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DECISION OF THE SALEM PLANNING COMMISSION

**MINOR COMPREHENSIVE MAP AMENDMENT / ZONE CHANGE CASE NO.:
CPC-ZC21-03**

APPLICATION NO.: 21-109795-ZO / 21-109798-ZO

NOTICE OF DECISION DATE: September 14, 2021

REQUEST: Proposed Comprehensive Map Amendment Minor to change a 1.87 acre property from SF (Single Family Residential) to MF (Multiple Family Residential) and a Quasi-Judicial Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential) for the future development of a multi-family complex. The property is located at 1055 Schurman Drive S (Marion County Assessors Map and Tax Lot No: 073W33DB / 4600).

APPLICANT: Orreo LLC (Charles Weathers)

LOCATION: 1055 Schurman Drive S, Salem OR 97302


CRITERIA: Salem Revised Code (SRC) Chapters 64.025(e)(2) – Comprehensive Plan Map Amendment; 265.005(e) – Zone Changes

FINDINGS: The findings are in the attached Decision dated September 14, 2021.

DECISION: The **Planning Commission APPROVED** Minor Comprehensive Map Amendment and Zone Change CPC-ZC21-03 based upon the application materials deemed complete on July 9, 2021 and the findings as presented in this report.

VOTE:

Yes 4 No 0 Abstain 2 (Levin, Pollock) Absent 2 (Augustyn, Kopcho)




Chane Griggs, President
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, by September 30, 2023, or this approval shall be null and void.

Application Deemed Complete: July 9, 2021
Public Hearing Date: September 7, 2021
Notice of Decision Mailing Date: September 14, 2021
Decision Effective Date: September 30, 2021
State Mandate Date: November 6, 2021

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
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CITY OF Salem
AT YOUR SERVICE

Case Manager: Steven McAtee, Planner II, smcatee@cityofsalem.net, 503-540-2363

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m. Wednesday, September 29, 2021. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64 and 265. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

FACTS & FINDINGS

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC21-03

September 14, 2021

PROCEDURAL FINDINGS

1. On May 24, 2021, an application was filed for a Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change by Geoffrey James on behalf of the applicant and property owner the Charles Weathers of Orreo, LLC.
2. The consolidated application was deemed complete for processing on July 9, 2021, and a public hearing to consider the application was scheduled for August 3, 2021.
3. Notice of the consolidated application was provided to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on July 14, 2021. Public notice was posted on the property on July 20, 2021.
4. DLCD Notice. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of the proposed Comprehensive Plan Change and Zone Change application to DLCD on June 16, 2021.
5. On August 3, 2021, a public hearing was held before the Planning Commission. At the hearing the Planning Commission received staff's presentation and heard testimony from the applicant's representative. Subsequent to the Commission's questions of the applicant and staff, the hearing was closed and the record left open for a period of seven days, until August 10, 2021, at 5:00 p.m., in order to allow any party to submit additional written testimony regarding the proposal. A subsequent seven days was then granted for rebuttal to testimony received during the first seven-day open record period, which closed August 17, 2021 at 5:00 p.m., The applicant was then afforded an additional seven days, until August 24, 2021 to submit final written rebuttal.
6. On September 7, 2021, the Planning Commission conducted deliberations on the proposal and voted to approve the Minor Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change.
7. 120-Day Rule. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

BACKGROUND / PROPOSAL

The applicant is proposing to rezone a portion of the subject property located at 1055 Schurman Drive S (**Attachment A**) from RS (Single Family Residential) to RM-II (Multiple Family Residential) as shown on the proposed zoning map.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from “Single Family Residential” to “Multi-Family Residential.”
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RS (Single Family Residential) to RM-II (Multiple Family Residential).

APPLICANT’S PLANS AND STATEMENT

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

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

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

SUMMARY OF RECORD

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

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

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

The Comprehensive Plan designations of surrounding properties include:

North: “Multi-Family Residential”

South: Across Schurman Drive S: “Single Family Residential”

East: “Single Family Residential”

West: “Multi-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 has frontage along Schurman Drive S which is designated as a Collector street.

Relationship to the Urban Service Area

The subject property is located inside the Urban Service Area.

Infrastructure

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

Water: The *Salem Water System Master Plan* identifies the subject property to be within the S-1 water service level. The property appears to be served by a 12-inch water main located in Schurman Drive S.

Sewer: An 8-inch sewer main is located within a 20-foot-wide easement on the eastern portion of the property.

Storm Drainage: An 18-inch storm main is located in Schurman Drive S.

Streets: Schurman Drive S has an approximate 32-foot-wide improvement within a 47-foot-wide right-of-way abutting the subject property. 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.

2. Zoning

The subject property is zoned RS (Single Family Residential). It is currently developed with one single-family residence. The proposal includes changing the property's zoning from RS to RM-II (Multiple Family Residential). Surrounding properties are zoned and used as follows:

North: RM-II (Multiple Family Residential); *multiple family use*

South: Across Schurman Drive S: RS (Single Family Residential); *single family uses*

East: RS (Single Family Residential); *single family* uses

West: RM-II (Multiple Family Residential); *multiple family* use

3. Existing Conditions

The subject property is approximately 1.87 acres in size, is slightly irregular in shape, and has an average depth of approximately 348 feet north-south and average width of 236 feet east-west. The property contains one existing single-family residence and accessory structures. The property slopes upward from west to east and is bordered by trees along the property lines.

4. City Department Comments

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

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

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

5. Public Agency & Private Service Provider Comments

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

6. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Southwest Association of Neighbors (SWAN). No comments were received from SWAN prior to the August 3, 2021 Planning Commission Hearing.

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed application. 29 public comments were received indicating the following concerns:

Increase in traffic; need for traffic lights, crosswalks and stop signs

Comments were submitted from neighboring tenants and/or property owners indicating concerns for an increase in traffic to the surrounding roads.

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

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed comprehensive plan change and zone change will not have a significant impact on the transportation system. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect. Findings related to traffic impacts and the TPR analysis are addressed in the July 27, 2021 staff report.

Stormwater management, erosion, and trees

Comments were submitted indicating that there has been difficulty managing stormwater from the subject property flowing to adjacent properties. There is also concern regarding the safety and preservation trees lining the property lines.

Staff response: As addressed in the July 27, 2021 staff report, development of the subject property is not proposed under this review. All future development will be evaluated for compliance with applicable standards.

Applicable development standards require that the applicant design stormwater facilities in compliance with the Public Works Stormwater Management Design Standards prior to development approval, addressing feasibility for onsite drainage disposal and any necessary offsite facilities. The Stormwater Management Design Standards require the applicant's engineer to submit infiltration test results, an Engineering Method Report, and a preliminary site plan showing the building envelope and tentative location of stormwater facilities.

Keeping the record open for an additional seven days

Many comments from neighboring tenants and/or property owners indicated that there was not enough time to prepare a response prior to the Planning Commission Hearing. They requested the record to be kept open for additional time to prepare testimony.

Staff Response: The Planning Commission closed the public hearing on August 3, 2021 and, as described above in this report, extended the public comment period for additional testimony.

7. Open Record Periods

At the August 3, 2021, public hearing the Planning Commission voted to leave the written record open for a period of seven days, until August 10, 2021, at 5:00 p.m., in order to allow any party to submit additional written testimony regarding the proposal. A subsequent seven days was then granted for rebuttal to testimony received during the first seven-day open record period, which closed August 17, 2021 at 5:00 p.m., The applicant was then afforded an additional seven days, until August 24, 2021 to submit final written rebuttal.

On August 18, 2021 staff provided the Planning Commission additional testimony from the neighborhood association, property owners and tenants within 250-feet of the subject property, and final rebuttal from the applicant (**Attachment D**).

8. MINOR COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA

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

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

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

Finding: The applicant has provided findings which can be found in **Attachment B** of this report. The applicant asserts that the proposal is justified based on criterion (ii): the proposed designation is equally or better suited for the property.

The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily

residential development. The proposal would convert 1.87 acres from a Single-Family Residential designation to a Multiple Family Residential designation, where the HNA identifies a deficit.

According to the Housing Needs Analysis (HNA), “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.” As of December 2020, the City has added 40 net acres of Multiple Family designated land, reducing the projected deficit to 167 acres. Additionally, the City has added 89 acres of Mixed-Use designated land which allows multi-family development as an outright permitted use, thereby further increasing the land available for multi-family development.

With a Multiple Family Residential designation, the subject property could be developed as multi-family dwellings; the rezone helps increase the potential density of the property while helping to meet housing needs within the Salem Urban Growth Boundary. The applicant’s written findings indicate that there are existing multiple-family developments in the vicinity, off of River Road S, but that many of them are fully developed. Staff concurs that, due to steep terrain, much of the existing multiple-family development in the area is likely developed to, or very close to, its maximum density. The proposed change to the comprehensive plan map designation at the subject property would afford an additional 22 to 52 dwelling units based on the minimum and maximum density standards of the RM-II zone—with a minimum of 12 units per acre and maximum of 28 units per acre. The increase in density allowed by this proposal would reduce the deficit identified in the HNA.

The Multiple Family Residential designation would be equally or better suited for the subject property as the Single-Family Residential designation due to its location within an existing residential area which contains a mix of multiple family and single-family development.

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 within the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed by the proposed comprehensive plan map designation. Site-specific infrastructure requirements will be addressed at the time of development through the site plan review process (SRC Chapter 220).

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

Finding: The subject property lies on the boundary between Multiple-Family Residential-designated land to the north and west, and Single-Family Residential-designated land to the south and east. The proposal would allow for reasonable development of the property in a manner which compliments the existing neighborhood. The subject property is located in a developed area within the City of Salem urban growth boundary and does not convert rural land to urban land. The applicant asserts that the proposal permits efficient, compact development to contain urban sprawl, and preserves rural land by developing within an existing urban area. Staff finds that the proposal provides for the logical urbanization of land.

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

The applicable Goals and Policies of the Comprehensive Plan are addressed as follows: Salem Urban Area Goals and Policies, Residential Development (Page 30, Salem Comprehensive Policies Plan):

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

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

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

Finding: The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately 1.87 acres of land from a Single-Family Residential designation to a Multi-Family Residential designation, where the HNA identifies a deficit.

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

Finding: The land proposed for the comprehensive plan map changes appears to have capacity for multiple family residential development. The topography of the subject property slopes gently upward from west to east and varies in elevation from approximately 202-feet to 226-feet above mean sea level. The relative environmental suitability of the property for multiple family residential development is even greater when compared to the steeper residential properties in the southern reaches of the City. There are no wetlands on the subject property, and it is not within a floodplain or floodway. There is a small area of mapped landslide hazard at the south and southwest corner of the property. The applicant indicates that much of this area is within the required setbacks for any proposed development, and it is therefore unlikely that building or structures will be placed there.

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

Finding: The subject property is within the Urban Service Area. As outlined within the memo from the Public Works Department (**Attachment C**), water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed by the proposed comprehensive plan map designation.

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

Finding: The property is located in an urbanized area of the city where services exist in the vicinity, including shopping, employment, entertainment, parks, and elementary, middle and high schools. The Commercial Street and Liberty Road corridors are located east of the property, which has commercial nodes providing a wide range of shopping, employment, and entertainment opportunities. There are multiple religious institutions within the vicinity.

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

Finding: As described in the above findings, residential properties in the vicinity are developed at a range of densities. The proposed Multiple Family Residential designation matches abutting properties to the west along Schurman Drive S and north along River Road S. Where the site abuts lower density residential properties to the east, multiple family design standards established in SRC Chapter 702 require mitigating features such as setbacks and screening to ensure an adequate transition between the height, bulk, and scale of higher density development and the nearby single-family residences.

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

Finding: The subject property is located within the Urban Service Area and adequate utilities are available to serve the property. The subject property is not located within the boundaries affected by a neighborhood plan, specific development plan or urban renewal area.

