

# NOTICE OF DECISION

PLANNING DIVISION  
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*Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173*

## **REVISED DECISION OF THE SALEM PLANNING COMMISSION**

**MINOR COMPREHENSIVE MAP AMENDMENT / ZONE CHANGE CASE NO.:  
CPC-ZC21-06**

**APPLICATION NO.: 21-114252-ZO / 21-114255-ZO**

**NOTICE OF DECISION DATE:** February 18, 2022

**SUMMARY:** A request for a Minor Comprehensive Plan Map Amendment and Zone Change from RA (Residential Agriculture) and NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential).

**REQUEST:** A consolidated Minor Comprehensive Plan Map Amendment to change from DR (Developing Residential) to MF (Multiple Family Residential) and a Quasi-Judicial Zone Change from RA (Residential Agriculture) and a portion of NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential) for approximately 24.84 acres in the northern area of a 36.86 acre parcel. The subject property is currently split-zoned RA (Residential Agriculture) and NCMU (Neighborhood Center Mixed Use), and located at the 2100 Block of Doaks Ferry Rd NW (Polk County Assessor Map and Tax lot 073W17B / 00400).

**APPLICANT:** John Eld and Mark Lowen, Bonaventure / Titan Properties

**LOCATION:** 2100 Block of Doaks Ferry Rd NW, Salem OR 97304

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

**FINDINGS:** The findings are in the attached Decision dated February 18, 2022.

**DECISION:** The **Planning Commission APPROVED** Minor Comprehensive Map Amendment, Neighborhood Plan Change, and Zone Change CPC-ZC21-06 subject to the following condition 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.

**VOTE:**

Yes 6

No 0

Absent 1(Griggs)

Abstain 2(Eachus, Fought)

Ian Levin, Vice-President  
Salem Planning Commission

The rights granted by the attached decision have no expiration date.

Application Deemed Complete:	<u>November 29, 2021</u>
Public Hearing Date:	<u>February 15, 2022</u>
Notice of Decision Mailing Date:	<u>February 18, 2022</u>
Decision Effective Date:	<del>April</del> <u>March 8, 2022</u>

Case Manager: Jamie Donaldson, Planner II, [jdonaldson@cityofsalem.net](mailto:jdonaldson@cityofsalem.net), 503-540-2328

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at [planning@cityofsalem.net](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Monday, April March 7, 2022. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64 and 265. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the Salem City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

## **FACTS & FINDINGS**

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

**February 18, 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, 2022.
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, 2021.
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. 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 (**Attachment A**).

## **APPLICANT’S STATEMENT**

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

- Applicant’s Site Plan and Written Statements: **Attachment B**

Planning Commission utilized the information included in the applicant’s statement to evaluate the proposal and to establish the facts and findings.

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available upon request: 1) All materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports; 2) any materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public; and 3) all documents referenced in this report.

## **FACTS AND FINDINGS**

### **1. Salem Area Comprehensive Plan (SACP)**

The Salem Area Comprehensive Plan (SACP) map designates the subject property as 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 (**Attachment C**), 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 (included as **Attachment C**).

**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 submitted comments (**Attachment D**).

**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.

**Staff Response:** On January 25, 2022, the applicant's Traffic Engineer (Transight Consulting) submitted a response to many of the concerns raised prior to the initial hearing. Within this document, the applicant explains that the TPR Analysis "only provides a theoretical assessment of 'worst-case' analysis scenarios for purposes of rezoning, and does not include an assessment of the suitability of the transportation system with the proposed apartments (which will be separately required as part of the site plan application) as a specific site plan is not available at this time." In addition, Transight Consulting included a FAQ sheet from Department of Land Conservation and Development (DLCD) which contains helpful information as to how a TPR analysis is evaluated, determination of "significant effect," and what types of limitations are acceptable.

After the hearing held on January 25, 2022, comments from Oregon Department of Transportation (ODOT) were sent to the applicant, which identified items within the analysis to be addressed. Overall, ODOT found that while their comments would have an effect on the operational analysis results, it is unlikely that they would be significant enough to have an impact on the conclusions of the study.

On January 31, 2022, Transight Consulting provided a response to ODOT's comments, and ODOT responded again on February 3, 2022 (**Attachment E**). In short, ODOT has determined that "the traffic impact study has been prepared in accordance with ODOT analysis procedures and methodologies." Both ODOT and the City's Traffic Engineer agree that the TPR analysis presented provides a reasonable assessment of the forecast conditions.

*Evaluation of "significant effect"*

According to DLCD, a proposed plan amendment or zone change has a "significant effect" if: (1) it generates more traffic than allow 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. This is typically adequate to avoid triggering a significant effect.

The requested comprehensive plan change, neighborhood plan change, and zone change will not have a significant effect on the existing transportation system beyond what the current land use designations would allow. The applicant's analysis shows that the existing zoning could generate about 1,770+ trips, and the proposed zoning about 1,100+ more. Their analysis also shows that if they add

only those extra trips, they will have no significant effect on the transportation system. The applicant also recognizes that there are “viable mitigation options as the project moves into the entitlements phase where actual impacts (not the comparative impacts) are the relevant performance criteria.” However, for purposes of TPR compliance, the “worst-case” scenario under the proposed zoning compares far more density than what the applicant is proposing. Accordingly, a trip cap provides the simplest mechanism to mitigate the finding of a significant impact. Therefore, limiting the site to 500 multi-family units will mitigate the finding of a significant effect.

The City Traffic Engineer and 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).

- **Trip Cap Amendment:** WSNM 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 as **Attachment F**. The analysis provided by Transight Consulting shows the 500-unit and 2,270 average daily trips (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 zoning could generate 1,775 daily trips currently. It should also be noted that the flow chart included in the WSNM 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**. 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**), 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.

**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.

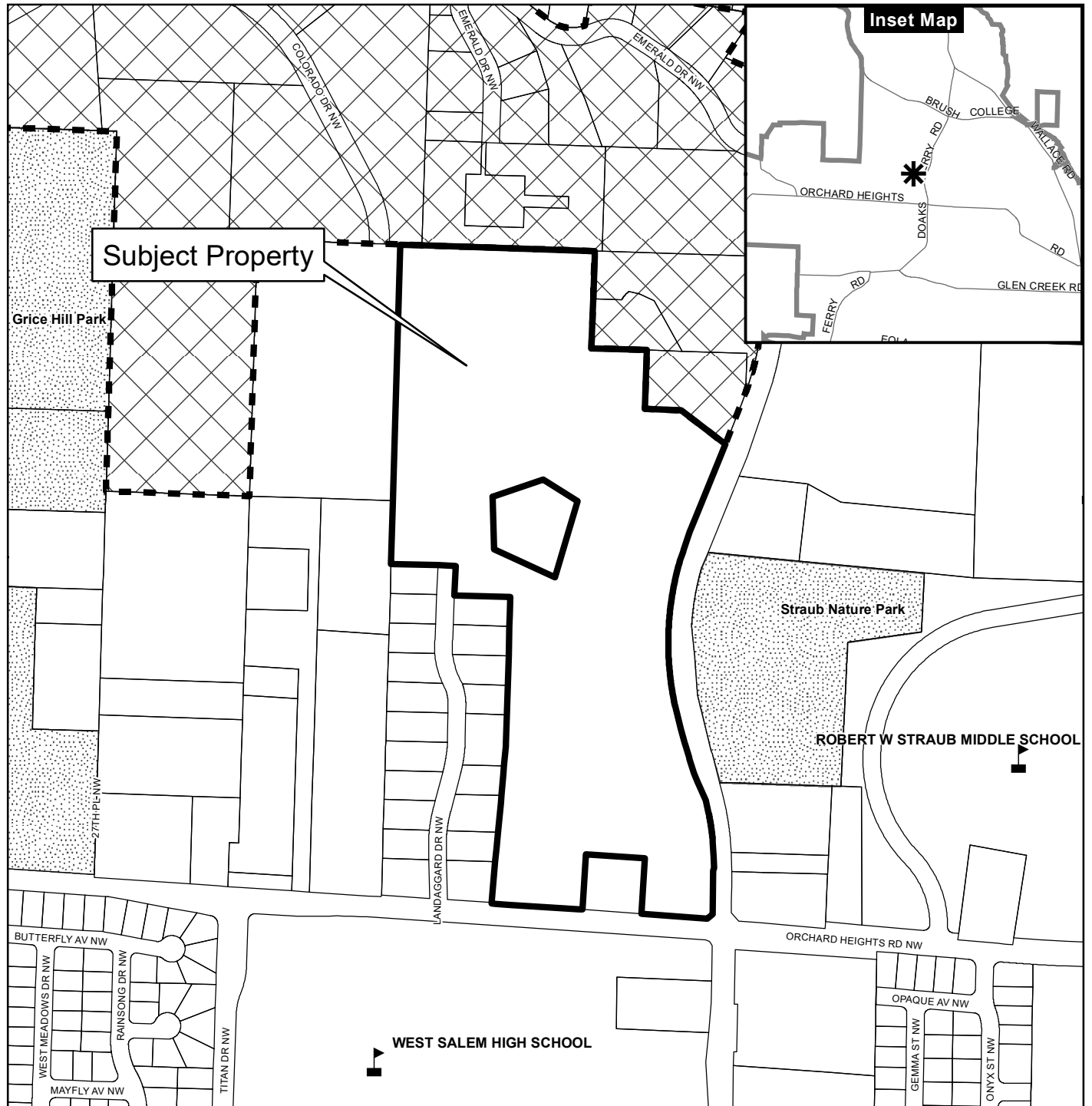
### **Attachments:**

- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Site Plan and Applicant's Written Statements
- C. Memo from the Public Works Department
- D. Comments from Salem-Keizer Public Schools
- E. Comments from ODOT
- F. Rebuttal from City's Traffic Engineer, Tony Martin
- G. Salem HNA Update

