

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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*Si necesita ayuda para comprender esta información, por favor llame
503-588-6173.*

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE CASE NO.
CPC-ZC16-12

APPLICATION NO.: 16-117354-ZO

NOTICE OF DECISION DATE: DECEMBER 7, 2016

APPLICATION SUMMARY: A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 11.88-acre property from "Community Service - Education" with PE (Public/Private Education) zoning to "Industrial Commercial" with IC (Industrial Commercial) zoning. The subject property was formerly the undeveloped northern portion of the campus for the Oregon School for the Deaf.

REQUEST: The applicant proposes to change the Comprehensive Plan Map designation of the subject property from "Community Service - Education" to "Industrial Commercial" and change the zoning from PE (Public/Private Education) to IC (Industrial Commercial). The subject property is approximately 11.88 acres in size, zoned PE (Public/Private Education), and located at the 700 Block of Auto Row Avenue NE (Marion County Assessor's map and tax lot number: 073W14BA00100).

APPLICANT: RURAL CASTLE LLC (ALEX CASEBEER, MATTHEW CASEBEER)

LOCATION: 700 BLOCK OF AUTO GROUP AVENUE NE / 97301

CRITERIA: Quasi-Judicial Zone Change: SRC 265.005(e)

FINDINGS: Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Accordingly, upon hearing evidence presented at the public hearing, the Planning Commission may forward a recommendation to the City Council on the Comprehensive Plan Map Change and approve or deny the associated applications contingent on the City Council's decision.

The findings for the Zone Change are in the attached Order dated December 6, 2016.

DECISION: The Planning Commission **GRANTED** Zone Change Case No. CPC-ZC16-12 as follows:

- A. APPROVE the zone change request for the subject property from PE (Public/Private Education) to IC (Industrial Commercial) contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

Condition 1: At the time of development, construct bicycle facilities on the abutting portions of Cherry Avenue NE, Maple Avenue NE, and


Auto Row NE as identified in the Bicycle System Element of the Transportation System Plan. As an alternative, the applicant may provide bicycle facilities providing a connection from Maple Avenue NE at the southwest corner of the site to Cherry Avenue NE at the northwest corner of the site, consistent with facilities identified in the Winter-Maple Bikeway Plan.

Condition 2: At the time of development, construct the following transportation system improvements:

- a. Dual northbound left turn lanes on Cherry Avenue NE to westbound Salem Parkway NE.
- b. A westbound right turn lane on Pine Street NE to northbound Cherry Avenue NE.

VOTE:

Yes 7 No 0 Absent 1 (Guyer) Abstained 0



Rich Fry, President
Salem Planning Commission

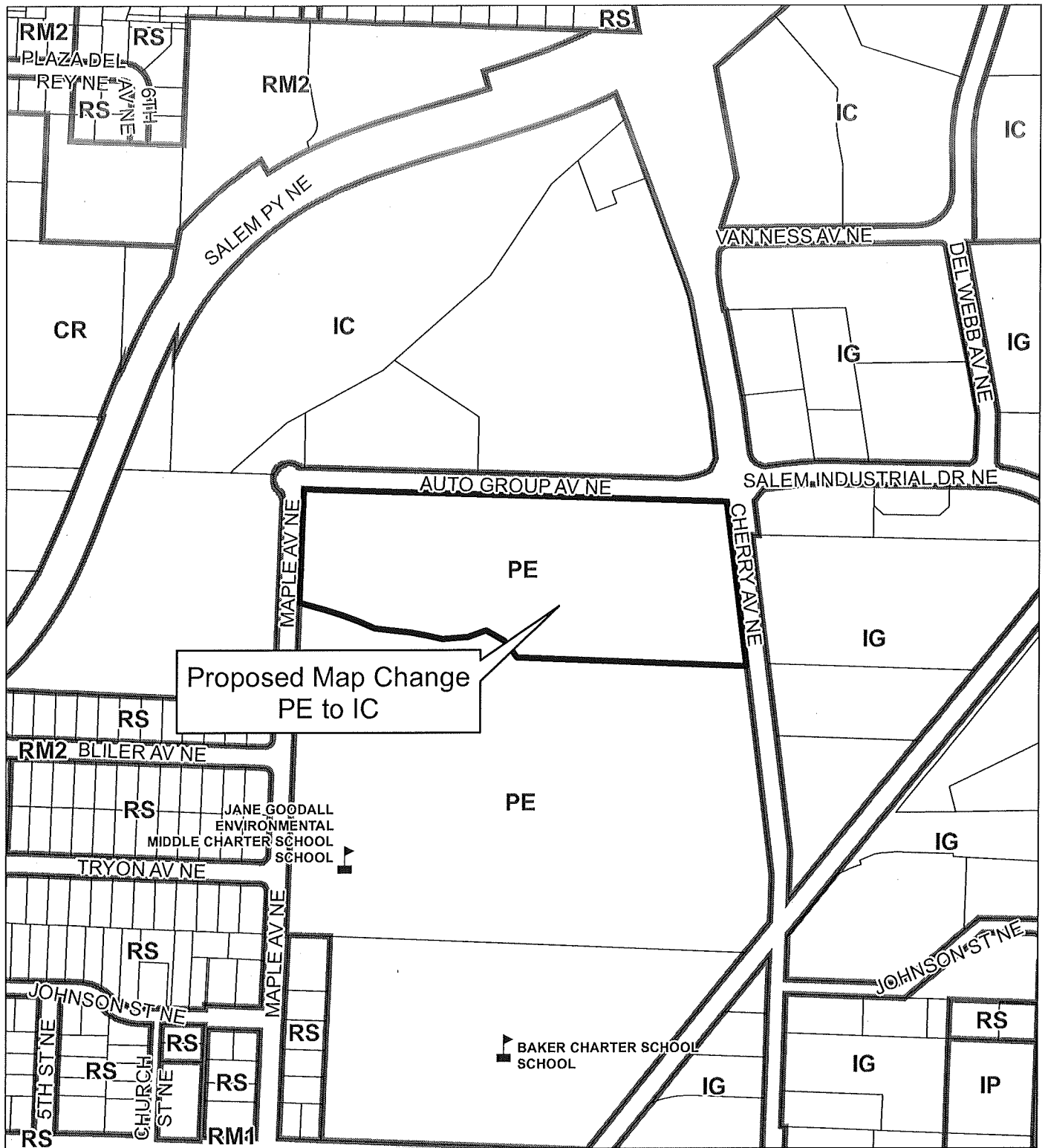
Application Deemed Complete: October 10, 2016
Public Hearing Date: December 6, 2016
Notice of Decision Mailing Date: December 7, 2016
Effective Date: December 23, 2016
State Mandate Date: February 7, 2017

Case Manager: Chris Green, cgreen@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Thursday, December 22, 2016.** 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 in SRC Chapters 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 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 305, City Hall, 555 Liberty Street SE, during regular business hours.

Zoning Map - 700 Block of Auto Group Ave NE



Proposed Map Change
PE to IC

Legend

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

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

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator ^{LAO}

STAFF: Christopher Green, AICP, Planner II ^{CG}

HEARING DATE: December 6, 2016

APPLICATION: Comprehensive Plan Change / Zone Change Case No. 16-12

LOCATION: 700 Block of Auto Group Avenue NE

SIZE: Approximately 11.88 acres – see Attachment A

REQUEST: A consolidated application to change the Comprehensive Plan Map designation of the subject property from “Community Service - Education” to “Industrial Commercial” and change the zoning from PE (Public/Private Education) to IC (Industrial Commercial).

The subject property is approximately 11.88 acres in size, zoned PE (Public/Private Education), and located at the 700 Block of Auto Group Avenue NE (Marion County Assessor map and tax lot number: 073W14BA00100).

APPLICANT: Rural Castle, LLC

PROPERTY OWNER: Rural Castle, LLC

REPRESENTATIVES: Jeff Tross, Tross Consulting

APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Ch. 64
Zoning Map Amendment: Salem Revised Code, Ch. 265

RECOMMENDATION: RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject properties on the Salem Area Comprehensive Plan Map from “Community Service – Education” to “Industrial Commercial”; and

APPROVE Zone Change Case No. 16-12, contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

ZONE CHANGE:

Condition 1: At the time of development, construct bicycle facilities on the abutting portions of Cherry Avenue NE, Maple Avenue NE, and Auto Row NE as

identified in the Bicycle System Element of the Transportation System Plan. As an alternative, the applicant may provide bicycle facilities providing a connection from Maple Avenue NE at the southwest corner of the site to Cherry Avenue NE at the northwest corner of the site, consistent with facilities identified in the Winter-Maple Bikeway Plan.

Condition 2: At the time of development, construct the following transportation system improvements:

- a. Dual northbound left turn lanes on Cherry Avenue NE to westbound Salem Parkway NE.
- b. A westbound right turn lane on Pine Street NE to northbound Cherry Avenue NE.

APPLICATION PROCESSING

Subject Application

On September 14, 2016, Jeff Tross, on behalf of applicant Rural Castle, LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from "Community Service - Education" to "Industrial Commercial" and to change the zoning from PE (Public/Private Education) to IC (Industrial Commercial).

The application was deemed complete for processing on October 10, 2016. The public hearing on the application is scheduled for December 6, 2016.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-day deadline to issue a final local decision in this case is February 7, 2016.

Public Notice

1. Notice of the consolidated proposal was distributed to City departments and public and private service providers on November 9, 2016.
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on November 16, 2016.
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.602(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 this proposed Comprehensive Plan and Zone Change to DLCD on November 1, 2016.

BACKGROUND INFORMATION

Proposal

The applicant is requesting a zone change from PE (Public/Private Education) to IC (Industrial Commercial). In February 2016, property line adjustment case PLA16-06 relocated the common boundary between the subject property and the southern portion of the Oregon School for the Deaf campus. Later in 2016, the subject property was sold by the State of Oregon as surplus to the campus. The proposed zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from "Community Service – Education" to "Industrial Commercial," a designation which is implemented by the IC zone.

