfill Salem's housing needs. For example, was the proposed property listed as buildable within the BLI before the amendment? What housing types (diverse housing options) does Salem need, what is the progress on fulfilling that need, and how does the amendment effect/change



this need and progress? While the current proposals does not include a specific development proposal, if the land is coming into a potential residential use, the findings should illustrate that potential. This zone change is the appropriate time to consider Goal 10 (and may in fact, encourage a development consistent with the City's housing needs). Goal 10 findings must demonstrate that the changes do not leave the City with less than adequate residential land supplies in the types, locations, and affordability ranges affected. *See Mulford v. Town of Lakeview*, 36 Or LUBA 715, 731 (1999) (rezoning residential land for industrial uses); *Gresham v. Fairview*, 3 Or LUBA 219 (same); see also, *Home Builders Assn. of Lane Cty. v. City of Eugene*, 41 Or LUBA 370, 422 (2002) (subjecting Goal 10 inventories to tree and waterway protection zones of indefinite quantities and locations). Further, the City should reference its HNA and BLI in order to provide an adequate factual basis for Goal 10 findings. Only with a complete analysis showing any gain in needed housing as dictated by the HNA and compared to the BLI, can housing advocates and planners understand whether the City is achieving its goals through local planning file number CPC/ZC20-02.

HLA and FHCO urge the Commission to defer approval of local file number CPC/ZC20-02 until adequate Goal 10 findings can be made, and the proposal fully evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Louise Dix, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Louise Dix at ldix@fhco.org or reach her by phone at (541) 951-0667.

Thank you for your consideration.

A handwritten signature in cursive script that reads "Louise Dix".

Louise Dix
AFFH Specialist
Fair Housing Council of Oregon

/s/ Jennifer Bragar
Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)

Aaron Panko

From: julie frasier <julesncats@yahoo.com>
Sent: Monday, May 18, 2020 2:30 PM
To: Aaron Panko; Lisa Anderson-Ogilvie
Subject: Public Comment re: Comprehensive Plan Change/Zone Change Case NO. CPC-ZC20-02

May 18, 2020

Sent via email only

Aaron Panko
Lisa Anderson-Ogilvie
City of Salem
555 Liberty St SE
Salem OR 97301

RE: Hearing re: Comprehensive Plan Change/Zone Change Case NO. CPC-ZC20-02; North Campus Zone Change

Dear Mr. Panko,

I live in the neighborhood to the North Campus area.

Please include the following comments at the hearing tomorrow night.

My understanding is that this hearing is to change the zoning for the remainder of the old North Campus Hospital Grounds into a Mixed use and/or Commercial district along Center Street, between Park Street and 25th St NE.

My concerns and thoughts are as follows:

1) **Save the Historic Trees:** There are very old, historic trees in this area, including a very large incense cedar tree, which is located near the corner of 25th St NE and Center St. It has what looks to be a very old copper/metal tag on trunk, "**Cedar Incense Tree.**" I believe it is important to preserve this tree and others, due to their age and historic value.

Since there has already been a destruction of a number of trees on the campus along 25th St NE, (at least 7, and they were not diseased) by the State via R & R Tree Service, I believe it is important to maintain as many big trees as possible in this remaining area which will be sold for development.

2) **Small Scale Development for the Neighborhood Businesses and Residents:** I would hope you and the future developers consider the existing residential neighborhood, as well as the population that will move in with the new apartment complex and the various nearby State Offices that employ many workers (State Hospital, State Parole, State Juvenile Department, as well as medical offices west of 23rd NE Street,) when a decision is made as to what type of businesses will be allowed to be built. I propose the following:

a) **A small Eatery, Bakery/Cafe or Food Trucks Recommended:** Either Food trucks or a Bakery Cafe could serve food to the growing population in this neighborhood. There will be increased foot traffic and it would be a nice gesture from the State and City to create a place that is both practical, useful and needed for the neighborhood.

b) **A Healthy Food Co-op also a recommended suggestion:** similar to Life Source and Natural Foods in South Salem, would also be a nice addition to the neighborhood, as residents now have to travel to South Salem for this type of food. These stores would also serve deli and take out prepared food, which also can serve the employees of the nearby businesses.

b) **NO Big Chains - such as Gas Stations and MiniMarts - they already exist in the area:** We already have gas stations and Mini Marts nearby on Market Street and Lancaster, so please consider promoting a permit for a food establishment that is more personal, smaller scales and not a big chain.

c) **Safety Concerns if a Gas Station of MiniMart is developed:**A Bakery/Cafe and/or Food truck would bring in many people in the morning, lunch and early evenings, but would close at night, thereby creating less of a safety risk than if a chain mini mart and/or gas station is developed that stays open during late hours or even 24 hours.

