

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE / CLASS 2 SITE
PLAN REVIEW CASE NO. CPC-ZC-SPR16-07

APPLICATION NOS.: 16-112323-ZO, 16-112325-ZO & 16-112326-RP

NOTICE OF DECISION DATE: SEPTEMBER 7, 2016

APPLICATION SUMMARY: A proposed Comprehensive Plan Change to Parks, Open Space and Outdoor Recreation, a Zone Change to PA (Public Amusement) and a change of use from Salem Tennis and Swim Club, a non-profit Recreational and Cultural Community Services use, to a Commercial Entertainment Indoor/Outdoor use.

REQUEST: A consolidated application for a Comprehensive Plan Change, Zone Change, and Site Plan Review for a change of use from a non-profit Recreational and Cultural Community Services use to a Commercial Entertainment Indoor/Outdoor use. The application includes the following:

- 1) A Comprehensive Plan Change from Single Family Residential to Parks, Open Space and Outdoor Recreation;
- 2) A Zone Change from RS (Single Family Residential) to PA (Public Amusement);
- 3) A Class 3 Site Plan Review for the change of use and site improvements including a temporary bubble cover over three outside tennis courts, new pickle ball courts, installation of a gazebo and splash pad and a new entry way addition approximately 800 square feet in size.

The subject property is approximately 5.16 acres in size, zoned RS (Single Family Residential), and located at 4318 Lone Oak Road SE - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W10BC / 02400 and 02500).

APPLICANT: AD IN LLC (CRAIG HORN)

LOCATION: 4318 LONE OAK RD SE / 97302

CRITERIA: Zoning Change: 265.005(e)
Class 3 site Plan Review: SRC 220.005(f)(3)

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 and Class 3 Site Plan Review decision are in the attached report.

DECISION: The Planning Commission **GRANTED** Zone Change and Class 3 Site Plan Review Case No. CPC-ZC-SPR16-07 as follows:

B. **APPROVED** Zone Change, subject to the following conditions:

Condition 1: Approval of the zone change and site plan review decision shall be contingent on the City Council's decision on the Comprehensive Plan Map Change.

Condition 2: The following uses and activities shall be prohibited on the subject property:

- i) Major Event Entertainment
- ii) Military Installations
- iii) Indoor/Outdoor Firing Ranges

Condition 3: The number of average daily trips for development on the site is limited to 950 trips per day.

C. **APPROVED** Class 3 Site Plan Review Case No. 16-07, subject to the following conditions:

Condition 4: A minimum of 14 bicycle parking spaces meeting the development standards of SRC Chapter 806 are required for the proposed development.

VOTE:

Yes 7 No 0 Absent 1 (Palmateer) Abstained 1 (Griggs)


Rich Fry, President
Salem Planning Commission

The rights granted by the attached decision for the **Class 3 Site Plan Review** must be exercised by **September 23, 2020**, or this approval shall be null and void.

Application Deemed Complete: July 21, 2016
Public Hearing Date: September 6, 2016
Notice of Decision Mailing Date: September 7, 2016
Decision Effective Date: September 23, 2016
State Mandate Date: November 18, 2016

Case Manager: Aaron Panko, APanko@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., SEPTEMBER 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 220 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

of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the

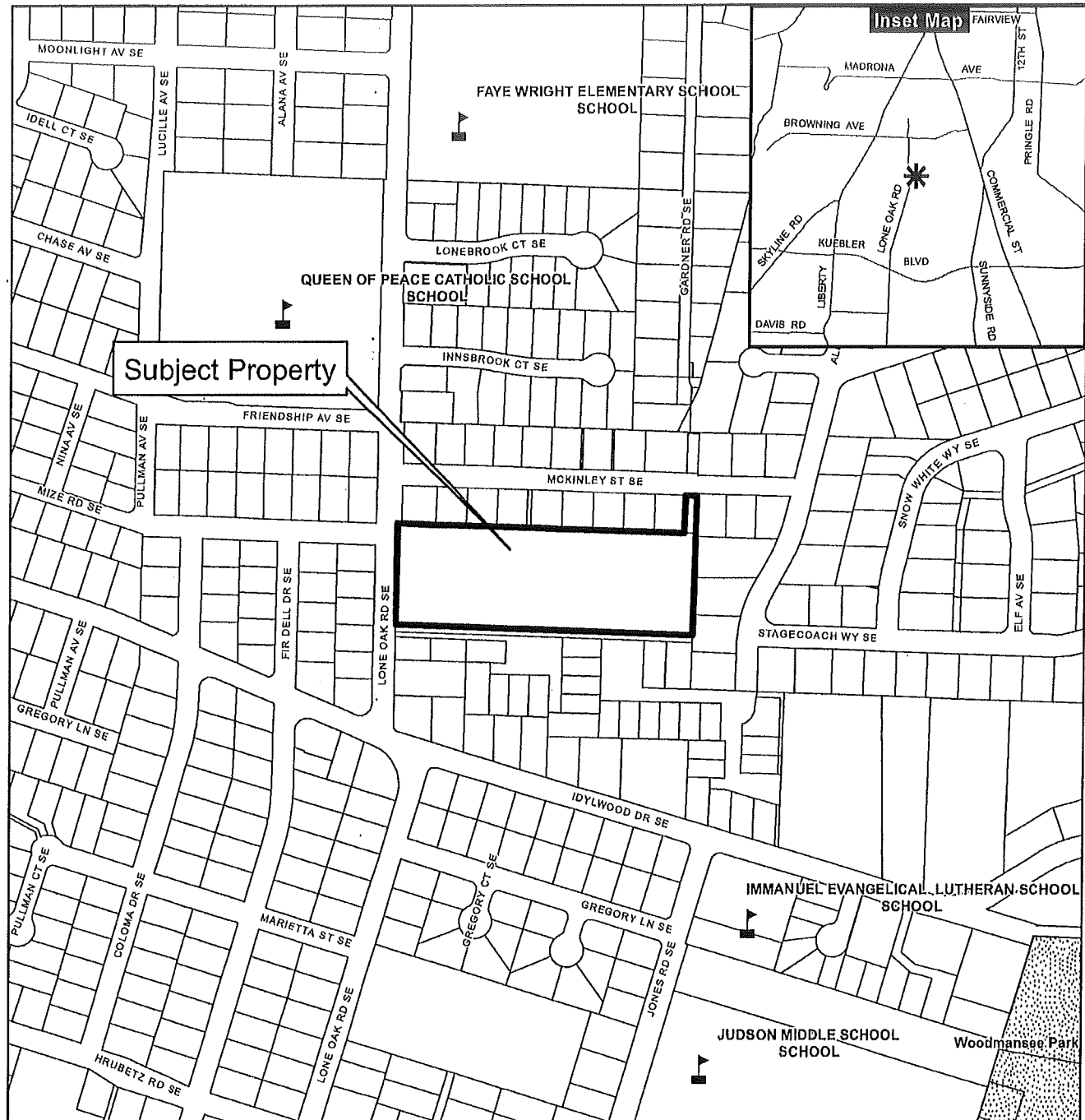
appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

Vicinity Map

4318 Lone Oak Road SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

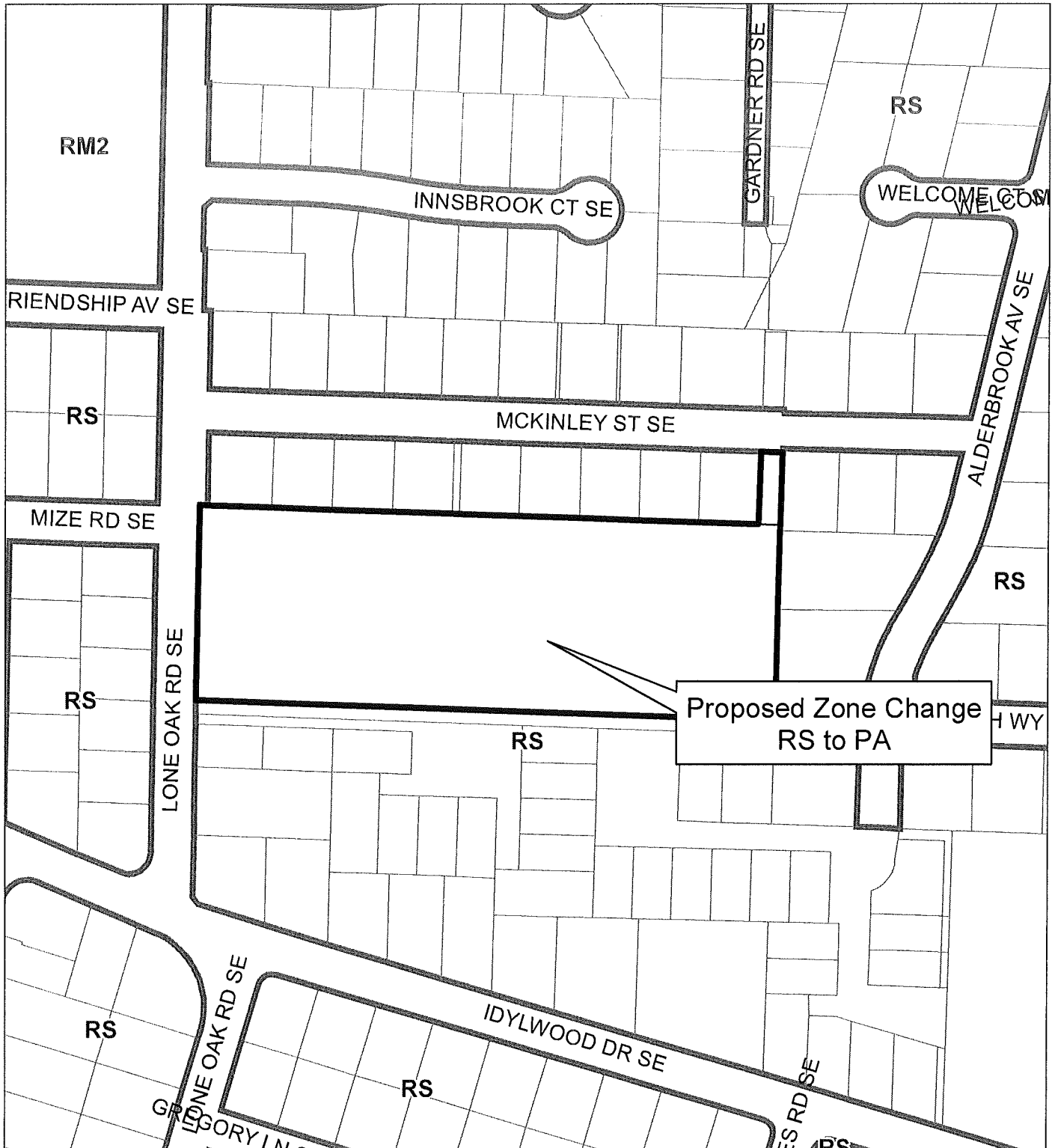
Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

Vicinity Zoning - 4318 Lone Oak Road SE



Legend

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

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 50 100 200 Feet



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

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator

STAFF: Aaron Panko, Planner III

HEARING DATE: September 6, 2016

APPLICATION: Comprehensive Plan Change / Zone Change / Class 3 Site Plan Review 16-07

LOCATION: 4318 Lone Oak Road SE

SIZE: Approximately 5.16 acres – see Attachment A

REQUEST: A consolidated application for a change of use from a non-profit Recreational and Cultural Community Services use to a Commercial Entertainment Indoor/Outdoor use. The application includes the following:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation";
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RS (Single Family Residential) to PA (Public Amusement); and
- 3) A Class 3 Site Plan Review for the change of use and site improvements including a temporary bubble cover over three outside tennis courts, new pickle ball courts, installation of a gazebo and splash pad and a new entry way addition approximately 800 square feet in size.

The subject property is approximately 5.16 acres in size, zoned RS (Single Family Residential), and located at 4318 Lone Oak Road SE – 97302 (Marion County Assessor map and tax lot numbers: 083W10BC / 02400 and 02500).