Prepared by Jamie Donaldson, Planner II

# Vicinity Map

## 2100 Block of Doaks Ferry Road NW



### Legend

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

- Parks

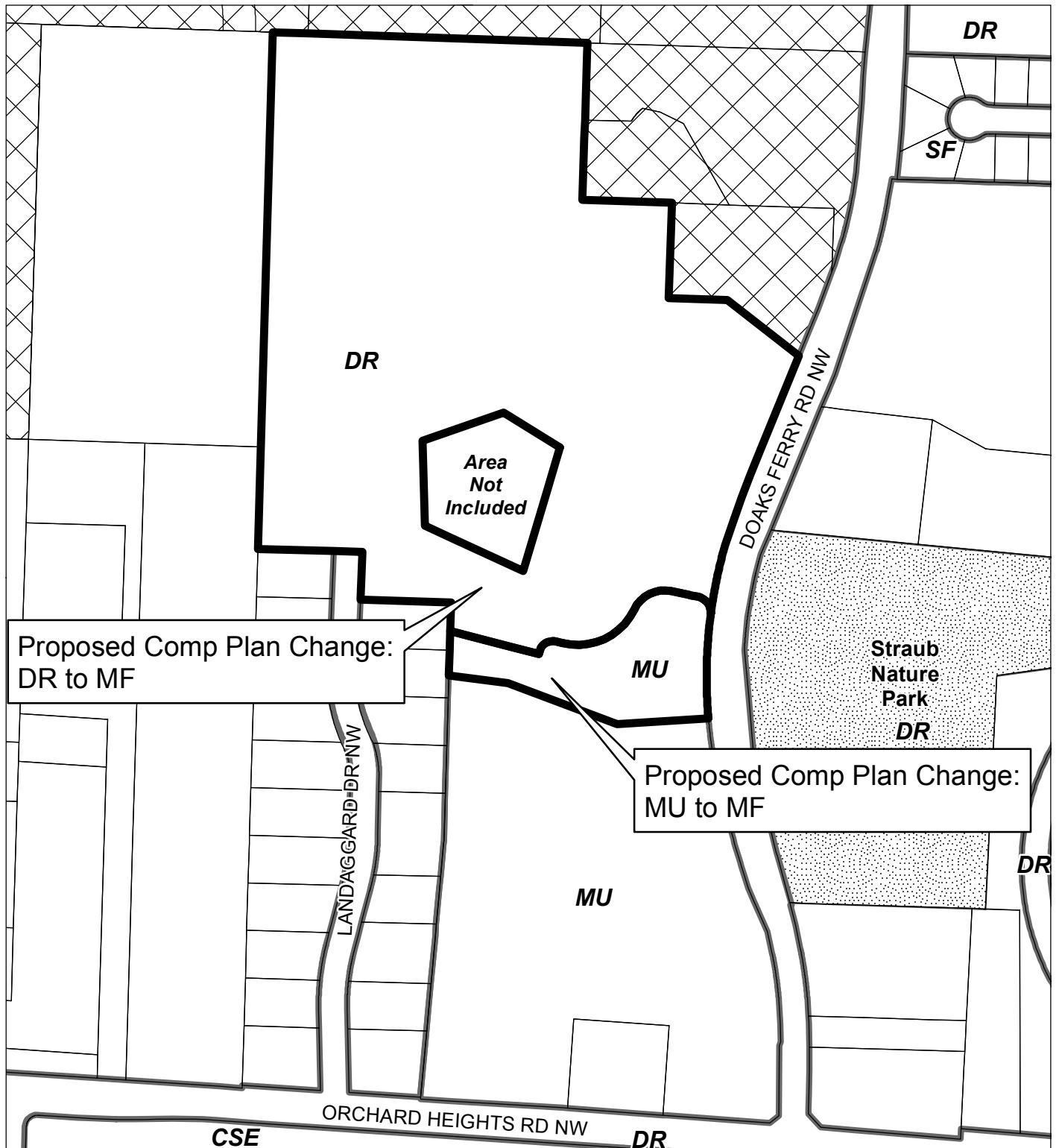
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# Proposed Comprehensive Plan Change - 073W17B00400



## Legend

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

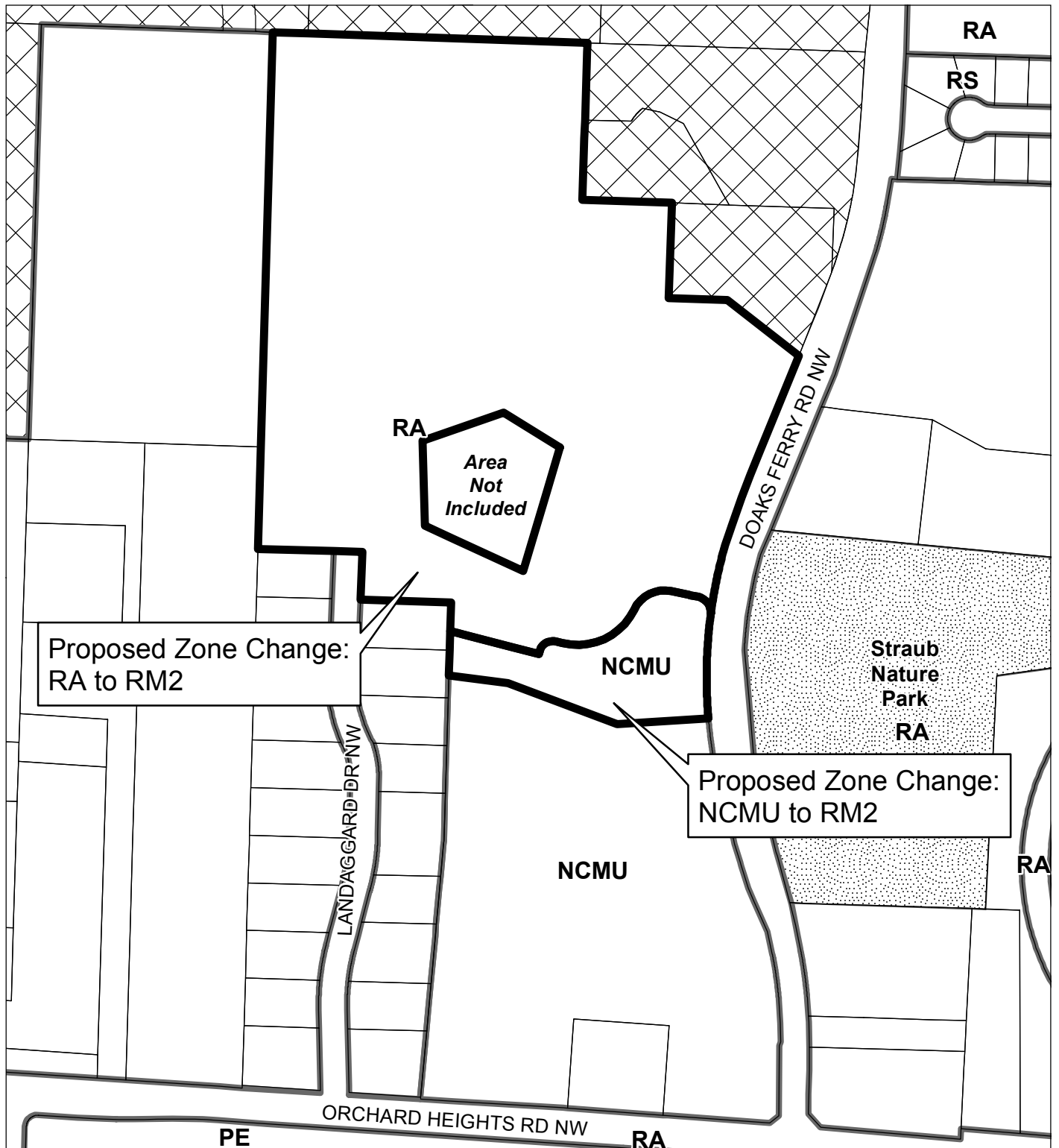
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Community Development Dept.

# Proposed Zone Change - 073W17B00400



## Legend

- |                           |         |
|---------------------------|---------|
| <b>RS</b> Base Zoning     | Taxlots |
| Urban Growth Boundary     | Parks   |
| Outside Salem City Limits | Schools |

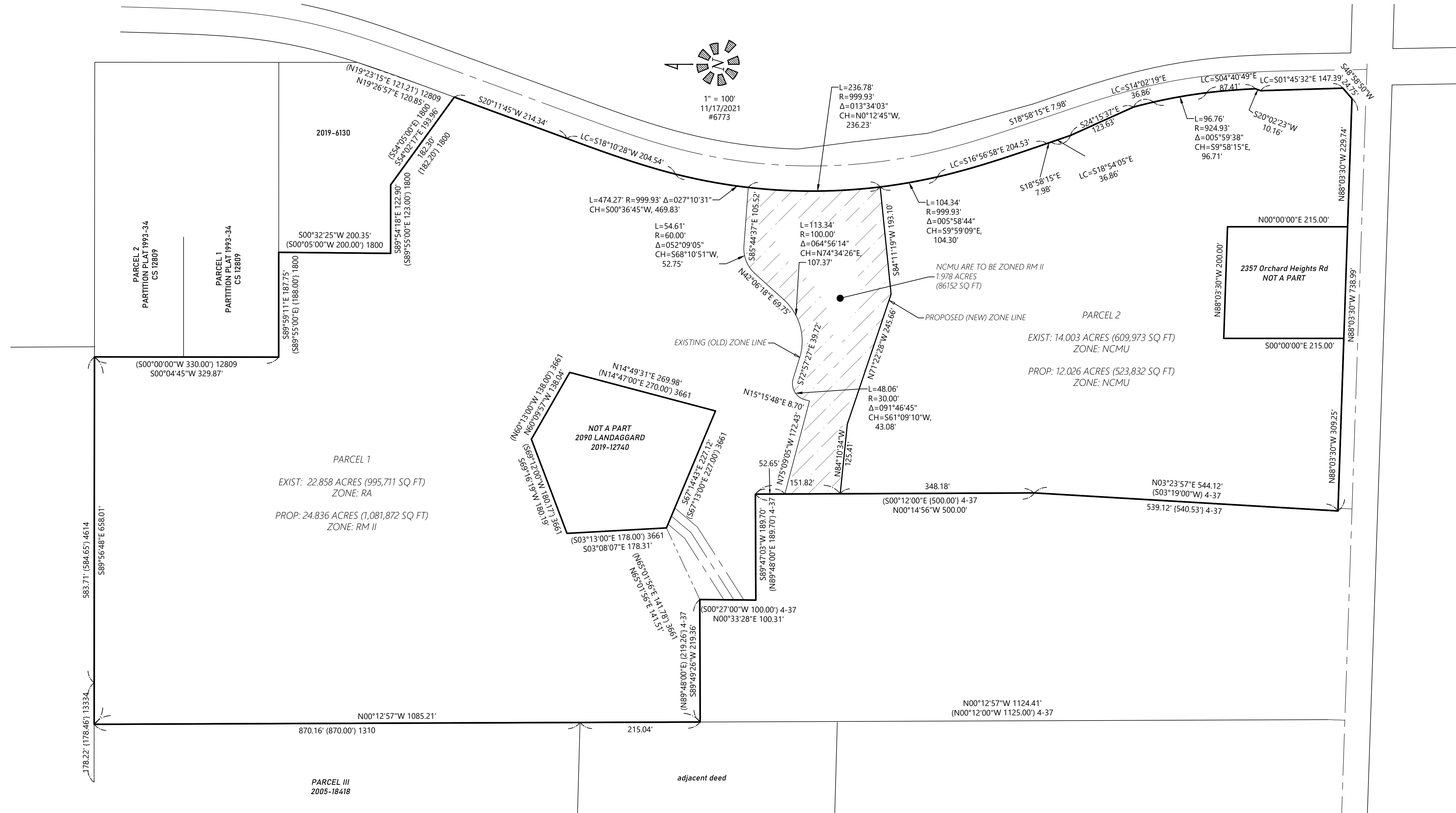
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AT YOUR SERVICE  
Community Development Dept.