In summary, I am recommending that as many historic trees be preserved, especially the Cedar Incense Tree. We need the green canopy for shade, for habitat for the birds and for the beauty of the neighborhood. So much is being developed in the North Campus with a big scale 3 story Apartment complex, the residents really need something smaller and more personable to the neighborhood.

Please consider our neighborhood and community when changing the zoning for this area. It feels like we have given up so much green space and trees, that it would be nice to have a smaller scale business for this area.

Thank you in advance for your time and consideration.

Julie Frasier
1243 24th st NE, Salem OR 97301

ATTACHMENT C

RECEIVED 5/19/2020
CITY OF SALEM PLANNING COMMISSION
CPC-ZC20-02 for 2575 CENTER ST NE
ADDITIONAL FINDINGS FROM APPLICANT

Proposed additional findings to address the concerns raised by the Fair Housing Council of Oregon and Housing Land Advocates letter.

1. There is a demonstrated deficiency in land available to multi-family development under the most recent Salem HNA (2015-2035). The HNA prepared by ECONorthwest demonstrates that there is a need of 23,355 housing units over the 20 year planning horizon. Table 4, Page 34 of the *Salem Housing Needs Analysis (2015-2035)*.
2. There is a deficit of multi-family housing of approximately 2,897 units and 207 acres in Salem based on Table 12, Page 46 of the *Salem Housing Needs Analysis (2015-2035)*
3. The proposed zoning will permit a wider variety of housing types by right as opposed to the limited allowances under the current designation, which in turn makes more land immediately available for housing development within the City.
 - a. The current zoning, Public and Private Health Services (PH) limits the amount of housing to either a caretaker residence, or housing developed under the , "Conversion or rehabilitation of a historic contributing building or local historic resource for multiple family residential use, when owned and managed by a public agency or a public/private partnership."
 - b. The proposed zoning, Mixed Use 1 (MU-1) allows attached single family homes, three family homes, four family homes, and multi-family developments outright. If they are developed exclusively for housing, the density is limited to 12 DU/AC. If developed as a mixed use development, then they are bound by the dimensional standards of the zone.
4. The proposed amendment does not reduce the City's buildable residential land supply. In fact, it increases the amount of land available for residential development.
5. The proposed rezone does not restrict the affordability of the units that could be constructed on the property.

Affordability is not typically regulated by development codes. That is typically market driven. This property already has public infrastructure and services available to the site.

It would result in redevelopment of an existing area that is already urbanized with adequate urban services available, as opposed to a greenfield development where the costs associated with extending services is added on to the cost of the units. This site is served by transit, is located in an established urban area with ancillary retail and other services. These are key tenets in locating affordable housing.

In response to the comments from Mrs. Frasier,

- No physical development of the property is proposed with this application. Future development would be required to meet the development standards of the City of Salem including tree protection and preservation.
- The types of businesses she references in her letter would all be allowed within the zone. When the property is put into surplus by the State, it is likely to be made available to the open market and is always hard to know who the prospective buyers would be.
- The proposed zoning is consistent with goals from both the Northeast Neighbors Neighborhood Plan and the Northeast Salem Community Association Neighborhood Plan.



MEMORANDUM

COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 22, 2020
TO: PLANNING COMMISSION
FROM: EUNICE KIM, LONG RANGE PLANNING MANAGER
SUBJECT: UPDATE ON MULTIFAMILY DEVELOPMENT

The City of Salem Planning Division has been working to implement the Salem Housing Needs Analysis (HNA) [Work Plan](#) since directed to do so by City Council in 2016. The work plan advances recommendations in the [HNA](#) to address the projected 207-acre deficit of multifamily land in Salem’s portion of the urban growth boundary (UGB). This memorandum outlines what has been accomplished, what is in the works, and what progress has been made toward the projected deficit of multifamily land.

