

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

DECISION OF THE HEARINGS OFFICER

QUASI-JUDICIAL ZONE CHANGE CASE NO.: ZC18-02

APPLICATION NO. : 18-109125-ZO

NOTICE OF DECISION DATE: JUNE 19, 2018

SUMMARY: A Quasi-Judicial Zone Change from CO (Commercial Office) to CG (General Commercial).

REQUEST: An application for a Quasi-Judicial Zone Change from CO (Commercial Office) to CG (General Commercial), for property approximately 0.88 acres in size that is currently vacant, zoned CO (Commercial Office), within the South Gateway Overlay Zone and located at 5554 Commercial Street SE, 97306 (Marion County Assessor's Map and Tax Lot number: 083W14C / 00801).

APPLICANT: Seung-Bae and Yoon-Sin Kim

REPRESENTATIVE: Jeff Tross, Tross Consulting, Inc.

LOCATION: 5550-5554 Commercial Street SE

CRITERIA: Salem Revised Code Chapter 265.005(e)

FINDINGS: The findings are in the attached Order dated June 19, 2018.

DECISION: The Hearings Officer **APPROVED** Quasi-Judicial Zone Change ZC18-01.

Application Deemed Complete: May 11, 2018

Public Hearing Date: June 13, 2018

Notice of Decision Mailing Date: June 19, 2018

Decision Effective Date: July 6, 2018

State Mandate Date: September 8, 2018

Case Manager: Aaron Panko, APanko@cityofsalem.net; 503-540-2356

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., July 5, 2018.** Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected.

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

The Salem 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, are 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>

\\allcity\amanda\amandaforms\4431Type2-3NoticeOfDecision.doc

**CITY OF SALEM
BEFORE THE HEARINGS OFFICER**

A REQUEST FOR A QUASI-JUDICIAL ZONE	}	ZC18-02
CHANGE FROM CO (COMMERCIAL OFFICE)		
TO CG (GENERAL COMMERCIAL), FOR	}	FINDINGS OF FACT, CONCLUSIONS, AND DECISION
PROPERTY APPROXIMATELY 0.88 ACRES		
IN SIZE THAT IS CURRENTLY VACANT,	}	
ZONED CO (COMMERCIAL OFFICE),		
WITHIN THE SOUTH GATEWAY OVERLAY	}	
ZONE AND LOCATED AT 5554		
COMMERCIAL STREET SE	}	

DATE AND PLACE OF HEARING:

June 13, 2018, Community Development Department, Room 305, Civic Center,
555 Liberty Street SE, Salem, Oregon.

APPEARANCES:

<u>Staff:</u>	Aaron Panko, Planner III
<u>Neighborhood Association:</u>	None
<u>Proponents:</u>	Jeff Tross, Tross Consulting, Inc., Representative for Applicant
<u>Opponents:</u>	None

SUMMARY OF THE APPLICATION AND HEARING

BACKGROUND

The City of Salem held a duly authorized and noticed public hearing on June 13, 2018, regarding a proposal to change the zoning designation for the property from CO (Commercial Office) to CG (General Commercial). The subject property is approximately 0.88 acres in size and currently vacant. Prior to the close of the public hearing, the applicant waived the additional 7-day period for additional testimony.

FINDINGS OF FACT AND CONCLUSIONS

1. Salem Area Comprehensive Plan (SACP) designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Commercial." The Salem Comprehensive Policies Plan describes the predominant use in the Commercial designation as commercial. Multi-family residential may be included where appropriate. This designation includes regional shopping facilities, community and neighborhood shopping and service facilities, convenience stores, commercial offices, and specialized shopping and service facilities.

Because the proposed CG (General Commercial) zoning is consistent with the "Commercial" Comprehensive Plan designation, a concurrent Comprehensive Plan Map Amendment is not required.

The Comprehensive Plan designations of surrounding properties include:

North: "Commercial"

South: "Community Services - Government"

East: "Community Services - Government"

West: Across Commercial Street SE - "Industrial Commercial"

The property is within the Urban Service Area.

2. Zoning of Surrounding Properties

The subject site is currently zoned CO (Commercial Office) and is located within the South Gateway Overlay Zone.