BY:  
MULTI/TECH ENGINEERING SERVICES, INC.  
1155 13th STREET S.E.  
SALEM, OREGON 97302  
(503) 363-9227





# **TITAN HILL PROPERTY LLC**

## **Salem, Oregon**

A Land Use Application for:

**Type III Process**  
**Minor Comprehensive Plan Amendment – 64.020(c)**

Applicant:  
**Titan Hill Property LLC**

Submitted:  
**July 30, 2021**  
Revised:  
**November 3, 2021**

Prepared by:  
**Titan Hill Property LLC**



**Applicant & Property Owner**

**Titan Hill Property LLC**

3425 Boone Road SE  
Salem, OR 97317

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**Civil Engineering**

**Multi/Tech Engineering Services, Inc.**

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Salem, Oregon 97302  
Contact: Brandie Dalton  
503-363-9227  
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**Tax Lot Information:**

Tax Map: 073W17B000400

**Lot Area:**

22.85 acres (after partition)

**Current Zoning District:**

RA (Residential Agriculture)

**Current Comprehensive Plan  
Designation**

DR (Developing Residential) &  
NCMU (Neighborhood Center Mixed Use)

**Attachments:**

- (50) Land Use Application:  
Type III / Minor Comprehensive Plan Amendment – SRC 64.020(c)**
- (51) Vesting Deed - Titan Hill Property LLC**
- (52) LLC Operating Agreement - Titan Hill Property LLC**
- (54) Written Statement – Revised 11/2/21**
- (61) Current Conditions Map - Revised**
- (66) Current Comprehensive Plan Designation Diagram - Revised**
- (72) Transportation Planning Rule Analysis (TPR) – New Submission**
- (82) Neighborhood Association Contact**

**I. Background**

The subject property is a 22.85-acre infill site, being the northerly portion of Polk County Tax Lot 073W17D000400, which tax lot is approximately 36.72-acres in total ("**Tax Lot 400**"). This northerly portion of Tax Lot 400 abuts Doaks Ferry Road on its easterly boundary and lies north of the intersection of Doaks Ferry Road and Orchard Heights Road in West Salem (See revised Exhibit 66, Existing Designations Map). The site's topography generally raises in elevation from east to west. **Please note:** Tax lot 073W17D000900 AKA 2357 Orchard Heights Rd is not a part of this application.

Primary access to the site is from Doaks Ferry Road (major arterial) with an additional point of access at the northerly termination of Landaggard Drive NW (collector street). Historically, the parcel has been used for agricultural purposes including orchard and berry farming.

Tax Lot 400 was annexed into the City of Salem in 2007. It is currently zoned RA with a majority of the parcel lying within the DR (Developing Residential) Comprehensive Plan Designation. The remainder of the parcel is designated under the Comprehensive Plan as NCMU (Neighborhood Center Mixed Use). A change to the comprehensive plan designation is proposed for the southerly portion of Tax Lot 400 (approximately 13 acres), from NCMU to MU-II as a part of the "Our Salem" process.

**II. Request**

The applicant respectfully requests that the City consider and approve a change in the comprehensive plan designation for the approximately 22.85 acres identified in this application from Developing Residential (DR) and Neighborhood Center Mixed Use (NCMU) to Multi-Family Residential (MF).

**III. HOA - SRC 300.210(a)(10)**

The subject property does not lie within the boundaries of a homeowner's association.

**IV. Compliance with City of Salem Development Code**

**Sec. 64.025(e)(2) Plan Map Amendment**

(2) *Minor plan map amendment.* 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:

(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.

**Response:** The Salem Housing Needs Analysis and Work Plan and City Council Resolution No. 2016-05 clearly identify a growing need for multi-family housing. This increase in demand for higher density housing throughout the City of Salem is identified within the Salem Housing Needs Analysis, which states “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”. Salem continues to have a surplus of developable single-family residential land. With a multi-family designation, the subject property can be developed with higher density residential dwellings, and the rezone can help maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The City has a three-phase work plan to overcome the deficit of multifamily development land by: (1) Expanding Housing Choices, (2) Encouraging Multi-family Development, (3) Redesignation of Land. This proposed zone change to RM-II (Multiple Family Residential II) aligns with these three objectives as well as Goal 10 requirements (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008) to create more diverse housing type options, thus making this site an excellent candidate for the RM-II Zoning Designation. A unique factor for this site is its close proximity to five public schools within 0.6 miles or less. This factor encourages additional consideration for increased density and multi-family development.

Please note, this rezone includes a 1.05-acre portion that is currently designated NCMU. This portion is along the southerly edge of the site. This NCMU portion is being included in the entire 22.85 parcel. The intent is to adjust the northerly (proposed RM-II) and southerly (NCMU) parcels to increase the feasibility for developing both sites due to topographic and design issues. The minor adjustment (1.05 acres) will leave approximately 13 acres as NCMU. Multi-family site and building design standards allows for increased flexibility with building mass, articulation, and variations in finish floor elevations to better utilize challenging topography and other site constraints. Design standards for commercial, retail and service use allowed in the NCMU zone limit design flexibility. The additional design flexibility under the RM-II standards allows for better utilization of this land.

Note: All five of the schools listed below 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: 1350 feet from the site

Straub Middle School: 1750 feet from the site

Kalapuya Elementary School: 0.50 mile from the site

Brush College Elementary School: 0.55 mile from the site

Chapman Hill Elementary School: 0.60 mile from the site

- (ii) *Equally or better suited designation.* A demonstration that the proposed designation is equally or better suited for the property than the existing designation.

**Response:** There is a shortage of appropriately designated vacant multi-family sites within this vicinity. The nearest parcels zoned RM-II are located approximately one mile east of this site and they are already fully developed. This site gives the applicant the ability to provide additional multi-family housing with a diverse variety of residential units, providing options for varying income levels within this area and to help Salem meet its current housing needs. As shown on the City's land zoning map, currently there are no other available RM-II properties near the subject property. This proposal can help in reducing Salem's deficiency in multi-family housing during the projected growth of population over the next few decades.

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

Furthermore, this site is better suited as a RM-II use, due to its proximity to a high school, middle school and elementary schools as well as major and minor arterials and collector streets (listed below). This proposal creates an ideal opportunity for higher 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 development.

This proposed RM-II site will benefit from these major and minor arterial roadways and collector streets that are abutting or nearby:

Doaks Ferry Road (abutting major arterial) intersecting with Colorado Way  
(future collector street)

Landaggard Drive - secondary access (collector street)

Orchard Heights Road (minor arterial) intersecting with Doaks Ferry Road and  
Landaggard Drive

This proposal will provide increased opportunities for public transportation, safe bicycle and pedestrian access to local schools and parks and enhancing access to this site and surrounding properties.

In conclusion, there are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A multi-family use on the site is better suited for the site because of the location close to schools, parks and directly accessing a major arterial road and will help to provide additional housing in the City of Salem. Therefore, the proposal satisfies this criterion has been met.

- (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.

**Response:** City staff has confirmed that the subject parcel is within the Urban Service Area. Water, sanitary sewer, and storm drainage will be serviced from Doaks Ferry Road. Water, sanitary sewer, and storm drainage plans will be submitted to the Public Works Department for final plat and construction plan approval at the final plat stage. The proposal meets applicable Salem Area Comprehensive Plan Residential Policies for properties within the Urban Growth Boundary. The proposal encourages the efficient use of developable residential land. Public facilities and services are or will be available to serve the site, including services such as water, sanitary and storm sewer, and fire/life/safety services. This site will receive sanitary sewer service as a part of the Doaks Ferry Sanitary Sewer Extension Project. A 12" waterline will be extended from Orchard Heights Road to service this site.

- (C) The proposed plan map designation provides for the logical urbanization of land.

**Response:** This infill site is surrounded by single family residential (RA) land to the west and north, a city park to east (opposite side of Doaks Ferry Road), and an undeveloped NCMU site (approx. 13 acres) that is currently on track to be rezoned to MU-II as a part of the "Our Salem" program. Directly south and on the opposite side of Orchard Heights Road from the NCMU/MU-II site 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 for the limited supply of multi-family development land within the Salem Urban Growth Area, Salem city limits and the West Salem community. Future development will comply with the City's development, design, and site plan review standards and criteria. Collectively, these standards ensure that future development will connect with abutting developments and reflect the City's aesthetic standards. By providing a highly desirable residential housing option, the proposal will serve the current and future needs of the community and support the City of Salem's urbanization and housing goals.

