

NOTICE OF DECISION

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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE CASE NO. CPC-ZC16-09

APPLICATION NOS.: 16-113450-ZO & 16-113452-ZO

NOTICE OF DECISION DATE: NOVEMBER 16, 2016

APPLICATION SUMMARY: A consolidated application to change the Comprehensive Plan Map designation and zoning of two taxlots located at 3211 Duncan Avenue NE to "Commercial" with CR (Retail Commercial) zoning.

REQUEST: The applicant proposes to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" to "Commercial" and change the zoning from RS (Single Family Residential) to CR (Retail Commercial). The subject property is approximately 0.2 acres in size, zoned RS (Single Family Residential) and located at 3211 Duncan Avenue NE, 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W13BD / 7500 & 7600).

APPLICANT: MITCHELL ERWIN

LOCATION: 3211 DUNCAN AVE NE / 97301

CRITERIA: Zone Change: SRC 265.005(e)

FINDINGS: The findings are in the attached staff report and supplemental staff report dated November 15, 2016.

DECISION: The Planning Commission **GRANTED** Zone Change Case No. CPC-ZC16-09.

VOTE:

Yes 6 No 0 Absent 2 (Blasi, Fox) Abstained 0


Rich Fry, President
Salem Planning Commission

Application Deemed Complete: October 21, 2016
Public Hearing Date: November 15, 2016
Notice of Decision Mailing Date: November 16, 2016
Decision Effective Date: December 2, 2016
State Mandate Date: February 18, 2017

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net, 503-540-2343

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., DECEMBER 1, 2016**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section in SRC Chapters 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

Vicinity Map 3211 Duncan Avenue NE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

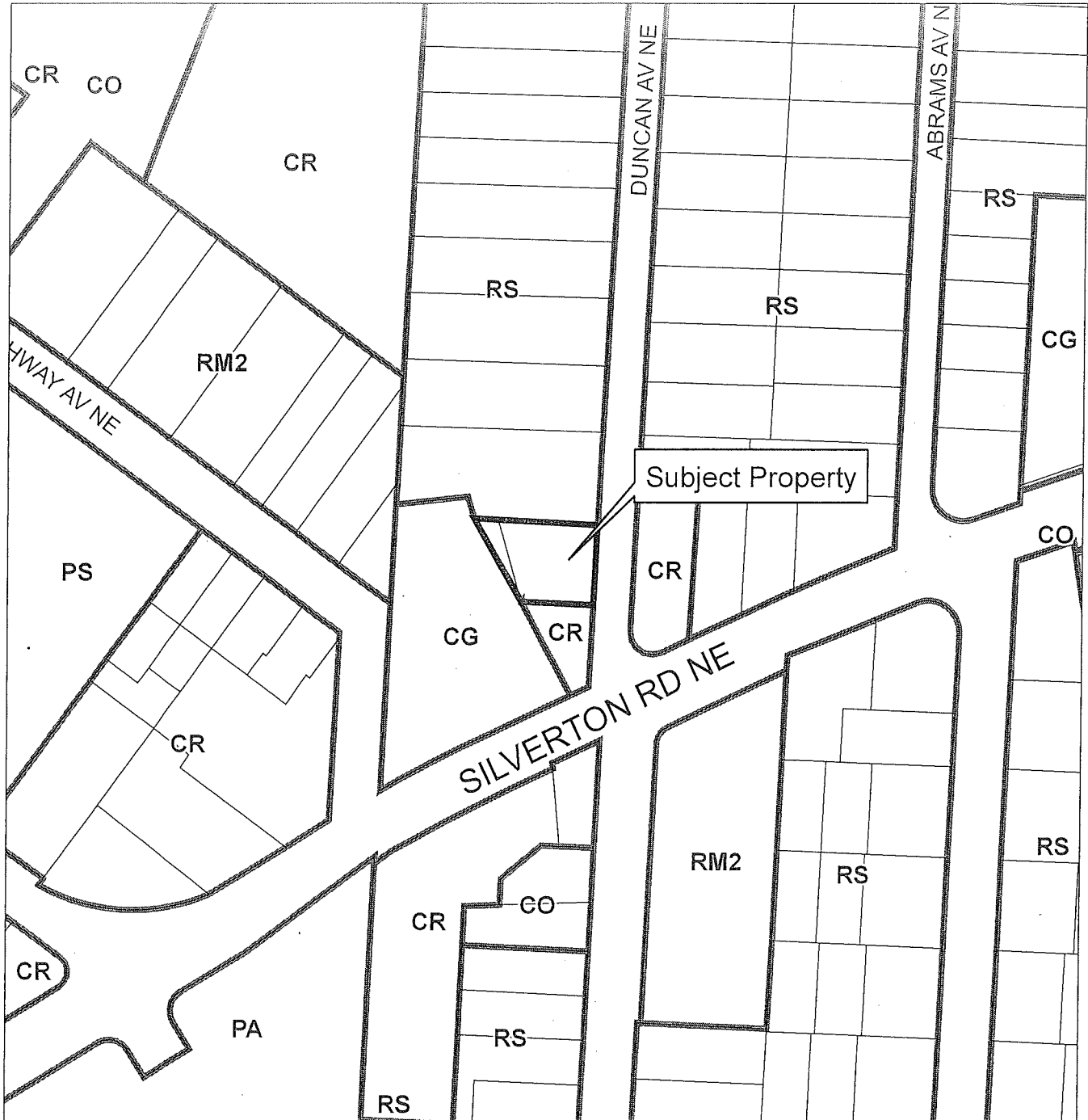
CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

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0 100 200 400 Feet



Zoning Map 3211 Duncan Avenue NE



Legend

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

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

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP
PLANNING ADMINISTRATOR

SUBJECT: SUPPLEMENTAL REPORT – COMPREHENSIVE PLAN CHANGE/
ZONE CHANGE CASE NO. CPC-ZC16-09; 3211 DUNCAN AVENUE NE

SUMMARY AND BACKGROUND:

A public hearing before the City of Salem Planning Commission is scheduled for November 15, 2016, at 5:30 p.m. in Civic Center Room 240, located at 555 Liberty Street SE.

This supplemental staff report correct on error in the original staff report.

FACTS AND FINDINGS:

The staff report prepared for the November 15, 2016 Planning Commission meeting contains three typographical errors.

- 1) On page 1, under RECOMMENDATION was inadvertently listed a condition of approval.

The following are the sections with corrections noted with a ~~striketrough~~.

4. RECOMMENDATION: APPROVE Comprehensive Plan Map Change & Zone Change, Case No. 16-09 ~~subject to the following condition:~~

~~Condition 1: All outdoor storage areas, loading spaces, docks, doors, and bays shall be screened from residentially-zoned properties and public streets by a minimum 6-foot high sight-obscuring fence, wall, hedge, or berm.~~


Olivia Glantz, Planner II
Planning Administrator Designee

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator

STAFF: Olivia Glantz, Planner II

HEARING DATE: November 15, 2016

APPLICATION: Comprehensive Plan Change / Zone Change 16-09

LOCATION: 3211 Duncan Avenue NE

SIZE: Approximately 0.2 acres – see Attachment A

REQUEST: A consolidated application to change the Comprehensive Plan Map designation and zoning of property located 3211 Duncan Avenue NE to allow commercial development.

The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Single Family Residential to Commercial and change the zoning from RS (Single Family Residential) to CR (Retail Commercial). The subject property is approximately 0.2 acres in size, zoned RS (Single Family Residential) and located at 3211 Duncan Avenue NE, 97301 (Marion County Assessor Map and Tax Lot numbers: 073W13BD / 7500 & 7600).

APPLICANT: Mitchell Erwin

REPRESENTATIVE: Geoffrey James

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

RECOMMENDATION: APPROVE Comprehensive Plan Map Change & Zone Change, Case No. 16-09 subject to the following condition:

Condition 1: All outdoor storage areas, loading spaces, docks, doors, and bays shall be screened from residentially-zoned properties and public streets by a minimum 6-foot-high sight-obscuring fence, wall, hedge, or berm.

APPLICATION PROCESSING

Subject Application

On July 18, 2016, Geoffrey James, on behalf of Mitchel Erwin, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from Single Family Residential to Commercial and to

change the zoning from RS (Single Family Residential) to CR (Retail Commercial). After the applicant provided additional required information, the application was deemed complete for processing on October 21, 2016. The public hearing on the application is scheduled for November 15, 2016.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for the Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is February 18, 2017.

Public Notice

1. Notice of the proposed Comprehensive Plan Change and Zone Change was distributed to City Departments and public and private service providers on October 21, 2016 (Attachment A).
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on October 26, 2016 (Attachment A).
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on August 2, 2016.