HNA Work Plan Projects

The HNA Work Plan includes three phases of work as shown below.

Phase	Project
Phase 1 – Expand Housing Choices	
	1. Allow accessory dwelling units ✓
	2. Allow more multifamily housing types in single-family zones
Phase 2 – Encourage Multifamily Development	
	3. Revise design review process ✓
	4. Revise Planned Unit Development regulations ✓
	5. Identify tools to increase redevelopment ✓
Phase 3 – Redesignate Land	
	6. Redesignate land for multifamily housing

Accessory Dwelling Units

In 2017, City Council approved a code amendment to allow accessory dwelling units (ADUs), and it became effective on August 9, 2017. As of mid-May 2020, 49 building permits have been approved for ADUs in Salem. In addition, 24 ADU building permits are under review.

Since July 1, 2019, the system development charges (SDCs) for ADUs have been waived for five years. This amounts to more than \$4,000 in cost savings per new ADU. The waiver will continue until June 30, 2024. It is the result of a City Council vote on February 25, 2019 to update the methodologies used to determine SDCs for parks, transportation, water, wastewater, and stormwater infrastructure.

Design Review

The City has updated Salem's design regulations on multifamily housing as a result of the Multifamily Housing Design project. The updated regulations help meet our community's housing needs by removing barriers to the development of multifamily housing and ensuring that new development is compatible with our neighborhoods. The City Council approved the changes in February 2020.

Effective in March 2020, the changes:

- Provide greater flexibility in how multifamily design standards can be met
- Reduce the number of design standards for small multifamily housing projects
- Simplify the regulations for three and four-unit projects
- Reduce parking requirements for multifamily projects of all sizes

Details can be found on the [Multifamily Housing Design Standards webpage](#).

Tools to Increase Redevelopment

The City has implemented several tools to increase redevelopment (and infill development) for housing in recent years. As mentioned above, the City waived SDCs for ADUs for five years.

As part of the Multifamily Housing Design code amendment, the City simplified the approval process for multifamily housing development. Specifically, if multifamily housing projects cannot meet all of the City's design standards, those projects can now apply for an adjustment, which is an administrative approval. Prior to the code amendment, such projects had to go through a public hearing process at the Planning Commission.

The City also decreased parking requirements for housing to spur redevelopment and infill housing development.

- Off-street parking is no longer required for multifamily projects that are either located in the [Central Salem Development Program area](#) downtown or within a quarter-mile of Cherriots' [Core Network](#). The Core Network consists of corridors throughout Salem where Cherriots has committed to providing frequent transit service.
- The parking requirement for housing projects with three to 12 units has been reduced to 1 space per unit.
- The parking requirement for affordable housing units (e.g., 80 percent of family median income) has been reduced by 25 percent.
- The City has provided other options for reducing parking requirements for multifamily housing projects. For example, such projects can provide additional covered bicycle parking or on-site shared vans to reduce their parking requirement.

In addition, the City has initiated and adopted Comprehensive Plan Map changes to land along State Street and in West Salem from Commercial to Mixed Use in recent years. These redesignations of land have simplified the approval process for multifamily housing to spur housing redevelopment and infill development. In particular, multifamily housing is now a permitted use in the Mixed Use areas, where previously a conditional use permit was required (e.g., public hearing process).

This year, the City created a new tax increment financing (TIF) district to incent additional affordable housing in a residential development on the former North Campus of the State Hospital site. This is a new tool that the City has implemented to help increase the supply of affordable housing in Salem.

Multifamily Land and Development

Land for Multifamily Housing

Between January 2014 and March 2020, there has been a net increase of roughly 28 acres of land designated as Multifamily on the Comprehensive Plan Map. The amount of additional Multifamily-designated land does not account for zone changes from Multiple Family 1 (RM1) to Multiple Family 2 (RM2). The HNA – and the projected deficit of multifamily land – is based on Comprehensive Plan designations as opposed to zoning, and land that is zoned RM1 and RM2 generally have a Comprehensive Plan designation of Multifamily.