- (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

**Response:** The MF designation within the Salem Comprehensive Plan is an ideal adaptation for this site and would meet the following residential development goals:

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.

Response: The Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. This proposal converts approximately 21.8 acres of land designated Residential Agricultural and 1.05 acres from the Mixed-Use designation to a Multi-Family Residential designation, where the HNA identifies a deficit.

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

Response: The applicant proposes that the parcel for the comprehensive plan map change has 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. There are no wetlands on the subject property, and it is not within a floodplain or floodway or areas of mapped landslide hazard.

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.

Response: 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.

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

Staff Response: The property is in infill site located in a developing area of the city where services exist in the vicinity, including shopping, employment, entertainment, parks, and elementary, middle, and high schools. Doaks Ferry Road and Orchard Heights Road corridors are located (abutting) east and south of the property, linking with the West Salem business district which has commercial nodes providing a wide range of shopping and employment opportunities. There are multiple parks and religious institutions within the vicinity.

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

Response: Residential properties in the vicinity are developed at a range of densities. The proposed Multiple Family Residential 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.

Response: The subject property is located within the Urban Service Area as stated above, adequate utilities are available to serve the property. The subject property is not located within the boundaries affected by a neighborhood plan, development plan or an urban renewal area.

g. The density goal of General Development Policy 7.

Response: 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.” 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 to not exceed 500 multi-family for this site. With the site being approximately 22.85 acres in size, the proposed density, based on the applicant’s submitted material, is approximately 22-units per acre.

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

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

Response: The subject property abuts Doaks Ferry Road NW, classified as a major arterial street in the Salem TSP. The proposed Multi-Family Residential designation would accommodate a greater number of dwelling units than the current Residential Agricultural zoning designation. Review of future development at the site will insure necessary improvements for street, curb, sidewalk, and utility infrastructure. Applicant will provide these improvements as identified under the conditions of approval.

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.

Response: The proposed RM-II (Multiple Family Residential) zone 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. The immediate vicinity includes a range of densities within existing developments. There are two Cherriot Transit stops near the site, the first on Orchard Heights Road near Doaks Ferry Road, routes 16 & 26 (0.3 miles) and Titan Drive at West Salem High School, route 16 (0.4 miles). Existing transportation infrastructure, including pedestrian and automobile facilities are available, connecting the site 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.

Response: Future development at 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, parks and enhancing access to this site and surrounding properties 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.

In conclusion, there are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A multi-family use on the site is better suited for the site because of the location, close to schools, parks and directly accessing a major arterial road and will help to provide additional housing in the City of Salem. Therefore, the proposal satisfies this criterion has been met.

Policy E.10 Requests for rezoning 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 Agricultural) 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 is available 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.

**Encouraging the efficient use of developable residential land:** This medium density residential development allows for increased housing availability while conserving the available inventory of local developable land by more efficiently utilizing city and community services and amenities on site and within the surrounding community.

**Provide housing opportunities for Salem's diverse population:** This multi-family development offers a diverse variety of residential units providing options for varying income levels within this area, helping Salem meet its current housing needs.

**Encourage residential development that maximizes investment in public services:** By concentrating residential housing within a medium density residential development, this development will better utilize infrastructure including utilities, stormwater, and transportation facilities, parks, and schools.

This proposal allows for medium density residential development to address both Salem Comprehensive Plan goals and objectives as well as Oregon's Statewide Goal No. 10 (Housing) by adding to the needed housing units.

- (E) The amendment is in the public interest and would be of general benefit.

**Response:** Salem's residents will benefit from this and other similar developments, adding housing choices, diversity, and livability by increasing the local housing options while promoting equitable, efficient, and sustainable growth with lower environmental impacts.

**V. Compliance Applicable Statewide Planning Goals (OAR 660-015-0000):**

## 1. CITIZEN INVOLVEMENT

Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

**Response:** The proposed Comprehensive Plan Amendment 21-114252-ZO and Zone Change 21-114255-ZO were noticed to the West Salem Neighborhood Association on June 7, 2021, placed on the WSNA Agenda for the June 21, 2021, meeting and presented at this meeting as reflected in the minutes from the Neighborhood Association meeting. See Exhibit 82 of the application submission.

Additional opportunity for public input is provided during the Type III review procedure (Sec. 300.620). Notice will also be provided via first class mail to surrounding neighbors (within 250') and other concerned parties and agencies as well as public notice via signs posted on the subject site regarding the Planning Commission Hearing.

The Planning Commission Hearing process provides opportunities for written and oral comment and testimony during the hearing process.

Therefore, Goal 1 is satisfied.

## 2. LAND USE PLANNING

Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

**Response:** The applicant has submitted the Comprehensive Plan Amendment and Rezoning Application in accordance with the applicable rules and policies for the City of Salem with consideration and accordance with Oregon statewide planning policies and ordinances, therefore Goal 2 is satisfied.

## 3. AGRICULTURAL LANDS

Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.

**Response:** The current Comprehensive Plan Designation for this site is Developing Residential. Additionally, the site is surrounded by residential and educational uses on all sides, further establishing it as an infill site. Its size, topography and configuration are not conducive with ongoing agricultural uses.

Therefore, Goal 3 is satisfied.

#### 4. FOREST LANDS

This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

**Response:** Goal 4 is not applicable because there are no known forest lands on this site.

#### 5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES

Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

**Response:** The applicant has completed a wetlands and natural resources survey impacting Tax Lot 400 in its entirety (approximately 36.72-acres) along with two additional tax lots. The State of Oregon Department of State Lands provided a letter of concurrence, dated April 23, 2021 (Exhibit 68) for wetlands located with the southerly portion of Tax Lot 400; this portion is the southerly 13 acres (approximate) portion of Tax Lot 400 not included in this application. There are no significant cultural resources such as wildlife habitats and wetlands on the subject site. The proposed comprehensive plan amendment will not have any impacts on wetland or natural resources.

Any potential improvement or future development for the remainder portion of Tax Lot 400 will be coordinated with the appropriate agencies to insure proper care and consideration of any natural resources.

Therefore, this proposal is consistent with Goal 5.

#### 6. AIR, WATER AND LAND RESOURCES QUALITY

This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.

**Response:** The development is subject to tree preservation, stormwater and wastewater requirements under the UDC which are intended to minimize the impact of development on natural resources. Future development will be part of the City of Salem's stormwater and sewer facility system, which complies with all applicable state and federal regulations. As this proposal is for residential development, there are no air quality impacts of concern.

The proposal is consistent with Goal 6.

#### 7. AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply "appropriate safeguards" (floodplain zoning, for example) when planning for development there.

**Response:** The proposed site is not located within a floodplain or flood way. A Geotechnical / Geologic Hazard Assessment has confirmed that the site is not in a landslide or other natural hazards areas on the subject property. Any development of this site will adhere to the recommendations provided in this report. All development will be subject to applicable review.

The proposal is consistent with Goal 7.

## 8. RECREATION NEEDS

This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts

**Response:** Goal 8 is not applicable because the subject property is not within an area identified for recreational use.

## 9. ECONOMY OF THE STATE

Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

**Response:** A majority of this site (21.8 acres) is zoned for residential use and does not impact commercial or industrial lands.

This proposed rezone does include a 1.05-acre portion designated Mixed Use in the comprehensive plan with a NCMU zoning designation. This portion is along the southerly edge of the proposed rezone site and is being included in the entire proposed 22.85 parcel. The intent is to adjust the boundary of the proposed site to include a narrow band of the southerly (NCMU) parcel. This will increase the feasibility and efficiency for developing both sites while minimizing grading and fill requirements. The site configuration and difficult topography of the northerly edge of the existing MU / NCMU boundary and the design limitations do not provide any additional benefits for MU / NCMU development. Developing this area independent of the northern RM-II land is not feasible given the significant slopes and elevation differences to the remainder of the MU / NCMU lands. The additional design flexibility under the RM-II standards allows for better utilization of this portion of land. The minor adjustment (1.05 acres) will leave approximately 13 acres for MU/ NCMU development providing adequate land for development.

The proposal is consistent with Goal 9

## 10. HOUSING

This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

**Response:** The Salem Housing Needs Analysis states “Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.” With a multi-family designation, the subject property can be developed as multi-family dwellings, and the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. The current comprehensive plan designation of DR (Developing Residential) identifies this site for future residential development. Increased in demand for higher density housing requires consideration for additional density for all potential residential developments. This proposed minor plan amendment changing the designation to MF aligns with the Goal 10 Requirements (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008) by creating more diverse housing type options.

Therefore Goal 10 is met.

## 11. PUBLIC FACILITIES AND SERVICES

Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

**Response:** The subject property is located within the Salem Urban Service Area. The subject property can be served by public sanitary sewer, water, storm drainage, law enforcement and fire protection, schools, and parks. Applicant is working with staff on extension of the Doaks Ferry Sanitary Sewer Extension Project to provide needed trunkline improvements and expansion, providing sanitary sewer service to the site as well as future service opportunities for surrounding properties.

Therefore, Goal 11 is met.

## 12. TRANSPORTATION

Goal 12 aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."

**Response:** The applicant has provided a TPR report dated 9/30/2021 from Transight Consulting LLC. (Exhibit 72)

This report confirms that the proposed zone change does create a significant impact under Criteria 1, 2 & 4 of OAR 660-012-0060. As stated in the TPR, “[t]he analysis showed that the Wallace Road/Glen Creek Road intersection is forecast to exceed capacity in 2036 with or without the rezone. This is consistent with the projections in

*the Salem River Crossing Project Traffic and Transportation Technical Report Addendum dated October 2016. Therefore, this project creates a significant impact."*

Since the impacted facilities are fully built-out to their ultimate sections, improvements are proposed in the TPR to provide multimodal travel modes and connecting route development. The TPR identifies that the primary need within the site vicinity is the Doaks Ferry Road frontage improvements. Given the minor site impacts on vehicular performance measures, the TPR recommends improvements along Doaks Ferry Road be provided pursuant to a Development Agreement or other similar mechanism (with site development). The applicant proposes a two-fold approach to the impacts identified within the TPR report.