BACKGROUND INFORMATION

The subject property consists of two adjoining lots totaling approximately 0.2 acres in size (Marion County Assessor's Map and Tax Lot Numbers 073W13BD / 7500 & 7600) (Attachment B). The property to the south (Marion County Assessor's Map and Tax Lot Numbers 073W13BD / 7400) currently under the same ownership and is developed as existing restaurant. The applicant, Mitchell and Nancy Erwin own the subject property. In 2013, a Conditional Use Permit and Site Plan Review was approved to change the use of a single family dwelling to a barber shop of the subject property. The current RS zoning limits the use of the site to primarily single family residential and does not permit retail sales for the expansion of the neighboring restaurant on the subject property.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from Single Family Residential to Commercial and the zone district of the property from RS (Single Family Residential) to CR (Retail Commercial). The proposed Plan Map and Zone Change would

allow development of the site to expand the existing restaurant located to the south. The applicant's statement summarizing the request and addressing compliance with the required Comprehensive Plan Map amendment and zone change approval criteria is included as Attachment D.

Neighborhood Association Comments

The subject property is located within the boundaries of the Northgate Neighborhood Association. Notification was sent to the Northgate Neighborhood Associations on October 21, 2016. The Northgate Neighborhood Association submitted comments in support of the application (Attachment H).

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. At the time of writing this staff report, one comment has been received from adjoining property owners, or citizens at large. The comments expressed concern regarding the following issues (Attachment G):

- There is not adequate parking on the subject property.
- Concerns about the care and cleanliness of the existing parking area.
- Traffic Concerns with the intersection of Silverton Road and Duncan Avenue.

Staff Response: New commercial development on the proposed parcel will be required to provide a minimum of one off-street parking space per 250 square feet for eating and drinking establishments and one off-street parking space per 350 square feet for personal services (Barber Shop), consistent with SRC 806.015(a). Parking is reviewed as part of a Commercial Site Plan Review, which is not part of the application. The care and cleanliness of the existing business is not part of the decision criteria for the Comprehensive Plan Change or Zone Change. The subject property is well-served by the street network in the vicinity, which includes Major Arterial, Silverton Road NE. The existing network of higher-classification streets will allow regional traffic to access the site without filtering through neighborhood residential streets. The applicant has submitted a TPR analysis (Attachment E) that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings.

City Department Comments

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

Salem Building and Safety Division – reviewed the proposal and indicated the proposed structure cannot be constructed across the property line.

Staff Response: Any proposed development would need to meet current development standards, such as setbacks, and would need to meet Oregon Building Code. Prior to

building permits being issued the property owner will be required to show compliance with development standards, which may include the elimination of the property line through a property line adjustment or property boundary verification.

Public and Private Service Provider Comments

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

Salem Area Comprehensive Plan (SACP) Designation

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

The Comprehensive Plan designations of surrounding properties include:

North: "Single Family Residential"
South: "Commercial"
East: (Across Duncan Avenue NE) "Commercial"
West: "Commercial"

Relationship to the Urban Service Area

The subject property is located within the City's Urban Service Area (USA); therefore, an Urban Growth Area Development Permit is not required for development of the property.

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted by designated a Local Street to the east, Duncan Avenue NE.

Zoning

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

North: RS (Single Family Residential)
South: CR (Retail Commercial)

East: (Across Duncan Avenue NE) CR (Retail Commercial)
West: CG (General Commercial)

Existing Site Conditions

The subject property consists of two adjoining lots totaling 0.2 acres in size (Marion County Assessor's Map and Tax Lot Numbers 073W13BD 7500 & 7600). The property to the south (Marion County Assessor's Map and Tax Lot Numbers 073W13BD / 7400) is currently under the same ownership. The subject property is developed as a barber shop (personal services, through conditional use permit CU-SPR12-15).

The subject property is surrounded to the south, east and west by land designated "Commercial" and zoned CR and CG. The property to the west is developed with an employment agency, to the south a restaurant and to the east personal services for a tattoo artist. To the north boundary of the subject property is a single family dwelling on land designated "Single Family Residential" and zoned RS.

Site Plan

A site plan is not required as part of a Comprehensive Plan Map Amendment/Zone Change application. The applicant submitted a site plan which includes preliminary plans for an expansion of the existing restaurant on the subject property, with off-street parking areas and vehicle circulation within the site (Attachment C). Although the site plan illustrates how the site could be developed under the proposed Comprehensive Plan Map designation and zoning, the applicant has not requested development approval as part of the subject application.

Applicant Submittal Information:

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

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

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

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria

are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

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

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

Finding: The proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation. The applicant does not assert that a mistake has been made in the application of the Single Family Residential designation to the subject property. While the subject property has traditionally been developed with single residential use, the property was developed as a barber shop (personal services, through conditional use permit CU-SPR12-15). The abutting lot owned by the applicant provides for the expansion of the existing restaurant, with corner access and exposure afforded by a corner lot, and sufficient lot size and depth to accommodate a small commercial development with accompanying parking, landscaping, and other site improvements.

In 2015, the City completed an Economic Opportunities Analysis (EOA) for areas within the Salem Urban Growth Boundary for the years 2015 to 2035. The study indicated a shortage of approximately 100 gross acres of retail commercial land within the Salem UGB. The

accompanying Housing Needs Analysis (HNA) indicated a large surplus of available land for single family detached housing, and a shortage of land designated for multifamily housing. The CR (Commercial Retail) zoning proposed by the applicant as part of the consolidated application allows multifamily housing as a conditional use, with no maximum density.

Shared boundaries with Commercially-designated properties to the south, east and west, support the suitability of the subject property for Commercial designation. The subject property is already being used for commercial development with a conditional use permit (CU-SPR12-15) for a barber shop. Utilities and services are available to support commercial development on the subject property, and the site, when combined with the abutting Commercial zoned property, has frontage along a Major Arterial (Silverton Road BE) in addition to its frontage on a local street (Duncan Street NE). Therefore, staff finds that the Commercial designation and CR zoning proposed by the applicant is equally suited to the subject property as the existing designation. The proposal meets this criterion.

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

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

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

Finding: The Commercial designation will have a consistent depth from Silverton Road NE, with the area adjacent to the subject property. Because of the existing residential designation of the subject property, the Commercial designation along the northwest corner of Silverton Road and Duncan Avenue is only approximately 100 feet deep, and 6,000 square feet in size. The commercially-zoned property across Duncan Avenue NE to the east retains the 180-foot depth from Silverton Road NE which is typical for the intersection. The applicant's proposal would expand the depth of the commercial designation to more closely match the pattern established on the intersection. Staff finds that the proposal meets this criterion.

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

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

Salem Urban Area Goals and Policies, Growth Management Goal (Page 28, Salem Comprehensive Policies Plan):

To manage the growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to insure the quality of life of present

and future residents of the area, and to contain urban development to preserve adjacent farm land.

Response: The public facilities and service needs for the subject property would be provided at the time of development of the site. All public services and utilities are available in the vicinity of the subject property including water, sewer, storm drainage, streets, sidewalks, fire and police protection, electricity, telecommunications, and solid waste disposal. The proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with these policies.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 35, Salem Comprehensive Policies Plan):

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

Response: The proposed commercial designation of the subject property would allow addition of an existing restaurant which will serve the Marion-Polk County metropolitan area. Transportation access to the subject property would promote use of a site within the Salem urban area as the commercial center for underserved areas inside and outside of the City limits.

Policy G.4. Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.

Response: The proposal is to expand an existing restaurant on the adjacent property. The existing restaurant located south of the subject property is located on Silverton Road NE, which the Salem TSP Street Plan classified as a "Major Arterial." The property is adjacent to Duncan Avenue NE and near the intersection of Duncan Avenue NE/Evergreen Avenue with Silverton Road NE. Evergreen Avenue is designated as a Collector Street in the Salem TSP Street Plan. The transportation planning rule analysis concludes that the trips generated by land uses that are likely to develop will not adversely impact the immediate area nor will the project have a measureable impact to the existing transportation system.

The subject property is well-served by the street network in the vicinity, which includes Major Arterial, Silverton Road NE. The existing network of higher-classification streets will allow regional traffic to access the site without filtering through neighborhood residential streets.

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

Response: The proposed Commercial designation of the site would facilitate the expansion of the existing restaurant to the south. The subject property is already being used for commercial uses with a conditional use permit (CU-SPR12-15) for a barber shop. The Commercial designation would be consistent with the existing use on the property. Community and Neighborhood Shopping and Service Facilities consist of "community-scale facilities" which provide "shopping goods for a market area consisting of several neighborhoods," and smaller "neighborhood-scale facilities" providing "convenience goods for neighborhood residents."¹ The proposed Commercial designation of the site would allow the applicant to maximize the land area between the existing restaurant and barber shop, subject to uniform Comprehensive Plan designation and zoning.