APPLICANT: Craig Horn, Ad Out LLC

PROPERTY OWNER: Salem Tennis and Swim Club

REPRESENTATIVE: Mark D. Shipman, Saalfeld Griggs PC

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

Class 3 Site Plan Review: Salem Revised Code, Ch. 220

RECOMMENDATION: **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 “Single Family Residential” to “Parks, Open Space, and Outdoor Recreation”;

APPROVE Zone Change, subject to the following condition:

- Condition 1:** Approval of the zone change and site plan review decision shall be contingent on the City Council’s decision on the Comprehensive Plan Map Change.
- Condition 2:** The following uses and activities shall be prohibited on the subject property:
- i) Major Event Entertainment
 - ii) Military Installations
 - iii) Indoor/Outdoor Firing Ranges
- Condition 3:** The number of average daily trips for development on the site is limited to 950 trips per day.

APPROVE Class 3 Site Plan Review Case No. 16-07, subject to the following condition:

- Condition 4:** A minimum of 14 bicycle parking spaces meeting the development standards of SRC Chapter 806 are required for the proposed development.

APPLICATION PROCESSING

Subject Application

On June 30, 2016, Mark D. Shipman, Saalfeld Griggs PC, on behalf of applicants Salem Tennis and Swim Club and Ad Out LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from “Single Family Residential” to “Parks, Open Space, and Outdoor Recreation” and to change the zoning from RS (Single Family Residential) to PA (Public Amusement). The consolidated application also includes a Site Plan Review request for a change of use and site improvements to the existing facility.

The consolidated application was deemed complete for processing on July 21, 2016. The public hearing on the application is scheduled for September 6, 2016.

Previously, it was policy of the City of Salem Planning Commission to make the determination for approval of a comprehensive plan map amendment. However, in light of a recent decision by the Land Use Board of Appeals *Housing Land Advocates v. City of Happy Valley LUBA No. 2016-031*, in which LUBA concluded that a comprehensive plan map amendment must be adopted by a local government’s governing body, the City of Salem has adjusted the

policy to be consistent with State Law.

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 applications for Zone Change and Class 3 Site Plan Review contingent on the City Council's decision on the Comprehensive Plan Map Change.

Condition 1: Approval of the zone change and site plan review decision shall be contingent on the City Council's decision on the Comprehensive Plan Map Change.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The requests for Zone Change and Class 3 Site Plan Review included in this consolidated application are subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is November 18, 2016.

Public Notice

1. Notice of the consolidated proposal was distributed to City departments and public and private service providers on August 17, 2016.
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on August 17, 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 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on July 25, 2016.

BACKGROUND INFORMATION

Proposal

In 1962, the Marion County Planning Commission granted a variance to the Salem Tennis and Swim Club to construct buildings, tennis courts and swimming pools for use exclusively for community club purposes by a non-profit community club. The facility has been providing recreational opportunities for the community since this time.

The existing non-profit organization is classified as a Recreational and Cultural Community

Services use, which is allowed in the current RS (Single Family Residential) zoning as a Conditional Use "when operated by a non-profit community club."¹ In this case, the applicant is seeking to change the ownership and operation of the existing facility from non-profit to for-profit ownership, which would no longer meet the "non-profit community club" requirement for a Conditional Use. Under for-profit ownership, the use would fall under the Commercial Entertainment – Outdoor and Commercial Entertainment – Indoor use classifications, which are not allowed in the RS zone.

The applicant is requesting to change the zoning from RS (Single Family Residential) to PA (Public Amusement), a designation which allows commercial entertainment uses as an outright permitted use. The zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the comprehensive plan designation from "Single Family Residential" to "Parks, Open Space, and Outdoor Recreation," a designation which is implemented by the PA zone. The applicant has consolidated the Plan Map amendment and zone change with an application for site plan review, which is necessary for the proposed change of use and site improvements.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" to "Parks, Open Space, and Outdoor Recreation."
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RS (Single Family Residential) to PA (Public Amusement).
- 3) A Class 3 Site Plan Review for the change of use and site improvements including a temporary bubble cover over three outside tennis courts, new pickle ball courts, installation of a gazebo and splash pad and a new entry way addition approximately 800 square feet in size.

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

Existing Conditions

The subject property is approximately 5.16 acres in size and contains the Salem Tennis and Swim Club, which is comprised of three buildings totaling 39,528 square feet in area, outdoor tennis courts, and an existing parking area. The site includes approximately 273 feet of frontage on Lone Oak Road SE. The property is surrounded by existing single family dwellings.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Single Family Residential."

¹ SRC Chapter 511, Table 511-1.

The Comprehensive Plan designations of surrounding properties include:

North: "Single Family Residential"

South: "Single Family Residential"

East: "Single Family Residential"

West: (Across Lone Oak Road SE) "Single Family Residential"

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted by Lone Oak Road SE, designated as a Collector Street.

Neighborhood Plan: The subject property is located within the boundaries of the Faye Wright Neighborhood Association. The subject property does not fall within the boundaries of an adopted neighborhood plan.

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential). Surrounding properties are zoned and used as follows:

North: RS (Single Family Residential); Single Family Dwellings

South: RS (Single Family Residential); Courtside PUD, Single Family Dwellings

East: RS (Single Family Residential); Single Family Dwellings

West: Across Lone Oak Road SE, RS (Single Family Residential); Single Family Dwellings

Relationship to the Urban Service Area

The subject property is located within the Urban Service Area and adequate utilities are available to serve the property. A UGA permit is not required.

Infrastructure

- Water:* The subject property is located within the S2 water service level. An 8-inch water main is located in Lone Oak Road SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.
- Sewer:* An 8-inch sewer line is located in Lone Oak Road SE.
- Storm Drainage:* A 15-inch storm main is located in Lone Oak Road SE.
- Streets:* Lone Oak Road SE abuts the western boundary of the subject property, and is designated as a Collector street in the Salem Transportation System Plan (TSP). The standard for this street classification is a 34-foot improvement within a 60-foot right-of-way.
- This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Land Use History

On September 20, 1962 Marion County Planning Commission granted to the Salem Tennis and Swim Club a variance to construct buildings, tennis courts and swimming pools for use exclusively for community club purposes by a non-profit community club.

Annexation: Annexation of the property into the City of Salem on June 28, 1964.

Conditional Use Case No. CU72-06: Approval of a development plan to include covered tennis courts.

Conditional Use Case No. CU91-18: An expansion of an existing community recreational facility.

Variance Case No. VAR92-01: A variance to reduce the number of required off-street parking spaces, as conditioned per CU91-18 from 100 spaces to 75 spaces.

Conditional Use Case No. CU10-07: To allow an air-dome cover over an existing swimming pool.

Public and Private Agency Review

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

Salem Fire Department – The Salem Fire Department submitted comments indicating that Fire Department access and water supply is required to all buildings and future buildings/projects.

Salem Building and Safety Division – The Building and Safety Division has reviewed the

proposal and indicated no concerns.

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

Neighborhood Association Comments

The subject property is located within the boundaries of the Faye Wright Neighborhood Association. Notification was sent to the neighborhood association on August 17, 2016. At the time of writing this staff report, no comments have been received from Faye Wright.

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed application. 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 B 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

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

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

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is

conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

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

Finding: The proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation. The applicant does not assert that there has been a change in the social, economic or demographic patterns of the nearby vicinity, and does not identify a conflict between the comprehensive plan designation and zoning designation for the subject property. The applicant proposes to change the Plan Map to "Parks, Open Space, Outdoor Recreation" and the zoning to Public Amusement on the justification that they are better suited for the property.

The goal of the "Parks, Open Space, and Outdoor Recreation" Comprehensive Plan designation is to provide a wide variety of both public and private parks, open spaces, and outdoor recreation sites. A community tennis and swim facility has operated on the subject property for more than 50 years, providing a needed recreational opportunity for the community. The proposed designation is more consistent with the historic use of the property and will allow the property to continue to be used in a similar manner, but will allow the facility to be run by a for-profit organization.

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;

Finding: The subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. The proposal meets this criterion.

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

Finding: The surrounding area is largely single family residential. Queen of Peace, a Catholic Church and school, is located to the north of the property within a RM-I (Multi-Family Residential) zone. The Parks, Open Space, Outdoor Recreation designation can be found dispersed throughout the city, and is used to support nearby residential uses.

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

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

Salem Urban Area Goals and Policies, Open Space, Parks and Recreation Goal (Page 44, Salem Comprehensive Policies Plan):

To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities.

Policy K.4. Private and public sectors should look for opportunities to meet park facility needs through cooperative agreements. The City shall provide the foundation for private programs or facilities, volunteers, and other appropriate methods to supplement and extend the City's resources in developing and maintaining the park system.

Finding: The existing facility currently provides recreational opportunities for the community, including tennis courts and pools for swimming. Findings from the Comprehensive Park System Master Plan Update² indicate that there is a need for more tennis courts and pools to serve Salem's population. Granting the comprehensive plan change ensures that the subject property has the ability to continue to provide needed community recreational services into the future.

Salem Urban Area Goals and Policies, Transportation Goal (Page 40, Salem Comprehensive Policies Plan):

To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.

Policy J.7. The provision of transportation facilities and services shall reflect and support land use designations and development patterns as identified in the Salem Area Comprehensive Plan. The design and implementation of transportation facilities and services shall be based on serving current and future travel demand, residential densities, retail, and employment centers.

² City of Salem Comprehensive Park System Master Plan Update May 2013, Chapter 4 – Needs Assessment, Pages 51-53.

Finding: The subject property is located on Lone Oak Road SE, classified as a collector street in the Salem Transportation System Plan. Idylwood Drive SE, which is also classified as a collector street, is located nearby to the south of the property. Both streets are developed with sidewalks. Salem Keizer Transit provides bus service to the intersection of Lone Oak Road and Idylwood Drive via route 8 within 500 feet of the property.

The applicable Statewide Planning Goals are addressed as follows:

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

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 Faye Wright Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

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

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 parcels. Through the consolidated application for site plan review, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. Staff finds that the proposal is consistent with Goal 5.

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

Staff Response: The existing facility currently provides two unique types of recreational amenities to the community, tennis courts and pools for swimming. The Comprehensive Park System Master Plan Update indicates that overall tennis participation has increased approximately 20 percent between 2001 and 2011 nationally. A tennis court service level of one court per 7,500 residents translates to three additional courts to meet current needs and an additional 16 courts for population growth in 2035.

According to the findings in the Comprehensive Park System Master Plan, swimming pools were ranked as the top recreation facility need. In this case, the applicant is proposing to

retain existing swimming facilities and proposes the addition of a splash fountain.

Granting the comprehensive plan change ensures that the subject property has the ability to continue to provide needed community recreational services into the future.

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

Staff Response: The subject property is zoned RS (Single Family Residential), but does not include any housing units. The City has recently conducted a Housing Needs Analysis (HNA) to determine housing needs for the community for the next 20 years. The HNA concluded that there is currently a surplus of approximately 1,975 acres of available single family zoned land. The proposal will decrease the amount of single family residential zoned land, however, given the surplus in available single family zoned land and that the property is currently developed with a non-residential use, the proposal will have a minimal impact on the ability for the City to meet future housing needs.

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

Staff Response: The subject property is within the Urban Service area. Findings from the Public Works Department indicate that the water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the propose development.

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

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

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

The applicant submitted a Transportation Planning Rule (TPR) Analysis (Attachment E) in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system, as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings.

Statewide Planning Goal 13 – Energy Conservation: *To conserve energy, land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.*

Staff Response: The subject property is currently developed as a recreational facility. The applicant proposes to retain and rehabilitate existing buildings, ensuring the efficient use of existing resources.

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

Finding: The proposed Comprehensive Plan Map amendment from Single Family Residential to Parks, Open Space, and Outdoor Recreation is in the public interest and would be of general benefit because it would allow a for-profit organization to continue to operate an existing recreational facility in a similar manner. Given the historic use of the property, the Parks, Open Space, and Outdoor Recreation designation is better suited for the recreational use of the property than a single family residential designation. The proposed change in land use designation is consistent with the location and character of the property, with adjacent land use designations, and with the transportation facility which currently serves the property. 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 RS (Single Family Residential) to PA (Public Amusement).

