

FACTS & FINDINGS

COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC21-06

May 9, 2022

PROCEDURAL FINDINGS

1. On July 30, 2021, an application was filed for a Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change John Eld of Bonaventure, on behalf of Titan Hill Property LLC, to change 24.84-acres of the subject property from DR (Developing Residential) and a portion of MU (Mixed Use) to MF (Multiple Family Residential) designation, and to change the zoning of subject property from RA (Residential Agriculture) and a portion of NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential).
2. The consolidated application was deemed complete for processing on November 29, 2021, and a public hearing to consider the application was scheduled for December 21, 2021. Upon request of the applicant received on December 6, 2021, the public hearing was postponed and is scheduled for January 25, 2021.
3. On June 21, 2021, the applicant's representative attended the West Salem Neighborhood Association's (WSNA) meeting, held virtually, to present their proposal, meeting the open house requirements of SRC 300.320.
4. Notice of the consolidated application was provided to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, originally on November 29, 2021, and again on December 30, 2021. The property was posted in accordance with the posting provision outlined in SRC 300.620.
5. Notice of the public hearing was originally mailed to the owners and tenants of all property within 250 feet of the subject property on December 1, 2021. Once the hearing was postponed at the request of the applicant, re-notice of the public hearing scheduled for January 25, 2022 was mailed to the owners and tenants of all property within 250 feet of the subject property on December 10, 2022.
6. DLCD Notice. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of the proposed Comprehensive Plan Change and Zone Change application to DLCD on December 21, 2021.
7. On January 25, 2022, the Planning Commission held a public hearing for the consolidated applications. The Planning Commission received testimony from staff, the applicant, and the public. The West Salem Neighborhood Association and members of the public requested the Planning Commission hold the record open to address concerns by the public. The Planning Commission closed the hearing and left the record open for the following periods: February 1, 2022 for new testimony, February 8, 2022 for rebuttal testimony and to February 15, 2022 for the applicant's final written rebuttal.

8. On February 15, 2022, the Planning Commission conducted deliberations on the proposal and voted to approve the Minor Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change.
9. On February 28, 2022, a motion was passed that City Council review the Planning Commission decision pursuant to SRC 300.1060. A hearing was scheduled before the City Council on April 11, 2022.
10. On April 11, 2022, City Council held a public hearing and received written and oral public testimony. A motion was passed to close the public hearing, City Council conducted deliberations and voted to affirm the decision of the Planning Commission.
11. Applicant submittals for case number CPC-ZC21-06, including the Transportation Planning Rule Analysis, all evidence and testimony submitted into the record can be found here: <https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-at-the-2100-block-of-doaks-ferry-road-nw.aspx>.
12. All Staff Reports, Supplemental Reports, all public comments received prior to the Planning Commission hearing of January 25, 2022, during the open records periods up to February 15, 2022, and prior to the City Council hearing of April 11, 2022 can also be found here: <https://www.cityofsalem.net/Pages/proposed-comprehensive-plan-and-zone-change-at-the-2100-block-of-doaks-ferry-road-nw.aspx>.
13. 120-Day Rule. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

BACKGROUND / PROPOSAL

The applicant is requesting a comprehensive plan map amendment and neighborhood plan change from “Developing Residential” and a 2-acre portion of “Mixed Use” to “Multi-Family Residential” and to change the zoning from RA (Residential Agriculture) and a 2-acre portion of NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential) for the northern portion of the subject property.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City’s online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 21 114252.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designates the subject property as DR “Developing Residential” and MU “Mixed Use”. The proposal includes changing the northern portion of the property’s Comprehensive Plan designation from DR (22.8 acres) and approximately a two-acre portion MU designation to “Multi-Family Residential”. The Comprehensive Plan designations of surrounding properties include:

North: Polk County “Urban Reserve”

South: Across Orchard Heights Rd NW – “Developing Residential” and “Community Service Education”

East: Across Doaks Ferry Rd NW – “Developing Residential”

West: “Developing Residential”

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. Orchard Heights Road NW, designated as a Minor Arterial street in the TSP, abuts the southern boundary of the subject property; Doaks Ferry Road NW, designated as a Major Arterial street in the TSP, abuts the eastern boundary of the subject property; Landaggard Drive NW, designated as a Collector street in the TSP, dead ends into the property on the west side.

Relationship to the Urban Service Area

The subject property is located within the Urban Service Area and, as indicated within the memo provided by the Public Works Department, adequate utilities are available to serve uses allowed by the proposed comprehensive plan designation. A UGA permit is not required.

Infrastructure

Water: The *Salem Water System Master Plan* identifies the subject property to be within the S-1 water service level. An 18-inch water main is located in Doaks Ferry Road NW and Orchard Heights Road NW. Mains of this size

generally convey flows of 4,800 to 11,100 gallons per minute.

