BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF APPROVAL OF COMPREHENSIVE PLAN MAP AMENDMENT AND ZONE CHANGE 650 15TH STREET SE	)))))	**ORDER NO. 2024-2 CPC-ZC24-01** **CASE NO.CPC-ZC24-01**

This matter coming regularly for hearing before the City Council, at its June 10, 2024, meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order affirming the decision of the Planning Commission in Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01, and approving the application.

PROCEDURAL FINDINGS:

(a) On November 13, 2023, a consolidated application for a Minor Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change was filed for two properties 0.99 acres in size and located at 650 15th Street SE.

(b) After additional information was provided, the consolidated applications were deemed complete for processing on January 24, 2024.

(c) Notice to surrounding property owners was mailed pursuant to Salem Revised Code on February 7, 2024.

(d) On February 27, 2024, a public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. The Planning Commission received testimony from the applicant. No public testimony was received. The Planning Commission made a motion to continue the public hearing to March 19, 2024.

(e) On March 19, 2024, a second public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. The Commission closed the hearing, conducted deliberations, and voted to approve the applications with recommended conditions of approval, with the exception of edited Condition 1, striking Commercial Parking from the list of prohibited uses, as recommended by staff in the supplemental report dated March 19, 2024.

(f) On March 25, a timely Notice of Appeal was filed by the applicant. SRC 300.120(c) provides that for consolidated applications, the Review Authority shall be the highest numbered procedure type required for any land use applications. Per SRC Chapter 300, Table 300-2, City Council is the review authority for an appeal of a Minor Comprehensive Plan Map Amendment; therefore, City Council is the Review Authority for the appeal of this consolidated application.

(g) A hearing was scheduled before the City Council on May 28, 2024.

(h) On May 6, 2024, notice of the hearing was sent to the Southeast Salem Neighborhood Association and surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on May 14, 2024.

(i) On May 28, 2024, the City Council conducted a public hearing, received testimony, and closed the public hearing.

(j) The City Council conducted deliberations on May 28, 2024, and voted to affirm the Planning Commission's decision to approve the consolidated application for Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01.

(k) 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 additional applications included with the proposal are similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), they have been filed concurrently, and are being considered jointly, with the proposed comprehensive plan amendment.

SUBSTANTIVE FINDINGS:

The City Council adopts the following as findings for this decision:

(a) The Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01 collective application for proposed change from a Multiple-Family designation to Industrial and RM-II zoning to IG zoning, as proposed and conditioned, meets the approval criteria set forth in SRC 64.025(e)(2) and SRC 265.005(e)(1)(A)(iii).

(b) The Planning Commission's March 19, 2024, decision approving the application is based on the collective application meeting the approval criteria set forth in SRC 64.025(e)(2) and SRC 265.005(e)(1)(A)(iii).

(c) The facts and findings, attached hereto as Exhibit 1, are incorporated to this decision as set forth herein.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1. The City Council affirms the decision of the Planning Commission and APPROVES Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01 subject to the conditions in Exhibit 1.

Section 2. This order constitutes the final land use decision, and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

Exhibit 1: Facts and Findings for CPC-ZC24-01.

ADOPTED by the City Council this 10th day of June 2024.

ATTEST:

Deputy City Recorder

Checked by: Peter Domine

FACTS & FINDINGS

MINOR COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE CASE NO. CPC-ZC24-01

June 10, 2024

PROCEDURAL FINDINGS

1. On November 13, 2023, Britany Randall, of BRAND Land Use, filed a consolidated application for a Minor Comprehensive Plan Map Amendment, Quasi-Judicial Zone Change on behalf of the applicant and property owner, Robert Bolt. The application request is to change the Comprehensive Plan designation from "Multiple-Family" to "Industrial" and change the zoning from RM-II (Multiple-Family Residential) to IG (General Industrial).

2. After additional requested information was provided by the applicant, the applications were deemed complete for processing on January 24, 2024.

3. Public notice of the proposal was provided pursuant to Salem Revised Code (SRC) requirements, on February 7, 2024. Public notice was posted on the property by the applicant's representative on February 15, 2024.

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. Required notice of the proposed Comprehensive Plan Change and Zone Change application was provided to DLCD on February 16, 2024.

5. On February 27, 2024, a public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. The Planning Commission received testimony from the applicant. No public testimony was received. The Planning Commission made a motion to continue the public hearing to March 19, 2024.

