

# NOTICE OF DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005



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

## DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE / CLASS 3 SITE  
PLAN REVIEW / CLASS 2 ADJUSTMENT / CLASS 2 DRIVEWAY APPROACH  
PERMIT CASE NO. CPC-ZC-SPR-ADJ-DAP16-06

APPLICATION NOS.: 16-112547-ZO, 16-112549-ZO, 16-115806-RP &  
16-115807-ZO

NOTICE OF DECISION DATE: OCTOBER 19, 2016

**Application Summary:** A consolidated application to develop an outpatient foot and ankle clinic on a vacant property at the southeast corner of Liberty Street and Mission Street SE.

**REQUEST:** A consolidated application containing the following requests:

- 1) A Minor Comprehensive Plan Map Amendment to change the designation of the subject property from "Single Family Residential" to "Commercial";
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RS (Single Family Residential) to CO (Commercial Office).
- 3) A Class 3 Site Plan Review for development of an approximately 5,780 square foot outpatient foot and ankle clinic on the subject property;
- 4) A Class 2 Adjustment to reduce the minimum driveway spacing from the proposed driveway to the intersection of Liberty Street and Mission Street from 370 feet, as required under SRC 804.035(d), to approximately 168 feet; and
- 5) A Class 2 Driveway Approach Permit for the proposed driveway to Liberty Street SE.

The subject property is comprised of five currently vacant tax lots, totaling approximately 0.52 acres in size and located within the Gaiety Hill/Bush's Pasture Park Historic District at 800-868 Liberty Street SE and 440 Mission Street SE (Marion County Assessor's map and tax lot numbers: 073W27CA 04900, 05000, 05100, 05200, and 05300).

**APPLICANT:** COASTLINE FOOT AND ANKLE CENTER

**LOCATION:** 800 - 868 LIBERTY ST SE & 440 MISSION ST SE / 97301

**CRITERIA:** Quasi-Judicial Zone Change: SRC 265.005(e)  
Class 3 Site Plan Review: SRC 220.005(f)(3)  
Class 2 Zoning Adjustment: SRC 250.005(d)(2)  
Class 2 Driveway Approach Permit: SRC 804.025(d)

**FINDINGS:** The findings are in the attached report and supplemental report both dated September 20, 2016 and a second supplemental report dated October 4, 2016.

**DECISION:** The Planning Commission **GRANTED** Zone Change / Class 3 Site Plan Review / Class 2 Adjustment / Class 2 Driveway Approach Permit Case No. CPC-ZC-SPR-ADJ-DAP16-06 contingent on City Council approval of the consolidated Comprehensive Plan Map Amendment and subject to the following conditions:

**ZONE CHANGE:**

- Condition 1:** Required setbacks along the east and south property lines shall meet the landscaping and screening requirements of landscaping "Type D," as described in SRC Chapter 807, Table 807-1. No less than 50 percent of plant units shall consist of evergreen plants and/or species native to Oregon.
- Condition 2:** In addition to the uses prohibited in the underlying zone, commercial parking and park-and-ride facilities shall be prohibited on the site.
- Condition 3:** Traffic impacts from future development on the subject property shall be limited to a maximum of 250 average daily trips generated by the proposed use or uses.

**CLASS 3 SITE PLAN REVIEW:**

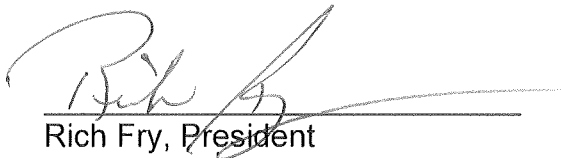
- Condition 4:** Prior to obtaining building permits, the applicant shall obtain approval for a Property Boundary Verification to establish the necessary outside property boundary for the proposed development.
- Condition 5:** Convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of Mission Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 6:** Replace existing sidewalks along the frontage of Mission Street SE and Liberty Street SE where not conforming to Public Works Design Standards. The improvements shall conform to the accessibility, slope, and thickness standards pursuant to Public Works Design Standards (PWDS) 6.12. The applicant shall obtain a Historic Design Review under SRC 230.020 prior to sidewalk construction.

**CLASS 2 DRIVEWAY APPROACH PERMIT:**

- Condition 7:** Prior to obtaining building permits, the applicant shall close all existing driveways other than the proposed driveway approach shown on the site plan.

**VOTE:**

**Yes    6            No    0            Absent    2 (Griggs, Palmateer)            Abstained    1 (Guyer)**



Rich Fry, President  
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, by the following dates or this approval shall be null and void:

|                                  |                         |
|----------------------------------|-------------------------|
| Class 3 Site Plan Review         | <u>November 4, 2020</u> |
| Class 2 Zoning Adjustment        | <u>November 4, 2018</u> |
| Class 2 Driveway Approach Permit | <u>November 4, 2018</u> |

|                                  |                           |
|----------------------------------|---------------------------|
| Application Deemed Complete:     | <u>August 16, 2016</u>    |
| Public Hearing Date:             | <u>September 20, 2016</u> |
| Notice of Decision Mailing Date: | <u>October 19, 2016</u>   |
| Decision Effective Date:         | <u>November 4, 2016</u>   |
| State Mandate Date:              | <u>December 14, 2016</u>  |

Case Manager: Chris Green, [cgreen@cityofsalem.net](mailto:cgreen@cityofsalem.net)

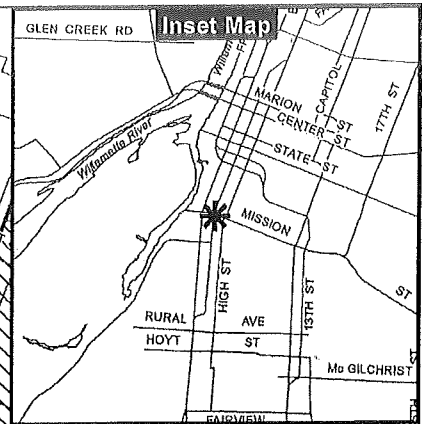
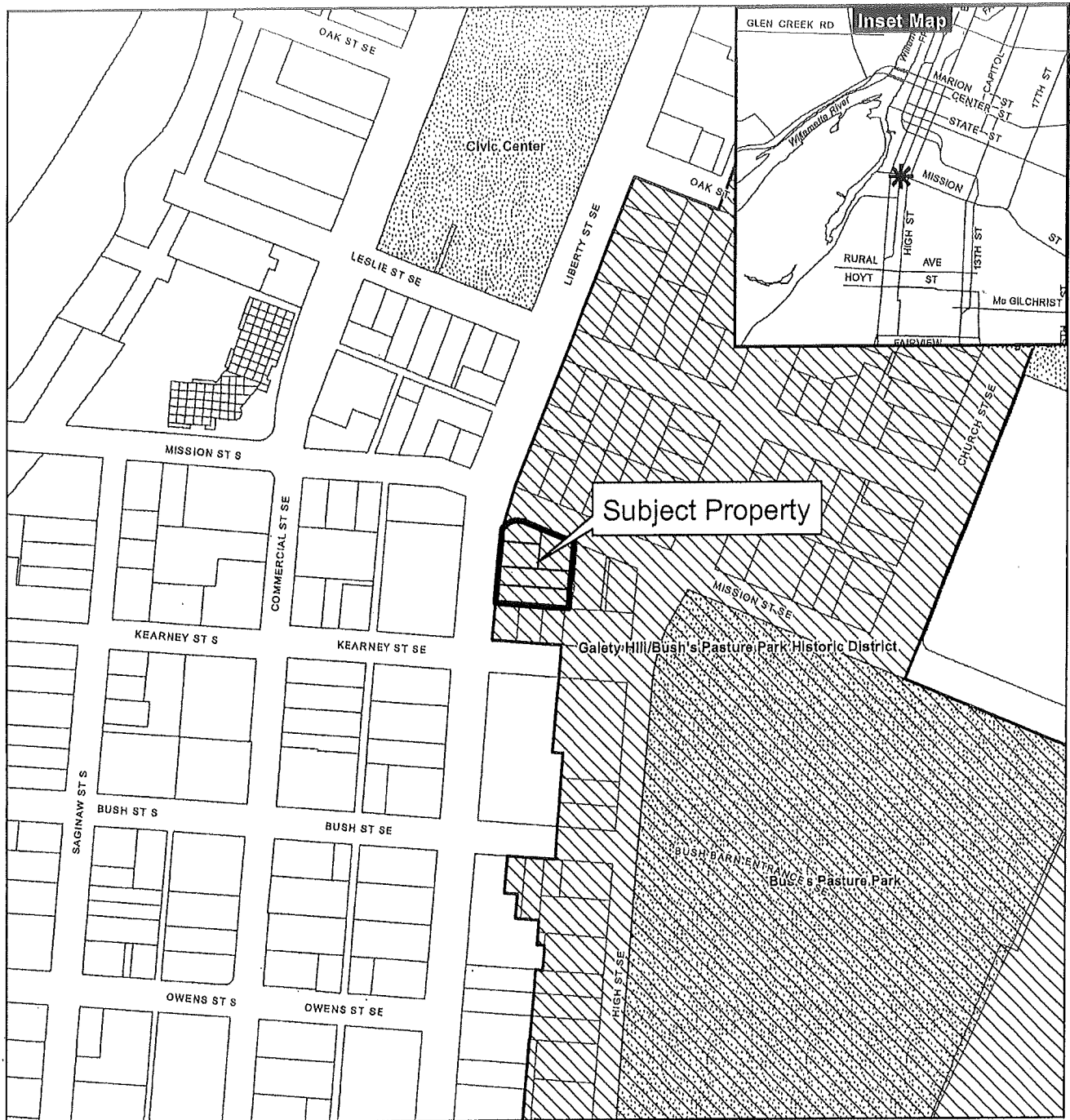
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., NOVEMBER 3, 2016**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section in SRC Chapters 64, 220, 250, 265 and 804. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

# Vicinity Map

## 800-868 Liberty Street SE; 440 Mission Street SE



### Legend

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

Parks

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

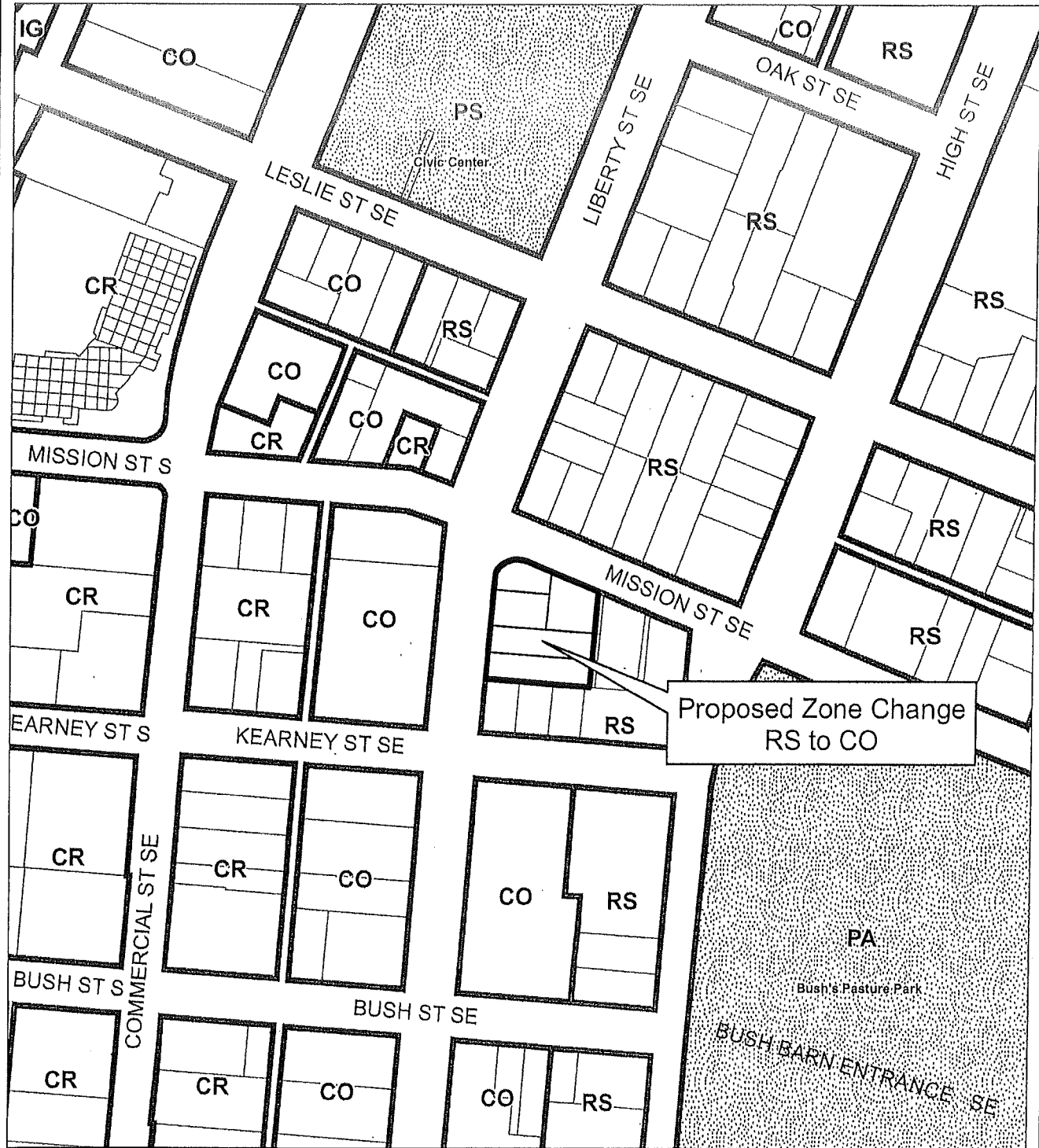
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# Vicinity Zoning - 800 Liberty St. SE et al



## Legend

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

0 50 100 200 Feet



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

TO: Planning Commission  
*2/29 For*

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator

STAFF: Christopher Green, AICP, Planner II

HEARING DATE: September 20, 2016

APPLICATION: Comprehensive Plan Change / Zone Change / Class 3 Site  
Plan Review / Class 2 Adjustment / Driveway Approach  
Permit 16-06

LOCATION: 800-868 Liberty Street SE; 440 Mission Street SE

SIZE: Approximately 0.52 acres – see Attachment A

REQUEST: A consolidated application containing the following requests:

- 1) A Minor Comprehensive Plan Map Amendment to change the designation of the subject property from “Single Family Residential” to “Commercial”;
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RS (Single Family Residential) to CO (Commercial Office).
- 3) A Class 3 Site Plan Review for development of an approximately 5,780 square foot outpatient foot and ankle clinic on the subject property;
- 4) A Class 2 Adjustment to reduce the minimum driveway spacing from the proposed driveway to the intersection of Liberty Street and Mission Street from 370 feet, as required under SRC 804.035(d), to approximately 168 feet; and
- 5) A Class 2 Driveway Approach Permit for the proposed driveway to Liberty Street SE.

The subject property is comprised of five currently vacant tax lots, totaling approximately 0.52 acres in size and located within the Gaiety Hill/Bush's Pasture Park Historic District at 800-868 Liberty Street SE and 440 Mission Street SE (Marion County Assessor map and tax lot numbers: 073W27CA 04900, 05000, 05100, 05200, and 05300).

APPLICANT: Dr. Tyson Scott and Jennifer Scott

PROPERTY OWNER: Kent S. Zerr

**REPRESENTATIVE:** Jeff Tross, Tross Consulting, Inc.

**APPROVAL CRITERIA:** Comprehensive Plan Map Amendment: Salem Revised Code, Ch. 64  
Zoning Map Amendment: Salem Revised Code, Ch. 265  
Class 3 Site Plan Review: Salem Revised Code, Ch. 220  
Class 2 Adjustments: Salem Revised Code, Ch. 250  
Driveway Approach Permit: Salem Revised Code, Ch. 804

**RECOMMENDATION:** RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject properties on the Salem Area Comprehensive Plan Map from "Single Family Residential" to "Commercial"; and

APPROVE Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Driveway Approach Permit Case No. 16-06, contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

**ZONE CHANGE:**

- Condition 1:** Required setbacks along the east and south property lines shall meet the landscaping and screening requirements of landscaping "Type D," as described in SRC Chapter 807, Table 807-1. No less than 50 percent of plant units shall consist of evergreen plants and/or species native to Oregon.
- Condition 2:** In addition to the uses prohibited in the underlying zone, commercial parking and park-and-ride facilities shall be prohibited on the site.
- Condition 3:** Traffic impacts from future development on the subject property shall be limited to a maximum of 250 average daily trips generated by the proposed use or uses.

**CLASS 3 SITE PLAN REVIEW:**

- Condition 4:** Prior to obtaining building permits, the applicant shall obtain approval for a Property Boundary Verification to establish the necessary outside property boundary for the proposed development.
- Condition 5:** Convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of Mission Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
- Condition 6:** Replace existing sidewalks along the frontage of Mission Street SE and

Liberty Street SE where not conforming to Public Works Design Standards.

### **CLASS 2 DRIVEWAY APPROACH PERMIT:**

**Condition 7:** Prior to obtaining building permits, the applicant shall close all existing driveways other than the proposed driveway approach shown on the site plan.

### **APPLICATION PROCESSING**

#### **Subject Application**

On July 1, 2016, Jeff Tross of Tross Consulting, on behalf of applicants Dr. Tyson Scott and Jennifer Scott, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" to "Commercial" and to change the zoning from RS (Single Family Residential) to CO (Commercial Office). The applicant provided additional required information and the application for Comprehensive Plan Map change and zone change was deemed complete for processing on August 16, 2016.

On August 19, 2016, the applicant submitted an application for site plan review with an adjustment and driveway approach permit, and requested to consolidate these applications with the Comprehensive Plan and zone change application.

The Historic Landmarks Commission (HLC) is currently reviewing the related application for Historic Design Review approval for development of the clinic building and surrounding site within the Bush's Pasture Park/Gaiety Hill Historic District. SRC 230.020(a)(4) states: *Projects that require historic design review may also require other land use reviews. If other land use reviews are requirements for development, such reviews shall be held prior to or concurrently with historic design review.* The Historic Design Review case (HIS16-25) is scheduled for a public hearing at the HLC on September 15, 2016, thereby meeting the requirement for concurrent review. Comments regarding the Historic Design Review application can be submitted to Kimberli Fitzgerald, Historic Preservation Officer, at [kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net), delivered to the Planning Division office, or brought to the HLC hearing.

Previously, it was policy of the City of Salem Planning Commission to make the determination for approval of a comprehensive plan map amendment. However, in light of a recent decision by the Land Use Board of Appeals *Housing Land Advocates v. City of Happy Valley LUBA No. 2016-031*, in which LUBA concluded that a comprehensive plan map amendment must be adopted by a local government's governing body, the City of Salem has adjusted the policy to be consistent with State Law.

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Accordingly, upon hearing evidence presented at the public hearing, the Planning Commission may forward a recommendation to the City Council on the Comprehensive Plan Map Change and approve or deny the applications for Zone Change

and Class 3 Site Plan Review contingent on the City Council's decision on the Comprehensive Plan Map Change.

The consolidated application (CPC-ZC-SPR-ADJ-DAP16-06) was deemed complete for processing on August 25, 2016. The public hearing on the application is scheduled for September 20, 2016.

### **120-Day Requirement**

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The requests for Zone Change, Class 3 Site Plan Review, Class 2 Adjustments, and Driveway Approach Permit included in this consolidated application are subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is December 14, 2016.

### **Public Notice**

1. Notice of the consolidated proposal was distributed to City departments and public and private service providers on August 26, 2016.
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on August 31, 2016.
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on August 16, 2016.

## **BACKGROUND INFORMATION**

### **Proposal**

The applicant is proposing to develop an outpatient foot and ankle clinic on the subject property, a use that is not allowed under the existing RS (Single Family Residential) zoning. The applicant is requesting a zone change to CO (Commercial Office), which allows the proposed use. The zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from "Single Family Residential" to "Commercial," a designation which is implemented by the CO zone. The applicant has consolidated the Plan Map amendment and zone change with applications for site plan review, zoning adjustment, and driveway approach permit necessary to develop the site.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the designation of the subject property from "Single Family Residential" to "Commercial";
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RS (Single Family Residential) to CO (Commercial Office).
- 3) A Class 3 Site Plan Review for development of an approximately 5,780 square foot outpatient foot and ankle clinic on the subject property;
- 4) A Class 2 Adjustment to reduce the minimum driveway spacing from the proposed driveway to the intersection of Liberty Street and Mission Street from 370 feet, as required under SRC 804.035(d), to approximately 168 feet; and
- 5) A Class 2 Driveway Approach Permit for the proposed driveway to Liberty Street SE.

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria is included as Attachment D.

### **Existing Conditions**

The subject property was originally platted in 1871 as part of Block 2 of G.H. Jones' Addition to the City of Salem. A series of boundary adjustments and conveyances took place on the block through the 1950s, resulting in the present lot boundaries that cross the overall holding. The site is essentially flat, with minimal vegetation except for a big leaf maple tree located along the right-of-way boundary at the west end of the site. The five tax lots making up the subject property are at the southeast corner of Mission Street SE, a Minor Arterial street, and Liberty Street SE. Liberty Street SE is designated as a one-way, Major Arterial providing access from South Salem into the City Center to the north.

The Gaiety Hill/Bush's Pasture Park National Register Historic District was designated in 1986. At that time, there were four contributing single family residences on the subject property. In 2009, the Building Official declared these structures dangerous and required that they be demolished.<sup>1</sup> The site has been vacant and for sale since that time. The applicant, Dr. Tyson Scott, owns the Coastline Foot and Ankle Center and is proposing to construct a new outpatient clinic at this location.

### **Salem Area Comprehensive Plan (SACP) Designation**

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

The Comprehensive Plan designations of surrounding properties include:

North: (Across Mission Street SE) "Single Family Residential"

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<sup>1</sup> In part as a response to what happened on this site, the historic code was updated to include a new section to address demolition by neglect (SRC 230.095).

South: "Single Family Residential"  
East: "Single Family Residential"  
West: (Across Liberty Street SE) "Commercial"

### Components of the Comprehensive Plan

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

*Salem Transportation System Plan (TSP):* The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted on the north by Mission Street SE, designated as a Minor Arterial, and on the west by Liberty Street SE, designated as a Major Arterial.

*Neighborhood Plan:* The proposed project is located within the boundaries of the South Central Association of Neighbors (SCAN). SCAN does not have an adopted neighborhood plan.

### Zoning and Surrounding Land Use

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

North: (Across Mission Street SE) RS (Single Family Residential); single family dwellings  
South: RS (Single Family Residential); single family dwellings  
East: RS (Single Family Residential); single family dwelling  
West: (Across Liberty Street SE) CO (Commercial Office); travel agency office and apartment complex

### Relationship to the Urban Service Area

The subject property is located within the Urban Service Area. Therefore, a UGA permit is not required.

### Infrastructure

*Water:* The subject property is located within the G-0 water service level.

- A 12-inch water line is located in Mission Street SE. Mains of this

size generally convey flows of 2,100 to 4,900 gallons per minute.

- An 18-inch water line is located in Liberty Street SE. Mains of this size generally convey flows of 4,800 to 11,100 gallons per minute.

**Sewer:** An 18-inch sewer line is located in Mission Street SE.

An 8-inch sewer line is located in Liberty Street SE.

**Storm Drainage:** A 15-inch storm line is located in Mission Street SE.

A 15-inch storm line is located in Liberty Street SE.

**Streets:** *Mission Street SE* abuts the northern boundary of the subject property, and is designated as a Minor Arterial in the Salem Transportation System Plan (TSP). The standard for this street classification is a 46-foot improvement within a 72-foot right-of-way.

- The abutting portion of Mission Street SE currently has an approximately 36-foot wide improvement within a 60-foot-wide right-of-way.
- The proposed development is subject to a special setback equal to 36 feet from the centerline of the street.

*Liberty Street SE* abuts the eastern boundary of the subject property, and is designated as a Major Arterial in the TSP. The standard classification for this street classification is a 44-foot-wide improvement within an 80-foot-wide right-of-way.

- The abutting portion of Liberty Street SE currently has an approximately 44-foot-wide improvement within an 8-foot-wide right-of-way.

### **Public and Private Agency Review**

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

**Salem Fire Department** – The Salem Fire Department submitted comments indicating that one fire hydrant is required to serve the proposed development, and one existing fire hydrant is available.<sup>2</sup>

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<sup>2</sup> According to Fire Department comments, "Fire flow for the proposed building is 2,000 gpm's. Using the table in appendix B table B105.2 along with section B105.4, the fire flow can be multiplied by 0.85 to reduce the fire flow to 1,700 gpm's."



### **Neighborhood Association Comments**

The subject property is located within the boundaries of the South Central Association of Neighbors (SCAN). Notification was sent to SCAN on August 26, 2016. On behalf of SCAN, the SCAN Land Use & Transportation Committee submitted comments in support of the adjustment to driveway spacing and in support of the Comprehensive Plan Map and zone change provided the approval is conditioned to allow only "Outpatient Medical Services & Labs, Business/Professional Services, Single Family and Two Family Households, and Parks and Open Space." In summary, SCAN based the recommended limitation on allowed uses on the following concerns:

- **Applicant does not address zone change criteria for each use allowed in the CO zone. Most of the uses allowed in the CO zone would have greater impacts to surrounding properties than the proposed outpatient medical office use:** SCAN recommends a condition of approval limiting allowed uses on the subject property based on a contention that the applicant did not meet the burden of proof for approval of a zone change, contending as follows:

*"The applicant did not address the zone change criteria of SRC 265.005(e) for any of these other uses [allowed in the CO zone]. It addressed only office use. The applicant has the burden of proving the criteria are met for all of the permitted uses of the requested zone change."*

**Staff Response:** Pursuant to approval criterion SRC 265.005(e)(1)(A)(iii), the applicant contends that the proposed zone change is justified based on "a demonstration that the proposed use is equally or better suited for the property than the existing zone." This criterion sets forth that a proposed zone is "equally or better suited" 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." This criterion requires a demonstration that the overall range of uses allowed in the proposed zone are logical with the surrounding land use pattern, not that each potential allowed use is analyzed for compliance with all approval criterion.

- **Uses allowed in the CO zone would conflict with the residential character of the Gaiety Hill/Bush's Pasture Park Historic District:** SCAN notes that the subject property is within a primarily residential, federally-designated historic district. SCAN contends that a condition limiting the allowed uses on the subject property is necessary to implement the protections for historic resources described in Salem Area Comprehensive Plan Policy N.3.