- 1) The applicant proposes to go with the recommendations for frontage improvements along Doaks Ferry Road as identified within the TPR and will work with the City on the best and most timely method to provide these improvements.
- 2) Understanding that additional trips will continue to put pressure on an already constrained system, the applicant proposes to impose a maximum limit of 500 dwelling units, down from the maximum allowed of 610 given in the multi-family development standards. Per the TPR dated 10/22/21 the proposed "trip cap" reduces the zone change impact by 57%. This reduction of trip level generation allows this proposed development to fall below the adopted 50 peak hour trip threshold at the ODOT identified intersection of Wallace Road and Glen Creek. The trip cap combined with the identified frontage and school connection improvement identified in the TPR. Allows this project to meet the balancing test of the TPR, showing that the overall benefits of this project outweigh the impacts.

### 13. ENERGY

Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

**Response:** The subject property is within the Salem Urban Service Area and the city limits. Public transit is available, and transportation in this area is fully established, providing major travel routes and making access to this property direct, efficient, and convenient for motorized and non-motorized forms of transportation. In addition, reduced vehicle miles are needed to reach the site, thus conserving energy.

Therefore, Goal 13 is met.

### 14. URBANIZATION

Goal 14 requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

**Response:** The subject site is currently an undeveloped infill site that lays within the Salem Urban Growth Boundary and designated for urban development; therefore, Goal 14 is met.

#### 15. WILLAMETTE GREENWAY

Goal 15 sets forth procedures for administering the 300 miles of greenway that protects the Willamette River.

**Response:** This site is not located within the Willamette Greenway; therefore, Goal 15 is not applicable.

#### 16. ESTUARINE RESOURCES

Goal 16 requires local governments to classify Oregon's 22 major estuaries in four categories: natural, conservation, shallow-draft development, and deep-draft development. It then describes types of land uses and activities that are permissible in those "management units."

**Response:** This site is not located within the Oregon's major estuaries; therefore, Goal 16 is not applicable.

#### 17. COASTAL SHORELANDS

Goal 17 defines a planning area bounded by the ocean beaches on the west and the coast highway (State Route 101) on the east. It specifies how certain types of land and resources there are to be managed: major marshes, for example, are to be protected. Sites best suited for unique coastal land uses (port facilities, for example) are reserved for "water-dependent" or "water related" uses.

**Response:** This site does is not located within any coastal shorelands; therefore Goal 17 is not applicable.

#### 18. BEACHES AND DUNES

Goal 18 sets planning standards for development on various types of dunes. It prohibits residential development on beaches and active foredunes, but allows some other types of development if they meet key criteria. The goal also deals with dune grading, groundwater drawdown in dunal aquifers, and the breaching of foredunes.

**Response:** This site does not impact Goal 18. This site is not located within Oregon beach or dune areas; therefore, Goal 18 is not applicable.

#### 19. OCEAN RESOURCES

Goal 19 aims "to conserve the long-term values, benefits, and natural resources of the nearshore ocean and the continental shelf." It deals with matters such as dumping of dredge



spoils and discharging of waste products into the open sea. Goal 19's main requirements are for state agencies rather than cities and counties.

***Response:*** This site does not impact Goal 19. This site is not located within Oregon ocean resource areas; therefore, Goal 19 is not applicable.

## **VI. Conclusion**

The applicant requests to amend the comprehensive plan designation to MF (Multi-Family Residential) and has provided justification in the form of supporting documents and findings in support of the proposed application. As addressed in this narrative and the supporting documents, this proposal meets all applicable code provisions. As such, the applicant respectfully requests that the Type III review for a Minor Comprehensive Plan Amendment be approved as submitted.

# **TITAN HILL PROPERTY LLC**

## **Salem, Oregon**

A Land Use Application for:

**Type III Process**  
**Zone Change – SRC 265.005(e)**

Applicant:  
**Titan Hill Property LLC**

Submitted:  
**July 30, 2021**

Prepared by:  
**Titan Hill Property LLC**

## **I. Applicable Project Team**

<b>Applicant &amp; Property Owner</b>	<b>Titan Hill Property LLC</b> 3425 Boone Road SE Salem, OR 97317 Contact: Mark D. Lowen 503-480-3151 - o 503-586-4104 - c <a href="mailto:MLowen@liveBSL.com">MLowen@liveBSL.com</a>
<b>Civil Engineering</b>	<b>Multi/Tech Engineering Services, Inc.</b> 1155 SE 13 <sup>th</sup> Street Salem, Oregon 97302 Contact: Brandie Dalton 503-363-9227 bdalton@mtengineering.net
<b>Tax Lot Information:</b>	Tax Map: 073W17B000400
<b>Lot Area:</b>	22.85 acres (after partition)
<b>Current Zoning District:</b>	RA (Residential Agriculture)
<b>Current Comprehensive Plan Designation</b>	DR (Developing Residential)

**Attachements :**

- (50) Land Use Application - Type III / Zone Change – SRC 265.005(e)**
- (61) Current Conditions Map**
- (51) Vesting Deed - Titan Hill Property LLC**
- (52) LLC Operating Agreement - Titan Hill Property LLC**
- (82) Neighborhood Association Contact**
- (72) Transportation Planning Rule Analysis (TPR) – To come**

## **I. Background**

The subject property is a 22.85-acre infill site and a portion of Polk County Tax Lot 073W17D000400 approximately 36.72-acres in total. This this portion of tax lot 400 abuts Doaks Ferry Road on its Easterly boundary and lays north of the intersection of Doaks Ferry and Orchard Heights Road in West Salem. The sites topography generally raises in elevation from east to west.

Primary access to the site is from Doaks Ferry Rd (Major Arterial) with an additional point of access at northerly termination of Landaggard Drive NW (Collector). Historically the parcel has been used for agricultural purposes including orchard and berry farming, no longer active.

Tax lot 400 was annexed into the City of Salem in 2007. It is currently zoned RA with a majority of the parcel is lying within the DR (Developing Residential) Comprehensive Plan Designation. The remainder of the parcel is designated under the Comprehensive Plan as NCMU (Neighborhood Center Mixed Use). A change the comprehensive plan designation is proposed on the southerly portion of the tax lot 400, from MCMU to MU-II as a part of the “Our Salem” process.

## **II. Request**

The applicant respectfully requests that the City consider and approve a zone change for the approximately 22.85 acres identified in this application. Rezoning from Residential Agricultural (RA) and Neighborhood Center Mixed Use (NCMU) to Multiple Family Residential II (RM II)

### III. Compliance with City of Salem Development Code

#### Sec. 265.005. Quasi-judicial zone changes.

(e) *Criteria.*

- (1) A quasi-judicial zone change shall be granted if all of the following criteria are met:
  - (A) The zone change is justified based on the existence of one or more of the following:
    - (i) A mistake in the application of a land use designation to the property; N/A
    - (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

**Response:** the Salem Housing Needs Analysis and Work Plan, City Council Resolution No. 2016-05, clearly identifies the increased in demand for higher density housing throughout the City of Salem. As a part of its 3-phase work plan, to overcome the deficit of Multifamily development land by: (1) Expanding Housing Choices, (2) Encouraging Multifamily Development, (3) Redesignation of Land. Additionally, this proposed zone change to MR II (Multi-family Residential) aligns with the Goal 10 Requirements (ORS 197.295 to 197.314, ORS 197.475 to 197.490, and OAR 600-008) creating more diverse housing type options. Making this site an excellent candidate for the RM II Zoning Designation. A unique factor for this site is its close proximity to 5 public schools, within 0.6 miles or less. This encourages additional consideration for higher density, multifamily development.

**Note:**

All five of the schools listed below are currently expanding and upgrading their facilities as a part of the S/K 2018 bond approval to accommodate the expected student demand, they are:

West Salem High School: 1350 feet from the site

Straub Middle School: 1750 feet from the site

Kalapuya Elementary School: 0.50 mile from the site

Chapman Hill Elementary School: 0.60 mile from the site

Brush College Elementary School: 0.55 mile from the site

- (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.

**Response:** Due to the increasing demand for quality housing and a diverse mix of housing options. Along with this site's proximity to local schools, convenient access to local retail and services demonstrates that this site is equally or better suited for the designation of RM II (Multi-Family Residential). Further supporting the City of Salem's growing need for increased density and diverse housing options in residential housing.

In addition, this site is better utilized as the proposed RM II use, due to its proximity to major and minor arterials and collector streets (listed below) creating an ideal opportunity for higher utilization of public transit, safe and convenient bicycle, and pedestrian access from within and around the site. It allows for efficient connection to the adjacent residential areas, transit stops, schools, parks, and neighborhood activity centers all within one-half mile of the development

This proposed RM II site will benefit from these major and minor arterials and collector streets that are abutting or nearby:

Doakes Ferry Road (abutting major arterial) intersecting with Colorado Way.  
(Future collector)

Landaggard Drive - secondary access (collector street)

Orchard Heights Road (minor arterial) intersecting with Doakes Ferry Road and Landaggard Drive

Providing increased opportunities for public transportation, safe bike and pedestrian access to local schools and parks and enhancing access to this site and surrounding properties.

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

**Response:** This site reflects and supports many of the goals of the Salem Area Comprehensive Plan regarding goals outline in section "E" Residential Development. including the efficient uses of developable land, pricing house opportunities for a diverse population and maximizing investment in public services. As well as encouraging Infill for underutilized land.

The RM II zoning designation is an ideal adaptation for this site, allowing for higher density to accommodate the goals and objectives for better urbanization. Additionally, the RM II use designation address Oregon's Statewide Goal #10 (Housing) by adding Needed Housing Units.

- (D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

**Response:** This proposed zone change complies with all applicable land use goals outlined by the Oregon Department and Land Conservation and Development. With

emphasis on goal #10 (Housing) by adding to the inventory of “buildable lands” and providing a “broader range on housing types” within this local area.

