

ORDINANCE BILL NO. 6-26

AN ORDINANCE DECLARING CERTAIN TERRITORY LOCATED AT 2170 WALKER ROAD NE AND 4893 SUNNYVIEW ROAD NE ANNEXED TO THE CITY OF SALEM, PRESCRIBING ITS COMPREHENSIVE PLAN MAP DESIGNATION AND ZONING, AND WITHDRAWING THE TERRITORY FROM THE MARION COUNTY FIRE DISTRICT NO. 1 AND EAST SALEM SEWER AND DRAINAGE DISTRICT

The City of Salem ordains as follows:

Section 1. Findings.

Annexations Exempt from Voter Approval.

Pursuant to SRC 260.010(d)(2) voter approval is not required if the annexation request meets one of the following criteria:

(A) The annexation is being made pursuant to an annexation agreement effective prior to May 16, 2000;

(B) The annexation is necessitated by a failing septic system or health hazard; or

(C) The annexation, notwithstanding the Salem City Charter, complies with all of the following requirements:

(i) The annexation petition request is signed by all owners of the property proposed to be annexed;

(ii) The territory proposed for annexation is within the urban growth boundary;

(iii) The territory proposed for annexation is subject to an acknowledge comprehensive plan upon annexation; and

(iv) At least one lot within the territory proposed for annexation is contiguous to the City limits.

Finding: The proposed annexation is exempt from voter approval pursuant to SRC 260.010(d)(2)(C)(i)-(iv). The territory proposed for annexation includes two properties. The property at 2170 Walker Road NE is owned by Roth East Side, LLC, and the property at 4893 Sunnyview Road NE is owned by Kim and Denise Currey. Both the authorized member of Roth East Side, LLC, and Kim and Denise Currey have signed the required annexation petitions. The properties are located within the Salem Urban Growth Boundary and subject to

1 Salem's acknowledged Comprehensive Plan. The properties are also contiguous to the City
2 limits. The territory is therefore exempt from voter approval.

3 *Annexation Approval Criteria.*

4 Salem Revised Code (SRC) 260.010(g)(2)(A) sets forth the following criteria that must be met
5 before approval can be granted to a request for an Annexation with a minor comprehensive plan
6 map amendment or quasi-judicial zone change:

7 *SRC 260.010(g)(2)(A)(i): The annexation will result in a boundary in which services can be*
8 *provided in an orderly, efficient, and timely manner.*

9 **Finding:** The proposed annexation is for a territory approximately 18.91 acres in size. The
10 annexation of unincorporated territory contiguous to the city limits will result in urban services
11 being provided in a more orderly, efficient, and timely manner. Unincorporated territory adjacent
12 to the city limits prevents the orderly expansion of City services because gaps are created in the
13 city's infrastructure, and services within those gaps must be provided by the county, or by the
14 City pursuant to intergovernmental or other agreements. This results in inefficiencies due to
15 discontinuous and fragmented methods of providing infrastructure, as well as additional delays
16 for any development proposal. The boundary resulting from the proposed annexation will
17 provide a more compact and efficient urban form for providing urban services, because the
18 services will be integrated into the existing city infrastructure that exists in the surrounding area,
19 and potential jurisdictional conflicts will not exist. The proposed annexation complies with this
20 criterion.

21 *SRC 260.010(g)(2)(A)(ii): The land uses and development densities that will be allowed can be*
22 *served through the orderly, efficient, and timely extension of key urban facilities and services.*

23 **Finding:** Comments provided by the various City departments indicate that the territory
24 proposed for annexation can be served through the orderly, efficient, and timely extension of key
25 urban facilities and services as outlined in the City's adopted master plans, Capital Improvement
26 Plan (CIP), and Public Works and Parks design and construction standards. No improvements to
27 urban facilities and services are needed at this time to serve the territory but as land within the
28 territory is developed, necessary urban facilities and services and site-specific infrastructure will
29 be identified and required to be provided in accordance with the city's adopted master plans,
30 CIP, and Urban Growth Management process as set forth in SRC Chapter 200.