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

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

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

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

Finding: The request satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. The subject property is developed with a recreational facility that has operated since 1962. The single family residential designation allows for development of community or neighborhood club buildings, including swimming pools and similar recreation facilities when operated by a non-profit community club, but does not allow recreation facilities operated by a for-profit organization. The proposed PA zone will allow a for-profit organization to use the existing facility thereby creating more recreation opportunities and ensuring that the property will be able to provide recreational services in the future.

The PA zone does allow uses which due to the amount of traffic, noise generation, and nature of the use may not be entirely compatible with the surrounding residential area. Staff recommends a condition of approval which limits the more intrusive uses which are listed as permitted uses in the PA zone.

Condition 2: The following uses and activities shall be prohibited on the subject property:

- iv) Major Event Entertainment
- v) Military Installations
- vi) Indoor/Outdoor Firing Ranges

As proposed and conditioned, 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 complies with the applicable provisions of the Salem Area Comprehensive Plan.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this 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 designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The proposed zone change does not require a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation. Therefore, this criterion does not apply.

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

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

The applicant's TPR analysis states that in the future the site could be developed with other uses allowed in the PA zone and that the City may want to consider placing a cap on the number of trips for future development on the site to 950 trips per day in order to limit future development of uses that will not have a significant impact to the transportation system and would comply with the TPR. Staff recommends the following condition of approval:

Condition 3: The number of average daily trips for development on the site is limited to 950 trips per day.

As proposed and 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 by the proposed zone.

Finding: Findings from the Public Works Department indicate that the water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The proposal satisfies this criterion.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Salem Revised Code (SRC) 220.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

SRC 220.005(f)(3)(A): The application meets all applicable standards of the UDC;

Finding: The property is currently zoned RS (Single Family Residential). The applicant has applied for a Zone Change to PA (Public Amusement). The site plan review is contingent on the approval of the Comprehensive Plan Change and Zone Change. The following is a summary of the applicable use and development standards in the PA (Public Amusement) zone.

Development Standards – PA (Public Amusement) Zone:

SRC 540.005 - Uses:

The permitted, special, conditional and prohibited uses in the PA zone are set forth in Table 540-1.

Finding: The proposed development includes a change of use from a recreational and cultural community services use (non-profit tennis and swim club), to a commercial entertainment indoor/outdoor use. Commercial entertainment indoor/outdoor uses, excluding camps and recreational vehicle parks, are listed as a permitted use in the PA zone pursuant to Table 540-1.

SRC 540.010(a) – Lot Standards:

The minimum lot size for all uses in the PA zone is 10,000 square feet, the minimum lot width is 50 feet and the minimum lot depth is 80 feet. All uses are required to have a minimum of 16 feet of street frontage.

Finding: The subject property is approximately 5.14 acres in size, is approximately 813 feet

in depth and approximately 273 feet in width and has approximately 273 feet of frontage along Lone Oak Road SE which exceeds the minimum lot standard requirements.

SRC 540.010(b) – PA Zone Setbacks:

The following is a summary of the applicable setback requirements for the proposed development.

North: Adjacent to the north is a RS (Single Family Residential) zone. Buildings and structures not more than 35 feet in height require a minimum 20 foot setback. Buildings and structures greater than 35 feet in height require a 30 foot setback. Vehicle use areas are required to be setback a minimum of 20 feet.

Finding: The existing parking area is approximately 10 feet from the northern property line and is nonconforming. Existing Building C is less than 35 feet in height and is approximately 25 feet from the northern property line. The proposed membrane structure is setback approximately 150 feet from the northern property line.

South: Adjacent to the south is a RS (Single Family Residential) zone. A strip of land approximately 20 feet in width, under common ownership, runs across the southern boundary of the property. In the RS zone, all non-residential uses require a sideyard setback of 5 feet, plus one foot for each one-foot of height over 35 feet, but need not exceed 20 feet in depth.

Finding: The proposed membrane cover for the outdoor tennis courts is approximately 40 feet in height, requiring a minimum 10 foot setback. The membrane structure is setback approximately 20 feet from the southern property line, in compliance with the setback requirements.

East: Adjacent to the east is a RS (Single Family Residential) zone. Buildings and structures not more than 35 feet in height require a minimum 20 foot setback. Buildings and structures greater than 35 feet in height require a 30 foot setback. Vehicle use areas are required to be setback a minimum of 20 feet.

Finding: The proposed membrane is setback from the eastern property line by approximately 115 feet, in compliance with the setback requirements.

West: Adjacent to the west is the right-of-way for Lone Oak Road SE. Buildings not more than 35 feet in height are required to be setback from 20 feet from a street. For buildings and structures greater than 35 feet in height, a minimum 20 foot setback, plus one foot for each one-foot of height over 35 feet is required. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

Finding: The existing parking area is setback approximately 42 feet from the western property line, the proposed entry addition is setback approximately 325 feet from the western property line.

SRC 540.010(c) - Lot Coverage, Height:

There is a maximum lot coverage allowance of 60 percent and a 70 foot maximum building height allowance for development in the PA zone.

Finding: The proposed site plan indicates that the building area is approximately 60,728 square feet, covering approximately 25 percent of the site, less than the 60 percent maximum. The proposed membrane structure is approximately 40 feet, less than the maximum height allowance.

SRC 540.010(d) - Landscaping:

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.

Finding: All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

Off-Street Parking, Loading, and Driveways SRC 806

SRC 806.005 - Off-Street Parking; When Required.

Off-street parking shall be provided and maintained for any change of use or activity, when such change of use or activity results in a parking ratio requiring a greater number of spaces than the previous use or activity, or for any intensification, expansion, or enlargement of a use or activity.

Finding: The previous recreational and cultural community services use required a minimum of one space per 350 square feet of floor area per SRC Chapter 806, Table 806-1. The proposed commercial entertainment use requires a minimum of 3 spaces per court, which results in fewer required spaces than the previous use.

SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.

Required off-street parking shall be located on the same development site as the use or activity it serves.

Finding: The proposed site plan indicates that the parking spaces will be provided on the same development site as the proposed use.

SRC 806.015 - Amount of Off-Street Parking.

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for uses in the commercial entertainment indoor/outdoor category is based on the number of tennis courts, requiring a minimum of 3 spaces per court.
- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.

- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

Finding: There are six outdoor tennis courts, five indoor tennis courts and three new pickle ball courts proposed for the use requiring a minimum of 42 spaces ($14 \times 3 = 42$). The maximum off-street parking allowance for the use under Table 806-2 is 74 spaces ($42 \times 1.75 = 73.5$). There are 74 off-street parking spaces provided in the existing parking area. The proposed development does not include compact parking spaces, and carpool/vanpool spaces are not required because the proposed use does not fall under the Public Services, Industrial Use or Business and Professional Services use category.

SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to
 1. The development of new off-street parking and vehicle use areas;
 2. The expansion of existing off-street parking and vehicle use areas; where additional paved surface is added;
 3. The alteration of existing off-street parking and vehicle use areas, where the existing paved surface is replaced with a new paved surface; and
 4. The paving of an un-paved area.

Finding: The proposed development does not include an alteration to the existing off-street parking area, no additional paved parking surface will be added to the site.

Bicycle Parking

SRC 806.045 - General Applicability.

Bicycle parking shall be provided for any change of use or activity, when such change of use or activity results in a bicycle parking ratio requiring a greater number of spaces than the previous use or activity, or any intensification, expansion, or enlargement of a use or activity.

Finding: The previous use required a minimum of 1 bicycle parking space per 3,500 square feet. The proposed commercial entertainment use requires a minimum of one space per tennis court, which results in a greater number of required spaces for the new use.

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

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

SRC 806.055 – Amount of Bicycle Parking.

Bicycle parking shall be provided in amounts not less than those set forth in Table 806-8.

Finding: The previous use required a minimum of 1 bicycle parking space per 3,500 square

feet of floor area for a total of 11 spaces ($39,528 / 3,500 = 11.29$). The proposed commercial entertainment use requires a minimum of one space per tennis court, or 14 spaces. Bicycle parking spaces are not indicated on the site plan, therefore staff recommends the following condition of approval.

Condition 4: A minimum of 14 bicycle parking spaces meeting the development standards of SRC Chapter 806 are required for the proposed development.

SRC 806.060 – Bicycle Parking Development Standards.

- a) *Location.* Bicycle parking areas shall be located within a convenient distance of, and shall be clearly visible from, the primary building entrance. In no event shall bicycle parking areas be located more than 50 feet from the primary building entrance.
- b) *Access.* Bicycle parking areas shall have direct and accessible access to the public right-of-way and the primary building entrance.
- c) *Dimensions.* Bicycle parking spaces shall be a minimum of 6 feet by 2 feet, and shall be served by a minimum 4-foot-wide access aisle.
- d) *Bicycle Racks.* Where bicycle parking is provided in racks, the racks may be floor, wall, or ceiling racks. Bicycle racks shall accommodate the bicyclist's own locking device.

Finding: New bicycle parking spaces will be required to meet the development standards of SRC Chapter 806.060.

Off-Street Loading Areas

SRC 806.065 - General Applicability.

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

Finding: The previous use has the same off-street loading space requirement as the proposed use. No additional off-street parking spaces are required for the proposed development.

Landscaping

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

Finding: All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807. Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

Natural Resources

SRC Chapter 808 - Preservation of Trees and Vegetation: The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045. No protected trees have been identified on the site plan for removal.

SRC Chapter 809 - Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no wetlands on the subject property. The applicant should contact the Department of State Lands to verify if permits are required for the proposed development.

SRC Chapter 810 - Landslide Hazards: A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property does not contain mapped landslide hazards. The proposed commercial development is assigned 3 activity points. A total of 3 points indicates a low landslide hazard risk, a geological assessment is not required for the proposed development.

SRC 220.005(f)(3)(B): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

Finding: Lone Oak Road SE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

SRC 220.005(f)(3)(C): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians;

Finding: The existing driveway access onto Lone Oak Road SE provides for safe turning movements into and out of the property.

SRC 220.005(f)(3)(D): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Finding: The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development.

The applicant shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 73.075. The applicant will be assessed Storm System Development Charges at the time of building plan approval based on the increase in impervious surface at the subject property.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Comprehensive Plan Map Amendment, Zone Change and Class 3 Site Plan Review, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2), SRC 265.005(e)(1), and SRC 220.005(f)(3) 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 5.16 acres in size, designated Single Family Residential on the Plan Map, zoned RS (Single Family Residential), and located at 4318 Lone Oak Road SE - 97302 (Marion County Assessor's Map and Tax Tot numbers: 083W10BC / 02400 and 02500):

- 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 "Single Family Residential" to "Parks, Open Space, and Outdoor Recreation";

- B. APPROVE Zone Change, subject to the following condition; and

Condition 1: Approval of the zone change and site plan review decision shall be contingent on the City Council's decision on the Comprehensive Plan Map Change.

Condition 2: The following uses and activities shall be prohibited on the subject property:

- i) Major Event Entertainment
- ii) Military Installations
- iii) Indoor/Outdoor Firing Ranges

Condition 3: The number of average daily trips for development on the site is limited to 950 trips per day.

- C. APPROVE Class 3 Site Plan Review Case No. 16-07, subject to the following conditions:

Condition 4: A minimum of 14 bicycle parking spaces meeting the development standards of SRC Chapter 806 are required for the proposed development.