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria is included as Attachment C.

Existing Conditions

Between 1910 and 2016, the subject property was part of the campus for the Oregon School for the Deaf. In recent decades the overall campus was approximately 37.4 acres in size and extended southward to Locust Street NE. PLA16-06 created the current boundaries of the subject property, which is approximately 11.88 acres in size. The site is bounded by Maple Avenue to the west, Auto Group Avenue to the north, and Cherry Avenue to the east. The boundary between the subject property and the remainder of the Oregon School for the Deaf campus follows an irregular east-west line that runs along natural contours. While part of the campus, the subject property was vacant with the exception of maintenance/landscaping sheds. The site is relatively flat and open, with the exception of scattered stands of evergreen and deciduous trees, and a row of mature Sequoia trees lining the eastern boundary along Cherry Avenue.

As described by the applicant, "The lands around the Cherry Avenue-Salem Parkway intersection are a major center of industrial-commercial zoning and activity in the northern part of the city." In the 1980s, Salem Parkway was constructed approximately 1,200 feet north of the subject property. Several Comprehensive Plan map and zone changes adopted in the 1990s and 2000s resulted in a cluster of land designated "Industrial Commercial" and zoned IC (Industrial Commercial) centered on the intersection of Cherry Avenue and the Salem Parkway. Large scale commercial development has followed, including the construction of a Home Depot store and multi-line auto dealership complex just to the north of the subject property.

In October 2016, the property owner obtained demolition permits and removed the outbuildings on the subject property. In November 2016, staff observed that a portion of the site, including the former fenced, graveled enclosure around the outbuildings and a significant

grassy area to the south was being used for storage of automobiles owned by adjacent dealerships. Automobile storage is not a permitted use in the PE (Public/Private Education) zone, and the owner did not obtain site plan review approval or other required permits for the storage area. Automobile storage is a permitted use in the proposed IC zone, subject to applicable development standards. The applicant has been notified that the vehicle storage activity is non-compliant, and will coordinate with staff to ensure that the property is brought into compliance.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Community Service - Education." The SACP describes Community Services designations as including "sites and facilities for uses such as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal."

The Comprehensive Plan designations of surrounding properties include:

North: (Across Auto Group Avenue NE) "Industrial Commercial"

South: "Community Service – Education"

East: (Across Cherry Avenue NE) "Industrial"

West: (Across Maple Avenue NE right-of-way) "Industrial Commercial"

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. Cherry Avenue NE, designated as a Major Arterial in the TSP, runs along the east boundary of the subject property. Auto Group Avenue NE and Maple Avenue NE, designated as local streets in the TSP, run along the north and west boundaries of the subject property, respectively.

Neighborhood Plan: The proposed project is located within the boundaries of the Highland Neighborhood Association. The Highland Neighborhood Plan was adopted in 1980, and notes the neighborhood boundaries in effect at that time. The subject property was outside of the neighborhood association boundary at the time the plan was adopted. Therefore, the proposed Comprehensive Plan Map change does not require a neighborhood plan change.

Zoning and Surrounding Land Use

The subject property is zoned PE (Public/Private Education) and is currently vacant; two

former outbuildings of the Oregon School for the Deaf campus were removed earlier in 2016. Surrounding properties are zoned and used as follows:

- North: (Across Auto Group Avenue NE) IC (Industrial Commercial); auto dealership and big-box format retailer
- South: PE (Public/Private Education); Oregon School for the Deaf campus.
- East: (Across Cherry Avenue NE) IG (General Industrial); mixed industrial.
- West: (Across Maple Avenue NE) IC (Industrial Commercial); auto dealership.

Relationship to the Urban Service Area

The subject property located outside of the Urban Service Area. An Urban Growth Area Preliminary Declaration must be obtained prior to development of the subject property.

Infrastructure

Water: The *Salem Water System Master Plan* identifies the subject property as within the G0 water service level.

A 14-inch (north end) and 16-inch (south end) water line is located in Cherry Avenue NE.

A 14-inch water line is located in Auto Group Avenue NE.

A 12-inch water line is located in Maple Avenue NE.

Sewer: An 10-inch sewer line is located in Maple Avenue NE.

Storm Drainage: A 15-inch storm line is located along the westerly quarter of the south end of the property.

Streets: Cherry Avenue NE abuts the subject property along the east boundary, and is designated as a Major Arterial street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way. The abutting portion of Cherry Avenue NE has an approximate 38-to-49-foot-wide improvement within a 60-to-77-foot-wide right-of-way.

Auto Group Avenue NE abuts the subject property along the north boundary, and is designated as a local street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The Bicycle System Element of the TSP also designates this portion of Auto Group Avenue for bike lanes. The abutting portion of Auto Row Avenue NE has an approximate 30-foot-wide improvement within a

60-foot-wide right-of-way. The south half of the improvement was constructed as a “turnpike” half-street, and currently lacks curb or sidewalk improvements on this side.

Maple Avenue NE abuts the subject property along the west boundary, and is designated as a local street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The Bicycle System Element of the TSP also designates this portion of Maple Avenue for bike lanes and/or a shared use path. The abutting portion of Maple Avenue NE has an approximate 30-foot-wide improvement within a 60-foot-wide right-of-way. Maple Avenue is closed to motor vehicle traffic just south of the subject property.

Land Use History

PLA16-06: A property line adjustment to relocate the common property line between two parcels on the Oregon School for the Deaf campus. The PLA resulted in the present boundaries of the subject property, which was then sold by the state to the applicant in this case.

Public and Private Agency Review

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

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

Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

Neighborhood Association Comments

The subject property is located within the boundaries of the Highland Neighborhood Association. The Northgate Neighborhood Association is located across Cherry Avenue NE from the subject property. Notification was sent to the Highland Neighborhood Association and the adjacent Northgate Neighborhood Association on November 9, 2016. At the time of writing this staff report, no comments have been received from either neighborhood association.

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposal. At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

Applicant Submittal Information:

Requests for Minor Comprehensive Plan Changes and Zone Changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as Attachment C to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN AMENDMENT

Amendments to the Comprehensive Plan Map are classified as either major or minor. Because the proposed amendment affects only a small number of properties in a defined vicinity rather than a large number of properties across the city, the proposal meets the definition of a Minor Plan Map Amendment pursuant to SRC 64.025(a)(2).

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor 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.**

Applicant Statement: This proposal is justified based on (ii). The proposed *Industrial Commercial* designation is better suited for the subject property than the existing *Community Service-Education* designation because the parcel is no longer in public (State) ownership, it is no longer part of the School for the Deaf, and it is no longer associated with an educational purpose. The property has been sold to a private interest. Its present Plan designation is not consistent with its intended use. The existing designation is not typically associated with private ownership, and the property's location is not conducive to the limited range of uses allowed in the implementing PE zone, such as residential care and medical services. There is no other property that is suitable or available for future commercial and industrial use at this location, and it is likely the last property that will be available for those purposes in the foreseeable future. The access to the property is limited to the streets that serve the other commercial uses to the north and west, and the site has no access to the south. Because of the change from public to private ownership, the change of use, and its orientation to the uses and streets to the north and west, the proposed designation is equally or better suited for the property than the existing designation.

Finding: Staff concurs that the proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation. Although the applicant does not assert that the proposal is justified based on (i), staff finds that the sale of subject property by the State of Oregon to a private, non-educational entity effectively removes the land from the Oregon School for the Deaf campus, and thus so alters the purpose of the site as to render the current "Community Service – Education" designation inappropriate under the present circumstances. Definitions and intent statements for the "Community Services" designation within the Salem Area Comprehensive Plan describe the purpose of the designation as including "sites and facilities for such uses as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal." The subject property has been removed from its former status as a portion of an educational campus, and has not been identified by the present owner or any provider of public or private community services as an essential location for a service facility.

There is no conflict between the existing "Community Service – Education" designation and PE (Public/Private Education) zoning, nor does the applicant assert that a mistake was made in the original application of the "Community Service – Education" designation to the subject property.

The proposal meets this criterion.

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

Applicant Statement: The property is in a highly developed part of the city which is currently served by public facilities. All public facilities and services necessary and required to serve the property can be made available. The public facilities available to serve the property are described in the Public Works Department that was a part of the Pre-App Summary report. Water lines are located in Cherry Avenue, Auto Group Avenue, and Maple Avenue. A sewer line is located in Maple Avenue. A storm drain line is located in the westerly quarter of the south end of the property. The property is outside of the Urban Services Area (USA), and a UGA Permit will be required to determine the linking and boundary facilities that will be required at the time of development. Specific requirements will also be addressed at the time of Site Plan Review. Because the property is capable of being served by necessary public facilities and services, this criterion is satisfied.

Finding: Staff concurs with the applicant's statement. The Public Works Department has reviewed the proposal and finds that public facilities are available in the vicinity of the subject property. An Urban Growth Area Preliminary Declaration will determine the master-planned facilities required prior to site development. Conditions of approval establish required mitigation for anticipated impacts to the traffic system from an "Industrial Commercial" designation on the site. Frontage improvements and right-of-way dedication on underimproved portions of abutting right-of-way will be required for future development on the site through the site plan review process. The Traffic Impact Analysis (TIA) submitted by the applicant includes an alternative street section design for the abutting portion of Cherry Avenue NE. The alternative design demonstrates that an interim three-lane improvement could be constructed within the required right-of-way on Cherry Avenue, with the sidewalk shifted westward to avoid impact to the existing row of mature Sequoia trees. The proposal meets this criterion.