6. On March 19, 2024, a second public hearing was held before the Planning Commission to receive evidence and testimony on the proposal. The Commission closed the hearing, conducted deliberations, and voted to approve the applications with recommended conditions of approval, with the exception of edited condition 1, striking commercial parking, as recommended in the supplemental report dated March 19, 2024.

7. On March 25, a timely Notice of Appeal was filed by the applicant. SRC 300.120(c) provides that for consolidated applications, the Review Authority shall be the highest numbered procedure type required for any land use applications. Per SRC Chapter 300, Table 300-2, City Council is the review authority for an appeal of a Minor Comprehensive Plan Map Amendment; therefore, City Council is the Review Authority for the appeal of this consolidated application.

8. A hearing was scheduled before the City Council on May 28, 2024.

9. On May 6, 2024, notice of the hearing was sent to the Southeast Salem Neighborhood Association and surrounding property owners and tenants pursuant to Salem Revised Code requirements. Notice of the hearing was posted on the subject property on May 14,

2024.

10. On May 28, 2024, the City Council conducted a public hearing, received testimony, and closed the public hearing.

11. The City Council conducted deliberations on May 28, 2024, and voted to affirm the Planning Commission's decision to approve the consolidated application for Minor Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC24-01.

12. 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 additional applications included with the proposal are similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), they have been filed concurrently, and are being considered jointly, with the proposed comprehensive plan amendment.

SUBSTANTIVE FINDINGS

1. Proposal

The applicant requested a comprehensive plan map amendment and to change the zoning for two properties located at 650 15th Street SE and an unaddressed lot across Leslie Street SE that were both formerly used as a fuel storage facility. The development site includes an existing office building located at 650 15t St SE and a warehouse on the unaddressed lot across Leslie St SE. The purpose and intention of completing this comprehensive plan amendment and zone change application is to change the designation and zoning from the current multiple family designation and RM-II zoning to Industrial designation and IG zoning, which the properties were previous to the Our Salem update to the Salem Area Comprehensive Plan. No further site development is proposed at this time.

The requested Minor Comprehensive Plan Map Amendment and Quasi-Judicial zone changes apply to the two combined properties approximately one acre in size and currently designated as "Multiple-Family Residential" on the Salem Area Comprehensive Plan Map and zoned RM-II (Multiple-Family Residential II).

2. Background

Land use applications are required to include a statement addressing the applicable standards and approval criteria of the Salem Revised Code (SRC) and must be supported by proof that they conform to such standards and approval criteria. The written statement provided by the applicant addressing the applicable approval criteria associated with the proposal is included in the record.

3. Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood

associations, and the public.

All application materials are available on the City's online Permit Application Center at https://permits.cityofsalem.net. You can use the search function without registering and enter the permit number listed here: 23 122305.

4. Neighborhood Association and Public Comments

The subject property is located within the boundary of the Southeast Salem Neighborhood Association (SESNA).

Applicant Open House: 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 the property is located within. On September 26, 2023, an open house was held by the applicant's team in conformance with SRC requirements and the SESNA Neighborhood Association was notified of the proposal prior to application submittal.

Neighborhood Association Comments: Notice of the application was provided to the neighborhood association pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized Neighborhood Association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report no comments have been received from the Neighborhood Association.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(ii), (iii), (viii), & (ix), to property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report, no public comments have been received.

Homeowners' Association: Pursuant to SRC 300.620(b)(2)(B)(vi), notice is required to be provided to any active and duly incorporated Homeowners' Association (HOA) applicable to the property. The subject property is not located within a Homeowners' Association.

5. City Department Comments and Public Agency Comments

A. **Building and Safety Division** – Reviewed the proposal and indicated that they have no comments.

B. **Fire Department** – Reviewed the proposal and indicated that they have no comments.

C. **Development Services Division** – Reviewed the proposal and provided comments pertaining to City infrastructure able to serve the property. Comments are in the record.

FACTS AND FINDINGS

6. Salem Area Comprehensive Plan (SACP)

Comprehensive Plan Map: The Salem Area Comprehensive Plan (SACP) map designates

the subject properties as "Multiple-Family Residential."

The proposal includes changing the Comprehensive Plan designation of the subject properties to their previous designation of "Industrial."