- Attachments:
- A. Vicinity Map
 - B. Applicant's Written Statements on Comprehensive Plan and Zone Change, and Class 3 Site Plan Review
 - C. Proposed Site Plan
 - D. Public Works Memo
 - E. TPR Analysis

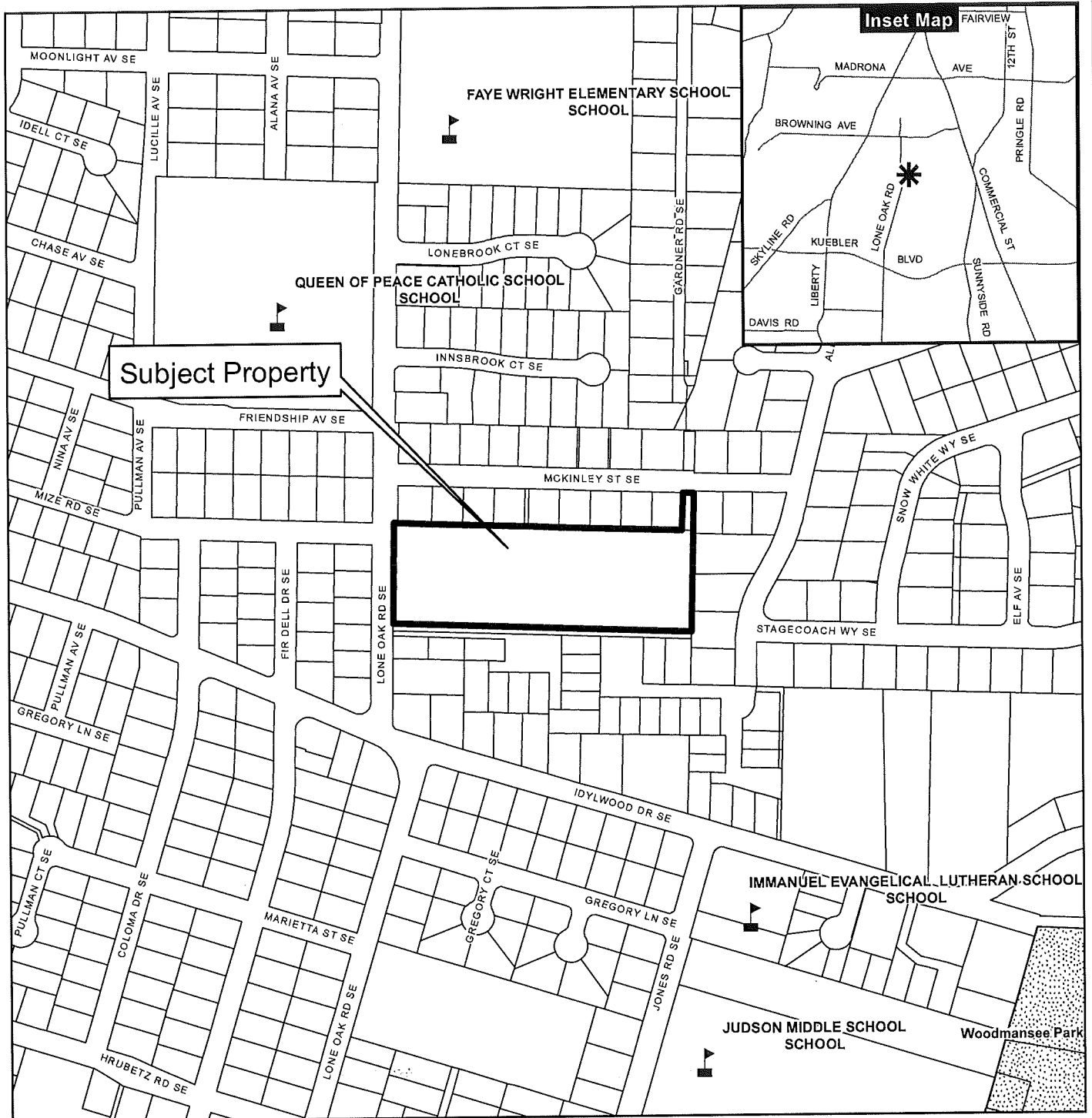
Prepared by Aaron Panko, Planner III

Handwritten initials 'AP' in black ink, positioned to the right of the text 'Prepared by Aaron Panko, Planner III'.

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2016\4 - Staff Reports & Decisions\CPC-ZC-SPR16-07.amp.docx

Vicinity Map

4318 Lone Oak Road SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 100 200 400 Feet



**SALEM TENNIS AND SWIM CLUB
COMPREHENSIVE PLAN CHANGE/ZONE CHANGE/SITE PLAN REVIEW TYPE III
CONSOLIDATED WRITTEN STATEMENT**

OWNER:

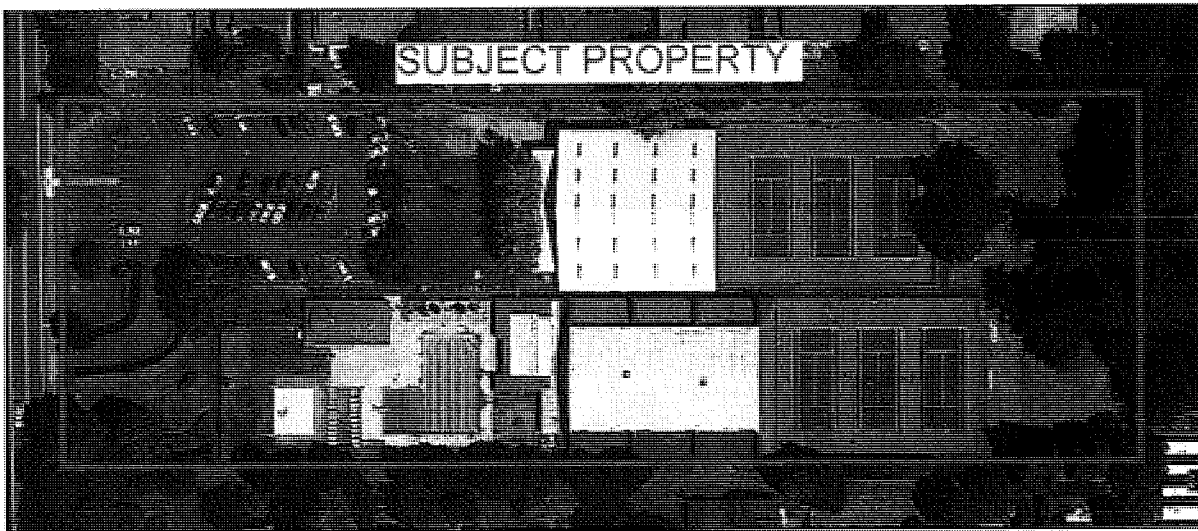
Salem Tennis and Swim Club
PO Box 3284
Salem, OR 97302

APPLICANT:

Ad Out, LLC
3461 Augusta National Drive S
Salem, OR 97302

APPLICANT'S REPRESENTATIVE:

Mark Shipman, Attorney
Saalfeld Griggs PC
Park Place, Suite 200
250 Church Street SE
Salem, OR 97301
Phone: 503-399-1070
Email: mshipman@sglaw.com

**SUBJECT PROPERTY INFORMATION:**

The subject property is located at 4318 Lone Oak Road SE, Salem, Oregon, Marion County Assessor's Map Number 8-3W-10BC, Tax Lots 2400, 2500, and 2600 (herein the "**Subject Property**"). Total acreage of the Subject Property is approximately 5.53 acres.

The City of Salem (herein the "**City**") designates the Subject Property as "Single-Family Residential" on its Comprehensive Plan Map and it is zoned "Single Family Residential." (See Current Zoning Map, **Exhibit 1**).

Access to the Subject Property is provided via an existing driveway along Lone Oak Road SE.

The Subject Property is located within the Salem Urban Growth Boundary and is within the Salem city limits.

The properties bordering the Subject Property on all sides are zoned Single Family Residential and consist of existing single-family housing. (See Current Aerial Photo, **Exhibit 2**).

On June 16, 2016, Applicant's representative met with City Staff to discuss the development of the Subject Property. (See Pre-Application Conference Summary Letter, *Exhibit 3*).

The Subject Property is located within the boundaries of the Faye Wright Neighborhood Association. On July 14, 2016, the Applicant will attend the Faye Wright Neighborhood Association meeting to discuss the proposal. The Faye Wright Neighborhood Association and adjacent property owners will have an opportunity to provide input and comments on the project.

The Applicant contacted Cherriots staff on June 28, 2016, to discuss the proposed combined application. Cherriots staff requested a copy of the application packet and agreed to review and follow up with the Applicant as needed. Based on the nature of the application request, it is not anticipated that Cherriots staff will have significant concerns or requests of the Applicant as a part of its proposal.

PREVIOUS ACTIONS:

On September 7, 2010, the City granted the owner a Conditional Use permit to allow an air-dome covering over an existing swimming pool. (See CU10-07 Decision, *Exhibit 4*).

BACKGROUND INFORMATION:

Salem Tennis and Swim Club (the "*Club*") has been located at the Subject Property since approximately 1962 and has been providing recreational opportunities to the South Salem community for over 50 years.

SUMMARY OF PROPOSAL:

Applicant is proposing to rezone the Subject Property from Single Family Residential ("*RS*") to Public Amusement ("*PA*") and change the comprehensive plan designation from Single Family Residential ("*SFR*") to Parks, Open Space, and Outdoor Recreation ("*POS*"). The purpose of this combined request is to enable the Club to continue operation as a for-profit corporation.

The current RS zone only allows recreational facilities, like the Club to be located in an RS zone if owned/operated by a non-profit organization. Unfortunately, the Club needs to sell the property and facilities. Fortunately, for the current members of the Club, the Applicant is willing and able to step in and purchase the Subject Property and facilities and continue the tennis and swim operation as has been done in the past.

The Applicant further proposes that once the comprehensive plan, zone change and site plan review are approved, the Applicant will enhance the existing facilities on the Subject Property by installing a temporary bubble over three outside tennis courts; adding new pickle ball courts; resurfacing all tennis courts; adding a new entry way between the two existing buildings; remodel the old entry, locker rooms, office space, viewing area, and pool entry area; resurface parking lots and walkways; install a gazebo near pool; install new splash pad; upgrade the fitness area; and repair old siding.

In addition, as part of the restoration work, the Applicant is requesting a Type III Site Plan Review for the construction of a new entryway (+/- 800 square ft.) as an addition to the stick framed clubhouse building to be constructed for the purpose of connecting the clubhouse to the indoor and outdoor tennis courts.

Applicant would like all of these applications (three total) to go through the Collective (a.k.a. Consolidated) process before the Planning Commission.

EXISTING SITE CONDITIONS

The Subject Property has street frontage on Lone Oak Road SE. The site is currently developed with a swimming pool, clubhouse, indoor and outdoor tennis courts.

Site Plan:

A site plan of the existing recreational facility has been provided (*See Exhibit 5*).

Applicable Detail Plans:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function. The Faye Wright Neighborhood does not have a detail plan, neighborhood plan, or any goals or policies that would act as mandatory approval criteria for this application.

Salem Transportation System Plan (STSP):

The STSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The Subject Property abuts Lone Oak Road SE to the west. The functional classification for Lone Oak Road is Collector.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP (MINOR) AMENDMENT

COMPREHENSIVE PLANNING

64.025. Plan Map Amendments.

(e) Criteria.

(2) Minor Plan Map Amendment. The greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:

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

(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

(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 a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

(aa) Whether there was a mistake in the application of a land use designation to the property;

(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;

(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and

(dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

(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;

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

(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

(E) The amendment is in the public interest and would be of general benefit. (Ord No. 6-13)

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.025 (e) sets forth the Criteria of Approval for a minor comprehensive plan amendment. The applicable criteria have been excerpted below in bold and italics, followed by Applicant's proposed findings.

(1) A minor comprehensive plan amendment shall be granted if all of the following criteria are met:

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

(i) Alteration in circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate;

Proposed Finding: The social, economic, and demographic patterns of the nearby vicinity have not been altered, to make the current designation no longer appropriate.

(ii) Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property; or

Proposed Finding: The POS comprehensive plan designation is equally or better suited for the Subject Property than the SFR designation. The goal of the POS designation is to provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities. The Club has operated on Subject Property since 1962 and serves the surrounding residential community in the City by offering recreational facilities. The Club offers five (5) indoor and six

(6) outdoor tennis courts, one (1) large swimming pool, an exercise facility, an activities room, an adult upstairs viewing/lounge area, and a large yard for outdoor picnic use.