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

Applicant Statement: The property is in a fully urbanized part of the city. All of the privately owned land currently served by Auto Group Avenue is zoned IC. The land to the south remains in State ownership. The current Capitol Auto Group site was zoned IC through CPC-ZC06-16, and the Home Depot site was rezoned to IC before that. These prior Plan-Zone changes created a uniform land use pattern, and established the area as appropriate for the types of uses associated with the IC zone. The proposal provides for the logical urbanization of land because it is consistent with the existing land use pattern north of the State land, and corresponds to the same location and access factors. All necessary public facilities and services are or can be made available to the property, and development will bring land into the USA [Urban Service Area]. The proposal is a consistent extension of the existing land use and development pattern, and will not adversely impact public facilities, services, or streets. For these reasons the proposed plan map designation provides for the logical urbanization of land, consistent with this criterion.

Finding: Staff concurs with the applicant's statement, and finds that the proposed "Industrial Commercial" designation is a logical extension of the large-format retail cluster centered on the southwest corner of the intersection of Cherry Avenue and Salem Parkway. Development standards in the proposed IC zoning district and the street pattern in the vicinity provide buffering from less intensive residential and educational uses to the south and west, and

more intensive industrial uses to the east.

Staff finds that the proposal meets this criterion.

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

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

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 34, Salem Comprehensive Policies Plan):

Policy G.4. 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 the residential streets and provisions for connectivity to the facilities for pedestrians and bicyclists from residential neighborhoods.

Applicant Statement: The property is adjacent to Cherry Avenue, a Major Arterial. The major access is provided by Cherry Avenue and Salem Parkway, which is [designated as a Parkway]. These two major streets provide access to the location without the use of residential streets. Direct driveway access to the property will be from Auto Group Avenue, which is a local street extending west of Cherry Avenue, and which already serves the Capitol Auto Group complex. The only other use served by this street is Home Depot. There is no access to the property from any other street, and no access to a residential neighborhood, as Maple Avenue is closed to motor vehicle traffic at the south end of the site. Parking and service areas will be provided on the property at the time of development. These features are consistent with this policy.

Staff Response: Staff concurs with the applicant's statement. The Salem Parkway and Cherry Avenue provide access to and from the regional transportation network, while direct access to the site is limited to Auto Group Avenue, a non-residential street. Conditions of approval require the extension of sidewalk and bicycle facilities from the adjacent residential neighborhood across the site, via a segment of the Maple Avenue right-of-way closed to vehicle traffic.

Policy G.5. Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.

Applicant Statement: [The] nature of the existing commercial activities at this location means it provides goods and services for a market area of “several neighborhoods.” The auto dealerships serve a wide region, and Home Depot serves homeowners, the general public, and licensed building contractors in the north half of the urban area. The location is served by a primary street system composed of Major Arterials, which provides access to this wide market area. The existing commercial activities form a cluster in the southwest quadrant of the intersection, and the subject property will become an integral part of that cluster. The site will fill in commercial uses on the south side of Auto Group Avenue, but its size and shape will not significantly change the pattern or extent of commercial development west and south of Cherry Avenue. For these reasons, the proposal conforms to this policy.

Staff Response: Staff concurs with the applicant’s statement, which correctly identifies the cluster of large-format retailers southwest of the Cherry Avenue and Salem Parkway section as serving a sub-regional market of several neighborhoods. While the site is easily accessible from Cherry Avenue and Salem Parkway, its direct access is taken from a side street, Auto Group Avenue. This configuration avoids further expansion of a linear “strip” district, and is consistent with the cluster pattern described in the policy.

Salem Urban Area Goals and Policies, Industrial Development Goal (Page 37, Salem Comprehensive Policies Plan):

Policy I.7 Industrial land shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land uses.

Staff Response: Industrial or commercial development of the subject property would be subject to development standards set forth in SRC Chapter 551 (Industrial Commercial zone), including perimeter setbacks, landscaping, screening, and industrial performance standards. These standards are established to ensure compatibility with surrounding uses, consistent with this policy.

Policy I.10 Traffic generated by industrial uses should be diverted away from residential areas when feasible and should have convenient access to arterial or collector streets.

Staff Response: As described in findings on Policy G.4 above, Salem Parkway and a supporting network of arterials and local streets provide vehicular access to the site from across the northern portion of the Salem-Keizer area. Direct access is provided by Auto Group Avenue, a local street which serves only non-residential properties. The existing configuration of the existing street network prevents traffic from crossing residential areas when traveling to and from the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, School Location and Development Goal (Page 44, Salem Comprehensive Policies Plan):

Policy L.5 Each school should be located to provide the best possible access to the student population served.

a. *Elementary Schools:*

- (1) *Should be located in the center of existing or future residential neighborhoods within safe and reasonable walking distance of as many students as possible.*
- (2) *Should be located in such a way that their attendance areas will be bounded, rather than intersected, by barriers presenting obstacles or dangers to children walking to and from school. Such barriers include major streets and highways, railroads, waterways, and heavy industrial areas.*
- (3) *Should, whenever possible, be on residential streets which provide sufficient access for buses and other necessary traffic but have a minimum of non-school-related vehicle activity.*

b. *Secondary Schools*

- (1) *Should have adequate, safe, and direct access from the community's principal street network.*
- (2) *Should be in locations which are geographically central to the population served.*
- (3) *Should be designed, sited, and constructed to encourage the use of walkways, bikeways, and public transit.*

Staff Response: The existing "Community Service – Education" designation for the subject property reflects its former status as a portion of the Oregon School for the Deaf campus. The subject property has not been identified as a needed site for future development of an educational institution. Existing academic buildings for the Oregon School for the Deaf are clustered on the south side of the original campus area, and the subject property was primarily open space with accessory outbuildings. The remaining campus area is situated within a residential area and is generally consistent with school location policies.

As a standalone site, the subject property is not consistent with location and development policies for elementary or secondary schools. With the exception of bicycle and pedestrian access along an unimproved portion of Maple Avenue NE, the subject property is separated from residential neighborhoods by major streets and highways and contiguous areas of commercial and industrial development. Future development of the site for educational and/or community service purposes is hindered by the distance from the subject property to residential areas, barriers to non-vehicular access, and close proximity to incompatible land uses such as high-traffic retail locations and freight-dependent industrial sites. By removing the subject property from the "Community Service – Education" designation, the proposal is consistent with this policy.

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

Comprehensive Plan.

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

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

Staff Response: A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the Highland and Northgate Neighborhood Associations. This satisfies Citizen Involvement described in Goal 1.

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

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

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

Staff Response: There are no known scenic, historic, natural, or cultural resources on the affected parcel. The application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and any applicable wetland standards at the time of development. Staff finds that the proposal is consistent with Goal 5.

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

Staff Response: There are no known natural hazards existing on the subject property. The City's tree protection, landslide, and floodplain development standards will be applied at the time of future development. Staff finds that the proposal is consistent with Goal 7.

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.*

Applicant Statement: The proposal will change the site from the existing "Community Service – Education" designation to "Industrial Commercial." The existing designation provides mainly for public and semi-public uses, and very few other activities. The "Industrial Commercial" designation provides for the IC zone, which allows a wide range of commercial and industrial activities. The "Industrial Commercial" designation presents a far greater range of economic development activities than the current designation. The site will be part of the Capitol Auto Group operation, which is a major commercial activity in the urban area. For

these reasons the proposed change is in keeping with this goal.

Staff Response: Staff concurs with the applicant's statement. The proposed change to Industrial Commercial will increase the number of permitted uses at the site and reflects the transition of the subject property from public to private ownership and purpose, thereby opening up additional opportunities for economic development, consistent with the intent of Goal 9.

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

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

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

The Traffic Impact Analysis (TIA) submitted by the applicant includes an analysis in consideration of the requirements of the Transportation Planning Rule (TPR) (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system, and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval. As conditioned, the proposal complies with Goal 12.

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

Staff Response: The subject property was annexed into the City of Salem in 1947, and is located within the Urban Growth Boundary (UGB). Although the subject property is located outside of the Urban Service Area, comments from the Public Works Department indicate that transportation and utility infrastructure is available in the vicinity to serve the site subject

to the requirements of an Urban Growth Area Preliminary Declaration. The proposal does not include extension of services to properties outside of the UGB. The proposed Comprehensive Plan and Zone Change are consistent with the mix of auto-oriented commercial and light industrial uses in the vicinity. The proposal complies with Goal 14.

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

Applicant Statement: The proposed change in the land use designation is in the public interest because it provides for the appropriate utilization of the land after its transfer from public to private ownership. The current designation provides primarily for public and semi-public uses, with few opportunities for new economic uses in private ownership. Maintaining the current designation would unnecessarily restrict the use of the property, and diminish its potential for the development of new uses that provide benefit to the public interest. The proposed change is consistent with the existing land use pattern of the area, as it is the same designation that applies to the privately owned land to the north and west, and new uses will be part of the established land use and transportation pattern. The change is appropriate for the subject site and the location because it offers a wide range of commercial and industrial activities, and it is consistent with the designation of the lands to the east of Cherry Avenue, it is compatible with the transportation system that serves the area around the intersection, and because of the relationship of the new ownership to the adjacent auto sales and service activities. By providing the opportunity for development of new economic activities on vacant land, in [a] manner that is consistent with the existing land use and development pattern, the proposed change is in the public interest and will be of public benefit.

Finding: Staff concurs with the applicant's statement. The State of Oregon has removed the subject property from the Oregon School for the Deaf campus and sold it to a private entity. The subject property is not identified in adopted plans as a site for a future school or community service provider, and is not consistent with Comprehensive Plan policies for the location of elementary or secondary schools. The proposed "Industrial Commercial" designation will allow for an appropriate transition of the land to private, non-educational use, and is compatible with the existing industrial and commercial uses in the immediate vicinity. The proposal satisfies this criterion.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE ZONING MAP AMENDMENT

The following analysis addresses the proposed zone change for the subject property from PE (Public/Private Education) to IC (Industrial Commercial).