This site also promotes goal #14 (Urbanization) by providing an opportunity to encourage efficient use of the land, providing for more livable, walkable, and densely built communities in a reasonable proximity to schools, retail, and services for a diverse housing population.

- (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.

**Response:** N/A - this zone change is from one residential designation, RA to another residential designation, MR II

- (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.

**Response:** TIA report is pending; applicant will provide the report as soon as it becomes available

- (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.

**Response:** City staff has confirmed that the subject parcel is within the urban service area

- (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.

(Prior Code, § 265.005; Ord. No. 12-12; Ord. No. 31-13)

#### **IV. Conclusions**


Applicants requests approval of a zone change from Residential Agriculture (RA) and Neighborhood Center Mixed Use (NCMU) to Multi-Family Residential II (RM II). Providing justification in the form of detailed reports, supporting documents and findings in support of the proposed application. As addressed in this narrative and the supporting plans and documents, this proposal does meet all applicable code provisions. As such, the applicant respectfully requests that the Type III review for a zone change be approved as submitted.





# MEMO

**TO:** Jamie Donaldson, Planner II  
Community Development Department

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

**DATE:** January 13, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CPC-ZC21-06 (21-114252)  
2100 BLOCK OF DOAKS FERRY ROAD NW  
COMP PLAN AMENDMENT AND ZONE CHANGE**

## **PROPOSAL**

A consolidated Minor Comprehensive Plan Map Amendment to change from DR (Developing Residential) to MF (Multiple Family Residential) and a Quasi-Judicial Zone Change from RA (Residential Agriculture) and a portion of NCMU (Neighborhood Center Mixed Use) to RM-II (Multiple Family Residential) for approximately 24.84 acres in the northern area of a 36.86-acre parcel. The subject property is currently split-zoned RA (Residential Agriculture) and NCMU (Neighborhood Center Mixed Use) and located at the 2100 Block of Doaks Ferry Road NW (Polk County Assessor Map and Tax lot 073W17B / 00400).

## **RECOMMENDED CONDITIONS OF APPROVAL**

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.

## **FACTS**

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

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

## Streets

At the time of development street improvements and/or right-of-way dedication will be required.

### 1. Doaks Ferry Road NW

- a. Standard—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.
- b. Existing Conditions—This street has an approximate 27-foot improvement within a 60-to-85-foot-wide right-of-way abutting the subject property.

### 2. Orchard Heights Road NW

- a. Standard—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.
- b. Existing Conditions—This street has an approximate 47-foot improvement within a 75-foot-wide right-of-way abutting the subject property.

### 3. Landaggard Drive NW

- a. Standard—This street 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.
- b. Existing Conditions—This street has an approximate 20-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- c. Landaggard Drive NW is shown on the Salem TSP to extend north through the subject property to adjacent undeveloped land.

## Storm Drainage

### 1. Existing Conditions

- a. An 18-inch storm main is located in Doaks Ferry Road NW and Orchard Heights Road NW.
- b. A 10-inch storm main is located in Landaggard Drive NW.

## Water

### 1. Existing Conditions

- a. The subject property is located in the S-1 water service level.
- b. 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.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer main is located in Doaks Ferry Road NW approximately 1,100 feet north of the subject property.
- b. 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.
- c. A sewer manhole is located in Orchard Heights Road NW approximately 1,000 feet west of the subject property.

## CRITERIA AND FINDINGS

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

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

Two of the intersections that were analyzed are under the jurisdiction of the Oregon Department of Transportation (ODOT). The TPR analysis was forwarded to ODOT.

**Condition:** 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.

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

**Finding:** Water and storm infrastructure are available within surrounding streets and appear to be adequate to serve the existing and future tenants.

The subject property is capable of being served through extension of public sewer from Doaks Ferry Road NW or Orchard Heights Drive NW to the boundary of the property as specified in existing infrastructure master plans. Sewer infrastructure is available approximately 1,100 feet north of the subject property through extension of an 8-inch sewer main in Doaks Ferry Road NW. Alternatively, sewer infrastructure is available approximately 1,000 feet west or 1,700 feet east of the subject property through extension of an 8-inch sewer main in Orchard Heights Drive NW.

The existing configurations of Doaks Ferry Road NW and Landaggard Drive NW do not meet the standards according to the Salem TSP for their street classifications. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Landaggard Drive NW is shown on the Salem TSP to extend north through the subject property to adjacent undeveloped land. At the time of development, the applicant shall be required to comply with the Street Standards for connectivity (SRC 803.035(a)).

Prepared by: Laurel Christian, Program Coordinator  
cc: File



DAVID FRIDENMAKER, Manager  
 Facility Rental, Planning, Property Services  
 3630 State Street, Bldg. C • Salem, Oregon 97301-5316  
 503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

December 10, 2021

Jamie Donaldson, Planner  
 Planning Division, City of Salem  
 555 Liberty Street SE, Room 305  
 Salem OR 97301

RE: Land Use Activity Case No. CPC-ZC21-06 at 2100 Block of Doaks Ferry Rd NW

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Kalapuya	Elementary	K thru 5
Straub	Middle	6 thru 8
West Salem	High	9 thru 12

*Table 1*

#### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.



School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Kalapuya	Elementary	510	601	85%
Straub	Middle	565	956	59%
West Salem	High	1,698	1,749	97%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	497	MF	0.201	100
Middle			0.077	38
High			0.084	42

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Kalapuya	Elem.	510	11	100	111	601	103%
Straub	Mid.	565	6	38	44	956	64%
West Salem	High	1,698	29	42	71	1,749	101%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Kalapuya	Elementary	Eligible for School Transportation
Straub	Middle	Eligible for School Transportation
West Salem	High	Walk Zone

Table 5

## ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	100	\$64,220	\$6,422,000
Middle	38	\$76,882	\$2,921,516
High	42	\$89,544	\$3,760,848
TOTAL			\$13,104,364

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 Third Quarter.

Note: RM-II zone min. density 12 du/a, max density 28 du/a, assume average of 20 du/a for this estimate.

Sincerely,

David Fridenmaker, Manager  
Planning and Property Services

c: David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation



# Oregon

Kate Brown, Governor

## Department of Transportation

### Region 2 Tech Center

455 Airport Road SE, Building A

Salem, Oregon 97301-5397

Telephone (503) 986-2990

Fax (503) 986-2839

**DATE:** January 18, 2022

**TO:** Dan Fricke  
Senior Transportation Planner

**FROM:** Arielle Ferber, PE  
Traffic Analysis Engineer

**SUBJECT:** Doaks Ferry Rezone (Salem, OR) – Transportation Planning Rule (TPR)  
TIA Review Comments

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ODOT Region 2 Traffic has completed our review of the submitted TPR analysis (dated January 3, 2022) to address traffic impacts due to development northeast of the Doaks Ferry Road at Orchard Heights Road intersection in the city of Salem, with respect to consistency and compliance with ODOT's Analysis Procedures Manual, Version 2 (APM). The APM was most recently updated in October 2020. The current version is published online at: <http://www.oregon.gov/ODOT/TD/TP/Pages/APM.aspx>. As a result, we submit the following comments for the City's consideration:

#### Analysis items to note:

- This study utilized the outdated Highway Capacity Manual (HCM) 2000 and did not utilize methodology from the current HCM 6<sup>th</sup> Edition for signalized intersections. Our review showed that use of HCM 6, as opposed to HCM 2000, did not have an effect on the conclusions of this analysis. However, the consultant shall be advised HCM 2000 analyses for signalized intersections will not be accepted for use on future studies under ODOT's authority.
- Region Traffic assumes all land uses and densities offered under both the current and proposed zones are consistent with the City's code as cited in the report.
- This study does not contain a simulation-based queuing analysis. Such analysis would have been scoped if this study had been required under ODOT's authority.

#### Analysis items to be addressed:

1. Our review identified multiple trip generation errors. The combination of these errors has underestimated reasonable worst-case trip generation under the current zone and proposed zoning. Trip generation should be modified to reflect the appropriate method of trip generation.
  - Method of Trip Generation – Multiple land uses utilized the weighted average rate method where the fitted curve equation method is instead recommended, per the *Institute of Transportation*



*Engineers (ITE)*. Region Traffic has identified the land uses that, per Section 4.4 of the current *ITE Trip Generation Handbook*, should instead utilize the fitted curve equation method:

- Land Use 210 (Single-Family Detached Housing) – The fitted curve equation method should instead be utilized for the daily, AM, and PM trip generation. This change will increase current zone trips.
  - Land Use 221 (Mid-Rise Multifamily Housing) – The fitted curve equation method should instead be utilized for the daily and AM trip generation. This change will increase proposed zone trips.
2. The 2036 forecast traffic volumes for the existing zoning scenario were developed by applying a linear growth rate to the 2021 existing traffic volumes. It should be noted that the linear growth does not provide enough growth to be consistent with the projected trip potential of the existing zoning at the Doakes Ferry Road at Orchard Heights Road intersection for the SBL, WBR, and NBT movements (i.e. the SBL movement increases by 13 vehicles between 2021 and 2036 while the existing zoning (Figure 3) shows an increase of 43 vehicles in the AM peak period). While this may have an effect on the operational results of the analysis, it is not expected to have an impact on the conclusions of the study.
  3. When reporting the 95<sup>th</sup> percentile queues, study shall ensure all estimated queue lengths are consistently rounded up to the next 25 feet.
  4. Figure 4 appears to be missing the SBT trips related to the proposed zoning at the Doakes Ferry Road at Orchard Heights Road intersection, however, as the net trips correctly account for these trips this does not have an impact on the analysis.
  5. As January 2020 counts were utilized for the Wallace Road at Orchard Heights Road and Wallace Road at Glen Creek Road intersections, they should also be included in the Appendix

Proposed mitigation comments:

6. ODOT maintains jurisdiction of the Salem-Dayton Highway No. 150 (OR 221) and ODOT approval shall be required for all proposed mitigation measures to this facility.
7. No mitigation measures to a state highway have been proposed. This conclusion appears reasonable for this proposed development given the submitted analysis. While the above comments will have an effect on the operational analysis results, it is unlikely they will be significant enough to have an impact on the conclusions of the study.