**Staff Response:** As cited by SCAN, SACP Policy N.3 requires that identified historic resources be protected from "conflicting uses" by "plans which limit the intensity of development and promote conservation." Consistent with this policy, the City has adopted design standards and guidelines to ensure different types of development activities are compatible within Residential Historic Districts. The medical office building proposed by the applicant as part of this consolidated application is also subject to standards that establish specific design and materials requirements for new

construction in designated Residential Historic Districts.<sup>3</sup> Neither the classification of historic districts or resources as “Residential” or “Commercial,” nor the design standards which implement them take the place of the zoning code in establishing permitted land uses. The predominantly residential Gaiety Hill/Bush’s Pasture Park Historic District includes some non-residential uses, just as the “Commercial” Salem Downtown Historic District includes some residential uses. In summary, the Residential Historic District designation is implemented by standards limiting incompatible design, materials, scale, and intensity of development – but not the specific uses allowed on the subject property.

Instead, the residential qualities of the surrounding district are protected from conflicting uses by Comprehensive Plan policies that set forth appropriate locations for different zoning districts, and development standards that manage transitions between different land uses. The CO (Commercial Office) zone is frequently found along buffers between single family residential areas and more intensive commercial uses, such as neighborhood or community-serving retail centers.

Just to the south of the subject property, on the east frontage of Liberty Street SE between Kearney Street SE and Myers Street SE, the CO zone abuts the rear yards of single family residences within the historic district for approximately one-third of a mile. South of St. Paul’s Episcopal Church and beyond the boundary of the historic district, the buffer of abutting CO and RS-zoned properties continue southward an additional 1,000 feet along the east side of Liberty Street. City records indicate that CO zoning has abutted RS zoning along this corridor since at least 1976, prior to the designation of the Gaiety Hill/Bush’s Pasture Park Historic District. For decades, CO-zoned uses not subject to Historic Design Review have coexisted with abutting residential properties within the historic district. As proposed, the subject property would also be zoned CO, but also remain subject to the standards imposed by the historic design standards. In addition, Condition 2 would prohibit commercial parking (surface parking lots without a building) on the site in order to ensure that any future development on the property would be subject to historic design review.

- **Subject property is not part of the central city, as asserted by the applicant:**

**Staff Response:** The applicant’s written statement correctly notes the subject property is within an area labeled as “Core Area as defined by Vision 2020” on the Salem Urban Area Activity Nodes and Corridors Map contained in the Comprehensive Plan. The map does not identify the subject property as an “Existing Mixed Use Opportunity Area.” Therefore, the Comprehensive Plan goal (“II.E: Activity Nodes and Corridors”) that accompanies the map does not address the subject property. Staff findings do not rely on a classification of the subject property as close to or part of the CBD.

- **Subject property is *equally suited*, but not *better suited*, for commercial use:**  
SCAN raises concerns with the applicant’s characterization of the subject property as an undesirable location for single family residential development, that redevelopment of the site for single family residential uses is unlikely, and that the CO zone is better

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<sup>3</sup> SRC 230.035.

suited to the arterial frontages of the site.

**Staff Response:** The applicant contends that the proposed Comprehensive Plan Map and zone change are justified in part by approval criteria requiring that the new land use designation and zone district be “equally or better suited” to the property than the existing designation or zone.<sup>4</sup> The decision maker does not need to distinguish whether a proposed land use designation or zone is “equally suited” or “better suited,” as this distinction does not bear on the substantive outcome of the review. Unless the proposed change is *less* suited for the property than the status quo, the criterion is met.

The applicant contends in part that noise and air quality impacts from heavy traffic on the abutting portions of Liberty Street and Mission Street have made the subject property unsuitable for single family residential use. Staff has considered comments from the applicant, SCAN, and neighbors in the vicinity, as well as an independent review of site conditions, to make findings regarding the suitability of the subject property for redevelopment as single family dwellings. In summary, staff finds that the subject property is less suited for single family residential use than the proposed commercial office use, due to traffic impacts from abutting arterials and limited points of access to the site.

- **Recommended condition to require a berm and/or sight-obscuring landscaping along the east and south boundaries.**

**Staff Response:** Pursuant to SRC Chapter 521, Tables 521-3 and 521-4, a 15-foot setback is required between buildings and vehicle use areas on CO-zoned property and the property line of an abutting residential zone. The setbacks must be landscaped and screened according to the “Type C” requirements, including a minimum of 1 plant unit per 20 square feet of landscaped area, and a minimum 6-foot-tall fence or wall. The applicant’s site plan provides setbacks in excess of the requirement, as well as a sight-obscuring wood fence along the east and south site boundaries. Recommended Condition 1 would require that setbacks along the east and south property lines to be landscaped pursuant to the “Type D” standard, which mandates that the perimeter fence or wall be sight-obscuring, and increases the ratio of required plant units to one plant unit per 16 square feet of landscaped area.

### **Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposal. At the time of writing this staff report, seven adjoining property owners or citizens at large have submitted comments on the proposal. Six of the comments are generally supportive of the proposed zone change, the site plan and building design, or both. These generally supportive comments also raised the following issues:

- **Restricted access to parking lot after clinic operating hours:** One comment from Irene Longaker, an abutting resident, requests a condition requiring a security fence at

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<sup>4</sup> For the Minor Plan Map Amendment, see criterion SRC 64.025(e)(2)(A)(ii). For the Quasi-Judicial Zone change, the “equally or better” criterion is set forth in SRC 265.005(e)(1)(iii).

the entrance to the parking lot to limit access outside of operating hours.

**Staff Response:** Trespassing or other illegal activity on private property is a police matter and should be addressed in conjunction with private property owners and the Salem Police Department. The parking area is generally visible from a very busy Major Arterial street, and does not appear to have any design features that would encourage trespassing or other nuisance behavior after hours. Vehicle use areas on the subject property must be setback 15 feet from abutting residential properties. Condition 1 requires sight obscuring fencing and landscaping along the east and south property lines to screen the parking lot from adjacent residences.

- **Vacant site unlikely to be redeveloped with single family residences, and does not currently provide screening from arterial streets to adjacent residences:** One comment from Kathleen Moynihan, an abutting property owner, expressed skepticism that the subject property would ever be redeveloped with historically compatible single family dwellings due to the noise and air quality impacts of traffic on the abutting arterials. In addition, the comment indicated that as a vacant lot, the subject property does not provide screening from noise or visual impacts from the arterials.

**Staff Response:** Staff concurs with the characterization of the subject property provided by Ms. Moynihan. In particular, staff observes the negative impact of the ongoing vacancy of the subject property to the existing single family dwellings in the vicinity.

One comment, from Karen Mingo, does not express support or opposition to the proposal, but requests conditions of approval requiring specific plant selection to more closely resemble the historic character of landscaping within the district, provide more native vegetation, and provide additional screening to abutting residential properties.

**Staff Response:** The CO zone requires 15-foot-wide landscaped setbacks along boundaries with residential properties, and a 6-foot-tall fence or wall. Condition 1 requires additional plant units within these landscaped setbacks, including 50% native and/or evergreen species. The condition also requires the required fence or wall along boundaries with residential properties to be sight-obscuring.

One comment, from Jon Christenson, is supportive of SCAN's position on the proposal, while raising the following additional issues:

- **Impacts to residences from night lighting at adjacent commercial and institutional uses at the perimeter of the Historic District:** Mr. Christenson describes the impact from night lighting at clinic facilities associated with Salem Hospital to adjacent residences on the east end of the historic district. Mr. Christenson contends that "light intrusion and light pollution destroy the historic character and identity of a residential historic district of the period of significance from 1878 to 1938. Mr. Christenson expresses concern that design standards under SRC Chapter 230 (Historic Preservation) do not address impacts from night lighting.

**Staff Response:** Pursuant to SRC 806.035(l), "lighting for off-street parking and

vehicle use areas shall not shine or reflect onto adjacent residentially zoned property, or property used for uses or activities falling under Household Living, or cast glare onto the street.” The development must also comply with SRC 800.060, which provides more detailed standards to prevent exterior lighting from shining onto adjacent properties or casting glare onto the right-of-way.

- **Consistency with Salem Area Comprehensive Plan Policy N.10:** Mr. Christenson cites SACP Policy N.10 in part as requiring “uses that conflict” with an identified historic resource to be “limited.”

**Staff Response:** Policy N.10 specifies that “those uses that conflict with the historic resource” are “identified as building alteration and demolition.” The applicant does not propose building alteration or demolition on the subject property. Standards adopted in SRC Chapter 230 implement policy N.10 by restricting alteration and demolition of historic resources. The proposed medical office is also subject to Historic Design Review to ensure that compatibility standards for new structures within the historic district are met.

Mr. Christenson’s comment also extensively discusses potential impacts to the residential character of the historic district from commercial development. As far as those considerations are relevant to approval criteria for the subject proposal, they have been addressed in the staff response to SCAN comments and the findings on approval criteria that follow.

#### **Applicant Submittal Information:**

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

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

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

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor 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.

**Applicant Statement:** This proposal is justified based on (ii). The proposed *Commercial* designation is equally or better suited for the subject property than the existing *Single-family Residential* designation because the property's corner location at the intersection of two high-traffic volume arterial streets makes it an uncharacteristic and undesirable location for new single-family housing. The property has frontage on Liberty Street, a Major Arterial, and on Mission Street, a Minor Arterial (STSP). Traffic volumes on Liberty Street at this location are over 28,600 vehicles per day, and over 15,600 vehicles per day, according to City traffic counts. However, the City's traffic count data for these streets dates from 2005 and 2007. It is likely, according to standard traffic engineering practice, that current traffic volumes are higher. The Applicant's Traffic Engineer has estimated current volumes to be 33,425 vehicles per day for Liberty Street, assuming an increase of 1% per year (TPR report, Karl Birky, P.E., July 11, 2016, attached). The noise and air quality impacts of these very high traffic volumes cause this corner location to be uncharacteristic of other single-family residential locations in this area, and in general, and create an undesirable environment for residential use.

However, the arterial street frontage is the appropriate location for office uses, as evidenced by the land use pattern along the Liberty Street corridor to the south. In addition, the property

is shown on the Salem Urban Area Activity Nodes and Corridors map as included in the "Core Area as defined by Vision 2020". That map is part of the Comprehensive Plan and recognizes that the property is viewed as part of the central city that includes the downtown Central Business District (CBD).

Because the property is at the corner of two arterial streets and is subject to the impacts of the high daily traffic volumes that use those streets, and the impact of the traffic makes the location uncharacteristic, and undesirable, as a location for single-family residential occupancy, and the proposed use of the property is consistent with the characteristics of the Liberty Street corridor that extends from its junction with Commercial Street to Mission Street, and the Comp Plan recognizes the location as part of an activity corridor, the property is equally or better suited for the proposed designation than its current designation. These reasons satisfy this criterion.

**Finding:** Staff concurs that the proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation. There is no conflict between the existing "Single Family Residential" designation and RS (Single Family Residential) zoning. The applicant does not assert that an alteration in social, economic, or demographic patterns of the nearby vicinity has rendered the current designation inappropriate.

The parcel pattern established by previous residential uses on the site, and abutting single family residential development to the south and east (and north across Mission Street SE) are the only characteristics of the site suggesting suitability for future development consistent with the existing Single Family Residential designation. However, the location of the subject property at the intersection of two arterial streets severely diminishes the suitability of the site for future single family residential development. As noted in the applicant's statement, the abutting streets carry several thousand vehicle trips per day, resulting in significant noise and visual impacts from two sides. By aggregating estimates from both Liberty Street SE and Mission Street SE, the applicant estimates a total of 48,985 vehicles per day travel along abutting streets. The applicant also notes that because the Liberty Street and Mission Street intersection is controlled by a traffic signal, one of the street frontages of the subject property is always exposed to vehicle stacking from the alternating red light phase.<sup>5</sup> In addition, access management policies for arterial streets adopted in the Transportation System Plan (TSP) minimize direct access onto arterial streets in order to conflict points among vehicles.<sup>6</sup>

In contrast, commercial office uses are less impacted by heavy traffic on abutting streets. Instead of providing direct access to several individual residences, access can be provided to the site by a single consolidated driveway and parking area, as proposed by the applicant in the consolidated site plan review application. Because commercial office uses predominate on the nearby portions of the Liberty Street corridor, sufficient utilities and services are in place and well-suited to the proposed medical office development. Therefore, staff finds that the Commercial designation proposed by the applicant is better suited to the subject property as the existing Single Family Residential designation.

The proposal meets this criterion.

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<sup>5</sup> Applicant's Written Statement (see Attachment C), pg. 3.

<sup>6</sup> *City of Salem Transportation System Plan*, Transportation System Management Element, pg. 4-9.

**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;**

**Applicant Statement:** All public facilities and services necessary and required to support the proposed medical office are available to the property. The property is in a fully developed part of the city, and all surrounding properties are served by public facilities. The public facilities available to the site are described in the Public Works Dept. (DPW) Memo that is a part of the Pre-Application Summary Report, which is a part of the case record. As described in the DPW Memo water, sewer, and storm drainage lines are located in both Liberty Street and Mission Street. The existing public facilities have capacity to serve the proposed use. New development will be required to design and build an on-site storm drainage system that meets City standards. Site-specific requirements will be addressed in the Site Plan Review process. Based on the detailed information provided by the Public Works Dept., the property is capable of being served with the public facilities and services that are necessary to support the uses allowed by the proposed plan map designation, which satisfies this criterion.

**Finding:** As described in comments from the Public Works Department (Attachment F), public water, sewer, and storm lines are located in both streets abutting the subject property, and are adequately sized to handle commercial development on the subject property. The subject property is at the corner of Mission Street SE, a minor arterial, and Liberty Street SE, a major arterial. The applicant proposes to take access to the public street network via a driveway approach onto Liberty Street. The proposal meets this criterion.

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

**Applicant Statement:** The property is at the south-east corner of the Liberty-Mission Street intersection. This is a fully urbanized and developed part of the city. All of the surrounding properties are developed at urban density, and all required urban services and transportation facilities are available at adequate levels to serve the proposed office use. The land use pattern along the Liberty Street corridor from Commercial Street to Mission Street is predominantly office use, and with the exception of just one property, this pattern is recognized by the *Commercial* Comp Plan Map designation and the CO zone. The one exception is a church that is designated *Multi-family Residential* and zoned RM2. Both streets that border the property are classified as Arterials by the adopted Transportation System Plan. The proposed plan map designation provides for the logical urbanization of land because it is consistent with a location along two arterial streets, it corresponds to the existing pattern of land use along Liberty Street and the plan map designation along the arterial frontage, it is recognized in the Comp Plan as within an activity corridor in the core area (Urban Area Activity Nodes and Corridors map), it provides for the type of use that is compatible with the arterial frontage and bordering residential neighborhoods, and all required urban services are available. For these reasons, the proposal satisfies this criterion.

**Finding:** Staff concurs that the proposed Commercial designation for the subject property would result in a logical continuation of the pattern of office development along the Liberty Street portion of the Liberty-Commercial couplet. This office corridor provides a linear buffer



between more intensive traffic and commercial development along the couplet and the predominantly single-family residential neighborhood just to the east.

Staff finds that the proposal meets this criterion.

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

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

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

*To manage the growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to insure the quality of life of present and future residents of the area, and to contain urban development to preserve adjacent farm land.*

**Finding:** The necessary public facilities, services and utilities are already in place and available to provide service to the subject property. Expansions of these services and systems may be needed as a result of the development of the site proposed in the application for site plan review and made possible by the proposed Comprehensive Plan Map amendment and zone change. The existence and availability of public services, facilities and utilities to the property fulfills this goal.

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

*Policy E.8. Residential areas shall be protected from more intensive land use activity in abutting zones.*

**Finding:** Abutting properties to the east and south of the subject property are designated "Single Family Residential" on the Comprehensive Plan Map, zoned RS (Single Family Residential), and developed with single family residences. The Liberty-Commercial couplet, a major north-south arterial corridor, runs just to the west of the subject property. Properties directly abutting one or both of the arterials in the couplet form a corridor approximately two blocks in width, spanning from lots along the western frontage of Commercial Street to lots along the eastern frontage of Liberty Street, such as the subject property. Zoning districts within the corridor reflect a transition from single family residential areas to the east and the most intensive commercial development fronting Commercial Street at the west. For a five-block stretch, Commercial Street is fronted by lots zoned CR (Retail Commercial) and Liberty Street SE is fronted by lots zoned CO (Commercial Office).

Categories of commercial uses which tend to generate more vehicle traffic and other impacts from frequent visitors are not permitted in the CO zone, with the exception of certain limited

retail and service uses that are frequently associated with office uses.<sup>7</sup> The band of CO zoning along the eastern frontage of Liberty Street therefore forms a buffer between the heavier commercial uses on the western portion of the corridor and the residential development to the east, consistent with Policy E.8. The proposed Comprehensive Plan Map and zone change would continue this buffer northward by one-half block and provide similar protection for single family residential properties immediately to the east.

Staff finds that the proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 34, Salem Comprehensive Policies Plan):

*Policy G.6. Commercial office uses shall have direct access to collector or arterial streets or be located within one-quarter mile of a collector or arterial street.*

**Finding:** Within policies establishing the "Commercial" designation, the Comprehensive Plan divides commercial uses into five categories; regional shopping facilities, community and neighborhood shopping and service facilities, convenience stores, commercial offices, and specialized shopping and service facilities. The consolidated application includes a zone change to CO (Commercial Office) and a site plan review for development of an outpatient foot and ankle clinic, a type of commercial office use.

The subject property has frontage on a Major Arterial (Liberty Street SE) and a Minor Arterial (Mission Street SE). The site plan submitted by the applicant as part of the consolidated application proposes to take access directly from Liberty Street SE. The arterial access available for commercial development on the subject property is consistent with this policy.

Salem Urban Area Goals and Policies, Scenic and Historic Areas, Natural Resources and Hazards Goal (Page 46, Salem Comprehensive Policies Plan):

*Policy N.3. Identified areas of significant architectural, archaeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate governing body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified, resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.*

**Applicant Statement:** The property is within an area of historic value that is designated as a Historic District. The Historic District will be protected by requiring new development on the property to be compatible with the historic architectural characteristics of the District. New development will include screening and buffering along the boundaries of the adjoining

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<sup>7</sup> For instance, the CO only allows three types of Retail Sales uses (news dealers and newsstands, caterers, and small retailers of agricultural products) and three types of Personal Services uses (beauty salons, barber shops, and photographic portrait studios).

residential properties. Access will be limited to an arterial street, and there will be no access to a residential street in the Historic District. With these review and development measures the proposal will protect the designated historic resources for future generations, in keeping with this policy.

**Finding:** Staff concurs with the applicant's statement. The original character of the surrounding historic district is primarily protected by design standards and guidelines adopted by the City, which serve as "plans which limit the intensity of development and promote conservation." Compatibility of the design and materials of the medical office building will be reviewed for compliance with these standards by the Historic Landmarks Commission. The proposal is consistent with this policy.

*Policy N.10. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resources, identified to be building alteration and demolition. The City's land use regulations [sic] the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.*

**Finding:** The site is currently vacant, and no alteration or demolition of existing structures is proposed. Therefore this policy is inapplicable.

Staff finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

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

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

**Staff Response:** A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the South Central Association of Neighbors (SCAN). This satisfies Citizen Involvement described in Goal 1.

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

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

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

*spaces.*

**Staff Response:** At this time, there are no known scenic, historic, natural, or cultural resources on the affected parcels. The subject property is within the Gaiety Hill/Bush's Pasture Park Historic District, a predominantly residential district listed on the National Register of Historic Places in 1986. The applicant has submitted a separate application for Major Historic Design Review to ensure compatibility of the proposed clinic building and related site development with the historic district. In addition, the application the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards through the application for site plan review consolidated with the subject application. Staff finds that the proposal is consistent with Goal 5.

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

**Staff Response:** According to the City's adopted landslide hazard susceptibility maps, there is a relatively small area of landslide susceptibility on the subject property. The applicant has submitted a geotechnical assessment of the site to inform requirements for future construction on the site. There are no other known natural hazards existing on the subject property. The City's tree protection, landslide, and floodplain development standards have been applied during review of the consolidated application through the Site Plan Review process. Staff finds that the proposal is consistent with Goal 7.

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

**Staff Response:** As described in findings above, a number of existing conditions, including limited access and extensive arterial frontage constrain future development of the site for uses generally allowed under the current Single Family Residential designation. The parcels have remained vacant for approximately ten years. Without redevelopment, neither the housing nor economic development potential of the site is realized. The proposal for a "Commercial" designation would allow economically productive use of the subject property, and make use of centrally-located, easily accessible location to provide necessary services to residents of the community and members of the regional workforce.

The proposed change to a Commercial designation will allow a limited number of compatible commercial uses at the site, including the foot and ankle clinic proposed by the applicant. The range of permitted uses of the subject property in zones implementing the Commercial designation better takes into account the location of the subject property and opens up opportunities for redevelopment of the site in an economically productive manner, consistent with the intent of Goal 9. Staff finds that the proposal is consistent with Goal 9.

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

**Staff Response:** The subject property consists of five lots providing a total of 0.54 acres of land for single family residential development. At least one of the existing lots (Tax Lot 5300) is below the minimum lot size of 4,000 square feet required in the RS zone, but could be developed with a single family dwelling as a nonconforming lot of record pursuant to SRC 270.015(b). As described in the applicant's statement and staff findings on SRC 64.025(e)(2)(A)(ii), future development of the subject property with single family dwellings is severely hindered by traffic impacts and limited access to the arterial streets which abut the site. All five lots making up the subject property have been vacant since the previous dwellings were demolished in 2010. In summary, the subject property could be developed with up to five single family residential dwellings under its current designation, but unsuitable site characteristics make this type of redevelopment unlikely in the foreseeable future.

The City has accepted a 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. In order to address the deficit in land for multifamily development, the City is conducting the first of three phases identified in an accepted work plan. The proposal would convert less than one acre of land away from a single family designation, where the accepted, but not adopted HNA identifies a surplus. The proposed commercial designation and CO (Commercial Office) zoning allows for multifamily residential development as a permitted use. The proposal does not affect the City's ability to provide for its housing needs, and is therefore consistent with Goal 10.

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

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

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

The applicant 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 effect on the transportation system, as defined by OAR 660-012-060. The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system if total traffic generated by the site does not exceed 250 trips per day. The Assistant City Traffic Engineer has reviewed the proposal and finds that it would not exceed the maximum amount of traffic allowed under the TPR analysis. The proposal complies with Goal 12.

**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.*

**Applicant Statement:** The subject property is inside the city. The proposal does not affect the size or location of the city limits or the Urban Growth Boundary. The proposal contributes to maintaining services for the urban population within a compact and efficient urban area. These factors are consistent with the directives of this Goal.

**Staff Response:** Staff concurs with the applicant's statement and finds that the proposal complies with Goal 14.

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

**Applicant Statement:** The amendment is in the public interest and would be of general benefit because it will renew the use of a vacant property along a major arterial in the core area of the city, with a use that is appropriate for the location, and which will be reviewed through a public process for compatibility with its surroundings. The appropriate use of vacant land, in particular in the central city, achieves infill on facilities and makes efficient use of urban land in a compact and efficient pattern. Development in this manner is in the public interest. The use of vacant land for new development that is appropriate for the arterial frontage, and in keeping with the land use pattern of the area, is of general benefit. The proposed use will be designed and developed for compliance with all applicable development standards, including architectural style, setbacks, landscaping, buffers and screening. This will protect the public interest in the Historic District. For these reasons the amendment is in the public interest and would be of general benefit.

**Finding:** Staff concurs with the applicant's statement. The proposed "Commercial" designation would allow for suitable redevelopment of a property that has remained vacant for a number of years despite its prominent location at the corner of two arterials. Staff finds that the proposal meets this criterion.

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

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

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

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

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

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

**Applicant Statement:** The proposed zone change to CO is equally or better suited than the existing RS zone because the subject property is physically appropriate for the uses allowed in the CO zone; because its frontage and access is on an arterial street; and because the predominant land use pattern along the arterial is offices in the CO zone. The property is level and presents no physical obstacles to development of an office building. The property's physical characteristics are similar to those of the other office properties along the Liberty Street corridor. The property is in the Historic District, and borders residential properties on the east and south. The design of the new structure will be reviewed for compatibility with the identified characteristics of the Historic District, and applicable setbacks and buffering will be provided. The location along the Liberty Street corridor, and the design review requirements, make an office use logical with the surrounding land uses. Because 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, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

**Finding:** Staff concurs with the applicant's statement. The site has sufficient area and presents no topographic or other natural constraints to commercial development consistent with the office uses found along the Liberty Street corridor. As described in the purpose statement for SRC Chapter 521, "the CO zone generally allows office and professional services, along with a mix of housing and limited retail and personal services." The allowed uses in the CO zone generally entail less frequent visitors and shorter operating hours than

retail uses, and are therefore more compatible with residential uses established in the vicinity.

Development standards within the CO zone also require "zone-to-zone" setbacks to ensure screening between potentially conflicting land uses. SRC Chapter 521, Tables 521-3 and 521-4, a 15-foot setback is required between buildings and vehicle use areas on CO-zoned property and the property line of an abutting residential zone. The setbacks must be landscaped and screened according to the "Type C" requirements, including a minimum of 1 plant unit per 20 square feet of landscaped area, and a minimum 6-foot-tall fence or wall. The applicant's site plan provides setbacks in excess of the requirement, as well as a sight-obscuring wood fence along the east and south site boundaries.

Comments from adjacent property owners expressed concern about these landscaped buffers providing adequate screening and compatible plantings with single family dwellings that would immediately abut the proposed parking area and medical office building. In order to ensure that landscaped setbacks providing adequate protection for residences from more intensive land uses on the subject property, the following condition shall apply:

**Condition 1:** Required setbacks along the east and south property lines shall meet the landscaping and screening requirements of landscaping "Type D," as described in SRC Chapter 807, Table 807-1. No less than 50 percent of plant units shall consist of evergreen plants and/or species native to Oregon.

Office uses are well-suited to the subject property, which has arterial frontage and direct access to the arterial street network but can be adequately served by a single driveway onto Liberty Street SE, as proposed in the site plan submitted by the applicant. Compatibility of the design and materials of the medical office building will be reviewed for compliance with these standards by the Historic Landmarks Commission. Because the design review standards address new buildings within the district, two allowed uses in the proposed CO (Commercial Office) zone, commercial parking and park-and-ride facilities, may not be subject to design review if constructed as a surface parking lot.<sup>8</sup> The applicant does not propose a commercial parking lot or park-and-ride facility on the site as part of this consolidated application. In order to ensure that a non-compatible use is developed on the site at a future time without being subject to historic design review, the following condition of approval shall apply:

**Condition 2:** In addition to the uses prohibited in the underlying zone, commercial parking and park-and-ride facilities shall be prohibited on the site.

As conditioned, the proposal meets this criterion.