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

Response: Commercial uses on the subject property would be subject to zone-to-zone setback requirements under SRC Chapter 521, Table 521-4. Buildings, accessory structures, and vehicle use areas in commercial use would be subject to a 15-foot setback from abutting residential property lines, with Type C landscaping and screening. In addition, staff has recommended conditions of approval in findings on SRC 265.005(e)(1)(A) that require additional landscape and screening to ensure compatibility with existing residential development adjacent to the subject property. Therefore, the proposal conforms to this policy.

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

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

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

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

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

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

¹ Salem Area Comprehensive Policies Plan, Section II.A.3.c, pages 8-9.

Staff Response: There are no known scenic, historic, or cultural resources on the subject property. According to the Salem Keizer Local Wetland Inventory (LWI) there are no wetlands mapped on the subject property.

The application will be reviewed for compliance with the City's tree preservation ordinance and any applicable wetland standards at the time of development. Staff finds that the proposal is consistent with Goal 5.

Statewide Planning Goal 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.*

Staff Response: The subject property is part of a contiguous ownership that includes a corner lot already designated "Commercial," zoned CR. Despite its prominent location on a designated minor arterial, the corner lot's economic development potential is currently limited because it is less than one-quarter acre in size, making it difficult to accommodate expansion of the existing restaurant, including parking, landscaping, and other site improvements.

The proposed comprehensive plan and zoning map amendment will convert approximately 8,712 square feet of residentially-zoned land to a commercial designation. Consistent with the City's obligations to provide economic opportunities under Goal 9, per OAR 660-009-0015, an Economic Opportunity Analysis (EOA) was adopted by City Council in October 2014. Consistent with economic development protections of Goal 9 and the objectives of understanding the opportunities for the next 20 years, the report compared the supply of suitable buildable commercial land (298 acres) to the projected demand (569 acres) and concluded that there is a deficiency of 271 acres of commercial land to meet the 20-year growth demand. The EOA further concluded that roughly 40 percent of the commercial land deficiency, or approximately 100 acres, are needed for retail services, as detailed by the "Land Sufficiency" section in the EOA (pages 27-28).

The proposed change of designation to "Commercial" will increase the number of permitted uses at the site and better takes into account the location of the subject property, thereby open up additional opportunities for economic development, consistent with the intent of the goal. The proposal meets the requirements of Goal 9.

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

Staff Response: In compliance with Goal 10, Housing, the City underwent a Housing Needs Analysis (HNA) to project the City's housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECONorthwest, found that the City of Salem has a surplus of approximately 1,975 acres of land designated for single-family detached housing. Of the total residential and mixed-use comprehensive plan designations, eighty three percent of this area is land within the Developing Residential and Single Family Residential designations. Through these recent HNA and EOA studies, adequate recent analysis has been conducted to confirm that the applicant's proposal to convert 0.2 acres of Single Family Residential land to Commercial will improve the balance of residential and commercial land within the City.

The proposal will remove approximately 0.2 acres from the existing inventory of land that is designated for single family housing. The existing surplus of land designated for single family detached housing, as identified in the Housing Needs Analysis and cited in the applicant's written statement, includes more than enough remaining acreage to accommodate demand for single family residential development after deducting the roughly 0.2 acres that would be removed from the Residential designation under the applicant's proposal. The HNA also indicates a shortage of available land for multifamily housing for the 2015 to 2035 time period. Multiple family housing is not permitted in the existing RS zone, and is listed as a conditional (rather than permitted) use in the CR (Retail Commercial) zone requested by the applicant.

Based on the current available supply of land for residential development shown in the Housing Needs Analysis, the proposal would not have an impact on the ability of the City to provide for its projected housing needs, even if no new housing units were added in future development of the site. Therefore, the proposal to change the designation of the subject property to Commercial would not have an impact on the ability of the City to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

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

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

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

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

The applicant for a comprehensive plan change is required to submit a Transportation

Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above.

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

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

Staff Response: The subject property was annexed into the City of Salem in 1946 and is located within the Urban Growth Boundary (UGB). The proposal does not include extension of services to properties outside of the UGB. The proposed Comprehensive Plan and Zone Change is consistent with an orderly and efficient transition from rural to urban use for incorporated land adjacent to major transportation facilities. The proposal complies with Goal 14.

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

Finding: The proposed Comprehensive Plan Map amendment from Residential to Commercial is in the public interest and would be of general benefit because it would facilitate the provision of goods and services to a developing part of the City with relatively few commercial areas. As described above, the Plan Map amendment would help address a deficit of approximately 100 acres of retail commercial services identified in the Economic Opportunities Analysis.

The proposed change in land use designation is consistent with the location and character of the property, with Comprehensive Plan policies for siting commercial facilities, and with the transportation facilities available to serve the property. The proposal satisfies this criterion.

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

The following analysis addresses the proposed zone change for the subject property from RS (Single Family Residential) to CR (Retail Commercial).

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

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

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

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

Finding: The request satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. As noted in the applicant's written statement, the site is already being used commercially through a conditional use permit. The transportation facilities serving the site are consistent with the physical characteristics necessary to support uses allowed in the CR (Commercial Retail) zone.

It must be noted that a zone change is not an approval of a specific development proposal, but instead is approval of a permanent change in a property's zoning district. The proposed Plan Map amendment would change of the land use designation of the subject properties to "Commercial," which can be implemented by multiple zoning districts contained in the Unified Development Code. In evaluating the proposed zone change, the suitability of the specific zone (Commercial Retail) proposed by the applicant must be considered. For this reason, an additional measure of the suitability of this request is consideration of the nature of the potential future uses allowed by the CR zone when compared to the uses allowed under the existing RS zone, and the character of the existing land uses in the neighborhood. As stated previously, the subject property is currently being used for commercial uses which is consistent with the "Commercial" designation. The area is within the City limits and Urban Growth Boundary, is well served by transportation infrastructure.

The proposal meets this criterion.

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

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

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

Comprehensive Plan.

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

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

(E) If the zone change requires a comprehensive plan change from an industrial 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 proposed zone change is from RS (Single Family Residential) to CR (Retail Commercial). No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. The existing designation is not a commercial or employment designation. Therefore, this criterion does not apply.

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

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

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

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

this criterion.

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

Finding: Staff finds that the level of information provided in applicant's statement addressing the factors listed under SRC Chapter 265.005(e) corresponds to the anticipated impact of the zone change proposal.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for Comprehensive Plan Change / Zone Change 16-09, on property approximately 0.2 acres in size, designated Single Family Residential on the Plan Map, zoned RS (Single Family Residential), and located at the 3211 Duncan Avenue NE (Marion County Assessor map and tax lot numbers: 073W13BD / 7500 & 7600).

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Single Family Residential to Commercial be GRANTED.
- B. That the zone change request for the subject property from RS (Single Family Residential) to CR (Commercial Retail) be GRANTED.

Attachments:

- A. Public Hearing Notice & Vicinity Map
- B. Vicinity Comprehensive Plan Map and Zoning
- C. Site Plan
- D. Applicant's Written Statement
- E. Transportation Plan Rule Analysis
- F. Comments from Public Works Department
- G. Comments from surrounding property owners
- H. Comments from Northgate Neighborhood Association

Prepared by Olivia Glantz, Planner II



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Map Amendment / Zone Change Case No.CPC-ZC16-09
AMANDA APPLICATION NO:	16-113450-ZO & 16-113452-ZO
HEARING INFORMATION:	PLANNING COMMISSION, <u>TUESDAY, NOVEMBER 15, 2016 AT 5:30 P.M.</u>, Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	3211 DUNCAN AV NE, SALEM OR 97301
OWNERS:	NANCY & MITCHELL ERWIN
APPLICANT / AGENT:	MITCHELL ERWIN / GEOFFREY JAMES
DESCRIPTION OF REQUEST:	<p>Application Summary: A consolidated application to change the Comprehensive Plan Map designation and zoning of two taxlots located at 3211 Duncan Avenue NE to "Commercial" with CR (Retail Commercial) zoning.</p> <p>Request: The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Single Family Residential to "Commercial" and change the zoning from RS (Single Family Residential) to CR (Retail Commercial). The subject property is approximately 0.2 acres in size, zoned RS (Single Family Residential) and located at 3211 Duncan Avenue NE, 97301 (Marion County Assessor's Map and Tax Lot numbers: 073W13BD / 7500 & 7600).</p>
CRITERIA TO BE CONSIDERED:	<p><u>COMPREHENSIVE PLAN CHANGE</u></p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ul style="list-style-type: none"> (i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate. (ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation. (iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered: <ul style="list-style-type: none"> (aa) Whether there was a mistake in the application of a land use designation to the property; (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation; (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

- (B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
- (C) The proposed plan map designation provides for the logical urbanization of land;
- (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
- (E) The amendment is in the public interest and would be of general benefit.