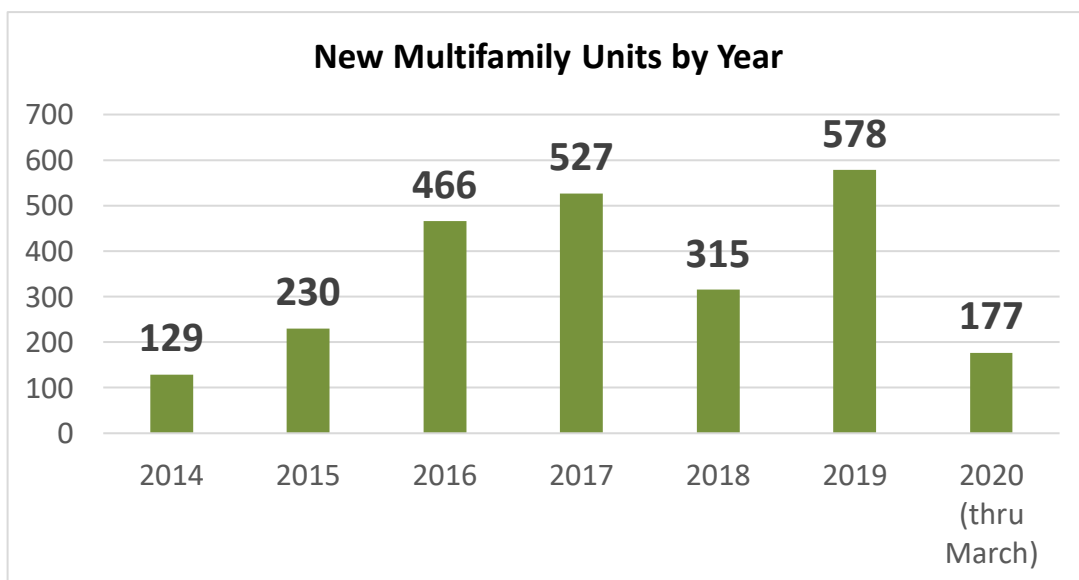
In addition to the new Multifamily land, there has been a net increase of 86 acres of land designated as Mixed Use on the Comprehensive Plan Map. Much of this land was redesignated to accommodate mixed-use developments that included multifamily housing.

In the HNA, the City assumed that 14.8 dwelling units per year would be developed on Commercially-designated land; in most cases, a conditional use is required to develop multifamily housing on such land. In contrast, multifamily housing is permitted outright on Mixed Use land. Therefore, the housing density will likely be higher on the 86 acres of land that was converted to Mixed Use than the density assumed for Commercial land in the HNA. The City anticipates reviewing and recalculating these housing density assumptions when the HNA is adopted.