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

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

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<sup>8</sup> Neither commercial parking nor park-and-ride facilities may be located within parking structures in the CO zone.



**(C) The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.**

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

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

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

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

**Finding:** The proposed zone change is from RS (Single Family Residential) to CO (Commercial Office). No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. The existing designation is not a commercial or employment designation. Therefore, this criterion does not apply.

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

**Finding:** The applicant submitted a Transportation Planning Rule (TPR) Analysis 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 concurs with the TRP analysis findings and recommends a condition to limit the development on the 0.5 acre site to 250 vehicles per day. In order to ensure future development of the site does not exceed the maximum allowed trip generation, the following condition of approval shall apply:

**Condition 3:** Traffic impacts from future development on the subject property shall be

limited to a maximum of 250 average daily trips generated by the proposed use or uses.

As conditioned, the proposal meets this criterion.

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

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

### **FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 3 SITE PLAN REVIEW**

Site plan review is intended to provide a unified, consistent, and efficient means to review proposed development that requires a building permit, other than single-family, duplex residential, and installation of signs, to ensure that such development meets all applicable requirements imposed by the Salem Revised Code (SRC). SRC 220.005(b)(3) requires Class 3 Site Plan Review for any development that requires a building permit, and that involves a land use decision or limited land use decision, as those terms are defined in ORS 197.015.

Class 3 Site Plan Review is required for this application pursuant to SRC 220.005(b)(3)(F) because an adjustment has been requested for the proposed development and pursuant to SRC 220.005(b)(3)(C) because a Class 2 Driveway Approach Permit is required for construction of proposed driveway onto Liberty Street SE.

Salem Revised Code (SRC) 265.005(f)(3) sets forth the following criteria that must be met before approval can be granted to an application for Class 3 Site Plan Review. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 3 Site Plan Review application, or for the issuance of certain conditions to ensure the criteria are met.

**SRC 220.005(f)(3)(1): The application meets all applicable standards of the UDC;**

**Finding:** The property is currently zoned RS (Single Family Residential). The applicant has applied for a Comprehensive Plan Map Change to "Commercial" and Zone Change to CO (Commercial Office). Site plan review findings are contingent on approval of the consolidated Comprehensive Plan Map and zone change applications. The project includes a proposal to develop a 5,780 square foot outpatient foot and ankle clinic with associated site improvements, including 28 off-street parking spaces and 8,201 square feet of landscaped areas. The subject property for the development consists of 4 parcels totaling 0.54 acres in size. After required right-of-way dedication along the Mission Street SE frontage, the

Staff finds that the application, as proposed and conditioned, meets all applicable standards

of the UDC, as described below:

**Development Standards – CO (Commercial Office) Zone:**

*SRC 521.005. Uses:*

*The permitted, special, conditional and prohibited uses in the CO zone are set forth in SRC Chapter 521, Table 521-1.*

**Finding:** The proposed development is for an outpatient foot and ankle clinic, classified as a Health Services – Outpatient Medical Services and Laboratories use. Outpatient Medical Services and Laboratories are a permitted use in the CO zone pursuant to SRC Chapter 521, Table 521-1.

*SRC 521.010(a) – Lot Standards:*

*Lot standards for the CO zone are set forth in SRC Chapter 521, Table 521-2. There are no minimum lot width or depth requirements in the CO zone for non-residential uses. All uses other than single family residential are required to have a minimum of 16 feet of street frontage.*

**Finding:** The subject property consists of five tax lots, all of which exceed the minimum frontage standard of 16 feet.

*SRC 521.010(b) – CO Zone Setbacks:*

The subject property is currently vacant. Because the subject property consists of five separate tax lots, Condition 4 requires the applicant to obtain a property boundary verification to combine these tax lots for the purpose of applying development standards such as setbacks. The following is a summary of the applicable setback requirements for each area, pursuant to a property boundary verification.

**North:** The north property boundary abuts Mission Street SE, a Minor Arterial street. There is a 12 foot building setback required adjacent to a street. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

**South:** Adjacent to the south is an RS (Single Family Residential) zone. Pursuant to SRC Chapter 521, Table 521-4, buildings and vehicle use areas must be set back a minimum of 15 feet from this interior side property line.

**East:** Adjacent to the east is an RS (Single Family Residential) zone. Pursuant to SRC Chapter 521, Table 521-4, buildings and vehicle use areas must be set back a minimum of 15 feet from this interior rear property line.

**West:** The west property boundary abuts Liberty Street SE, a Major Arterial street. There is a 12 foot building setback required adjacent to a street. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

**Finding:** The proposal includes a variable setback of between 13'-3" and 13'-8" along the Mission Street frontage, a 15'-3" setback on the Liberty Street frontage, a 16'-2" setback with a six-foot-tall sight-obscuring wood fence to the east, and a 15'-6" setback with six-foot-tall sight-obscuring wood fence to the south. SRC Chapter 521, Table 521-4 specifies that setbacks to the east and south be landscaped to "Type C" requirements. Condition 1 requires that these setbacks be landscaped and screened according to the "Type D" requirements, including a minimum of 1 plant unit per 16 square feet of landscaped area, and a minimum 6-foot-tall sight-obscuring fence or wall. As proposed, the site plan meets the the minimum setback standards of the CO zone and SRC Chapter 806 and sight-obscuring screening. Landscape plans will be reviewed for compliance with specific planting requirements at the time of building permit review.

*SRC 521.010(c) - Lot Coverage; Height:*

The maximum lot coverage for buildings and accessory structures in the CO zone is 60 percent. With the exception of Single Family, Two Family, Multiple Family, and Long-Term Commercial Lodging uses, the maximum building height in the CO zone is 70 feet.

**Finding:** The proposed building will be approximately 5,780 square feet, resulting in a lot coverage of approximately 25.6 percent. The proposed buildings will be 1.5 stories in height, well below the maximum of 70 feet. Therefore, the proposed structure complies with SRC 521.010(c).

*SRC 551.010(d) - Landscaping:*

- (1) **Setbacks.** Required setbacks shall be landscaped. Landscaping shall conform to the standards set forth in SRC Chapter 807.
- (2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided under SRC Chapter 806 and SRC Chapter 807.
- (3) **Development Site.** A minimum of 15 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard set forth in SRC Chapter 807. Other required landscaping under the UDC, such as landscaping required for setbacks or vehicular use areas, may count towards meeting this requirement.

**Finding:** After the right-of-way dedication required by Condition 5, the subject property is 0.52 acres (22,573 square feet), and the minimum 15 percent landscaping standard requires 3,386 square feet. The site plan indicates there is 8,201 square feet of landscaping area which complies with the minimum 15 percent landscape standard for the development site.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**SRC Chapter 800 – General Development Standards**

*SRC 800.015(a) (Buildings to be on a Lot):* Pursuant to SRC 800.015(a), every building or structure shall be entirely located on a lot.

**Finding:** The subject property consists of five tax lots, with the proposed medical office building spanning the boundaries of Tax Lots 5100, 5200, and 5300. Pursuant to SRC 205.065(a), a property boundary verification is a process whereby the outside boundary of two or more contiguous units of land held under the same ownership may be established as the property line for the purposes of application of the Building Code. In order to ensure that the development complies with the requirements of SRC 800.015(a), the following condition shall apply:

**Condition 4:** Prior to obtaining building permits, the applicant shall obtain approval for a Property Boundary Verification to establish the necessary outside property boundary for the proposed development.

As conditioned, the proposal meets this criterion.

**SRC Chapter 803 – Streets and Right-of-Way Improvements**  
*SRC 803.025 (Right-of-Way and Pavement Widths)*

**Finding:** The abutting portion of Liberty Street SE is designated as a Major Arterial in the TSP and meets right-of-way and pavement width standards for this type of street. The abutting portion of Mission Street SE has a 60-foot-wide right-of-way, which does not meet the minimum right-of-way width for a Minor Arterial. In order to ensure that the abutting portion of Mission Street SE meets minimum right-of-way width standards established in SRC Chapter 803, the following condition of approval shall apply:

**Condition 5:** Convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of Mission Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**SRC Chapter 806 – Off-Street Parking, Loading, and Driveways**

*SRC 806.005 - Off-Street Parking; When Required.*

*Off-street parking shall be provided and maintained for each proposed new use or activity.*

*SRC 806.010 - Proximity of Off-Street Parking to Use or Activity Served.*  
*Required off-street parking shall be located on the same development site as the use or activity it serves.*

**Finding:** The proposed site plan indicates that all required off-street parking spaces will be provided on the same development site as the proposed use.

*SRC 806.015 - Amount of Off-Street Parking.*

- a) *Minimum Required Off-Street Parking.* The minimum off-street parking requirement for uses in the Outpatient Medical Services and Laboratories category is 1 per 350 square feet of floor area.

- b) *Compact Parking.* Up to 75 percent of the minimum off-street parking spaces required under this Chapter may be compact parking spaces.
- c) *Carpool and Vanpool Parking.* New developments with 60 or more required off-street parking spaces, and falling within the Public Services and Industrial use classifications, and Business and Professional Services use category, shall designate a minimum of 5 percent of their total off-street parking spaces for carpool or vanpool parking.
- d) *Maximum Off-Street Parking.* Unless otherwise provided in the SRC, off-street parking shall not exceed the amounts set forth in Table 806-2.

**Finding:** Based on the floor area and a total building size of 5,780 square feet, the minimum parking requirement for the Outpatient Medical Services and Laboratories use is 1 space per 350 square feet, which requires a minimum of 17 spaces ( $5,780 / 350 = 16.5$ ). The maximum off-street parking allowance for the use under Table 806-2 is 42 spaces ( $17 \times 2.5 = 42.5$ ). There are 28 paved off-street parking spaces indicated on the site plan; 26 spaces are located within a parking lot to the south of the proposed clinic building and 2 are located within an attached garage on the east end of the clinic building. Carpool/vanpool spaces are not required because fewer than 60 parking spaces are required.

*SRC 806.035 - Off-Street Parking and Vehicle Use Area Development Standards.*

- a) *General Applicability.* The off-street parking and vehicle use area development standards set forth in this section apply to the development of new off-street parking and vehicle use areas.
- b) *Location.* Off-street parking and vehicle use areas shall not be located within required setbacks.
- c) *Perimeter Setbacks and Landscaping.* Perimeter setbacks shall be required for off-street parking and vehicle use areas abutting streets, abutting interior front, side, and rear property lines, and adjacent to buildings and structures.

North: Adjacent to the north is the right-of-way for Mission Street SE. The proposal does not include parking or vehicle use areas abutting the north property line.

South: Adjacent to the south is an RS (Single Family Residential) zone. Vehicle use areas in the CO zone are required to be setback a minimum of 15 feet from a property line abutting a residential zone.

East: Adjacent to the east is an RS (Single Family Residential) zone. Vehicle use areas in the CO zone are required to be setback a minimum of 15 feet from a property line abutting a residential zone.

West: Adjacent to the west is the right-of-way for Liberty Street SE. Vehicle use areas are required to be setback a minimum 6-10 feet from a street per SRC 806.035(c)(2).

**Adjacent to Buildings and Structures:** The off-street parking or vehicle use area shall be setback from the exterior wall of the building or structure by a minimum 5 foot wide landscape strip or by a minimum 5 foot wide paved pedestrian walkway.

**Finding:** The off-street parking and vehicle use area is located to the south of the proposed building, and is set back from the building by a 5'-4" pedestrian pathway with additional landscaped areas.

The proposal meets this standard.

**Finding:** The proposed development includes a new off-street parking area. The proposed parking areas are not located within required setbacks, and the proposed perimeter setbacks and landscaping meet the applicable setbacks.

- d) *Interior Landscaping. Interior landscaping shall be provided in amounts not less than those set forth in Table 806-5. For parking areas over 5,000 square feet and less than 50,000 square feet in size, a minimum of 5 percent of the interior parking area shall be landscaped. One deciduous tree must be provided per 12 parking spaces.*

**Finding:** The proposed parking area is approximately 7,123 square feet in size and therefore requires a minimum of 5% of the interior parking lot area (356 square feet) to be landscaped. The site plan provides approximately 384 square feet of landscaping on the interior parking lot area, and therefore meets this requirement. A minimum of 3 deciduous trees are required for the 26 off-street parking spaces provided. The site plan indicates that 10 deciduous trees will be provided.

- e) *Off-Street Parking Area Dimensions. Off-street parking areas shall conform to the minimum dimensions set forth in Table 806-6.*

**Finding:** The proposed parking spaces, driveway and drive aisle for the off-street parking area meet the minimum dimensional requirements of SRC Chapter 806.

- f) *Additional Off-Street Parking Development Standards 806.035(f)-(m).*

**Finding:** The proposed parking area must be developed consistent with the additional development standards for grade, surfacing, and drainage, striping, and marking and signage are required. Lighting shall be consistent with SRC Chapter 806. Off-street parking areas with more than 6 spaces shall be screened from abutting residentially zoned property and household living uses by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge. The applicant proposes to screen the parking areas from adjacent residentially-zoned property by a minimum 6-foot-tall sight-obscuring wood fence. In addition, Condition 1 requires enhanced landscape screening within required setbacks.

*SRC 806.040 - Driveway Development Standards.*

- a) *Access. Off-street parking and vehicle use areas shall have either separate driveways for ingress and egress, a single driveway for ingress and egress with an adequate turnaround that is always available or a loop to the single point of access.*

*b) Location. Driveways shall not be located within required setbacks.*

*c) Additional Development Standards 806.040(c)-(g).*

**Finding:** The interior driveways proposed for the off-street parking area conform to the driveway location and dimensional requirements of SRC 806.040.

## **Bicycle Parking**

*SRC 806.045 – SRC 806.050*

*Bicycle parking shall be provided for each proposed new use or activity, and located on the same development site as the use or activity served.*

*SRC 806.055 – Amount of Bicycle Parking.*

*The greater of 4 bicycle parking spaces or 1 space per 3,500 square feet is required for Outpatient Medical Services and Laboratory uses.*

**Finding:** The applicant's site plan shows 4 bicycle parking spaces in floor mount bicycle racks meeting the locational requirements SRC 806.050 and development standards of SRC 806.060.

## **Off-Street Loading Areas**

*SRC 806.065 - General Applicability.*

*Off-street loading areas shall be provided for each proposed new use or activity.*

*SRC 806.075 - Amount of Off-Street Loading.*

*A minimum of one off-street loading space is required for Outpatient Medical Services and Laboratory buildings between 5,000-60,000 square feet in floor area. The minimum dimensions for the off-street loading spaces are 12 feet in width, 19 feet in length and 12 feet in height.*

**Finding:** The proposed site plan indicates an area in front of the proposed garage entry of the building consistent with the dimensional requirements of SRC Chapter 806.

## **Landscaping**

All required setbacks shall be landscaped with a minimum of 1 plant unit per 20 square feet of landscaped area. A minimum of 40 percent of the required number of plant units shall be a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees. Plant materials and minimum plant unit values are defined in SRC Chapter 807, Table 807-2.

All building permit applications for development subject to landscaping requirements shall include landscape and irrigation plans meeting the requirements of SRC Chapter 807.

**Finding:** The applicant's summary table indicates that approximately 8,201 square feet of landscaping will be provided on the subject property, requiring a minimum of 410 plant units ( $8,201 / 20 = 410.05$ ). At least 40 percent of the plant units, or 164 ( $410 \times 0.4 = 164$ ) shall be



a combination of mature trees, shade trees, evergreen/conifer trees, or ornamental trees.

Landscape and irrigation plans will be reviewed for conformance with the requirements of SRC 807 at the time of building permit application review.

### **Natural Resources**

*SRC Chapter 808 - Preservation of Trees and Vegetation:* The City's tree preservation ordinance, under SRC Chapter 808, provides that no person shall remove a significant tree (Oregon White Oak greater than 24 inches in diameter at breast height) (SRC 808.015) or a tree or native vegetation in a riparian corridor (SRC 808.020), unless the removal is excepted under SRC 808.030(a)(2), undertaken pursuant to a permit issued under SRC 808.030(d), undertaken pursuant to a tree conservation plan approved under SRC 808.035, or permitted by a variance granted under SRC 808.045. No protected trees have been identified on the site plan for removal.

*SRC Chapter 809 - Wetlands:* Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetland laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

According to the Salem-Keizer Local Wetland Inventory (LWI) there are no wetlands on the subject property. The applicant should contact the Department of State Lands to verify if permits are required for the proposed development.

*SRC Chapter 810 - Landslide Hazards:* A geological assessment or report is required when regulated activity is proposed in a mapped landslide hazard area. The subject property contains an area of mapped landslide hazard equal to 2 landslide susceptibility points. The proposed commercial development is assigned 3 activity points. A total of 5 points indicates a moderate landslide hazard risk.

The applicant submitted a geotechnical engineering report conducted by Benjamin G. Anderson, P.E. and James Imbrie G.E., C.E.G. of GeoPacific Engineering, Inc. The report contains the contents required under SRC 810.030(a).

The proposal meets this criterion.

**SRC 220.005(f)(3)(2): The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately;**

**Finding:** The applicant has proposed a single driveway approach from the public street system that aligns directly with a parking lot drive aisle providing internal circulation. The consolidated application includes a Class 2 Driveway Approach Permit. Findings on the driveway approach permit evaluate the safe, orderly, and efficient circulation of traffic at the driveway approach and are included later in this report. The site plan provides pedestrian access by paved pathways linking the parking lot and abutting sidewalk network with

proposed entrances to the clinic building. Condition 5 requires the applicant to convey land for dedication along the Mission Street frontage in order to meet Transportation System Plan (TSP) standards for a Minor Arterial. The existing configuration of Liberty Street SE appears to meet current standards for its classification as a Major Arterial in the TSP. As described in findings on Statewide Planning Goal 12 and zone change criterion 265.005(e)(1)(F) above, the Assistant City Traffic Engineer has reviewed the Transportation Planning Rule (TPR) analysis provided by the applicant and concurs with the conclusion regarding the effect of the proposal on the transportation system. Condition 3 would limit traffic impacts from future development to no more than 250 average daily trips.

As conditioned, the proposal meets this criterion.

**SRC 220.005(f)(3)(3): Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians;**

**Finding:** Subject to recommended conditions of approval, the internal vehicular, pedestrian, and bicycle circulation provided for the site is adequate to provide safe and efficient movement for patients and employees of the outpatient medical clinic. The consolidated application includes a driveway approach permit, and a Class 2 Adjustment to reduce the minimum driveway spacing accessing an arterial, where a 370-foot separation between driveways is required.

Some sections of sidewalk along the frontages of the subject property may not meet Public Works Design Standards. In order to ensure that these sidewalks meet current standards and provide safe and efficient movement of pedestrians at the perimeter of the site, the following condition of approval shall apply:

**Condition 6:** Replace existing sidewalks along the frontage of Mission Street SE and Liberty Street SE where not conforming to Public Works Design Standards.

Subject to the required adjustment, driveway approach permit, and conditions of approval, this criterion is met.

**SRC 220.005(f)(3)(4): The proposed development will be adequately served with City water, sewer, stormwater facilities, and other utilities appropriate to the nature of the development.**

**Finding:** The Public Works Department has reviewed the applicant's preliminary utility plan for this site. Water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the Public Works Design Standards (PWDS) and to the satisfaction of the Public Works Director.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with

SRC Chapter 71 and the PWDS.

The proposal meets this criterion.

## **FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 ADJUSTMENT**

The applicant's complete written statement addressing the Class 2 Adjustment criteria is included as part of Attachment D. The applicant has requested an adjustment to reduce the minimum driveway spacing from the proposed driveway to the intersection of two arterial streets (Liberty Street and Mission Street) from 370 feet, as required under SRC 804.035(d), to approximately 168 feet.

Salem Revised Code (SRC) 250.005(d)(2) sets forth the following criteria that must be met before approval can be granted to an application for a Class 2 Adjustment. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Class 2 Adjustment application, or for the issuance of certain conditions to ensure the criteria are met.

**SRC 250.005(d)(2)(A): The purpose underlying the specific development standard proposed for adjustment is:**

- (i) **Clearly inapplicable to the proposed development; or**
- (ii) **Equally or better met by the proposed development.**

**Applicant Statement:** In this case the development standard cannot be met because the total distance between the two intersections is less than the standard. The standard is 370', and the distance between Kearney and Mission is 318'. The purpose underlying the standard, which is to provide sufficient spacing between driveways and intersections, is met equally well by the proposed development because the maximum distance from each intersection is provided by the driveway location. In addition, Liberty Street is one-way northbound which avoids the potential for turn-movement conflicts created by left-turns into or out of the driveway, as all movements into or out of the driveway will be right-turns. The property is entitled to access, and the proposed driveway is the most appropriate location for the driveway. For these reasons the purpose underlying the development standard proposed for adjustment is equally well met by the proposed development, which satisfies the criterion.

**Finding:** Staff concurs with the applicant's statement. Intersections with public streets in the vicinity form driveway approaches that do not meet the current 370-foot spacing standard, making full compliance with the standard impossible. Therefore, the underlying purpose of the standard is clearly inapplicable to the proposed development at this specific site. To the extent that the underlying purpose of separating driveway approaches and arterial intersections is applicable, the proposed driveway location maximizes the available distance from the intersection available on the site and equally or better meets the underlying purpose of the standard. The proposal meets this criterion.

**SRC 250.005(d)(2)(B): If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.**

**Finding:** As part of the consolidated application, the subject property is proposed to be rezoned from RS (Single Family Residential) to CO (Commercial Office). Accordingly, the driveway approach will not be located within a residential zone at the time of development, and this criterion does not apply.

**SRC 250.005(d)(2)(C): If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.**

**Finding:** Only one adjustment has been requested. Therefore, this criterion is inapplicable.

#### **FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A CLASS 2 DRIVEWAY APPROACH PERMIT**

Salem Revised Code (SRC) 804.025(d) sets forth the following criteria that must be met before approval can be granted to an application for a Driveway Approach Permit. The following subsections are organized with approval criteria shown in **bold**, followed by findings evaluating the proposed development's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the Driveway Approach Permit application, or for the issuance of certain conditions to ensure the criteria are met.

**SRC 804.025(d)(1): The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards.**

**Finding:** The proposed driveway approach meets the standards of this Chapter and Public Works Design Standards, with the exception of the minimum 370-foot driveway spacing requirement established in SRC 804.035(d). The applicant has requested a Class 2 Adjustment to reduce minimum spacing to approximately 168 feet. Findings on the requested adjustment are included in this staff report.

Subject to the requested Class 2 Adjustment, the proposed driveway meets the requirements of SRC Chapter 804 and the Public Works Design Standards.

**SRC 804.025(d)(2): No site conditions prevent placing the driveway approach in the required location.**

**Finding:** As described in findings above regarding Class 2 Adjustment criterion SRC 250.005(d)(2)(A), the location of the driveway is constrained by the size of the overall site and the block length in the vicinity. These existing conditions prevent the driveway from meeting the minimum 370-foot spacing requirement between driveways onto a Major Arterial. The consolidated application includes a Class 2 Adjustment to reduce this minimum spacing. Subject to the Class 2 Adjustment and conditions of approval, this criterion is met.

**SRC 804.025(d)(3): The number of driveways onto an arterial is minimized.**

**Finding:** The subject property only abuts arterial streets. The proposed medical office development closes three existing approaches and consolidates site access onto a single driveway approach, thus minimizing the number of approaches. In order to implement the proposed consolidation of driveway approach and minimize the impacts to the arterial street network in the vicinity, the following condition of approval shall apply:

**Condition 7:** Prior to obtaining building permits, the applicant shall close all existing driveways other than the proposed driveway approach shown on the site plan.

The proposal meets this criterion.

**SRC 804.025(d)(4): The proposed driveway approach, where possible:**

- a) Is shared with an adjacent property; or
- b) Takes access from the lowest classification of street abutting the property.

**Finding:** The subject property is abutted by Liberty Street SE, a Major Arterial, and Mission Street SE, a minor arterial. The proposed driveway would take access to Liberty Street the street with the higher classification of the two abutting the subject property. However, the abutting portion of Liberty Street is a one way Major Arterial, whereas Mission Street is a two-way Minor Arterial. Access to the one-way Major Arterial street causes less impact to the adjacent properties than if access is were taken from the two way Minor Arterial street. Therefore, the proposal meets this criterion.

**SRC 804.025(d)(5): The proposed driveway approach meets vision clearance standards.**

**Finding:** The proposed driveway meets the Public Works Design Standards, and vision clearance standards set forth in SRC Chapter 805.

**SRC 804.025(d)(6): The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access.**

**Finding:** The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property. The proposal meets this criterion.

**SRC 804.025(d)(7): The proposed driveway approach does not result in significant adverse impacts in the vicinity.**

**Finding:** The location of the proposed driveway does not appear to have any adverse impacts to the adjacent properties or streets. One small street tree will be removed in conjunction with the driveway construction. The proposal meets this criterion.

**SRC 804.025(d)(8): The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections.**

**Finding:** The proposed driveway approach is located on a Major Arterial and does not create a significant impact to adjacent streets and intersections. The proposal meets this criterion.

**SRC 804.025(d)(9): The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

**Finding:** Although the proposed driveway approach is located in the vicinity of a residentially-zoned area, the development sites a consolidated approach onto a Major Arterial street and away from abutting residential areas. The driveway will not have an effect on the functionality of the adjacent streets. The proposal meets this criterion.

## **CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the proposed Comprehensive Plan Map Amendment, Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Driveway Approach Permit, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2), SRC 265.005(e)(1), SRC 220.005(f)(3), SRC 250.005(d)(2), and SRC 804.025(d) for approval.

## **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property approximately 0.52 acres in size and located within the Gaiety Hill/Bush's Pasture Park Historic District at 800-868 Liberty Street SE and 440 Mission Street SE (Marion County Assessor map and tax lot numbers: 073W27CA 04900, 05000, 05100, 05200, and 05300).

- A. RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Single Family Residential" to "Commercial"; and
- B. APPROVE the zone change request for the subject property from RS (Single Family Residential) to CO (Commercial Office) contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions; and

**Condition 1:** Required setbacks along the east and south property lines shall meet the landscaping and screening requirements of landscaping "Type D," as described in SRC Chapter 807, Table 807-1. No less than 50 percent of plant units shall consist of evergreen plants and/or species native to Oregon.

**Condition 2:** In addition to the uses prohibited in the underlying zone, commercial parking and park-and-ride facilities shall be prohibited on the site.

**Condition 3:** Traffic impacts from future development on the subject property shall be limited to a maximum of 250 average daily trips

generated by the proposed use or uses.

- C. APPROVE Class 3 Site Plan Review Case No. 16-06, contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions; and

**Condition 4:** Prior to obtaining building permits, the applicant shall obtain approval for a Property Boundary Verification to establish the necessary outside property boundary for the proposed development.