ZONE CHANGE (Quasi-Judicial)

Pursuant to SRC 265.005(e), a QUASI-JUDICIAL ZONE CHANGE shall be granted if the following criteria are met:

1. A quasi-judicial zone change shall be granted if all of the following criteria are met:
 - A. The zone change is justified based on the existence of one or more of the following:
 - (i) A mistake in the application of a land use designation to the property;
 - (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.
 - B. If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.
 - C. The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.
 - D. The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.
 - E. If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.
 - F. The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.
 - G. The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.
2. The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

HOW TO PROVIDE TESTIMONY:

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.


HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER:

Olivia Glantz, Planner II, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2343; E-mail: OGlantz@cityofsalem.net 

NEIGHBORHOOD ORGANIZATION:

Northgate Neighborhood Association, Ian Davidson, Land Use Chair; Email: iantdavidson@gmail.com

DOCUMENTATION AND STAFF REPORT:

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

October 26, 2016

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

For more information about Planning in Salem:

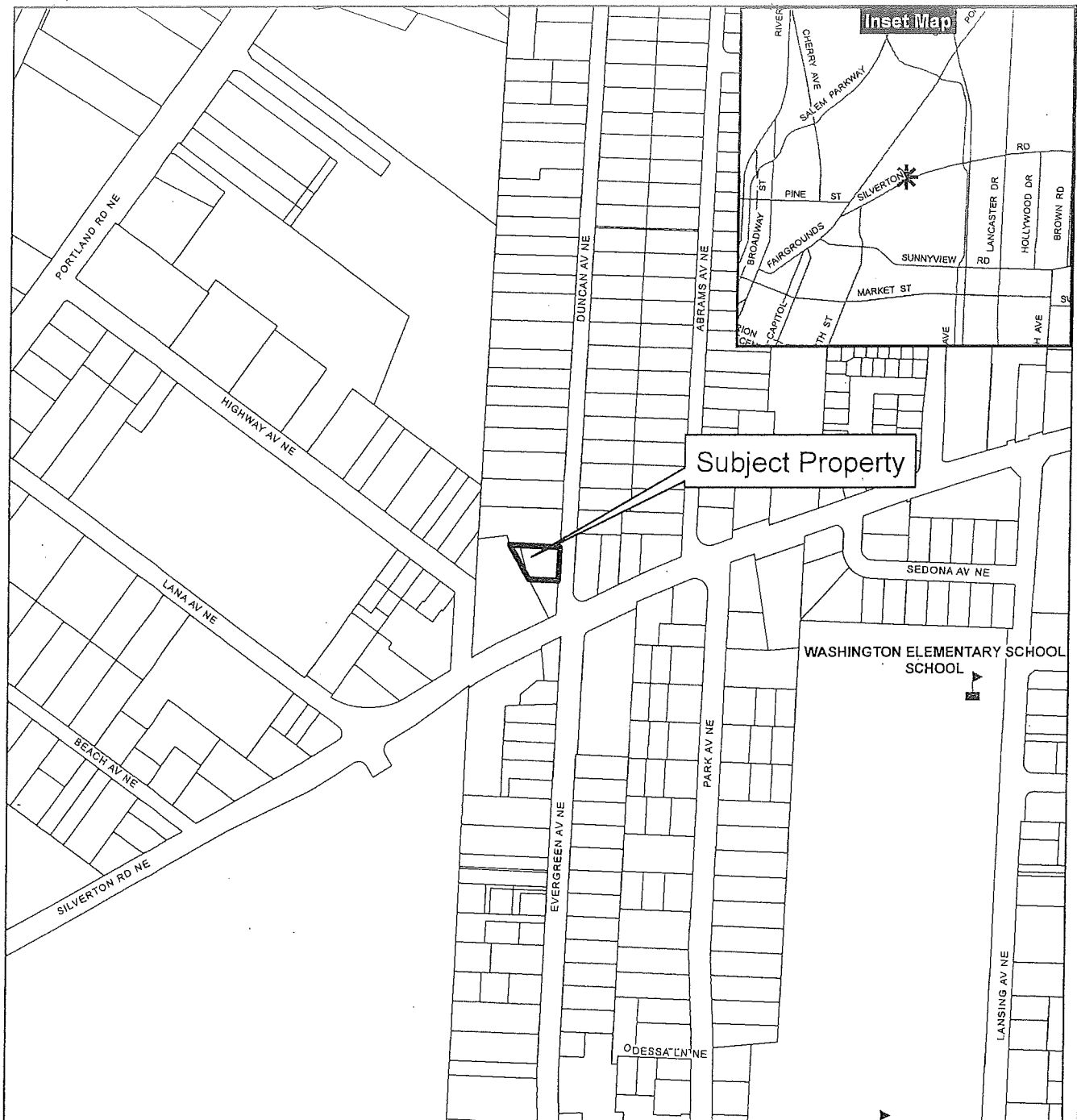
<http://www.cityofsalem.net/planning>

 **[@Salem_Planning](#)**

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, the Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 3211 Duncan Avenue NE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept

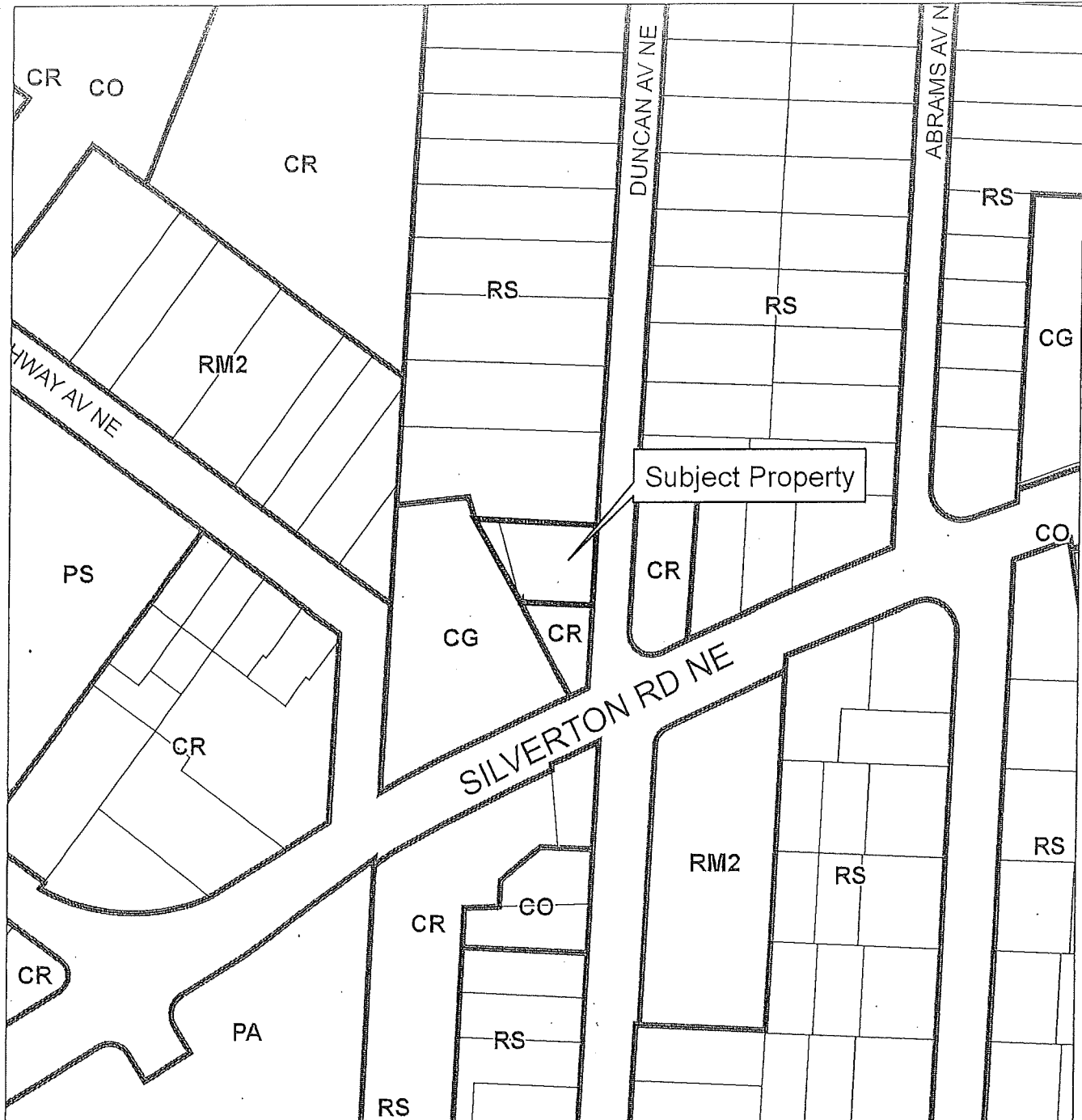
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Zoning Map