1 The territory proposed for annexation lies outside the City’s Urban Service Area. Pursuant to the
2 City’s adopted growth management program found in SRC 200, an Urban Growth Area (UGA)
3 Preliminary Declaration will be required to provide adequate public facilities, including water,
4 sewer, stormwater, transportation, and park services, that may be necessitated by future
5 development. The proposed annexation complies with this criterion.

6 *SRC 260.010(g)(2)(A)(iii): The withdrawal of the territory from any applicable special districts*
7 *complies with applicable state statutes governing the withdrawal of the territory from those*
8 *districts.*

9 **Finding:** When withdrawal from a special service district is not automatic, the City Council shall
10 decide on withdrawal from those special service districts. These withdrawals shall be made
11 according to applicable state statutes governing the specific withdrawal.

12 The territory is currently located within Marion County Fire District No. 1 and the East Salem
13 Sewer and Drainage District. The City will withdraw the territory from Marion County Fire
14 District No. 1 and the East Salem Sewer and Drainage District and the City will provide these
15 services. ORS 222.520 establishes the process by which the territory may be withdrawn from
16 service districts at the same time as the annexation. No Comprehensive Plan provision or
17 implementing ordinance of the City applies to the withdrawal decision, and none is amended in
18 the process of making the decision. In addition, the decision to withdraw the territory and serve
19 the territory with City-supplied urban services rather than district-supplied services, does not
20 have significant impacts on present or future land uses. Consequently, the withdrawal decision is
21 not the kind of decision that requires application of land use laws.

22 *SRC 260.010(g)(2)(A)(iv): The public interest is furthered by the annexation of the territory.*

23 **Finding:** The proposed annexation of the territory conforms to the Salem Area Comprehensive
24 Plan and City services can be provided consistent with the City’s adopted master plans. The city
25 is expected to annex land within the Urban Growth Boundary over time to facilitate development
26 commensurate with urban densities found within the city. The annexation of unincorporated
27 territory contiguous to the city limits will result in urban services being provided in a more
28 orderly, efficient, and timely manner and will allow urban levels of development. Therefore, the
29 proposed annexation is in the public interest and complies with this criterion.

30 *Minor Comprehensive Plan Map Amendment Approval Criteria.*

1 SRC 260.010(g)(2)(B)(i): *The proposed minor comprehensive plan map amendment complies*
2 *with the minor comprehensive plan map amendment approval criteria of SRC 64.025(e)(2), when*
3 *the annexation includes a minor comprehensive plan map amendment.*

4 The minor comprehensive plan map amendment approval criteria of SRC 64.025(e)(2) are as
5 follows:

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

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

10 (ii) *Equally or Better Suited Designation.* *A demonstration that the proposed designation is*
11 *equally or better suited for the property than the existing designation.*

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

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

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

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

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

26 **Finding:** The findings included in written statement provided by the applicant indicate that the
27 proposed Multiple Family Residential comprehensive plan designation and corresponding RM-II
28 (Multiple Family Residential) zoning for the southern six acres of the property at 2170 Walker
29 Road NE are equally or better suited for the property than the RA (Residential Agriculture)
30 zoning that would otherwise automatically apply to that portion of the property upon annexation

1 without a comprehensive plan map amendment and zone change. The applicant explains that
2 there is currently a lack of appropriately designated vacant RM-II sites within the vicinity and
3 that the proposed rezoning of the southern six acres of the site to RM-II will allow that portion of
4 the site to be developed at a higher density; thereby providing for a needed housing type in this
5 area and helping to meet the overall housing needs of the City.

6 Staff concurs with the findings included in the applicant's written statement. By providing for
7 additional multiple family designated land, the proposed minor comprehensive plan map
8 amendment responds to the changing social and demographic patterns within the City and the
9 surrounding area that underly the multi-family housing needs identified in the City's adopted
10 Housing Needs Analysis (HNA) and further supports compliance with statewide Planning Goal
11 10: Housing by increasing the amount of land inventory within Salem's portion of the UGB that
12 generally requires the development of multi-family housing.