**Condition 5:** Convey land for dedication equal to a half-width right-of-way of 36 feet on the development side of Mission Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

**Condition 6:** Replace existing sidewalks along the frontage of Mission Street SE and Liberty Street SE where not conforming to Public Works Design Standards.

- D. APPROVE a Class 2 Adjustment to reduce the minimum driveway spacing from the proposed driveway to the intersection of Liberty Street and Mission Street from 370 feet, as required under SRC 804.035(d), to approximately 168 feet, contingent on City Council approval of the consolidated Comprehensive Plan Map Change; and

- E. APPROVE Class 3 Driveway Approach Permit Case No. 16-06, contingent on City Council approval of the consolidated Comprehensive Plan Map Change and subject to the following conditions:

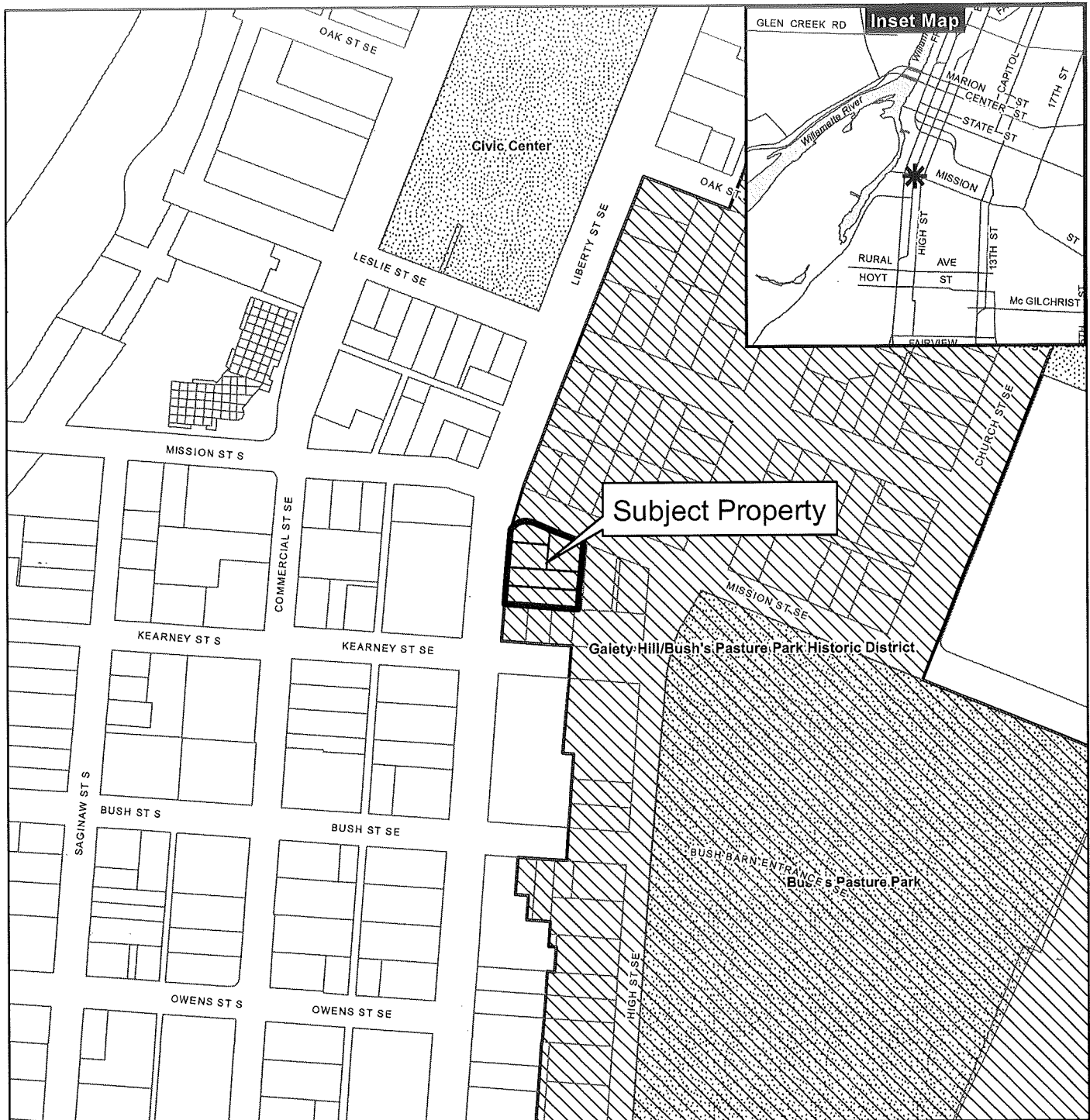
**Condition 7:** Prior to obtaining building permits, the applicant shall close all existing driveways other than the proposed driveway approach shown on the site plan.

- Attachments: A. Vicinity Map  
B. Vicinity Comprehensive Plan Map and Zoning  
C. Site Plan  
D. Applicant's Written Statements on Comprehensive Plan and Zone Change and Class 2 Adjustment  
E. TPR Analysis  
F. Comments from Public Works Department  
G. Comments from South Central Association of Neighbors (SCAN)

Prepared by Christopher Green, AICP, Planner II 

# Vicinity Map

## 800-868 Liberty Street SE; 440 Mission Street SE



### Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

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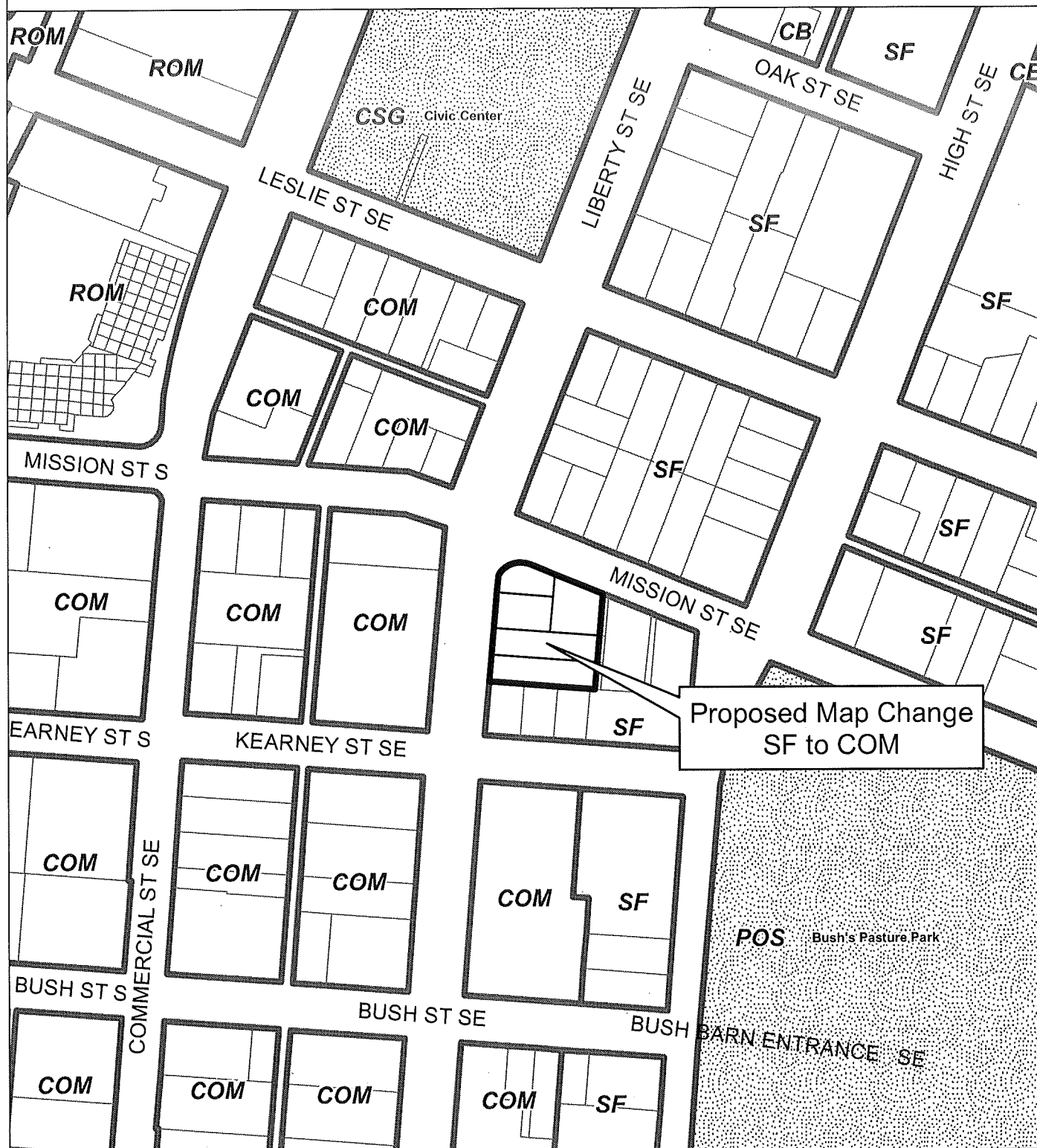
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0 100 200 400 Feet





# Comprehensive Plan Map - 800 Liberty St. SE et al



## Legend

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

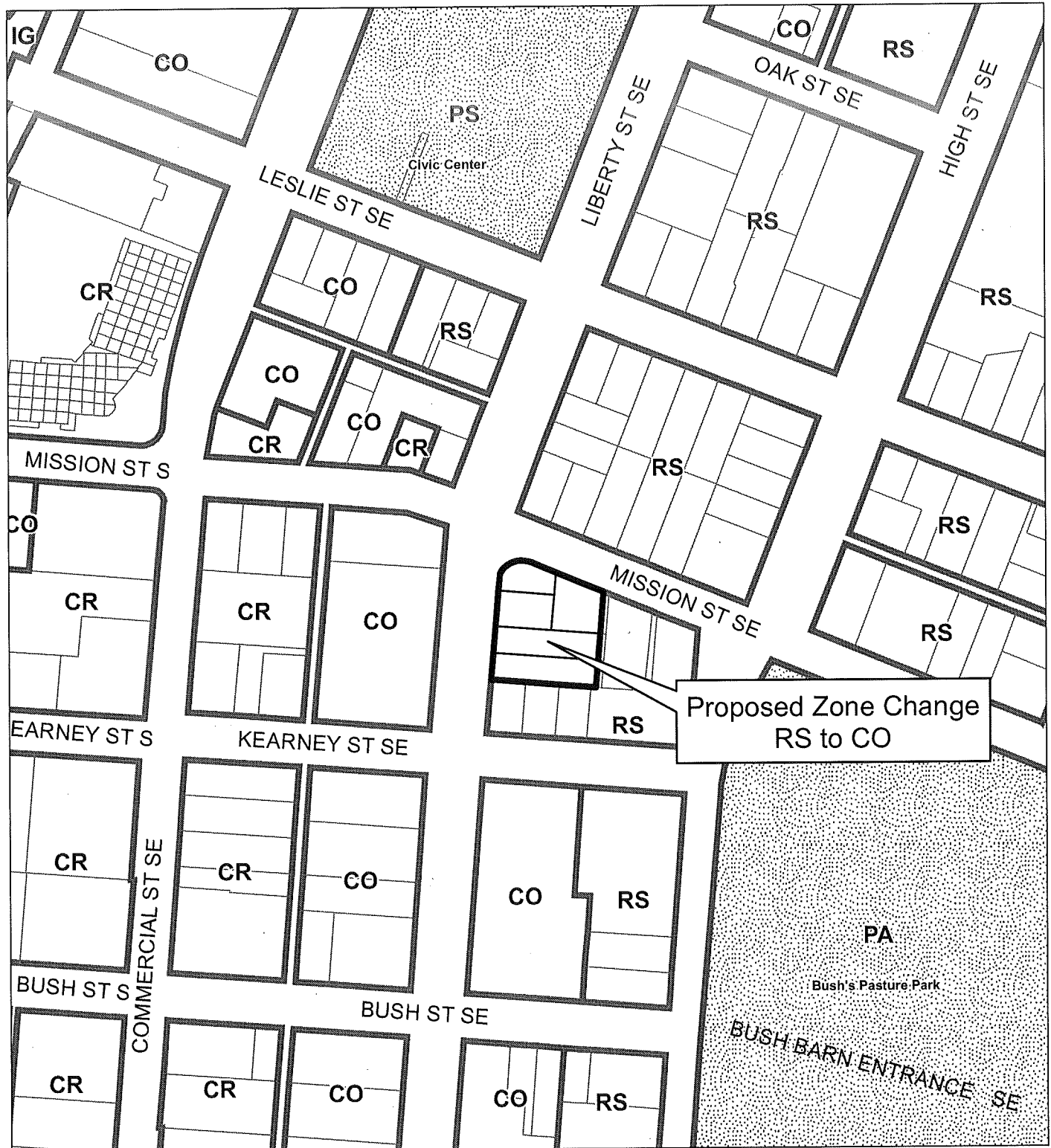
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# Vicinity Zoning - 800 Liberty St. SE et al



## Legend

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

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0 50 100 200 Feet



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- Chapter 805 - Off-Street Parking, Loading, and Elevation
- 805.015 n. Minimum Required Off-Street Parking: For office use, 1 per 250 SF.
  - Required: 17 for 5,000 SF.
  - 805.015 b. Compact Parking: Up to 75% of minimum required may be compact.
  - Compact spaces offset: 12 ft (4 ft).
  - 805.015 d. Maximum Off-Street Parking: For up to 20 minimum spaces required, 2.5 times the minimum.
  - Maximum allowed: 42 (2.5 x 17).
  - Provided: 26.
  - 805.022.2.A. Off-Street parking shall be set back minimum 10 feet from abutting streets. Setback shall be landscaped per Type A.
  - Setback: 12 feet minimum per 321.015.
  - 805.022.2.B. Off-Street parking shall be set back minimum 3 feet from interior property lines. Setback shall be landscaped per Type A.
  - Setback: 15 feet minimum (landscaped per Type C) per 321.015.
  - 805.022 c.4. Off-Street parking shall be set back minimum 3 feet from adjacent structures. Setback shall be landscaped per Type A for ground pedestrian walkways.
  - 805.023 A.2. Interior Landscaping: For > 5,000 SF and < 10,000 SF, min 5%.
  - Required: 256 SF for 7,123 SF parking area.
  - Provided: 384 SF.
  - 805.023 d.3. Trees: One deciduous tree per 17 parking spaces.
  - Required: 10.
  - Provided: 10.
  - 805.023 e. Off-Street Parking Area Dimensions.
  - Standard: 9'0" x 19'0".
  - Compact: 8'0" x 15'0".
  - 805.025 m. Off-Street Parking Area Screening: Off-Street parking areas shall be screened from adjoining residential property by a minimum 6-foot-tall solid, opaque fence, wall, or hedge.
  - 805.040 d. Minimum Driveway Width: 22 ft.
  - 805.055. Required Bicycle Parking: For office use, 4, or 1 per 2,500 SF.
  - 805.075. Off-Street Loading: For office use > 5,000 SF and < 40,000 SF, 1 space (17 ft).

## SITE PLAN NOTES:

1. FLOOR MOUNT BICYCLE RACKS.
2. WHEEL STOP AT PARKING SPACE, TYP.
3. PROVIDE ACCESSIBLE PARKING SIGN.
4. PROVIDE VAN ACCESSIBLE PARKING SIGN.
5. PROVIDE ACCESSIBLE PARKING SYMBOL STRIPING.
6. 4" PAINTED STRIPES, TYP.
7. 6' SIGHT OBSCURING WOOD FENCE.
8. TRASH & RECYCLING TO BE LOCATED INSIDE THE BUILDING. TRASH CAPACITY NOT EXPECTED TO EXCEED THAT OF ROLLING CANS PUSHED TO CURB ONCE PER WEEK.

## SITE PLAN GENERAL NOTES:

1. THE LOCATIONS OF EXISTING UNDERGROUND UTILITIES ARE SHOWN IN AN APPROXIMATE WAY ONLY AND HAVE NOT BEEN INDEPENDENTLY VERIFIED BY THE OWNER OR ITS REPRESENTATIVES. THE CONTRACTOR SHALL DETERMINE THE EXACT LOCATION OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCURRED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.
2. PROVIDE CONSTRUCTION FENCING AS REQUIRED TO SECURE SITE AND BUILDING DURING CONSTRUCTION.
3. EXTREME CARE SHOULD BE TAKEN TO PRESERVE EXISTING ROOTS OF TREES TO REMAIN.
4. REFER TO CIVIL DRAWINGS FOR GRADING. SITE IS REQUIRED TO MEET THE LAWS OF IFA AND ADA. ACCESSIBLE ROUTES SHALL NOT EXCEED 5% (1 IN 20) OR CROSS SLOPES SHALL NOT EXCEED 2% (1 IN 50). ALL AT GRADE SIDEWALKS ARE ACCESSIBLE ROUTES.
5. JOINTS IN CONCRETE SHALL NOT BE TO BE CONSTRUCTED AS EXPANSION JOINTS. ALL OTHER JOINTS SHOWN TO BE TOOK CONTROL JOINTS. SEE CIVIL.
6. SEE LANDSCAPE DRAWINGS FOR LANDSCAPE AND BRIGATION ELEMENTS.
7. SEE ELECTRICAL DRAWINGS FOR SITE LIGHTING.

## SITE PLAN LEGEND:

- BUILDING AREA
- LANDSCAPING
- CONCRETE WALKWAY



1 SITE PLAN

0 10 20 30 1" = 10'-0"

## BACKGROUND

### Summary of The Proposal

Dr. Tyson Scott, DPM, requests approval to relocate his medical practice from its current location at on the west side of Liberty Street just south of Miller (350 Miller St. SE), four blocks north to the southeast corner of Liberty and Mission Streets SE. Dr. Scott has leased his current location for five years, and the relocation will allow him to design and own his facility and maintain his practice in the neighborhood. The new location will keep his office on the Liberty Street corridor in the area that is familiar to his patients, and be close to the hospital, which is important for his access to patients undergoing surgical procedures. A map showing the proposed relocation is included on the next page.

The proposed office site (the property) is approximately .52 acre (22,650 square feet (s.f.)). It is composed of five contiguous tax lots, identified on Marion County Assessor's map T7S R3W Section 27CA as Tax Lots 4900, 5000, 5100, 5200 and 5300. Dr. Scott does not yet own the property, but has entered into a contract for its purchase pending the required City land use and design approvals.

The property is included in the designated Gaiety Hill/Bush's Pasture Park Historic District. According to the Salem Historic Preservation Plan, the period of significance for this district is 1878-1938. The property was formerly occupied by four single family houses, built during the period 1910-1930. Three of the structures were classified as "historic contributing" and one was "non-contributing" because it had undergone alterations that changed its character. Those structures were allowed to deteriorate, and in 2010 the City ordered their demolition due to public health and safety concerns. The property has been vacant since that time.

The property is also shown on the Salem Urban Area Activity Nodes and Corridors map as included in the "Core Area as defined by Vision 2020" (Attachment 1). That map is part of the Comprehensive Plan. This recognizes that the property is viewed as part of the city center that is related to the downtown Central Business District (CBD).

The property is currently designated *Single Family Residential* on the Salem Area Comprehensive Plan (SACP) map, and it is zoned RS. These designations do not provide for the proposed medical office. In order for Dr. Scott to use the property for his office, two separate but related public review and approval procedures are required. One is a Comprehensive Plan Map Amendment from *Single-Family Residential* to *Commercial* with a concurrent, corresponding Zone Change from RS to CO (Commercial Office). The other is Historic Design Review, for approval of the building design for consistency and compatibility with Historic District's architectural period of significance. These applications do not affect the boundaries of the Historic District, and the property will remain within the Historic District.

The application for the Comp Plan Amendment-Zone Change is presented for review to the Planning Commission. The application for Historic Design Review is presented separately to the Historic Landmarks Commission. The two applications are being prepared concurrently so that the building design can be reviewed during the time the changes in the land use designations are being considered. This concurrent application process requires a greater "up-front" commitment by the applicant, but provides certainty for the applicant and for the neighborhood that the proposed land use change is based on an architecturally acceptable and appropriate structure.

A City Pre-Application Conference was held to discuss this project on March 24, 2016; Pre-App 16-24.

### **Public Outreach**

Beginning in early April, Dr. Scott personally contacted and visited the property owners and residents in the block immediately surrounding the project site to introduce himself and his proposal. An informational meeting for these neighbors was held on April 14 to discuss the proposal, and to present the preliminary building design and site plan. The meeting was held in the neighborhood at the office of Mike Mosar, Dr. Scott's property agent, which is at Liberty and Mission Streets directly across from the project site. A representative of SCAN was also present at that meeting.

The project team also attended the SCAN Board meeting on May 11 to present the proposal. (Dr. Scott was not present at that meeting because he was out of the country on a previously scheduled medical relief mission but his partner Dr. Scott Berg was present.)

### **Site Characteristics**

The property is situated on the southeast corner of the intersection of Liberty and Mission Streets SE. Both Liberty and Mission Streets are primary routes and "gateways" to the city center. Liberty Street is the primary route from south Salem directly into downtown, and Mission Street is a major link between the central city, east Salem, I-5, and outlying communities. In recognition of their role in the transportation system, the Salem Transportation System Plan (STSP) classifies Liberty Street as a Major Arterial, and Mission Street as a Minor Arterial.

At this corner location, the major influence on the property is the traffic impact on the two bordering arterial streets. According to City of Salem traffic count data, the Average Daily Traffic (ADT) volume on Liberty St., as counted at a location north of Owens Street in October 2005, was 28,960 vehicles per day. The ADT on Mission Street, as counted west of High Street in January 2007, was 15,560 vehicles per day. (These are the most recent years that City traffic counts are available; Attachment 2.) Based on the City's 2005 traffic count, the project Traffic Engineer estimates the 2016 volume on Liberty Street to be 33,425 vehicles per day (TPR report, attached; ATEP, Inc. July 11, 2016).

Since the property borders both streets, this results in a combined ADT of over 48,985 vehicles per day that pass along its two frontages. Because the Liberty-Mission intersection is controlled by a traffic signal, there is always a red-light phase along one of the frontages, which results in vehicle stacking and idling for the duration of the red signal. The high volume of traffic, and the presence of vehicles waiting to proceed through the intersection along alternate frontages during red-light phases of the traffic signal, creates a significant impact at this intersection that is greater than at other residential locations within the Historic District. The properties on this corner are the only part of the Historic District that is bordered by two arterial streets.

### **Surrounding Land Use Pattern**

The subject property is within the block bounded by Liberty, Mission, High, and Kearney Streets. This block is occupied by single family homes; one facing Mission, two facing High Street and three on Kearney. The block is zoned RS and within the Historic District.

The Liberty Street frontage between Kearny and Mission is the north end of the Liberty Street corridor, which extends between Commercial Street on the south and Mission Street. This corridor is recognized for its predominance of office activities that have located in converted houses as well as newer structures. The house on the north-east corner of Kearney and Mission is the last house in residential use along the Liberty Street frontage south of Mission. All but one other property along this office corridor (a church zoned RM2) is zoned CO, and the block between Kearny and Mission is the only part that is zoned RS. This is also the only part of the corridor that is within the Historic District.

The predominance of offices and the variety in the age, style, and scale of the buildings and landscaping has created a unique visual and business character for this arterial corridor. CO zoning limits commercial activity to office uses. There is no retail activity. These characteristics have resulted in a stable land use pattern that is appropriate and compatible with the nearby residential neighborhood.

Liberty Street marks the western edge of the residential neighborhood that is located mainly to the east. The residential area is located on both sides of Mission Street and along the interior streets that include High, Leslie, Oak, and Church. Single family houses are also located along the east side of Liberty, north of Mission Street. These are also zoned RS and within the Historic District.

In addition to marking the edge of the residential area, the Kearney-Mission frontage also marks the edge of the Historic District. These factors, and the location of the subject property at the intersection of the two arterials, differentiate it from other locations within the Historic District.

South of Kearney Street the east side of Liberty is occupied mostly by offices. There are two non-office uses, the Calvary Baptist Church located south of Miller Street which is zoned CO; and St. Paul's Church, located south of Myers Street and zoned RM2 (Multifamily Residential-2 (high density)). This is the only exception to CO zoning along the east side of the Liberty corridor. The CO corridor along the east side of Liberty adjoins the single-family residential neighborhood on the west side of High Street, which is zoned RS. The Historic District includes the west side of High Street, to Myers St.

The west side of the Liberty corridor is entirely zoned CO, and also with two exceptions is occupied by office uses. The two non-office uses are an apartment complex located between Owens and Bush Streets, and another apartment complex north of Kearney Street. West of the office corridor the zoning changes to CR north of Myers Street, and remains CO south of Myers.

The north side of Mission, west of Liberty, is zoned CO and CR. The northwest corner is occupied by a hair salon, and other uses north of Mission include a music school and offices.

Due to its central-city location, proximity to downtown, Major Arterial classification, and function as the major route to downtown from the south, the Liberty Street frontage from Commercial St. to Mission Street has become a recognized corridor for office-based activities. It is noteworthy for its combination of former houses that have been converted to offices use and new structures designed as offices; and its proximity to the residential neighborhood to the east. The relationship of this office corridor to nearby residential areas has provided the opportunity for residents to live and work in close proximity, which decreases commuting, and affords the potential for access between these activities without the use of motorized vehicles. This proposal will maintain that relationship, while making use of vacant property in a manner that is appropriate for the arterial frontage, and consistent with the architectural character of the Historic District.



The location is considered to be part of an "activity corridor" in the core area. The proposal will renew the use of a vacant tract with a type of use that is appropriate for the corner of the major arterial intersection, and consistent with the land use pattern. A new building will be required to meet the recognized architectural characteristics of the Historic District. For these reasons the proposal will contribute to enhancing the city's core area, as well as the immediate neighborhood.

### **Site Plan**

A preliminary site plan has been prepared by Studio3Architecture of Salem, the Project Architect; and is included as Attachment 3. The site plan shows a building of approximately 5,870 squ. ft, situated in the north half of the property. The main entrance faces Liberty St. The parking lot provides 26 spaces, with a single entry/exit driveway to Liberty St. Four bicycle spaces are located near the main entry. 15' setbacks for screening and landscaping are provided along the east and south boundaries. Approximately 7,600 s.f. overall, or 33% of the site, will be landscaped. A significant tree is located just inside the City sidewalk on the Liberty St. frontage. The City has determined this tree is within the public right of way, and is not on the subject property. The tree is to remain.

### **CRITERIA**

#### **Salem Area Comprehensive Plan Map Amendment**

This proposal is classified as a Minor Plan Map Amendment, SRC 64.025(a)(2). A Minor Plan Map Amendment is reviewed according to the criteria in SRC 64.025(e)(2). The criteria are addressed as follows:

(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 Map Designation and Zone Designation.