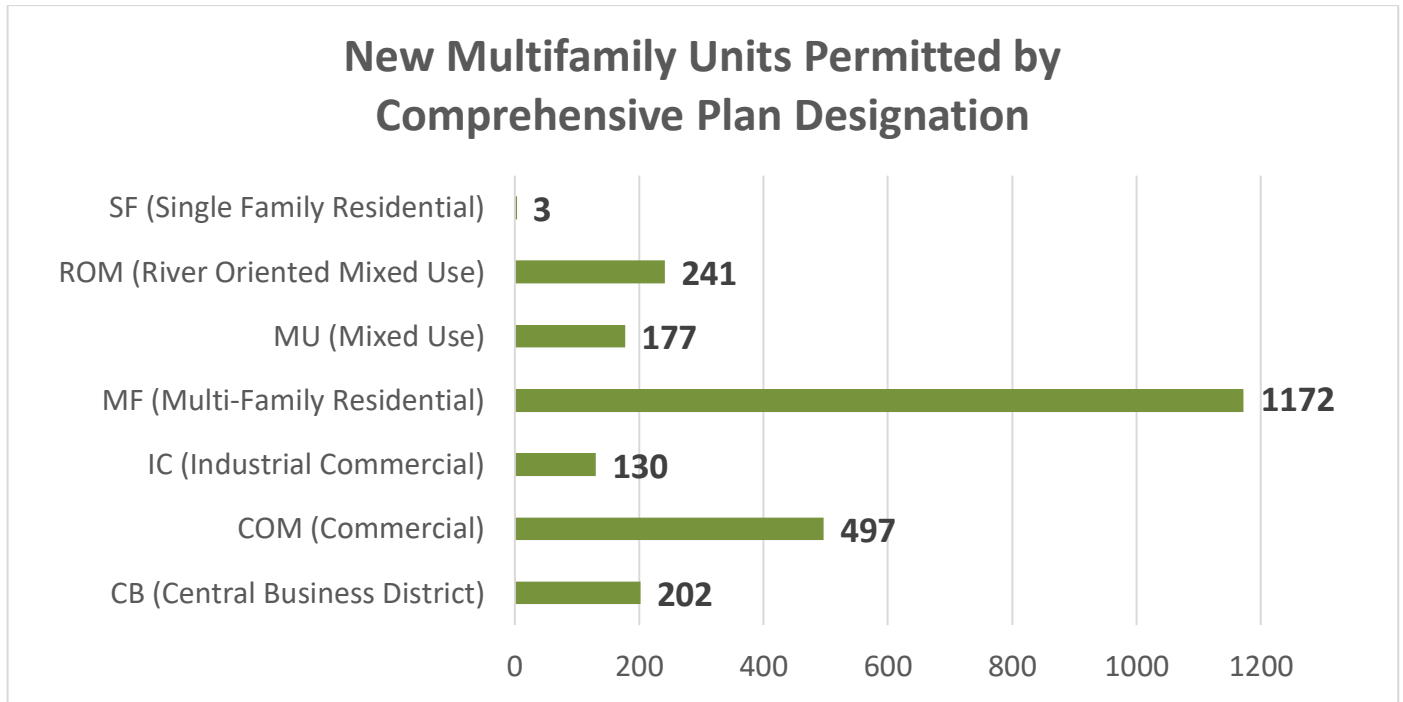
Multifamily Development

Multifamily housing has continued to be developed in Salem since the HNA was completed. The HNA relied on building permit data through February of 2014. Between that time and March 2020, building permits have been issued for 2,422 new multifamily units. Of that total, roughly 19% (or more than 460 units) have been part of mixed-use developments, both horizontal and vertical mixed use.

Attachment 1 shows that multifamily development has been occurring across Salem. The map shows building permits for multifamily units by year, as does the chart below. The number of building permits for multifamily units hit a high of 578 units in 2019.



Nearly half of all new multifamily units that were issued building permits – 1,172 units – are on land designated Multi-Family Residential (MF). In addition, nearly 500 multifamily units are on land designated Commercial (COM). The rest are on land designated Central Business District (CB), Mixed use (MU), River Oriented Mixed Use (ROM), Industrial Commercial (IC), and Single Family Residential (SF). See the breakdown in the following chart.



Background

The City of Salem completed the HNA in December 2014. The purpose was to develop strategies to provide enough land to meet Salem's housing needs over the next 20 years and to inform policy decisions related to residential land. The HNA, in conjunction with the Salem Economic Opportunities Analysis, validated that the existing UGB does not need to be expanded to meet Salem's land needs.

The HNA found that Salem's portion of the UGB has a projected 1,975-acre surplus of land for single-family housing (9,131 units) and a projected 207-acre deficit of land designated for multifamily housing (2,897 units). Under state law, the City cannot adopt the HNA without also addressing this deficit. Staff is working to do this through the HNA Work Plan described earlier.

Other Related Work

Staff is working on the [Our Salem project](#), which is a multi-year project to update the Salem Area Comprehensive Plan. Since the summer of 2019, the City has been conducting community-wide visioning. During this phase, the City – working with a consultant team and community – expects to establish a vision for future growth and development, including where future multifamily housing should be located. As part of the Comprehensive Plan update, the City will accommodate Salem's projected housing needs, accommodating all of the multifamily land acres identified as a projected deficit in the HNA.

The City completed the first phase of the Our Salem project in 2019; it focused on analyzing the existing conditions of the Salem area and future scenarios for how Salem could grow under current policies. The result of that first phase is in a [report card](#).