The current SFR designation does not allow private recreational facilities as a permitted use and no single family dwelling units exist on the Subject Property. Therefore, since the POS designation allows private recreational facilities as a permitted use and the Subject Property has been used as a private recreational facility since 1962, the POS is a better suited designation than the existing SFR designation or another zoning designation that would allow the for-profit recreational facility. Further, without approval of this plan amendment and corresponding zone change, the Applicant would not be able to operate the Club on the Subject Property and the Club would be forced to close at the detriment to the surrounding residential community.

(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

(aa) Whether there was a mistake in the application of a land use designation to the property;

(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;

(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and

(dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

Proposed Finding: There is no conflict with the Comprehensive Plan Map designation and the zoning of the property.

(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;

Proposed Finding: The Subject Property is currently served with public facilities and services necessary to support the uses allowed by the proposed POS designation. The Subject Property is served by a P 5/8 sewer pipe and an 8 DI water line running underneath Lone Oak Road adjacent to the Subject Property. Further, the Subject Property is served with a storm water line running along Lone Oak Road and a detention basin located on the easterly portion of the Subject Property. Collectively, these existing public facilities have adequately served the Subject Property to date and will continue to serve the Subject Property following this application. Thus, the Subject Property will be served by existing facilities necessary to support the existing recreational facility on the Subject Property. This criterion is satisfied.

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

Proposed Finding: The proposed plan map designation will provide for the logical urbanization of the Subject Property. The plan change from SFR to POS is more consistent with how the Subject Property has been used for the past 50 years. Further, the proposed plan map designation (POS) will allow for

the continued use of the Subject Property as a recreational facility serving the surrounding residential community. Thus, the proposed POS designation provides for the logical urbanization of the land. This criterion is satisfied.

(D) The proposed plan map designation is consistent with the Salem Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Proposed Finding: As provided for below, the proposed POS designation complies with the applicable provisions of the Salem Area Comprehensive Plan, applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development.

3. Plan Map Designations:

The Comprehensive Plan Map is a representation of the Plan's goals and policies. The Plan map designations indicate various types of land use.

Descriptions of the Plan Map designations follows.

k. Open Space, Parks and Recreation

Goal: To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities.

4. Recreation: Private and public section should look for opportunities to meet park facility needs through cooperative agreements. The City shall provide the foundation for private programs and facilities, volunteers, and other appropriate methods to supplement and extend the City's resources in developing and maintaining the park system.

Proposed Finding: This proposal is in conformance with the goals of the POS designation. The City has adopted a Comprehensive Park System Master Plan inventorying recreational needs and opportunities in the City. That plan states that the City requires three (3) tennis courts to meet current needs and an additional sixteen (16) courts for population growth in 2035. The plan further states, that the City provides no pools at this time, and they are in high demand by Salem residents. If approved, this proposal will allow Applicant to continue the existing use of the Subject Property which contains 5 indoor courts and 6 outdoor tennis courts along with 1 large swimming pool. Thus, approving this application will be in conformance with the goals of the POS designation and needs as set forth in the Comprehensive Park System Master Plan by allowing the existing recreational facility to continue to offer recreational services to the residents of Salem.

J. TRANSPORTATION

GOAL: To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.

Salem Transportation System Plan

1. The Salem Transportation System Plan shall contain goals, objectives, policies, plan maps, and project lists that will guide the provision of transportation facilities and services for the Salem Urban Area...

2. The Salem Transportation System Plan shall be updated, as necessary, to remain consistent with other City of Salem, regional, and statewide plans.

Proposed Finding: The City adopted a STSP, applicable policies of which have been excerpted below, followed by proposed findings demonstrating compliance therewith.

STSP STREET SYSTEM ELEMENT

GOAL: Provide a comprehensive system of streets and highways that serves the mobility and multimodal travel needs of the Salem Urban Area.

OBJECTIVE NO. 1

Develop a comprehensive, hierarchical system of streets and highways that provides for optimal mobility for all travel modes throughout the Salem Urban Area.

Policy 1.6 Local Access and Circulation

The City's street system shall contain an interconnected network of local streets that provide property access and neighborhood circulation.

Proposed Finding: The Subject Property and existing use provide for the safe and efficient movement of goods and people. The Subject Property abuts Lone Oak Road SE to the west and Lone Oak Road is classified as a Collector by the STSP street classification system. Lone Oak Road is interconnected to a network of local streets. The Subject Property is well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood.

Multimodal Transportation System

4. The transportation system for the Salem Urban Area shall consist of an integrated network of facilities and services for a variety of motorized and nonmotorized travel modes.

Proposed Finding: The Subject Property is currently served by transit, pedestrian sidewalks and bike lanes, all of which encourage the use of alternative modes of transportation.

Supportive of Land Use Plan Designations & Development Patterns

7. Local governments shall encourage the expansion of transit services throughout and beyond the Salem Urban Area, especially to areas of increased residential densities, major commercial concentrations, and large institutional and employment centers.

Proposed Finding: The Subject Property is currently served by transit service at the corner of Lone Oak Road SE and Friendship Ave SE via Route 21, Rees Hill Loop, which will provide multimodal transportation options to the Subject Property.

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

Proposed Finding: The minor comprehensive plan (map) amendment from SFR to POS and corresponding zone change from RS to PA is consistent with the applicable Statewide Planning Goals as follows:

Goal 1. Citizen Involvement.

Proposed Finding: A minor comprehensive plan amendment is processed as a quasi-judicial land use action. Public notice and is required and a public hearing will be held giving interested citizens an opportunity to be involved in the process. In addition to the City's required citizen involvement tasks, the Applicant has actively engaged the Faye Wright Neighborhood Association to keep them apprised of what is happening with the property. These outreach efforts, and the City's public hearing process ensures there is adequate citizen involvement in the land use process.

Goal 2. Land Use Planning.

Proposed Finding: The zone code is a part of the Unified Development Code ("**UDC**") and was adopted by the City and acknowledged by the Land Conservation and Development Commission ("**LCDC**") as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules.

Additionally, there are number of Detail Plans the City has adopted as policy guides to the Comprehensive Plan. The following is a list of Detail Plans relevant to this proposal:

Comprehensive Park System Master Plan. Adopted May 2013.

Salem Transportation System Plan. Adopted June 28, 1998, and amended February 14, 2000, May 14, 2001, January 24, 2005, March 28, 2005, and July 9, 2007.

Salem Urban Area Public Facilities Plan. Adopted October 12, 1992.

The zoning code has been adopted by the City and acknowledged by the State in accordance with the planning process established under Goal 2. Following this process, it became a part of the body of acknowledged planning documents that can be used as a basis for future land use decisions. The subject proposal will be processed in accordance with the land use procedures established by SRC Chapter 300 and any other applicable Oregon statutes or administrative rules. This procedure will ensure compliance with Statewide Planning Goal 2.

Goal 3. Agricultural Lands.

Proposed Finding: The proposed plan amendment does not affect the inventory of agricultural lands. Thus, Goal 3 is not applicable to this proposal.

Goal 4. Forest Lands.

Proposed Finding: The proposed plan amendment application does not affect the inventory of forest lands. Thus, this Goal 4 is not applicable to this proposal.

Goal 5. Open Space, Scenic and Historic Areas and Natural Resources.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 5: *Natural Resources, Scenic and Historic Areas, and Open Spaces* (OAR 660-015-0000(5)):

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

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;*
- b. Wetlands;*
- c. Wildlife Habitat;*
- f. Groundwater Resources;*
- h. Natural Areas;*

Proposed Finding: This proposal will allow for the continued use of the Subject Property for recreational services. The Subject Property has not been identified for protection as a fish or wildlife area/habitat in any adopted Oregon Wildlife Commission fish or wildlife management plan nor is the Subject Property located near any riparian corridors, wetlands, or natural areas. As such, the provisions of Goal 5 are not applicable.

Goal 6. Air, Water and Resources Quality.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 6: *Air, Water, and Land Resource Quality* (OAR 660-015-0000(6)):

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

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable airsheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

Proposed Finding: The proposed comprehensive plan amendment and continued use of the Subject Property as a recreational facility will not exceed the carrying capacity of the air and water resources available to serve the Subject Property. The Subject Property lies within the City, where development at an urban scale and density is intended to occur. The continued use of the Subject Property as a recreational facility will not result in any additional production or discharge of waste than exists prior to this application. Moreover, the Subject Property is within the City's Urban Services Area, and thus the City currently has adequate water, stormwater, and sewer services either in place or fully committed to

serve the Subject Property. Therefore, the City can adequately serve the proposed development's waste and discharge needs, and future development will not exceed the current resources' carrying capacity.

Goal 7. Areas Subject to Natural Hazards.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 7: *Areas Subject to Natural Hazards* (OAR 660-015-0000(7)):

A. NATURAL HAZARD PLANNING

- 1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*
- 2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

Proposed Finding: The City has adopted specific policies for protection against flood hazards, potential landslides and other natural hazards. Policies pertaining to flood hazards are contained in both the Natural Hazard Mitigation Plan and the Stormwater Master Plan. Implementing measures can be found in the Salem Revised Code under Chapters 809 and 601. These policies and implementation measures recognize the complimentary benefits of natural hazard and natural resource management.

The Subject Property is not located in an identified natural hazard area and the continued use of the Subject Property as a recreational facility will not impact or increase the risk of any natural hazards. As such, the provisions of Goal 7 are not applicable.

Goal 8. Recreational Needs.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 8: *Recreational Needs* (OAR 660-015-0000(8)):

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

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

A. PLANNING

- 1. An inventory of recreation needs in the planning area should be made based upon adequate research and analysis of public wants and desires.*
- 2. An inventory of recreation opportunities should be made based upon adequate research and analysis of the resources in the planning area that are available to meet recreation needs.*

Proposed Finding: The City has adopted a Comprehensive Park System Master Plan inventorying recreation needs and opportunities for the City. The Master Plan states that the City requires three (3) tennis courts to meet current needs and an additional sixteen (16) courts for population growth in 2035.

The Master Plan further states, that the City provides no pools at this time, and they are in high demand by Salem residents. If approved, this application will allow the continuation of key recreational facilities (tennis and swim) in the City. Thus, approving this application will be in conformance with the goals of the POS designation and needs as set forth in the Comprehensive Park System Master Plan by allowing the existing recreational facility to continue to offer recreational services to the residents of Salem.

- 4. The planning for lands and resources capable of accommodating multiple uses should include provision for appropriate recreation opportunities.*
- 8. Unique areas or resources capable of meeting one or more specific recreational needs requirements should be inventoried and protected or acquired.*

Proposed Finding: The Subject Property is unique in that it is capable of meeting two specific recreational needs, tennis courts and swimming facilities. As such, the continued use on the Subject Property should be protected.

Goal 9. Economic Development.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 9: Economic Development (OAR 660-015-0000(9)):

Comprehensive plans for urban areas shall:

- 1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*
- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*

Proposed Finding: The City's Comprehensive Plan contains commercial and economic development policies pertaining to the identification and protection of employment lands. This proposal to amend the comprehensive plan map from SFR to POS will not affect the City's employment lands. Since the proposal is to increase the City's parks and open space lands inventory, rather than deplete the City's employment lands inventory, the provisions of Goal 9 are not applicable.

Goal 10. Housing.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 10: *Housing* (OAR 660-015-0000(10)):

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

GUIDELINES

A. PLANNING

1. *In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.*
2. *Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.*
3. *Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.*

Proposed Finding: As detailed above, Oregon Statewide Planning Goal 10 requires the City to allocate adequate amounts and types of land to accommodate the needed housing units for all incomes. In compliance with Goal 10, the City conducted a Housing Needs Analysis Report to determine the housing needs for the City for the next twenty (20) years and buildable lands inventory. That analysis concluded that the City has a surplus of approximately two hundred seven (207 AC.) acres of single family zoned land.

This application, while a small change, will decrease the amount of single family zoned land which is in keeping with Goal 10 and the policies contained in the Housing Needs Analysis Report. Therefore, the proposal will help ensure the City remains compliant with Goal 10.

Goal 11. Public Facilities and Services.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 11: *Public Facilities and Services* (OAR 660-015-0000(11)):

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

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons.

GUIDELINES

A. PLANNING

3. *Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.*

4. Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.