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

Finding: The request satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. The physical characteristics of the property are well-suited to both industrial or commercial development, with close access to major transportation facilities and a vacant, relatively flat location at the edge of an existing retail cluster.

The IC zone allows a range of retail, office, and light industrial uses, consistent with surrounding uses to the north and west, which include auto dealerships and a big-box format retail store (Home Depot). The existing development pattern across Cherry Avenue is a mix of industrial and warehousing uses. The IC zone proposed for the subject property would provide a logical transition from these industrial uses to commercial, educational, and residential uses to the south and west. Standards for future development, including perimeter setbacks, landscaping, and screening to ensure compatibility with surrounding uses, are set forth in the Unified Development Code (UDC) and implemented at the time of site plan review.

The proposal meets this criterion.

(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.

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

Finding: The Bicycle System Element of the Salem Transportation System Plan (TSP) identifies a bicycle network connection along the north and west perimeter of the subject

property, connecting Maple Avenue NE to Cherry Avenue. The TSP identifies the connection as a shared-use path along Maple Avenue and bike lanes along Auto Group Avenue NE. In addition, the City is in the process of developing a refinement plan for the Winter Street NE-Maple Avenue NE Family-Friendly Bikeway, including portions along the perimeter of the subject property. The Winter-Maple Bikeway Plan, funded through a grant awarded by the State's Transportation and Growth Management program, may result in more detailed plans for the segments of the bikeway adjacent to the subject property. In order to ensure that bicycle facilities in the vicinity of the site are consistent with those identified in the TSP and refined by the Winter-Maple Bikeway Plan, the following condition shall apply:

Condition 1: At the time of development, construct bicycle facilities on the abutting portions of Cherry Avenue NE, Maple Avenue NE, and Auto Row NE as identified in the Bicycle System Element of the Transportation System Plan. As an alternative, the applicant may provide bicycle facilities providing a connection from Maple Avenue NE at the southwest corner of the site to Cherry Avenue NE at the northwest corner of the site, consistent with facilities identified in the Winter-Maple Bikeway Plan.

Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the other applicable provisions of the Salem Area Comprehensive Plan for this consolidated comprehensive plan change and zone change request.

The proposal satisfies this criterion.

(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 consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its 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 rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

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

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

Finding: The applicant submitted a Traffic Impact Analysis (TIA), including an analysis in consideration of the requirements of the Transportation Planning Rule (TPR) (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system, and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the identified facilities as specified in the conditions of approval.

The Assistant City Traffic Engineer concurs with the findings of the TIA and recommends the developer construct transportation system improvements identified in the TIA to mitigate their impacts and conform to the Transportation Planning Rule. In order to ensure that significant effects on the transportation system are mitigated, staff recommends the following condition of approval:

- Condition 2:** At the time of development, construct the following transportation system improvements:
- a. Dual northbound left turn lanes on Cherry Avenue NE to westbound Salem Parkway NE.
 - b. A westbound right turn lane on Pine Street NE to northbound Cherry Avenue NE.

As conditioned, the proposal meets this criterion.

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

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

CONCLUSION

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

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property approximately 11.88 acres in size, zoned PE (Public/Private Education), and located at the 700 Block of Auto Group Avenue NE (Marion County Assessor map and tax lot number: 073W14BA00100):

- A. **RECOMMEND** that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Community Service - Education" to "Industrial Commercial"; and
- B. **APPROVE** the zone change request for the subject property from PE (Public/Private Education) to IC (Industrial Commercial) contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

Condition 1: At the time of development, construct bicycle facilities on the abutting portions of Cherry Avenue NE, Maple Avenue NE, and Auto Row NE as identified in the Bicycle System Element of the Transportation System Plan. As an alternative, the applicant may provide bicycle facilities providing a connection from Maple Avenue NE at the southwest corner of the site to Cherry Avenue NE at the northwest corner of the site, consistent with facilities identified in the Winter-Maple Bikeway Plan.

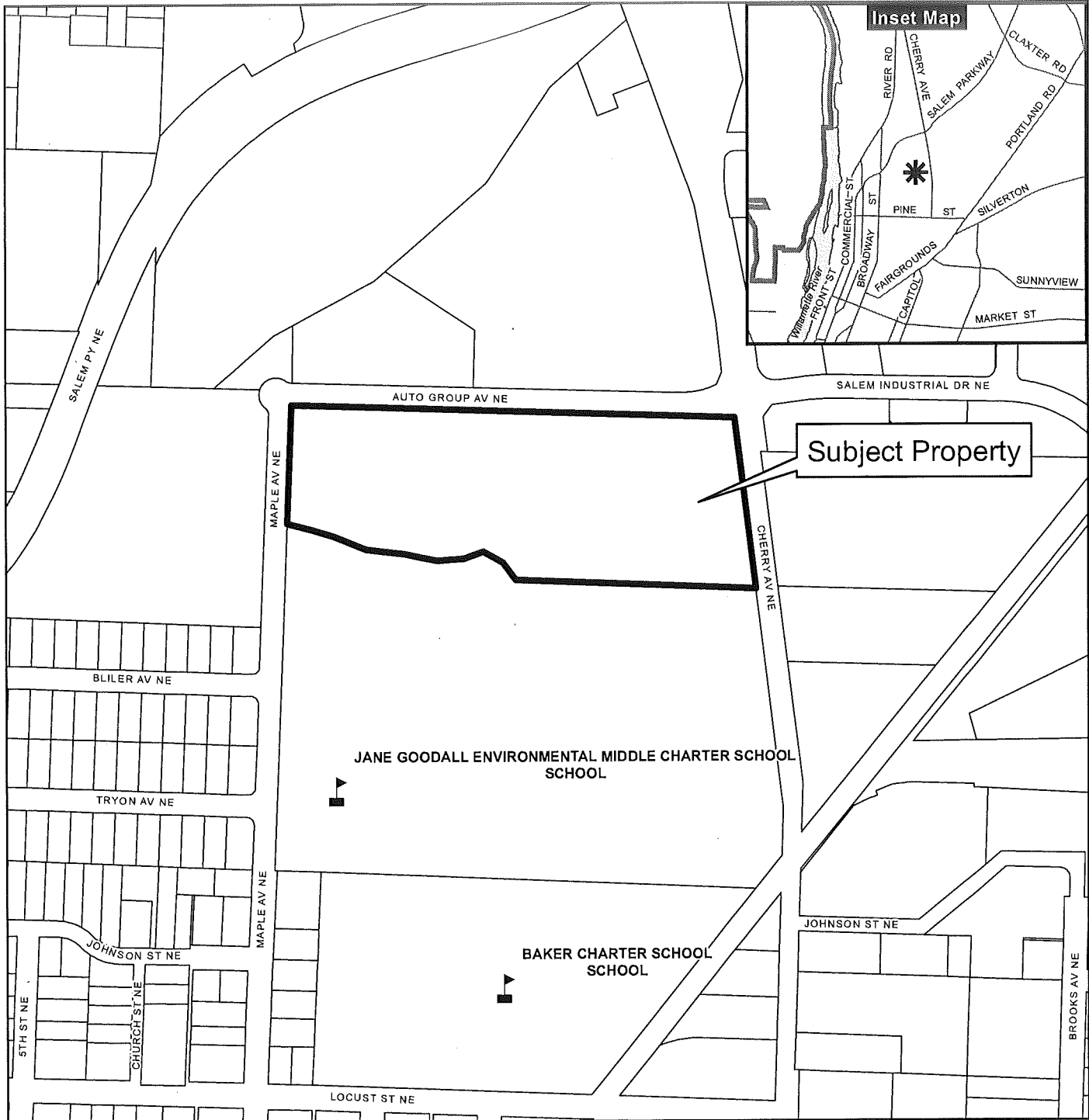
Condition 2: At the time of development, construct the following transportation system improvements:

- a. Dual northbound left turn lanes on Cherry Avenue NE to westbound Salem Parkway NE.
- b. A westbound right turn lane on Pine Street NE to northbound Cherry Avenue NE.

- Attachments: A. Vicinity Map
B. Vicinity Comprehensive Plan Map and Zoning
C. Applicant's Written Statement
D. Comments from Public Works Department