The zoning of surrounding properties is described as follows:

North: CG (General Commercial)

South: PS (Public Services)

East: PS (Public Services)

West: Across Commercial Street SE - IC (Industrial Commercial)

3. Neighborhood and Citizen Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association. Notification was sent on May 24, 2018 to the neighborhood association and surrounding property owners within 250 feet of the property. No comments were received from the neighborhood association

or from adjoining property owners prior to the close of the hearing and record. There were no members from the neighborhood association at the hearing.

4. City Department and Public Agency Comments

The Public Works Department has reviewed the proposal and provided a memo which was included as Attachment C in the staff report.

The Building and Safety Division reviewed the proposal and indicated no concerns with the zone change request.

The Fire Department reviewed the proposal and indicated no concerns with the zone change but will have comments on items such as Fire Department access and water supply at the time of site plan review and building permit plan review.

5. Public Agency and Private Service Provider Comments

No comments were received from any public agencies or private service providers prior to the close of the hearing and record.

6. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed zone change for the subject property from CO (Commercial Office) to CG (General Commercial).

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

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

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

(i) A mistake in the application of a land use designation to the property;

(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or

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

The Hearings Officer finds that the applicant does not identify a mistake in the application of a land use designation to the property, so SRC 265.005(e)(1)(A)(i) does not apply. The applicant does not identify a change in the economic, demographic, or physical character of the vicinity, so SRC 265.005(e)(1)(A)(ii) does not apply. The proposal is justified based on (iii): that the proposed zone change is equally or better suited for the property than the existing zone.

The Hearings Officer notes that several previous zone changes in the immediate area have been granted, including:

- ZC95-02 for property located at 5530-5536 Commercial Street SE. Zone Change granted from CO to CG.
- ZC95-09 for property located at 5444 Commercial Street SE. Zone Change granted from CO to CG.
- ZC02-03 for property located at 5514-5516 Commercial Street SE. Zone Change granted from CO to CG.

The Hearings Officer notes that the subject property is the last remaining CO zoned property in the South Gateway Overlay Zone. The CO zone designation for this property does not appear to serve a specific purpose in this area. The subject property was created by a Partition Plat with the abutting property to the north, which is developed with a retail shopping center. A condition of approval from this partition required a shared driveway and access easement be provided to serve the two parcels. The CG zone shares similar setback, height and landscaping standards as the CO zone, future development of the property will be compatible with the surrounding area.

The proposed CG zone generally allows commercial uses and activities including the sale of commodities, performance of services, offices, and general wholesaling. The proposed CG zoning designation will allow a greater variety of uses for the subject property. The Hearings Officer concurs with

staff's analysis that the proposed zone change to CG is equally or better suited to the property than the existing CO zone.

(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.

The Hearings Officer finds that the proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

The Hearings Officer finds that the applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

Salem Urban Area Goals and Policies, General Development (Page 24, Salem Comprehensive Policies Plan):

To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Economic Growth B.3

Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.

The Hearings Officer finds that the Salem EOA identifies a deficit of available commercially zoned land in order to meet current and future community needs. The proposed zone change from CO (Commercial Office) to CG (General Commercial) maintains a commercial designation for the subject property. The proposal helps to increase the variety of commercial uses permitted for the property, which will help to improve and strengthen the economic base of the Salem urban area, thereby meeting this policy.

Development Compatibility B.12

Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

The Hearings Officer finds that the future development of the site will be required to conform to the development standards of the CG (General Commercial) zone, which shares similar setback, height and landscaping

requirements as the current CO (Commercial Office) zone. The CG zone has an overall minimum landscape requirement of 15 percent.

Salem Urban Area Goals and Policies, Urban Growth Goal (Page 26, Salem Comprehensive Policies Plan):

To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.

Development Compatibility C.4

Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.

The Hearings Officer finds that because the subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Growth Management Goal (Page 27, Salem Comprehensive Policies Plan):

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

Infill on Facilities D.9

New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

The Hearings Officer finds that because the subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Transportation Goal (Page 40, Salem Comprehensive Policies Plan):

To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.

Connectivity and Circulation J.5

The vehicle, transit, bicycle, and pedestrian circulation systems shall be designed to connect major population and employment centers in the Salem Urban Area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Hearings Officer finds that the subject property is located on Commercial Street SE, which is classified as a Major Arterial in the Salem Transportation System Plan. Sidewalks and bike lanes are developed on Commercial Street SE along the subject property's street frontage. Salem Keizer Transit (Cherriots) provides bus service adjacent to the property via routes 6 and 21.