Sewer: An 8-inch sewer main is located in Doaks Ferry Road NW approximately 1,100 feet north of the subject property; an 8-inch sewer main is located at the intersection of Orchard Heights Road NW and Mousebird Avenue NW approximately 1,700 feet east of the subject property; and a sewer manhole is located in Orchard Heights Road NW approximately 1,000 feet west of the subject property.

Storm Drainage: An 18-inch storm main is located in Doaks Ferry Road NW and Orchard Heights Road NW, and a 10-inch storm main is located in Landaggard Drive NW.

Streets: 1) Doaks Ferry Road NW has an approximate 27-foot improvement within a 60-to-85-foot-wide right-of-way abutting the subject property. This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

2) Orchard Heights Road NW has an approximate 47-foot improvement within a 75-foot-wide right-of-way abutting the subject property. This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

3) Landaggard Drive NW is shown on the Salem TSP to extend north through the subject property to adjacent undeveloped land. This street has an approximate 20-foot improvement within a 60-foot-wide right-of-way abutting the subject property and is designated as a Collector street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.

2. Zoning

The subject property is split-zoned RA (Residential Agriculture) and NCMU (Neighborhood Center Mixed Use). The proposal includes changing the property's zoning from RA (22.8 acres) and NCMU (2 acres) to RM-II (Multiple Family Residential). Surrounding properties are zoned and used as follows:

North: Polk County Suburban Residential; *single family* uses

South: Across Orchard Heights Rd NW – RA (Residential Agriculture) and PE (Public and Private Education Services); *single family* and *basic education* uses

East: Across Doaks Ferry Rd NW – RA (Residential Agriculture); *single family* uses

West: RA (Residential Agriculture); *single family* uses

3. Existing Conditions

The subject property is approximately 36.86 acres in size and has street frontage along Doaks Ferry Road NW to the east, Orchard Heights Road NW to the south, and Landaggard Drive NW dead ends to the property on the west. The property is currently vacant and has historically been used for agricultural purposes including orchard and berry farming. Currently, the property is split-zoned, and this proposal focuses on rezoning approximately 24.84 acres of the northern portion of the property.

4. City Department Comments

City of Salem Public Works Department: The Public Works Department, Development Services Section, reviewed the proposal and submitted comments in Attachment C of the February 18, 2022 Planning Commission decision, which is incorporated herein by reference.

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

City of Salem Building and Safety Division: The Building and Safety Division indicated no concerns with the proposal.

5. Public Agency & Private Service Provider Comments

Salem-Keizer Public Schools: Salem-Keizer Public Schools reviewed the proposal and comments in Attachment D of the February 18, 2022 Planning Commission decision, which is incorporated herein by reference.

Cherriots: Cherriots provided comments in support of the proposal and stated that the best way to support public transportation use for the upcoming multi-family developments on the subject property would be to have a bus stop on Doaks Ferry Rd NW included in the future development plans at the northern most edge of the property. Cherriots requested to work with the City and/or developer on the location and design of a bus stop to serve the subject property with Route 16 in the future.

Oregon Department of Land Conservation and Development (DLCD): No comments have been received.

6. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association (WSNA).

Homeowners Association: The applicant indicated that the property is not part of a Homeowner's Association (HOA).

Open House/Neighborhood Association Meeting: Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and conduct an open house or present their proposal at a regularly scheduled meeting of the neighborhood association within which the property is located. On June 21, 2021, the applicant's representative attended the WSNA Neighborhood Association Meeting, to present their proposal.

Neighborhood Association Comments: Notification of the proposal was originally sent to WSNA on November 29, 2021, and again on December 30, 2021. The following is a summary of the comments and concerns received:

- Comments indicating concerns relating to the proposal, including but not limited to:
 - Justification of approval criteria
 - Effects on transportation facilities
 - TRP Analysis & policy concerns

Staff Response: Justifications for approval criteria is included in Sections 2 and 3 below. The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and has recommended a condition to limit the development on the 24.84-acre site to 2,270 average daily vehicle trips to mitigate impacts. Future development plans for the property will require additional review of traffic impacts and required infrastructure to support development.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report twenty-two comments have been received from surrounding property owners or interested individuals. Comments are summarized and addressed below:

- Comments indicating concerns relating to the proposal's impact on traffic, including but not limited to:
 - Increased congestion
 - Lack of additional bridge connection
 - Poor road structure or inadequate street infrastructure
 - Traffic during school hours & pedestrian safety

Staff Response: As indicated above, the TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and has recommended a condition to limit the development on the 24.84-acre site to 2,270 average daily vehicle trips to mitigate impacts. Future development plans for the property will require additional review of traffic impacts and required infrastructure to support development.

- Comments indicating concerns relating to the proposal’s impact on the surrounding natural environment, including but not limited to:
 - Tree removal
 - Damage to wetlands
 - Negative impacts on wildlife
 - Stormwater

Staff Response: The subject property is not designated as an open space or scenic area, and there are no protected natural resources on site. Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. Development of the property is subject to tree preservation, and stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state’s natural resources.