Prepared by Christopher Green, AICP, Planner II 

Vicinity Map 700 Block of Auto Group Avenue NE



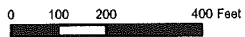
Subject Property

Legend

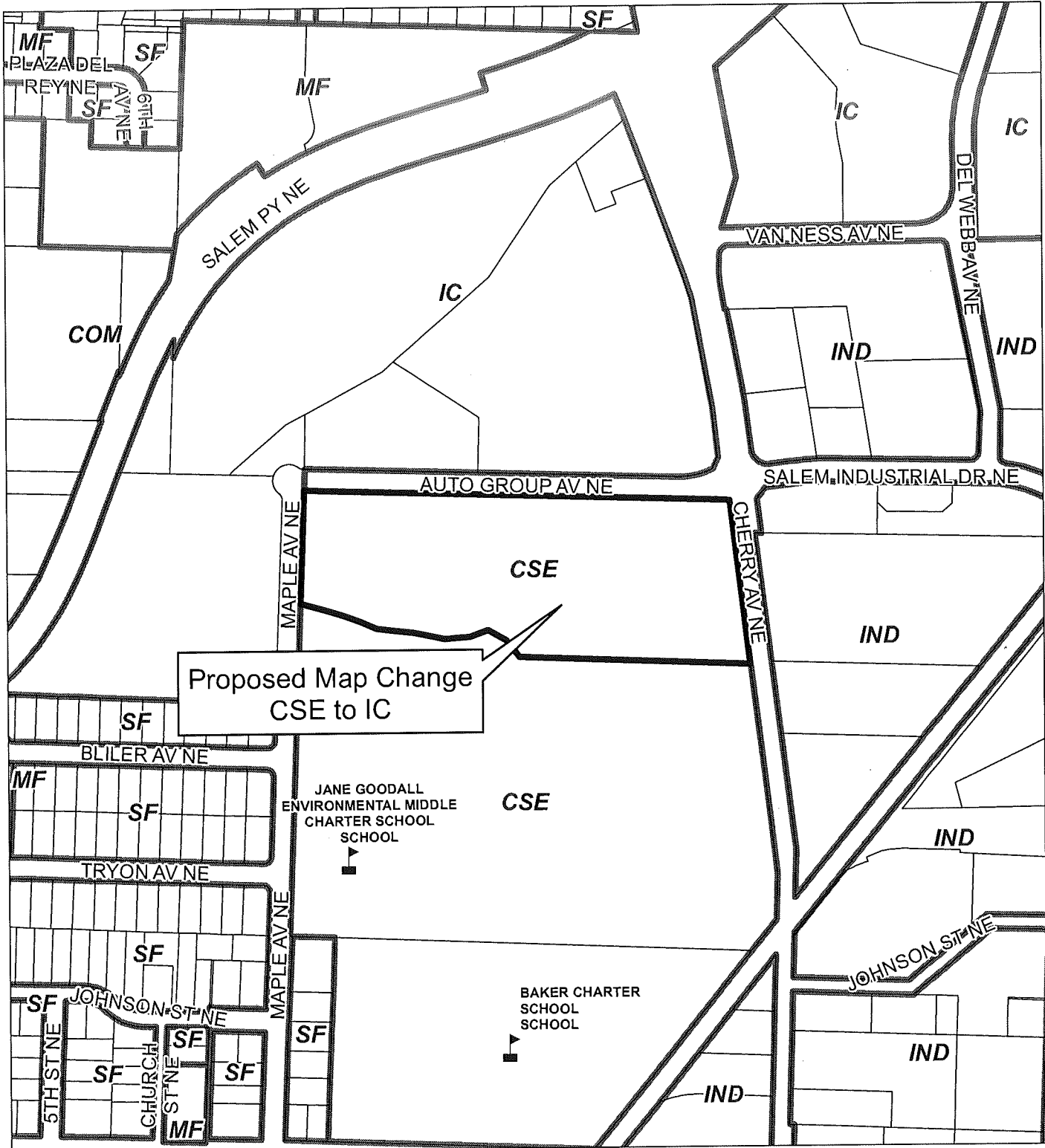
- Taxlots
- Urban Growth Boundary
- City Limits
- Outside Salem City Limits
- Historic District
- Schools
- Parks



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Comprehensive Plan Map - 700 Block of Auto Group Ave NE



Proposed Map Change
CSE to IC

Legend

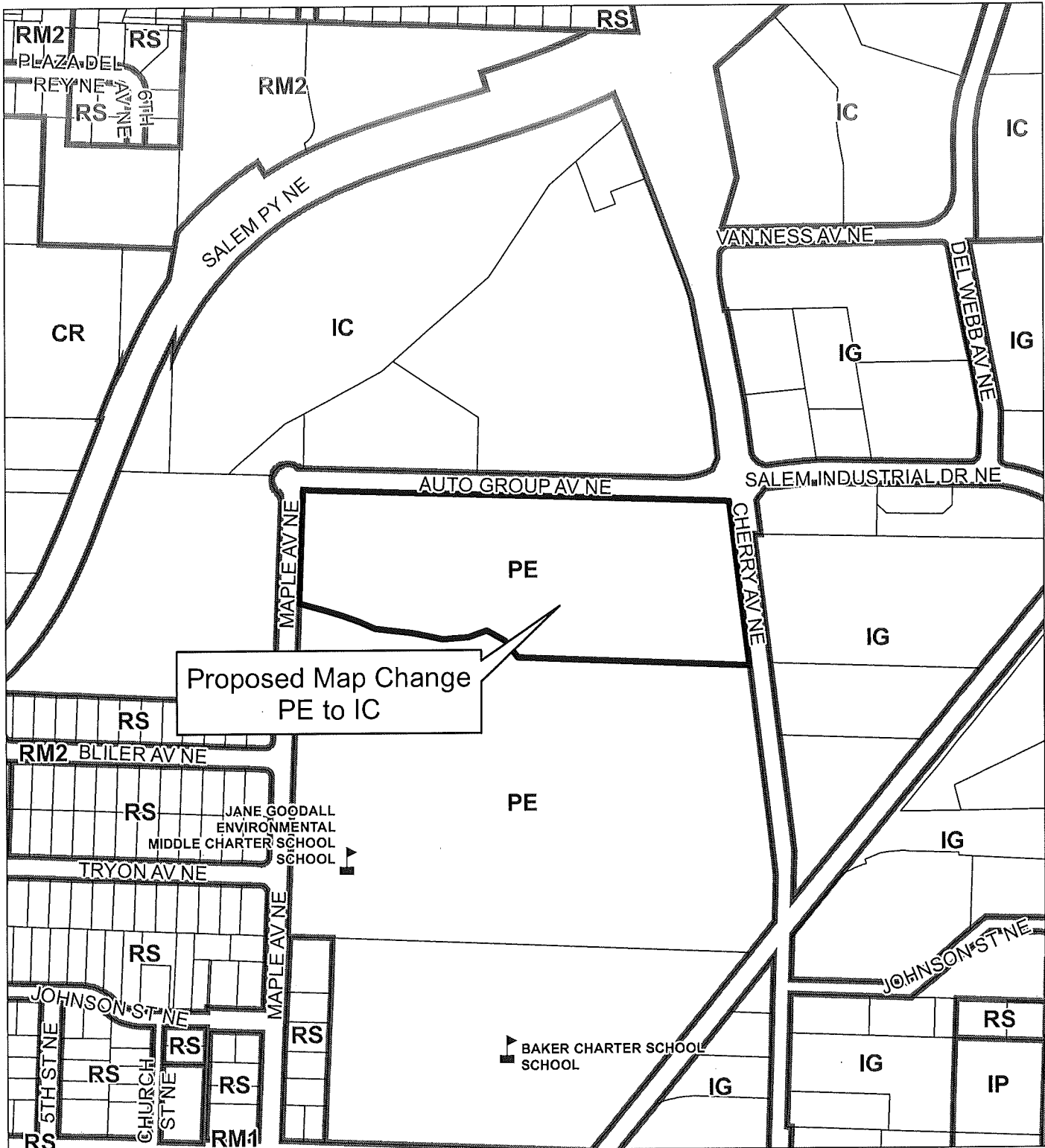
- Comprehensive Plan
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools



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Community Development Dept.

Zoning Map - 700 Block of Auto Group Ave NE



Proposed Map Change
PE to IC

Legend

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

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0 100 200 400 Feet



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

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Phone (503) 370-8704 email jefftross@msn.com

***APPLICANT'S STATEMENT
FOR
RURAL CASTLE LLC -
AUTO GROUP AVENUE NE
COMPREHENSIVE PLAN MAP AMENDMENT
AND ZONE CHANGE***

BACKGROUND

In February, 2016, the City approved a Property Line Adjustment (PLA 16-06) filed by the State of Oregon, Dept. of Education, for property totaling 37.4 acres located west of Cherry Avenue NE and south of Auto Group Avenue NE. At the time of application the property was identified as Tax Lot 100 on Assessor's map T7S R3W Section 14BA, and it was addressed as 999 Locust St. NE. The property was the northern part of the Oregon School for the Deaf campus, and was undeveloped and vacant, except for a few agricultural-style sheds.

The Property Line Adjustment resulted in a northern parcel of 12.2 acres and a southern one of 25.2 acres. The northern parcel, which borders the south side of Auto Group Avenue and extends between Cherry Avenue on the east and Maple Avenue on the west, is now identified as Tax Lot 100 and shown as 11.88 acres. The abutting southern parcel is now Tax Lot 101, 24.75 acres, and also borders Cherry Avenue on the east and Maple Avenue on the west (it also adjoins Tax Lot 102, a ~52' wide strip along the east side of Maple Avenue).

Because it was in long-term ownership of the State for education purposes, the property was designated *Community Service-Education* on the Salem Area Comprehensive Plan (SACP) map, and zoned PE, "Public-Private Education", SRC Chapter 542. These Plan and zone designations are typically applied to land that is in public ownership, and uses are limited to a narrow range to fit the special purpose of this zone. As described in SRC 542.001. Purpose., in part, "The PE zone generally allows a variety of public and private educational service uses, together with a limited variety of other compatible uses."

After finalizing the PLA the State sold the northern parcel, Tax Lot 100, to Rural Castle LLC. This entity owns portions of the tract that is occupied by the Capitol Auto Group, a multi-line dealership located south of Salem Parkway and west of Cherry Avenue. The Capitol Auto Group's existing facilities and operations extend to the north side of Auto Group Avenue and the west side of Maple Avenue, directly across from Tax Lot 100. Within the dealerships' tract, Rural Castle LLC owns Tax Lot 2000 (map 7-3W-11CD) along the north side of Auto Group Avenue, and Tax Lot 1700, which borders the west side of Cherry Avenue.

The site occupied by the Capitol Auto Group complex is zoned IC, SRC Chapter 551. Vehicle sales and service are a permitted use in the IC zone, Table 551-1/SRC 400.055(a) and (b).

The Proposal

Rural Castle, LLC, proposes a Comprehensive Plan Map Amendment from *Community Service-Education* to *Industrial Commercial*, and a corresponding Zone Change from PE to IC, for Tax Lot 100 to allow it to be used for vehicle sales and service, and commercial and industrial purposes as included in the IC zone. These changes will recognize the transfer of the site into private ownership, and for uses outside of an educational purpose. They will also correspond to the existing Plan and zone categories on the lands north of Auto Group Avenue and west of Maple, and the parcel's orientation to those lands.