This proposal is justified based on (ii). The proposed *Commercial* designation is equally or better suited for the subject property than the existing *Single-family Residential* designation because the property's corner location at the intersection of two high-traffic volume arterial streets makes it an uncharacteristic and undesirable location for new single-family housing. The property has frontage on Liberty Street, a Major Arterial, and on Mission Street, a Minor Arterial (STSP). Traffic volumes on Liberty Street at this location are over 28,600 vehicles per day, and over 15,600 vehicles per day, according to City traffic counts. However, the City's traffic count data for these streets dates from 2005 and 2007. It is likely, according to standard traffic engineering practice, that current traffic volumes are higher. The Applicant's Traffic Engineer has estimated current volumes to be 33,425 vehicles per day for Liberty Street, assuming an increase of 1% per year (TPR report, Karl Birky, P.E., July 11, 2016, attached). The noise and air quality impacts of these very high traffic volumes cause this corner location to be uncharacteristic of other single-family residential locations in this area, and in general, and create an undesirable environment for residential use. However, the arterial street frontage is the appropriate location for office uses, as evidenced by the land use pattern along the Liberty Street corridor to the south. In addition, the property is shown on the Salem Urban Area Activity Nodes and Corridors map as included in the "Core Area as defined by Vision 2020". That map is part of the Comprehensive Plan and recognizes that the property is viewed as part of the central city that includes the downtown Central Business District (CBD).

Because the property is at the corner of two arterial streets and is subject to the impacts of the high daily traffic volumes that use those streets, and the impact of the traffic makes the location uncharacteristic, and undesirable, as a location for single-family residential occupancy, and the proposed use of the property is consistent with the characteristics of the Liberty Street corridor that extends from its junction with Commercial Street to Mission Street, and the Comp Plan recognizes the location as part of an activity corridor, the property is equally or better suited for the proposed designation than its current designation. These reasons satisfy this criterion.

(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.

All public facilities and services necessary and required to support the proposed medical office are available to the property. The property is in a fully developed part of the city, and all surrounding properties are served by public facilities. The public facilities available to the site are described in the Public Works Dept. (DPW) Memo that is a part of the Pre-Application Summary Report, which is a part of the case record. As described in the DPW Memo water, sewer, and storm drainage lines are located in both Liberty Street and Mission Street. The existing public facilities have capacity to serve the proposed use. New development will be required to design and build an on-site storm drainage system that meets City standards. Site-specific requirements will be addressed in the Site Plan Review process. Based on the detailed information provided by the Public Works Dept., the property is capable of being served with the public facilities and services that are necessary to support the uses allowed by the proposed plan map designation, which satisfies this criterion.

(C) The proposed plan map designation provides for the logical urbanization of land; The property is at the south-east corner of the Liberty-Mission Street intersection. This is a fully urbanized and developed part of the city. All of the surrounding properties are developed at urban density, and all required urban services and transportation facilities are available at adequate levels to serve the proposed office use. The land use pattern along the Liberty Street corridor from Commercial Street to Mission Street is predominantly office use, and with the exception of just one property, this pattern is recognized by the *Commercial* Comp Plan Map designation and the CO zone. The one exception is a church that is designated *Multi-family Residential* and zoned RM2. Both streets that border the property are classified as Arterials by the adopted Transportation System Plan. The proposed plan map designation provides for the logical urbanization of land because it is consistent with a location along two arterial streets, it corresponds to the existing pattern of land use along Liberty Street and the plan map designation along the arterial frontage, it is recognized in the Comp Plan as within an activity corridor in the core area (Urban Area Activity Nodes and Corridors map), it provides for the type of use that is compatible with the arterial frontage and bordering residential

neighborhoods, and all required urban services are available. For these reasons, the proposal satisfies this criterion.

(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; The following elements of the SACP are applicable to this request:

## Part II. Definitions and Intent Statements

### A. Comprehensive Land Use Plan Map

1. Intent: The stated intent of the Comp Plan is to project a goal of the desirable pattern of land use in the Salem area. This pattern is represented on the Plan Map and indicates areas appropriate to different types of land use. The land use pattern shown on the map recognizes the zoning that has developed over time. The Plan's approach is to rezone land over time in response to changing needs and conditions. This approach was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan recognizes that land use and zoning are expected to change as conditions change.

As shown by its *Commercial* designation and corresponding CO zone, the Liberty Street corridor south of Mission Street is recognized on the Comp Plan Map as a major location for office-based businesses and services. The land use pattern in this area is composed predominantly of office uses. The subject property is one of only two locations in this corridor that are not part of the existing commercial office land use pattern. The *Commercial* designation provides for a desirable pattern of land use by allowing for CO zoning, which is appropriate along the arterial frontage, and which is also compatible with adjacent residential uses, including those that are within the Historic District. The locational characteristics of the subject property are consistent with those of the Liberty Street office corridor to the south, and the design requirements that apply within the Historic District will serve to protect and enhance the characteristics of that District. The proposal is also in keeping with the Comp Plan's Urban Area Activity Nodes and Corridors map. These factors make the proposal consistent with the intent of the Plan to project a desirable pattern of land use.

The property was formerly the site of single-family houses which dated from 1910-1930. The pattern and volumes of vehicular traffic at this location are greatly different than during that period. Liberty Street was made the sole major direct route to downtown from south Salem. The property is now vacant, and the renewed use of the site for new single family houses is unlikely due to the traffic impacts of the bordering arterial streets. The property has no frontage or access to a residential street. The property's character is not consistent with the main residential neighborhood to the east. The property's location, street frontage, and access characteristics are not similar to those of the residential neighborhood and are not consistent with the desired characteristics for residential use. The proposed change in the Comp Plan designation is consistent with the Plan methodology to recognize changes in the conditions that affect zoning, and provide maximum flexibility within the guidelines provided by Plan policies. For these reasons the proposal is consistent with the intent of the Plan.

#### Part IV. Salem Urban Area Goals and Policies

The property is proposed to be designated *Commercial* on the Plan Map. The intent of this designation is to indicate commercial areas that provide shopping and service opportunities of various types, including commercial offices. As described in the Plan, "Commercial Offices" accommodate office space and non-retail services. (Plan part II.A.3.c.)

The proposal addresses the Commercial Goal and Policies as follows:

##### Part G. Commercial Development

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

GOAL: To maintain and promote the Salem urban area as a commercial center for Marion and Polk counties.

GOAL: To promote development of commercial office buildings for a range of employment uses, especially in downtown, mixed use districts, and commercially-oriented urban renewal areas.

GOAL: To promote commercial development that supports growth of traded-sector commercial employment.

The proposal is consistent with these Goals. The Liberty Street corridor is in the central city and is recognized by the Comp Plan Map as an established location for office-based businesses

and services. Periodic Comp Plan Amendments and Zone Changes extended office zoning along the arterial and resulted in the office corridor as it appears today. This part of the frontage is recognized as an "activity corridor". The office activities in this area serve the metropolitan area and the Marion-Polk county region. The use of this corridor for office purposes is recognized by the *Commercial* Plan designation and CO zone, which apply almost uniformly to the Liberty frontage from Commercial Street to Mission Street. The property is also within the area that is considered to be the core area of the city. Due to its frontage on both Liberty and Mission Streets, and its corner location south of Mission, the subject property is logically a part of this land use pattern and it is appropriate for office use as part of this corridor. Commercial office use of this location will be consistent with the existing land use pattern along this corridor, and will contribute to the concentration of office-based services in the central part of the city. These factors are in keeping with maintaining and promoting the urban area as the commercial center for the metropolitan area and the two-county region.

Policy 1. The central business district shall be maintained and developed as a mixed-use regional retail and employment center for the Salem urban area as well as Marion and Polk counties.

The subject property is part of the Liberty Street corridor, which is a recognized location for office-based businesses and services. It is an existing business location in the city. It is recognized as an activity corridor within the core area, which includes the CBD. By its proximity it contributes to maintaining an employment center in the central part of the city. Because it is an existing, recognized location for office use in the core area the proposal supports the central business district, in keeping with this policy.

Policy 2. Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following (a.-k.)

This policy presents requirements for reviewing development of Shopping and Service Facilities. This category of commercial use is separate from Commercial Offices, and this policy does not specifically apply. In any case, the proposed use will require Historic Design Review and Site Plan Review, in which the stated review factors will be considered prior to issuing development permits.

Policy 3. Redevelopment of existing shopping and service facilities should be encouraged where appropriate to provide neighborhood services or as part of mixed-use development with multifamily housing.

This policy applies to the redevelopment of existing shopping and service facilities. The site is not an existing shopping or service facility, and it is not in an Urban Renewal Area, and this policy does not apply.

Policy 4. applies to Community Shopping and Service Facilities. This policy does not apply because the site is not proposed for this category of commercial use. However, the site is adjacent to a major arterial, parking and service areas will be provided on-site, there will be no access to the site from a residential street, and the site is accessible from the bike lane on Liberty and by the sidewalks along both street frontages. In these ways the proposal is consistent with many of the siting factors of this policy.

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

The site is along two arterials. With just one exception, a church, the entire east side of Liberty south of Kearney Street is designated for office use. The site is a logical part of this existing commercial office corridor. The site is in close proximity and within convenient pedestrian and bicycle access to the nearby residential neighborhoods. The bordering arterial streets provide convenient access for all surrounding neighborhoods. These factors are consistent with the directives of this policy.

Policy 6. Commercial office uses shall have direct access to collector and arterial streets or be located within one quarter mile of a collector or arterial street.

The property has frontage on two arterials, and will have direct access to Liberty Street, a Major Arterial. These factors satisfy this policy.

Policy 7. With commercial development, buffer strips will be provided from residential uses, and external connectivity from residential development and other commercial development will be provided to commercial areas for pedestrian, bicycle and vehicular connectivity. This policy applies specifically to mixed-use development, and the proposal is not a mixed-use development. However, buffer strips from residential uses will be provided according to the requirements of the code, and will be shown on the site development plan for Historic Design Review and Site Plan Review. The site includes sidewalks along both street frontages, a bike lane along Liberty Street, and the vehicular access driveway will be on an arterial. These features satisfy this policy.

For these reasons presented, the proposal is consistent with the Commercial Development Goals and Policies.

The site is currently designated *Single-family Residential*. The proposal addresses the Plan's Residential Goal and Policies as follows:

Part E. Residential Development

GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:

- a. Encourage the efficient use of developable residential land;
- b. Provide housing opportunities for Salem's diverse population; and
- c. Encourage residential development that maximizes investment in public services.

The subject property is vacant and currently does not provide any housing. A variety of single- and multi-family housing opportunities are present in the surrounding neighborhood. The neighborhood to the east, north and south is composed of single family housing; and there is multifamily housing along Liberty Street, to the west. While the site is designated for single family housing, it is not a desirable or typical location for that use due to its frontages on two high traffic volume arterial streets. Other areas, located along lower volume local or collector streets, present more suitable, desirable, and typical environments for single family housing.



In addition, there is adequate developable land for single family housing in the city, as shown by the Salem Housing Needs Analysis 2015-2035 (the HNA), prepared by ECONorthwest December 2014. The HNA shows that there is a surplus of 1,975 acres of land designated for single family housing (Single-Family Residential and Development Residential) in the city, which provides a surplus capacity for 9,131 dwelling units (Table 12, p. 48).

As a result, this .52 acre site is not necessary in order to provide single family housing in the city or in the surrounding neighborhood, and its location does not represent an appropriate opportunity for new housing. Changing the land use designation as proposed will not have a significant impact on the ability to provide single family housing in the city. For these reasons the proposed change does not affect the Residential Development Goal.

Policy 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.
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.
- c. The capacity of public facilities, utilities and services including, but not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.
- d. Proximity to services, including, but not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services.
- e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.
- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.
- g. The density goal of General Development Policy 7.

As shown in the HNA there is a large surplus of land in the urban area that is designated for single family housing. The land designated for single family housing will be provided with facilities, services and utilities incrementally as development occurs. Facility requirements are determined at the time of development review, or through a UGA process for areas that are

outside of the urban services area (USA). The Comp Plan Map identifies that areas that are designated for future single family housing. Because there is a surplus of land designated for that purpose, these policies are not applicable to the proposed change.

Policy 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.

The location of the site already accommodates pedestrian, bicycle and vehicle access. The site is in a fully developed part of the city and new development of any type will avoid duplication of utilities, facilities and services. However, residential use of the site would subject future residents to the existing nuisances and hazards created by the high volumes of traffic at this intersection. These impacts cause the site to be inappropriate for new single-family housing. For these reasons, the site does not meet the requirements for a residential location as presented in this policy.

Policy 3. City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

Although the site is vacant its location along two arterials is not typical for new single family housing in the city. The proposed change is consistent with the use and zoning of the lands to the south along the Liberty Street frontage, which are a recognized part of this neighborhood. The proposed change will maintain the existing pattern of zoning and land use, and the relationship between offices and residential uses. New office development that is consistent with the existing pattern, and which infills on vacant property, will improve the stability of the neighborhood. For these reasons the proposal satisfies this policy.

Policy 4. Rehabilitation and maintenance of housing in existing neighborhoods shall be encouraged to preserve the housing stock and increase the availability of safe and sanitary living units.

The site is vacant and there is no existing housing stock to rehabilitate or maintain.

Policy 5. Subsidized housing shall be provided at a variety of locations within the urban area. Subsidized housing is not proposed and this policy does not apply.

Policy 6. pertains to multi-family housing, which is not included in this proposal, and this policy does not apply.

Policy 7. directs residential neighborhoods to be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs. New residential development is not proposed. However, the neighborhood is fully served by the existing transportation system, which in addition to vehicle access includes sidewalks on all existing streets for pedestrian access, a bicycle lane on Liberty Street, and a designated bike route along High Street.---? No new streets or changes to the existing streets are proposed. The proposed office use will have driveway access to Liberty Street, which avoids the residential neighborhood. For these reasons the proposal does not affect this policy.

Policy 8. Residential areas shall be protected from more intensive land use activity in abutting zones.

Office uses may or may not be a "more intensive land use" compared to residential uses, depending at least in part on whether the abutting residential use is single- or multi-family. Although they often, but not always, generate more traffic than residential uses, office uses are generally conducted as daytime, week day activities, with little or no evening or weekend activity. As shown on the City Zoning Map (7327S) the existing office uses along the east side of Liberty Street abut the single-family residential uses located along the west side of High Street. Many of these residential parcels are within the Historic District. There is no history or record of conflict or interference between the office uses and the abutting residential uses. The residential uses are protected from office traffic because the offices access Liberty Street, and the residential uses access High St. The offices do not access the residential streets. The subject property will have the same relationship to the abutting residential uses. The office use will access Liberty Street. New development on the site will include landscaped buffers and screening for the adjacent residential uses on the east and south. These features will protect the residential areas from the office use in the abutting zone, in keeping with this policy.

Policy 9. Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:

- a. The use of all modes of transportation;
- b. Reduction in vehicle miles traveled and length of auto trips; and
- c. Efficiency in providing public services.

This policy pertains to the regulations for residential development. Those regulations do not apply to this proposal, and this policy does not apply.

Policy 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.

The proposal is not a request for rezoning to increase residential density, and this policy does not apply

Policy 11. Design Standards shall be implemented to improve the quality of life of Salem's residents and promote neighborhood stability and compatibility.

The proposed office use will be subject to the design standards of the Historic Design Review. The purpose of these standards is to promote the stability and compatibility of the proposed use with the neighborhood in the designated Historic District, which serves to improve the quality of life of the residents of the Historic District. The review and approval of the proposed use according to the Historic Design Standards satisfies this policy.

#### Part N. SCENIC AND HISTORIC AREAS, NATURAL RESOURCES AND HAZARDS

GOAL: To conserve open space, protect natural, historic, cultural and scenic resources, and to protect life and property from natural disasters and hazards.

The property is within the Historic District but there are no longer historic resources on the property. Proposed new development will be required to receive design approval from the Historic Landmarks Commission. That review process is required in order to assure that new

development is compatible with the historic architectural characteristics of the District. The review and approval process serves to protect the historic resources of the District, which satisfies this Goal.

Policy 3. Identified areas of significant architectural, archeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate governing body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified, resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.

The property is within an area of historic value that is designated as an Historic District. The Historic District will be protected by requiring new development on the property to be compatible with the historic architectural characteristics of the District. New development will include screening and buffering along the boundaries of the adjoining residential properties. Access will be limited to an arterial street, and there will be no access to a residential street in the Historic District. With these review and development measures the proposal will protect the designated historic resources for future generations, in keeping with this policy.

Policy 10. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. The City's land use regulations the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.

There are no structures on the property.

### Statewide Planning Goals

#### GOAL 1 - CITIZEN INVOLVEMENT

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the application will be provided to the Neighborhood Association, to surrounding property owners within the notice area, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the

request will be held by the Planning Commission. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision making process. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

## GOAL 2 - LAND USE PLANNING

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the criteria for a Minor Comp Plan Map Amendment, and the criteria for a Zone Change. The proposed design of the structure will be reviewed by the Historic Landmarks Commission, for compatibility with the characteristics of the Historic District. The proposal to change the land use designations will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change, and the architectural design of the structure will be evaluated according to the historic design review criteria. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

GOAL 3 AGRICULTURAL LAND, AND GOAL 4 FOREST LANDS, do not apply.

## GOAL 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

The subject property is part of the designated Historic District. New development will be required to be approved through the City's Historic Design Review process. This will serve to protect the character of the District.

## GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The redesignation of the property will have no significant affects on air, water or land resource quality. The subject property is within a fully developed part of the city. It adjoins two arterial streets. All surrounding property is developed for residential and commercial purposes. All

required public services and utilities are available to the property at adequate levels for the use. Water will be supplied to the site by the City water system. There will be no withdrawal of subsurface groundwater resources. Waste water will be discharged into the City sewer system. Storm water runoff will be collected and removed by the City storm drainage system. The use of existing utilities will serve to protect air and water resource quality.

The proposed use will increase traffic over levels that could be expected from the existing designation, but will remain a very small fraction of the existing traffic that is present on the two adjoining arterial streets. Since the proposed use is already present four blocks to the south, the traffic will not be new to the street system. As a result there will no significant changes in air quality in the area.

The property is flat and there are no features such as slopes or wetlands that will be affected. No adverse impacts to the land have been identified.

No significant adverse impacts to the quality of the air, water or land are identified as a result of the proposed change in designation, and for these reasons the proposal is consistent with this goal.

#### GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards have been identified that are specific to this site.

#### GOAL 8 - RECREATIONAL NEEDS

The site is not designated for recreational use and this Goal does not apply.

#### GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is part of the Liberty Street corridor, which is a major location for office based activities in the central city. The proposal is consistent with the predominant use of the properties along Liberty Street between Commercial Street and Mission Street. The property is situated at a major intersection of two arterials. The proposed designation is consistent and compatible with the land use pattern along the Liberty corridor. The site is also considered o be

part of the core area that is related to the downtown central business district. The proposal will renew the use of the site with a use that is consistent with the Liberty corridor and the core area. This will improve the value and economic contribution of the property to the city. In this way the proposal will enhance and maintain business use in the central city commercial area, and contribute to the economic base of the urban area, which is consistent with this Goal.

#### GOAL 10 - HOUSING

The subject property is designated for single-family housing. The site is currently vacant and provide no housing. According to the Salem Housing Needs Analysis 2015-2035 (the HNA), prepared by ECONorthwest December 2014, there is a surplus of 1,975 acres of land designated for single family housing (Single-Family Residential and Development Residential) in the city. This amount of land provides a surplus capacity for 9,131 dwelling units (Table 12, p. 48). The subject property is .52 acre, and might be able to provide for five single family homes, if developed at a higher density than the surrounding neighborhood. However, the HNA shows that the site is not needed to provide for single family housing.

There are large numbers of housing units in the surrounding area, and the proposal will have no significant effect on the ability to provide housing in this area. The residential area to the east is composed of single family homes, and there are two large multifamily complexes located along the west side of Liberty Street within a few blocks of the site. At .52 acres (22,700 s.f.) the site is not a significant area of land for development of new multifamily housing. A proposal to develop multifamily housing would require approval of a Comprehensive Plan Amendment, and a Zone Change to RM, and the buildings would require approval through the Historic Design Review process. RM zoning and multifamily housing would be incongruous with this location.

Considering the size of the property in relation to the extensive nearby residential area, its location, and the conclusions of the HNA with regards to the surplus of land for single family housing, the proposed redesignation of the subject property will not have a significant adverse impact on the ability to provide adequate housing in this neighborhood or in the city.



## GOAL 11 - PUBLIC FACILITIES AND SERVICES

Public facilities and services, including sewer, water, storm drainage, and transportation, are available to the site at adequate levels to support future commercial use. These are described in detail in the comments of the Public Works Department that are a part of the Pre-Application Summary report. The proposed change will not affect the availability or adequacy of the public services required to serve the property. By providing the necessary public services and facilities that are necessary for the proposed use, the requirements of this Goal are met.

## GOAL 12 - TRANSPORTATION

The subject property occupies a corner with frontage on Liberty Street SE, which is classified by the TSP as a Major Arterial, and on Mission Street, a Minor Arterial. Driveway access will be to Liberty Street. Both streets provide the site with access to all parts of the urban area. The intersection is controlled by a traffic signal. The existing street network connects the subject property to other major elements of the transportation system, and no new streets are needed to serve the proposed use.

A Transportation Planning Rule (TPR) analysis has been performed and is included as a part of this application (ATEP, Inc., July 11, 2016). The analysis included the most recent City traffic counts, and an estimate of current traffic volumes based on those counts. Based on the City's 2005 traffic count for Liberty Street of 29,960 vehicles per day, the TPR analysis estimates the 2016 volume on Liberty Street to be 33,425 vehicles per day. The analysis determined that the traffic that would be generated by the proposed office use of the property will generate more traffic than would residential use, but it will not create a significant adverse impact on the transportation system.

Liberty Street includes a bike lane. Sidewalks are provided along both sides of Liberty and Mission. Transit service is provided on Liberty Street on Salem-Keizer Transit Route 1. As a result of these available transportation options, access to the subject property is direct and convenient by means of private vehicles, public transit, and non-vehicular modes.

The proposal will not adversely affect the existing transportation system, cause a change in a functional classification, or significantly affect an existing level of service. The classifications of the streets serving the subject property are appropriate for the proposed land use designation. The subject property is adequately served by the existing street system, and no mitigating measures are needed or proposed. Based on these factors, the proposal satisfies the TPR and this goal.

#### GOAL 13 - ENERGY CONSERVATION

The property is located in the central city, which is a highly developed part of the urban area. The transportation system in this area is fully established and makes access to the property direct, efficient and convenient by private and public, motorized and non-motorized forms of transportation. The property's location along two major street routes serves to reduce the travel time and distance needed to reach the site, which conserves energy. In addition, new structures will be required to meet the energy efficiency codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

#### GOAL 14 - URBANIZATION

The subject property is inside the city. The proposal does not affect the size or location of the city limits or the Urban Growth Boundary. The proposal contributes to maintaining services for the urban population within a compact and efficient urban area. These factors are consistent with the directives of this Goal.

Based on the reasons and factors presented, the proposed change in the 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 this criterion is satisfied.

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

The amendment is in the public interest and would be of general benefit because it will renew

the use of a vacant property along a major arterial in the core area of the city, with a use that is appropriate for the location, and which will be reviewed through a public process for compatibility with its surroundings. The appropriate use of vacant land, in particular in the central city, achieves infill on facilities and makes efficient use of urban land in a compact and efficient pattern. Development in this manner is in the public interest. The use of vacant land for new development that is appropriate for the arterial frontage, and in keeping with the land use pattern of the area, is of general benefit. The proposed use will be designed and developed for compliance with all applicable development standards, including architectural style, setbacks, landscaping, buffers and screening. This will protect the public interest in the Historic District. For these reasons the amendment is in the public interest and would be of general benefit.

### **Summary**

The proposed Plan map designation is equally or better suited to the property as the existing designation because of the characteristics of the location, the impacts that affect the use of the property, and the land use pattern of the arterial frontage. The property is and can be served with public facilities and services that are adequate to support the proposed use. The proposed designation provides for the logical urbanization of the land, considering its location and the surrounding land use and zoning pattern. The proposed designation is consistent with the applicable goals and policies of the Comp Plan and the Statewide Planning Goals, and the amendment is in the public interest and would be of general benefit. For these reasons, as demonstrated above, the criteria for a Minor Plan Map Amendment are satisfied.

### **Zone Change Criteria, SRC Chapter 265**

As stated in SRC 265.001, "Because of normal and anticipated growth of the city, changing development patterns, governmental policy decisions affecting land use, community needs, and other factors whose specific future application cannot be anticipated, the zoning pattern established by the Uniform Development Code cannot remain fixed in perpetuity, and the purpose of this chapter is to establish procedures and criteria to, when appropriate, change zoning designations."

The property is currently zoned RS. It was formerly occupied by single-family dwellings, but has been vacant for years. It is located at the intersection of two arterials, which accommodate a very high volume of traffic. These conditions make new single family housing on this site unlikely. The site is in the core area of the city. The predominant land use pattern along the arterial frontage from this location, south, is office uses zoned CO. The site one of only two blocks along Liberty that is not zoned CO and the other is a church. The proposed zone change to CO is more consistent with the zoning pattern and the uses along the arterial frontage than the current zone. The Historic District will be protected by the Historic Design Review process. The property's location, arterial street frontage, and land use pattern make it an appropriate addition to the commercial corridor. For these reasons the proposed zone change is in keeping with the intent of the Zone Change procedure.

Proposals for a Quasi-Judicial Zone Change must address the criteria of SRC 265.005(e), as follows:

(1) A quasi judicial zone change shall be granted if the following criteria are met:

(A) The zone change is justified based on the existence of one or more of the following:

(iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing one. 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.

The proposed zone change to CO is equally or better suited than the existing RS zone because the subject property is physically appropriate for the uses allowed in the CO zone; because its frontage and access is on an arterial street; and because the predominant land use pattern along the arterial is offices in the CO zone. The property is level and presents no physical obstacles to development of an office building. The property's physical characteristics are similar to those of the other office properties along the Liberty Street corridor. The property is in the Historic District, and borders residential properties on the east and south. The design of the new structure will be reviewed for compatibility with the identified characteristics of the Historic District, and applicable setbacks and buffering will be provided. The location along the Liberty Street corridor, and the design review requirements, make an office use logical with the surrounding land uses. Because 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, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

**(B) City-initiated zone changes**

This application is for a property-owner/contract purchaser initiated zone change, and this criterion does not apply.