- Comments indicating several concerns with the multi-family designation:
 - Density too high for surrounding single-family neighborhoods
 - Too many multi-family developments and apartments in the area
 - The potential impact to privacy for the surrounding properties
 - A detriment to the entire neighborhood
 - The decrease in property values

Staff Response: The applicant is applying for a Minor Comprehensive Plan Map Amendment and Zone Change, which does not include specific plans for development at this time. Any future development proposal will be reviewed separately, and notice will be sent to property owners and tenants within 250 feet of the subject property. Multiple family design standards established in SRC Chapter 702 require mitigating features such as setbacks and screening to ensure an adequate transition between the height, bulk, and scale of higher density development and the nearby single-family residences. The criteria for approval of a Minor Comprehensive Plan Map Amendment and Zone Change application do not require a demonstration that property values will not be adversely affected.

Keeping the record open for an additional testimony

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

Staff Response: The Planning Commission closed the public hearing on January 25, 2022 and, as described above in this report, extended the public comment period for additional testimony.

7. Open Record Periods

At the January 25, 2022 public hearing, the Planning Commission voted to leave the written

record open for a period of seven days, until February 1, 2022, at 5:00 p.m., in order to allow any party to submit additional written testimony regarding the proposal. A subsequent seven days was then granted for rebuttal to testimony received during the first seven-day open record period, which closed February 8, 2022 at 5:00 p.m., The applicant was then afforded an additional seven days, until February 15, 2022 to submit final written rebuttal.

Staff provided the Planning Commission additional testimony from the neighborhood association, property owners and tenants within 250-feet of the subject property, and final rebuttal from the applicant at the end of each period. At the close of the second seven-day open record period, Staff also provided a supplemental staff report to the Planning Commission to address the additional comments submitted during the first open record period. The following is a summary of the comments and concerns received:

- **Transportation Planning Rule Analysis (TPR):** WSNA and many neighbors sent comments challenging items within the TPR analysis and evaluation of “significant effect.”

Staff Response: A Transportation Planning Rule Analysis (TPR Analysis) is required for any change to the City’s Comprehensive Plan Map to demonstrate that the amendment will not have a “significant effect” on existing or planned transportation facilities over the planning period. According to Department of Land Conservation and Development (DLCD), a proposed plan amendment or zone change has a “significant effect” if: (1) it generates more traffic than allowed by existing plan and zoning, AND; (2) planned transportation improvements do not provide adequate capacity to support the allowed land uses.

The evaluation of whether there is a significant effect must consider the range of uses allowed by the proposed plan and zoning changes, not just the particular use proposed by the applicant. This is because the resulting plan amendment or zone change, once approved, would allow any of the uses listed in the zoning district without further review for compliance with the TPR. An applicant or local government can modify or limit the proposed plan or zone change to reduce its traffic generating impacts to help avoid triggering a significant effect.

Where the application or approval is limited to specific uses or a particular level of traffic generation, it is possible to limit the scope of the analysis, and by imposing a cap on the number of trips generated by the proposal to match the level of traffic that could be generated under its current plan designation and zoning, there will be no significant effect caused by the proposed development.

The applicant’s analysis indicates that the requested comprehensive plan change, neighborhood plan change, and zone change will not have a significant affect on the existing transportation system beyond what the current land use designations would allow. The applicant’s analysis compared the assumed “reasonable worst-case” scenario under the proposed zoning (RS) to the maximum development that could occur under the proposed zoning (RM-2). As shown in Table 4 in the applicant’s analysis, under the existing zoning, the site could generate 1,726 average daily traffic (ADT) at full build-out. Under the proposed zoning, the site could generate 2,906 ADT which is an increase of 1,180 ADT.

One of the options to ensure there is not a “significant affect” is to apply a trip cap, limiting trip-generating development to the same level as the current plan designation and zoning, or to a level that will not degrade the performance of the intersections. This provides the simplest mechanism to avoid a significant affect and extensive off-site mitigation.

The applicant is proposing to limit the site to 500 multi-family units. This condition of approval will limit the traffic to 2,270 ADT, with a net increase of 544 ADT. The analysis shows the proposed increase in traffic does not result in a significant affect on the City managed facilities nor on the State managed facilities. The City managed facilities continue to operate below the City’s operational standard (Level of Service E and/or volume to capacity ratio of 0.90) when measured at the end of the planning period identified in the City’s adopted TSP. As conditioned, the proposal complies with the adopted performance standards under the Oregon Highway Plan Action 1F.5 because both the net increase is less than 1,000 ADT and the operational standard at the intersections does not increase the v/c ratio more than 0.03. Therefore, as conditioned, the performance of the ODOT managed facilities will continue to meet the adopted performance standards under the Oregon Highway Plan by the end of the planning period and the performance standards. The proposed comprehensive plan map amendment and zone change complies with OAR 660-012-0060(1). Assertions by opponents that the proposal does not comply with the TPR Rule because the proposal purportedly degrades “the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan” are not a basis for denial of the application. The evidence in the record provided by Applicant’s traffic engineer and ODOT support the conclusion that as measured at the end of the planning period and subject to the conditions of approval, the expected traffic levels are consistent with the adopted performance standards of the City of Salem and ODOT as to their respective jurisdictions, and therefore, the proposal complies with OAR 660-012-0060(1).