Access to this parcel is provided by Auto Group Avenue, which extends to the west of Cherry Avenue. All of the land to the north is zoned IC, and includes the Home Depot store as well as the auto dealership complex. Maple Avenue, along the west side of the parcel, is closed to motor vehicle traffic at the south end of the existing dealerships, which protects the residential neighborhood and the State school to the south from through traffic. As a result, the subject parcel's functional relationship is to the commercial land uses to the north.

A Pre-Application Conference on this proposal was held on November 9, 2015; Pre-App 15-90.

Relationship to the Land Use Pattern

The lands around the Cherry Avenue- Salem Parkway intersection are a major center of industrial-commercial zoning and activity in the northern part of the city. As a result of a series of past Comprehensive Plan Map Amendments and Zone Changes, the northeast, southeast, and southwest quadrants of the intersection are designated and zoned IC. In addition to these areas at the intersection and along the Parkway frontage, large areas east of Cherry Avenue in the interior of the Salem Industrial Park are also zoned IC, while other parts remain zoned IG.

Previous Plan and Zone Changes to IC around this intersection include the site that is now the Home Depot store; the office building complex in the northeast quadrant (CP/ZC 97-15); the auto dealership complex in the southeast quadrant (CP/ZC 05-13); and the current Capitol Auto Group site (CP/ZC 06-16). The IC zone currently includes all of the private land between Cherry Avenue and the Parkway. As shown on the zoning map, and in keeping with the change from public to private ownership, the proposal is consistent with the existing pattern of

uniform zoning that has been established in this area. It is likely, however, that this proposal will be the last increment of IC zoning in this area for the foreseeable future, due to the continuing State ownership to the south.

The subject parcel will be used in conjunction with the existing Capitol Auto Group operation, and possibly for other purposes included in the IC zone. Street access will be provided by Auto Group Avenue, and the intersection of Auto Group Avenue and Cherry Avenue is controlled by a traffic signal. There will be no driveway access to Cherry Avenue. Driveway access will also be available from Maple Avenue, but there will be no motor vehicular access from Maple Avenue to the residential neighborhood to the south. With these measures, redesignating the parcel to IC will have little effect on that residential neighborhood or to the State school facility. With these provisions the bordering neighborhood will be protected, and the proposal will be consistent with the function of the street system.

CRITERIA

Salem Area Comprehensive Plan

The proposal is classified as a Minor Plan Map Amendment. A Minor Plan Map Amendment is reviewed according to the criteria in SRC 64.025(e)(2). The criteria are addressed as follows:

(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 Map Designation and Zone Designation...

This proposal is justified based on **(ii)**. The proposed *Industrial Commercial* designation is better suited for the subject property than the existing *Community Service-Education* designation because the parcel is no longer in public (State) ownership, it is no longer a part of the School for the Deaf, and it is no longer associated with an educational purpose. The property has been sold to a private interest. Its present Plan designation is not consistent with its intended use. The existing designation is not typically associated with private ownership, and the property's location is not conducive to the limited range of other uses allowed in the

implementing PE zone, such as residential care and medical services. There is no other property that is suitable or available for future commercial and industrial use at this location, and it is likely the last property that will be available for those purposes in the foreseeable future. The access to the property is limited to the streets that serve the other commercial uses to the north and west, and the site has no access to the south. Because of the change from public to private ownership, the change of use, and its orientation to the uses and streets to the north and west, the proposed designation is equally or better suited for the property than the existing designation.

(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. The property is in a highly developed part of the city which is currently served by public facilities. All public facilities and services necessary and required to serve the property can be made available. The public facilities available to serve the property are described in the Public Works Dept. report that was a part of the Pre-App Summary report. Water lines are located in Cherry Avenue, Auto Group Avenue, and Maple Avenue. A sewer line is located in Maple Avenue. A storm drain line is located in the westerly quarter of the south end of the property. The property is outside of the Urban Services Area (USA), and a UGA Permit will be required to determine the linking and boundary facilities that will be required at the time of development. Specific requirements will also be addressed at the time of Site Plan Review. Because the property is capable of being served by necessary public facilities and services, this criterion is satisfied.

(C) The proposed plan map designation provides for the logical urbanization of land; The property is in a fully urbanized part of the city. All of the privately owned land currently served by Auto Group Avenue is zoned IC. The land to the south remains in State ownership. The current Capitol Auto Group site was zoned IC through CP/ZC 06-16, and the Home Depot site was rezoned to IC before that. These prior Plan-Zone changes created a uniform land use pattern, and established the area as appropriate for the types of uses associated with the IC zone. The proposal provides for the logical urbanization of the land because it is consistent with the existing land use pattern north of the State land, and corresponds to the same location and access factors. All necessary public facilities and services are or can be made available to the property, and development will bring the land into the USA. The proposal is a consistent

extension of the existing land use and development pattern, and will not adversely impact public facilities, services, or streets. For these reasons the proposed plan map designation provides for the logical urbanization of land, consistent with this criterion.

(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 following elements of the SACP are applicable to this request:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The stated intent of the Comp Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land over time in response to changing needs and conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use, and the Plan recognizes that land use and zoning are expected to change as conditions change.

In this case, the ownership of the property has changed from public to private. This change in the category of ownership is a change in the condition of the property, which requires reconsideration for its appropriate use. The proposed designation is consistent with the land use and development pattern of the lands to the north and west, and the property is oriented to those lands because of its dependence on Auto Group Avenue for access. The Plan's methodology is to rezone land over time in response to changing needs and conditions, and to recognize that land use and zoning are expected to change as conditions change. The proposed change in the Plan map designation for the subject parcel will contribute to maintaining this area as a focus of commercial and industrial activity. This is consistent with the directive to recognize that land use and zoning change as conditions change.

Part IV. Salem Urban Area Goals and Policies

The *Industrial-Commercial* Plan map designation provides for both commercial and industrial uses, therefore the policies for both commercial and industrial development are addressed.

G. Commercial Development

GOAL: To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.

The Cherry Avenue-Salem Parkway intersection has become a center of major commercial activity in the north part of the city. Three sides of the intersection are bordered by commercial activity in the IC zone. Other commercial activities are located in the Salem Industrial Park, to the south and east of the intersection. These commercial activities are located along major elements of the urban transportation system, and the commercial development of this area was preceded by several Plan-Zone Changes to I-C. The proposed change is in keeping with those previous changes, and will be consistent with the development of this area as a center of commercial activity. For these reasons, the proposal will maintain and promote the urban area as a commercial center for the metropolitan area, in keeping with this Goal.

The following Commercial Development Policies apply to this proposal:

2. Shopping and Service Facilities: Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following (factors a.-k.):

The property is vacant land. Its past use was for agriculture. New development will require Site Plan Review. In summary, new development will be oriented to the adjacent streets. All required parking and loading will be provided, according to the Code requirements for the specific types of uses intended. Vehicle and pedestrian circulation will be provided according to the placement of future buildings and facilities. Public utilities including water, sewage disposal, and storm drainage will be provided at the time of development. Landscaping will be provided as required around the site perimeter, and internally. Provision for transit access can be made available according to service availability. The neighborhood to the south is protected by the closure of Maple Avenue to motor vehicles at the sound end of the site. The specific details of these factors will be addressed through Site Plan Review when development is proposed.

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 which

discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.

The property is adjacent to Cherry Avenue, a Major Arterial. The major access to this location is provided by Cherry Avenue and Salem Parkway, which is also a Major Arterial. These two major streets provide access to the location without the use of residential streets. Direct driveway access to the property will be from Auto Group Avenue, which is a local street extending west of Cherry Avenue, and which already serves the Capitol Auto Group complex. The only other use served by this street is Home Depot. There is no access to the property from any other street, and no access to a residential neighborhood, as Maple Avenue is closed to motor vehicle traffic at the south end of the site. Parking and service areas will be provided on the property at the time of development. These features of are consistent with this policy.

5. Neighborhood and Community Shopping and Service Facilities: *Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.*

This nature of the existing commercial activities at this location means it provides goods and services for a market area of "several neighborhoods". The auto dealerships serve a wide region, and Home Depot serves homeowners, the general public, and licensed building contractors in the north half of the urban area. The location is served by a primary street system composed of Major Arterials, which provides access to this wide market area. The existing commercial activities form a cluster in the southwest quadrant of the intersection, and the subject property will become an integral part of that cluster. The site will fill in commercial uses on the south side of Auto Group Avenue, but its size and shape will not significantly change the pattern or extent of commercial development west and south of Cherry Avenue. For these reasons, the proposal conforms to this policy.

8. *Buffer strips from residential uses shall be provided for all commercial development.*

Residential uses are located to the southwest of the subject site. The site will not directly border any residential uses. Required setbacks and landscaping along the site's perimeter will be provided at the time of development.

The site represents an addition to an existing commercial cluster. Access to the location is provided by Major Arterials, and a local street that does not extend into a residential neighborhood. New development will address the applicable development factors at the time of Site Plan Review. The site will remain separated from residential land. For the reasons presented, the proposal is consistent with the Commercial Development Goal and Policies.

I. Industrial Development

Industrial Development Goal: To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.

The proposed I-C designation provides for a wide range of industrial uses through its implementing IC zone. These uses include industrial activities that are not provided for in other zones. Many sites in other industrial designations have been changed to I-C to in order to accommodate contemporary types of industrial activities, such as service-sector and transportation related activities. These changes verify that the I-C designation encourages and promotes industrial development which strengthens the economic base of the community. The proposed change is from a designation that does not include industrial uses, to one that does, which therefore strengthens the economic base of the community and is in keeping with this Goal.