- g. The density goal of General Development Policy 7.*

Finding: General Development Policy 7 provides in part that “the cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.” When applied to the subject property, the range of densities allowed in zones implementing the Multiple Family Residential designation provides for more dwelling units than the 6.5 dwelling units per acre, which is consistent with the Housing Needs Analysis (HNA) prepared in 2015. The applicant’s preliminary development plans for the site include constructing an approximate 42-unit multiple family complex on the site. With the site being approximately 1.87 acres in size, the proposed density, based on the applicant’s submitted material, is approximately 22-units per acre.

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

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

Staff Response: The subject property abuts Schurman Drive S, classified as a Collector Street in the Salem TSP, which is improved with sidewalks on both sides. The proposed Multi-Family Residential designation would accommodate a greater number of dwelling units than the current Single-Family Residential designation. Review of future development at the site will ensure that unnecessary duplication of utilities, facilities, and services will be avoided. Finally, Staff is unaware of any unreasonable nuisances or hazards to residents in the immediate vicinity.

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

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family residential zones;*
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;*
- c. Multiple family developments should be located in areas that provide walking, auto, or transit connections to:*
 - (1) Employment centers;*
 - (2) Shopping areas;*
 - (3) Transit service;*
 - (4) Parks;*
 - (5) Public buildings.*

Staff Response: The RM-II (Multiple Family Residential) zone proposed to implement the designation includes a minimum density of 12 units and maximum density of 28 units per gross acre, encouraging efficient use of residential land and public facilities while allowing for a variety of housing types. As described within the findings above, the immediate vicinity includes a range of densities within existing developments. The area lacks transit access as the nearest transit line is over one mile away on Commercial Street SE. Cherriots Transit Agency indicated there are no current plans to expand transit service to Schurman Drive S. However, existing transportation infrastructure, including pedestrian and automobile facilities, is available in the surrounding area to connect to nearby employment centers, shopping areas, parks, and public buildings.

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

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

Staff Response: It is very unlikely that future development at the subject property would create new streets, given the small size of the property. The existing transportation system

servicing the residential neighborhood, which includes the subject property, allows for short trips within the neighborhood to be made by a variety of routes, with or without driving. Future development at the property will be reviewed for adherence to the TSP, as well as on-site features such as pedestrian access.

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

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

Finding: The applicant's proposal includes a request for a quasi-judicial zone change from RS (Single Family Residential) to the higher density RM-II (Multiple Family Residential) zone. The RM-II zone implements the "Multi-Family Residential" Comprehensive Plan Map designation proposed as part of the consolidated application. As described in findings above, the subject property is located within the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The property is unencumbered by sensitive areas such as wetlands or riparian areas. The existing street network in the vicinity meet the circulation requirements of Residential Development Policy 7.

The applicable Statewide Planning Goals are addressed as follows:

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

Finding: Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association which the property is located within. On May 4, 2021, and again on June 8, 2021, the applicant's representative attended the regularly scheduled Southwest Association of Neighbors (SWAN) Neighborhood Association Meeting to present the proposal. A summary of the comments provided at the neighborhood association meeting is included as **Attachment B**. A public hearing notice was mailed to the affected property owner(s), tenants within 250 feet of the subject property, and to SWAN. The property is not within a Homeowner Association. This satisfies the citizen involvement requirements described in Goal 1.

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

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

Statewide Planning Goals.

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

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

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

Finding: The subject property is not designated as an open space or scenic area, and there are no protected natural resources on site. The property is not within the Historic or Cultural Resources Projection Zone. The proposal conforms to this statewide planning goal.

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

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

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

Finding: The subject property is not located within a floodplain or floodway. A portion of the south and southwest corner of the property is a mapped landslide hazard. The applicant indicates in a written statement that much of the mapped landslide hazard area is located in setback areas where there will be minimal development. All development of the subject property will be subject to applicable review, including evaluation of landslide hazards. The proposal is consistent with Goal 7.

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

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

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

Finding: In 2014, the City conducted a study called the Salem Economic Opportunities

Analysis (EOA). The EOA examined Salem’s needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres and an industrial land surplus of approximately 907 acres. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted the EOA and updated the Comprehensive Plan accordingly. The City now uses the EOA and its findings to inform policy decisions, including how to respond to requests for rezoning land. Additionally, because the existing zoning designation for the subject property is residential, the change to a higher density residential zoning does not impact the City’s industrial or commercial property, and therefore does not subtract from economic development opportunities associated with those properties and zoning classifications. The proposal is consistent with Goal 9.

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

Finding: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decisions related to residential land. According to the Housing Needs Analysis (HNA), “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.” With a Multi-Family Residential designation, the subject property could be developed as multi-family dwellings; the change in designation and rezone increases potential density while helping to meet housing needs within the Salem Urban Growth Boundary. The proposed change to the 1.87-acre property could provide between 22 and 52 dwelling units based on the minimum and maximum density standards of the RM-II zone. The increase in density allowed by the proposed change would reduce the deficit identified in the HNA.

The proposal will help provide diverse housing options to meet the future needs of the city. The proposed RM-II zoning designation allows for a greater variety of residential uses than the current zoning does, including two family, three family, four family, and multiple family. The proposal is in compliance with Goal 10 by providing a designation and accompanying zone that allow more diverse housing options than the current designation.

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

Finding: The subject property is located inside the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed under the proposed designation. Site-specific infrastructure requirements will be addressed through the site plan review process set forth in SRC Chapter 220. The request allows for the efficient use and development of property, requiring minimal extension of new public services.

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

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

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

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

Statewide Planning Goal 13 – Energy Conservation: *Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

Finding: The applicant indicates that the proposed redevelopment plan will repurpose vacant or unused land and that the resulting uses will be built to comply with current energy efficient standards resulting in a more energy efficient use of the property, consistent with Goal 13.

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

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

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

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

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

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

9. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA

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

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

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

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

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

Finding: The applicant states the proposal satisfies criterion (iii)—the proposed zone change is equally or better suited for the property than the existing zone. The physical characteristics of the property, including its proximity to an existing RM-II-zoned area and

other physical characteristics identified within *section 1* above, are appropriate for the proposed zone. The subject property lies between existing multiple family developments to the west and north, and single-family developments to the south and east.

According to the Housing Needs Analysis, “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land”, while finding that the city has a surplus of available single family residential land. The proposed change in designation and zone change would allow for future multi-family development which will help to meet the changing needs of the Salem urban area. With the RM-II zone, the subject property could be developed as multi-family dwellings; the rezone helps increase the residential density while helping to meet housing needs within the Salem Urban Growth Boundary.

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

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

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

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

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

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

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

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

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

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

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

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

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

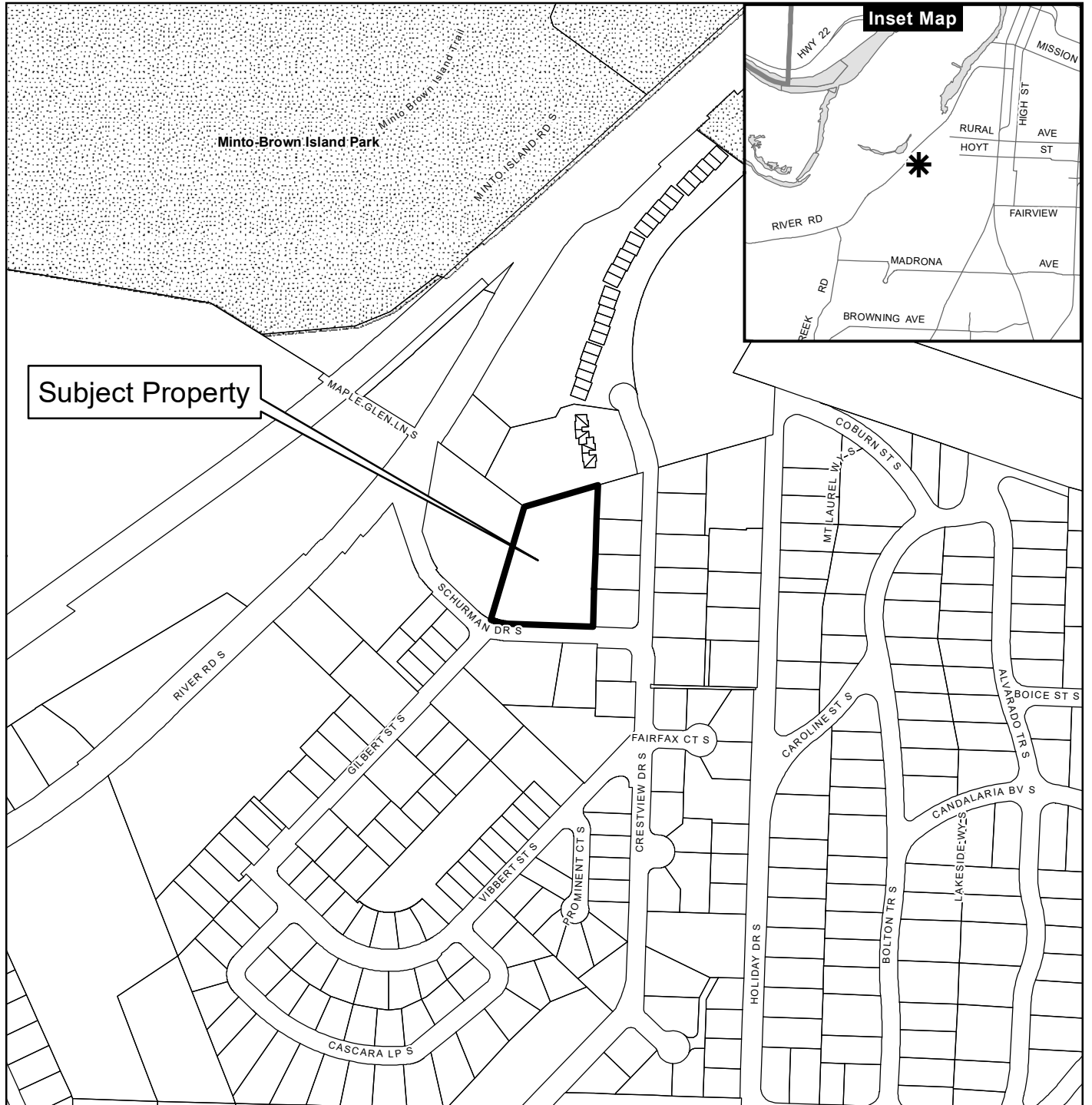
CONCLUSION

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

Attachments: A. Vicinity Map
B. Applicant's Written Statement
C. Public Works Department Memo
D. Open Record Comments to the Planning Commission