13 The proposed redesignation to "Multiple Family Residential" also provides for an equally or
14 better suited comprehensive plan designation for the property than the existing "Developing
15 Residential" designation because it provides for the more efficient utilization of the land within
16 the UGB. This approval criterion is met.

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

20 **Finding:** The findings included in written statement provided by the applicant indicate that the
21 City of Salem has adopted codes regulating installation, extension, and development of public
22 facilities for streets, water, sewer and storm drainage facilities, public utility easements and park
23 facilities. The developer is responsible for the cost of extension of improved water, sewer and
24 storm drainage facilities necessary to serve the site. City of Salem water and sewer services are
25 located adjacent to and serve the subject property. Upon development, applicable public and
26 private facilities necessary to serve the type of development will be determined based upon the
27 type of land use action or at the building permit review stage.

28 Staff concurs with the findings included in the applicant's written statement. The City's
29 Development Services Division reviewed the proposal and indicated that the subject property is
30 capable of being served through extension of public mains to the boundary of the property as

1 specified in existing infrastructure master plans. The master plans identify that extension of
2 public sanitary sewer mains and storm mains are necessary to serve the subject property.
3 Additionally, the subject property is not served by a neighborhood park. The City's
4 Comprehensive Parks System Master Plan identifies future Neighborhood Park 34 (NP) will
5 serve the subject property. Future development will require an Urban Growth Area (UGA)
6 Preliminary Declaration to address master plan facilities, including streets, utilities, and park
7 access required to serve subject property under the standards and requirements of SRC Chapter
8 200.

9 In addition, site-specific infrastructure requirements associated with the future development of
10 the property will be further addressed at the time of Site Plan Review under SRC Chapter 220.
11 This approval criterion is met.

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

14 **Finding:** The findings included in the written statement provided by the applicant indicate that
15 the northern 12.49 acres of the property at 2170 Walker Road NE will be annexed into the City
16 of Salem with a RA (Residential Agriculture) zone designation and a "Developing Residential"
17 Comprehensive Plan designation. The applicant is also requesting a Comprehensive Plan/Zone
18 Change to rezone the southern 6 acres of the property at 2170 Walker Road NE from UT-10
19 (Urban Transition-10 Acre Minimum) to a City of Salem RM-II (Multi-Family Residential) zone
20 designation and "Multi-Family Residential" Comprehensive Plan Designation.

21 Both the "Developing Residential" and "Multi-Family Residential" Comprehensive Plan
22 designations are consistent with the surrounding properties. These designations provide for
23 logical urbanization of the land by allowing the property to be developed with needed housing.

24 Urbanizable Land is defined as:

25 "Urbanizable lands are those lands within the urban growth boundary and which are identified
26 and (a) determined to be necessary and suitable for future urban areas; (b) can be served by
27 urban services and facilities; and (c) are needed for the expansion of an urban area."

28 The subject property is within the Urban Growth Boundary and within a residential area.
29 Services such as commercial uses are located to the west of the site along Lancaster Drive.
30 Chavez Elementary School is located directly north of the site and McKay High School is

1 located to the west of the site. Facilities are available to the site along with already established
2 streets and neighborhoods. The development of the site is necessary for the expansion of this
3 area and will provide housing in an area with already established services and facilities.
4 Staff concurs with the findings included in the applicant's written statement. The proposed
5 Multiple Family Residential plan map designation for the southern six acres of the property at
6 2170 Walker Road NE provides for the logical urbanization of land consistent with the goals and
7 policies of the Salem Area Comprehensive Plan. The subject property is located within the
8 Urban Growth Boundary and is adjacent to existing urban development, including residential
9 neighborhoods and public infrastructure.

10 Future multiple family development of the property will be required to conform to the City's
11 multiple family design review standards included under SRC Chapter 702, which ensure that
12 multiple family development occurs in a manner that minimizes any potential impacts, and
13 promotes compatibility, between the multiple family development and existing uses in the
14 surrounding area. This approval criterion is met.