Thank you for the opportunity to review this traffic impact analysis. As the analysis software files were not provided, Region 2 Traffic has only reviewed the submitted report.

While the above comments will have an effect on the operational analysis results, it is unlikely they will be significant enough to have an impact on the conclusions of the study. However, if the City determines any of the above comments will merit the need for reanalysis, we would be willing and able to assist with a second round of review.

If there are any questions regarding these comments, please contact me at (503) 986-2857 or [Arielle.Ferber@ODOT.state.or.us](mailto:Arielle.Ferber@ODOT.state.or.us)

**Jamie Donaldson**

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**From:** Tony Martin  
**Sent:** Monday, February 7, 2022 8:53 AM  
**To:** Jamie Donaldson  
**Subject:** Case CPC-ZC 21-06 - Rebuttal

REBUTTAL to WSNA Land Use Chair 1 February 2022 comments.

The assertion that this proposal “does significantly impact traffic” is incorrect. The analysis provided by Transight Consulting 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. Imposing a “trip cap” or 1,000 ADT will likely also comply with the Transportation Planning Rule (TPR), OAR 660-012-0060, but no traffic analysis has been submitted to corroborate that assertion. 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.

There are no citations of any Land Use Board of Appeals decisions that indicate that implementing the Oregon Highway Plan (OHP) standards in Action 1F.5 are inappropriate for the State facility. If a TPR analysis shows the facility is operating above the operating standards in the TSP horizon year (assuming full build-out of the existing allowed uses), then that v/c ratio becomes the NEW operating standard per OHP Action 1F.5. Then the facilities are analyzed with the net difference in traffic from the proposed development. On the State facility, If the increase in v/c is 0.03 or less, is it NOT considered significant. It may be a degradation of the State facility, but it IS allowed under OHP Action 1F.5 if the increase of v/c ration is 0.03 or less.

The Draft Environmental Impact Statement for the Salem River Crossing is immaterial for this application. The Draft EIS was not adopted by City Council and has no bearing in this discussion. The City’s Congestion Relief Taskforce analysis is also not relevant to this application. The analysis stands on it’s own and shows there is no significant affect to the transportation system with the proposed trip cap.

The proposed “trip cap” of 550 units and 2,270 ADT was analyzed and evaluated in the January 3, 2022 Transight Engineering analysis. Table 11 shows the intersection of Orchard Height Road NW and Wallace Road operate BELOW the ODOT performance standard of a v/c < 0.95. Table 12 show the relative change in the v/c ratio of 0.01 at the intersection of Glen Creek Road NW and Wallace Road NW with the “trip cap” in place. The Oregon Highway Action 1F6 states:

In applying “avoid further degradation” for state highway facilities already operating above the mobility targets in Table 6 or Table 7 or those otherwise approved by the Oregon Transportation Commission, or facilities projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause “further degradation” of the facility.

The threshold for a small increase in traffic between the existing plan and the proposed amendment is defined in terms of the increase in total average daily trip volumes as follows:

- Any proposed amendment that does not increase the average daily trips by more than 400.
- Any proposed amendment that increases the average daily trips by more than 400 but less than 1001 for state facilities where:
  - The annual average daily traffic is less than 5,000 for a two-lane highway
  - The annual average daily traffic is less than 15,000 for a three-lane highway
  - The annual average daily traffic is less than 10,000 for a four-lane highway
  - The annual average daily traffic is less than 25,000 for a five-lane highway
- If the increase in traffic between the existing plan and the proposed amendment is more than 1000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution.

In applying OHP mobility targets to analyze mitigation, ODOT recognizes that there are many variables and levels of uncertainty in calculating volume-to-capacity ratios, particularly over a specified planning horizon. After negotiating reasonable levels of mitigation for actions required under OAR 660-012-0060, ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted target in the OHP to be considered in compliance with the target. The adopted mobility target still applies for determining significant affect under OAR 660-012-0060.

The analysis provided indicates the “state highway facilities . . . [are] projected to be above the mobility targets at the planning horizon, a small increase in traffic does not cause “further degradation” of the facility.” Since the facility is projected to be “above the mobility targets at the planning horizon”, the NEW mobility targets become the future calculated v/c ratios, pursuant to OAR 660-012-0060(3)(a). OHP Action 1F.5 states, “ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted target in the OHP to be considered in compliance with the target.” The analysis provided shows the intersection of Orchard Heights Road NW still be operating below the mobility standard of 0.95 and the relative change in the v/c at the intersection of Glen Creek Road NW will only increase the v/c 0.01 which is BELOW the 0.03 limit to be considered “in compliance with the target.”

There is no basis to place a 1,000 vehicles per day trip cap on this site. The analysis provided shows the 500-unit and 2,270 ADT trip cap is NOT a significant affect pursuant to the Transportation Planning Rule and the Oregon Highway Plan Action 1F.5. Under the existing zoning, the site could generate 1,775 daily trips as shown on Table 3 of the Transight TPR analysis.



## MEMORANDUM

### COMMUNITY DEVELOPMENT DEPARTMENT

DATE: APRIL 20, 2021

TO: PLANNING COMMISSION

FROM: EUNICE KIM, LONG RANGE PLANNING MANAGER

SUBJECT: UPDATE ON MULTIFAMILY DEVELOPMENT

The City of Salem Planning Division has been working to implement the Salem Housing Needs Analysis (HNA) [Work Plan](#) since directed to do so by City Council in 2016. The work plan advances recommendations in the [HNA](#) to address the projected 207-acre deficit of multifamily land (2,897 dwelling units) in Salem's portion of the urban growth boundary (UGB). This memorandum outlines what has been accomplished, what is in the works, and what progress has been made toward the projected deficit.

#### HNA Work Plan Projects

The HNA Work Plan includes three phases of work as shown below.

Phase	Project
<b>Phase 1 – Expand Housing Choices</b>	
	1. Allow accessory dwelling units ✓
	2. Allow more multifamily housing types in single-family zones <b>In progress</b>
<b>Phase 2 – Encourage Multifamily Development</b>	
	3. Revise design review process ✓
	4. Revise Planned Unit Development regulations ✓
	5. Identify tools to increase redevelopment ✓
<b>Phase 3 – Redesignate Land</b>	
	6. Redesignate land for multifamily housing <b>In progress</b>

#### Land for Multifamily Housing

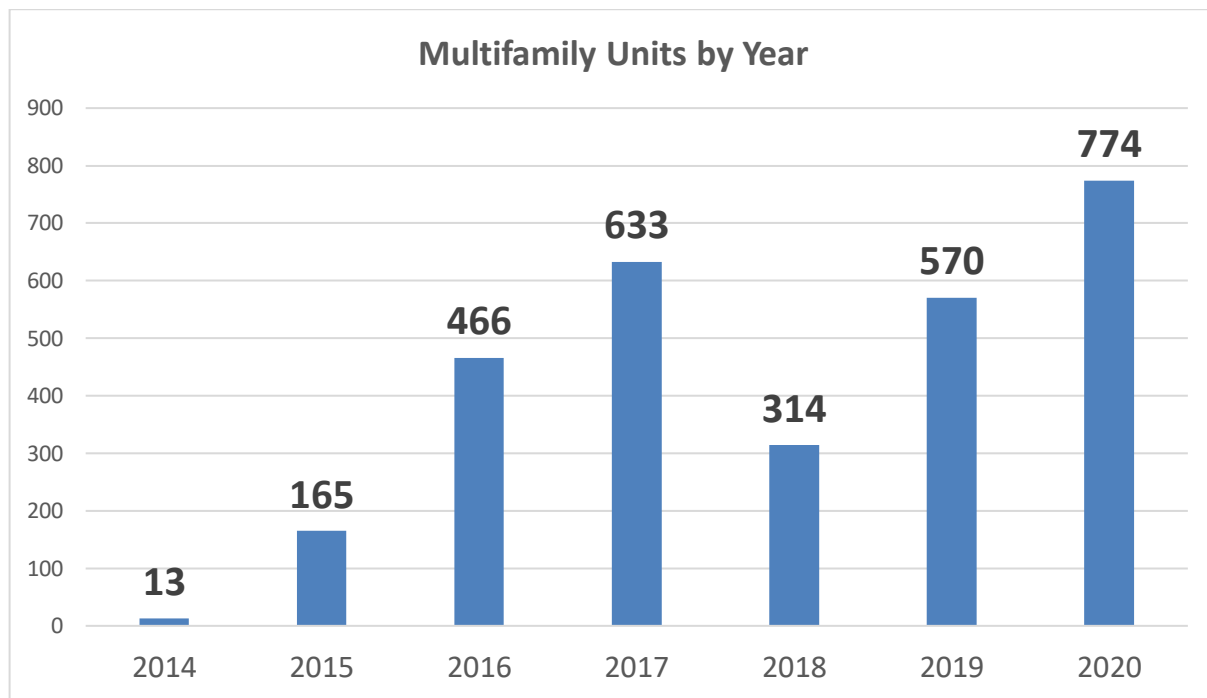
Between January 2014 and March 2020, there has been a net increase of roughly 40 acres of land designated as Multi-Family Residential on the Comprehensive Plan Map. The amount of additional multifamily land does not account for zone changes from Multiple Family-I (RM-I) to Multiple Family-II (RM-II). The HNA – and the projected deficit of multifamily land – is based on Comprehensive Plan designations as opposed to zoning, and land that is zoned RM-I and RM-II generally have a Comprehensive Plan designation of Multi-Family Residential.

In addition to the new Multifamily land, there has been a net increase of roughly 102 acres of land designated as Mixed Use on the Comprehensive Plan Map. Much of this land was redesignated to accommodate mixed-use developments that include multifamily housing.

### Multifamily Development

Multifamily housing has continued to be developed in Salem since the HNA was completed. The HNA relied on building permit data through February of 2014. Between that time and the end of 2020, building permits have been issued for 2,935 new multifamily units.