Industrial Lands Policies

1. *Industrial Land Inventory: Maintain a long-term industrial land inventory which provides a full range of small, medium and large parcel sizes and locations to sustain a competitive market for industrial sites.*

The proposal will provide additional land for an existing activity, which will promote its expansion and development. The proposal is specific to the site and the user, and will not affect the general market for industrial sites. By providing for the expansion of an existing use the proposal is consistent with this policy to maintain a competitive market for industrial sites.

Redesignation of the land to or from industrial may be allowed providing:

a. It serves the community's interests and does not impact the long-term continuity of the industrial inventory;

Redesignating the site to I-C serves the community's interests by recognizing the transfer to a private ownership, which will contribute to the operation of an existing economic activity.

Since the use is existing at this location the long-term continuity of the industrial inventory will not be affected. The proposal satisfies *a.*

and

b. It is preferably a boundary adjustment which results from expansion of an existing, adjacent use;

The proposal is consistent with this guideline because it will expand the boundary of an existing, adjacent commercial use;

And

c. There is a demonstrated need to expand the industrial or non-industrial use inventory.

There is a need to redesignate this site as a result of its recent transfer from a public to a private ownership. The current designation is intended for public/semi-public uses such as schools and community services, and that designation served to recognize and support the use of the site by the State for the School for the Deaf. That designation has very limited application to private ownership, and upon the property's sale, is unsuited to the circumstances of this location. The redesignation of the site is needed in order for the property to be placed in a productive use under private ownership, and the proposed I-C designation will be consistent with the adjacent business activity. For these reasons there is a demonstrated need to apply the proposed I-C designation, and the proposal satisfies this policy.

Or

d. It is contingent on a specific, verifiable development project;

The site will be used by Capitol Auto Group, an existing use on adjacent property, which will incorporate the subject parcel into its operation. This makes the proposal a specific, verifiable development project.

and

e. The specific site requirements of the project cannot be accommodated within the existing inventories;

The use of the subject parcel will be integrated with that of the adjacent vehicle dealerships. This purpose cannot be accommodated at a location that is not adjacent to the existing operation.

and

f. Public facilities, services, and utilities necessary for development of the specific project are incorporated into the development proposal.

All necessary public facilities and services are available or can be provided to serve the future use and development of this site. The specific service requirements will be identified at the time of Site Plan Review and when development permits are requested.

2. Public Facilities, Services, and Utilities: *Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.*

Public facilities, services and utilities and be made available to support future development on the site, as detailed in the Public Works recommendations provided with the Pre-App report.

13. Diverse Interests: *Land development regulations should provide for a variety of industrial development opportunities.*

The I-C designation and related development regulations provide for a wide range of industrial development opportunities, which is in keeping with this policy.

Because the proposed change will recognize the transfer of the property from public to a private ownership, and the proposed designation will be identical to that on the land to the north and west; the proposed designation will help to support and maintain the existing use on the adjacent land, and it will not have an adverse affect on the industrial land inventory or on industrial development opportunities in the urban area, the applicable Industrial Development Goals and Policies are satisfied.

M. Public and Semi-Public Buildings and Land

Goal: *To provide for an arrangement of public and semi-public facilities and services that compliment private development and meet the needs of Salem area residents.*

The subject property is no longer in public ownership and is not intended for a public or semi-public purpose. As a result of its transfer to a private ownership, this Goal no longer applies.

The Policies that apply under this designation pertain to public buildings, the Capitol Mall, the State's "J" Building, access to public and semi-public buildings, and convention and conference facilities. None of these policies apply to the situation or circumstances of this application.

For the reasons, factors, and conditions that have been described, the proposal conforms to the requirements and guidelines of the Goals and Policies for Commercial Development and those for Industrial Development, and the Goal and Policies for public and semi-public buildings and land do not apply.

Statewide Planning Goals

The following Statewide Goals are reviewed as may be applicable to this proposal:

GOAL 1 - CITIZEN INVOLVEMENT

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to property owners within the notice area, to the Neighborhood Association, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission. 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.

GOAL 2 - LAND USE PLANNING

The City's Comprehensive Plan is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan and its applicable goals and policies, and under its implementing ordinances. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, NATURAL RESOURCES

This Goal does not apply. The property has not been identified in the Comp Plan as open space,

as a scenic, historic, cultural, or natural resource, or as a recreation site. The property has no specific qualities or characteristics that would make it suitable for any of these purposes.

GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY

The subject site is vacant but is surrounded by developed properties. The Capitol Auto Group sales and service complex is to the north and west, the Home Depot store is to the north, the State school is to the south, a residential neighborhood is to the southwest, and auto sales and industrial uses are to the east across Cherry Avenue.

The major impacts to air quality at this location are from traffic on the nearby major arterial streets, which include the Parkway and Cherry Ave; and industrial uses in the Salem Industrial Park. With regards to air quality, new development will contribute to vehicle traffic volumes, which will become an increment of the vehicular air quality impact in this area and which will be accommodated by the existing street system. The additional traffic will not have a substantial impact on the overall air quality impact at this location. The site is not in a watershed and does not include a surface water resource. Future development will be provided with City sewer, storm drainage, and water supply services, which are maintained and managed according to approved regulatory standards to protect ground and surface waters. The land has no identified features that require special consideration. The proposed change in the Plan designation will have little effect or impact on air, water and land resource quality.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards are identified that are specific to this site and which would prevent or interfere with its future use.

GOAL 9 - ECONOMIC DEVELOPMENT

The proposal will change the site from the existing *Community Service - Education* designation to *Industrial-Commercial*. The existing designation provides mainly for public and semi-public uses, and very few other activities. The I-C designation provides for the IC zone, which allows a wide range of commercial and industrial activities. The I-C designation presents a far greater range of economic development activities than the current designation. The site will be part of the Capitol Auto Group operation, which is a major commercial activity in the urban area. For these reasons the proposed change is in keeping with this Goal.

GOAL 10 - HOUSING

The site is not designated for housing, and is not proposed for housing, and this goal does not apply.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

The City has planned for and provided public facilities and services to serve this area. These public services are available to serve future development on the site, as described in the Pre-Application summary report. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, electricity and telephone, and solid waste disposal, are available and can be provided to serve future development on the property. The specific levels of service needed for future uses will be determined by the City during the required development review process.

GOAL 12 - TRANSPORTATION

Access to the site is provided by Auto Group Avenue, which extends to the west of Cherry Avenue. The intersection of Auto Group Avenue and Cherry Avenue is controlled by a traffic signal. Cherry Avenue, and Salem Parkway to the north, are classified as Major Arterials on the Salem Transportation System Plan (STSP). This is the appropriate street classification to provide access to major commercial and industrial uses. There will be no driveway access to the property from a major arterial.

The arterial street system serving this location are major routes through north Salem and provide major links to the city center, to I-5, and to other elements of the transportation system such as Pine Street and Broadway Avenue NE. This existing street network is adequate to serve the site, and no new streets are required.

The traffic impact of future uses on the property has been evaluated in a TIA prepared by DKS traffic engineers, Cherry Avenue Traffic Impact Analysis, February 2016. The TIA is submitted as part of this application. The analysis evaluated a "worst case" development under the proposed IC zone, and examined impacts on three intersections; Cherry at Salem Parkway, Cherry at Pine St., and Cherry at Auto Group Avenue. In summary, the TIA determined that mitigation measures would be required by the development of the property. The Cherry Avenue/Salem Parkway intersection is expected to fail under year 2035 background

conditions, and the recommendation is for dual left turn lanes to be constructed on Cherry Avenue at that location. Adjustments should also be made to the signal timing at this intersection. With these improvements the intersection will operate better than the future background conditions. The Cherry Avenue at Pine Street intersection is also expected to fail under year 2035 background conditions due to poor level of service (LOS) for the westbound turn movement. The recommendation is to add an exclusive westbound right turn lane. In addition, the improvement of the Cherry Avenue frontage from Salem Parkway to Locust Street is recommended. These recommendations satisfy the requirements of the Goal 12 TPR. Transit service is available in proximity to the subject property along Salem-Keizer Transit Routes 9/9a Cherry Parkmeadow. Maple Avenue, a local residential street, is indicated as a low traffic bike route, and connects Pine Street with Auto Group Avenue through a bike/pedestrian connection. Cherry Avenue is a medium-traffic street for bicycles, and there is a multi-use path on the north side of the Parkway, north of Cherry Avenue. These facilities provide transportation options in proximity to the site.

The transportation system provides transportation options and efficient access to the property. Traffic from future uses can be accommodated, with mitigating measures to maintain service standards. No other significant adverse impacts to the transportation system are identified. Based on these findings and recommendations, the requirements of this Goal and the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

The property is located in an existing cluster of major commercial and industrial activity. It is served by the existing transportation system. The proposal will infill and intensify, rather than disperse, activity within the urban area. The relationship of the site to existing activity and to the transportation system will serve to conserve energy

GOAL 14 - URBANIZATION

The site is within a fully urbanized part of the city. The proposed redesignation of the site will maintain and continue the operation of a major commercial use at this location. All necessary public services are available to the site. The proposal does not affect the Urban Growth Boundary.

Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

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

The proposed change in the land use designation is in the public interest because it provides for appropriate utilization of the land after its transfer from public to private ownership. The current designation provides primarily for public and semi-public uses, with few opportunities for new economic uses in private ownership. Maintaining the current designation would unnecessarily restrict the use of the property, and diminish its potential for the development of new uses that provide benefit to the public interest. The proposed change is consistent with the existing land use pattern of the area, as it is the same designation that applies to the privately owned land to the north and west, and new uses will be part of the established land use and transportation pattern. The change is appropriate for the subject site and the location because it offers a wide range of commercial and industrial activities, it is consistent with the designations of the lands to the east of Cherry Avenue, it is compatible with the transportation system that serves the area around the intersection, and because of the relationship of the new ownership to the adjacent auto sales and service activities. By providing the opportunity for development of new economic activities on vacant land, in manner that is consistent with the existing land use and development pattern, the proposed change is in the public interest and will be of general benefit.