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

18 **Finding:** Analysis of the proposed comprehensive plan map amendment and zone change for
19 conformance with the applicable Goals and Policies of the Salem Area Comprehensive Plan is as
20 follows:

21 The proposed Multiple Family Residential comprehensive plan map designation and RM-II
22 zoning for the southern portion of the property at 2170 Walker Road NE are suitable for the site.
23 The proposed approximate 6-acre site size is sufficient to accommodate the development of
24 multiple family uses and the designation of additional multiple family residential land in this area
25 is consistent with the intent of the Multi-Family Residential land use designation of the
26 Comprehensive Plan, which provides:

27 "The Multi-Family Residential designation is intended to promote medium and high-density
28 housing distributed across the Salem area. This designation is generally located near mixed-use
29 and employment areas, low-density residential areas, major transportation corridors, transit
30 routes, parks, and schools."

1 While the proposed multiple family designated land is not near mixed-used use and employment
2 areas, it is, however, near low-density residential areas and two major transportation corridors in
3 the form of Sunnyview Road NE (*a Minor Arterial street*) and Cordon Road NE (*a Parkway*);
4 transit service is available to the site via Cherriots Route 5 – Center Street with a transit stop
5 located in close proximity to the site near the southwest corner of the intersection of Sunnyview
6 Road and Walker Road; and the site is near Cesar Chavez Elementary School to the north and in
7 relative close proximity to Brown Road Park to the northwest.

8 *Salem Area Comprehensive Plan Goals and Policies*

9 The proposed Multiple Family comprehensive plan designation and corresponding RM-II zoning
10 are also consistent with the following Salem Area Comprehensive Plan goals and policies:

- 11 ▪ **Housing Goal H1 – Housing Choice:** *Promote a variety of housing options to meet the*
12 *needs, abilities, and preferences of all current and future residents.*
- 13 ▪ **Housing Policy H1.1 – Housing Types:** *A variety of housing types shall be allowed and*
14 *encouraged throughout the Salem Urban Area, including single-family homes, accessory*
15 *dwelling units, manufactured homes, townhouses, middle housing, and multifamily housing.*
- 16 ▪ **Housing Policy H1.5 – Housing Diversity:** *New residential developments should be*
17 *encouraged to incorporate a diversity of housing types and sizes to attract residents of*
18 *varying income levels, lifestyles, and housing preferences.*
- 19 ▪ **Housing Goal H2 – Housing Affordability:** *Provide opportunities for housing that are*
20 *affordable to current and future residents of all income levels.*
- 21 ▪ **Housing Goal H3 – Land Supply:** *Provide a supply of residential land that accommodates*
22 *the amounts and types of housing needed to meet the population forecast for the Salem*
23 *Urban Area.*

24 The Multiple Family comprehensive plan designation and RM-II zoning proposed to be
25 applied to the southern portion of the property at 2170 Walker Road NE will allow for higher
26 density residential housing to be developed in this area which will provide for additional
27 housing diversity and more options for housing choice and affordability to help meet the
28 projected housing needs of the City’s diverse population consistent with these applicable
29 comprehensive plan goals and policies.

- 30 ▪ **Housing Policy H5.3 – Health and Active Living:** *Multifamily housing and mixed-use*

1 *projects should be encouraged to incorporate amenities supportive of healthy, active living,*
2 *such as useable open space, community space, recreation areas, and community gardens.*

3 The City's development code includes design review standards that apply to multiple family
4 development. Included within these standards are requirements to provide common open
5 space and recreational opportunities to serve the residents of the development. Any future
6 multiple family development of the property will be reviewed for conformance with the
7 applicable open space and recreational requirements of SRC Chapter 702. The proposal is
8 therefore consistent with this applicable comprehensive plan policy.

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

- 14 ■ **Land Use and Urbanization Policy L1.13 – Facility Responsibility:** *Where development*
15 *creates a demand for new or expanded facilities and services, new development should bear*
16 *a share of the costs of new or expanded facilities and services.*

17 Review of the proposal by the Development Services Division indicates that street, water,
18 sewer, and storm drainage infrastructure are available and appear to be adequate to serve the
19 property. Site-specific infrastructure requirements will be addressed at the time of future
20 development and the costs for installation of required facilities are required to be paid by the
21 applicant. The proposal is consistent with these applicable comprehensive plan goals and
22 policies.