Proposed Finding: The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an Urban Service Area ("**USA**") boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan. The Subject Property is located within the boundary of the USA and will use the public services which service the existing use on the Subject Property. Therefore, all public facilities and services are readily available to serve the Subject Property.

Goal 12. Transportation.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 12: Transportation (OAR 660-015-0000(12)):

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

Proposed Finding: The City's Comprehensive Plan contains transportation policies pertaining to the provision of a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people. As a supplement to the Comprehensive Plan, the City has also adopted the STSP, which considers all transportation modes, is based on an inventory of transportation needs, encourages sustainability, facilitates the economic flow of goods and services, and conforms to the Salem Area Comprehensive Plan and the Regional Transportation System Plan. Conformance with these transportation policies is addressed in more detail below.

OAR Section 660-012-0060(1) further states that to determine if a proposed use significantly affects a transportation facility the following must be found:

"(a) Changes the functional classification of an existing or planned transportation facility;

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

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (A) *Allow land uses or levels of development which would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable level performance standard identified in the TSP or comprehensive plan;*
- (C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Proposed Finding: This application will not significantly change the functional classification of an existing or planned transportation facility nor reduce or worsen the performance of an existing or planned transportation facility. The Subject Property has street frontage on Lone Oak Road SE to the west, the functional classification for Lone Oak Road is a collector. The Subject Property will maintain the current transportation and traffic levels and there will be no adverse impact or significant change to the existing traffic infrastructure. The Applicant has provided a Trip Generation Estimate to the Transportation Engineer for the City of Salem in support of this request.

Goal 13. Energy Conservation.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 13: *Energy Conservation* (OAR 660-015-0000(13)):

GUIDELINES

A. PLANNING

3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.

Proposed Finding: This application will allow for the continued use/reuse of the existing structures on the Subject Property for recreational purposes ensuring an efficient use of land and energy resources.

Goal 14. Urbanization.

Proposed Finding: This proposal does not include land located outside of the UGB or include the extension of services to properties outside the UGB, thus, Goal 14 is not applicable to this application.

Goals 15. Willamette River Greenway; 16. Estuarine Resources; 17. Coastal Shorelands; 18. Beaches and Dunes; and 19. Ocean Resources.

Proposed Finding: The Subject Property is not within the Willamette River Greenway or in an estuary or coastal area, thus, Goals 15, 16, 17, 18 and 19 are not applicable.

Based on the findings contained above, this proposal to amend the comprehensive plan map designation from SFR to POS is consistent with the applicable Statewide Planning Goals.

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

Proposed Finding: The Club was established in 1962 as a family oriented club that contains eleven (11) tennis courts, a large swimming pool, an exercise facility, an activities room and a large yard for outdoor picnic use. These amenities, which were found to be in need by the City's Comprehensive Park System Master Plan serve many families in the City and particularly in the surrounding residential neighborhood. If this application is not approved the Club will be forced to close and the existing services and amenities will cease to exist at a detriment to the surrounding residential neighborhood, and the City as a whole. This criterion is satisfied.

CONCLUSION

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting a minor comprehensive plan (map) amendment designation for the Subject Property from SFR to POS.

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

CHAPTER 265

ZONE CHANGES

265.005. Quasi-Judicial Zone Changes.

(e) Criteria.

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

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

(i) A mistake in the application of a land use designation to the property;

(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or

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

(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.

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

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

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

address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

(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. (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.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied. (Ord No. 12-12; Ord No. 31-13)

SRC 265.005 (e) sets forth the Criteria of Approval for a quasi-judicial zone. The applicable criteria have been excerpted below in bold and italics, followed by Applicant's proposed findings.

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

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

(i) A mistake in the application of a land use designation to the property;

Proposed Finding: There has not been a mistake in the application of a land use designation to the Subject Property.

(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or

Proposed Finding: The social, economic, and demographic patterns of the nearby vicinity have not altered, to make the current designation no longer appropriate.

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

Proposed Finding: The PA zoning designation is better suited for the Subject Property than the RS zoning designation. The Club has been located at the Subject Property since 1962 and offers recreational facilities including 5 indoor and 6 outdoor tennis courts, 1 large swimming pool, an exercise facility, an activities room, an adult upstairs viewing/lounge area, and a large yard for outdoor picnic use. Notably, no single family dwelling units exist on the Subject Property and the current RS zoning designation does not allow private recreational facilities as a permitted use. Therefore, since the PA zone allows private recreational facilities as a permitted use and the Subject Property has been used as a private recreational facility since 1962, the PA zone is a better suited designation than the existing RS designation. Further, without approval of this plan amendment and corresponding zone change, the Applicant would not be able to operate the Club on the Subject Property and the Club will be forced to close at the detriment to the surrounding residential community.

(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.

Proposed Finding: The zone change is not city-initiated. This criterion does not apply.

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

Proposed Finding: This zone change proposal is in conjunction with a corresponding minor comprehensive plan (map) amendment from SFR to POS, which, if approved, will comply with the applicable provisions of the Salem Area Comprehensive Plan. The Applicant previously addressed the identical provisions of the Salem Area Comprehensive Plan in the comprehensive plan (map) amendment section above in pages 5-15 of this statement. The Applicant's conformance with all of those criteria was adequately addressed above and will not be repeated here.

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

Proposed Finding: The proposed zone change from RS to PA is consistent with the applicable Statewide Planning Goals. The Applicant previously addressed its conformance with the zone change criteria above in the Comprehensive Plan (map) Amendment Section and will not repeat those findings here.

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

Proposed Finding: This request is in conformance with the Goals and Policies of the Salem Area Comprehensive Plan and all applicable land use standards imposed by Oregon statute or administrative rule. Moreover, the impact of the proposed zone change on the area is negligible. The Applicant is simply seeking to change the plan and zone designation of the Subject Property to be in conformance with the type and nature of the use.

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting approval of an application to change the zoning of the Subject Property from RS to PA.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A SITE PLAN REVIEW TYPE III IN AN PA ZONE

CHAPTER 220 SITE PLAN REVIEW

220.005. Site Plan Review.

(f) Criteria.

(3) Class 3 Site Plan Review. An application for Class 3 Site Plan Review shall be granted if:

(A) The application meets all applicable standards of the UDC;

(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

(D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

(Ord No. 12-12; Ord No. 31-13)

(A) The application meets all applicable standards of the UDC;

Proposed Finding: This Site Plan Review, in conjunction with the proposed minor comprehensive map amendment, and zone change complies with all applicable standards of the UDC. The Subject Property is currently used as a recreational facility with several tennis courts and a swimming pool. If approved, the Subject Property will continue to be used as a recreational facility which is an allowed use under the proposed POS comprehensive plan map designation and the PA zoning designation. Further, if approved this site plan proposal will allow Applicant to upgrade the existing facilities including construction of a new entryway as an addition to the stick framed clubhouse building, installation of a tennis court bubble over 3 outside courts, remodel of the existing buildings, resurfacing of the parking lot, and construction of three new pickle ball courts. These proposed developments are subject to the follow sections/standards of the UDC:

SRC Chapter 540, Table 540-3 and 540 -4: Setbacks

Pursuant to Table 540-3, the minimum setbacks for the proposed structures, including the new bubble cover for the SE outdoor tennis courts, is twenty (20') feet for buildings less than thirty five (35') feet in height. In this case all structures will be set back at least twenty (20') feet from all property lines. The height for the proposed new bubble cover is determined by measuring the vertical distance between two points, a base point and a top point. The top point for this curbed roof structure is taken at the 'deck line' of the roof structure, pursuant to SRC 112.035(c)(2)(D). The deck line of the roof structure of the proposed bubble cover is thirty two feet nine inches (32' 9") as shown on the attached roof structure exhibit, (***Exhibit 9***). The proposed bubble cover will be set back twenty five (25') feet from the south property line meeting the setback requirements for this structure in the PA zone.

SRC Chapter 540, Table 540-3 and 540 -4: Lot Coverage

Pursuant to Table 540-5, the maximum lot coverage allowance in the PA zone for all uses is 60 percent. The existing improvements on the Subject Property along with the proposed developments mentioned above equal 60,728 square feet. Therefore, the total lot coverage will be twenty five (25%), and this proposal will not exceed the maximum sixty (60%) percent lot coverage requirement.

SRC Chapter 540, Table 540-3 and 540 -4: Height

Pursuant to Table 540-5, the maximum height for all uses is seventy (70') feet. Applicant has proposed to construct an air bubble over the SE tennis courts on the Subject Property. The height for a dome structure is determined by measuring the vertical distance between two

points, a base point and a top point. The approximate height of the air dome as measured by these two points is forty (40') feet. Thus, the Subject Property will not exceed the allowable height requirement in the PA zone.

SRC Chapter 540/807, Table 540-3 and 540 -4: Landscaping

Required setbacks shall conform to the standards set forth in SRC Chapter 807. Table 540-4 of SRC 540 provides that the required zone to zone setbacks requires Type A landscaping. Type A landscaping requires a minimum of 1 Plant Unit per 20 sq. ft. of landscaped area. The Subject Property's existing set back area conforms to these requirements.

SRC Chapter 806: Off-street parking

Pursuant to 806.015, the minimum number of off street parking spaces required for a commercial entertainment indoor/outdoor use is three (3) spaces per court, plus an additional one (1) space per five (5) seats or ten (10') feet of bench length. The Subject Property has 11 tennis courts and twenty (20) seats. Thus, the required number of off street parking spaces is thirty five (35). The Subject Property complies with this requirement as there are seventy six (76) existing parking spaces.

SRC Chapter 808: Natural Resources (Trees, Wetlands and Landslide)

Trees: Pursuant to SRC 808.025, an Applicant may not remove any trees prior to submittal of a site plan review if the Subject Property is greater than 20,000 square feet. The Subject Property is greater than twenty thousand (20,000 ft²) square feet and the Applicant has not removed any trees prior to this application.

Wetlands: According to the Salem-Keizer Local Wetland Inventory there are no wetlands on the Subject Property and no permits from the Department of State Lands are required for the proposed development.

Landslide Hazard: There are no mapped landslide hazard areas on the Subject Property.

(B) The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;

Proposed Finding: The purpose of this application is to allow the existing use to continue on the Subject Property. The STSP uses a street classification system to determine the functional classification of each street within the City's street system. The Subject Property abuts Lone Oak Road SE to the west. The functional classification for Lone Oak Road is Collector. Lone Oak Road SE provides a safe, orderly, and efficient circulation of traffic into and out of the Subject Property and this proposal will not alter or adversely affect the existing traffic patterns to and from the Subject Property.

(C) Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians; and

Proposed Finding: This proposal will allow the existing use of the Subject Property to continue. The Subject Property and its existing use are currently adequately served by the existing parking areas and driveways which are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians. This proposal will also allow for Applicant to resurface the existing parking lot and walkway, and expand the parking area to include additional parking stalls. The existing infrastructure and the proposed improvements to that infrastructure ensure that the Subject Property's parking areas and driveways are designed to facilitate safe and efficient movement.

(D) The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.

Proposed Finding: The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an USA boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan. The Subject Property is located within the boundary of the USA and will use the public services which service the existing use on the Subject Property. Therefore, all public facilities and services are readily available to serve the Subject Property.

Conclusion:

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting approval of an application for Site Plan Review.