Based on the reasons and factors that have been presented, the proposal satisfies the criteria for a Comprehensive Plan Map Amendment.

Zone Change Criteria, UDC Chapter 265

As stated in UDC 265.001, "Because of normal and anticipated growth of the city, changing development patterns, governmental policy decisions affecting land use, community needs, and other factors whose specific future application cannot be anticipated, the zoning pattern established by the Uniform Development Code cannot remain fixed in perpetuity, and the purpose of this chapter is to establish procedures and criteria to, when appropriate, change zoning designations."

As has been described, the State of Oregon has sold the subject parcel to a private owner. This change in ownership results from a governmental decision to sell the land, and it changes the development pattern for the location. The proposed zone change is consistent and appropriate for the change in ownership. It will conform to the development pattern that has occurred in this area, which itself is a result of prior zone changes to IC. The proposed Zone Change will recognize that the zoning pattern cannot remain static, and that the proposal is consistent with the intent to recognize the factors that warrant consideration for zone change.

Proposals for a Quasi-Judicial Zone Change must address the criteria of SRC 265.005(e), as follows:

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

(A) The zone change is justified based on the existence of one or more of the following:

(iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing one. 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.

This proposal is justified based on **(iii)**. The proposed IC zone is better suited for the subject property than the existing PE zone because the property is no longer in public ownership and it is no longer a part of an education use. The land is generally level and presents no physical barriers or obstacles to development for uses that are allowed in the proposed IC zone. The land is similar to the lands to the north and west, which are zoned IC and which have been developed with large scale industrial-commercial uses. The proposed zone is the same as the zone on the lands to the north and west, and the uses that will be allowed are identical to those allowed on those adjacent lands. The land to the south remains in State ownership for the Deaf School and zoned PE, but there will be no motor vehicle access to that land or to the residential neighborhood to the southwest. All access to the property will be from Auto Group Drive and Maple Avenue. Public utilities can be made available to serve future uses, and the existing transportation system is adequate, with mitigation measures as identified in the TIA.

Therefore, the uses allowed by the proposed zone are logical with the surrounding uses.

Because the physical characteristics of the property are appropriate for the proposed zone and the uses allowed in the zone are logical with the surrounding land uses, this criterion is satisfied.

(B) This criterion applies to City-initiated zone changes, and does not apply to this property-owner initiated change.

(C) The zone change conforms to the applicable provisions of the Salem Area Comprehensive Plan.

The applicable provisions of the SACP have been examined in this report and the zone change conforms to those provisions.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development. The applicable Statewide Planning Goals have been examined in this report, and the proposed zone change complies with the applicable Goals.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan that 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 rezone, or include both the demonstration and an amendment to the Comprehensive Plan.

The zone change is from PE to IC. The proposal does not involve a comprehensive plan change from an industrial use designation to a non-industrial use designation, or a comprehensive plan change from a commercial or employment designation to any other designation.

(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 upon, the zone change.

The potential for the zone change to affect the transportation system is described in the TIA that has been submitted with this application. The TIA recommends mitigation measures that include adding turn lanes on Cherry Avenue at the Parkway and at Pine Street. These potential

future measures can be addressed through conditions imposed on the zone change, which will satisfy this criterion.

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

HIGHLAND NEIGHBORHOOD PLAN

The property is considered part of the Highland Neighborhood. The Highland Neighborhood Plan applies to this area. The Highland Neighborhood Plan was adopted in March, 1980, and was last revised in February, 1984. The Plan was adopted by the City Council in June, 1984. It has not been updated since that time. All of the major industrial-commercial development that has occurred around the Cherry Avenue-Salem Parkway intersection has taken place since the last Plan revision and adoption, and consequently the land use and development pattern of that area is not shown as part of the Neighborhood or addressed in the Neighborhood Plan.

The Plan divides the Neighborhood into Subareas, Figure 1; however the property's location is not included on the Subarea map. It lies north of Subarea C, which is described as the "Highland Residential Core". This is the large residential center of the Neighborhood. Subarea C does not extend north of Locust St., and the State property is in between Subarea C and the IC zoning. This IC area would not be in keeping with the primary character of that Subarea, and so would not be a logical inclusion. It is similarly not included in Subarea B, North Brooks Area, which is a recognized industrial area; or shown on the Land Use Plan Map, Figure 2.

Because the Plan has not been updated to include this location, and it is therefore not designated on the Land Use Plan Map, the Intent and Land Use Goals and Policies are assumed to apply generally, rather than specifically, to this area.

The Plan's Land Use Intent Statements (P. 8) follow those of the SACP and further refine the industrial classification to accommodate existing as well as desired uses. The intent of Industrial-Commercial is stated as, to designate sites for commercial and limited industrial activities, in which the business requires fabrication, storage and wholesale or retail trade. The IC zone allows those types of uses and the proposal is consistent with this description.

With regards to the Neighborhood Wide Policies, the proposal conforms to Policy 10., to restrict the flow of industrial traffic through residential neighborhoods; and to Policy 14., to prevent encroachment on single family residential neighborhoods, because it is not adjacent to the residential area and there is no vehicular access to the neighborhood. The proposal conforms to the Transportation goal and related policies because its access is from Auto Group Avenue, a local street that exclusively serves the existing IC uses west of Cherry Avenue and connects to an arterial, and which does not serve or connect to residential streets.

The property has not been identified within a specific Subarea. Considering the changes that have occurred to the area, and at this location, since the adoption of the Neighborhood Plan, and the current influences and impacts on the location, the proposal is consistent with the general Neighborhood-Wide Land use policies, and with the Neighborhood Plan in general.

Summary

The proposed zone change will be consistent with the change in the site's status from public to private ownership. It will be consistent with the zoning of the private lands to the north and west. The site is owned by an entity that is part of the adjacent auto sales and service complex. The proposed IC land use designation will be consistent with that existing operation and the other uses in the area. The proposed change will not have an adverse impact on the industrial lands inventory and it does not conflict with the industrial lands policies in the Comp Plan. The proposal conforms to the Plan policies for commercial development. The Goal and Policies for Public and Semi-Public Buildings and Lands are not affected. The proposal is in keeping with the general intent of the goals and policies of the Neighborhood Plan. For these reasons, the proposal is appropriate for the property and the location, and it satisfies the applicable review criteria.



MEMO

TO: Chris Green, Planner II
Community Development Department

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

DATE: November 30, 2016

SUBJECT: **REVISED—PUBLIC WORKS RECOMMENDATIONS**
CPC/ZC 16-12 (16-117353)
999 LOCUST STREET NE
ZONE CHANGE TO INDUSTRIAL COMMERCIAL

A handwritten signature in black ink, appearing to read "Glenn J. Davis", written over the "FROM:" field of the memo.

PROPOSAL

The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Community Service Education to Industrial Commercial and change the zoning from PE (Public/Private Education) to IC (Industrial Commercial). The subject property is approximately 11.88 acres in size, zoned PE (Public/Private Education), and located at the 2800 Block of Cherry Avenue NE (Marion County Assessor map and tax lot number: 073W14BA00100).

RECOMMENDED CONDITIONS

1. At the time of development, construct the following transportation system improvements:
 - a. Dual northbound left turn lanes on Cherry Avenue NE to westbound Salem Parkway NE.
 - b. A westbound right turn lane on Pine Street NE to northbound Cherry Avenue NE.
 - c. Bicycle facilities on the abutting portions of Cherry Avenue NE, Maple Avenue NE, and Auto Group Avenue NE as identified in the *Bicycle System Element* of the Salem TSP. As an alternative, the applicant may provide bicycle facilities providing a connection from Maple Avenue NE at the southwest corner of the site to Cherry Avenue NE at the northwest corner of the site, consistent with facilities identified in the Winter-Maple Bikeway Plan.

FACTS

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

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.

CRITERIA AND FINDINGS

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 Transportation Planning Rule (TPR) analysis that is required to address the TPR (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will have a significant impact on the transportation system as defined by OAR 660-012-0060 and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval.

The applicant's TPR analysis recommends the following transportation system improvements:

1. Dual northbound left turn lanes on Cherry Avenue NE to westbound Salem Parkway NE.
2. A westbound right turn lane on Pine Street NE to northbound Cherry Avenue NE.

The Assistant City Traffic Engineer concurs with the Traffic Impact Analysis findings and recommends the developer construct transportation system improvements identified in the recommended conditions of approval to mitigate impacts and conform to the TPR.

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

Finding: The *Bicycle System Element* of the Salem TSP identifies a bicycle network connection along the north and west perimeter of the subject property, connecting Maple Avenue NE to Cherry Avenue NE. The TSP identifies the connection as a shared-use path along Maple Avenue NE and bike lanes along Auto Group Avenue NE. In addition, the City is in the process of developing a refinement plan for the Winter Street NE and Maple Avenue NE family friendly bikeway, including portions along the perimeter of the subject property. The Winter-Maple Bikeway Plan, funded through a grant awarded by the State's Transportation and Growth Management program, may result in more detailed plans for the segments of the bikeway adjacent to the subject property. In order to ensure that bicycle facilities in the vicinity of the site are consistent

with those identified in the Salem TSP and refined by the Winter-Maple Bikeway Plan, the following condition shall apply:

1. At the time of development, construct bicycle facilities on the abutting portions of Cherry Avenue NE, Maple Avenue NE, and Auto Row NE as identified in the Bicycle System Element of the Salem TSP. As an alternative, the applicant may provide bicycle facilities providing a connection from Maple Avenue NE at the southwest corner of the site to Cherry Avenue NE at the northwest corner of the site, consistent with facilities identified in the Winter-Maple Bikeway Plan.

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 appear to be adequate to serve the existing and future tenants. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Nathan Coapstick, Project Coordinator
cc: File