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

The Hearings Officer finds that 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.*

The Hearings Officer notes that 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 Gateway Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

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

The Hearings Officer notes that 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.*

The Hearings Officer notes that there are no known scenic, historic, natural, or cultural resources on the affected parcels. Through a future application for site plan review, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. Staff finds that the proposal is consistent with Goal 5.

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

The Hearings Officer notes that the applicant proposes to change the zoning designation of the property from CO (Commercial Office) to CG (General Commercial). The CO zone generally allows office and professional services, along with a mix of housing and limited retail and personal services. The purpose statement of the CG zone in SRC Chapter 523 states that a wide variety of commercial uses are generally allowed, including the sale of commodities, performance of services, offices, and general wholesaling.

The CG zone generally allows a wider variety of commercial uses than the CO zone, granting the proposed zone plan change allows the property to provide economic opportunities for needed commercial services in the area.

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

The Hearings Officer finds that the City has recently conducted a Housing Needs Analysis (HNA) to determine housing needs for the community for the next 20 years. The HNA concluded that there is currently a deficit of approximately 207 acres of available multi-family zoned land. Multi-family residential is a permitted use for the subject property under the current CO (Commercial Office) zoning designation. Multi-family residential is allowed as a conditional use under the proposed CG (General Commercial) zoning designation. Multi-family residential or mixed-use development could potentially be allowed on the property subject to approval through the conditional use permit process. The subject property has several characteristics that would support multi-family or mixed use development. Salem-Keizer Transit (Cherriots) provides transit service adjacent to the subject property via routes 6 and 21. Services, including schools (Pringle Elementary School) and parks (Wes Bennet Park), are located nearby. Employment opportunities are in proximity and walkable to the property. The

proposed change in designation will still allow the potential for development of multi-family residential uses, which will be useful to meet the City's current and future housing needs.

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

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

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

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

The Hearings Officer finds that pursuant to OAR 660-012-0060(9), this request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not trigger analysis or improvements to the surrounding transportation system.

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.*

The Hearings Officer finds that the subject property is located within the Urban Service Area. The Public Works Department indicates that existing urban services, including water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development of the subject property.

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a

demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

The Hearings Officer finds a change to the comprehensive plan map designation for the property is not required for the proposed zone change, therefore this criterion is not applicable.

(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.

The Hearings Officer finds that pursuant to Oregon Administrative Rules 660-012-0060(9), the proposed zone change request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not require analysis or improvements to the surrounding transportation system. Adequate urban services are available at the boundaries of the subject property.

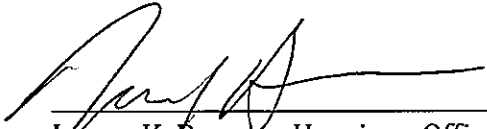
(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

The Hearings Officer finds that the water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development under the proposed zone. Site-specific infrastructure requirements will be addressed in the Site Plan Review process pursuant to SRC Chapter 220.