**(C) The zone change conforms to the applicable provisions of the Salem Area Comprehensive Plan.**

The applicable provisions of the Comp Plan, including the provisions for Residential Development, for Commercial Development, and for Historic Preservation, have been examined and addressed in this report, and the zone change conforms to those provisions.

**(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development. The applicable Statewide Planning Goals have been examined and addressed in this report, and the proposed zone change complies with the applicable Goals.**

**(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation...**

The zone change is from RS to CO. It requires a Comprehensive Plan Map Change from *Single Family Residential* to *Commercial*, as included in this application. No industrial Plan or zone designations are involved, and this criterion does not apply.

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

The potential impact of the zone change to CO on the transportation system was analyzed in the TPR report provided with this application. Based on its analysis, the TPR found that while traffic could increase as a result of the proposed use, it will not have a significant adverse

impact on the transportation system. Based on the results of the TPR analysis, this criterion is satisfied.

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

The property is or can be served with all necessary public facilities and services necessary for development in the CO zone. The property is in a developed and serviced part of the central city, and services and facilities exist to support new development. The Public Works Dept. has reviewed the proposal and found that adequate services are available in this area. The availability of public facilities that are adequate to serve uses in the proposed zone satisfies this criterion.

### **Summary**

The proposal represents an appropriate change for the property. The proposal is consistent with the corner location along two arterials. It is consistent with the land use pattern along the Liberty Street office corridor, and with the relationship between existing office uses and adjacent residential property in the Historic District. All necessary public services are available to serve the use. The existing transportation system is adequate for the proposal, and includes multiple modes of transport and access. No factors have been identified that would make the zone change detrimental to the public health, safety or welfare. The public interest will be served by renewing the use of a vacant property for a use that is consistent with its location, its inclusion on the core-area Activity Nodes and Corridors map in the Comp Plan, and its relationship to adjacent properties. The Historic District will be protected through the Historic Design Review process. The zone change will provide for an appropriate and compatible use of the site. The proposal is consistent with the Comp Plan policies for commercial development, and it will have no significant impact on the residential land base. For the facts and reasons presented, the proposal satisfies the criteria for a Minor Comp Plan Amendment and Zone Change.

### **Adjustment to the Spacing Standard for the Driveway Location, SRC Chapter 250**

The access driveway for the site is proposed to be located on Liberty Street at the southern end of the property. At that location it is 170 feet south of the Liberty at Mission intersection (center line to center line (cl/cl)), and 148 feet north of the Kearney Street intersection (cl/cl). The driveway spacing standard requires 370 feet of spacing from intersections along an arterial, SRC 804.035(d); however, the total distance between Mission and Kearney is less than this standard. Regardless, an Adjustment to the spacing standard is required for the driveway.

As stated in SRC Section 250.001, the purpose of an Adjustment is to provide a process to allow deviations from the development standards of the UDC for developments that, while not meeting the standards of the UDC, will continue to meet the intended purpose of those standards. Adjustments provide for an alternative way to meet the purposes of the code and provide for flexibility to allow reasonable development of property where special conditions or unusual circumstances exist. The intended purpose of the driveway spacing standard is to maintain sufficient separation for vehicular movements along a street. In this case, only one driveway location to the property is proposed. The site formerly consisted of five parcels, and four had frontage on Liberty Street. The consolidation of the tract into a single development site reduces the number of driveways on the Liberty frontage. The proposed driveway is the only vehicular access that will be allowed to the property, and the location shown provides the maximum possible separation from both intersections. These features conform to the intent of the standard, and allow for the reasonable development of the property.

The proposed Adjustment to the driveway spacing standard is classified as a Class 2 Adjustment because it changes the development standard by more than 20 percent (250.005(a)(1)(B)). The criteria for a Class 2 Adjustment are presented in 250.005(d)(2), and are addressed as follows:

- (2) An application for a Class 2 adjustment shall be granted if all of the following criteria are met:
  - (A) The purpose underlying the specific development standard proposed for adjustment is:
    - (i) Clearly inapplicable to the proposed development; or
    - (ii) Equally or better met by the proposed development.

In this case the development standard cannot be met because the total distance between the two intersections is less than the standard. The standard is 370', and the distance between Kearney and Mission is 318'. The purpose underlying the standard, which is to provide sufficient

spacing between driveways and intersections, is met equally well by the proposed development because the maximum distance from each intersection is provided by the driveway location. In addition, Liberty Street is one-way northbound which avoids the potential for turn-movement conflicts created by left-turns into or out of the driveway, as all movements into or out of the driveway will be right-turns. The property is entitled to access, and the proposed driveway is the most appropriate location for the driveway. For these reasons the purpose underlying the development standard proposed for adjustment is equally well met by the proposed development, which satisfies this criterion.

(B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.

The subject property is proposed to be rezoned from RS to CO. The proposed development will occur in the CO zone. The CO zone is not a residential zone. Because the development will not be located in a residential zone this criterion does not apply.

(C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

The proposed Adjustment to the driveway spacing standard is the only Adjustment requested, and this criterion does not apply.

Because the purpose underlying the development standard is "equally met" by the proposed development, because it is not located within a residential zone, and because only one Adjustment is requested, the criteria for a Class 2 Adjustment are satisfied.



# Memo

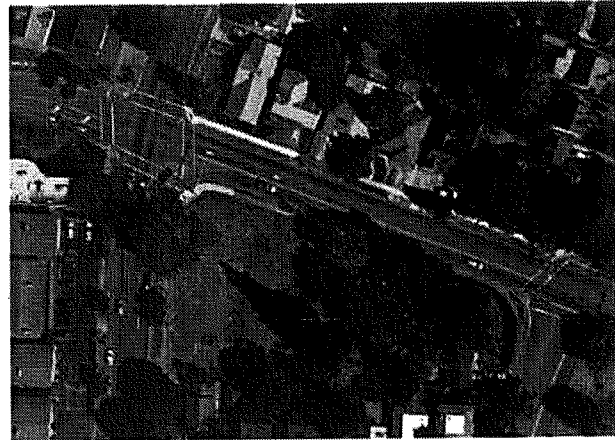
Date: August 3, 2016  
 To: Mr. Jeff Tross, Planning Consultant  
 From: Karl Birky, PE, PTOE  
 Re: Transportation Planning Rule - Mission at Liberty site

**ASSOCIATED  
TRANSPORTATION  
ENGINEERING &  
PLANNING INC.**

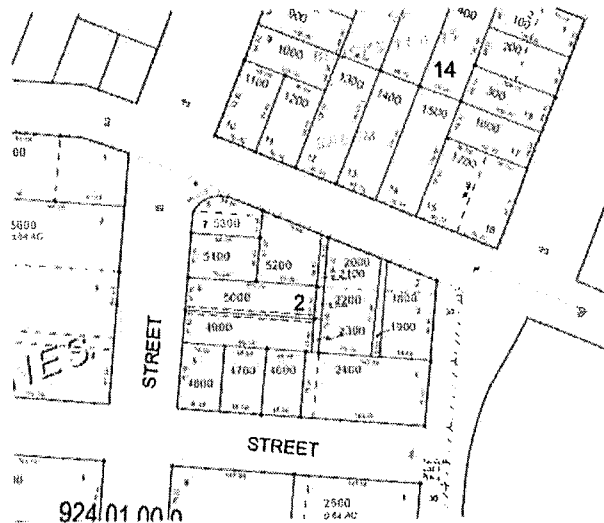
A.T.E.P., Inc.  
 1155 13th St. S.E.  
 Salem, OR. 97302

Tel.: 503-364-5066  
 FAX: 503-364-1260  
 e-mail: kbirky@atepinc.com

I thank you for asking ATEP, Inc to provide this Transportation Planning Rule analysis for the planned zone change of tax lots 4900 through 5300 of tax map 7S 3W Sec 27CA in Salem, OR. The 0.534 acre site is on the southeast quadrant of the intersection of Mission St at Liberty St and includes 5 tax parcels. The site is zoned RS (Single Family) and this analysis is part of the application to change the zoning to CO (Commercial Office) and amend the Comprehensive Plan Map from SFR (Single Family Residential) to COM (Commercial).



The Transportation Planning Rule (TPR) was adopted in Oregon to provide direction and order to development of transportation facilities in Oregon cities. The rule limits making changes to zoning and comprehensive maps that would "significantly" affect the transportation system that has developed and is being planned for the future in cities and the State. For instance the rule would not allow a drive in bank in a residential neighborhood because it would generate much more traffic than is expected in a residential neighborhood. There are instances where a zone change is desired, needed and adopted by the City with a limit on the number of expected trips the planned use(s) can generate. Generally, cities and traffic engineers use the ITE Trip Generation Manual to determine the trip generation of a variety of uses. This analysis will use ITE 210 (Single-Family Detached Housing) and ITE 720 (Medical-Dental Office Building) to estimate trip generation.

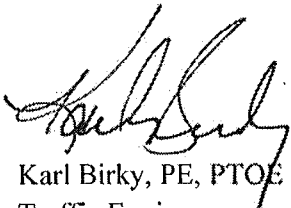


Liberty St and Mission St are both arterials in the City of Salem. Liberty is a major arterial and Mission St is a minor arterial in the City's TSP. The City of Salem counted 29,960 vehicles per day on northbound Liberty St in 2005. Assuming a 1.0% per year traffic growth, the volume in 2016 would be 33,425 vehicles per day on this one-way, three lane, major arterial street. The volume in 2030 will be 38,421 vehicles per day.

The developer wants develop the site with 5,900 sq. ft of medical office space. Located several blocks from the hospital and at the intersection of two major City of Salem streets, the zone change request is consistent with other zone changes along Liberty St north of Superior St over the past years. For this analysis it will be assumed the 5 existing parcels could be developed with single family homes within the existing RS zoning. The 5 homes would generate 48 trips per day. 5 of those trips would be during the PM Peak hour.

The proposed 5,900 sq. ft. medical office space would generate 213 trips per day. 14 trips would be generated in the AM Peak hour and 21 during the PM Peak hour. The increase in daily traffic resulting from this zone change would be a 0.64% (or 0.0064) increase from the current 33,425 vehicles per day. This 165 trip increase would not significantly affect the transportation system at this location on Liberty St. Trip generation from the facility is not expected to increase and will be 0.55% of the 2030 traffic volumes.

It is the conclusion of this analysis that the change in the zoning from RS to CO of the parcels and changing the comprehensive plan map from SFR to COM can be approved without significantly affecting the transportation system at this location. I can be reached at 503-364-5006 if there is additional information that you might find helpful. I thank you for asking ATEP to provide this analysis.



Karl Birky, PE, PTOE  
Traffic Engineer

Associated Transportation Engineering & Planning, Inc.

Attached:

Preliminary Site Plan  
Zoning Map  
ITE Trip Generation sheets



12/31/2017

7327N



# Zoning

City of Salem, Oregon  
Community Development  
Planning Division

## Zoning Designations

- CB - Central Business District
- CG - General Commercial
- CN - Neighborhood Commercial
- CO - Commercial Office
- CR - Retail Commercial
- EC - Employment Center
- EFU - Exclusive Farm Use
- FMU - Fairview Mixed-Use
- NCMU - Neighborhood Center Mixed-Use
- SWMU - South Waterfront Mixed-Use
- IBC - Industrial Business Campus
- IC - Industrial Commercial
- IG - General Industrial
- IP - Industrial Park
- II - Intensive Industrial
- PA - Public Amusement
- PC - Public-Private Cemetery
- PE - Public-Private Education
- PH - Public Health
- PM - Capitol Mall
- PS - Public Service
- RA - Residential Agriculture
- RD - Duplex Residential
- RH - Multiple Family High-Rise Residential
- RM1 - Multiple Family Residential 1
- RM2 - Multiple Family Residential 2
- RS - Single Family Residential
- Edgewater/Wallace Road Overlay Zone
- Willamette Greenway Overlay
- Compact Development Overlay Zone\*
- Historic District\*
- Mixed-Use Overlay Zone\*
- Overlay Zone\*
- Greenway Boundary
- Flood Plain
- Flood Way
- City Limits
- Urban Growth Boundary
- Taxlots
- Water
- School

\* For the number/letter descriptions shown on the map, see "Overlay Zones/Districts Locator" document on main zoning webpage at: <http://www.cityofsalem.net/zoning>



## 7327S

CITY OF Salem  
AT YOUR SERVICE

Community Development Dept.

Created on: 4/6/2016

Path: N:\CD\Zoning\Web\_Zoning\_Map.mxd

7328S

7326S

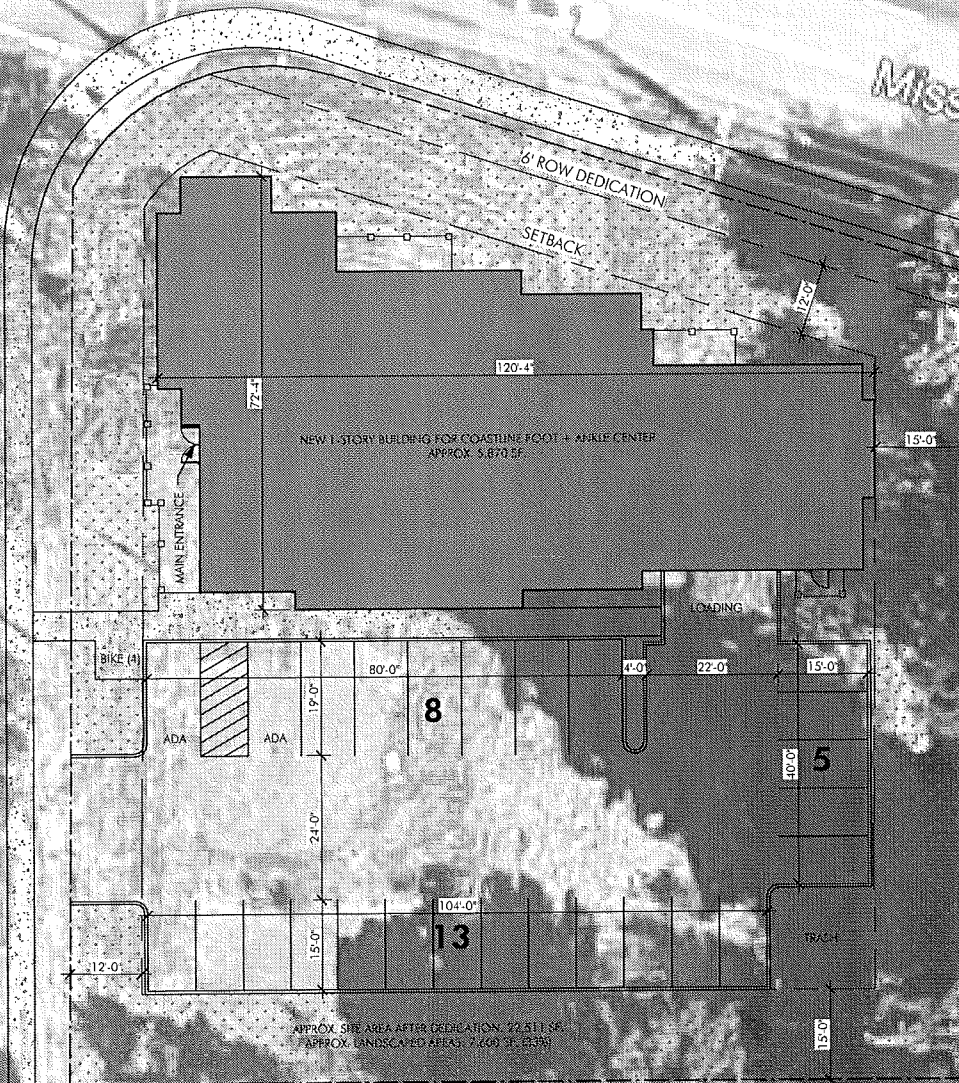
7334N

The zoning designations shown on these maps are for planning purposes only. The City is not responsible for errors or omissions. Every effort has been made to insure the accuracy of these maps. However, there may be inaccuracies due to human or mechanical error or changes in the zoning maps created by recent land use actions or legislative changes. To verify the zoning designation of a parcel or to report errors please contact the Permit Application Planner at 503-588-6266 extension 7427. This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.



Liberty St SE

Mission St SE



STUDIO

# 3

ARCHITECTURE  
INCORPORATED

# Single-Family Detached Housing (210)

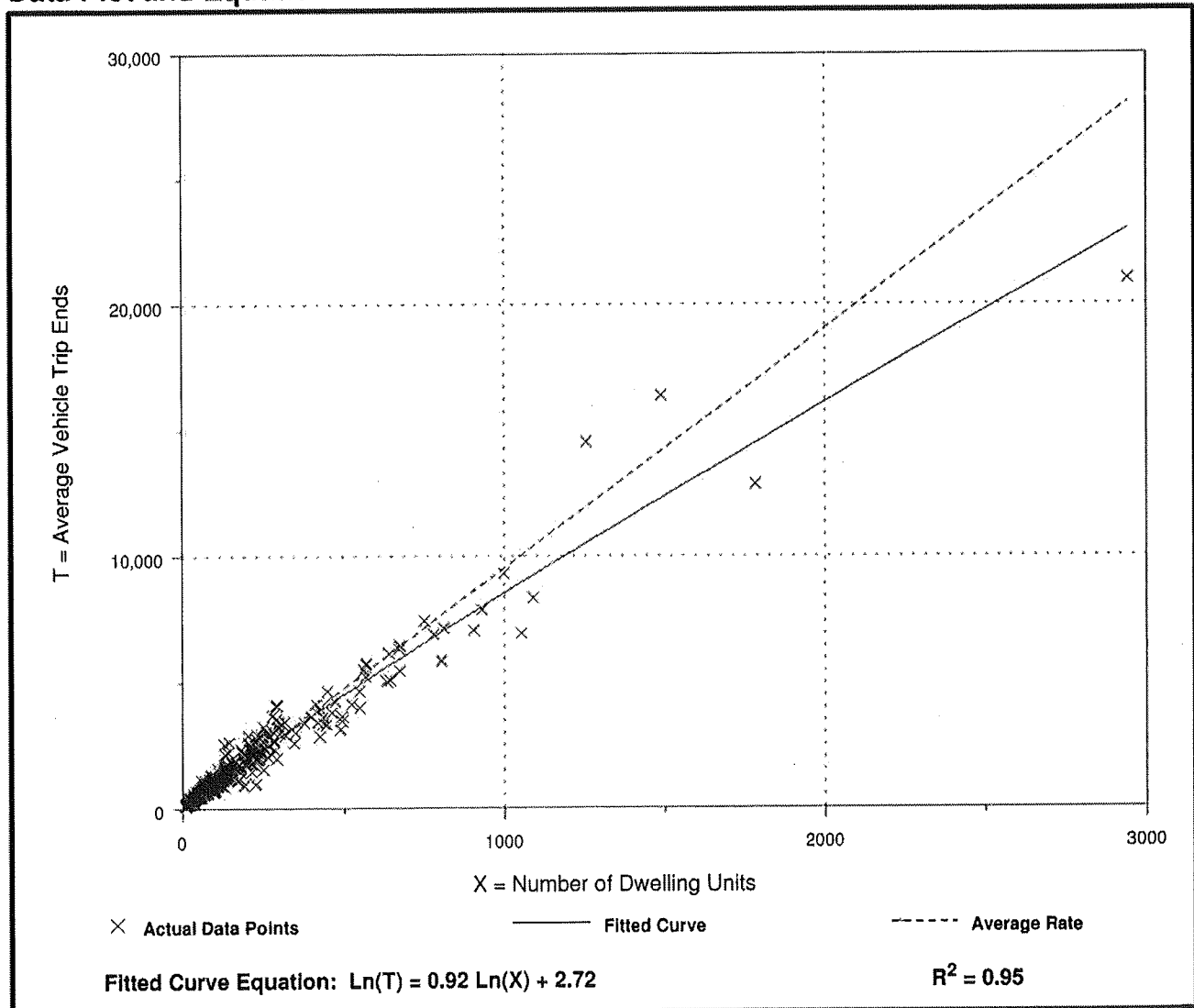
Average Vehicle Trip Ends vs: Dwelling Units  
On a: Weekday

Number of Studies: 355  
Avg. Number of Dwelling Units: 198  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 9.52         | 4.31 - 21.85   | 3.70               |

## Data Plot and Equation



# Single-Family Detached Housing (210)

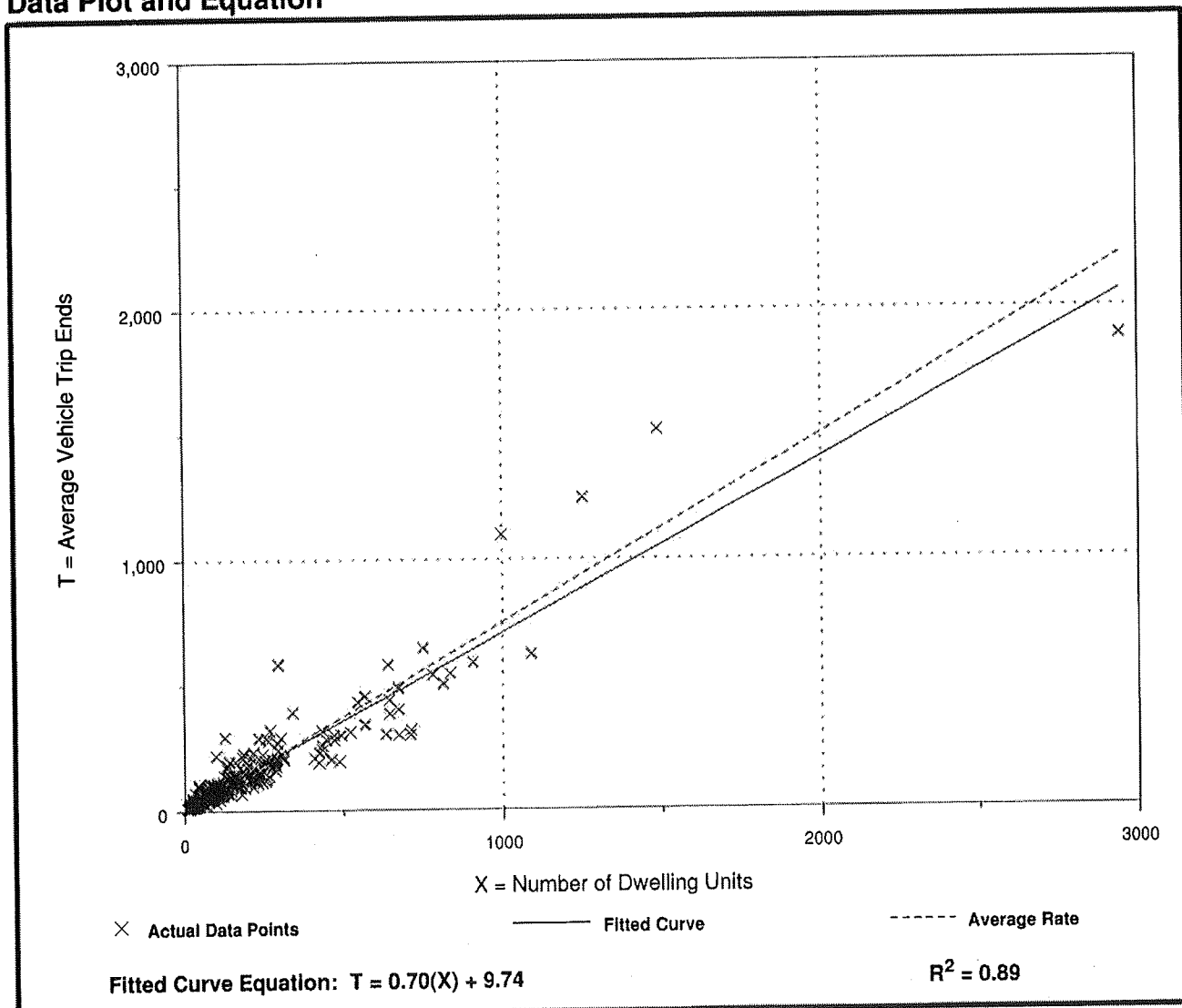
**Average Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 7 and 9 a.m.**

Number of Studies: 292  
 Avg. Number of Dwelling Units: 194  
 Directional Distribution: 25% entering, 75% exiting

## Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 0.75         | 0.33 - 2.27    | 0.90               |

## Data Plot and Equation



# Single-Family Detached Housing (210)

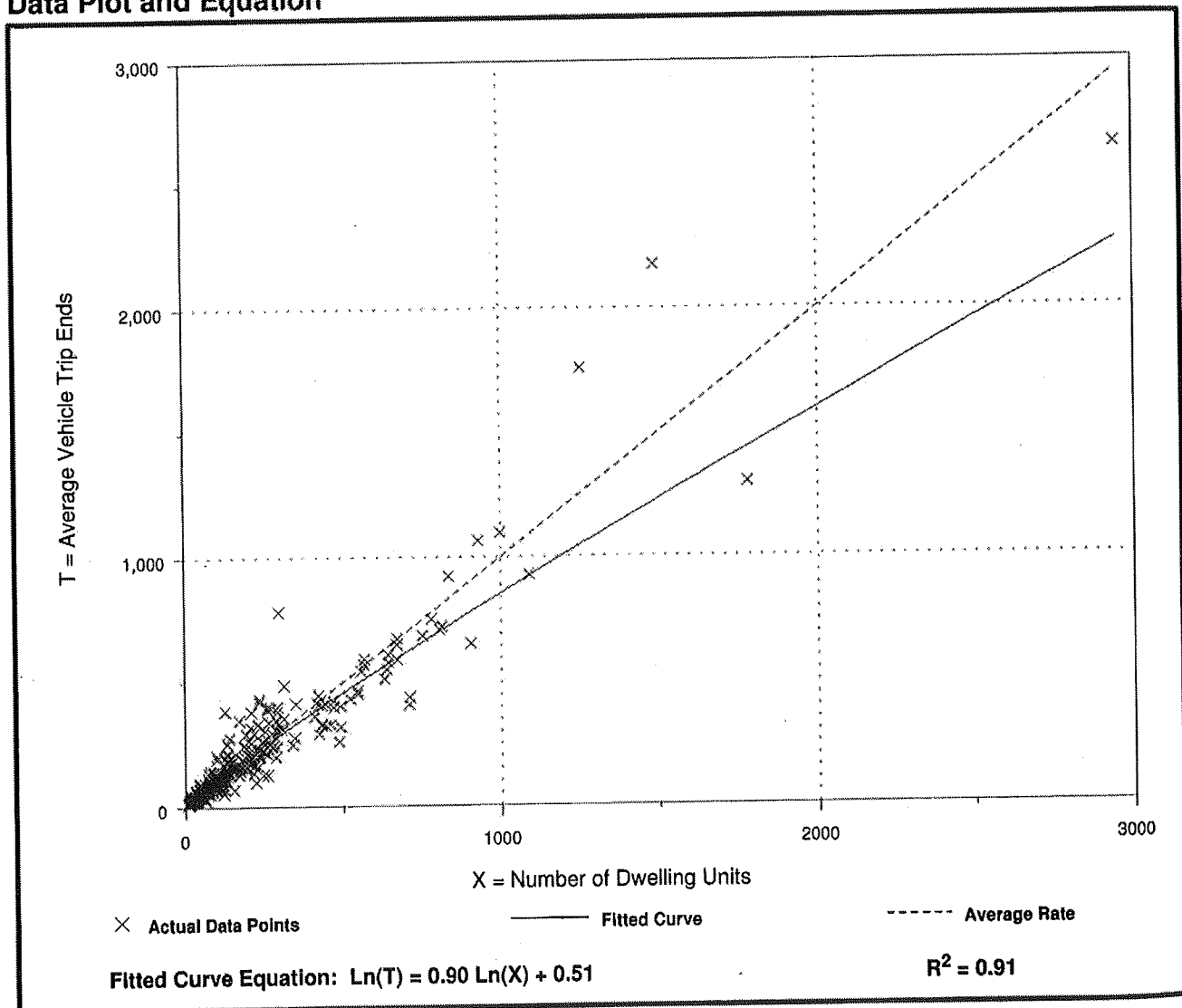
**Average Vehicle Trip Ends vs: Dwelling Units**  
**On a: Weekday,**  
**Peak Hour of Adjacent Street Traffic,**  
**One Hour Between 4 and 6 p.m.**