3211 Duncan Avenue NE



Legend

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

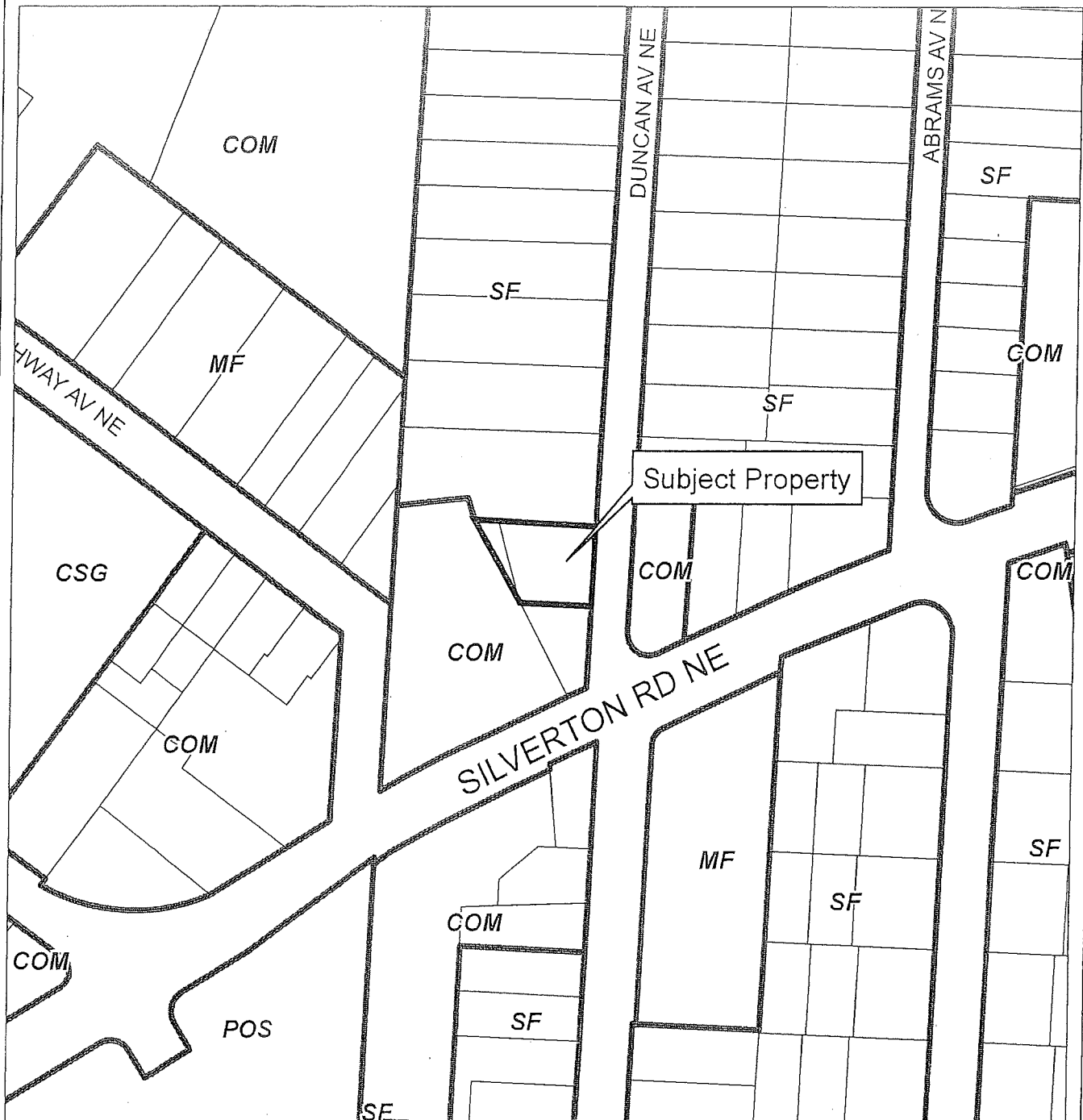
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Comprehensive Plan Map 3211 Duncan Avenue NE



Legend

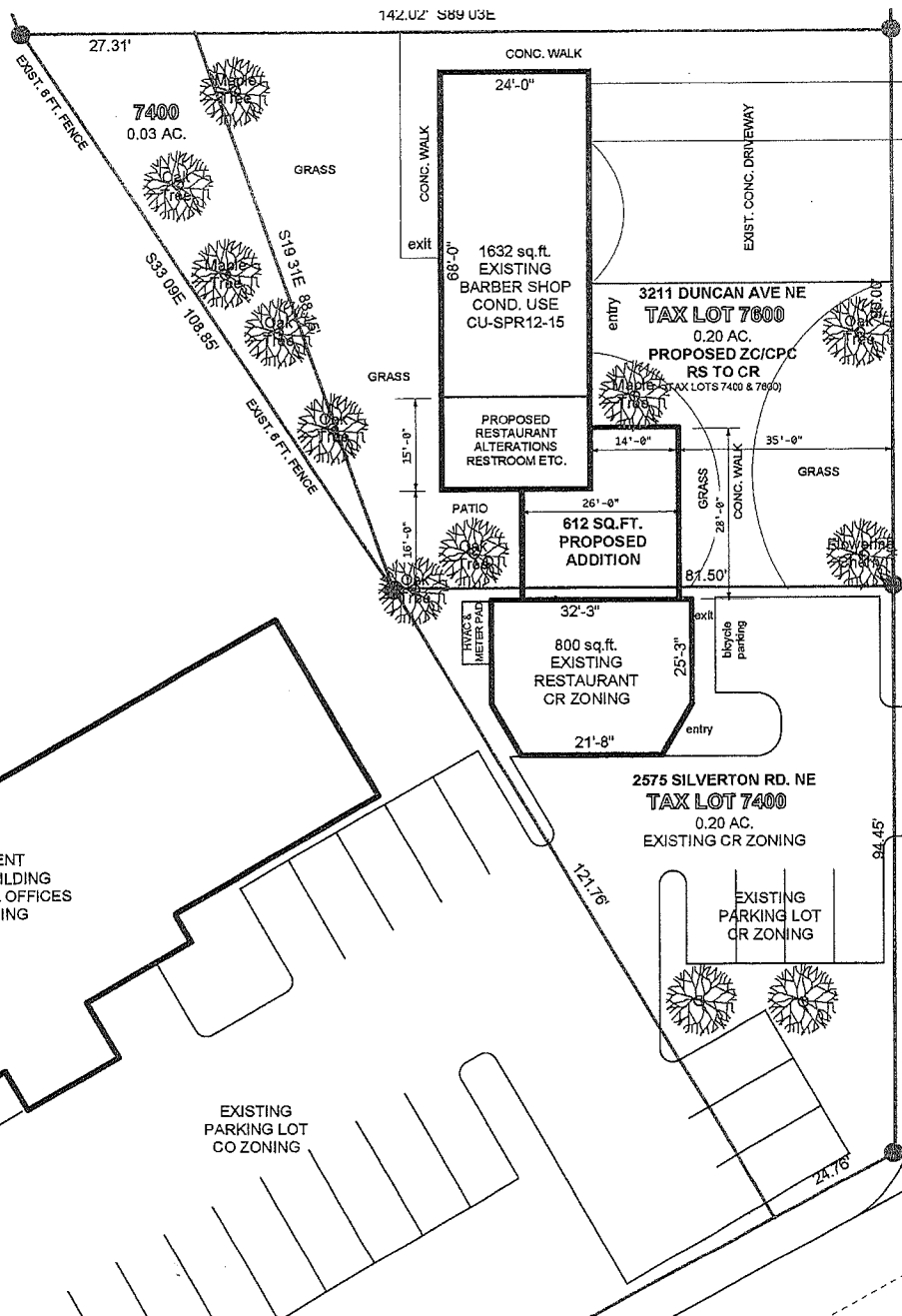
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| Comprehensive Plan | Taxlots |
| Urban Growth Boundary | Parks |
| Outside Salem City Limits | Schools |

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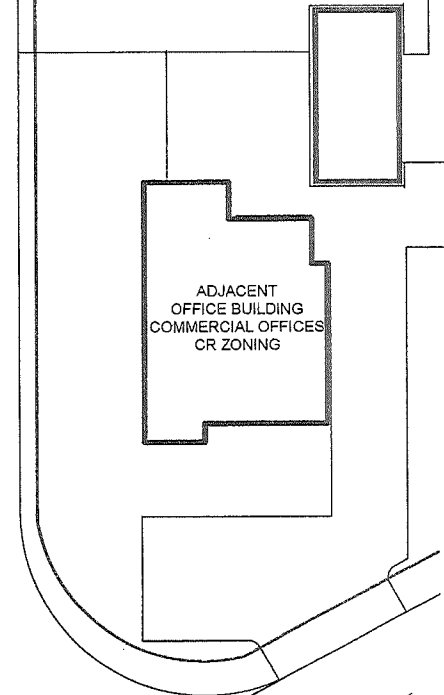


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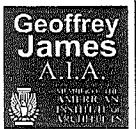
COMMERCIAL BUILDING ADDITION & ALTERATION 3211 DUNCAN AVE NE SALEM, OREGON 97303



SITE PLAN

SCALE:
1" = 10' (AT 22 X 34 SIZE)
1" = 20' (AT 11 X 17 SIZE)

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REGISTERED ARCHITECT
GEOFFREY JAMES
SALEM, OREGON
STATE OF OREGON

**COMMERCIAL
BUILDING
ADDITION & ALTERATION
3211 DUNCAN AVE NE
SALEM, OREGON 97303**

SHEET NUMBER:

A-1

DATE: 07-18-2016

ZC/CPC 3211 DUNCAN AVE. NE

SUMMARY OF ZC/CPC APPLICATION

Single Family Residential to CR Commercial Retail

WRITTEN STATEMENT.