The Comprehensive Plan designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties	
North	"Multiple-Family Residential"
South	Across Mission Street SE (OR-22E), "Single-Family Residential"
East	"Industrial Commercial" and "Multiple-Family Residential"
West	"Multiple-Family Residential"

Relationship to Urban Service Area: The subject properties are located inside the Urban Service Area and adequate facilities are available. No UGA permit is required.

7. Zoning

The subject properties are zoned RM-II (Multiple-Family Residential II). The site was formerly used a fuel storage facility and warehouse and has been vacant for some time. The applicant submitted testimony that the property has been vacant for more than one-year, thereby discontinuing any non-conforming use of the existing buildings. The proposal includes changing the property's zoning from RM-II to the previous designation of IG (General Industrial).

Zoning of surrounding properties includes the following:

Zoning of Surrounding Properties	
North	RM-II (Multiple-Family Residential II)
South	Across Mission Street SE (OR-22), RS (Single-Family Residential)
East	IC (Industrial Commercial)
West	RM-II (Multiple-Family Residential II)

8. Analysis of Minor Comprehensive Plan Map Amendment Approval Criteria

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a minor comprehensive plan map amendment, the Review Authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the comprehensive plan map amendment.

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 City Council found that the applicant's written statement addressing that the Comprehensive Plan Map Amendment change is equally or better suited for the property and that the Zone Change. The applicant's written statement requested the designation change because a mistake was made in the application to the plan. The City Council does not concur there is a mistake in the Comprehensive Plan Map or Zoning Map. The designation and zoning change were changed by 'Our Salem' which was adopted by City Council in Ordinance Bill No. 10-22 after proper notice to the property owner.

The City Council finds that the application, as conditioned, demonstrate that the proposed comprehensive plan amendment meets criterion (ii) Equally or better suited designation.

As part of the "Our Salem" updates to the Salem Area Comprehensive Plan, the subject properties were redesignated from "Industrial" to "Multiple-Family." Upon this designation, the applicant discovered there was a deed restriction placed on the properties by the State of Oregon Department of Environmental Quality (DEQ) prohibiting them from being developed for residential or agricultural uses. The deed restriction can be found in instrument number 2018-00022435; Section 3.2, which states:

Land Use Restrictions. The following operations and uses are prohibited on the Property:

a. Residential use of any type; and
b. Agricultural (food-crop) use of any type.

The deed restriction is due to the level of contaminants and potential for risk to human health. The property was used as a bulk fuel storage site with above ground storage tanks as well as underground storage tanks containing diesel and gasoline fuels. According to DEQ records, over the years of use, including a reported product spill in 1975, tank filling and dispensing caused soil contamination. In a "Conditional No Further Action Determination" from DEQ, dated September 10, 2018; ECSI #209 and LUST #24-10-0295, DEQ states that "It is assumed that the property will remain an industrial property." The deed restriction provides the necessary justification that the property is better suited for the proposed zone and comprehensive plan designation. Under the current Comprehensive Plan and zoning designations, the properties cannot be developed to the intended uses within a multiple-family zone.

The City Council found that in order to meet the criterion of 'equally or better suited designation', the need for mitigation between the multi-family zoned properties surrounding the subject properties and adopted conditions of approval below. The properties adjacent to the subject property were rezoned to multi-family through 'Our Salem' due to their proximity to long established residential areas, access to transit, walking distance to an elementary school, Tokyo University, and Willamette University, and at the request of Willamette University. The record indicates that the surrounding properties do not have similar DEQ restrictions on them, indicating they may be redeveloped for housing in the future.

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 properties are currently served by public facilities and are capable of continued use. This criterion is met.

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

Finding: The properties have been developed with existing facilities for many decades. Any proposed future development would be subject to the DEQ deed restriction described above. The proposal meets this criterion.

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

Finding: The applicable Goals and Policies of the Comprehensive Plan are addressed as follows; the Statewide Planning Goals are addressed after the policies:

The City Council found that the request is in conformance with the Goals and Policies of the Salem Area Comprehensive Plan and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed.

Section 6: Community Engagement and Equity Goals and Policies

CE1 Community Engagement Goal: Engage the public in planning, investment, and policy decisions.

Finding: The applicant held an open house on September 26, 2023 and participated in a publicly noticed neighborhood meeting on October 26, 2023. The proposal meets this goal.