Prepared by Steven McAtee, Planner II








Vicinity Map 1055 Schurman Dr. S

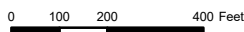


Subject Property

Inset Map

Legend

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



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ZC/CPC

1055 SCHURMAN DRIVE S.

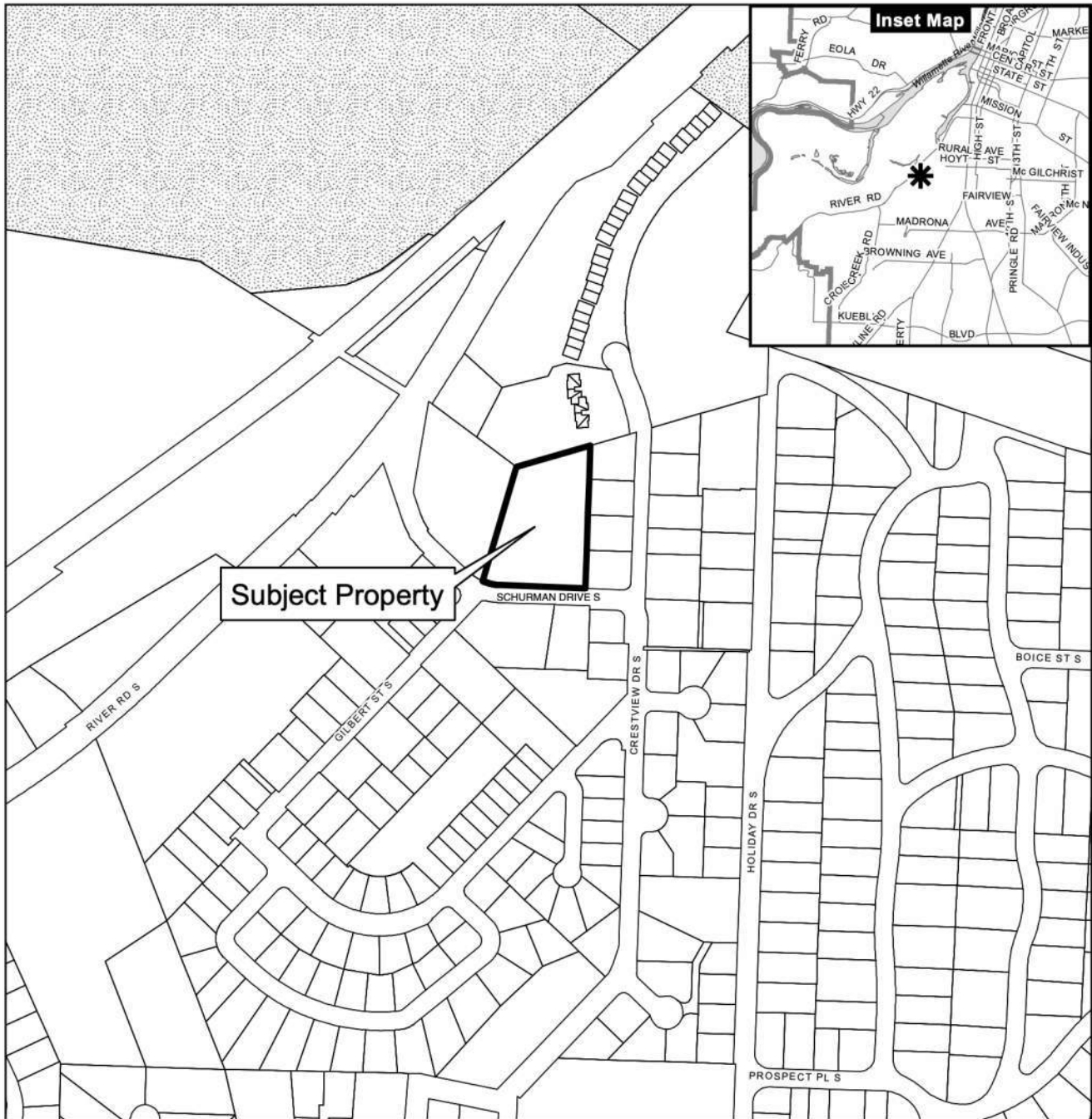


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DESCRIPTION OF THE PROPOSAL

The subject property is located at 1055 Schurman Drive S. in the SWAN Neighborhood. It is 1.8 acres and is surrounded or bordered by trees.

The proposal is a change of ZC/CPC.

A ZC zone change from RS to RM-2.

A CPC comprehensive plan change from Single Family Residential to Multi-Family Residential.

Surrounding land uses are as follows:

West: Multifamily apartments zoned RM-2.

North: Multifamily apartments zoned RM-2.

South: Schurman Drive S. Property south of Schurman is RS Single family zone and uses.

East: Property east of the subject property is RS Single family zone and uses.

Proposed Use:

Apartments in 3-story walk-up buildings.

42 units in a mix of eighteen 1-bedroom units and twenty four 2-bedroom units.

All will have private patios or balconies.

Parking exceeds code.

Access:

Existing driveway, widened to 24 ft. width.

Setbacks:

South: 50 ft. (30 ft. Special Setback plus 20 ft. Front Yard Setback).

There is a 50 to 60 ft of mapped landslide area in the front setback, so all proposed building footprints are therefore located clear of the slide area.

West: 20 ft. at existing apartments.

North: 20 ft. at existing apartments.

East: 20 ft. of landscaping at driveway.

Plan shows a 150 ft. to 200 ft. separation from existing homes at east to nearest proposed apartments.



AERIAL VIEW OF THE PROPERTY (GOOGLE EARTH)

RM2 multiple family

SUPPLEMENTAL PLAT
WILTON CONDOMINIUMS, PHASE 1
VOLUME 39, PAGE 87, B.O.T.P.

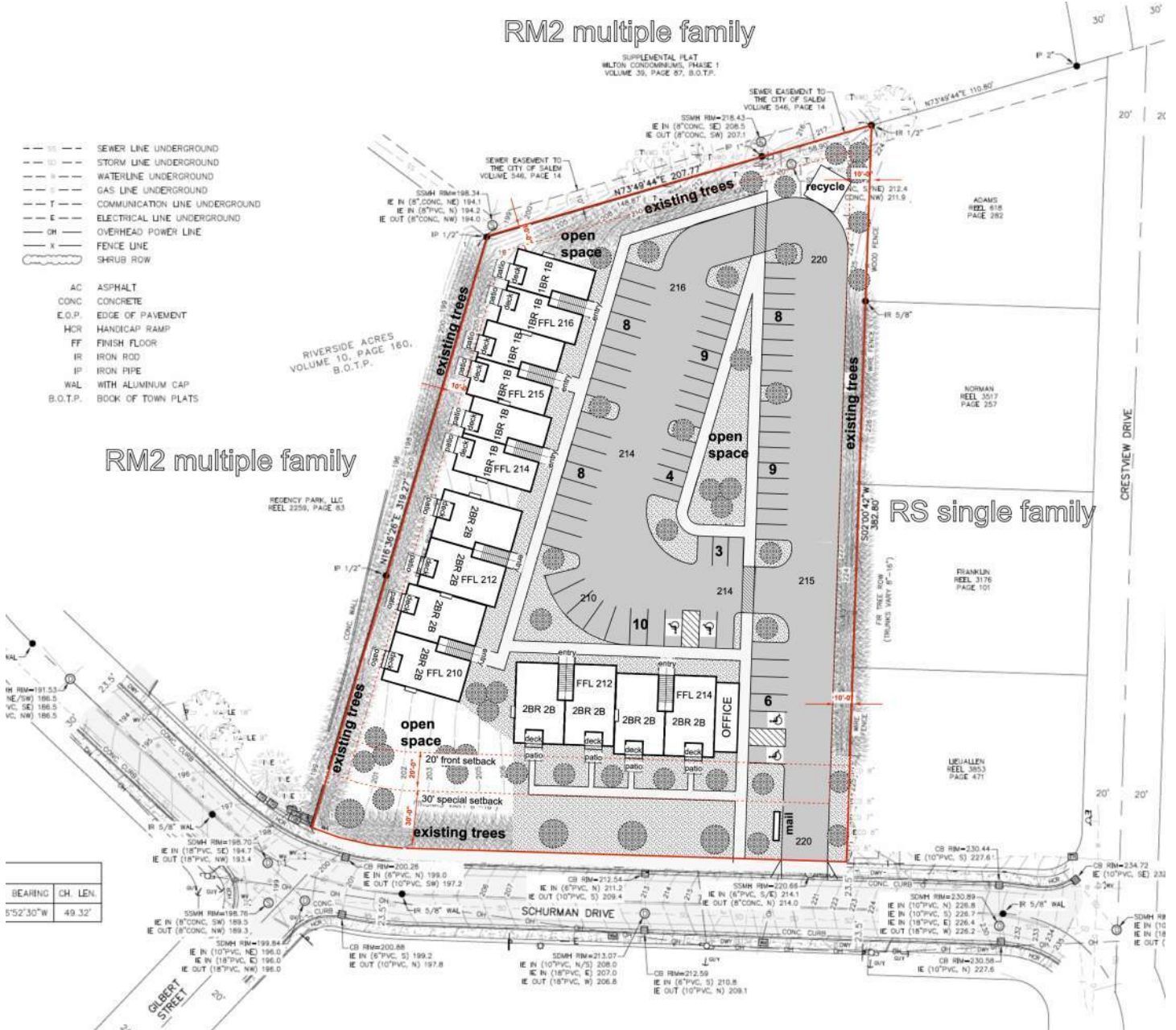
- S --- SEWER LINE UNDERGROUND
- 10 --- STORM LINE UNDERGROUND
- W --- WATERLINE UNDERGROUND
- G --- GAS LINE UNDERGROUND
- T --- COMMUNICATION LINE UNDERGROUND
- E --- ELECTRICAL LINE UNDERGROUND
- OH --- OVERHEAD POWER LINE
- X --- FENCE LINE
- S --- SHRUB ROW

- AC ASPHALT
- CONC CONCRETE
- E.O.P. EDGE OF PAVEMENT
- HCR HANDICAP RAMP
- FF FINISH FLOOR
- IR IRON ROD
- IP IRON PIPE
- WAL WITH ALUMINUM CAP
- B.O.T.P. BOOK OF TOWN PLATS

RM2 multiple family

REGENCY PARK, LLC
REEL 3259, PAGE 63

RS single family



PROPOSED SITE PLAN

Note: much of the 50 ft. front yard setback is designated a landslide area on city maps, where it is labelled "open space", but the proposed building footprints are all therefore carefully located north and clear of the mapped slide area.



UTILITIES MAP

All utilities are available at the site, i.e. sewer, water, storm, power, gas, cable tv.

DESCRIPTION OF THE LAND USE PROPOSAL

SUMMARY:

Pre-Application

On March 29, 2021, a Pre-Application Conference was held with City Staff, the Applicant, and the Architect/Planner, to discuss the comprehensive plan change/zone change request for 1055 Schurman Drive S. All needed utilities are available. There are existing trees at the perimeter on all four sides that would provide screening. The setbacks are 20 ft. north, East and west, and there is 30 ft. special setback at Schurman plus a 20 ft. front yard. Generally, the site is adjacent to multifamily on two sides so adds another needed increment to existing RM2 zoning.

Neighborhood Meetings

On May 4, 2021, prior to filing an application, the applicant and representative met with the SWAN neighborhood and presented the proposal. See the meeting notes in the file.

On June 8, 2021, following filing an application, the applicant and representative met once again with the SWAN neighborhood and discussed the proposal in detail. See the meeting notes in the file.

Proposal:

The subject property is 1.8 acres in size and are located on the northside of Schurman.

The applicant is requesting to rezone the property from RS (Single-Family Residential) to RM-2 (Multifamily) and to change the comprehensive plan designation from 'Single Family Residential' to 'Multi-Family Residential' for properties identified as Tax Lot 4600.

The applicant is requesting to rezone the property from RS (Residential Single Family) to RM-2 (Residential Multiple 2) and change the comprehensive plan designation from 'Single Family Residential' to 'Multi-family Residential'.

EXISTING SITE CONDITIONS

The property has street frontage onto Schurman Drive S. There is one single family dwelling on the property. The existing driveway access is at the SE corner.

Applicable Detail Plans:

A Site Plan has been prepared showing the proposed use and layout of the housing, its parking, and its landscaped open space.

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 street is designated as a Collector Street.

TRAFFIC REPORT

A Traffic Report has been prepared by the traffic engineering firm Greenleaf Engineering and is attached with this document.

COMPREHENSIVE PLAN CHANGE CRITERIA

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.020(f)(2) minor plan change criteria:

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

64.025(e)(2)(A)(ii): Equally or Better Suited Designation

There is a shortage of appropriately designated vacant multifamily or mixed-use sites within this vicinity. There is RM-2 zoned property located on two sides and off River Road S. These sites are however already fully developed. This site gives the applicant the ability to provide additional multi-family housing within this area, and help Salem meet their housing needs.

As shown on the City land zone map there is no other available or potential RM2 property near the subject property, notwithstanding any land that is vacant. This site however, located next to RM2 developments, and on a collector, is an appropriate location, with Salem's deficiency in multi-family housing, and the projected growth of population over the next few decades.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation, the subject property can be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

In conclusion, there are no other vacant sites for the proposed use located along Schurman. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A multi-family use on the site is better suited for the site because of the location next to other multi-family uses, and by helping to provide additional housing in the City of Salem. Therefore, the proposal satisfies this criterion has been met.