DECISION

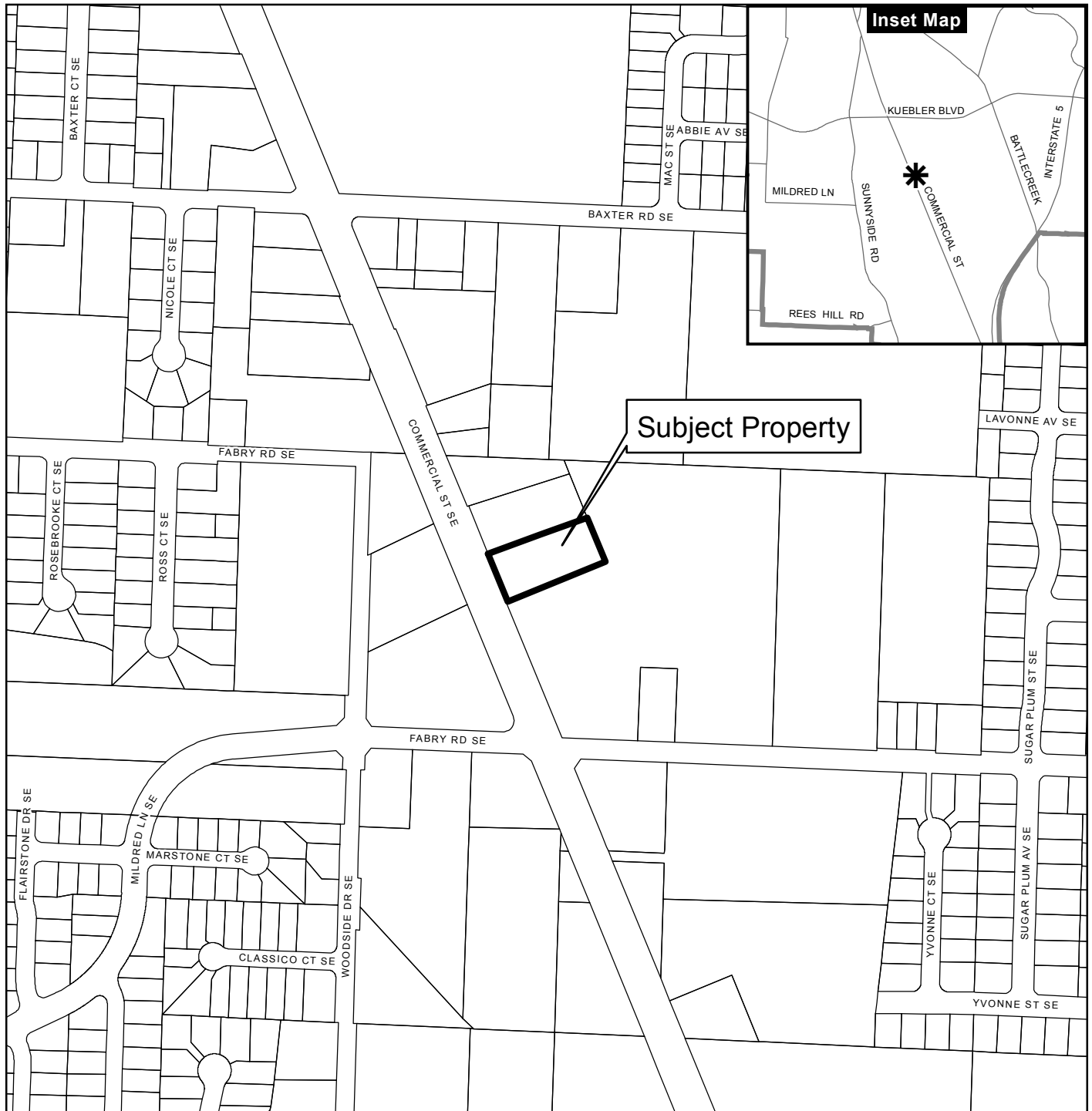
The Hearings Officer APPROVES the request for a quasi-judicial zone change from CO (Commercial Office) to CG (General Commercial) for property approximately 0.88 acres in size, within the South Gateway Overlay Zone, and located at 5550-5554 Commercial Street SE - 97306 (083W14CA / 00801).

DATED: June 19, 2018


James K. Brewer, Hearings Officer

Vicinity Map

5554 Commercial 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.

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.

0 100 200 400 Feet



Tross Consulting, Inc.

Jeffrey R. Tross
Land Planning and Development Consultant
1720 Liberty St. SE, Salem, Oregon 97302
Phone (503) 370-8704 email jefftross@msn.com

***APPLICANTS' STATEMENT
FOR
SEUNG-BAE AND YOON-SIM KIM
SOUTH COMMERCIAL ZONE CHANGE***

BACKGROUND

Seung-Bae Kim and Yoon-Sin Kim own a single parcel located on the east side of Commercial Street SE, mid-block between Baxter Road SE and Fabry Road SE. The property is identified as Tax Lot 801 on Assessor's Map T8S-R3W section 14CA, and it is addressed as 5554 Commercial Street SE. The parcel is .88 acre (38,333 squ. ft. \pm), and it is vacant.