Section 7: Housing Goals and Policies

H1 Housing Choice Goal: Promote a variety of housing options to meet the needs, abilities, and preferences of all current and future residents.

Finding: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H2 Housing Affordability Goal: Provide opportunities for housing that are affordable to current and future residents of all income levels.

Finding: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H3 Land Supply Goal: Provide a supply of residential land that accommodates the amounts and types of housing needed to meet the population forecast for the Salem Urban Area.

Findings: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H4 Complete Neighborhood Goal: Encourage housing that provides convenient access to jobs, services, and amenities that meets residents' daily needs.

Findings: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H5 Livability and Sustainability Goal: Enhance Salem's neighborhoods to ensure that they are safe, welcoming, stable, sustainable, and attractive places to live.

Findings: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

Section 8: Economic Development and Employment

E1 Economic Development Goal: Strengthen and diversify the economy to enhance Salem's economic prosperity and resiliency.

Findings: The General Industrial zoning designation allows for a variety of commercial and industrial uses to take place and thereby provide diverse opportunities for employment opportunities. The proposal meets this goal.

E2 Land Supply Goal: Maintain an adequate supply of land to meet Salem's economic and employment needs.

Findings: The applicant is not proposing any employment designations for the property or redevelopment of the properties at this time; however, the General Industrial zoning designation proposed will allow for economic and employment growth opportunities in the future. The proposal meets this goal.

E3 Access and Livability Goal: Promote a vibrant economy that increases access to jobs, goods, and services.

Findings: The applicant is not proposing any employment designations or redevelopment of the properties at this time; however, the General Industrial zoning designation will allow for economic growth opportunities in the future. The proposal meets this goal.

E4 Design Goal: Encourage commercial, mixed-use, and industrial development that creates safe, sustainable, attractive urban environments.

Findings: This goal will be met and implemented through the application of the IG zoning designation during future development of the properties. The proposal meets this goal.

Section 9: Land Use and Urbanization

L1 Urbanization and Growth Management Goal: Manage growth in the Salem Urban Area through cooperative efforts between the City of Salem, Marion and Polk counties, and other jurisdictions to provide area residents with a high quality of life, contain urban development, promote the City's efficient delivery of services, and preserve adjacent agricultural lands.

Findings: The subject properties are located within the limits of the City of Salem and within the Urban Growth Boundary, which contain urban development subject to the City's zoning code and development standards. The proposal meets this goal.

L3 Urban Development Goal: Ensure that future development within the Salem Urban Area is designed to respond to and enhance the surrounding environment, while accommodating growth.

Findings: No development or use is proposed with the application. This goal will be met and implemented through the application of the IG zoning designation during future development of the properties. The proposal meets this goal.

L 4 Plan Administration Goal: Ensure the Salem Area Comprehensive Plan and its implementation tools advance the community's vision for the future and are consistent with state and federal regulations.

Findings: The applicant has provided responses to applicable statewide planning goals which demonstrates this comprehensive plan goal is met.

L5 Transportation and Land Use Coordination Goal: Coordinate transportation and land

use planning efforts to ensure infrastructure improvements support development patterns, land use designations, and densities.

Findings: A Transportation Planning Rule Analysis, found in the record, indicates the proposed designation will have a significantly less of an impact on the transportation system than the current RM-II zoning. No development or use is proposed with the application; however, at such time, the properties will be subject to all applicable development standards of the Salem Revised Code and conditions of approval below. The proposal meets this goal.

Section 11: Natural Resources and the Environment

N1 Environmental Protection Goal: Protect and enhance the quality and function of Salem's natural resources, ecosystems, and environment.

Findings: The subject property contains natural resources, including wetlands, riparian areas, and floodplain. No development or use is proposed with the application; however, at such time, the properties will be subject to all applicable development standards of the Salem Revised Code, conditions of approval below and by adhering to the DEQ deed restriction, the properties will not be developed in a way that diminishes the quality and function of the City's natural resources, ecosystems, and environment. The proposal meets this goal.

N2 Urban Forest Goal: Preserve, increase, and enhance Salem's urban forest.

Findings: No development or use is proposed with the application; however, at such time, the properties will be subject to all applicable development standards of the Salem Revised Code, conditions of approval below and by adhering to the DEQ deed restriction, the properties will not be developed in a way that decreases the City's urban forest. The proposal meets this goal.