- 23 ■ **Land Use and Urbanization Goal L3 – Urban Development:** *Ensure that future*
24 *development within the Salem Urban Area is designed to respond to and enhance the*
25 *surrounding environment, while accommodating growth.*

26 The proposed multiple family comprehensive plan designation and RM-II zoning for the
27 southern portion of the property at 2170 Walker Road NE provide for additional land within
28 the City to help meet the City's projected housing needs identified in the adopted Housing
29 Needs Analysis, and the future development of the property will be required to comply with
30 the applicable standards of the City's development code which includes standards to ensure

development occurs in a manner that minimizes potential impacts and enhances the surrounding environment. The proposal is consistent with this applicable comprehensive plan policy.

Statewide Planning Goals

The proposed Multiple Family designation and corresponding RM-II zoning for the southern six acres of the property at 2170 Walker Road NE are also consistent with the following applicable Statewide Planning Goals 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.*

In addition to the applicant for the property located at 2170 Walker Road NE attending neighborhood meetings of both the NOLA and ELNA neighborhood associations and the applicant for the property located at 4893 Sunnyview Road NE contacting both neighborhood associations, notice of the proposal was also provided to the NOLA and ELNA neighborhood associations, surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Planning Commission will hold a public hearing to consider the requested minor comprehensive plan map amendment and zone change and a second subsequent public hearing will be held before the City Council to review the requested annexation and the Planning Commission’s recommendation concerning the comprehensive plan and zoning designations proposed for the property. The required neighborhood meetings, 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-making process. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process. The proposal conforms to this statewide planning goal.

- **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.*

1 The City's comprehensive plan and implementing land use review procedures and
2 development code are acknowledged to be in compliance with the Statewide Planning Goals
3 and provide the policy framework for the basis of all land use decisions in the City. As
4 identified by the facts and findings included in this report, the proposal is consistent with the
5 applicable approval criteria and the proposal does not require that an exception be granted to
6 any of the Statewide Planning Goals. The proposal therefore conforms to this statewide
7 planning goal.

8 ■ **Statewide Planning Goal 3 – Agriculture Lands; Goal 4 – Forest Lands**

9 Both properties are located within the City's Urban Growth Boundary and the sites are not
10 designated as "agricultural lands," and do not include designated forest lands. These
11 statewide planning goals are therefore not applicable to the proposal.

12 ■ **Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural**

13 **Resources:** *To protect natural resources and conserve scenic and historic areas and open*
14 *spaces.*

15 Neither property is designated as an open space or scenic area; the properties do not contain
16 designated wildlife habitat; and according to the Salem-Keizer Local Wetland Inventory
17 (LWI) there are no mapped wetland areas or waterways present on the sites. The northwest
18 portion of the property located at 2170 Walker Road NE is, however, located within the City's
19 Historic and Cultural Resources Protection Zone concerning the potential for archaeological
20 resources. In order to comply with Goal 5, any future development of this property is
21 required to comply with the applicable provisions of SRC Chapter 230 (Historic
22 Preservation). The proposal therefore conforms to this statewide planning goal.

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

25 At the time of future development of the properties, specific site development plans will be
26 submitted and review for conformance with local, state, and federal air, water, and land use
27 resource standards. Required conformance with these applicable standards ensures the
28 proposal will not have an impact on air, water, or land resources quality. The proposal
29 conforms to this statewide planning goal.

30 ■ **Statewide Planning Goal 7 – Areas Subject to Natural Hazards:** *To protect people and*

property from natural hazards.

According to the City's adopted landslide hazard susceptibility maps, there are no areas of mapped landslide hazard susceptibility present on either of the sites and there are similarly no creeks or associated flood hazard areas present. The proposal conforms to this statewide planning goal.