WRITTEN STATEMENT—CONCLUSION

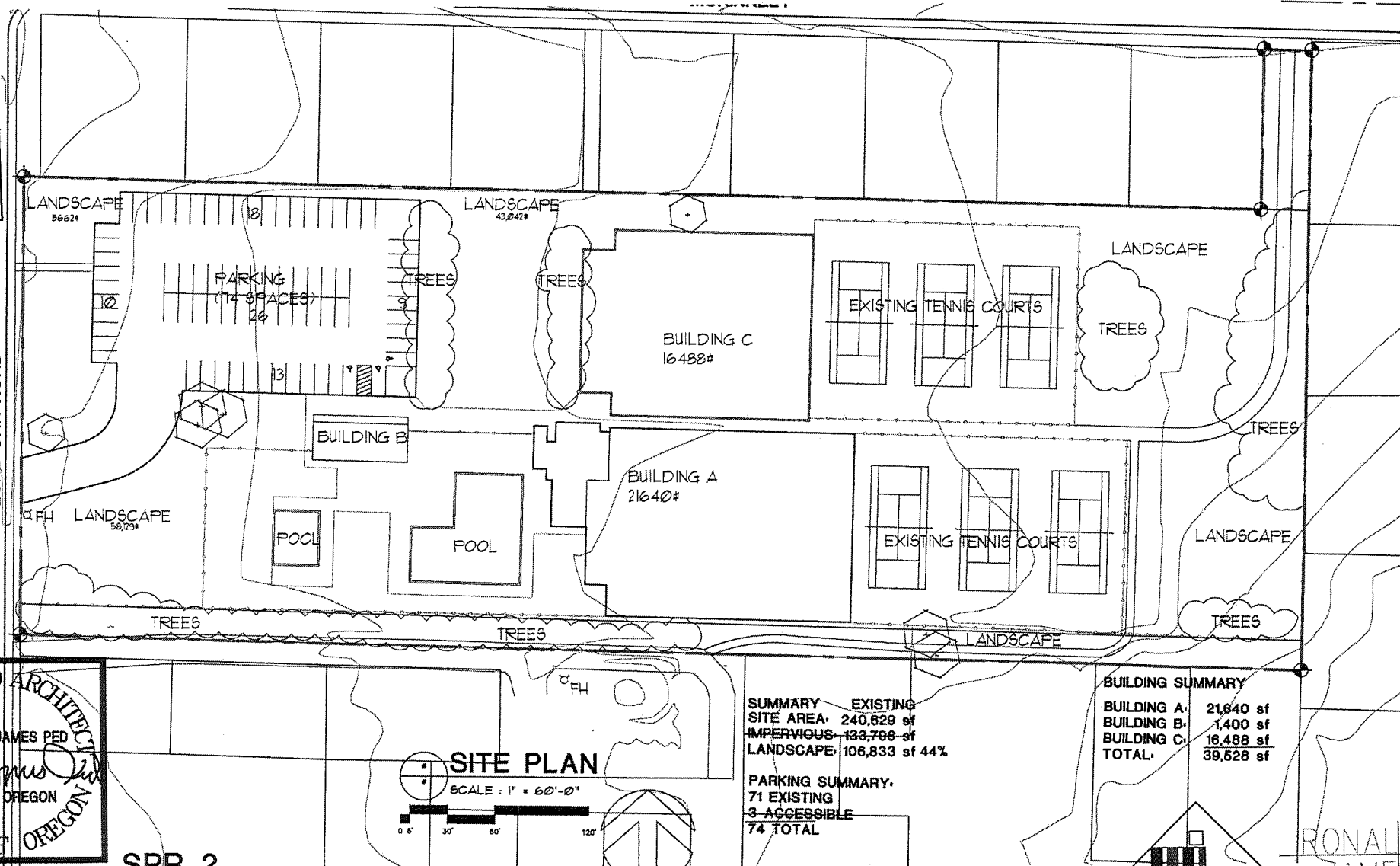
Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting an approval of the application to change the Comprehensive Plan Designation from SFR to POS; the application to change the zoning from RS to PA; and the Site Plan Review request subject to standard Conditions of Approval.

מס.ז.א.י.טו.נב, זכר-ז, יא/ז'תשס"ח, מדינת ישראל

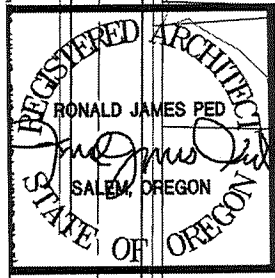
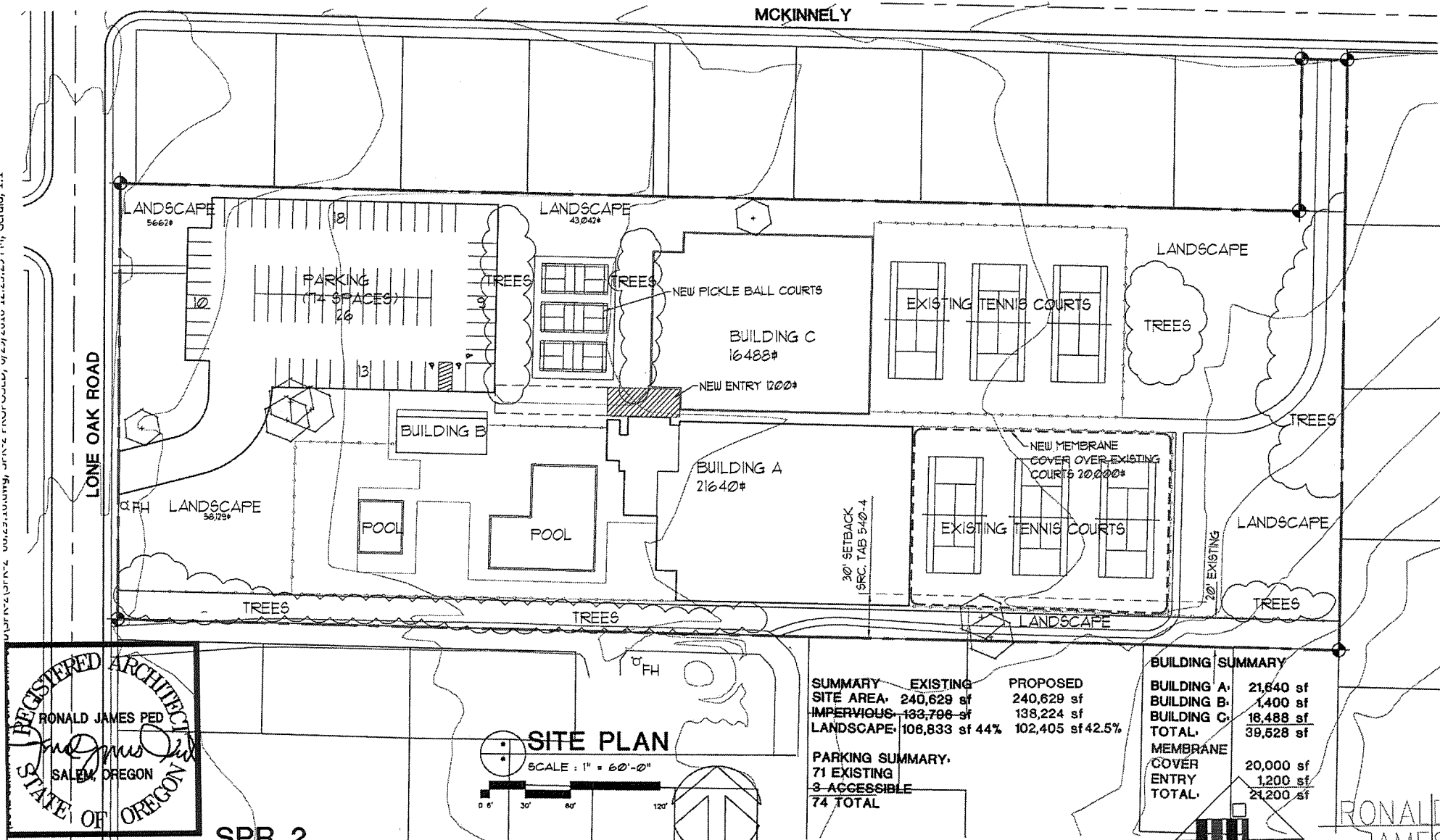
SPR 2

EXISTING CONDITIONS PLAN

4316 LONE OAK RD SE. SALEM OR



RONALD
JAMES
PEID
ARCHITECT P.



SITE PLAN
 SCALE: 1" = 60'-0"
 0' 30' 60' 120'

SUMMARY	EXISTING	PROPOSED
SITE AREA	240,629 sf	240,629 sf
IMPERVIOUS	133,706 sf	138,224 sf
LANDSCAPE	106,833 sf 44%	102,405 sf 42.5%
PARKING SUMMARY:		
71 EXISTING		
3 ACCESSIBLE		
74 TOTAL		

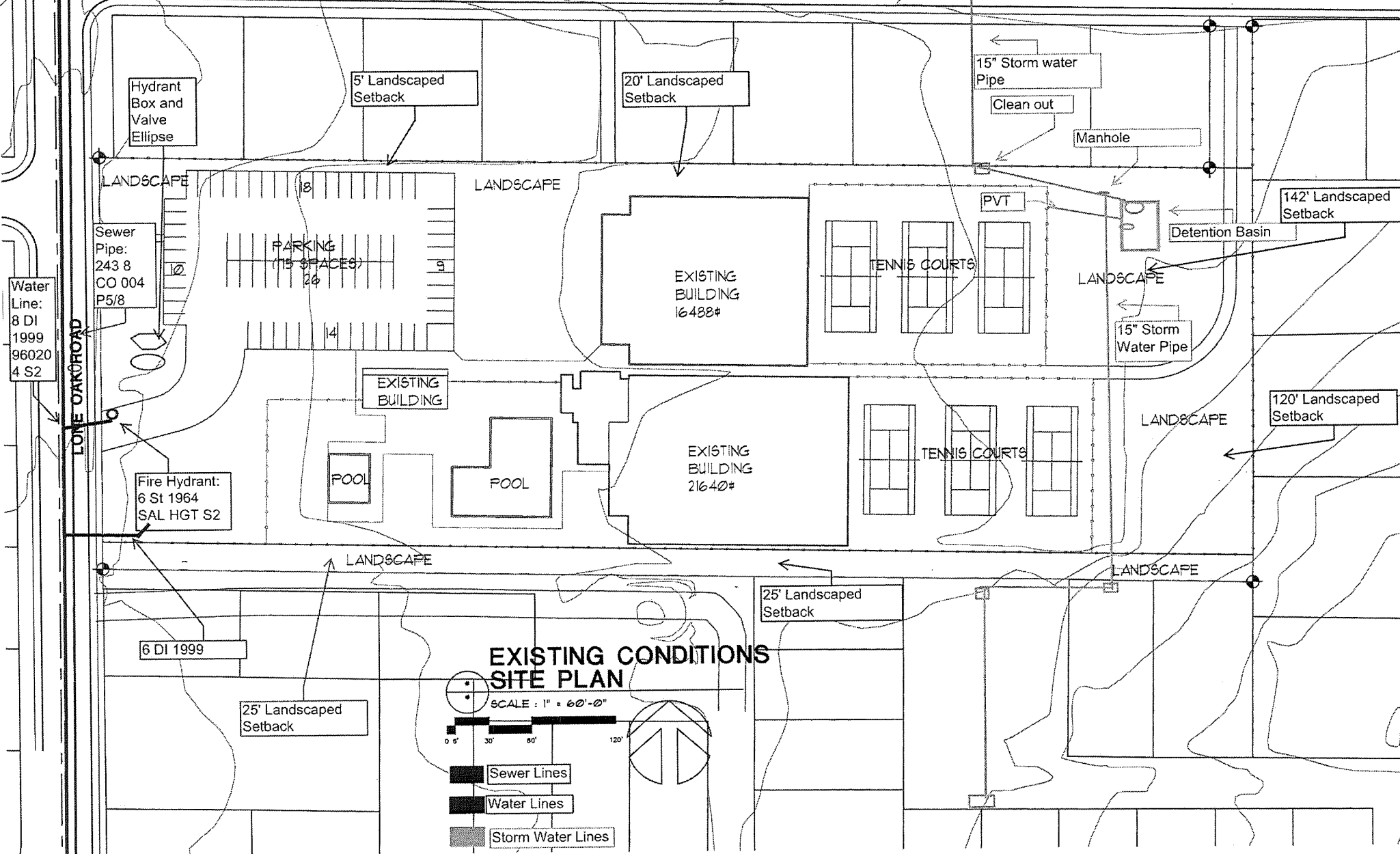
BUILDING SUMMARY	
BUILDING A	21,640 sf
BUILDING B	1,400 sf
BUILDING C	16,488 sf
TOTAL	39,528 sf
MEMBRANE COVER	20,000 sf
ENTRY	1,200 sf
TOTAL	21,200 sf