Section 14: Transportation

T4 Local Connectivity Goal: Provide an interconnected local street system that allows for dispersal of traffic, encourages a mix of travel modes, reduces the length of trips, and increases opportunities for people to walk and bike.

Findings: No development or use is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T5 Bicycle System Goal: Accommodate bicyclists of all ages and abilities by providing a well-connected system of on- and off-street bicycle facilities that will encourage increased ridership, safe bicycle travel, and active transportation and will support public health.

Findings: No development or use is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T6 Pedestrian System Goal: Accommodate pedestrians of all ages and abilities by

providing a comprehensive system of connecting sidewalks, walkways, trails, and pedestrian crossings that will encourage and increase safe pedestrian travel and active transportation to support public health.

Findings: No development or use is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T7 Transit System Goal: Support a public mass transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation-disadvantaged areas.

Findings: No development or use is proposed with the application that will affect the public mass transit system; therefore, this goal is not applicable.

Section 16: Community Services and Historic Resources

CS 1 Community Spaces and Culture Goal: Foster development of community gathering spaces and other amenities that provide opportunities for people to socialize and celebrate together.

Findings: No development or use is proposed with the application; therefore, this goal is not applicable.

CS 3 Historic Preservation Goal: Identify, protect, and encourage the awareness and sensitive use of historic resources, places, archaeological sites and landscapes that contribute to the unique character and history of Salem.

Findings: No development or use is proposed with the application; therefore, this goal is not applicable.

Statewide Planning Goals

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: In addition to holding a required open house, notice of the proposal was provided to the Southeast Salem Neighborhood Association (SESNA), surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Planning Commission held two public hearings to consider the request. An appeal of the Planning Commission's decision provided another public hearing before the City Council. The required open house, public notice, and public hearing process ensure all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Statewide Planning Goal 2 – Land Use Planning: To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land

and to assure an adequate factual base for such decisions and actions.

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

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

Finding: No development or use is proposed with the application; any future development or use will be subject to the applicable standards of the Salem Revised Code and conditions of approval below.

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: No development or use is proposed with the application; any future development or use will be subject to the applicable standards of the Salem Revised Code and conditions of approval below.

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

Finding: Pringle Creek (Shelton Ditch) runs through Tax Lot 4900 and there are identified floodplain and floodway areas and landslide hazards. No development or use is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code and conditions of approval below.

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 recreation area, and no destination resort is planned for this property; therefore, this Goal 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 subject properties are currently developed with industrial buildings from a previous use, which provides economic opportunity to the City. The proposal meets this Goal.

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

Finding: As part of the "Our Salem" update to the Comprehensive Plan, the City redesignated and rezoned land to provide for additional multiple-family housing, as identified in the City's 2016 Housing Needs Analysis. The City now exceeds its projected need for land designated for multiple-family housing and the proposed redesignation of the two properties totaling approximately one acre, which will not significantly impact the City's capacity to provide adequate buildable land for its housing needs. Additionally, due to the contamination of the soil, and as prohibited by the DEQ deed restriction, the subject properties are not suitable for residential uses, and for the health and wellbeing of the community, should not be utilized to meet the City's housing needs. The proposal meets this Goal.

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 properties are located within the Urban Service Area and are served by existing public facilities. No development or use is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code and conditions of approval below. The proposal meets this Goal.

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."

A TPR analysis, as required by the Transportation Planning Rule (OAR 660-012-0060), is in the record, which demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Planning Commission found that based on the Assistant City Traffic Engineer concurrence with the TPR analysis and findings, the proposal meets this Goal. The City Council affirmed the Planning Commission's findings.

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

Finding: Any future development of the property will be required to be built to comply with current energy standards. The proposal meets this Goal.

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 are available. Existing transportation and utility infrastructure is available in the vicinity. The proposed Comprehensive Plan Map amendment will allow for the efficient use and development of the properties and will allow the efficient use of urbanized 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 Salem Area Comprehensive Plan is consistent with Statewide Planning Goals. The Comprehensive Plan policies have been addressed above, therefore consistent with Statewide Planning Goals.