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

The City provided information for the pre-application conference that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of- ways.

Private utilities will be provided with under-grounding of electrical, gas, telephone and cable lines into the site. The needed services are available for the development of the site.

64.025(e)(2)(C): Urbanization

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developed area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

The following Statewide Planning Goals apply to this proposal:
The request is in conformance with Statewide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence enough to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City’s adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City’s Plan is acknowledged to be in-compliance with this Goal. Notice of the proposal will be provided to property owners and public-agencies and will be posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. In addition, the applicant has kept in close touch with the Sunnyslope Neighborhood Association and has provided copies of documents during the months preceding the formal land use review process. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City’s adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided, that support and justify the proposed comprehensive plan/zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 5 – Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City’s adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City maps there are no

mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site, except in the front yard setback, and no building footprints are proposed to be located there. Therefore, a geological assessment is not required.

At this time, it has not been officially noted that there are any significant historic buildings on the subject property. If identified, the applicant will work with the City to determine the appropriate permits and process for a historic building, but this seems unlikely.

There are several mature trees on the property, and the applicant intends to preserve them. In addition, there is a row of trees along the property perimeter on all four sides. The applicant intends to also preserve these trees as a screen. The applicant will strive to preserve all these trees as much as possible.

The applicant has taken the opportunity to consider existing conditions and influences that enables the applicant to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City, and the project Architect, have identified the process through which water, sewer and storm drainage will be supplied to the site. Storm water runoff will be collected, treated, and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary street, the traffic generated from the site will be minor compared to the total volume of traffic in this area and will not create a significant additional air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 7 – Areas Subject to Natural Hazards:

Note: much of the 50 ft. front yard setback is designated a landslide area on city maps, where it is labelled "open space", so the proposed building footprints are all therefore carefully located north

and clear of the mapped slide area. The area subject to natural hazards will therefore remain undeveloped, as an “open space” area, landscaped but with no structures.

The applicant’s proposal recognizes the existence of an area of natural hazards and therefore leaves that area undisturbed as landscaped open space.

Goal 10 – Housing: The proposal complies with Statewide Planning Goal 10 (Housing), where property at Schurman is rezoned RM-2 to provide needed multi-family housing in this area. This subject property is approx. 1.8 acres in size. The applicant is proposing to rezone the subject property from RS to RM-2, to allow multi-family housing, and to change the comprehensive plan designation from “Single-Family Residential” to “Multi-Family” with predominately multi-family development. According to the 2014 Housing Needs Analysis, “Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ... Salem has a deficit of about 207 gross acres of land in the Multi-Family Residential.” This rezone of 1.5 acres helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

As stated in the Salem’s Housing Needs Analysis dated December 2014:

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

The applicant’s proposal helps the City re-designate land while helping meet the housing needs. The existing neighborhood consists of single-family housing to the east and south and multi-family housing to the north and west. In order to maintain the character of the surrounding single-family neighborhood, the site will be designed in compliance with required Multi-Family Design Standards and developed and engineered through the Site Plan Review/Design Review process.

The City’s adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City’s adopted Comprehensive Plan Growth Management, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City’s capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks or walkways will be provided throughout the site to connect to the public sidewalk system. The location along a transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested, and have been already identified as being adequate and in place at the time of the Pre-Application Conference and the report from the Public Works Department on available utilities. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous developments but will be improved at the street frontages of this property. The subject properties will continue to have direct access to Schurman at this location.

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

The public is benefitted by creating a well-located parcel of multi-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and multi-family needs, and by providing a compatible use, the proposed change benefits the public.

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 the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding (*italicized*) 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.

2. (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
3. (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

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

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

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

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

Finding: The applicant's findings demonstrate that the proposed Multiple Family Residential designation is equally or better suited for the subject property than the current Single-Family designations.

Single Family to Multiple Family Residential Finding (1.8 acres):

Finding: There is a lack of vacant RM-II designated sites in the nearby vicinity, and the proposed change in designation from "Single Family Residential" to "Multiple Family Residential" will allow for additional housing on a Collector Street on a vacant or unused parcel or 1.8 acre site.

Finding: The proposed designation will increase the City's supply of needed multiple family residential land and will therefor contribute to the City's future housing needs. The proposed "Multiple Family Residential" designation is equally or better suited than the existing "Single Family Residential" designation.

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

Finding: All public facilities, sewer, water, storm utilities are existing at the property.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), in an area that is surrounded by existing residential neighborhoods and services. Public facilities required to serve the subject property have been determined to be existing and adequate through a Pre-App Conference analysis by Public Works. The proposed comprehensive plan map amendment will allow the logical and efficient use of vacant land and contribute to the housing needs of the community.

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

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

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

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

Optimal Use of the Land B.7

Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

Finding: The RM-II (Multi-Family Residential) zoning designation will allow housing types in a manner that will accommodate the density requirements of the Salem Area Comprehensive Plan.

Development Compatibility B.12

Land use regulations, which govern the siting of any development, shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

Finding: Future development within the proposed development is required to, and will, comply with the height and setback limitations of Chapter 210. The development standards help ensure that development is adequately buffered from surrounding uses. All buildings and structures are, and will

be, limited to a maximum height of 35 feet, which is the same as the existing and surrounding zone and land use designation.

Salem Urban Area Goals and Policies, Residential Goal (Page 30-33, Salem Comprehensive Policies Plan):

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

Infill Development E.3

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

Finding: The property was formerly a dwelling, which is proposed to be replaced by 42 dwellings. The proposal will allow for infill development of vacant or under-utilized land, and housing opportunities for all incomes, consistent with this goal.

The applicable Statewide Planning Goals are addressed as follows:

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

Finding: Notice of the proposal will be provided, by the City, to the SWAN Neighborhood Association and to surrounding property owners within the notice area and posted on the property. The Applicant contacted the SWAN Chair in April, prior to any application, and requested to be on the Agenda for the regular May meeting and made a presentation on May 4, followed by a discussion and Q&A. The Applicant also offered to attend the June SWAN N.A. meeting, when the Agenda could include a follow up discussion. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process, and the City requirements for either attendance at a Neighborhood meeting, or an Open House. All these requirements for notification and meetings have been satisfied. The applicant has attended the May meeting of SWAN and presented the proposal and answered all questions.

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

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

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

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

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources:

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

Finding: There are no designated Open Spaces, Scenic or Historic Areas or Natural Resources on the property.

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

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

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

Finding: *The subject property is not located within a floodplain or floodway. The subject property does not contain areas of mapped landslide hazards. The applicant is not required to provide a geological assessment of the subject property. The proposal is therefore consistent with Goal 7.*

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

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

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

Finding: *The proposal includes a change in designation from “Single Family Residential” to “Multi-family Residential” for a property approximately 1.8 acres in size. The proposed change in designation to “Multiple Family Residential” will not have any impact on the supply on the available commercial and industrial land to meet the city’s employment and economic development needs and is suitable for residential uses. The proposal is consistent with Goal 9.*

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

Finding: *In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. Therefore, this proposal for 1.5 acres of additional multi-family zoned land will contribute to reducing the identified deficit.*

Finding: *The proposed comprehensive plan map amendment would convert 1.52 acres from “Single Family Residential” to “Multiple Family Residential” designation. The proposed residential designation would allow for higher density residential development of the subject property, consistent with the Neighborhood Plan. The proposal is therefore in compliance with Goal 10.*

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

Finding: *The request allows for the efficient use and development of property with no need for extension of the existing public services.*

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.

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

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

Finding: The applicant indicates that the proposed redevelopment plan will repurpose vacant or unused land and that the resulting uses will be built to comply with current energy efficient standards resulting in a more energy efficient use of the property, consistent with Goal 13.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development of the property already exist at the property of adjacent streets. The proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB and contribute to the housing needs of the community in compliance with Goal 14.

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

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

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

Finding: The proposed comprehensive plan map amendment will benefit the community by allowing underutilized or vacant land, at the intersection of two collector streets, surrounded by existing residential neighborhoods and community services, to be developed in a way that will help the City meet future housing needs. The proposal satisfies this criterion.

Salem Area Comprehensive Plan (SACP)

Residential Development Policies

E.1 – Establishing Residential Uses.

The location and density of residential uses shall be determined after consideration of the following factors:

1. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary. *In 2014, the City conducted a Housing Needs Analysis*

(HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. Findings: Therefore, this proposal for 1.5 acres of additional and needed multi-family zoned land will contribute to reducing the identified deficit.

2. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics. Findings: The subject property is very suitable for the proposed use. The ground is fairly flat, and easy to build on, there is no significant elevation difference east to west and north to south. There are no identified wetlands or flood plans on the property. There are no geologic hazards or adverse soil characteristics. The site has been reviewed by the City and these results were reported at the Pre-Application Conference report.
3. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities. Findings: The capacity of all public facilities, utilities, and services have all been checked out. These were documented in the report of the Pre-Application Conference.
4. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site. Findings: The site has proximity to services. Liberty Street is located east, and includes a grocery store, the elementary school, and a variety of retail shops and professional offices.
5. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood. Findings: The proposal is for residential buildings that are governed by the same height restrictions as surrounding residential structures. Generous setbacks between multi-family and single family are planned, and the same residential character and architectural style is proposed.
6. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans. Findings: There are no urban renewal plans, infill studies or other plans in this area.
7. The density goal of General Development Policy 7. See Page 24 for Findings.

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

1. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;

Findings: The multifamily housing is proposed to be located at the intersection of two collector streets, to allow for efficient use of residential land and also of public facilities.

2. Development regulations shall promote a range of densities that encourage a variety of housing types;

Findings: The Salem Unified Development Code promotes a range of densities, and various zones exist such as RD, RH, RM-1, RM-2. The one that seemed to fit this site is the RM-2 zone. However the applicant does not propose to utilize the highest density allowed.

c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:

(1) Employment centers;

Findings: A variety of employment centers are located east, on Liberty Road S.

(2) Shopping areas;

Findings: Shopping areas, including a grocery store and restaurants, are located east, and south on Liberty Road S.

(3) Transit service;

Findings: Cherriots operates the local bus service, and they are always re-evaluating the best bus routes to serve residents and commuters, especially at multi-family developments. At this time the bus stop is on River Road, west of the subject property.

(4) Parks;

Findings: the neighborhood is well served by parks like Fairmont Park and Minto Island Park

(5) Public buildings.

Findings: The public buildings in this neighborhood are mostly the public schools, such as Candalaria Elementary School and Salem Heights Elementary School.

E.10 – Requests for Re-zonings. Requests for re-zonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

a. The site is so designated on the comprehensive plan map;

Finding: the site is not mapped or designated on the CP map yet.

b. Adequate public services are planned to serve the site;

Findings: The capacity of all public facilities, utilities, and services have all been checked out. These were documented in the report of the Pre-Application Conference.

c. The site's physical characteristics support higher density development;

Findings: The subject property is very suitable for the proposed use. The ground is fairly flat with a gentle slope west, and easy to build on, there is no significant elevation difference east to west and north to south. There are no identified wetlands or flood plains on the property. There are no geologic hazards or adverse soil characteristics.

c. Residential Development Policy 7

Circulation System and Through Traffic

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

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

Findings:

The subject property is located on a collector streets, i.e. Schurman.

Both This streets have not yet been widened to the ultimate width or standard established in the Salem Area Transportation Plan. However, as each property, like this example, is improved, the additional right of way is indeed dedicated, and the developer will install a half-street improvement, add increased paving width, construct curbs and sidewalks, storm drainage, landscaped strips, and plant many street trees. This provides enhanced local access for pedestrians, bicycles, and vehicles. As other properties develop along these collector streets, eventually the overall provision of sidewalks and bike lanes can be provided. Otherwise a large bond measure for street improvements would be required, which is beyond the scope of this one small proposed development.