This proposed ZC/CPC is in order to permit the expansion of an existing restaurant.

The Breakfast and Burgers family restaurant at Silverton & Duncan is short on dining tables and space for its customers, and needs an approximately 15 ft. wide addition.

There are two commercial buildings at this location and are in the same ownership.

The plan is to construct a dining room expansion (addition) in the gap between the restaurant and the adjacent commercial barber shop building.

The south end of the barber shop will also be remodeled to provide a unisex restaurant to serve the restaurant.

Therefore, the zoning and comp. plan designation of the barber shop (and its lot) need to change to CR Commercial Retail to allow this small addition and remodel.

A Site Plan has been prepared to show the two buildings and the proposed addition.

Parking, driveways, and access are all existing, and no changes are contemplated.

Currently, the site of the proposed restaurant addition is zone RS Single Family Residential.

However, it is a commercial building and land use, and a Conditional Use as a commercial barber shop. The restaurant addition simply closes the gap between the two commercial buildings. Therefore, a zone change is required to allow this restaurant addition.

This proposal was discussed by the Northgate Neighborhood Association at their July 2016 meeting and a motion to recommend Approval was made and passed unanimously. Northgate plan to send a letter to the Planning Division confirming their support.

In July, the Planning Administrator approved a Waiver of the Pre-Application Conference requirement due to the minor nature of this modest proposal.

ZC/CPC 3211 DUNCAN AVE. NE

ZONE CHANGE FROM RS:

Single Family Residential to CR Commercial Retail

WRITTEN STATEMENT:

A written statement shall be submitted describing the proposal and how it conforms to the following approval criteria for a Quasi-Judicial Zone Change (SRC 265.005(e)).

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

The zone change is justified based on the existence of the following:

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

Currently, the site of the proposed restaurant addition is zone RS Single Family Residential. However, it is a commercial building and land use, and a Conditional Use as a commercial barber shop. The restaurant addition simply closes the gap between the two commercial buildings. Therefore, a zone change is required to allow this restaurant addition.

The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan. See the Comprehensive Plan section of this report.

The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development. See the Comprehensive Plan section of this report.

The zone change does not significantly affect a transportation facility. There is no proposed change to streets, driveways, or parking.

The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone. The property is completely served by all public facilities, streets, utilities, police, fire, and also public transit service.

ZC/CPC 3211 DUNCAN AVE. NE

**CPC COMPREHENSIVE PLAN CHANGE:
Single Family Residential to Commercial Retail**

WRITTEN STATEMENT.

A written statement shall be submitted describing the proposal and how it conforms to the following approval criteria for a Minor Comprehensive Plan Map Amendment (SRC 64.025(e)(2)):

The proposed Minor Plan Map Amendment is justified based on the existence of one of the following:

Equally or Better Suited Designation.

The proposed designation is equally or better suited for the property than the existing designation.

The subject property is already a commercial building, and permitted land use. The change in designation to commercial is therefore more appropriate for this commercial building and parcel.

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

The property is indeed better suited to the commercial uses in this area of neighborhood services, and make sense to change the designation to match the existing uses, which are neighborhood commercial businesses along this arterial, and clustered at Duncan Ave.

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

The surrounding properties in the Commercial "node" are all compatible and are already zoned and operated as commercial businesses of a neighborhood scale. The two (subject) businesses, i.e. the restaurant, and the barber shop, are all in the same ownership, and share parking and access with surrounding neighboring businesses.

The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

The property is indeed served with all public facilities and services, and no additional services or facilities are needed to allow this small building addition that is being proposed.

The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development;

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

The Northgate Neighborhood Association discussed this proposal in July, showed enthusiasm and support, and voted unanimously to recommend Approval.

Conformance with Oregon's Statewide (applicable) Planning Goals & Guidelines

Goal 1 Citizen Involvement

Goal 2 Land Use Planning

Goal 9 Economic Development

Applicable Goals are Goals 1, 2, and 9.

GOAL 1: CITIZEN INVOLVEMENT -- To provide for widespread citizen involvement.

The citizen involvement program shall involve a cross-section of affected citizens in all phases of the planning of the proposed land use.

At the outset, the applicant, the property owner, and his architect, met with the Northgate Neighborhood Association, one of the 18 recognized official neighborhood organizations in Salem. This site is near the southern boundary of Northgate. The neighbors were very welcoming to the idea of improvements and dining area expansion to their popular family restaurant, at Silverton and Duncan. The proponent made a presentation of the proposed plans, and the Northgate Neighborhood Association then voted their (unanimous) approval and authorized the executive board send a letter to the City of Salem supporting this zone change (ZC/CPC).

GOAL 2: LAND USE PLANNING

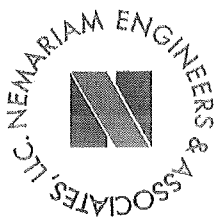
The City of Salem has, of course, a comprehensive land use planning program and department. Applications for zone changes and comprehensive plan changes are submitted to the Planning Division, are reviewed for completeness, and then processed, the public is notified, by mail, and by signing the property, and a staff report is prepared. The Salem Planning Commission holds a Public Hearing, and makes a decision and a recommendation. Following the hearing there is a two-week appeal period, and then it goes to the City Council for ordinance 1st & 2nd readings.

GOAL 9: ECONOMIC DEVELOPMENT

OAR 660-015-0000(9)

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

This proposal is for a modest expansion in dining table capacity of this small, but popular, neighborhood family restaurant. This expansion should therefore enhance the business, and the economy of the neighborhood and the area. It is not a large project, but it does contribute to a positive improvement in economic development.



The Transportation Solution Experts

☎ 503-746-4366 | www.nemariam-engineers.com | OR DMWESB #7322 | WA DMWBE #D3F0022446

Date: October 10, 2016

Mr. Mitchel Erwin
4964 Northwind CT N
Keizer, OR 97301

RE: 3211 Duncan Avenue NE Comprehensive Plan & Zone Changes

This letter documents the results of the Transportation Planning Rule (TPR) analysis for the proposed land use amendments. The analysis is performed based on our conversation with City of Salem Assistant Traffic Engineer and review of the requirements outlined in the Oregon Administrative Rule (OAR) 660-012-0060.

Project Location: The project site is located north of the northwest corner of the Duncan Avenue NE/Evergreen Avenue NE/Silverton Road NE intersection on tax lot 7600 (0.20 acre) in the City of Salem, Oregon. Tax lot 7600 is bounded by tax lot 7500 (0.03 acre) to the west, tax lot 7400 (0.20 acre) to the south and Duncan Avenue NE to the east. The existing land use developments on tax lots 7600 and 7400 consists of a 1632 square feet barber shop and an 800 square feet café/restaurant. Tax lot 7400 is an undeveloped land. Attached in the appendix are the site vicinity map and the project site plan for your reference.

The project site is primarily served by Duncan Avenue NE. Duncan Avenue intersects Silverton Road NE/Evergreen Road NE at its south end. At this intersection, Duncan Avenue is a “stop” sign controlled two-way unmarked Local Street.

The City of Salem’s Transportation System Plan(TSP) designates Silverton Road NE as a Major Arterial. Silverton Road NE at its intersection with Duncan Avenue NE/Evergreen Avenue is an uncontrolled two-way roadway with two lanes in each direction. Evergreen Avenue NE is designated as a Collector Street in the City’s TSP. This street is a “stop” sign controlled two-way unmarked street.

Project Description: The project proposes:

- A comprehensive plan and a zoning change (CPC/ZC) for tax lots 7500 and tax lot 7600.
- Addition of 432 square feet of café/restaurant space.
- Altering 140 square feet of the existing barber shop to café/restaurant space.