- **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.*

The subject properties are not located within an identified open space, natural area, or recreation area, and no destination resort is planned for the properties. The City's Comprehensive Parks System Master Plan, however, identifies future Neighborhood Park 34 (NP) will serve the subject property. Future development will require an Urban Growth Area (UGA) Preliminary Declaration to address master plan facilities, including park access required to serve subject property under the standards and requirements of SRC Chapter 200. The proposal conforms to this statewide planning goal.

- **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.*

The proposal is to change the Comprehensive Plan Map designation of the southern six acres of the property at 2170 Walker Road NE to Multi-Family Residential and its zoning to RM-II (Multiple Family Residential). The proposal does not, however, involve commercially or industrially designated land. This statewide planning goal is therefore not applicable to the proposal.

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

As a result of the changes to the City's Comprehensive Plan, Comprehensive Plan Map, and zoning map that were adopted as part of the Our Salem project, the City has increased the amount of land available for housing to meet projected housing needs identified in the adopted Housing Needs Analysis (HNA). The proposed minor comprehensive plan map amendment to change the comprehensive plan designation of the southern portion of the

property at 2170 Walker Road NE to Multiple Family Residential and the corresponding zone change to change the zoning of that portion of the property to RM-II (Multiple Family Residential) will further increase the City's multi-family land supply and support the City's further compliance with the adopted Housing Needs Analysis and compliance with Statewide Planning Goal 10 by increasing the amount of land inventory within Salem's portion of the UGB that generally requires, and is intended to be developed for, multi-family housing. The proposal therefore conforms to this statewide planning 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.*

The City's Development Services Division reviewed the proposal and indicated that the subject properties are capable of being served through extension of public mains to the boundary of the property as specified in existing infrastructure master plans. The master plan's identity that extension of public sanitary sewer mains and storm mains are necessary to serve the subject property. Additionally, the subject property is not served by a neighborhood park. The Comprehensive Parks System Master Plan identifies future Neighborhood Park 34 (NP) will serve the subject property. Future development will require an Urban Growth Area (UGA) Preliminary Declaration to address master plan facilities, including streets, utilities, and park access required to serve subject property under the standards and requirements of SRC Chapter 200 (Urban Growth Management). Compliance with the requirements of SRC Chapter 200 at the time of future development ensures that adequate public facilities and services are provided to serve the property. The proposal therefore complies with this statewide planning goal.

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

Statewide Planning 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

1 amendments to comprehensive plans and land use regulations that “significantly affect” a
2 surrounding transportation facility (road, intersection, etc.). Where there is a “significant
3 effect” on a facility, the local government must ensure that any new allowed land uses are
4 consistent with the capacity of the facility. In the context of a site-specific comprehensive
5 plan map amendment and zone change, such as this proposal, a “significant effect” is defined
6 under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that
7 “allows types or levels of land uses which would result in levels of travel or access which are
8 inconsistent with the functional classification of a transportation facility,” or an amendment
9 that would “reduce the performance standards of an existing or planned facility below the
10 minimum acceptable level identified in the TSP.”

11 The applicant for a comprehensive plan map amendment is required to submit a
12 Transportation Planning Rule (TPR) analysis identifying whether the request will have a
13 “significant effect” on the surrounding transportation system, as defined above, or to propose
14 mitigation measures to address impact.

15 The applicant for the property located at 2170 Walker Road NE submitted a Traffic Impact
16 Analysis which includes the TPR analysis that is required to address the Transportation
17 Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed
18 comprehensive plan map amendment and zone change will not have a significant impact on
19 the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic
20 Engineer has reviewed the TPR Analysis and concurs with the TPR analysis findings. As
21 there is no significant impact on the transportation system, no conditions of approval are
22 recommended to address the transportation impacts of the proposed comprehensive plan map
23 amendment and zone change. At time of future development, the applicant will be required to
24 provide improvements along the frontage of the property if required by SRC 803.040
25 (*Boundary Streets*). The proposal conforms to this statewide planning goal.

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

27 Any future development of the properties will be required to be built to comply with current
28 energy standards. The proposal conforms to this statewide planning goal.