The City Traffic Engineer and Oregon Department of Transportation (ODOT) have concurred with the applicant’s TPR analysis of no significant effect. Future development of the site would also be subject to a Traffic Impact Analysis (TIA), at which time specific transportation system improvements may be required to address specific issues related to site layout, access, and circulation. Therefore, limiting the site to 500 multi-family units will mitigate the finding of a significant effect.

- **Supplemental Findings in Response to Traffic Concerns:** The City has received comments from the Applicant’s Traffic Engineer and ODOT, which have been reviewed by City staff and accepted. Specifically, the comments from Joe Bessman, P.E., of Transight Consulting, LLC dated January 25, 2022 (pages 1-12) and dated January 31, 2022 (pages 1-8) and ODOT Traffic Analysis Engineer Arielle Ferber, PE dated February 3, 2022 (pages 1-2) are included as Attachments A-D of the Planning Commission Supplemental Staff Report dated February 1, 2022, which is incorporated herein by reference. These supplemental findings are hereby incorporated in whole as if restated herein.
- **Trip Cap Amendment:** WSNA submitted comments indicating concerns for an increase in traffic to the surrounding roads, and a suggested trip cap of 1,000 vehicle trips in lieu of the recommended 2,270 vehicle trips under Condition 1.

Staff Response: The determination of significant impact on a transportation facility is based upon a comparison of potential trip generation from uses allowed under the current designations and uses allowed under the proposed designations; it is not based upon a comparison of trips generated from the current use – undeveloped land – to trips generated from potential uses under the proposed designations. The applicant is not required to identify proposed land uses or provide a development plan for this type of application for land use designations, and the City is not required to impose conditions that will mitigate any potential effect development may have on transportation facilities. The finding in the original staff report discusses the requirement and staff analysis:

“The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the proposed Comprehensive Plan Change and Zone Change and concurs with the applicant’s conclusion that it complies with OAR 660-012-0060 and does not cause a “significant effect” to the City’s transportation system. The submitted TPR analysis proposes a trip cap equal to 500 multi-family units on the site. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 24.84-acre site to 2,270 average daily vehicle trips.”

The City Traffic Engineer has provided a response to the proposed trip cap amendment, included in the supplemental staff report dated February 15, 2022. The analysis provided by Transight Consulting shows the 500-unit and 2,270 average daily traffic (ADT) trip cap is not a significant effect pursuant to the Transportation Planning Rule and the Oregon Highway Plan Action 1F.5, and that there is no basis to place a 1,000 vehicles per day trip on this site as the existing RA zoning could generate 1,770 daily trips currently. It should also be noted that the flow chart included in the WSNA comments dated February 1, 2022, refers to 1,000 trips on a state facility, not a city facility. In this case, the only state facility is Wallace Road, and the TPR analysis does not show 1,000 extra trips on Wallace Road. As further explained by the City Traffic Engineer, the TPR analysis provided “shows that in the horizon year of 2035 in the Salem Transportation System Plan, the intersections within the City’s jurisdiction (Doaks Ferry Road NW - Orchard Heights Road NW, and Doaks Ferry Road NW and Glen Creek Road NW) operate below the City’s standard for both the existing use and the proposed used with the 500-unit (2,270 ADT) limitation. The suggested 1,000 average daily traffic increase is based upon the Oregon Highway Plan (OHP) Action 1F.5 that indicates if the increase is less than 1,000 ADT then ODOT considers the increase to be ‘small’ and does not further degrade the system.”

As previously stated, the applicant’s analysis shows that the existing zoning could generate about 1,770+ trips, and the proposed zoning about 1,100+ more. A trip cap of 1,000 does not seem reasonable considering that would be 770 less trips than they would be expected to generate today under the existing zoning, and there has been no traffic analysis submitted to corroborate that assertion. However, the trip cap of 2,270 trips makes this an enforceable, ongoing requirement for the future development.

- **Alternative Zoning:** Several comments were submitted in favor of the existing single-family designation, or alternately the RM-I zone, as a lower density multiple family residential.