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

Finding: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential or agricultural uses. The proposed change from a Multiple-Family Residential to an Industrial designation will help to encourage and promote the wider range of uses. To ensure development of future industrial uses is in the public interest, the City Council imposed conditions of approval to make the property more compatible with the surrounding multiple-family zones.

The City Council found the application, as conditioned, meets this criterion.

9. Analysis of Quasi-Judicial Zone Change Approval Criteria

SRC Chapter 265.005(e) provides the approval criteria for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial zone change, the Review Authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following applicable criteria are met. The extent of the consideration given to the various criteria set forth below depends on the degree of impact of the proposed change. The greater the impact of a proposal on the area, the greater the burden on the applicant to demonstrate the zone change is appropriate. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the zone change, or for the issuance of certain conditions to ensure the criteria are met.

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

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

Finding: The City Council did not concur with the applicant's written statement, contesting a mistake in the application of a land use designation to the property. The designation and zoning change were changed by 'Our Salem' which was adopted by City Council in Ordinance Bill No. 10-22 after proper notice to the property owner.

The City Council found that due to a deed restriction recorded against the subject properties which prohibits them from development of residential and agricultural uses, the proposed zoned change as conditioned meets SRC265.005(e)(1)(A)(iii). The zone change is to the previous designation and zone of Industrial and IG to allow for Industrial uses.

The City Council found that in order to meet the criterion of 'equally or better suited designation,' mitigation was needed to lessen the impacts of future industrial uses from the multi-family zoned properties surrounding the subject properties and adopted conditions of approval below. The City Council found that the properties adjacent to the subject property were rezoned to multi-family through 'Our Salem' due to their proximity to long established residential areas, access to transit, walking distance to an elementary school, Tokyo University, and Willamette University, and at the request of Willamette University. Staff's research indicates that the surrounding properties do not have similar DEQ restrictions on them, indicating they may be redeveloped for housing in the future.

The City Council found that limiting the uses in the proposed zone and on-site measures such as screening and landscaping meets the criterion the proposed designation and zone *be equally or better suited* than the current zoning. With the below list of restricted uses in the IG zone, the proposal would allow for more uses than the existing RM-II zone while restricting those uses which can generate pollutants, noise, sediment, and water contamination which are not compatible with residential uses.

The City Council found that the proposed zone is better suited for the property than the existing zone, and the potential impacts of the proposed zone and any development of the property on the immediate neighborhood are minimized. The following conditions of approval were adopted:

Condition 1: The following uses/activities allowed within the IG (General Industrial) zone shall be prohibited uses/activities allowed on the subject properties:

General Industrial Zoning District	
Use	**Limitations & Qualifications**
Motor vehicle and manufactured dwelling and trailer sales	N
Motor vehicle services	N
Heavy vehicle and trailer sales	N
Heavy vehicle and trailer service and storage	N
Major event entertainment	N
Cleaning plants	N
Industrial services	N
Heavy wholesaling	N
General manufacturing	N
Heavy manufacturing	N
Aviation facilities	N
Passenger ground transportation services	P - Transit stop shelters
	N - All other passenger ground transportation facilities
Marine facilities	N
Fuel dealers	N
Waste-related facilities	N
Petroleum and natural gas production	N
Surface mining	N
Agriculture and forestry services	N
Keeping of livestock and other animals	N
Animal services	P - All other uses allowed
	N - Boarding

Details on the uses and activities are found in SRC Chapter 400 which is linked to here and will be entered into the record.

Condition 2: Any vehicle storage areas shall be paved with a hard surface material meeting Public Works Design Standards.

Condition 3: Outdoor storage shall be screened with landscaping or a site-obscuring fence or wall from abutting residentially zoned properties to the north, east, and west.

Condition 4: At the time of development, a minimum of 15% of the development site shall be landscaped meeting the Type A standards set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count towards this requirement.

The City Council found that the proposal, with the adopted conditions, met the criteria.

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. This criterion does not apply.

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

Finding: Findings addressing minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. As provided in the findings and conditions, the proposed zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

As conditioned, the City Council found the proposal meets this approval criterion.

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 minor comprehensive plan map amendment criterion SRC 64.025(e)(2)(D), included above in this report, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. As provided in the findings included, the proposed zone change, as recommended to be conditioned, complies with applicable statewide planning goals.

The City Council found the application meets this approval criterion.