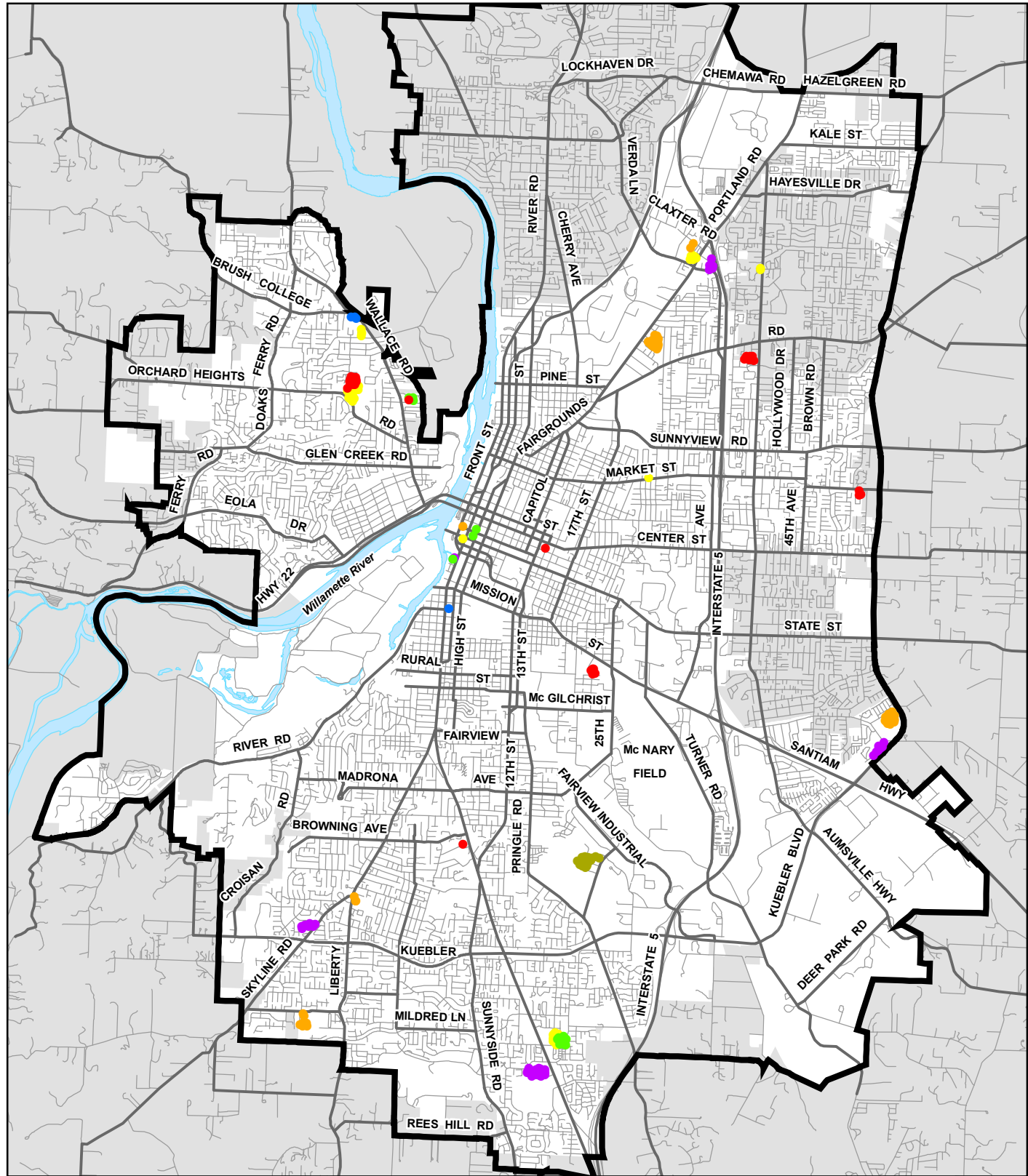
For questions or comments, please contact Eunice Kim, Long-Range Planning Manager, at 503-540-2308 or ekim@cityofsalem.net.

Attachment:

1. Map of Multifamily Housing Building Permits

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1st Quarter 2014 through 1st Quarter 2020 MultiFamily Permits



Legend

1Q2014-1Q2020 MultiFamily Permits (2422 Units Total)

- 2014 (129 Units)
- 2015 (230 Units)
- 2016 (466 Units)
- 2017 (527 Units)
- 2018 (315 Units)

- 2019 (578 Units)
- 1Q 2020 Only (177 Units)

- ▭ Urban Growth Boundary
- ▭ Outside Salem City Limits
- Major Streets
- Other Streets

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0 1,500 3,000 6,000 Feet