Staff Response: The State of Oregon Legislature passed House Bill (HB) 2001 that is aimed at increasing the housing supply in Oregon. The City of Salem is implementing the provisions of HB 2001 that would increase the availability of land for multiple family development in the City's single-family zones permitted within the "Single Family Residential" Comprehensive Plan designation. The code impacts the current RA zoning designation, as well as the RM-I zone, to allow higher density multifamily housing within single-family zoning to address housing needs. Thus, duplexes, triplexes, quadplexes and cottage clusters, known as middle housing, are now allowed in single family zones. As addressed in the Transight Consulting report dated January 31, 2022, the 1,770 trips assumed under the current single-family zoning does not account for any middle housing allowed under the HB 2001 mandate. The applicant presents a scenario in which the subject property would be developed as single family with 183 lots of approximately 5,000 square feet each. As triplexes are allowed on lots at least 5,000 square feet in size, the development has the potential to create 549 (183 x 3) units under its single-family designation, which is a higher density than the 500-unit density cap proposed. Therefore, the current single family (RA) designation, as well as the RM-I designation presented in comments from the surrounding tenants and/or property owners, has the potential to allow higher density developments than the proposed RM-II zoning designation, particularly with the trip cap condition in place.

The Planning Commission is tasked with determining if the Comprehensive Plan designation and zoning requested by the applicant meets the applicable criteria. The Commission is limited to approving, approving with conditions, or denying the proposal. It is not within the Commission's purview to approve or apply a different designation or zone.

- **Site Acreage:** Comments were submitted regarding discrepancies between the size of the property referenced in the decision, the applicant's written statement, and the County Assessor's Records.

Staff Response: Polk County Assessor's Records indicate the subject property (Tax lot 400) is 36.72 acres in size. However, a survey was conducted for the property which indicates the size of the property to be 36.86 acres. In addition, the survey showed that the adjacent square property to the south along Orchard Heights Rd NW (Tax lot 900) is actually .987 acres as opposed to the .872 referenced in the Polk County Assessor's Records. It is important to note the size of tax lot 900 as a prior Comprehensive Plan Change and Zone Change case (Case No. CPC-NPC-ZC11-12) references the rezone of the southern portion of the subject property as 15 acres in size, which included this approximately 1-acre tax lot in the decision. Therefore, the southern portion of the subject property, without inclusion of tax lot 900, is approximately 14 acres, leaving approximately 22.86 acres for the northern portion. The proposal includes rezoning 1.987 acres of NCMU to the RM-II designation, for a total of 24.84 acres (22.86 + 1.987).

Originally, the applicant’s proposal and written statements referenced the Polk County Assessor’s data, and a 1.05-acre portion of the NCMU to be rezoned. However, the data received from the survey provided more accurate acreage totals used in the decision, but not revised in the applicant’s written statements attached. This accounts for the discrepancies mentioned in the submitted comments, and the decision documents reflect the most accurate data provided.

- **Quasi-judicial Zone Change Criterion SRC 265.005(e)(1)(E):** Comments were submitted indicating that the above criterion was not met for the approximately 2-acre portion of NCMU (Neighborhood Center Mixed Use) designated land.

Staff Response: In 2014, the City conducted the Housing Needs Analysis (HNA) along with the Salem Economic Opportunities Analysis (EOA). The purpose of the HNA was to develop strategies to provide enough land to meet Salem’s housing needs through 2035 and to inform policy decisions related to residential land, while the purpose of the EOA was to ensure there is enough land in the Salem area to accommodate expected employment growth. Both the HNA and EOA counted the various land designations in Salem for purposes of the respective studies. For the subject property, these studies counted the NCMU portion for 10 acres out of the 14 total as residential land, as opposed to industrial, commercial, or employment use land. As more than 70 percent of the subject portion of the property was considered residential, this criterion is met.

- **Housing Needs Analysis Update:** The applicant’s team submitted the most recent Housing Needs Analysis in response to comments raised about the current deficit of multiple family residential designation.

Staff Response: The City of Salem Planning Division has been working to implement the Salem Housing Needs Analysis (HNA) Work Plan and provides updates as the City works towards achieving the projected goals. The most recent update on multifamily development is included as Attachment G of the February 18, 2022 Planning Commission decision, which is incorporated herein by reference. As of April 20, 2021, the City has added 40 net acres of Multiple Family designated land on the Comprehensive Plan Map, reducing the projected deficit to 167 acres. Additionally, the City has added 102 acres of Mixed-Use designated land which allows multi-family development as an outright permitted use, thereby further increasing the land available for multi-family development. As documented in the memorandum, there continues to be a documented need for multi-family land.

Point of Order/Procedural Violation Assertion

- The West Salem Neighborhood Association contacted individual Planning Commission members after the record had closed for the case, claiming a Point of Order and asserting a procedural violation related to the supplemental staff report. Because some members of Planning Commission read the letter that was sent directly to them, staff made the letter available to the entire Commission prior to deliberations. The Commission was informed that they could reopen the record and consider the points raised if they found that further consideration was warranted. The Commission determined it was not submitted during the open record periods and declined to consider the additional testimony and proceeded with

deliberations.

8. MINOR COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA

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

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

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

Finding: The applicant asserts the proposal is justified based on: (i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and (ii) Equally or Better Suited Designation. A demonstration that 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 Developing Residential designation to the subject property.