ZONE CHANGE CRITERIA SRC CHAPTER 265

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the rezoning of the property is consistent with the character of the neighborhood. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a higher density use on the site. The proposed RM-2 zone will implement the requested "Multi-Family Residential" SACP map designation and provide a mix of needed land uses, including multifamily residential plus neighborhood shops.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

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

(A) The zone change is justified based on the existence of one or more of the following: (i) A mistake in the application of a land use designation to the property; (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or

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

Applicant Response to (A)(iii): The proposed zone change fits an appropriate development pattern of the vicinity. The surrounding properties to the south, east and west, are zoned and developed as single-family residential. To the north there is an existing cemetery. The proposed zone change will allow the site to be developed with high density housing which will be carefully designed to be compatible with the existing uses.

There is no RM zoned property located along Kurth or Browning, except east off Liberty Road S. These sites off Liberty are all developed. This site gives the applicant the ability to provide multi-family housing and needed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no RM-2 property contiguous to, or near to, the existing site that exists or is vacant.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation, the subject property can be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the properties to the north for existing and future development.

In conclusion, there are no vacant sites for the proposed use located along Wallace Road. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A multi-family use on the site is better suited for the site because of the location and by helping to provide additional housing in the City of Salem. Therefore, the proposal satisfies this criterion has been met.

(B) City-initiated zone change.

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

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

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from “Single-Family Residential” to “Multi-Family Residential”. The proposal complies with the “Residential” Goals and provisions of the SACP by creating an area that promotes multi-family uses.

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 RM-II (Multiple Family Residential).

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

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

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

Finding: The applicant’s findings address (iii) above, demonstrating that the proposed RM-II (Multi-Family Residential) designation is equally or better suited for the subject property than the respective RS (Single-Family Residential) designations in this location.

RS (Single Family Residential) to RM-II (Multi-Family Residential) Finding (1.52 acres):

Finding: The proposed residential designation is compatible with the surrounding residential area and the policies of the Neighborhood Plan. The proposed change in designation will allow for cohesive development of the property. In addition, the proposed designation will increase the City's supply of residential land and contribute to the City's future housing needs. The proposed RM-II (Multifamily Residential) is equally or better suited than the existing RS (Single Family Residential) designation.

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

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

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

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

(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 order, address applicable Statewide Planning Goals and Oregon Administrative Rules for this collective application. The proposal satisfies this criterion.

(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 Traffic Impact Analysis (TIA) which addresses the TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012- 0060

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

Finding: The property will be served with existing City infrastructure needed to support the proposed use.

Residential Development Goal

The SACP states that one of the intents of the Residential Development goals is, “To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing.”

Finding: The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

Residential Development Policies

Establishing Residential Uses: The applicant’s proposal is to rezone the 1.8 acres property from RS to RM-2 to allow a higher density to be built on the site. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land.

Finding: The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary, and therefore establishing a mixture of residential uses within the area.

Facilities and Services Location: The City’s adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located south of Browning Ave. S. The major streets are in place due to previous development.

The City’s adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. There are existing structures located on the site that already have services. The City’s capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use. The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located within the Urban Service Area.

Finding: The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested. At this time there appear to be no changes required.

Infill Development: There is one existing structure located on the subject property, i.e. one dwelling. In order to provide a needed housing type in Salem, the applicant is requesting a zone change. All the properties along Schurman, south of the subject property are developed as single family development. The comprehensive plan encourages a mixture of housing types within a neighborhood that have access to commercial services.

Finding: This comprehensive plan change/zone change will promote infill development with the development of a property, that is already served by City Services and all transportation, to be developed with a higher density of housing which is needed in this area.

Multi-Family Housing: The development will also be in an area which is near existing and proposed services.

Finding: The existing neighborhood consists of multi-family housing west and north, and single-family housing east and south. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards. The applicant will be required to go through the Design Review/Site Plan Review process prior to development.

Circulation System and Through Traffic: The subject property is located on the north side of Schurman Avenue S. The subject property currently has direct access onto Schurman Avenue.

Finding: When developed, the site will continue to have direct access onto Schurman Avenue. The major streets are in place due to previous development.

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

Finding: In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem while meeting the required Design Standards.

Requests for Rezoning: The subject property is designated for residential development. All public facilities and services are available to the site.

Finding: The proposed development will meet State-wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 514 and 702. As required by code, the applicant will submit a Design Review and Site Plan Review application.

Finding: The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide 36 needed and additional multi-family units within the area. The development of the site will encourage housing types and higher densities within an infill lot.

Salem-Keizer Housing Needs Analysis:

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.

Finding: The rezone helps maximize the density while helping to meet housing needs. Therefore, this criterion has been met.

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

Applicant Response to (D): All Planning Goals have been addressed above.

See findings under **64.025(e)(2)(D)**.

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

Applicant Response to (E): The applicant is proposing to change the zone from RS to RM-2. The subject property is currently zoned residential. Therefore, this criterion is not applicable.

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

Applicant Response to (F): The current zoning of the property is RS. The applicant is proposing to change the zone to RM-2, so the site can be developed at a higher density. The proposal warrants a traffic analysis. The site will generate some traffic to impact Schurman that has some additional capacity. Therefore, the proposed zone change will not affect the existing transportation facilities, substantially, as determined by the traffic analysis. The analysis is included in the set of submitted documents with this application. This criterion has been met.

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

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RM-2 zone. Therefore, this criterion has been met.

CONCLUSION

The Applicant believes that the requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and it satisfies all applicable criteria. As demonstrated herein, the "Multi-Family" land use designation and corresponding RM-2 (Multi-Family 2) zoning designation are therefore appropriate for the subject property.

The Applicant believes that the materials submitted do address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. There are other future approval processes needed for the development of the property at the time preceding actual development. For these reasons, the Applicant believes that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

Steve McAtee
City of Salem

The applicant attended the May meeting of SWAN, and was invited back to the June meeting also. The Applicant's Representative subsequently requested the Chair of SWAN for a few minutes time on the Agenda of the June 8 SWAN Neighborhood Meeting.

The Applicant and Landowner Charles Weathers, plus Geoffrey James, Architect, both attended the second meeting and were listed on the printed and published agenda. The meeting was open air in the gazebo Nelson Park at 6.30 p.m.

Chair Jeannine Stice asked the board that this item be moved first on the agenda, and so both Mr. Weathers and Geoffrey James spent a few minutes recapping the proposal and talking about the proposed RM2 zone change. An application was filed in June. The proposed development was summarized and was well received.

The setback from Schurman Drive will be 50 ft. by City code.

A 30 ft. public works special setback plus a 20 ft. front yard setback.

The existing trees, at the perimeter on all four sides, will be preserved.

The layout shows the proposed apartments to be located some 150 ft. to 200 ft. away from the nearest single-family homes to the east of the site.

Access remains unchanged as a driveway curb cut at the SE corner of the site.

Parking spaces exceed the code at 1.5 spaces per unit, whereas the code only requires 1 space for a 1 BR unit.

42 apartment units are shown (54 would be permitted in the proposed RM2 zone).

18 will be 1 bedroom, and 24 will be 2 bedrooms.

There are existing trees on all 4 sides of the lot, which will be preserved, and will provide screening and a natural buffer from the neighbors, and from street traffic.

Traffic was a question posed, and a copy of the traffic study was provided to the Traffic Chair, who was surprised that it stated minor traffic impact.


Generally, the neighbors attending were very receptive, friendly, and seemed open to the proposal, with all its mitigating features, and its location being next to existing apartments.

Notes taken by the Owner's Representative
June 8, 2021



MEMO

TO: Steven McAtee, Planner II
Community Development Department

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

DATE: July 21, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC21-03 (21-109795)
1055 SCHURMAN DRIVE S
COMPREHENSIVE MAP AMENDMENT AND ZONE CHANGE**

PROPOSAL

Proposed Comprehensive Map Amendment Minor to change a 1.87-acre property from SF (Single Family Residential) to MF (Multiple Family Residential), and a Quasi-Judicial Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential), for the future development of a multi-family complex. The property is located at 1055 Schurman Drive S (Marion County Assessors Map and Tax Lot No: 073W33DB 04600).

SUMMARY OF FINDINGS

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

FACTS

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

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

Streets

1. Schurman Drive S
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 32-foot improvement within a 47-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. An 18-inch storm main is located in 1055 Schurman Drive S.

Water

1. Existing Conditions
 - a. The subject property is located in the S-1 water service level.
 - b. A 12-inch water main is located in 1055 Schurman Drive S. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is located within a 20-foot-wide easement on the eastern portion of the property.

Natural Resources

1. Wetlands—According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.
2. Floodplain—Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.
3. Landslide Hazards—City records show there may be category 2-point landslide hazard areas mapped on the subject property.

CRITERIA AND FINDINGS

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

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

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

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

Prepared by: Jennifer Scott, Program Manager
cc: File

Steven McAtee

From: Shelby Guizar
Sent: Wednesday, August 18, 2021 10:22 AM
To: Shelby Guizar
Cc: Lisa Anderson-Ogilvie; Thomas Cupani
Subject: Additional Comment and Final Applicant Rebuttal on CPC-ZC21-03
Attachments: CPC-ZC21-03 Open Record Written Comments.pdf; CPC-ZC21-03 Applicant Final Rebuttal.pdf; CPC-ZC21-03 Open Record Additional Comment - Chapple.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Commissioners,

On August 3rd you heard case no. CPC-ZC21-03 and the record was left open. Please find the below documents attached:

- **First open record portion comments (due 8/10):** CPC-ZC21-03 Open Record Written Comments
- **Second portion (due 8/17):** CPC-ZC21-03 Open Record Additional Comment - Chapple
- **Applicant rebuttal (due 8/24, submitted early):** CPC-ZC21-03 Applicant Final Rebuttal

Please let me know if you have any questions. This case is coming to you on September 7th for deliberations only.

Thank you,

Shelby Guizar

Administrative Analyst

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem, OR 97301

SGuizar@cityofsalem.net | 503-540-2315

[Facebook](#) | [Twitter](#) | [LinkedIn](#) | [YouTube](#) | [CityofSalem.net](#)

Steven McAtee

From: Bill Dixon <bill.r.dixon@gmail.com>
Sent: Friday, August 6, 2021 9:58 AM
To: Steven McAtee
Subject: 1055 Schurman Rezoning
Attachments: 14116.pdf

Dear Mr. McAtee,
Please share the attached testimony regarding 1055 Schurman Drive South with the members of the Planning Commission. Thank you for your help and your work for the city.

Shared from Word for Android
<https://office.com/getword>

To: Salem Planning Commission
From: Bill Dixon, 608 Salem Heights Ave. S
Re: Reject Proposed Zone Change for 1055 Schurman Drive S.
Case No. CPC-ZC21-03

I urge the Commission to reject the zone change proposed for the property located at 1055 Schurman Dr. S. The proposed change would allow construction of a project that is incompatible with the surrounding neighborhood and that presents traffic risks which have not been adequately studied.

Incompatibility:

A core principle of neighborhood planning in Salem is to protect and enhance existing residential neighborhoods, and ensure compatible development. A change to multifamily zoning at 1055 Schurman would contradict this principle.

One contradiction would involve authorizing a zone that allowed the developer to build three-story units. Indeed, this is the course the developer has said he intends to pursue (per his comments at the July 6 meeting of the SWAN neighborhood association.) Three-story units would be incompatible because the surrounding apartment buildings and single-family homes in the area all are two stories or less.

A related contradiction would involve significant potential reduction of the tree canopy in a tree-shaded neighborhood. The developer has stated that there are about 50 well-established trees on the lot, which he intends to protect. But it is hard to see how he can do that without building three-story units. If he were to drop the height of the complex to two stories but retain the planned 42 units, then more trees almost certainly would have to be removed.

As other submitted testimony (from Don Herman and Betty Markey) has noted, the higher density implied in a multifamily zone is inappropriate for a residential neighborhood on a collector street. A more appropriate option, as noted in the referenced testimony, would be to retain the zoning as single family and encourage development of the property as a 'cottage cluster' of homes.

Traffic Danger:

Staff recommends that the Commission accept traffic projections based on a formula rather than on a fuller traffic impact analysis, which would look at how and to what extent Schurman Drive S. is used.