29 ■ ***Statewide Planning Goal 14 – Urbanization: To provide for an orderly and efficient
30 transition from rural to urban land use, to accommodate urban population and urban***

1 *employment inside urban growth boundaries, to ensure efficient use of land, and to provide*
2 *for livable communities.*

3 The subject properties are located within the Urban Growth Boundary (UGB), and public
4 facilities required to serve future development are located nearby. Existing transportation and
5 utility infrastructure is available in the vicinity. The request allows for the efficient use and
6 development of property without requiring extension of new public services. The proposed
7 comprehensive plan map amendment and zone change will allow the efficient use of
8 urbanized land within the UGB in compliance with Goal 14. The proposal conforms to this
9 statewide planning goal.

10 ■ ***Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal***
11 ***17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources***

12 The subject properties are not located within the Willamette River Greenway or an estuarine
13 or coastal area. These statewide planning goals are therefore not applicable to the proposal.

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

15 **Finding:** The findings included in the written statement provided by the applicant indicate that
16 the public will be benefitted by creating a well-located parcel of RM-II zoned land that can be
17 developed with needed residential uses next to a school (Chavez Elementary School) to the north
18 and commercial uses to the west on Lancaster Drive; it will increase the City and State tax base;
19 and will be an attractive and efficient development. When developed the subject property will
20 provide additional housing and facility improvements that will benefit the development and
21 surrounding existing neighborhoods.

22 Staff concurs with the findings included in the applicant’s written statement. The proposed
23 comprehensive plan map amendment to change the comprehensive plan designation of the
24 southern portion of the property located at 2170 Walker Road NE to “Multiple Family
25 Residential” will help the City to further meet its multi-family housing needs identified in the
26 adopted Housing Needs Analysis by providing additional land designated, and intended to be
27 developed, for multi-family housing. Future development of the property will be required to
28 conform to the applicable standards of the City’s development code, including the multiple
29 family design review standards of SRC Chapter 702, which ensure that development occurs in a
30

manner that minimizes any potential impacts, and promotes compatibility, between the development and uses on adjacent land. This approval criterion is met.

Quasi-Judicial Zone Change Approval Criteria.

SRC 260.010(g)(2)(B)(ii): The proposed quasi-judicial zone change complies with the quasi-judicial zone change approval criteria of SRC 265.005(e), when the annexation includes a quasi-judicial zone change.

The quasi-judicial zone change approval criteria of SRC 265.005(e) are as follows:

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 RM-II zoning proposed for the southern six acres of the property located at 2170 Walker Road NE is equally or better suited for the property than the RA (Residential Agriculture) zoning that would otherwise automatically apply upon annexation without a comprehensive plan map amendment and zone change because, as the applicant indicates, there is currently a lack of appropriately designated vacant RM-II sites within the vicinity and the proposed rezoning of the southern six acres of the site to RM-II will allow that portion of the site to be developed at a higher density; thereby providing for a needed housing type in this area and helping to meet the overall housing needs of the City.

By providing for additional RM-II zoned land, the proposed zone change responds to the changing social and demographic patterns within the City and the surrounding area that underly the multi-family housing needs identified in the City's adopted Housing Needs Analysis (HNA) and further supports compliance with statewide Planning Goal 10: Housing by increasing the amount of land inventory within Salem's portion of the UGB that generally requires the development of multi-family housing.

1 The proposed RM-II zoning for the southern portion of the property at 2170 Walker Road NE is
2 also suitable for the site based on its physical characteristics. The site is flat, no hazard areas are
3 present, and the 6-acre site size is sufficient to accommodate the development of multiple family
4 uses in an area that is near two major transportation corridors, in the form of Sunnyview Road
5 NE (a Minor Arterial street) and Cordon Road NE (a Parkway), and in close proximity to an
6 elementary school to the north and park land to the northwest. This approval criterion is met.

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

9 **Finding:** The proposal is not a City-initiated zone change. This criterion is therefore not
10 applicable.

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

13 **Finding:** The proposed zone change to RM-II conforms with the applicable provisions of the
14 Salem Area Comprehensive Plan as identified by the findings addressing minor comprehensive
15 plan map amendment criterion SRC 64.025(e)(2)(D). This approval criterion is therefore met.