Number of Studies: 321  
 Avg. Number of Dwelling Units: 207  
 Directional Distribution: 63% entering, 37% exiting

## Trip Generation per Dwelling Unit

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 1.00         | 0.42 - 2.98    | 1.05               |

## Data Plot and Equation



# Medical-Dental Office Building (720)

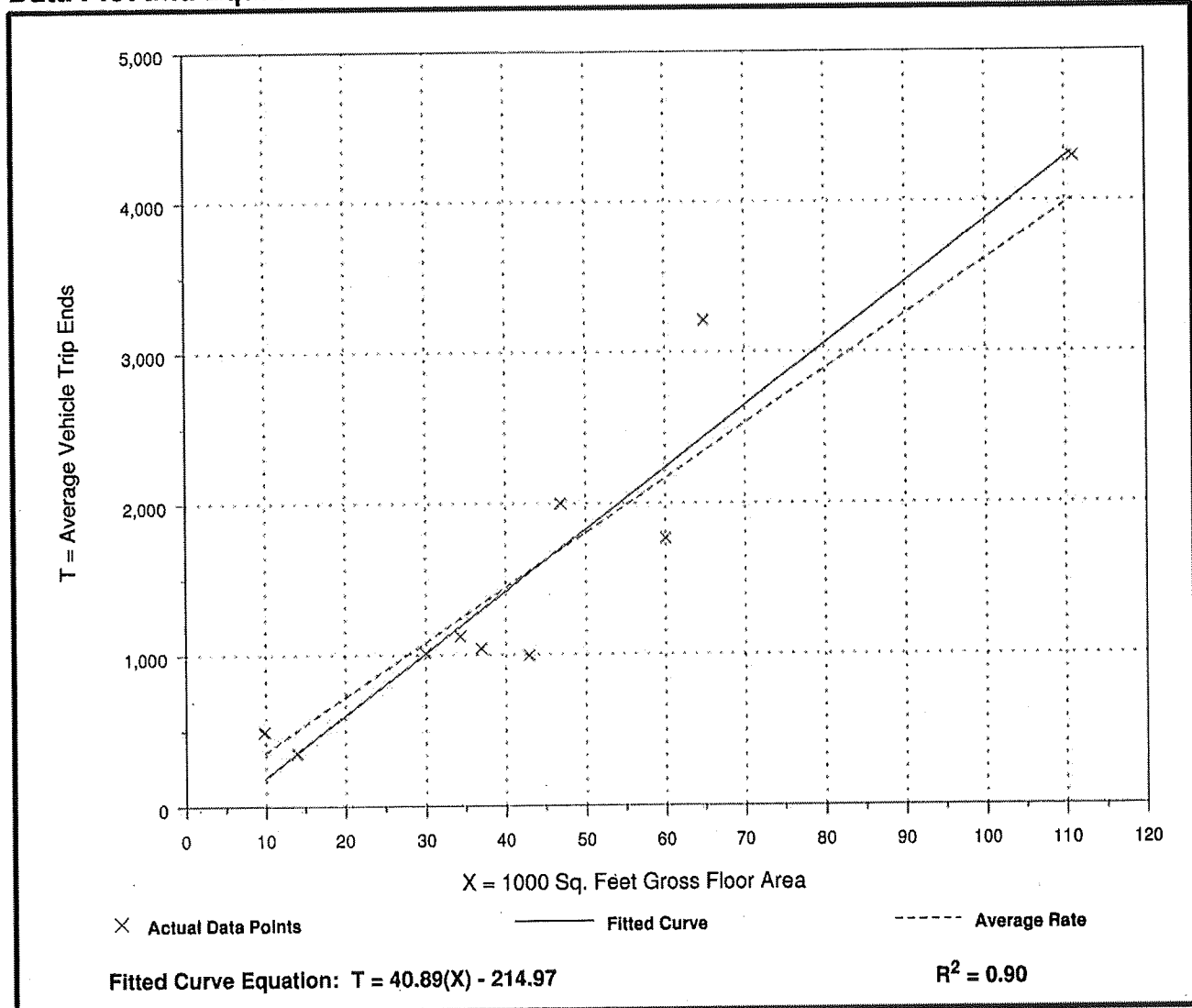
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Weekday

Number of Studies: 10  
Average 1000 Sq. Feet GFA: 45  
Directional Distribution: 50% entering, 50% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 36.13        | 23.16 - 50.51  | 10.18              |

## Data Plot and Equation





# Medical-Dental Office Building (720)

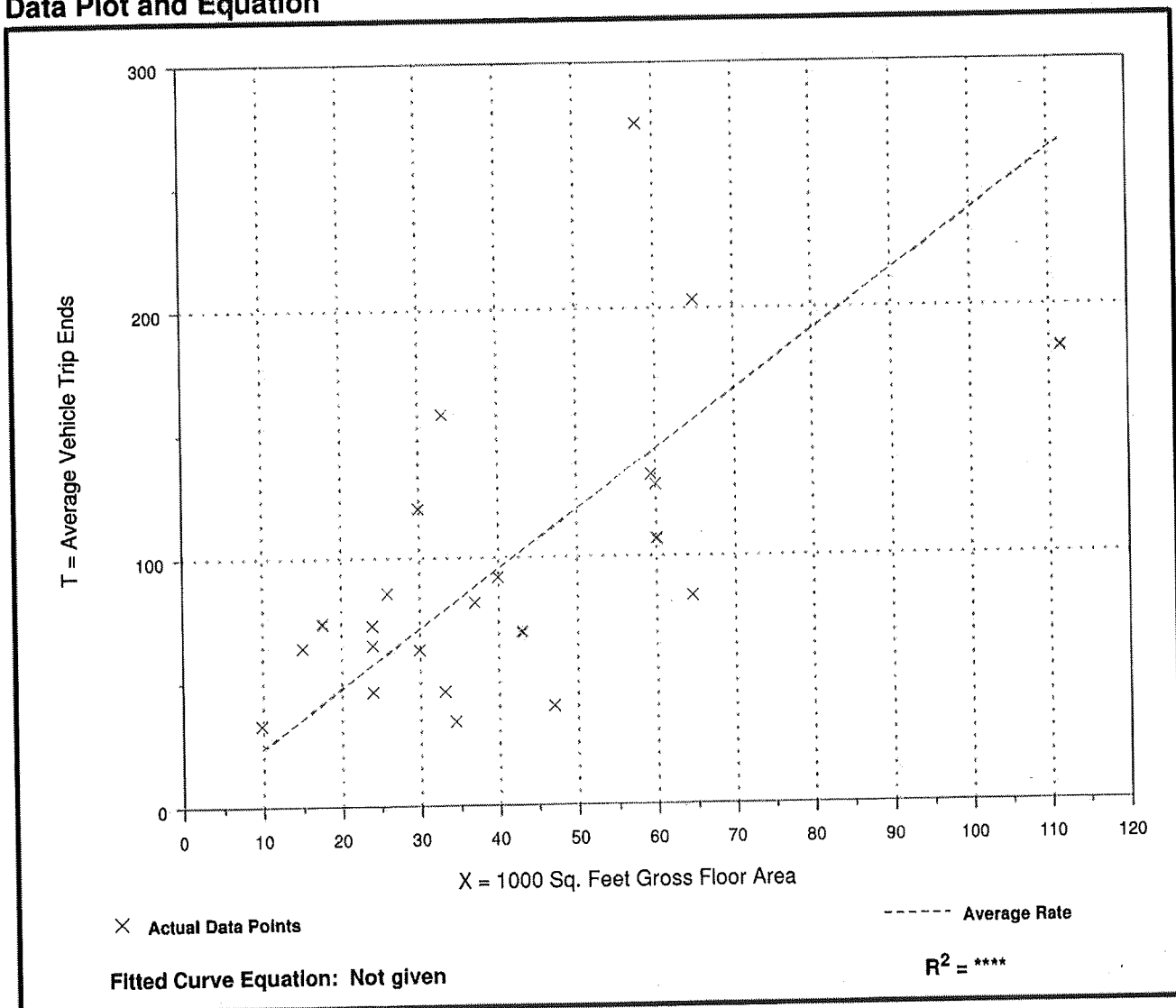
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Weekday,  
Peak Hour of Adjacent Street Traffic;  
One Hour Between 7 and 9 a.m.

Number of Studies: 23  
Average 1000 Sq. Feet GFA: 41  
Directional Distribution: 79% entering, 21% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 2.39         | 0.85 - 4.79    | 1.89               |

## Data Plot and Equation



# Medical-Dental Office Building (720)

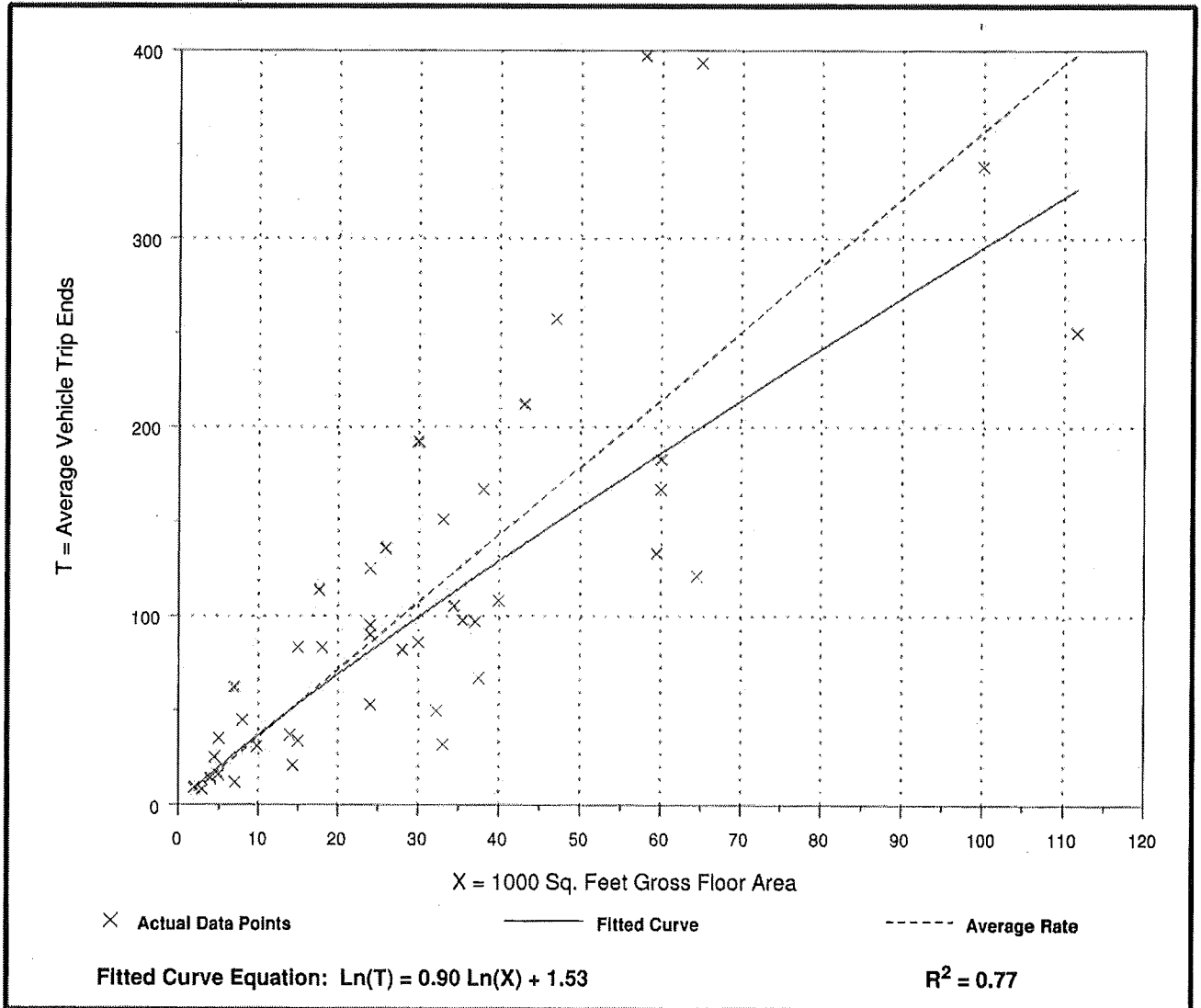
Average Vehicle Trip Ends vs: 1000 Sq. Feet Gross Floor Area  
On a: Weekday,  
Peak Hour of Adjacent Street Traffic,  
One Hour Between 4 and 6 p.m.

Number of Studies: 43  
Average 1000 Sq. Feet GFA: 31  
Directional Distribution: 28% entering, 72% exiting

## Trip Generation per 1000 Sq. Feet Gross Floor Area

| Average Rate | Range of Rates | Standard Deviation |
|--------------|----------------|--------------------|
| 3.57         | 0.97 - 8.86    | 2.47               |

## Data Plot and Equation





# MEMO

**TO:** Chris Green, Planner II  
Community Development Department

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

**DATE:** September 13, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
CPC-ZC-SPR-ADJ-DAP16-06 (16-115806)  
800 LIBERTY STREET SE  
OUTPATIENT FOOT AND ANKLE CLINIC

## PROPOSAL

A consolidated application containing the following requests:

1. A Minor Comprehensive Plan Map Amendment to change the designation of the subject property from Single Family Residential to Commercial;
2. A Quasi-Judicial Zone Change to change the zoning of the subject property from Single Family Residential to Commercial Office.
3. A Class 3 Site Plan Review for development of an approximately 5,780-square-foot outpatient foot and ankle clinic on the subject property;
4. A Class 2 Adjustment to reduce the minimum driveway spacing from the proposed driveway to the intersection of Liberty Street SE and Mission Street SE from 370 feet, as required under SRC 804.035(d), to approximately 168 feet; and
5. A Class 2 Driveway Approach Permit for the proposed driveway to Liberty Street SE.

The subject property is comprised of five currently vacant tax lots, totaling approximately 0.52 acres in size and located within the Gaiety Hill/Bush's Pasture Park Historic District at 800-868 Liberty Street SE and 440 Mission Street SE (Marion County Assessor map and tax lot numbers: 073W27CA 04900, 05000, 05100, 05200, and 05300).

**RECOMMENDED CONDITIONS OF APPROVAL**

1. Traffic impacts from future development on the subject property shall be limited to a maximum of 250 average daily trips generated by the proposed use or uses.
2. Convey land for dedication to equal a half-width right-of-way of 36 feet on the development side of Mission Street SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.
3. Replace existing sidewalks along the frontage of Mission Street SE and Liberty Street SE where not conforming to PWDS.
4. Close all unused driveways.

**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 impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 0.5 acre site to 250 vehicles per day.

**Streets**

1. Liberty Street SE
  - a. Existing Conditions—This street has an approximate 44-foot improvement within a 80-foot-wide right-of-way abutting the subject property.
  - b. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 44-foot-wide improvement within an 80-foot-wide right-of-way.
2. Mission Street SE
  - a. Existing Conditions—This street has an approximate 36-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

- b. Standard—This street is designated as a Major 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.

## Storm Drainage

### 1. Existing Conditions

- a. A 15-inch storm main is located in Liberty Street SE
- b. A 15-inch storm main is located in Mission Street SE

## Water

### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. An 18-inch water main is located in Liberty Street SE. Mains of this size generally convey flows of 4,800 to 11,100 gallons per minute.
- c. A 12-Inch water main is located in Mission Street SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

## Sanitary Sewer

### 1. Existing Conditions

- a. An 8-inch sewer line is located in Liberty Street SE.
- b. An 18-inch sewer line is located in Mission Street SE.

## CRITERIA AND FINDINGS—CPC/ZC

**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 as defined by OAR 660-012-0060 if the total traffic generated from the site does

not exceed 250 trips per day. The proposed development does not exceed maximum traffic allowed under the TPR analysis.

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

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

#### **CRITERIA AND FINDINGS—SPR**

Analysis of the development based on relevant criteria in SRC 220.005(f)(3) is as follows:

**Criteria**—The transportation system provides for the safe, orderly, and efficient circulation of traffic into and out of the proposed development, and negative impacts to the transportation system are mitigated adequately

**Finding**—The existing configuration of Mission Street SE does not appear to meet current standards for its classification of street per the Salem TSP. Required right-of-way dedication are specified in the conditions of approval consistent with SRC Chapter 803.

**Criteria**—Parking areas and driveways are designed to facilitate safe and efficient movement of vehicles, bicycles, and pedestrians

**Finding**—The driveway access onto Liberty Street SE provides for safe turning movements into and out of the property.

**Criteria**—The proposed development will be adequately served with City water, sewer, storm drainage, and other utilities appropriate to the nature of the development

**Finding**—The Public Works Department has reviewed the applicant's preliminary utility plan for this site. The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The applicant shall design and construct all utilities (sewer, water, and storm drainage) according to the PWDS and to the satisfaction of the Public Works Director. The applicant is advised that a sewer monitoring manhole may be required, and the trash area shall be designed in compliance with Public Works Standards.

The proposed plan demonstrates compliance with PWDS Appendix 4E related to green stormwater infrastructure by setting aside at least ten percent of the total new impervious surface area for installation of green stormwater infrastructure. The applicant's engineer shall design and construct a storm drainage system at the time of development in compliance with SRC Chapter 71 and PWDS.

**CRITERIA AND FINDINGS—DAP/ADJ**

**Criteria—A Class 2 Driveway Approach Permit shall be granted if:**

- 1. The proposed driveway approach meets the standards of this Chapter and the Public Works Design Standards;**

**Finding—** The proposed driveways meet the standards for SRC 804 and PWDS with a Class 2 adjustment for the 370-foot minimum spacing requirement allowed per SRC 804.035(d). The Class 2 adjustment is warranted because the access to the project site does not exceed 370 feet from the intersection of Liberty Street SE and Mission Street SE. Pursuant to Class 2 adjustment criteria in SRC 250.005(d)(2), the spacing requirement is not applicable to the proposed development. SRC 804.035 (a)(2)(B) requires that the site is permitted access onto an arterial, and the access cannot be provided without the approval of the adjustment.

The proposed driveway meets the standards for SRC 804 and PWDS.

- 2. No site conditions prevent placing the driveway approach in the required location;**

**Finding—** There are no site conditions prohibiting the location of the proposed driveway.

- 3. The number of driveway approaches onto an arterial are minimized;**

**Finding—** The proposed project is abutting only arterial streets. The proposed project will be closing three existing approaches and consolidating the site access into a single driveway approach, thus minimizing the number of approaches.

- 4. The proposed driveway approach, where possible:**

- a. **Is shared with an adjacent property; or**
- b. **Takes access from the lowest classification of street abutting the property;**

**Finding**—The proposed driveway is currently located with the access to the street with a highest classification abutting the subject property. However, the highest classification street is a one-way Major Arterial. Access to the one-way Major Arterial street causes less impact to the adjacent properties than if access were taken from the two-way Minor Arterial street.

**5. The proposed driveway approach meets vision clearance standards;**

**Finding**—The proposed driveway meets the PWDS vision clearance standards set forth in SRC Chapter 805.

**6. The proposed driveway approach does not create traffic hazards and provides for safe turning movements and access;**

**Finding**—The proposed driveway will not create a known traffic hazard and will provide for safe turning movements for access to the subject property.

**7. The proposed driveway approach does not result in significant adverse impacts to the vicinity;**

**Finding**—The location of the proposed driveway does not appear to have any adverse impacts to the adjacent properties or streets. One small street tree will be removed in conjunction with the driveway construction.

**8. The proposed driveway approach minimizes impact to the functionality of adjacent streets and intersections;**

**Finding**—The proposed driveway approach is located on a Major Arterial and does not create a significant impact to adjacent streets and intersections.

**9. The proposed driveway approach balances the adverse impacts to residentially zoned property and the functionality of adjacent streets.**

**Finding**—Although, the proposed driveway approach is located in the vicinity of a residentially zoned area, the project will be siting its approach onto a Major Arterial and it will not affect the functionality of the adjacent streets.

Prepared by: Nathan Coapstick, Project Coordinator

cc: File





9/9/2016

To: Chris Green, City of Salem

Re: Consolidated review No. 16-06 for property at Liberty & Mission

The SCAN Land Use & Transportation Committee supports the requested comprehensive plan map change to Commercial as meeting the required approval criteria for a minor plan map change.

The Committee supports the requested zone change to Commercial Office (CO) as meeting the required approval criteria , *if and only if*, the approval is conditioned to allow only Outpatient Medical Services & Labs, Business/ Professional Services, Single Family and Two Family Households, and Parks and Open Space.

The Committee supports the requested Class 2 adjustment for the driveway, given the size constraint of the property's frontage on Liberty St.

#### **Zone Change Approval Must be Conditioned**

The CO zone permits outright a variety of uses other than those recommended above, including:

- Room and board
- Residential care
- Short-term bed and breakfast lodging
- Long-term commercial lodging
- Non-profit shelters
- Restaurants auxiliary to other permitted uses
- Some retail sales
- Personal services
- Retail financial services and postal services
- Commercial parking
- Park-and-ride facilities
- Commercial entertainment-indoor
- Recreational and cultural community services
- Non-profit membership assembly
- Day care
- Basic education
- Government services
- Social services
- Emergency services
- Military installations
- Funeral and cremation services
- Agriculture services
- Forestry services
- Christmas tree sales

Those additional outright permitted uses must be excluded from any approval of the zone change to CO, because:

- 1) The applicant did not address the zone change criteria of SRC 265.005(e) for any of these other uses. It addressed only office use. The applicant has the burden of proving the criteria are met for all of the permitted uses of the requested zone change.
- 2) We believe most of those additional uses will have additional impacts from more traffic, customers, and days and hours of operation beyond those described by the applicant for the intended medical office or generic office uses referred to in the application. It is not likely that those additional uses can be shown to be equally or better suited to the property than is the current RS zone, or are logical with the surrounding land uses.
- 3) This property is located in the federally designated Gaiety Hill/Bush's Pasture Park National Historic District, a primarily *residential* historic district. Part N. Scenic and Historic Areas, Policy 3 of the Salem Comprehensive Plan requires designated historic resources to be protected when there are conflicting uses (e.g., allowing CO uses in a RS zoned area) "by plans which limit the intensity of development and promote conservation." The Committee believes a conditional approval of the zone change to CO is required to help limit the intensity of uses that could otherwise be permitted in the CO zone.

The applicant recognizes and discusses Policy 3 on p. 18 of the application. However, there and elsewhere the application states that the Historic Design Review process "will serve to protect the character of the District" (p. 19). Historic Design Review is an important process to ensure the design of the building is compatible with the surrounding historic homes in the district. However, more than just Historic Design Review is required to protect the Historic District from encroaching commercial uses and to enable the Historic District to continue to function as a residential neighborhood. The Historic District is not just a collection of empty historic buildings. It is a large area of homes in continuous single family use since the late 1800's. This residential Historic District is a stable, well maintained, and cohesive neighborhood full of families. A vibrant residential Historic District on the edge of Salem's downtown is a unique resource that the City, the State Historic Preservation Officer, and National Park Service have seen fit to protect. As Policy 3 makes clear, protection means acquisition or, in this case, limiting the intensity of development in the historic district.

Gaiety Hill Historic District has been predominantly in single family use for over 100 years. Uses allowed in the CO zone come and go and may intensify over time. Therefore, any approval of the CO zone *within* the Historic District must be conditioned to permit only the less intense groups of uses noted in paragraph two above.

### **Property is Not Part of the Central City or Better Suited for Commercial Use**

The Committee requests that staff exclude from its findings applicant's language that suggests the property is unsuitable for single family use, a logical extension of the city core, or better suited to commercial office use. Such language is not necessary to meet the approval criteria for the requested comprehensive plan and zone changes and would needlessly undermine the City's Policy 3 and other historic protection policies and codes.

For example, the Committee rejects language in the application that states:

- The subject property is "part of the central city that includes the downtown Central Business District (CBD)" and is "uncharacteristic, and undesirable, as a location for single-family residential occupancy ..." (p. 7 of application).

- “... the renewed use of the site for new single family houses is unlikely due to the traffic impacts of the bordering arterial streets.” (p. 10 of application).
- “The proposed zone change to CO is more consistent with the zoning pattern and the uses along the arterial frontage than the current zone.” (p. 25 of application) and similar language that implies the CO zone for the subject property in the *residential* Historic District is more suited to current conditions than is the current RS zone.

The Committee believes the applicant has shown the property is *equally*, but not *better* suited for a Commercial plan map designation and conditional CO zone designation. The criteria are met without describing the property as a logical extension of the CBD south down Liberty St., and not suitable for continued single family residential use. That characterization ignores the fact that the property at the northeast corner of Liberty and Mission remains RS zoned and in single family use. It ignores the fact that the Historic District continues along Liberty St. for two blocks north of Mission St., providing RS-zoned blocks separating the CBD from the subject property. Those RS-zoned blocks along Liberty St. have remained in single family use. Therefore, we ask staff to consider these additional facts and find the zone change to CO is equally suited to the property without relying on applicant’s statements that the property is better suited to CO.

The Committee asks staff to recommend conditioning the site plan to provide a berm and/or sight-obscuring landscaping along the south and east sides of the parking lot to screen the adjacent residences from vehicle lights and noise.

Thank you for considering our comments and alternative facts we have provided.