Schurman is a primary route for traffic from River Road S. to Crestview Drive S. and into the residential neighborhoods up the hill. It also is a primary route for young children to Candalaria Elementary School. The sight lines on Schurman are limited because of curves and hills, and it makes a sharp turn at the point where it intersects with Crestview. Traffic coming down Crestview faces the same limitations. Plus, pedestrian access for most of Crestview up to Hansen is limited by the lack of a sidewalk on Crestview's west side.

The potential traffic risks, especially for young children, are simply too high to warrant reliance on a formula. A more appropriate option would be for the Commission to require a full traffic impact analysis for this proposal.

Thank you for keeping the record open on this case and for your work in behalf of our city.

The Applicant and his Architect have met with the Neighbors three times.

In **May**, Charles Weathers and Geoffrey James, prior to filing any application, asked if they could present at the SWAN meeting held in Fircrest Park. The proposal was presented and received a positive response and no concerns were expressed.

In **June**, after filing an application at the City, Charles Weathers and Geoffrey James were asked to present at the SWAN meeting (which was held in Nelson Park) in more detail. The proposal was presented and received a positive response and no concerns were expressed.

A Hearing was scheduled for August 3rd. In July the City mailed letters to the neighbors on July 14, and the Applicant posted the sign on the property July 20.

Just prior to the Hearing the City received emails from some neighbors, complaining about short notice. However, the problem seems to be slow delivery of the mail.

SWAN land use chair emailed the City and requested that maybe the written comments period could be extended for a week.

The **August 3 Hearing** was held before the Planning Commission and 5 neighbors appeared and testified on Zoom.

Concerns were about the late notice, they did not want the property rezoned, the traffic speeding on Schurman, whether the trees would be saved, and if the storm water design could correct problems at the west boundary.

One neighbor suggested that there are other housing types that they would like considered, so maybe a meeting with the applicant would be possible. None of them had attended any of the SWAN meetings.

Charles Weathers suggested that a meeting with the neighbors indeed be held to see what suggestions they had.

Geoffrey James therefore emailed all the neighbors, who had sent in comments, and invited them to come to a local restaurant to exchange ideas that same week.

The **Third Meeting** was therefore held **Friday August 6** at Panera Bread from 7 p.m. to 9 p.m. The following is a summary of the topics, concerns, and suggestions.

ZONE CHANGE

All present seemed to agree that intensification of development is appropriate at that property, but they were opposed to a zone change for apartments, like the adjacent RM2 to the west and north.

They all admitted that the parcel is a good choice for redevelopment versus the dilapidated structures that currently exist.

AESTHETICS

Some tried to articulate what they would like to see instead. Examples mentioned were Pringle Creek Community or the Rural Avenue PUD. Both of those are Planned Unit Developments and Subdivisions, which is not this Application, which is just to change the color on the zone map. No subdivision of land is requested. It will be the same one parcel with more dwelling units, i.e. apartments.

Neighbors had trouble articulating what they wanted. "Craftsman Style" was mentioned. "Make it look just like the neighborhood", meaning clusters of houses of traditional styles.

TRAFFIC

Neighbors said that cars speed up and down Schurman. Not something this project can affect.

THE PROCESS

It was explained that this is just the Zone Change, i.e. changing the color of the zone on the map. Site Plan Review, storm water, parking, sidewalks, all come later in the next phase of the process. There will be Design Review of the proposed apartment buildings, including architectural articulation, materials, and general esthetics. It is a land use process, where neighbors will have the opportunity to comment once again.

AGREEMENT

Everyone attending seemed to agree that redevelopment of the parcel is needed. It is a matter of design, and that step comes next, with Site Plan Review and Design Review.

Steven McAtee

From: Drew Cornedi <cornedi@gmail.com>
Sent: Monday, August 9, 2021 11:03 AM
To: Steven McAtee
Subject: Case No. CPC-ZC21-03 1055 Schurman Drive S
Attachments: Graphic Supplement Case No. CPC-ZC21-03.pdf

Mr. McAtee and City of Salem Planning Commissioners,

I am writing in reference to the proposed zone change, which is the subject line of this email. I appreciate that you allowed the record to remain open so that we were afforded adequate time to provide informed testimony. You will find that the following is structured with some objective information regarding the neighborhood first, then references to the SRC, followed by a request for either a revision of the application, or a Condition of Approval, along with one other request for Condition of Approval. Finally, I have provided some commentary on the provided preliminary site plan, which is held separate, since it is not being reviewed with the current application.

While I am not opposed to the zone change in its entirety, I do have concerns regarding what an RM-II designation would allow and the compatibility of this zoning in context of the existing neighborhood, as built. This is a critical point to remember in the following: while some properties in the neighborhood are *zoned* RM-II, they are not *built* to this applied zoning, which defines the current character of this area.

As was stated at length during the Planning Commission hearing on Tuesday, August 3rd, the existing development along Schurman Drive and the lower portion of Crestview Drive is a mix of single family residential and multi-family apartment buildings; also discussed was that the current zoning for the apartment properties in the neighborhood matches the proposed RM-II. This, on its face, appears to make the subject property an ideal location for a similar high-density designation and development; however, and I will state again, regardless of how these are zoned, the existing apartments occupying these RM-II properties are constructed as moderate density, with none being more than two stories in height; the exception is a single building in the Minto Park Apartment complex. The following are the densities of those multifamily developments: Regency Park Apartments: 16 units/acre; Minto Park Apartments: 20 units/acre; Wilton Condominiums: 4 units/acre; Crestview Townhomes: 7 units/acre; Willamette View Apartments: 18 units/acre; Average unit density: 13 units/acre. None of these are close to the possible 28 units/acre that the RM-II affords. Please see the attached PDF with photos of the complexes, their location, and their density, named "Graphic Supplement Case No. CPC-ZC21-03.pdf".

In addition to the difference in density from the proposed zone change, virtually all parking for each complex is located between buildings, which effectively shields the view of parking areas from adjacent parcels. Further, each complex has allowed for large open spaces between and/or surrounding buildings, creating visually pleasing, soft landscaped areas for the entire neighborhood to enjoy (the view, not the use). All of these characteristics make the existing apartment and townhome structures compatible with the surrounding single family residences in the area, which are almost entirely one, or two, story structures.

Again, I am not opposed to a higher-density zoning, however, SRC 265.005 states the criteria for a zone change:

(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.

While the section lists items A through G, only A is needed because **ALL** criteria must be met. Under Criteria A, items (i) and (ii) do not apply; there have been no mistakes, as testimony from the hearing indicated, many residents of this neighborhood have been in their homes for 30+ years, and new multifamily structures have not been built in over a decade, so none of the listed changes in that subsection have occurred. This leaves item (iii) as the justification for the current application.

Following this path, SRC Chapter 514 provides the parameters of an RM-II zone, which the property meets the basic area/dimensional requirements for, and includes a density of 12 dwelling units per acre minimum / 28 dwelling units per acre maximum and a maximum height of 50 feet. As I have described above in regard to the existing built fabric, the characteristics permitted in the proposed zone change are not "equally or better suited for the property than the existing zone." It is clear that this is referring to the property itself and not the structures, but the possibility of 52 units in a 50 foot tall building would absolutely not fit within this neighborhood context and would not be "logical with the surrounding land uses," given the actual built condition. Though 52 units at 50 feet is not what was shown in the preliminary site plan submitted, an RM-II designation would make this type of density and height feasible if the current developers decide to complete the zone change and sell the property to another party who is less sensitive to the neighborhood.

Requests for revision to the application / Conditions of Approval:

For the reasons listed above, I believe that an RM-I designation would be better suited for the subject property, which would limit the dwelling unit density to 8 dwelling units per acre minimum / 14 dwelling units per acre maximum and a maximum height of 35 feet.

As an alternative to revising the application from RM-II to an RM-I zone in order to maintain the consistency of the RM-II zone in the neighborhood, I would propose that a Condition of Approval be applied to the request which limits the height of structures to match the 35 foot maximum of the more appropriate RM-I zone. This limitation could even have an expiration date (suggestion of 10 years following the zone change approval) in order to require appropriate development near-term, but provide the City with consistent zoning in the long-term, should the area ever be redeveloped. This path would require compromise between the developer and the neighbors, but is fair to all parties involved.

Additionally, as noted during testimony, all sides of the site are lined with many mature trees; I would estimate most are at least 60' to 80' in height. Though I do not wish to delay a decision further, I did not see an existing conditions plan submitted, as required by SRC 265.005(d)(1), which would have been helpful in determining which of these trees are on the subject property and which are not. While some adjacent property owners may want trees "thinned," others might not. We, personally, overlook the trees along the east property line and appreciate the shade they provide from the summer western sun. Given the height and type (coniferous) of these trees, I think that understanding the tree root zones, and subsequent construction protection recommendations, would be valuable (and necessary) in determining which trees will be feasible to maintain when construction is complete, as well as which might be impacted on neighboring properties. The proposed RM-II (and RM-I as I have suggested above) requires a 10' minimum setback for interior side and rear property lines for both parking areas and structures, which may-or-may-not be enough for the

survival of such trees where the construction of foundations and paved parking areas occur. It would be a detriment to the development if trees unintended for removal died following construction due to construction activities, so I am requesting a Certified Arborist report be required, including root zones of significant trees and an indication of protection distances and fencing during construction, as a Condition of Approval.

With the Zone Change testimony out of the way, I will conclude my email providing testimony on the application at hand. A postscript follows, which contains some commentary on the provided site plan, realizing that it is not a part of the current application.

Thank you for your time and consideration,

Drew & Kelsey Cornedi
2540 Crestview Drive S
Salem, OR 97302

PS:

1. The plan does not appear to meet Oregon Fire Code requirements for fire truck access. While Fire Marshal approval will be required during the land use application process, this required access will likely impact the number of parking stalls available for the complex. Residents of the existing apartment buildings already park on streets outside of their complex, so a reduction of the 1.5 parking stalls to each dwelling unit is not recommended.
2. The plan labels "open space" which could be misconstrued as usable site area; with the roof areas and impervious surfaces proposed, these areas will be unoccupiable stormwater treatment areas. Please see my notes above regarding open space provided by the existing apartment developments above.
3. The location labeled "recycling" places the TRASH enclosure adjacent to neighboring single family residential properties. This location is south-facing and, as currently shown, is unprotected from the summer sun. The smell produced will be a detriment to the adjacent single family properties and should be relocated.
4. The plan shows existing single family properties overlooking a sea of parking. While the proposed 3-story buildings would not be desirable adjacent single family properties, that much parking seems equally insensitive. If development is limited to 35 feet in height as proposed above, locating the parking centrally between structures on the east and west would be much more appropriate (regardless of where the existing curb cut is). This would also likely simplify the fire truck access and allow the trash enclosure to be placed near adjacent undeveloped land and away from the existing single family residences.
5. Items 3 and 4 will have a direct negative affect the property value of the neighboring single family residences, which will affect the value of our property. It is STRONGLY recommended that the plan be reconsidered to be more sensitive to adjacent home-owners.

cornedi@gmail.com

TESTIMONY FOR Case No. CPC-ZC21-03, 1055 Schurman Drive S.



Regency Park Apartments: 2 Stories
28 Units, 1.79 acres = 16 units/acre



Crestview Townhomes: 2 Stories
30 Units, 4.33 acres = 7 units/acre



3 Stories on east side
2 Stories on west side

Minto Park Apartments:
30 Units, 1.49 acres = 20 units/acre

**AVERAGE MULTIFAMILY
UNITS PER ACRE: 13**



Wilton Condominiums: 1 story
6 Units, 1.74 acres = 4 units/acre

Steven McAtee

From: Sarah Westfall <WESTFALL_SARAH@salkeiz.k12.or.us>
Sent: Tuesday, August 10, 2021 1:08 PM
To: Steven McAtee
Cc: burney.ted.tb@gmail.com; re4890@comcast.net
Subject: Concerns for Zone Change Case number: CPC-ZC21-03

Cc:
burney.ted.tb@gmail.com; re4890@comcast.net
Subject:
Zone Change Case number: CPC-ZC21-03

Mr. McAtee

Thank you for your service to our community. Your dedication and effort are appreciated.