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

19 **Finding:** The proposed zone change to RM-II conforms with the applicable provisions of the
20 Statewide Planning Goals as identified by the findings addressing minor comprehensive plan
21 map amendment criterion SRC 64.025(e)(2)(D). This approval criterion is therefore met.

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

1 **Finding:** The findings included in the written statement provided by the applicant indicate that
2 the applicant is requesting to change the zoning of the southern six acres of the property located
3 at 2170 Walker Road NE from UT-10 (Urban Transition) in Marion County to City of Salem
4 RM-II and therefore this approval criterion is not applicable to the proposal.

5 Staff concurs with the findings included in the applicant's written statement. The proposed zone
6 change does not involve any land currently designated or proposed for industrial, commercial, or
7 employment use. This approval criterion is therefore not applicable.

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

12 **Finding:** The applicant for the property located at 2170 Walker Road NE submitted a Traffic
13 Impact Analysis which includes the TPR analysis required to address the Transportation
14 Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed zone
15 change will not have a significant impact on the transportation system as defined by OAR 660-
16 012-0060. The Assistant City Traffic Engineer has reviewed the TPR Analysis and concurs with
17 the TPR analysis findings. As there is no significant impact on the transportation system, no
18 conditions of approval are necessary to address the transportation impacts of the proposed zone
19 change. At time of future development, the applicant will be required to provide improvements
20 along the frontage of the property if required by SRC 803.040 (Boundary Streets). This approval
21 criterion is met.

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

24 **Finding:** The City's Development Services Division reviewed the proposal and indicated that
25 the subject property is capable of being served through extension of public mains to the
26 boundary of the property as specified in existing infrastructure master plans. The master plans
27 identify that extension of public sanitary sewer mains and storm mains are necessary to serve the
28 subject property. Additionally, the subject property is not served by a neighborhood park. The
29 Comprehensive Parks System Master Plan identifies future Neighborhood Park 34 (NP) will
30 serve the subject property. Future development will require a Urban Growth Area (UGA)

1 Preliminary Declaration to address master plan facilities, including streets, utilities, and park
2 access required to serve subject property under the standards and requirements of SRC Chapter
3 200. Site-specific infrastructure requirements associated with the future development of the
4 property will be further addressed at the time of Site Plan Review under SRC Chapter 220. This
5 approval criterion is met.

6 **Section 2. Annexation.** The Territory described in “Exhibit A” is hereby annexed to the City of
7 Salem, Oregon.

8 **Section 3. Land Use Designations.** The Comprehensive Plan Map designation for the southern
9 approximate six acres of the portion of the Territory located at 2170 Walker Road NE, as
10 identified in “Exhibit B,” is hereby prescribed as “Multi-Family Residential” and the zoning for
11 this same portion of the Territory is prescribed as “RM-II – Multiple Family Residential.” The
12 zoning for the northern approximate 12.49 acres of the portion of the Territory located at 2170
13 Walker Road NE, as identified in “Exhibit B,” is hereby prescribed as “RA – Residential
14 Agriculture.” The zoning for the portion of the Territory located at 4893 Sunnyview Road NE is
15 hereby prescribed as “RS – Single Family Residential.” The Planning Administrator shall add to
16 the official zoning map the Territory herein annexed.

17 **Section 4. Withdrawal.** The Territory is hereby withdrawn from the Marion County Fire
18 District No. 1 and East Salem Sewer and Drainage District. Such withdrawal is effective upon,
19 and contemporaneous with, the date of annexation.

20 **Section 5.** The City Recorder shall submit a copy of this ordinance and such other information
21 as ORS 222.177 requires to the Oregon Secretary of State, and shall provide the notice and
22 reports required by ORS 222.005(1) and ORS 222.010 to the person or entities described therein.

23 PASSED by the City Council this _____ day of _____, 2026.

24 ATTEST:

25
26
27 City Recorder

28 Approved by City Attorney: _____
29

30 Checked by: B. Bishop