Under the proposed CPC/ZC, tax lots 7500 and 7600 will be converted from RS (Single-Family Residential) to CR (Commercial Retail). Tax lot 7400 is currently zoned CR.

Existing Condition: To determine the impact of the proposed project on the nearby transportation the following evaluation factors were considered:

- **Site Generated Trips:** Trips generated by the existing development and the proposed development were estimated to assess the impact of the additional trips generated by the proposed development. The number of trips generated by the existing land uses were estimated based on the number of employees and a one-week barber shop/café customers' log. The customers' log is included in the appendix. Currently, the café has three employees and the barber shop has two employees. Assuming each customer and each employee generates two trips per day. The total number of trips generated by the existing developments is estimated to be 142 trips per day. Refer to Table I below for additional detail.

Table I: Estimated Site Generated Trips

Existing Development	Number of Employees	Average Number of Customers	Daily Trips	Trips/1000 Square Feet Gross Floor Area
Barber Shop	2	23	50	30
Café	3	43	92	115
Total	5	66	142	

- **Transportation Facility:** Adequacy of the existing transportation system is determined based on traffic counts obtained from the City's website and review of the existing roadway geometry. The existing year 2016 traffic volumes on the nearby transportation system are estimated by applying an annual growth rate of 1% to the traffic counts obtained from the City of Salem website to account for regional growth. The 1% annual growth rate applied is assumed to be a conservative estimate of the study area's regional growth. This annual growth rate is based on engineering judgment and review of previous studies.

Table II below shows the existing year daily traffic volumes for Silverton Road NE, Duncan Avenue NE and Evergreen Road NE. Traffic count data taken in May of 2011 on Evergreen Avenue NE south of the intersection shows 1,040 vehicles per day. Daily traffic count data taken in January of 2006 on Silverton Road NE east of the intersection shows 21,500 vehicles per day.

There are no traffic count data for Duncan Avenue NE. Traffic volume on Duncan Avenue NE is, conservatively, assumed to be 80% of the traffic volume on Evergreen Road NE. Because Duncan Avenue is a Local Street it is reasonable to assume the traffic volume on Duncan Avenue would be lower than the traffic volume on Evergreen Avenue NE.

Table II: 2016 Daily Traffic

Street Name	Traffic Count Year	Traffic Counts	Volume
Silverton Road NE	2,006	21,500	23,650
Evergreen Avenue NE	2,011	1,040	1,092
Duncan Avenue NE	2011	832	874

- **Street Capacity and Level-of-Services:** The capacity at the intersection of Silverton Road NE/Duncan Avenue NE/Evergreen Road NE is estimated based on evening peak hour traffic volumes calculated from the daily traffic volumes noted above. Based on review of previous studies, the evening peak hour traffic volumes are assumed to be approximately 8% of the average daily traffic volumes.

Table III below shows the estimated evening peak hour traffic volumes for Silverton Road NE, Duncan Avenue NE and Evergreen Road NE.

Table III: Estimated Evening Peak Hour Volume

Street Name	Traffic Count Year	Traffic Counts	Volume
Silverton Road NE	2006	21,500	1,892
Evergreen Avenue NE	2011	1,040	87
Duncan Avenue NE	2011	832	70

Considering the low traffic volume on side streets, it is reasonable to assume the intersection of Silverton Road NE/Duncan Avenue NE/Evergreen Road NE currently operates at a level-of-service (LOS) A or B. The City of Salem operational standards for unsignalized intersections is E or better.

- **Safety for all modes:** Review of the transportation system near the project site did not reveal any apparent safety deficiencies. Per conversation with City staff and review of City of Salem TSP, there are no known transportation safety issues.

Future Condition: To determine the impact of the proposed zone change on the existing transportation system near the project site, the following factors were evaluated.

- **Site Generated Trips:** Site generated trips under the proposed zoning were estimated to determine the number of trips generated by developments under the proposed zoning. Trips generated by the development that are most likely to develop on the project site under the proposed zoning through the planning horizon year are calculated based on the following assumptions.

1. A 1,000 square feet building on back of the barber shop may be built by the end of the City's planning horizon. The land use that is most likely to develop on this building is assumed to be a single-tenant office space.
2. The barber shop will be reduced in size but the number of trips generated by the barber shop will remain the same.

Trip rates from the Trip Generation Manual, 9th Edition, published by the Institute of Transportation Engineers and the local trip rates for the barber shop and café noted above were used to estimate trips generated by the land uses that are most likely to develop on the project site. The results of the trip estimates are summarized in Table IV below.

Table IV: Trip Estimates

Land Use	ITE Code	Size	Daily Trip Rate/1000 Square Feet	Daily Trips
Existing Zoning Trips				
Barber Shop	**	1632	30	30
Total				30
Proposed Zoning Trips				
Café/Restaurant	**	140	115	16
Single Tenant Office Space	715	1000	11.65	12
Total				28

** - Local data noted above

- **Street Capacity and Level-of-Services:** Impacts to the immediate and adjacent transportation systems are anticipated to be minimal. The existing transportation system has sufficient capacity to adequately and safely accommodate the additional of 28 trips per day through the city's planning horizon year.
- **Safety for all modes:** The additional trips are not likely to have an adverse impact on pedestrian and bicycle traffic safety.

Transportation Planning Rule (TPR) Analysis: OAR 660-12-0060 of the TPR sets forth the relative criteria for evaluating plan and land use regulation amendments. This section analyzes the applicable OAR 660-12-0060 criteria to demonstrate the proposed zone change and comprehensive plan designation changes are consistent with adopted state policies regarding these types of land use actions.

- a. *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*

Response: The proposed land use change will not require or result in any changes to the functional classification of any transportation facility in the vicinity of the site.

- b. *Change standards implementing a functional classification system; or*

Response: The proposed land use change will not require or result in any changes to the standards implementing a functional classification system.

- c. *As measured at the end of the planning period identified in the adopted transportation system plan:*

A) *Allow land uses or levels of development that would result in types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*

Response: The proposed land use change is consistent with the intended use of the functional classification of the surrounding local streets uses.

B) *Reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or comprehensive plan; or*

Response: The proposed land use change will not reduce the performance of an existing or planned transportation facility below the minimum acceptable performance standard identified in the TSP or Comprehensive plan. The transportation system near the project site is expected to operate at LOS B through the City's planning horizon year.

C) *Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Response: The proposed land use change will not worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan. The surrounding transportation system has sufficient capacity through the City's planning horizon year.

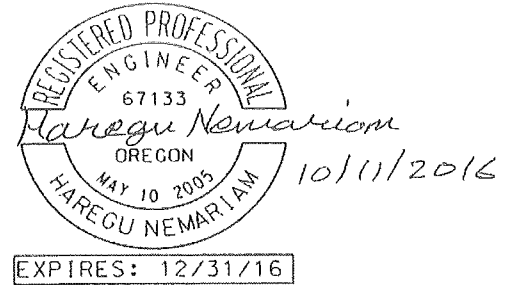
Conclusion: The results of the traffic analysis indicate that the trips generated by land uses that are likely to develop under the proposed CPC/ZC will not adversely impact the immediate area nor will the project have a measurable impact to the existing transportation system. Based on our analysis of the evaluation factors noted above, we believe the proposed project is in compliance with the City of Salem's Transportation Planning Rule.

Should you have any comments, please do not hesitate to contact me at the address noted below.