Staff concurs with the applicant's assessment of the goals identified in the City's Housing Needs Analysis (HNA). The City has accepted, but not adopted, the HNA prepared in 2015 which indicates a large surplus of available land for single-family detached housing, primarily consisting of lands within the "Single Family Residential" and "Developing Residential" designations, and a deficit of land available for multifamily residential development. The proposal would convert approximately 24.8 acres from a "Developing Residential" designation to a Multiple Family Residential designation, where the HNA identifies a deficit. With a Multiple Family Residential designation, the subject property could be developed as multi-family dwellings; the rezone helps increase the potential density of the property while helping to meet housing needs within the Salem Urban Growth Boundary.

Staff further concurs with the applicant's written statement regarding the City's three-phase work plan to overcome the deficit of multifamily development land by: (1) Expanding Housing Choices, (2) Encouraging Multi-family Development, and (3) Redesignation of Land. The proposed zone change to "Multiple Family Residential" aligns with these three objectives as well as Goal 10 requirements to create more diverse housing type options, thus making this site an excellent candidate for the RM-II zoning designation.

Several factors make the subject property especially well-suited for the Multiple Family designation. The subject property has direct access to, and may provide future street connectivity to, a collector street (Landaggard Drive NW), access to a minor arterial (Doaks Ferry Road NW), and access to a major arterial (Orchard Heights Road NW). The site is located in close proximity to five public schools within 0.6 miles or less, which are currently expanding and upgrading their facilities as a part of the Salem/Keizer School District's 2018 bond approval to accommodate the expected growth in student demand: West Salem High School, Straub Middle School, Kalapuya Elementary School, Brush College Elementary School, and Chapman Hill Elementary School. The applicant's written findings indicate that the site is better suited as a multi-family use due to its proximity to a high school, middle school, and elementary schools, as well as major and minor arterials and collector streets. This proposal creates an ideal opportunity for high utilization of public transit, safe and convenient bicycle and pedestrian access from within and around the site and allows for efficient connections to the adjacent residential areas, transit stops, schools, parks, and neighborhood activity centers all within one-half mile of the site.

Staff concurs that the proposed change to the comprehensive plan map designation of the subject property would afford additional dwelling units based on the minimum density standards of the RM-II zone, thereby accommodating a growing population and reducing the deficit identified in the HNA. In addition, because the property is split-zoned and will maintain a "Mixed Use" designation for 12 acres of the southern portion of the property, the Multiple Family designation is better suited for the northern portion of the property as the two zones would have the same minimum residential density, and businesses within the mixed-use portion and will offer nearby amenities to residents of future development as well as the surrounding neighborhood. Furthermore, the higher classification streets in the vicinity provide sufficient access for future mixed uses and multi-family development. Considering these factors, the subject property is equally or better suited for the proposed designation than its current designation.

The Planning Commission finds the application meets this criterion.

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

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

The Planning Commission finds that 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 subject property is surrounded by Single-Family Residential (RA) designated land to the west and north, a City park to the east (opposite of Doaks Ferry Road), and an undeveloped NCMU portion of the site (approximately 12 acres) that is currently on track to be rezoned to MU-II as a part of the “Our Salem” project; directly south and on the opposite side of Orchard Heights Road is West Salem High School. This site’s unique location and its abutting and nearby uses create an opportunity to efficiently develop this site for multi-family use, complementing the surrounding uses and amenities. Future development will be part of the solution of the limited supply of multi-family development land within the city. Future development will comply with the City’s standards and criteria for development, design, and site plan review. The proposal would allow for reasonable development of the property in a manner which compliments the existing neighborhood. The applicant asserts that the proposal provides a highly desirable residential housing option, will serve the current and future needs of the community, and supports the City of Salem’s urbanization and housing goals. Staff finds that the proposal provides for the logical urbanization of land.

The Planning Commission 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.

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

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

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

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

Finding: The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which indicates a large surplus of available land for single-family detached housing, primarily consisting of lands within the “Single Family Residential” and “Developing Residential” designations and a deficit of land available for multifamily residential development. The proposal would convert 22.8 acres from “Developing Residential” designation and approximately two acres from “Mixed Use” designation to a “Multiple Family Residential” designation, where the HNA identifies a deficit.

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

Finding: The land proposed for the comprehensive plan map changes appears to have capacity for multiple family residential development. The topography of the subject property slopes gently upward from east to west and varies in elevation from approximately 298-feet to 406-feet above mean sea level. The relative environmental suitability of the property for multiple family residential development is even greater when compared to the steeper residential properties in the southern reaches of the City. There are no wetlands on the subject property, and it is not within a floodplain or floodway.

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

Finding: The subject property is within the Urban Service Area. As outlined within the memo from the Public Works Department (Attachment C of the February 18, 2022 Planning Commission decision), water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed by the proposed comprehensive plan map designation.