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

Finding: The property currently has a multiple-family comprehensive plan map

designation, which is not an industrial, commercial or employment designation. The decision does not include a change from an industrial, commercial, or employment designation to a non-industrial, commercial, or employment designation; therefore, this criterion is not applicable.

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

Finding: As demonstrated by the TPR analysis, the proposed zone change will not significantly affect a transportation facility.

The City Council found the proposal satisfies this criterion.

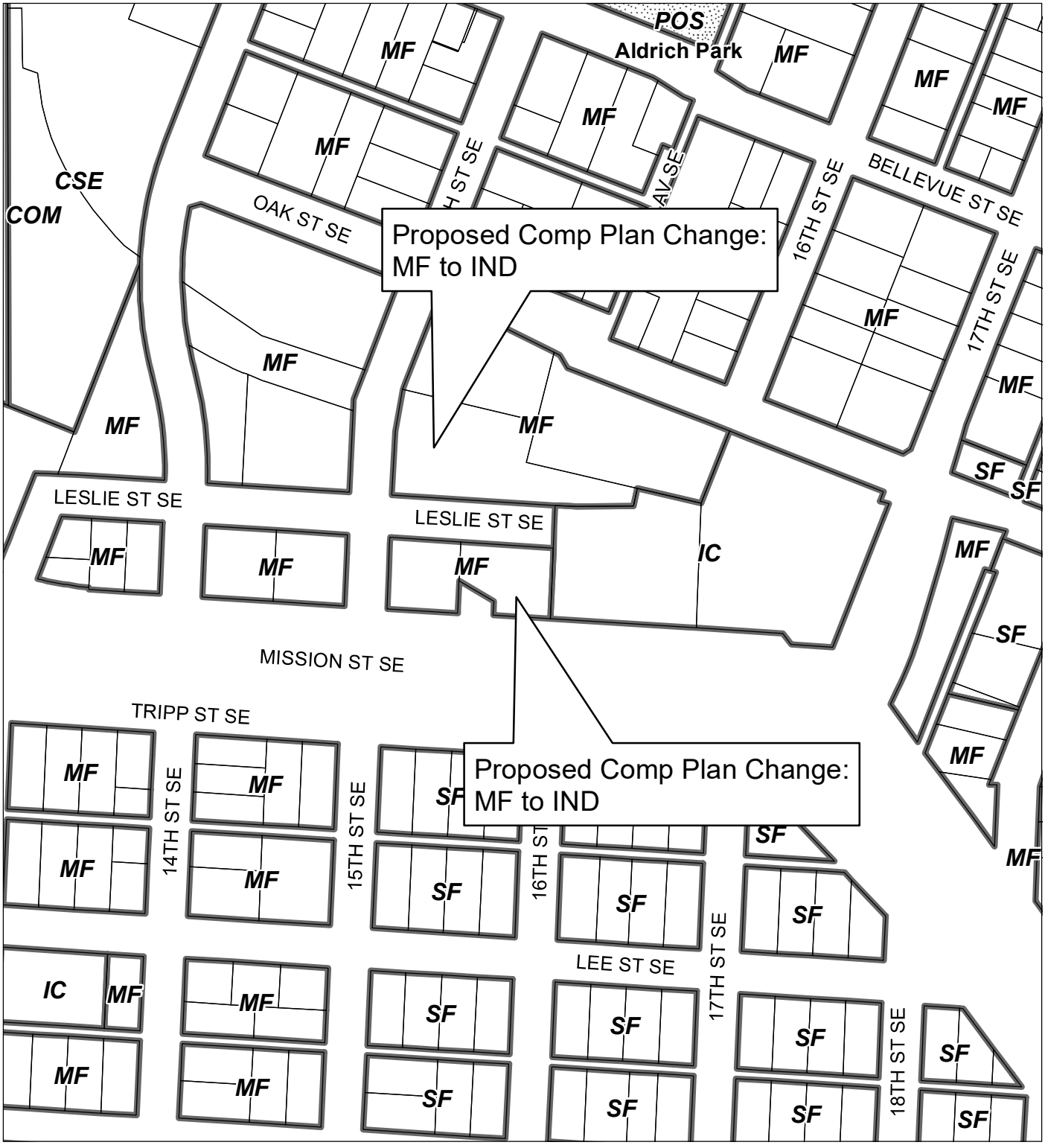
SRC 265.005(e)(1)(G): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included above in this report, address the public facilities and services available to support industrial uses allowed on the subject property as a result of the proposed zone change.