I am writing with concerns for the proposed zone change on Schurman Avenue in South Salem (Case Number CPC-ZC21-03).

As both a teacher at the nearby school, Candalaria, and a resident raising children on Crestview Dr S, I have significant concerns about the safety of adding such a large complex to this portion of the neighborhood. As it is, children walk to school on the one side of the Crestview that has a sidewalk. The visibility on the road is challenging with kids dangerously crossing the road at unsafe times. The stop sign on Crestview and Hansen is frequently obstructed and ignored by drivers. Increased car and foot traffic on this road present increased risks to the children and families in our neighborhood.

Were the traffic assessments conducted for this proposal completed on school days prior to March 13, 2020? If not, the data is inaccurate given the shift to remote (and then cohort) learning as of that date.

Please reconsider this proposal and prioritize the safety of children.

Sarah Westfall
Third-Fourth Grade Teacher | Candalaria Elementary
[Salem-Keizer Public Schools](https://www.salem-keizer.org)
(O): 917 915-4438

westfall_sarah@salkeiz.k12.or.us

<https://www.donorschoose.org/sarah-westfall>

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Steven McAtee

From: Jeanine <nutritionetcetera@gmail.com>
Sent: Tuesday, August 10, 2021 2:26 PM
To: Steven McAtee
Cc: Shelby Guizar; burney ted tb; John Lattimer
Subject: SWAN Comments- RE: Case No. CPC-ZC21-03,
Attachments: Zone Change Case No. CPC-ZC21-03.pdf

Good Afternoon Steve,

Please add these concerns to the public record that has been held open from the Aug 3 planning commission meeting on Case. No CPC-ZC21-03.

Ted Burney, our Land Use Chair, is out this week so I am submitting the association concerns. I can be reached at 503-428-1882 if there are any questions that need clarification.

Sincerely,
Jeanine Stice
SWAN Board Chair

TO: Salem Planning Commission
FROM: Southwest Association of Neighbors (SWAN)

RE: Comprehensive Plan Amendment and Zone Change Case No. CPC-ZC21-03 currently under consideration by the Planning Commission meeting held Tuesday, August 3, 2021.

The Southwest Association of Neighbors has heard several concerns regarding the zone change proposed in this case since neighbors became aware of the case in late July. Additionally a SWAN board member was able to attend an informal meeting held with the developer and concerned neighbors that occurred August 6th. Based on these conversations and plan review SWAN has the following concerns and requests:

:

- SWAN has heard from numerous neighbors of the proposed apartments about the risks posed by adding traffic to Crestview and Schurman Drives. Neighbors are deeply concerned that the safety of children going to and from Candalaria Elementary School would be compromised by vehicles from the apartments. SWAN also has heard from neighbors that an apartment building would not be compatible with the single family homes that surround the property, especially given the developer's stated intention to build three-story units. Indeed, the neighbors who attended the meeting this past Friday with the developer's team opposed construction of apartments on the site. There were extensive concerns on increased traffic. Specifically, a zone change should trigger the requirement of a crosswalk and speed signage as is necessary for children's safety. In addition, the neighbors stated a left turn lane should be required for safety.
- Request that any approval of a zone change include a condition that the developer's construction plans provide for fencing and protection of trees on all four sides of the property. This reflects a verbal assurance that SWAN received from the developer during a meeting this past spring.
- Pending any approval of zone change, a condition of approval for the developers plans contain a condition for construction that includes fencing and protection of trees on four sides of the property that SWAN received verbal assurance would be saved at one of the general meetings held this past spring.
- Request installation of a crosswalk at Gilbert pending the traffic engineers approval or suggestions on improving pedestrian safety due to increased traffic and the need for safe routes to Candalaria School.
- Move to development of single family homes, which are in character with the neighborhood and neighbor's requests.
- Request the height of anything other than single family dwellings be no more than area apartments which are two story units, rather than three proposed by the developer.

Traffic has been an ongoing concern with rezoning and development and rises again in this case.

In the Schurman Dr development, the applicant is asking for a zone change. In this case the applicant submitted a traffic analysis, again not a full TIA, that concluded the 42 apartments would add only 5 trips in the morning peak hour and 11 trips in the evening peak hour to what would be allowed under existing zoning.. All of which would be on the Schurman/Crestview collector street.

The analysis did not specify an estimate for how many daily trips the development would actually add. It used as it's basis of comparison what the traffic would be if the property were developed with 12 single family homes that would be allowed under existing zoning and the

maximum 53 multifamily housing units that would be allowed under the zone change. The range is from 148 average daily trips if the maximum single family units were built under existing zoning to 287 trips if the maximum multifamily units allowed under the proposed zoning were built – a range of 139 average daily trips.

The car trip analysis differs from another case that had a zoning change approved recently. In a prior rezoning, the Wren Heights case, the applicant submitted a traffic study, not a full Traffic Impact Analysis, that estimated the development with 32 new houses would generate an increase of 302 daily trips, 204 of which would be directed to Salem Heights Ave S, adding 16 trips during the peak morning hour and 22 during the evening peak hour. Salem Heights Ave is designated as a Collector street.

When comparing these two cases and their associated analysis, there are questions and concerns SWAN would like addressed before this area is approved for rezoning as the traffic impact could be significant if it is rezoned into multifamily from its current status of single family.

1. Can the City explain why one instance of 32 units generates 302 daily trips and 53 multifamily units generates only 287?
2. What is the basis for accepting a traffic analysis based on what is allowed under a zone when the code appears to ask for an analysis based on what impact the development itself would generate? The Wren Heights analysis provided specific traffic estimates for the development. The Schurman study does not. It uses the difference in trips between assumptions of what would be allowed under one zone versus another. SWAN could not locate an estimate of how much traffic the 42 units would generate.

Thank you for considering the concerns and requests stated above prior to approving a rezoning of this parcel.

Sincerely,
Jeanne Stice
SWAN Board Chair,
On behalf of the Southwest Association of Neighbor Board & Land Use Committee

TO: Steven McAtee, Planner II
City of Salem Planning Division

From: Don Herman & Betty Markey
2590 Crestview DR S

RE: Case No. CPC-ZC21-03
Minor Comprehensive Map Amendment/Zone Change
1055 Schurman Drive S

Thank you for the opportunity to provide written testimony on the requested zone change of the property located at 1055 Schurman Ave.

We wish to provide some additional comments regarding the zone change request for 1055 Schurman Drive

It appears that the last traffic study on Schurman Drive was completed in 2005. Since that time the neighborhood has observed a substantial amount of increased traffic on Crestview Drive and Schurman Drive. Vibbert Street, Cascara Loop, Promontory Court and Gilbert Street have all seen additional residential construction since 2005 thus contributing to traffic on Schurman and Crestview Drives. We request that a traffic study be completed prior to this zone change decision.

We want to thank the developer and architect for meeting with us last Friday. Although no final decisions were made, it appears that they were willing to take into consideration our concerns as it relates to speeding, safety of pedestrians, traffic, and design of units to provide livable green space and to reflect the character of the neighborhood.

Once again, we would like to thank you for this opportunity to voice our comments on this proposed zone change.

Don Herman and Betty Markey
2590 Crestview DR S

Steven McAtee

From: Linda Strike <lindastrike@gmail.com>
Sent: Tuesday, August 10, 2021 4:58 PM
To: Steven McAtee
Subject: addendum to original testimony re zone change
Attachments: addendum to testimony.docx

To : Steven McAtee, Planner II
City of Salem Planning Division

From: Linda Strike
2610 Crestview Dr. S
Salem, OR 97302

Re: Case No. CPC-ZC21-03
Minor Comprehensive Map Amendment/Zone Change
1055 Schurman Dr.

ADDENDUM TO ORIGINAL STATEMENT

I appreciate that the County Commissioners voted to provide extra time for the residents of the affected neighborhood additional time to review the proposed zone change. A number of us met with the new owner of the property and his architect to discuss his plans. While both the owner and his architect were open to hearing our concerns, I was not left with a sense that the concerns voiced caused them to change their pursuit of a zone change to multi-family, nor to seriously consider a dramatic reduction in the number of units they are proposing for the development.

I continue to have significant concerns about the proposed zone change and development of the property.

SAFETY: the additional traffic will exacerbate what is already a significant safety hazard to all pedestrians. The ingress and egress to the property is right by a blind curve on Schurman Road. Cars coming up the hill frequently crossed the middle line when taking the curve causing extreme risk of accident. I did a two hour observation and during that time on 13 occasions cars coming around the curve were straddling the line.

LIVIBILITY and REPOSNSIBLE GROWTH: There are no grocery stores within walkable distance, and the closest access to public transportation is at least a 20-30 minute walk. Cherriots has indicated that there is no future plan to have service in the area. This creates a situation where anyone living in the units would have no choice other than to use a car for transportation. Especially in our current times we should be focusing community growth in areas with easy access to public transportation.

I strongly believe that a zone change that contributes to high density housing in an area that has no access to public transportation and which has a significant impact of the safety of the neighborhood is shorted sighted and irresponsible. For that reason I urge the Commissioners to deny the zone change.

Linda L. Strike

Steven McAtee

From: Hannah F. Stevenson <HStevenson@sglaw.com>
Sent: Tuesday, August 17, 2021 3:45 PM
To: Steven McAtee
Cc: Alan M. Sorem; Margaret Gander-Vo
Subject: Applicant's Final Rebuttal Response (CPC-ZC21-03)
Attachments: Applicant's Final Rebuttal Response Memo (8-17-11) (CPC-ZC21-03), 4835-3543-5254, 4.pdf

Steven,

Attached please find Applicant's final rebuttal response into the record for the above referenced case. Please confirm receipt and distribute to the Planning Commission.

Thank you,

Hannah Stevenson

Paralegal - Real Estate & Land Use Practice Group



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August 17, 2021

VIA ELECTRONIC MAIL: SMcAtee@cityofsalem.net



Planning Commission
City of Salem
555 Liberty ST SE, RM 305
Salem OR 97301

RE: CPC-ZC21-03 (1055 Schurman Drive S)
Our File No: 41075-00003

Dear Honorable Commissioners:

Orreo, LLC, an Oregon limited liability company (the "**Applicant**") applied for a Comprehensive Plan Amendment and Zone Change Application for approximately 1.87 acres of property, commonly known as 1055 Schurman Drive S. (the "**Property**"), requesting a change of the comprehensive plan designation from Single Family Residential (SF) to Multi-Family Residential (MF) and the zoning from Single Family Residential (RS) to Multiple Family Residential (RM-II). The City of Salem (the "**City**") assigned this consolidated land use request as Case No. CPC-ZC21-03 (the "**Application**").

The record includes an affidavit prepared by City staff proving they mailed notice of the hearing to tenants and property owners within a 250-foot radius of the Property on July 14, 2021, in compliance with SRC 300.620(b)(2)(A) (the "**Hearing Notice**"). Moreover, the Applicant met with the SouthWest Association of Neighbors (SWAN), on May 4, 2021, in compliance with SRC 300.320. City staff posted the Staff Report on the City's website on July 27, 2021. Staff received comments on August 1, 2021, stating that some surrounding residents did not receive the Hearing Notice until July 27-29, 2021.

At the hearing held before the Planning Commission on August 3, 2021, the record was left open for seven (7) days with an additional seven (7) day rebuttal period for the Applicant.

Hearing Notice

In compliance with ORS 197.763(2) and Statewide Planning Goal 1 (Citizen Involvement), the City has adopted public notice provisions within its procedural code. SRC Chapter 300. The Application is a Type III procedure and requires public notice in compliance with SRC 300.620(b). This provision requires the City to mail notice to adjacent residents and property owners and requiring Applicant to post notice on the Property. Staff mailed its notice, in compliance with SRC 300.620(b) and ORS 197.763(2) and submitted the affidavit of mailing into the record. Due to delays outside of the City and Applicant's control, notice was not delivered to certain surrounding property owners until between July 27th and July 29th, 2021. There is no allegation from any party that the City failed to provide notice or that any affected

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party failed to receive notice prior to the hearing. The only assertion is that some residents received the Hearing Notice after a longer than customary time.