Roz Shirack, Chair  
SCAN Land Use & Transportation Committee

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, PLANNING ADMINISTRATOR

DATE: SEPTEMBER 20, 2016

SUBJECT: SUPPLEMENTAL STAFF REPORT FOR COMPREHENSIVE PLAN  
CHANGE-ZONE CHANGE-CLASS 3 SITE PLAN REVIEW-CLASS 2  
ADJUSTMENT-DRIVEWAY APPROACH PERMIT FOR PROPERTY  
LOCATED AT 800-868 LIBERTY STREET AND 440 MISSION STREET SE

### **BACKGROUND**

On September 13, 2016, staff made available a report recommending that the Planning Commission recommend approval of Comprehensive Plan Change No. 16-06 and approve the Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Driveway Approach Permit included in the consolidated application subject to recommended conditions of approval. Condition 6, as recommended in the September 13 staff report, would require the applicant to replace certain existing sidewalks along street frontages of the subject property prior to obtaining building permits.

While located within the public right-of-way, the abutting sidewalks are also streetscapes within the Gaiety Hill/Bush's Pasture Park Historic District. Repair or replacement of elements within the streetscape, including sidewalks, are subject to historic design review and must comply with the standards set forth in SRC 230.075. In 2013, the City of Salem Public Works Department obtained Historic Design Review approval (Case No. HIS13-40) to repair and replace public right-of-way sidewalk panels and curb ramps throughout the Gaiety Hill/Bush's Pasture Park Historic District. The approval ensures that sidewalk repair and replacement projects meet design standards for streetscape improvements as they are periodically conducted on publically-owned right-of-way within the district. To clarify the applicable historic design requirements associated with fulfilling the sidewalk replacement required under Condition 6, staff recommends that Condition 6 be revised as follows:

**Condition 6:** Replace existing sidewalks along the frontage of Mission Street SE and Liberty Street SE where not conforming to Public Works Design Standards. Repair and replacement of sidewalks shall conform to the Historic Design Review approval granted in case number HIS13-40.

### **CONCLUSION**

Staff recommends that the Planning Commission adopt the recommendations of the September 13, 2016 staff report, subject to the revised Condition 6 included in this supplemental staff report.

Attachments: A. Administrative Decision approving Minor Historic Review Case No. 13-40

Prepared by Christopher Green, AICP, Planner II

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2016\4 - Staff Reports & Decisions\CPC-ZC-SPR-ADJ-DAP16-06 supplemental.cjg.docx

ADMINISTRATIVE DECISION - MINOR HISTORIC REVIEW

CASE NO.: Historic Review Case 13-40 / Amanda No. 13-116437-DR

NOTICE OF DECISION DATE: December 20, 2013

REQUEST: Minor historic design review of a proposal to repair and replace public right-of-way sidewalk panels and curb ramps in the Gaiety Hill/Bush's Pasture Park Historic District.

OWNER: City of Salem

APPLICANT: City of Salem Public Works Department, Street Maintenance Section (Bruce Hildebrandt, representative)

LOCATION: Public ROW in the Gaiety Hill/Bush's Pasture Park Historic District

CRITERIA: Salem Revised Code Chapter 230

FINDINGS: The applicant proposes to repair and replace public right-of-way sidewalk panels and curb ramps as needed in order to meet ADA and the City's acceptable condition standards in the Gaiety Hill/Bush's Pasture Park Historic District. Staff determined that the following standards from SRC Chapter 230 are applicable to this project:

**230.075. Streetscape Standards.** *Streetscape improvements in historic districts shall comply with this section.*

**(a) Materials.**

- (1) Replacement materials should match as closely as possible to the original color, texture, size and finish of the original materials.*
- (2) Diseased street trees should be replaced in kind, if possible.*

**Findings**

The applicant is proposing to replace the existing sidewalk panels and curb ramps with concrete throughout the Gaiety Hill/Bush's Pasture Park District. Every effort will be made to replicate the color, texture and finish of the original sidewalk materials. Staff finds that SRC 230.075 (a)(1) has been met. SRC 230.075 (a)(2) does not apply to this proposal.

**(b) Design.**

- (1) Historic street lamps shall be preserved, if feasible.*
- (2) Healthy, mature street trees shall be preserved if they are significant to the district.*
- (3) Historic landscaped buffer zones, such as the grassy median between the sidewalk and curb shall be preserved.*
- (4) Historic retaining walls should be preserved, if feasible.*
- (5) Significant sidewalk and driveway features should be preserved when they contribute to the character of the district.*
- (6) Original driveway locations and curb cuts should be preserved when they contribute to the character of the district.*
- (7) Only those portions of character-defining streetscape that are deteriorated beyond repair shall be replaced.*
- (8) New sidewalks should align with existing historic sidewalks on the*

NOTICE OF  
DECISION

PLANNING DIVISION  
555 LIBERTY ST. SE, RM 305  
SALEM, OREGON 97301  
PHONE: 503-588-6173  
FAX: 503-588-6005

CITY OF  
*Salem*  
AT YOUR SERVICE

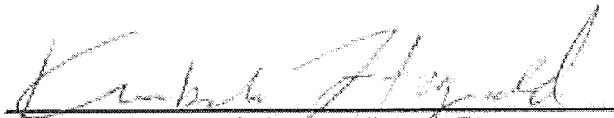
*block, if present.*

*(9) When feasible, replacement or new sidewalks should exhibit scoring lines and brush patterns consistent with the historic material when those elements contribute to the historic character of the district.*

### **Findings**

The applicant is proposing to replicate the historic "four square" tooled joints in all new sidewalk panels replaced during the project. Where private property walkways need replacement at the intersection with public sidewalks, the applicant will replicate the style and design of these walkways. Historic stamped and dated sidewalk panels will be documented in place, removed and stored for future historic exhibits within the community. Staff finds that SRC 230.075 (b)(5)-(9) are met for this proposal. SRC 230.075 (b)(1)-(4) do not apply to this proposal.

**DECISION:** Based upon the application materials deemed complete on December 20, 2013, and the findings as presented in this report, the application is APPROVED.



Kimberli Fitzgerald, Senior Historic Planner  
Urban Planning Administrator Designee

[kfitzgerald@cityofsalem.net](mailto:kfitzgerald@cityofsalem.net)

Phone: (503)540-2397

The rights granted by this decision must be exercised by January 7, 2015, or this approval shall be null and void.

Application Deemed Complete: December 20, 2013

Notice of Decision Mailing Date: December 20, 2013

Decision Effective Date: January 7, 2014

State Mandated Decision Date: April 19, 2014

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than 5:00 p.m., January 6, 2014. The appeal must state where the decision failed to conform to the provisions of the historic preservation ordinance (SRC Chapter 230). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The Salem Historic Landmarks Commission will review the appeal at a public hearing. After the hearing, the Historic Landmarks Commission may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

G:\CD\PLANNING\HISTORIC DECISIONS\2013\HIS13-40 ROW\Galeaty Hill Dec.docx

Case No. 13-40

## Historic Alteration Review - Public Resource Worksheet

Site Address: Various Gaiety Hill/Bush's Pasture Historic District Resource Status: ☒ Contributing  
☐ Non- Contributing

### Type of Work: Activity Proposed

Major ☐ Minor ☒ New Construction: ☐

### Replacement, Alteration, Restoration or Addition of:

#### Architectural Feature:

- ☐ Awning
- ☐ Door
- ☐ Exterior Trim, Lintel
- ☐ Other architectural feature
- ☐ Roof/Cornice
- ☐ Masonry/Siding
- ☐ Storefront
- ☐ Window(s) Number of windows: \_\_\_\_\_

#### Landscape Feature:

- ☐ Fence
- ☐ Streetscape
- ☒ Other Site feature (describe)

#### Public Sidewalks

#### New:

- ☐ Addition
- ☐ New Accessory Structure
- ☐ Sign
- ☐ Mural
- ☐ Accessibility Ramp
- ☐ Energy Improvements
- ☐ Mechanical Equipment

Will the proposed alteration be visible from any public right-of-way? ☒ YES ☐ NO

Project's Existing Material: Concrete and Mortar Mix Project's New Material: Concrete

### Project Description

Briefly provide an overview of the type of work proposed. Describe how it meets the applicable design criteria in SRC Chapter 230. Please attach any additional information (i.e., product specification sheets) that will help staff and the HLC clearly understand the proposed work:

City staff will be conducting repairs and replacement of defective public right-of-way sidewalk panels and curb ramps throughout the Gaiety Hill/Bush's Pasture Park National Register Historic District as needed to meet ADA and City's acceptable condition standards. Will also cause minor alterations to current sidewalk width and alignment to provide continuous pedestrian path of travel. Sites to be repaired will be documented through before and after photos and tied to adjacent property address. Work will occur over the next 6 to 9 months and all affected property owners will be contacted prior to commencement of existing sidewalk removal. Staff will replicate historic "four square" tooled joints in all new sidewalk panels replaced during project. Where private property walkways need replacement at intersection with public sidewalk, staff will replicate style and shape. Most walkways and driveway replacements will occur within the Public Right-of-way to re-connect to newly installed sidewalk panels. Historic stamped and dated sidewalk panels will be documented in place, removed, and stored for future historic exhibits within the community.

  
Signature of Applicant

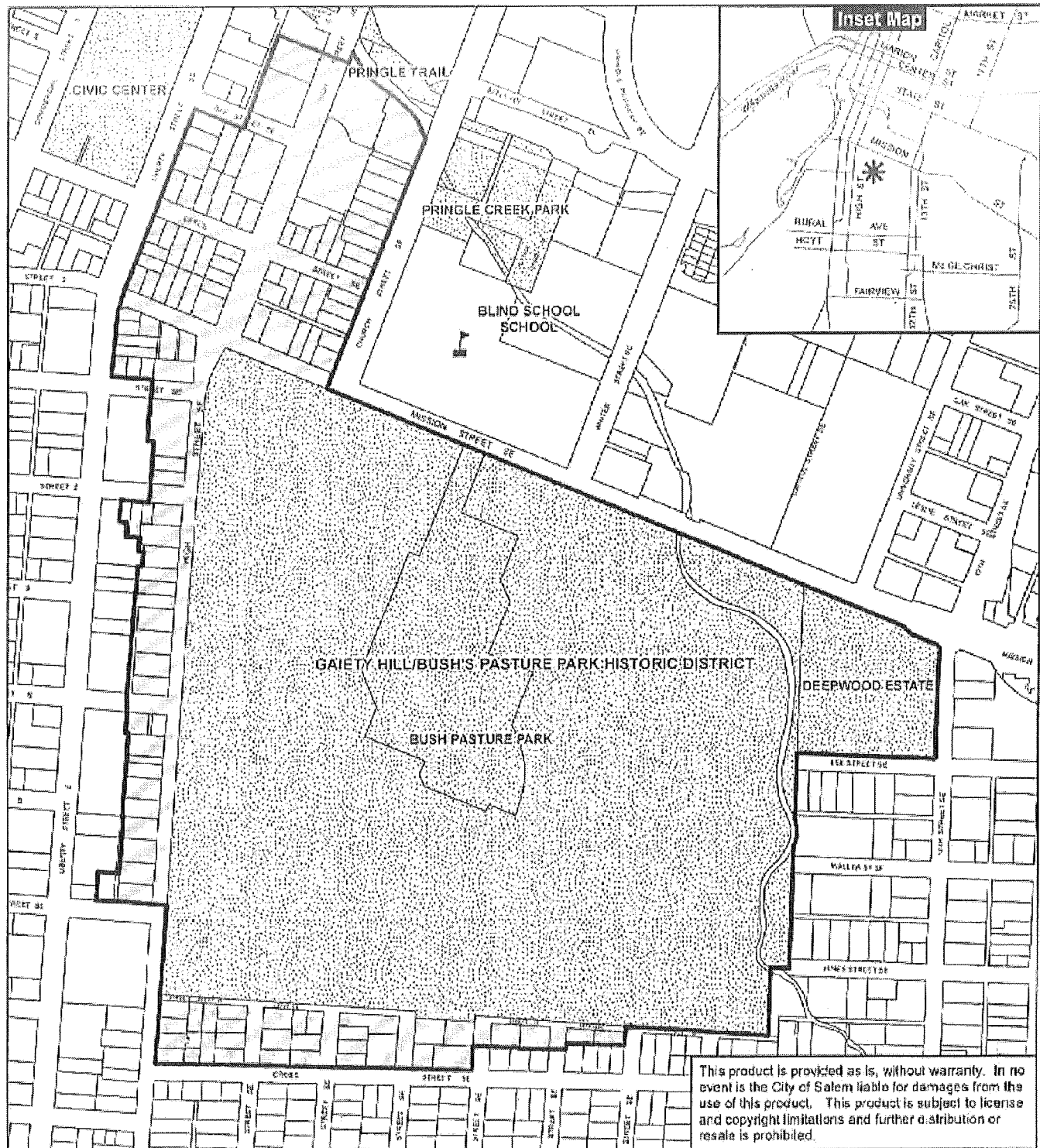
Street Services Supervisor

25-Sep-2013

Date Submitted/Signed



# GAIETY HILL/BUSH'S PASTURE PARK HISTORIC DISTRICT



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## Legend

- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots

- Historic District
- Schools
- Parks

AREA OF HISTORIC SIDEWALK REPAIRS AS NEEDED

0 125 250 500 Feet

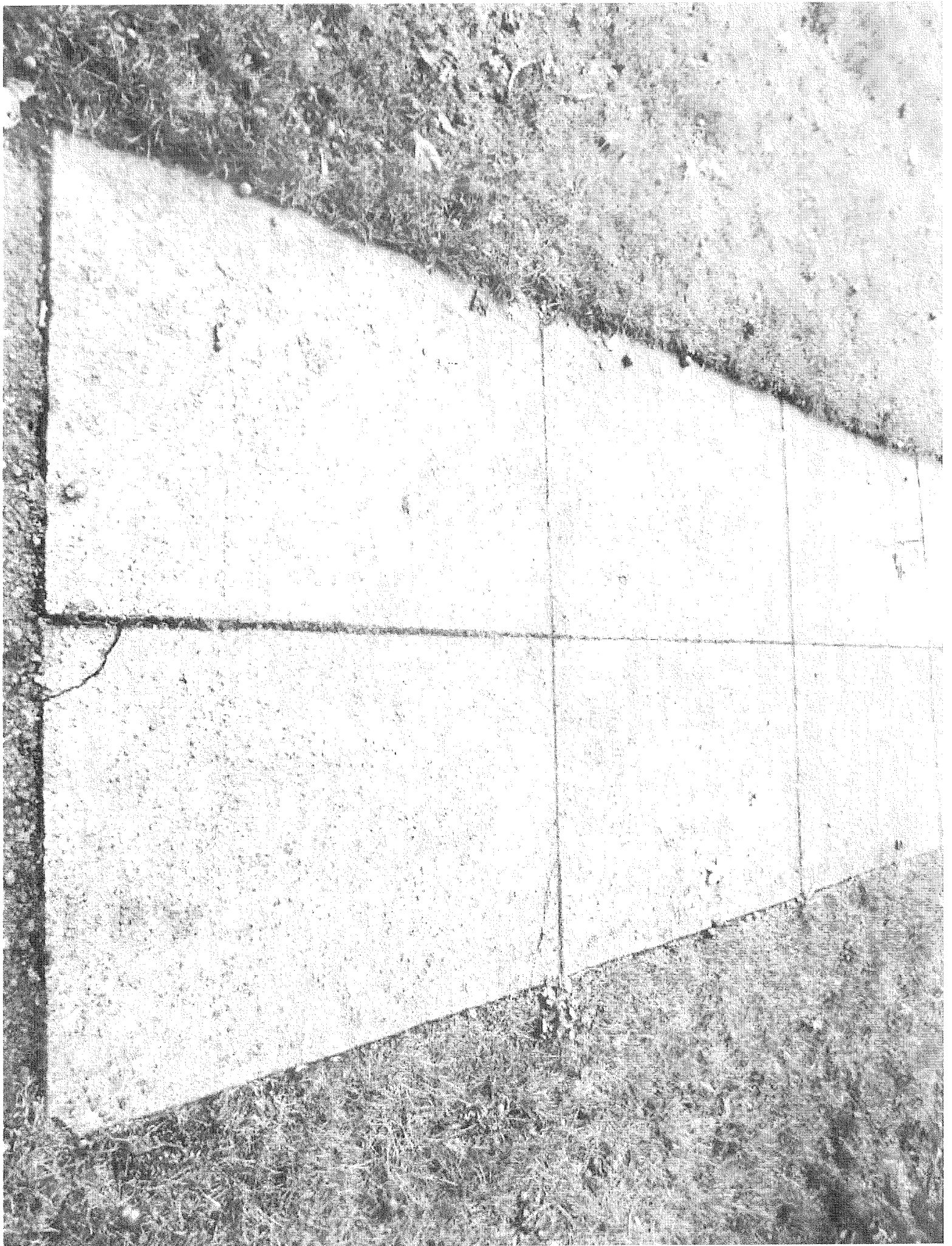


CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.

WEATCH

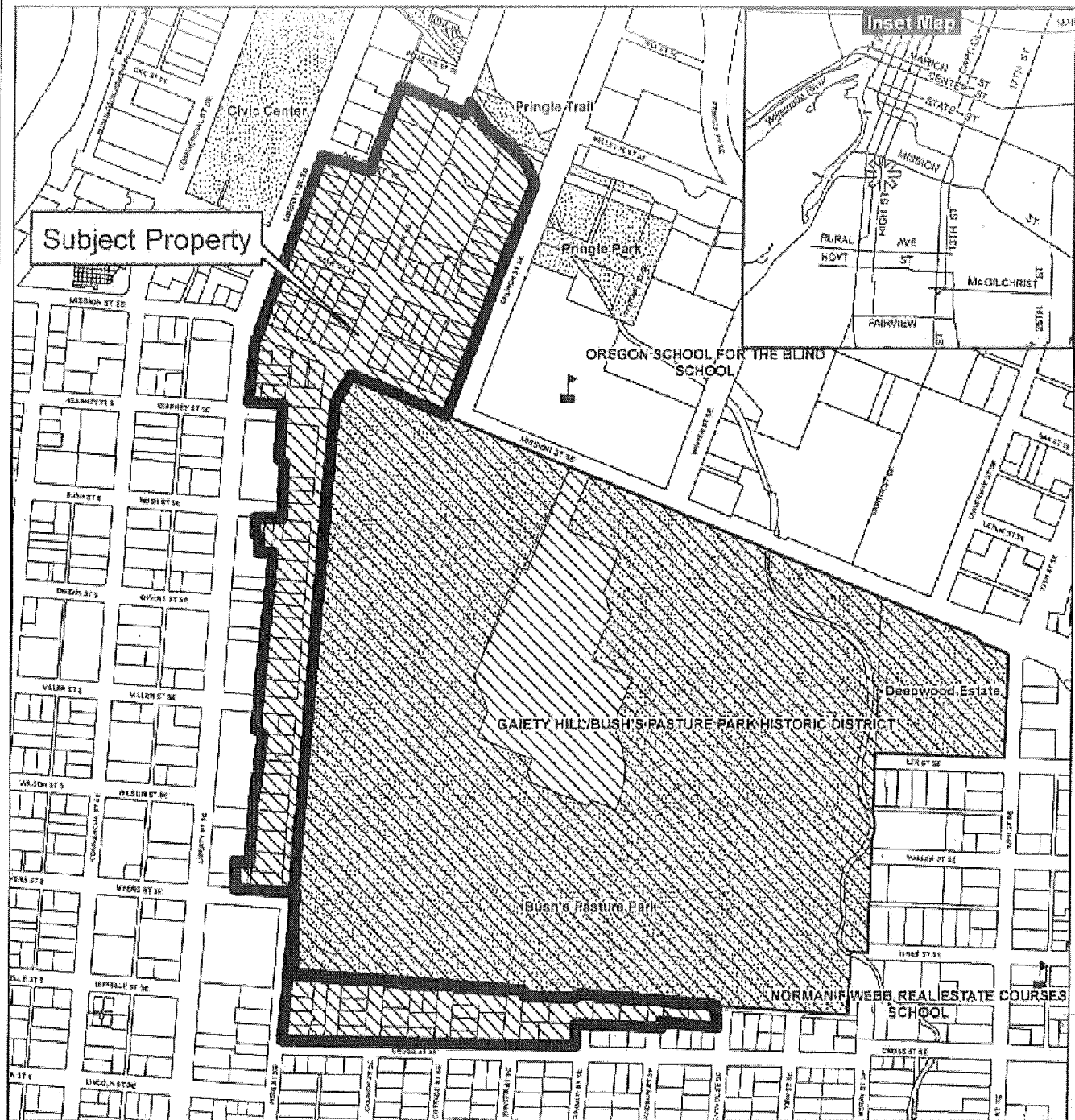
1910





# Vicinity Map

## Public Right-of-Way in Gaiety Hill/Bush's Pasture Park Historic District



### Legend

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

Parks

*City of Salem*  
AT YOUR SERVICE  
Community Development Dept.

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0 100 200 400 Feet



TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, PLANNING ADMINISTRATOR <sup>LA-O</sup>

DATE: OCTOBER 4, 2016

SUBJECT: SECOND SUPPLEMENTAL STAFF REPORT FOR COMPREHENSIVE  
PLAN CHANGE-ZONE CHANGE-CLASS 3 SITE PLAN REVIEW-CLASS 2  
ADJUSTMENT-DRIVEWAY APPROACH PERMIT FOR PROPERTY  
LOCATED AT 800-868 LIBERTY STREET AND 440 MISSION STREET SE

### **BACKGROUND**

On September 13, 2016, staff made available a report recommending that the Planning Commission recommend approval of Comprehensive Plan Change No. 16-06 and approve the Zone Change, Class 3 Site Plan Review, Class 2 Adjustment, and Driveway Approach Permit included in the consolidated application subject to recommended conditions of approval. The Planning Commission held a public hearing on the application on September 20, 2016, and closed the public hearing on that day.

During the public hearing, a request was submitted pursuant to ORS 197.763(6) to hold the record open. In response, the Planning Commission moved to hold the record open for seven additional days for new evidence (to September 27, 2016), for a subsequent 7 days for written responses to new evidence submitted (to October 4, 2016), and for 7 additional days (to October 11, 2016) for the applicant to provide final written rebuttal.

### **SIDEWALK REPLACEMENT**

Condition 6, as recommended in the September 13 staff report, would require the applicant to replace certain existing sidewalks along street frontages of the subject property prior to obtaining building permits. A Supplemental Staff Report dated September 20, 2016 recommended revising Condition 6 to include a reference to a previous case (HIS13-40), which addressed historic design standards for sidewalk replacements within the Gaiety Hill/Bush's Pasture Park Historic District.

Further analysis indicates that the approval granted in HIS13-40 only applied to a specific sidewalk replacement project envisioned at the time. Furthermore, the approval for HIS13-40 expired on March 22, 2016. Public Works Department staff submitted Supplemental Recommendations (Attachment A), with further recommended revisions to Condition 6. The revised Condition 6 refers to applicable Public Works Design Standards (PWDS) and Historic Design Review standards adopted in SRC Chapter 230 rather than HIS13-40.

In consideration of the supplemental recommendations from the Public Works Department, staff recommends that the Planning Commission disregard the recommendations contained in the September 20, 2016 supplemental staff report and instead consider the recommendations contained in this second supplemental staff report. To clarify the applicable historic design

requirements associated with fulfilling the sidewalk replacement required under Condition 6, staff recommends that Condition 6 be revised from the version contained in the September 13, 2016 staff report as follows:

**Condition 6:** Replace existing sidewalks along the frontage of Mission Street SE and Liberty Street SE where not conforming to Public Works Design Standards. The improvements shall conform to the accessibility, slope, and thickness standards pursuant to Public Works Design Standards (PWDS) 6.12. The applicant shall obtain a Historic Design Review under SRC 230.020 prior to sidewalk construction.

### **STAFF RESPONSE TO OTHER ADDITIONAL TESTIMONY**

Two other parties submitted additional testimony following the close of the public hearing and the September 27, 2016 deadline:

- Jeff Tross, applicant's representative, submitted a letter (Attachment B) in response to comments submitted during the hearing by Fair Housing Council of Oregon and Housing Land Advocates.

**Staff Response:** Staff concurs with Mr. Tross's response and finds that the analysis contained in the September 13, 2016 staff report already addresses the issues raised by Fair Housing Council and Housing Land Advocates in its analysis of compliance with Statewide Planning Goal 10.

- Jon Christenson submitted 9 additional emails during the 7-day open record period ending on September 27, 2016 (Attachment C). Mr. Christenson's comments address a variety of topics, including preservation of a big leaf maple located in the Liberty Street right-of-way, and design of sidewalk replacement within the district. Mr. Christenson also reiterates his support of a request by the South Central Association of Neighbors (SCAN) that a condition of approval prohibit the majority of uses allowed in the CO zone on the subject property.<sup>1</sup>

**Staff Response:** The big leaf maple identified by Mr. Christenson is located in the public right-of-way and is subject to street tree standards adopted in SRC Chapter 86. The applicant has indicated a preference that the tree remain and shows the tree on site plans. Mr. Christenson contends that the tree may have historic significance, but does not identify that preservation of the tree is necessary to meet approval criteria for the approvals requested in CPC-ZC-SPR-

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<sup>1</sup> SCAN and Mr. Christenson previously recommended a condition prohibiting all but the following uses; "Outpatient Medical Labs & Services, Business/Professional Services, Single and Two-Family Households, and Parks and Open Space." Mr. Christenson's post-hearing comments also indicate support for allowing day care and hair care businesses.

ADJ-DAP16-06.<sup>2</sup> As described above, the revised Condition 6 requires the applicant to obtain Historic Design Review approval for replacement of abutting sidewalks.

Staff presented findings in response to a condition proposed by Mr. Christenson and SCAN to significantly limit the allowed uses on the subject property. In summary, staff finds that a widespread prohibition of otherwise allowed uses on a single property is inconsistent with the purpose of a uniform zoning district, and that the development patterns and allowed uses in the CO zone are generally compatible with single family residential development, as demonstrated by longstanding areas of abutting CO (Commercial Office) and RS (Single Family Residential) zoning throughout the City.

## **CONCLUSION**

Staff recommends that the Planning Commission adopt the recommendations of the September 13, 2016 staff report, subject to the revised Condition 6 included in this second supplemental staff report.

Attachments: A. Supplemental Public Works Department recommendations  
B. Additional testimony by Jeff Tross on behalf of applicant  
C. Additional testimony by Jon Christenson

Prepared by Christopher Green, AICP, Planner II 

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<sup>2</sup> The Historic Landmarks Commission is conducting a concurrent Historic Design Review (Case No. HIS16-25) of the proposed development at this time.