The parcel was created in 1995 through Partition Plat 95-78 (Parcel 2, see copy enclosed). As a result of that action, a notable characteristic of the property is provision for a 20' wide by 150' long common driveway along its north property line, adjoining an identical driveway on the parcel to the north (Tax Lot 800), with a reciprocal access easement for use as a shared access to both parcels. The portion of this common driveway on Tax Lot 800 is built and provides access to a retail store on that parcel. There will be no additional driveways on the subject parcel.

The property is designated *Commercial* on the Salem Area Comprehensive Plan (SACP) map, and it is zoned CO (Commercial Office). It is also within the South Gateway Overlay (SGO) Zone corridor, SRC Chapter 630, which covers both sides of the arterial frontage from Kuebler Blvd. on the north to I-5 on the south. The stated purpose of the Overlay is to further regulate certain uses normally allowed in the underlying zones, and to apply additional development standards, to enhance the southern gateway to the city. In particular, the SGO converts various motor vehicle and transportation uses from permitted uses to conditional uses, Table 630-1; and others are prohibited, Table 630-2.

Commercial Street SE is an intensive commercial corridor for nearly its entire course through south Salem. The primary character of the street is reflected by the predominance of commercial zoning, which includes Commercial Retail (CR), Commercial General (CG), and Industrial Commercial (IC). Exceptions to this pattern of commercial zoning and activity include intermittent, existing apartment complexes that border the street frontage and which are zoned RM2; and the Bureau of Land Management Northwest District Office complex, which occupies a site of over 10 acres in the northeast quadrant of

Commercial and Fabry (Tax Lots 500 and 600) and which is zoned PS (Public Service). The BLM site borders the Kim parcel on the south and east.

The Proposal

The Kim parcel is the only property zoned CO along the Commercial Street frontage between Kuebler Blvd. and I-5, which also makes it the only CO property within the South Gateway Overlay. Uses in the CO zone are limited to office uses, and a few services such as hair salons. The limitations of the CO zone are unlike the other commercial properties along the arterial frontage. To make the property available for the wider range of uses that is appropriate and typically found along the Commercial Street corridor, the Kims request a Zone Change from CO to CG.

The proposed CG zone matches the zoning of the properties along the arterial frontage to the north. It retains the opportunity for office uses, and also allows the range of retail and service uses as are found on the nearby properties and along the Commercial Street corridor in general. The CG zone is allowed under the *Commercial* Comp Plan designation, and a change to the Comprehensive Plan map is not required. Similarly, the proposed Zone Change to CG does not affect the South Gateway Overlay designation, which will remain in place on the property.

A Pre-Application conference to discuss this proposal was held on March 1, 2018, Pre-App 18-17.

Surrounding Land Uses and Zoning

The lands along the Commercial Street frontage between Baxter and Fabry include a variety of commercial, residential, and governmental activities. The variety of uses in this area is reflected by the zoning pattern, shown on City Zoning Map 8314S.

The lands to the north of the Kim parcel are zoned CG. Uses on these lands include a retail store, a home remodeling company, a veterinary clinic, a commercial building (currently vacant), a lumberyard/builders supply store, and a fast-food restaurant.

The lands to the west, across Commercial Street, are zoned IC, CR, and RM2. The uses in this area include a self-storage facility, a plant nursery, an apartment complex (built in 1978; Tax Lot 5700), an auto sales lot, a car wash and a gas station.

The ten-acre BLM complex, zoned PS, occupies the land on the south and east of the Kim parcel. The main office building is set back a considerable distance from the street frontage, and the Kim parcel is bordered by a parking lot and accessory structures. The BLM property has frontage on Commercial Street, but its access is on Fabry Road. There is no functional relationship between the Kim's parcel and the BLM property.

Considering the varied nature of commercial uses along the Commercial Street arterial frontage, the predominance of zoning that supports these commercial uses including CR, CG, and IC; and the CG zoning adjacent to the north, the proposed zone change to CG is appropriate for the site and the location.

CRITERIA

Zone Change Criteria, SRC Chapter 265

The Zone Change criteria are provided in 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 subject property is a single parcel and it is zoned CO. It is the only CO parcel in the South Gateway Overlay corridor. South Commercial Street is the primary location for the wide variety of commercial retail and service activity that serves south Salem. It is not primarily an office location, although office uses are a part of the mix of commercial services. CO zoning serves no specific purpose at this location, and CG zoning will better serve the commercial needs of the community by providing for a wider range of

commercial activities. In addition, the proposed CG zone is consistent with the existing zoning pattern in the area, and it will not change the functional relationship of the property to any surrounding land or uses. The entire property is designated *Commercial* on the Comp Plan map, and CG zoning is consistent with the Plan map designation..