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

Finding: The property is located in an urbanized area of the city where services exist in the vicinity, including shopping, employment, entertainment, parks, and elementary, middle and high schools. The Doaks Ferry Road and Orchard Heights Road corridors are abutting the property to the east and south, linking with the West Salem Business District which has commercial nodes providing a wide range of shopping, employment, and entertainment opportunities. There are multiple parks and religious institutions within the vicinity, as well as five nearby schools.

- e. *The character of the existing neighborhoods based on height, bulk and*

scale of existing and proposed development in the neighborhood.

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

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

Finding: The subject property is located within the Urban Service Area and adequate utilities are available to serve the property. The subject property is not located within the boundaries affected by specific development plan or urban renewal area. The change to the West Salem Neighborhood Plan is addressed in section 2 below.

g. The density goal of General Development Policy 7.

Finding: General Development Policy 7 provides in part that “the cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.” When applied to the subject property, the range of densities allowed in zones implementing the Multiple Family Residential designation provides for more dwelling units than the 6.5 dwelling units per acre, which is consistent with the Housing Needs Analysis (HNA) prepared in 2015. The applicant proposes not to exceed 500 multi-family units for this site. With the portion of this site being approximately 24.8 acres in size, the proposed density, based on the applicant’s submitted material, is approximately 20-units per acre.

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

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

Finding: The subject property abuts Doaks Ferry Road NW, classified as a Major Arterial in the Salem TSP. The proposed Multi-Family Residential designation would accommodate a greater number of dwelling units than the current Residential Agriculture zoning designation. Review of future development at the site will ensure necessary improvements for street, curb, sidewalk, and utility infrastructure will be provided, and unnecessary duplication of utilities, facilities, and services will be avoided. Finally, Staff is unaware of any unreasonable nuisances or hazards to residents in the immediate vicinity.

Policy E.6: Multi-family housing shall be located in areas proximate to existing or

planned transportation corridors, public facilities and services:

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

Finding: The RM-II (Multiple Family Residential) zone proposed to implement the designation includes a minimum density of 12 units and maximum density of 28 units per gross acre, encouraging efficient use of residential land and public facilities while allowing for a variety of housing types. As described within the findings above, the immediate vicinity includes a range of densities within existing developments. There are two Cherriots Transit stops near the site: one on Orchard Heights Road near Doaks Ferry Road (Routes 16 and 23), and one on Titan Drive at West Salem High School (Route 16). Existing transportation infrastructure, including pedestrian and automobile facilities, is available in the surrounding area to connect to nearby employment centers, shopping areas, parks, and public buildings.

- Policy E.7: Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:*
- a. *The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;*
 - b. *Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;*
 - c. *The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

Finding: Future development of the subject property would create new streets and/or private drives, as well as improvements to Doaks Ferry Road providing increased opportunities for public transportation, safe bicycle and pedestrian access to local schools and parks, and enhancing access to the site and surrounding properties with a variety of routes with or without driving. The existing transportation system serving the residential neighborhood, which includes the subject property, allows for short trips within the neighborhood to be made by a variety of routes, with or without driving. Future development at the property will be reviewed for adherence to the TSP, as well as on-site features such as pedestrian access.

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

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

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

The Planning Commission finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

The applicable Statewide Planning Goals are addressed as follows:

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

Finding: Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association which the property is located within. On June 21, 2021, the applicant's representative attended the regularly scheduled West Salem Neighborhood Association (WSNA) Meeting to present the proposal. A public hearing notice was mailed to the affected property owner(s), tenants within 250 feet of the subject property, and to WSNA. The property is not within a Homeowner Association. This satisfies the citizen involvement requirements described in Goal 1.

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

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

Statewide Planning Goal 3 – Agricultural Lands and Goal 4 – Forest Lands:

Planning Commission Findings: The proposed plan amendment does not affect any lands

designated agricultural lands or forest lands or their inventories. Consequently, Goal 3 and Goal 4 are not invoked by the application.

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

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

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

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

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

Finding: The subject property is not located within a floodplain or floodway, nor does it contain any landslide hazards. All development of the subject property will be subject to applicable review, including evaluation of landslide hazards. The proposal is consistent with Goal 7.

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

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

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

Finding: In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres and an industrial land surplus of approximately 907 acres. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted the EOA and updated the Comprehensive Plan accordingly. The City now uses the EOA and its findings to inform policy decisions, including how to respond to requests for rezoning land.

Additionally, because the existing zoning designation for the subject property is residential, the change to a higher density residential zoning does not impact the City’s industrial or commercial property, and therefore does not subtract from economic development opportunities associated with those properties and zoning classifications. The proposal is consistent with Goal 9.