**Attachment 1** shows that multifamily development has been occurring across Salem. The map shows building permits for multifamily units by year, as does the chart below. The number of building permits for multifamily units hit a high of 774 units last year.



### House Bill 2001

In 2019, the State Legislature passed House Bill 2001 to help increase housing choices and housing supply in Oregon. It requires large cities like Salem to allow a duplex on each lot that is zoned for residential use that allows development of a detached single-family dwelling. That means, for example, that a duplex must be allowed on all lots that are at least 4,000 square feet in the Single-Family Residential (RS) zone.

Salem must also allow other types of middle housing – triplexes, quadplexes, townhouses, and cottage clusters – in areas zoned for residential use that allow detached single-family dwellings. Specifically, new administrative rules recently adopted by the State include a provision that requires triplexes, quadplexes, and cottage clusters to be allowed in residential areas based on lot size. In Salem, the requirement is:

- A triplex is allowed on a lot that is at least 5,000 square feet in size
- A quadplex is allowed on a lot that is at least 7,000 square feet in size
- A cottage cluster is allowed on a lot that is at least 7,000 square feet in size

The City must comply with HB 2001 and its associated rules by June 30, 2022. Staff is reviewing the rules and plans to propose changes to Salem's zoning code to comply this spring or early summer. In the meantime, staff has created a [webpage](#) to answer frequently asked questions about HB 2001.

### Our Salem

Staff continues to work on the [Our Salem project](#), which is a multi-year project to update the Salem Area Comprehensive Plan. After a year and a half of community engagement, the City – working with a consultant team – has developed the [Our Salem Vision](#) for future growth and development. This vision includes proposed changes to the Comprehensive Plan Map that significantly increase the amount of land designated Multi-Family Residential and Mixed Use. Specifically, the proposed changes redesignate roughly 290 acres to Multi-Family and 1,700 acres to Mixed Use. Both designations allow multifamily housing. The proposed changes will accommodate Salem's projected housing needs as identified in the HNA.

Staff plans to develop and propose Comprehensive Plan policies, zoning map changes, and zoning code changes in line with the Vision later this year. By the end of this year, staff plans to bring all of those proposed changes – including the proposed Comprehensive Plan Map – through the adoption process.

### Design Review

The City has updated Salem's design regulations on multifamily housing as a result of the Multifamily Housing Design project. The updated regulations help meet our community's housing needs by removing barriers to the development of multifamily housing and ensuring that new development is compatible with our neighborhoods. The City Council approved the changes in February 2020.

Effective in March 2020, the changes:

- Provide greater flexibility in how multifamily design standards can be met
- Reduce the number of design standards for small multifamily housing projects
- Simplify the regulations for three and four-unit projects
- Reduce parking requirements for multifamily projects of all sizes

Details can be found on the [Multifamily Housing Design Standards webpage](#).

### Tools to Increase Redevelopment

The City has implemented several tools to increase redevelopment (and infill development) for housing in recent years. As mentioned above, the City waived SDCs for ADUs for five years.

As part of the Multifamily Housing Design code amendment, the City simplified the approval process for multifamily housing development. Specifically, if multifamily housing projects cannot meet all of the City's design standards, those projects can now apply for an adjustment, which is an administrative approval. Prior to the code amendment, such projects had to go through a public hearing process at the Planning Commission.

The City also decreased parking requirements for housing to spur redevelopment and infill housing development.

- Off-street parking is no longer required for multifamily projects that are either located in the [Central Salem Development Program area](#) downtown or within a quarter-mile of Cherriots' [Core Network](#). The Core Network consists of corridors throughout Salem where Cherriots has committed to providing frequent transit service.
- The parking requirement for housing projects with three to 12 units has been reduced to 1 space per unit.
- The parking requirement for affordable housing units (e.g., 80 percent of family median income) has been reduced by 25 percent.
- The City has provided other options for reducing parking requirements for multifamily housing projects. For example, such projects can provide additional covered bicycle parking or on-site shared vans to reduce their parking requirement.

In addition, the City has initiated and adopted Comprehensive Plan Map changes to land along State Street and in West Salem from Commercial to Mixed Use in recent years. These redesignations of land have simplified the approval process for multifamily housing to spur housing redevelopment and infill development. In particular, multifamily housing is now a permitted use in the Mixed Use areas, where previously a conditional use permit was required (e.g., public hearing process).

Last year, the City created a new tax increment financing (TIF) district to incent additional affordable housing in a residential development on the former North Campus of the State Hospital site. This is a new tool that the City has implemented to help increase the supply of affordable housing in Salem.

#### Accessory Dwelling Units

In 2017, City Council approved a code amendment to allow accessory dwelling units (ADUs), and it became effective on August 9, 2017. As of the end of 2020, 77 building permits have been approved for ADUs in Salem.

Since July 1, 2019, the system development charges (SDCs) for ADUs have been waived for five years. This amounts to more than \$4,000 in cost savings per new ADU. The waiver will continue until June 30, 2024. It is the result of a City Council vote on February 25, 2019 to update the methodologies used to determine SDCs for parks, transportation, water, wastewater, and stormwater infrastructure.

#### Background

The City of Salem completed the HNA in December 2014. The purpose was to develop strategies to provide enough land to meet Salem's housing needs over the next 20 years and to inform policy decisions related to residential land. The HNA, in conjunction with the Salem Economic Opportunities Analysis, validated that the existing UGB does not need to be expanded to meet Salem's land needs.

The HNA found that Salem's portion of the UGB has a projected 1,975-acre surplus of land for single-family housing (9,131 units) and a projected 207-acre deficit of land designated for multifamily housing (2,897 units). Under state law, the City cannot adopt the HNA without also addressing this deficit. Staff is working to do this through the HNA Work Plan described earlier as well as the Our Salem project.

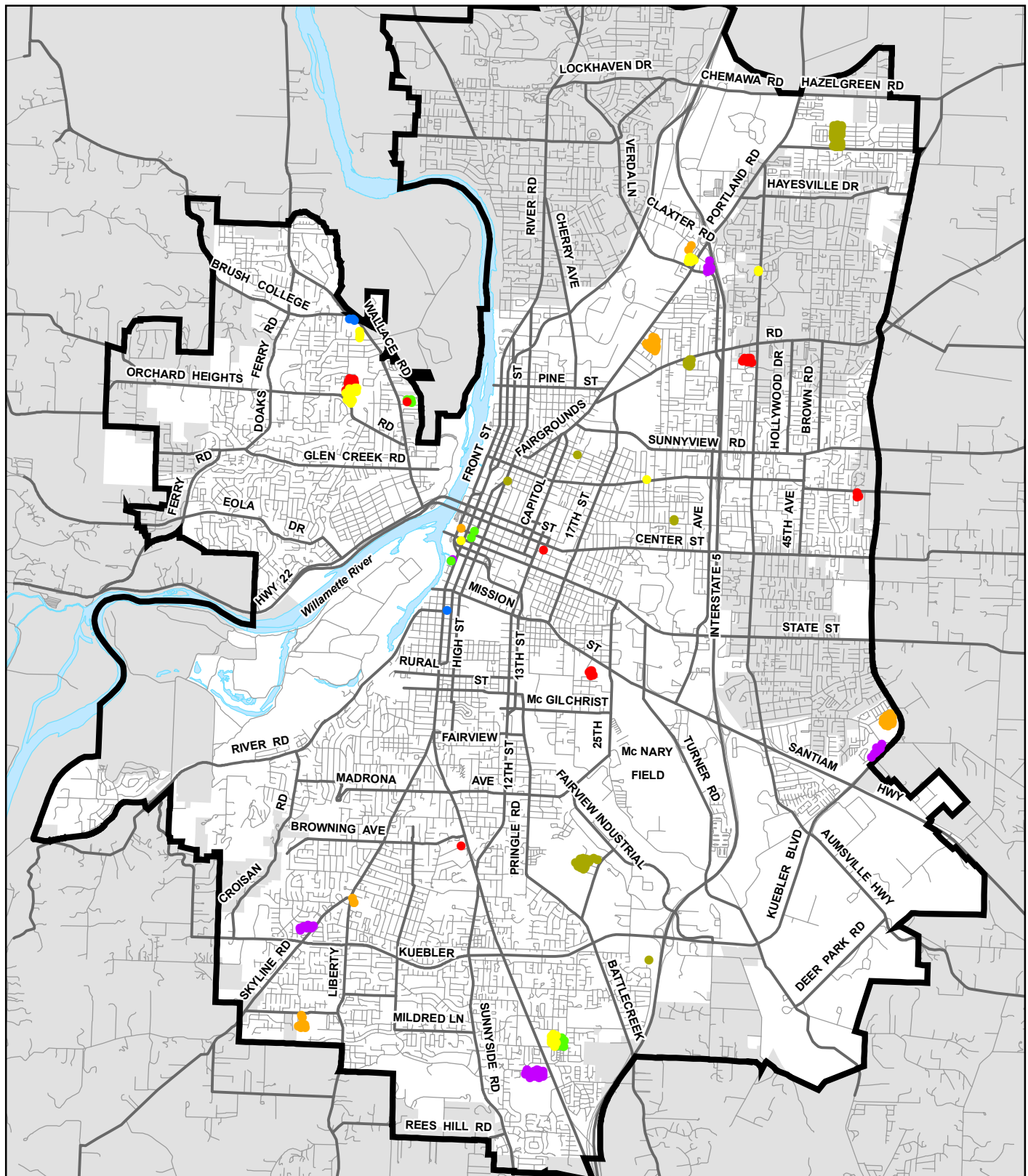
Attachment:

1. Map of Multifamily Housing Building Permits



# Attachment 1: Map of Multifamily Housing Building Permits

## 1st Quarter 2014 through 4th Quarter 2020 MultiFamily Permits



### Legend

#### 1Q2014-4Q2020 MultiFamily Permits

- 2014
- 2015
- 2016
- 2017
- 2018

- 2019
- 2020

- ▭ Urban Growth Boundary
- ▭ Outside Salem City Limits
- Major Streets
- Other Streets



0 1,500 3,000 6,000 Feet

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