ADDENDUM: EXHIBIT 5
 PAGE: 1
 DATE: 06-29-2016
 DRAWN: glm
 JOB NO.: 1642

SPR 2 PROPOSED CONDITIONS PLAN 4316 LONE OAK RD SE. SALEM OR

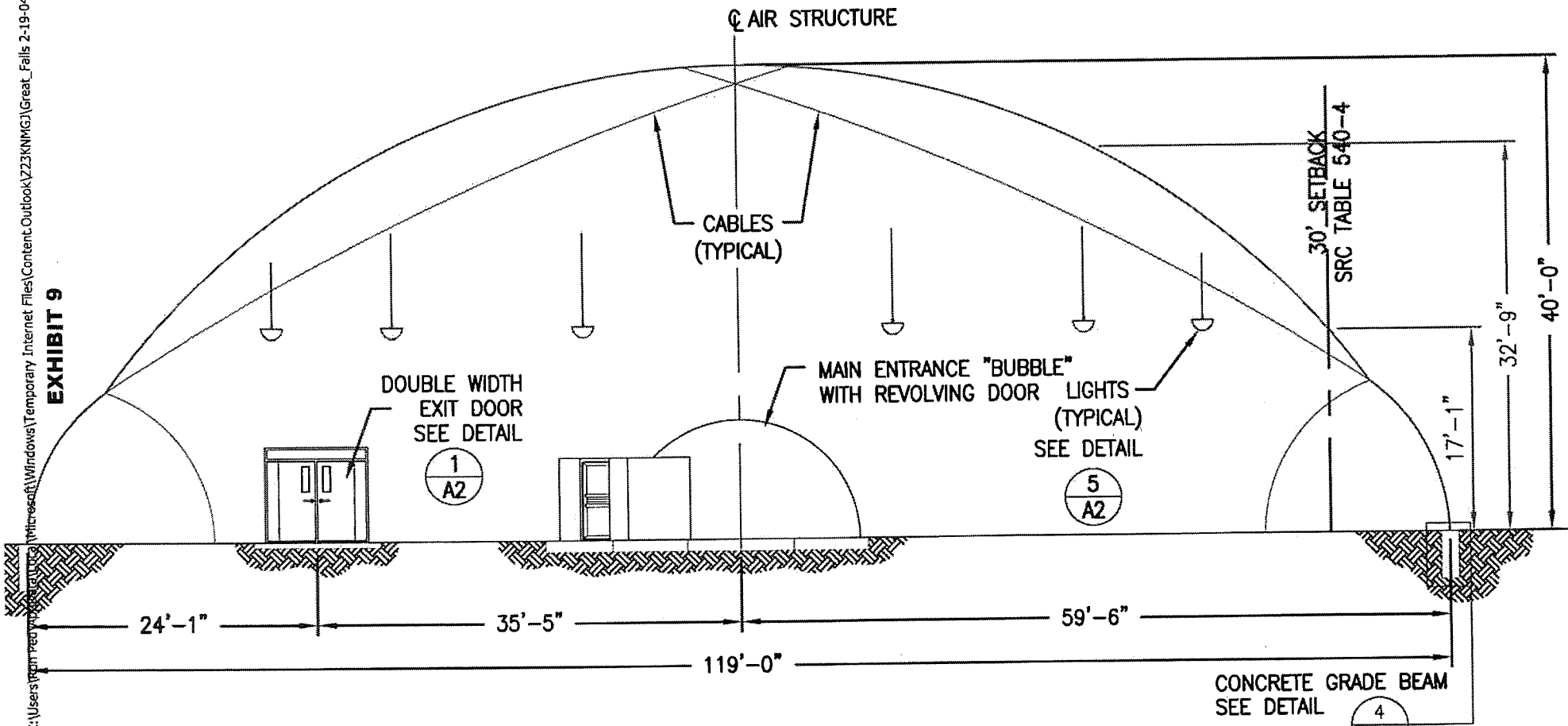
RONALD JAMES PED
 ARCHITECT P.C.
 1503 363-1458

PRELIMINARY UTILITY PLAN



C:\Users\red\Documents\Temporary Internet Files\Content.Outlook\223KNMGJ\Great_Falls 2-19-04.dwg, SITE PLAN, 6/29/2011

EXHIBIT 9



5 WEST END
A1 SCALE: 1/16"=1'-0"

SITE PLAN REVIEW

SUMMARY TABLE

Zoning Designation:	Single Family Residential
Total Site Area:	240,629 ft ²
Total Landscaped Area:	
Existing	106,833 ft ²
Proposed:	102,405 ft ²
Total Lot Coverage:	
Existing	39,528 ft ² (16%)
Proposed:	60,728 (25%)
Building Height:	32'-9" (proposed air bubble height)
Gross Floor Area By Use:	
Parking Lot:	24,120 ft ²
Recreational Facilities	109,676 ft ²
Itemized Number of Parking Stalls:	
Onsite:	73
Onstreet:	n/a
Handicapped:	3
TOTAL Parking:	76

rvsd. 6/30/2016

RECEIVED

AUG 17 2016



COMMUNITY DEVELOPMENT

MEMO

TO: Aaron Panko, Planner III
Community Development Department

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

DATE: August 17, 2016

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC SITE PLAN REVIEW 16-07 (16-112323 RP)
4318 LONE OAK ROAD SE
INSTALLATION OF NEW ENTRY WAY, GAZEBO, AND PICKLE BALL
COURTS

PROPOSAL

A consolidated application for a Comprehensive Plan Change (CPC), Zone Change (ZC), and Site Plan Review for a change of use from a non-profit Recreational and Cultural Community Services use to a Commercial Entertainment Indoor/Outdoor use. The application includes the following:

1. A Comprehensive Plan Change from Single Family Residential, to Parks Open Space and Outdoor Recreation;
2. A Zone Change from Single Family Residential to Public Amusement; and
3. A Class 3 Site Plan Review for the change of use and site improvements including a temporary bubble cover over three outside tennis courts, new pickle ball courts, installation of a gazebo and splash pad, and a new entry way addition approximately 800 square feet in size.

The subject property is approximately 5.16 acres in size, zoned Single Family Residential, and located at 4318 Lone Oak Road SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W10BC / 02400 and 02500).

SUMMARY OF FINDINGS

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

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).

FACTS

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

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

Streets

1. Lone Oak Road SE

- a. **Existing Conditions**—This street has an approximate 34-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- b. **Standard**—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

Storm Drainage

1. Existing Conditions

- a. A 15-inch storm main is located in Lone Oak Road SE.

Water

1. Existing Conditions

- a. The subject property is located in the S2 water service level.
- b. An 8-inch water main is located in Lone Oak Road SE. Mains of this size generally convey flows of 900 to 2,200 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer line is located in Lone Oak Road SE.

CRITERIA AND FINDINGS FOR CPC and ZC

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

Finding—The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

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 proposed development.

CRITERIA AND FINDINGS FOR SITE PLAN REVIEW

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

Criteria—The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

Finding—Lone Oak Road SE meets the right-of-way width and pavement width standards per the Salem TSP; therefore, no additional street improvements are required as a condition of the proposed development.

Criteria—Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

Finding—The driveway access onto Lone Oak Road SE provides for safe turning movements into and out of the property.

Criteria—The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

Finding—The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development.

Aaron Panko, Planner III

August 17, 2016

Page 4

MEMO

The application shall provide an evaluation of the connection to the approved point of discharge for new areas of impervious surface per SRC 73.075. The applicant will be assessed a Storm System Development Charges at the time of building plan approval based on the increase in impervious surface at the subject property.

Prepared by: Nathan Coapstick

cc: File

Date: July 6, 2016
 To: Mr. Mark Shipman,
 Saalfeld Griggs PC
 From: Karl Birky, PE, PTOE
 Re: TPR Analysis for Salem Tennis & Swim Club

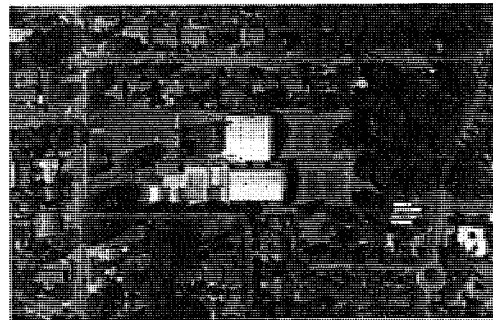


**ASSOCIATED
 TRANSPORTATION
 ENGINEERING &
 PLANNING INC.**

A.T.E.P., Inc.
 1155 13th St. S.E.
 Salem, OR. 97302

Tel.: 503-364-5066
 FAX: 503-364-1260
 e-mail: kbirky@atepine.com

The intent of this letter is to address the Transportation Planning Rule (TPR) aspects of your application to change the zoning of the Salem Tennis and Swim Club from RS (Single-Family Residential) to PA (Public Amusement). The Salem Tennis & Swim Club has been at 4318 Lone Oak Rd SE in Salem since 1962 and been operating in the RS zone. The 5.5 Ac site is located between Liberty Rd and Commercial St on Lone Oak Rd. The proposed zone change will allow the transition of the Salem Tennis & Swim Club from a non-profit club to a for profit tennis and swim club. It is anticipated that trip generation at the Salem Tennis & Swim Club will change very little with the zone change. But when a city considers changing the zoning of a parcel, it is required to determine that no "significant effect" will occur to the transportation system.



The Transportation Planning Rule (TPR) was adopted in Oregon years ago to provide direction and order to development of streets and roads in Oregon cities. The rule limits making changes to zoning and comprehensive maps that would "significantly" impact the transportation system that has developed and is being planned for the future in cities and in the state. For instance the rule would not allow a fast food restaurant in a residential neighborhood because it would generate much more traffic than is expected in a residential neighborhood. There are instances where a zone change is desired, needed and adopted by the City with a cap (or limit) on the number of expected trips the planned use(s) can generate. Generally, cities and traffic engineers use the ITE Trip Generation Manual to determine the trip generation of a variety of uses. The ITE Trip Generation Manual estimates a Racquet/Tennis Club (ITE 491) generates 38.7 trips per court on a typical weekday. A Racquet/Tennis Club with 15 courts would generate 580 ADT (average daily trips).

The existing RS zone is primarily for single family homes. Other permitted uses include libraries, child day care homes and duplexes. This study assumes the 5.5 Ac (240,629 sq. ft.) site could developed with single family homes and a 10,000 sq. ft. library in the RS zone. It will assume streets cover 25% of the entire site, the library covers 30% of its lot and the homes will be built on 4,000 sq. ft. lots. The calculations to determine the trip generation potential of permitted uses in the existing RS zone follow:

Site Area	240,629 sq. ft.	
deduct 25% for streets	<60,157 sq. ft.>	(240,629 sq. ft. x 25%)
deduct 33,333 sq.ft. for library	<33,333 sq. ft.>	(10,000 sq. ft. / 30%)
Area left for single family homes	147,138 sq. ft.	

147,138 sq. ft. remains for single family home lots. The minimum size is 4,000 sq. ft. / lot and would allow 36 single family homes. The trips generated each day by 36 single family homes is 342 trips and by a 10,000 sq. ft. library is 562 trips. The site could generate 904 trips each day with permitted uses in the RS zone assuming a 10,000 sq. ft. library and 36 single family homes on the 5.5 Ac site.

If the zone change request is approved, the Salem Tennis & Swim Club would be able to continue to operate as a for profit entity. In the future the site could be developed with other uses allowed in the PA zone. The City may want to consider placing a cap on the trips future development of the site could generate to 950 trips/day. This is 5% more than the 904 trips found in this study that could be generated with permitted uses in the RS zone. It will limit future development to uses that will not have a "significant" impact to the transportation system and would comply with the TPR. The proposed zone change will allow the Salem Tennis & Swim Club to operate as a for profit entity and to continue to generate the estimated 580 trips per day it generates as a non-profit community club in an RS - Single Family Residential zone.

I thank you for asking ATEP, Inc to provide this analysis. I can be reached at 503-364-5066 if there is additional information you might find helpful and that I can provide.