For these reasons the proposed zone change is in keeping with the intent of Zone Changes to recognize normal and anticipated growth, development patterns, community needs, and other factors that cannot be anticipated.

Proposals for a Quasi-Judicial Zone Change must address the criteria of SRC 265.005(e). These criteria are addressed 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 (i), (ii), or (iii):

(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 physical characteristics of the property are appropriate for commercial uses as allowed in the CG zone because the site is large enough to accommodate development with regards to the development standards of the zone, it has frontage on Commercial Street, it is required to share a common driveway with the parcel to the north, and there are no significant physical obstructions to future development of buildings and parking. Its physical characteristics are identical to the properties to the north that are already zoned CG. The uses allowed in the CG zone will be logical with surrounding land uses because there are existing commercial retail and service uses to the north and west on land that is zoned CG, and there will be no specific affect of CG zoning on the land to the south and east. The lands to the north and west are developed with commercial uses as allowed by the CG, IC, and CR zones. CG zoning will not affect the adjacent PS property to the south because there is no access or other functional relationship between these properties.

Because the physical characteristics of the property are appropriate for the proposed CG zone, and the uses allowed by that zone are logical with the surrounding land uses, the proposed zone change is equally or better suited to the property than the existing CO zone, and this criterion is satisfied.

(B) City-initiated zone changes

This application is for a property-owner 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 provision of the SACP is the *Commercial* Plan map designation. The property is designated *Commercial* on the Plan map, and the CG zone serves to achieve the purpose of this designation by providing for a range of commercial uses that serve the community. The property is located along the arterial frontage, in an area that serves as the primary location for commercial services for south Salem. The proposed change will act to maintain the area as a center of commercial activity to serve the community. For these reasons changing the zone from CO to CG is consistent with the Plan designation.

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development. The SACP is Acknowledged to be in compliance with the Statewide Planning Goals. The property is designated *Commercial* on the Comp Plan map. The CG zone is consistent with the Plan designation. No change to the Plan is required. The Plan designation establishes the intent for property to be used as a commercial site. The zone change will be reviewed at a public hearing, following notice to the public and the opportunity for participants to review and comment on the proposal. For these reasons the zone change is in compliance with the requirements of the applicable Statewide Planning Goals and administrative rules.

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

The zone change is from CO to CG. It does not require a Comprehensive Plan Change. It does not involve a change from an industrial, a commercial or an employment designation. 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 property has access to Commercial Street, a major arterial, which provides the major route south of the city center to I-5. Access to the property will be provided by a specified driveway location that is shared with the property to the north. No additional access points will be created. The potential traffic impacts of future uses will be determined at the time development is proposed, as part of the normal development review process. No measures or conditions regarding transportation are required at this time due to the proposed zone change. The zone change from CO to CG will not affect a transportation facility.

(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 in a developed area and is capable of being served with all necessary public facilities and services. Public services and facilities exist to support development on the site, as detailed in the Public Works comments from the Pre-Application conference. In those comments Public Works reported that a 12-inch water line, an 8-inch sewer line, and a 10-inch storm drainage line are located in Commercial Street. These facilities are adequate and available to serve new development on the property. No

additional street right of way is required. No new or expanded facilities or services are needed. The presence of existing public facilities that are capable of serving the property satisfies this criterion.

Summary

Considering the location of the property along a major arterial which is also a commercial activity corridor, and the use and zoning of the surrounding properties, the proposal is a logical and relatively minor change in the zoning classification. The property is the only CO zone along Commercial Street between Kuebler Blvd. and I-5, and there is no apparent purpose to holding the property in the CO zone. The proposal is consistent with the Comp Plan map designation. The proposed change is appropriate for the property. The proposal is consistent with the property's location, and with the land use pattern of the area. The zone change will not affect the use of the BLM property in the PS zone to the south. All necessary public services are available and in place to serve future development. No factors are apparent that would make the zone change detrimental to any surrounding uses. For the facts and reasons presented, the proposal satisfies the criteria for a Zone Change.