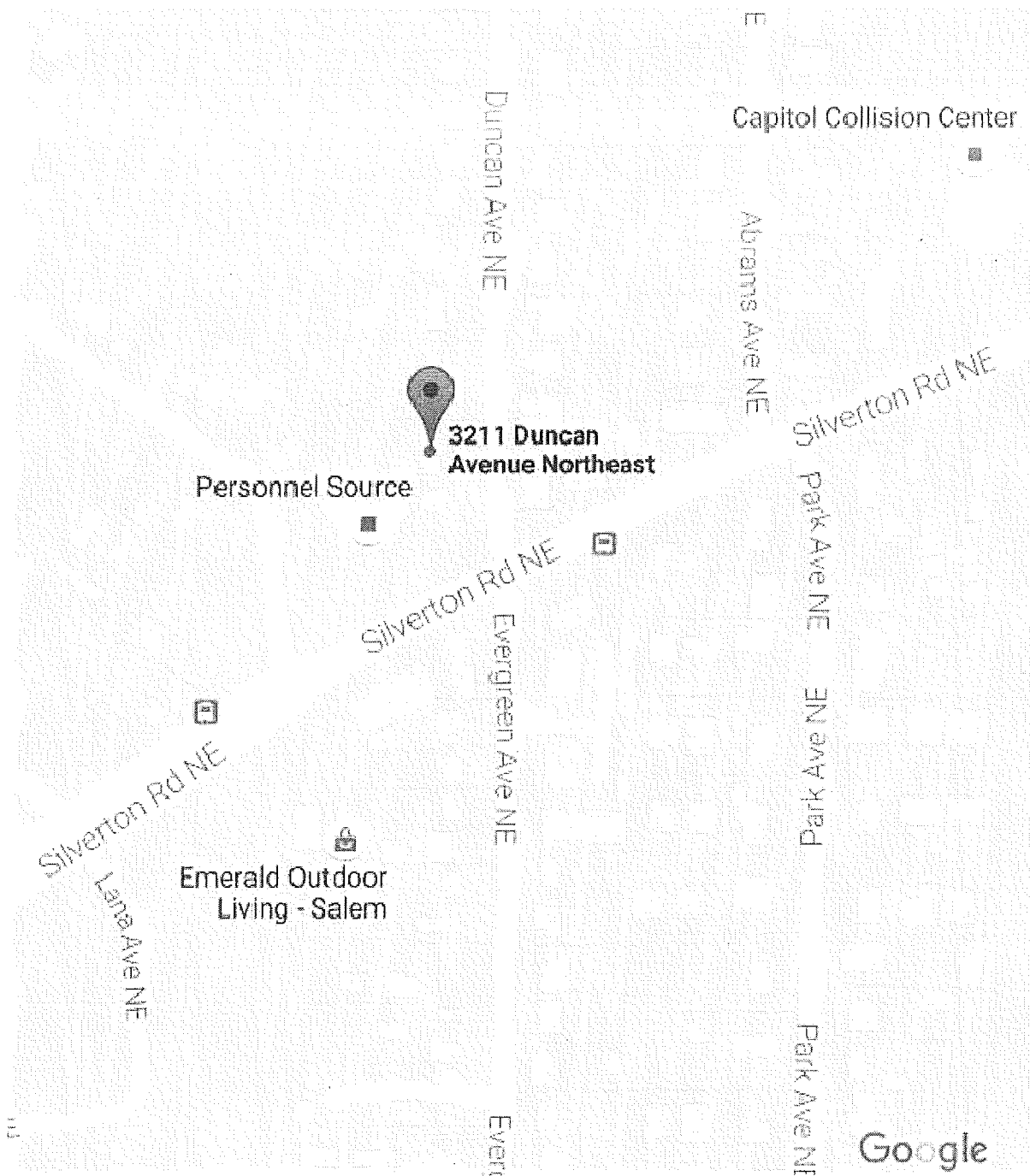
Best Regards,

Haregu Nemariam, PE, Principal Engineer

Nemariam Engineers & Associates, LLC
10976 Ironwood Lane
Portland, OR 97229
Office Tel.: (503) 746-4386; Mobile: (541) 680-3411



APPENDIX



VICINITY MAP




SILVERTON RD. NE

SITE PLAN

SCALE:
1" = 10' (AT 22 X-34 SIZE)

**Geoffrey James
A.I.A.**

 AMERICAN INSTITUTE OF ARCHITECTS

**Geoffrey James A.I.A.
ARCHITECT**

Architecture & Planning

TELEPHONE: 503-591-1420
FAX: 503-597-0234

gjamesarch@aia.org
[www.Design@willbeacoe.com.org](#)

REGISTERED ARCHITECT

GEOFFREY JAMES

SALIM OREGON

STATE OF OREGON

COMMERCIAL BUILDING

ADDITION & ALTERATION
3211 DUNCAN AVE NE
SALEM, OREGON 97303

SHEET NUMBER:

A-1

BARBER SHOP: RECORD OF CUSTOMERS

DAY	DATE	NO. OF CUSTOMERS
Thursday	9/22/2016	18
Friday	9/23/2016	24
Saturday	9/24/2016	35
Sunday	9/25/2016	Closed
Monday	9/26/2016	Closed
Tuesday	9/27/2016	22
Wednesday	9/28/2016	17

BREAKFAST & BURGERS: RECORD OF CUSTOMERS

DAY	DATE	NO. OF CUSTOMERS
Thursday	9/22/2016	30
Friday	9/23/2016	45
Saturday	9/24/2016	62
Sunday	9/25/2016	65
Monday	9/26/2016	33
Tuesday	9/27/2016	37
Wednesday	9/28/2016	32



MEMO

TO: Olivia Glantz, Planner II
Community Development Department

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

DATE: November 2, 2016

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC16-09(16-113450)
3211 DUNCAN AVENUE NE
RS TO CR ZONE CHANGE**

PROPOSAL

Applicant proposes to change the Comprehensive Plan Map designation of the subject property from Single Family Residential to Commercial and change the zoning from RS (Single Family Residential) to CR (Retail Commercial). The subject property is approximately 0.2 acres in size, zoned RS (Single Family Residential) and located at 3211 Duncan Avenue NE, 97301 (Marion County Assessor Map and Tax Lot numbers: 073W13BD / 7500 & 7600).

RECOMMENDED CONDITIONS

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

FACTS

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

CRITERIA AND FINDINGS

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

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

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

system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings.

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

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

Prepared by: Nathan Coapstick, Project Coordinator
cc: File

Olivia Glantz - Fwd: Request for Comments for Comprehensive Plan Map Amendment / Zone Change No. CPC-ZC16-09 for 3211 Duncan Ave NE, Salem

From: "Ian T. Davidson" <iantdavidson@gmail.com>
To: OGlantz@cityofsalem.net
Date: 11/3/2016 10:37 PM
Subject: Fwd: Request for Comments for Comprehensive Plan Map Amendment / Zone Change No. CPC-ZC16-09 for 3211 Duncan Ave NE, Salem
CC: jasonrcox@gmail.com
Attachments: CPC-ZC16-09 Request for Comments.pdf

Hi Olivia,

The Northgate Neighborhood Association would like to make the following comments concerning the proposed zone change:

At the July 7th neighborhood association meeting, the Northgate Neighborhood Association voted unanimously to support the consolidated application to change the Comprehensive Plan Map designation and zoning of the two tax lots located at 3211 Duncan Avenue NE to "Commercial" with CR (Retail Commercial) zoning. We identified no potential adverse effects to the neighborhood and are excited to see one of our local business expand. Please approve the requested change.

Thank you,

Ian Davidson
Land Use Chair
Northgate Neighborhood Association

P.S. If you need any additional information from myself or from the neighborhood please let me know.

----- Forwarded message -----

From: Helen Beckman <HBeckman@cityofsalem.net>
Date: Fri, Oct 21, 2016 at 1:44 PM
Subject: Request for Comments for Comprehensive Plan Map Amendment / Zone Change No. CPC-ZC 16-09 for 3211 Duncan Ave NE, Salem
To: Helen Beckman <HBeckman@cityofsalem.net>
Cc: Olivia Glantz <OGlantz@cityofsalem.net>

Good Afternoon,

The information packet for this Comprehensive Plan Map Amendment / Zone Change application is attached for your review and comment. Please address all questions, comments and replies to the Case Manager noted below.

Application Summary: A consolidated application to change the Comprehensive Plan Map designation and zoning of two taxlots located at 3211 Duncan Avenue NE to "Commercial" with CR (Retail Commercial) zoning.

Case Manager: Olivia Glantz

503-540-2343

oglantz@cityofsalem.net

3 Nov 16

Subject: Amanda App No 16-113450

-ZO & 16-113452 ZO

Zone Change Case No CPC-ZC 16-09

Dear Sirs

1. There is not adequate parking

(a) 2 barbers & parking spaces

(b) Approx 13 spaces for restaurant

(c) many cars and trucks (up to 2 ton)
are in street (Duncan) daily2. When street, curb & side walk put in we
(property owners) were promised mail
to door and street would be sweep,
cleaned, etc.(a) Both above rake, blow and hose all
yard, parking areas into ~~Duncan~~ Duncan
street. seldom using these green cans(b) The city can't clean the street its
full of cars and trucks parked in street(c) Vehicle Travel pretty congested at corner
now, Silverton rd is 4 lane, heavy traveled
I say no this is wrong place. operators
do very little to help public

Thanks

Robert L. Hammond



ROBERT L HAMMOND
3235 DUNCAN AVE NE
SALEM OR 97301-0807

RECEIVED

NOV - 7 2016

COMMUNITY DEVELOPMENT

Olivia Glantz - Fwd: Request for Comments for Comprehensive Plan Map Amendment / Zone Change No. CPC-ZC16-09 for 3211 Duncan Ave NE, Salem

From: "Ian T. Davidson" <iantdavidson@gmail.com>
To: <oglantz@cityofsalem.net>
Date: 11/3/2016 10:37 PM
Subject: Fwd: Request for Comments for Comprehensive Plan Map Amendment / Zone Change No. CPC-ZC16-09 for 3211 Duncan Ave NE, Salem
CC: Jason Cox <jasonrcox@gmail.com>
Attachments: CPC-ZC16-09 Request for Comments.pdf

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