The City Council found the proposal satisfies this criterion.

Prepared by Peter Domine, Planner II

Proposed Comprehensive Plan Change
650 15th Street SE



Legend

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

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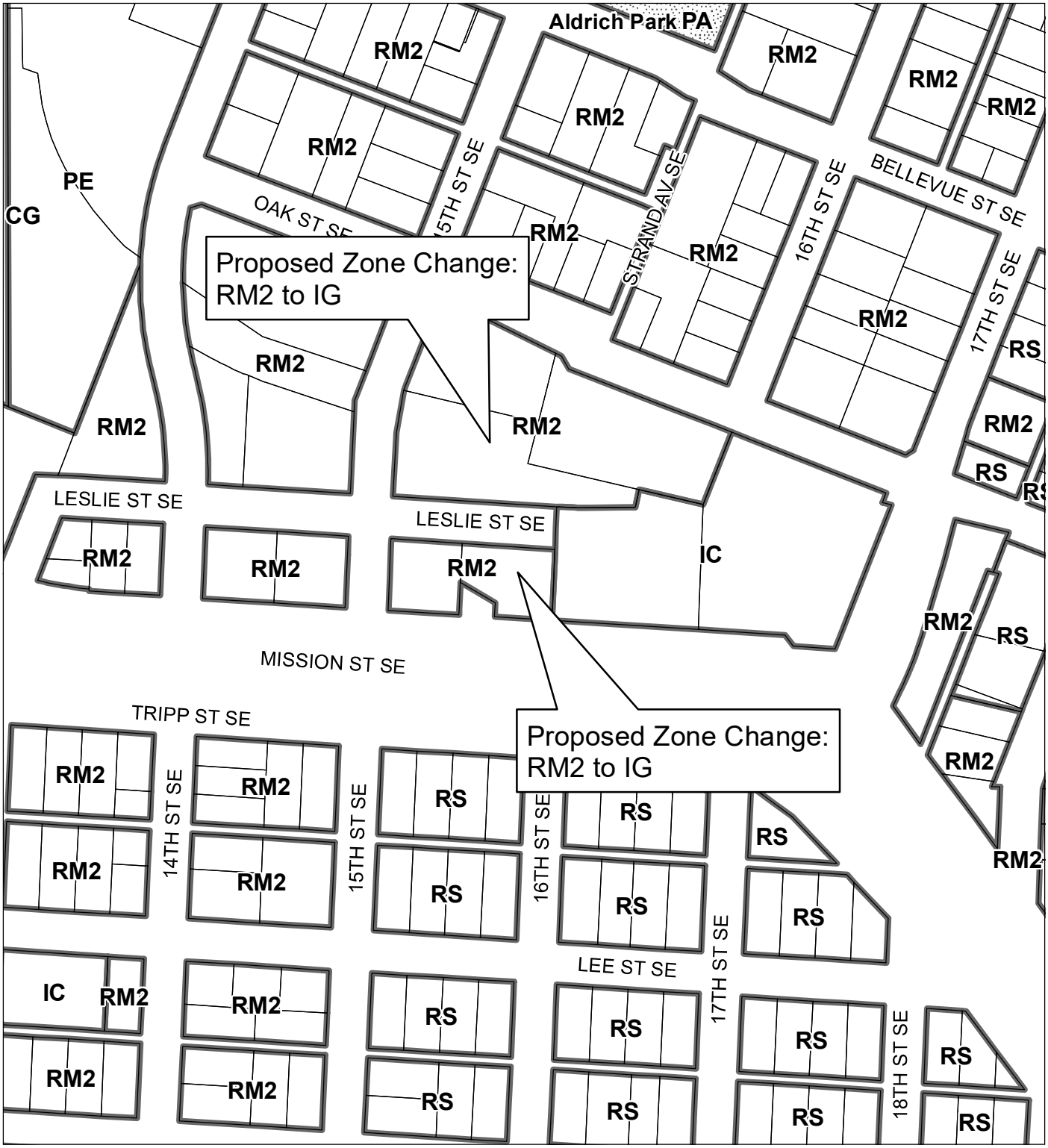
Proposed Zone Change
650 15th Street SE



Legend

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

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