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

Finding: In 2015, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decisions related to residential land. According to the Housing Needs Analysis (HNA), “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.” With a Multi-Family Residential designation, the subject property could be developed as multi-family dwellings; the change in designation and rezone increases potential density while helping to meet housing needs within the Salem Urban Growth Boundary. The proposed change to the 24.84-acre portion of the property could provide between 297 and 694 dwelling units based on the minimum and maximum density standards of the RM-II zone. The increase in density allowed by the proposed change would reduce the deficit identified in the HNA.

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

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

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

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

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding

transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

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

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed comprehensive plan change and zone change will not have a significant impact on the transportation system. The Assistant City Traffic Engineer has reviewed the proposed Comprehensive Plan Change and Zone Change and concurs with the applicant’s conclusion that it complies with OAR 660-012-0060 and does not cause a “significant effect” to the City’s transportation system. The submitted TPR analysis proposes a trip cap equal to 500 multi-family units on the site. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 24.84-acre site to 2,270 average daily vehicle trips. Therefore, with the condition in place under Section 3 below, the proposal complies with Goal 12.

- **Supplemental Findings in Response to Traffic Concerns:** The City has received traffic engineering report from the Applicant’s Traffic Engineer, which has been reviewed by City staff and accepted. Specifically, the comments from Joe Bessman, P.E., of Transight Consulting, LLC dated October 22, 2021 (pages 1-38) are included as part of the record of application materials submitted, which can be accessed on the website linked above, and are incorporated herein by reference. These supplemental findings are hereby incorporated in whole as if restated herein.

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

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

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development at the property are located nearby. The

proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB in compliance with Goal 14.

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

Planning Commission Findings: Each of the above are geographic specific goals. The subject property is not within the Willamette River Greenway, or in an estuary or coastal area. Consequently, Goals 15, 16, 17, 18 and 19 are not applicable to this application.

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

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

9. WEST SALEM NEIGHBORHOOD PLAN

Finding: The property is located within the boundaries of the West Salem Neighborhood Association. The West Salem Neighborhood Plan was adopted in 2004 and is in effect pursuant to SRC Chapter 64. The criteria for approval of a Neighborhood Plan Change are the same as the Minor Comprehensive Plan Map amendment, the findings above adequately address the proposed Neighborhood Plan change.

10. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA

The following analysis addresses the proposed zone change for the northern portion of the subject property from RA (Residential Agriculture) and a 2-acre portion of NCMU to RM-II (Multiple Family Residential).

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

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

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

Finding: The applicant states the proposal satisfies both criterion (ii) – 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, and; criterion (iii) – the proposed zone change is equally or better suited for the property than the existing zone. As addressed in *section 1* above, the physical characteristics of the property, including its proximity to local schools, major and minor arterials and collector streets, and convenient access to local retail and services, are appropriate for the proposed zone. The subject property creates an ideal opportunity for higher utilization of public transit, safe bicycle and pedestrian access from within and around the site by allowing for efficient connections to adjacent residential areas, transit stops, schools, parks, and neighborhood activity centers all within one-half mile of the development.

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

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

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

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

Finding: Findings addressing the minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. The proposal satisfies this

criterion.

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

Finding: Findings addressing the minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. The proposal satisfies this criterion.

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

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

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

Finding: The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the proposed Comprehensive Plan Change and Zone Change and concurs with the applicant's conclusion that it complies with OAR 660-012-0060 and does not cause a "significant effect" to the City's transportation system. The submitted TPR analysis proposes a trip cap equal to 500 multi-family units on the site. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 24.84-acre site to 2,270 average daily vehicle trips. Therefore, the following condition applies:

Condition 1: The transportation impacts from the 24.84-acre site shall be limited to a maximum 500 multi-family units and a cumulative total of 2,270 average daily vehicle trips.

As conditioned, the proposal meets this criterion.

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

proposed zone.

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

SRC 265.005(e)(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.

Planning Commission Findings: The Planning Commission finds that the level of information provided in application addressing the factors listed under SRC Chapter 265.005(e) corresponds to the anticipated impact of the zone change proposal. The Planning Commission notes in particular the transportation impact evidence prepared and submitted by the applicant's expert. That evidence is extensive, responsive to the issues raised by public works and ODOT, and demonstrates that the potential adverse impacts that could flow from the consolidated plan designation and zone change application will be mitigated by the Applicant. That evidence is also responsive to comments submitted by neighbors and the neighborhood association that focused almost entirely on the potential impacts that could flow from increased automobile use of the property that the proposal would allow. The proposal satisfies this criterion.

CONCLUSION

Based on the facts and findings presented herein, Staff concludes the proposed Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change, for property located on the 2100 Block of Doaks Ferry Rd NW, satisfy the applicable criteria contained under SRC 64.025(e)(2) and SRC 265.005(e)(1) for approval subject to the following conditions of approval:

Condition 1: The transportation impacts from the 24.84-acre site shall be limited to a maximum 500 multi-family units and a cumulative total of 2,270 average daily vehicle trips.

Prepared by Jamie Donaldson, Planner II