ORS 197.763(8) state that “failure of the property owner to receive notice as provided in this section shall not invalidate such proceedings if the local government can demonstrate by affidavit that such notice was given.” The City has provided the affidavit demonstrating that notice was given in compliance with the statute and the notice provisions of the SRC. There was no procedural error.

Even if a procedural error had occurred, the issue is whether the error prejudices a party’s substantial rights. *Lange-Luttig v. City of Beaverton, 39 Or LUBA 80 (2000)* (Failure to provide proper notice under ORS 197.763(3) is a procedural error and does not provide a basis for reversal or remand unless the error prejudices a party’s substantial rights). The neighboring property owners were provided the opportunity to provide both written and oral testimony regarding the Application before the Hearing, at the Hearing, and after the Hearing during the open record period. Neighbors had reasonable opportunity to prepare and provide testimony. The lack of a few days than is customarily expected did not deprive anyone of an opportunity to participate or prepare for the hearing. No substantial right was prejudiced.

Traffic Concerns

The neighboring property owners raised concerns regarding the increase in traffic in the area and associated safety concerns. As part of the Application, Applicant provided a traffic impact analysis (“TIA”), satisfying the transportation planning rule. This TIA was prepared by Rick Nys, a traffic engineer with Greenlight Engineering, and was then reviewed and approved by the City’s traffic engineer. As part of this rebuttal, Applicant has provided additional testimony from Rick Nys responding to the comments from the neighbors. As outlined by Mr. Nys, the appropriate analysis under this Application is not the impact of any specific proposed development; but rather, the applicable issue is whether the potential impact of the reasonable worst-case scenario under the new zoning compared to the reasonable worst-case scenario under the existing zoning. A licensed traffic engineer determined the change could potentially result in an increase of eleven (11) trips during the peak morning and evening hours using standard metrics and methodology provided in the Institute of Transportation Engineers (ITE) Manual. Additionally, Mr. Nys determined the increase of 11 trips during the peak hours does not result in a significant impact to the surrounding traffic facilities. The analysis was performed using standard counts and ITE methodology, which was reviewed and approved by the City’s traffic engineer.

If future development occurs, Applicant will be required to submit further trip generation analysis as part of the City’s site plan review process for the exact development proposal subject to that review. The analysis will serve as the basis for determining the transportation impacts and possible mitigation. However, such analysis is not applicable as part of the Application. Applicant has submitted sufficient evidence into the record demonstrating that the Application satisfies Goal 12 and the transportation planning rule, which are the applicable criteria.

Stormwater Management

The neighboring property owners raised several concerns regarding problems with stormwater management in the surrounding area. Applicant has not applied for site plan or design review as part of the Application and stormwater management is outside of the scope of this Application. The Property is within the City's urban service area. Developing the Property with multiple family homes will require additional stormwater management facilities; however, the criterion for the Application regarding stormwater management is whether "[t]he 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." SRC 64.025(2)(B). Applicant's civil engineer and architect have provided substantial evidence in the record demonstrating the infrastructure in the surrounding area can either support the proposed use or that it may be upgraded during development to support the proposed use. The technical specifications associated with the necessary stormwater management are outside of the scope of this Application and will be addressed at a future date through the site plan review and design review standards. These future applications will require the Applicant to demonstrate stormwater management that conforms to the Public Works design standards.

Compatibility with the Surrounding Area

Applicant is proposing residential development within the City limits on property developed with an existing residential use and is adjacent to other multiple family housing complexes. The neighboring property owners submitted comments regarding the impact Applicant's development may have in the surrounding area. Specific concerns were raised regarding the impact on the surrounding wildlife, the preservation of trees, and the intensity of the proposed development.

Applicant has provided a concept plan as part of this Application, which shows the feasibility of developing the types of uses permitted in the proposed RMII zone. The conceptual plan shows a development that is consistent with the surrounding area. The Property is large enough to allow the buildings to be adjacent to the existing multifamily residential uses, which are already zoned RMII. Further, the expected setback standards will facilitate preservation of most of the mature trees on site, many of which provide screening to properties zoned single family residential. This conceptual development plan demonstrates it is feasible to develop the Property in a manner that continues the existing development pattern in the vicinity and is compatibility with the surrounding area.

Neighboring property owners raised concerns regarding the impact on wildlife habitat. This is not an applicable approval criterion as the proposed development will occur within the City limits where this level of urban development is intended to occur. If the City were to deny the proposed infill project, the City potentially would be required to rezone more land on the fringes of the City, or even expand its urban growth boundary to comply with Goal 10. Such a denial would have significantly greater impact on wildlife and the climate than this proposal.

As it pertains to tree preservation, the concerns raised are premature. At site plan review, Applicant will demonstrate compliance with the tree preservation requirements in the Code. Applicant intends to develop the Property consistent with the Code. Retaining most of the mature trees on the Property is

feasible, barring safety concerns, which again, will be addressed during site plan review. Such concerns are not a basis for denial or conditions of approval on a zone change proposal.

One neighbor raised concerns regarding stormwater runoff and soil erosion. Applicant has noted in the Application there is a mapped geological hazard on the Subject Property. As part of site plan review, Applicant will address the criteria relating to the City's slope preservation requirements and the need to mitigate any additional stormwater created by the proposed development. However, the complaints in the record are focused on water flowing from upstream properties, which are addressed under Oregon Water Law, which are outside of the scope of this Application, or any, development applications.

Finally, several neighbors raised concerns regarding the appropriateness of the proposed development for this particular area due to the lack of bus services. As with many of the neighbors' concerns, this is outside of the scope of this Application. Moreover, bus service is not the only means of alternative modes of transportation. The Property provides reasonable access to the downtown core via established bicycle routes along River Road S and through Minto-Brown Island Park. As many neighbors noted, there is pedestrian access to Candelaria Elementary School, which is utilized by school children in the area, meaning there is also reasonable pedestrian access to the businesses and public transportation along Commercial Street SE, which is approximately 1.1 miles from the Property (approximately .6 miles from Candelaria Elementary School).

Please accept this correspondence as Applicant's rebuttal response to the comments submitted in the open record period and Applicant's final legal argument before the Planning Commission. Applicant respectfully requests you approve the consolidated Application as submitted, as recommended by City Planning Staff.

Sincerely,



ALAN M. SOREM
asorem@sglaw.com
Voice Message #303

AMS/MYG:hst
Enclosures
cc: Client



August 14, 2021

Steven McAtee
City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, Oregon 97301

RE: Response to SWAN's *1055 Schurman Drive Transportation Planning Rule Analysis* Comments

This memorandum addresses the Southwest Association of Neighbors (“SWAN”) comments regarding our *1055 Schurman Drive Transportation Planning Rule Analysis* (hereafter referred to as “the TPR analysis”) dated May 6, 2021 regarding the proposed zone change/comprehensive plan amendment.

SWAN's comments are summarized in italicized, bold and underlined typeface while our response in regular typeface.

The TPR analysis concluded that 42 units of multi-family residential development would add only five trips in the morning peak hour and 11 trips in the evening peak hour. The TPR analysis did not specify an estimate for how many daily trips the development would actually add. Why isn't the trip generation of the proposed development included?

Table 1 of the TPR analysis accurately concludes that the reasonable worst case increase in trips between the existing zone with 12 single-family detached units and the proposed zone with 53 multi-family units is five trips in the morning peak hour and 11 trips in the evening peak hour. The TPR analysis does not conclude that 42 units of multi-family development would result in an increase of five trips in the morning peak hour and 11 trips in the evening peak hour as suggested by SWAN. Given the minimal increase in trips per Table 1, city staff determined and the city's code supports the completion of limited traffic analysis to support the proposal.

While 42 multi-family units are envisioned, no development is proposed at this time and speculation on that future development is not relevant to a zone change/comprehensive plan amendment application. The purpose of a TPR analysis is not to evaluate the full impacts of a development itself, but to evaluate the reasonable worst case traffic impacts of the existing zone versus the proposed zone as was illustrated in Table 1 and reported in the TPR analysis.

Assuming that a 42 unit multi-family development is eventually proposed, that development would generate 227 weekday daily trips, 15 weekday AM peak hour trips, and 19 weekday PM peak hour trips based upon the current *Trip Generation Manual*. However, that development is not proposed at this time, and is again not relevant to the zone change/comprehensive plan amendment application.

Based on a review of a different project, 32 new homes generates an increase of 302 daily trips, 16 weekday AM peak hour trips and 22 weekday PM peak hour trips.

The trip generation included in the TPR analysis is based upon the industry standard and city required Institute of Transportation Engineers' *Trip Generation Manual*. The *Trip Generation Manual* is based on

collected traffic count data at hundreds of developments across the country. In the *Trip Generation Manual*, there are a variety of land use categories on which to base trip generation so that trip generation can be predicted based on the use proposed.

SWAN references a previous “Wren Heights” development and questions the disparity in trip generation of 32 “houses” (presumably single-family detached housing) versus the trip generation of the 53 multi-family units, the reasonable worst case in the proposed zone. The *Trip Generation Manual* data illustrates that single-family detached housing (ITE Code #210) generates significantly more trips per unit than does multi-family housing (mid-rise) (ITE Code #221). Single-family detached housing units vs multi-family units is not an apples to apples comparison.

The Wren Heights analysis wasn't included with the SWAN's comments, so we cannot confirm that analysis. However, according to the *Trip Generation Manual*, 32 single-family detached housing units (ITE Code #210) would generate 302 trips in a weekday using the average rate methodology.

The TPR analysis is accurate and reliable. The results of that analysis conclude that the requirements of the Transportation Planning Rule are met. We trust this memorandum adequately addresses SWAN's questions. Should you have any questions, feel free to contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,

Rick Nys, P.E.
Principal Traffic Engineer



Steven McAtee

From: Frances Chapple <fchapple@willamette.edu>
Sent: Friday, August 13, 2021 12:07 PM
To: Steven McAtee
Subject: Re: Development

Dear Mr McAtee

Many thanks for sending the comments individually; I had no problem accessing them. Here are some of my thoughts after studying each communication.

With all due respect to the developer,I believe it is ridiculously inappropriate to request a zone change in order to build many apartments that will dramatically increase the number of cars and walking children on the extremely dangerous Crestview and Schurman Drives. After 25 years, I still dread the dangerous corner at Schurman and Crestview when I am turning left to reach the Wilton Condos. As another person noted ,we need to be developing properties that are close to bus routes.

Surely the need for drastically dealing with climate change has shown us all that we MUST reduce the number of cars on the road. This development is using "old" criteria and is not considering what the near future will,hopefully,bring. So for this reason I strongly oppose the zone change. Additionally,I absolutely demand that only two story buildings be built; DEFINITELY no three story buildings. At 84 years old,I believe I have some right to the enjoyment of a modest condo where I have resided for 25 years. The best part of my living situation is the outlook from my balcony which is rural and peaceful; Except for winter,I see NO buildings; only trees . No developer has the right to ruin a current resident's tranquility,and I am pretty sure three stories would do just that. The need for current residents to continue to live happily in the way that they have for decades MUST be considered,PLEASE!

Sincerely

Frances Chapple

On 8/12/2021 9:23 AM, Steven McAtee wrote:

> Frances, they were sent in standard .pdf format. I am not able to send them in a different format. However, I have attached them individually to this email.

>

> Steven

>

> -----Original Message-----

> From: Frances Chapple <fchapple@willamette.edu>

> Sent: Wednesday, August 11, 2021 6:45 PM

> To: Steven McAtee <SMcAtee@cityofsalem.net>

> Subject: Development

>

> I was unable to open the document. I'm sure that there are points for which I wish to write a rebuttal but cannot access the comments.Can you please send them in a different format.

>

> Frances Chapple

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