

NOTICE OF DECISION

PLANNING DIVISION
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DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC19-01

APPLICATION NO. : 18-123746-ZO & 18-123747-ZO

NOTICE OF DECISION DATE: February 27, 2019

SUMMARY: A comprehensive plan change to Multi-Family Residential and zone change to RM1 (Multiple Family Residential 1).

REQUEST: A minor comprehensive plan map amendment from DR "Developing Residential" to MF "Multi-Family Residential" and quasi-judicial zone change from RA (Residential Agriculture) to RM1 (Multiple Family Residential 1) for a 2.65-acre property located at 5821 Liberty Road S 97306 (Marion County Assessor Map and Tax Lot 083W16CD00600).

APPLICANT: William (Bill) Armstrong

OWNERS: William (Bill) Armstrong and WC Nadege Armstrong

LOCATION: 5821 Liberty Road S / 97306

CRITERIA: Salem Revised Code Chapter 64.025(e)(2)
Salem Revised Code Chapter 265.005(e)

FINDINGS: The facts and findings are in the attached document dated February 27, 2019.

DECISION: The Planning Commission **APPROVED** Comprehensive Plan Change / Zone Change Case No. CPC-ZC19-01 subject to the following conditions of approval:

Condition 1: No more than 28 dwelling units shall be permitted within the subject property.

VOTE:

Yes 8 No 0 Absent 1 (Wright) Abstained 0


Chane Griggs, President
Salem Planning Commission

Application Deemed Complete:	<u>December 31, 2018</u>
Public Hearing Date:	<u>February 26, 2019</u>
Notice of Decision Mailing Date:	<u>February 27, 2019</u>
Decision Effective Date:	<u>March 15, 2019</u>
State Mandate Date:	<u>April 30, 2019</u>

Case Manager: Pamela Cole, pcole@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., March 14, 2019. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64 and 265. The appeal 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>

FACTS & FINDINGS

COMPREHENSIVE PLAN MAP AMENDMENT FROM “DEVELOPING RESIDENTIAL” TO “MULTI-FAMILY RESIDENTIAL” AND ZONE CHANGE FROM RA (RESIDENTIAL AGRICULTURE) TO RM1 (MULTIPLE FAMILY RESIDENTIAL 1) CASE NO. CPC-ZC 19-01

FEBRUARY 27, 2019

PROCEDURAL FINDINGS

On December 3, 2018, William (Bill) Armstrong filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from “Developing Residential” to “Multi-Family Residential” and to change the zoning from RA (Residential Agriculture) to RM1 (Multiple Family Residential 1).

After receiving additional information, staff deemed the consolidated application complete for processing on December 31, 2018. The public hearing on the application was scheduled for February 26, 2019.

Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on February 6, 2019. Public hearing notice was posted on the property on February 12, 2019 by the applicant pursuant to SRC requirements.

On February 26, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, and voted to approve the Comprehensive Plan Change and Zone Change with one condition of approval as recommended in the staff report.

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-day deadline to issue a final local decision in this case is April 30, 2019.

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

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

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

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

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

The “Developing Residential” comprehensive plan designation applies to urbanizable lands within the Urban Growth Boundary. The intent of the Developing Residential designation is to hold properties needed to accommodate future urban development during the next 20 years. As urban services become available to these areas, Developing Residential lands are intended to be converted to future use for single family and multiple family residential with schools, parks, and churches. The proposed designation will provide additional land to address the deficit of multi-family dwellings identified in the Housing Needs Analysis.

The Salem Comprehensive Policies Plan, on pages 31 and 32, indicates that multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities, and services; and that multiple family housing shall be located

in areas that provide walking, auto, or transit connections to employment centers, shopping areas, transit service, parks, and public buildings.

The subject property is located south of the corner of Liberty Road and Davis Road. The Salem Transportation System Plan (TSP) designates Liberty Road as a major arterial street and Davis Road as a collector street. Due to its classification as a major arterial, Liberty Road is an existing transportation corridor on which the subject property has frontage. The single family dwelling on the subject property has vehicular access from Liberty Road S. At the time of the pre-application conference for the preliminary proposal, the Public Works Department advised the applicant that access for the proposed development shall be extended from Honey Bee Street S through the proposed local street system and direct access to Liberty Road S is restricted.

Transit service is available to the site via Cherriots Route 8, which provides service to the property along Liberty Road and Davis Road, with a stop at Joynak Street S. In addition, Crossler Middle School is located to the north of the subject property across Davis Road and Secor Park is within close proximity to the northwest of the subject property, and Bryan Johnston Park is within close proximity to the southeast of the subject property.

Because the current comprehensive plan map designation applicable to the subject property anticipates its conversion to urban use over time, including the potential for multiple family residential, as identified on Page 6 of the Salem Comprehensive Policies Plan; because the subject property conforms to the considerations of the Salem Comprehensive Policies for the siting of multiple family residential uses, including being located within close proximity to a park and school and on a transportation corridor where transit service is available; and because the subject property abuts land currently designated and zoned for multiple family development to the west and north, the proposed “Multi-Family Residential” comprehensive plan map designation is equally or better suited for the subject property than the existing “Developing Residential” comprehensive plan map designation.

As conditioned below, the proposal meets this criterion.

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

Finding: Because the subject property is located outside the City’s Urban Service Area, SRC Chapter 200 requires applicants to file an application for an Urban Growth Preliminary Declaration to identify the master planned public facilities required to be extended to serve the proposed development. Pursuant to SRC 200.025(e), the public facilities identified in the Urban Growth Preliminary Declaration must be constructed by the applicant as a condition of any subsequent land use approval.

As identified in the comments from the Public Works Department, the subject property is capable of being served with public facilities and services necessary to support the uses

allowed by the proposed comprehensive plan map designation. The conditions of approval for the future Urban Growth Preliminary Declaration will ensure that such public facilities and services will be constructed when the property is developed. This criterion is met.

The proposal meets this criterion.

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

Finding: The “Developing Residential” comprehensive plan map designation applies to urbanizable lands within the Urban Growth Boundary. The Salem Comprehensive Policies Plan, on page 6, indicates that the intent of the Developing Residential designation is to hold properties needed to accommodate future urban development during the next 20 years. As urban services become available to these areas, Developing Residential lands are intended to be converted to future use for single family and multiple family residential with schools, parks, and churches.

In 2014, the City published a Housing Needs Analysis for the next 20 years (2015 to 2035). One of the key findings of that study was that the City has a deficit of land for multiple family housing.

The proposal to change the comprehensive plan map designation of the subject property from “Developing Residential” to “Multi-Family Residential” represents a logical urbanization of the land consistent with this criterion because it helps the City to meet its multi-family housing need and results in land designated as “Developing Residential” being urbanized, as anticipated by the Salem Comprehensive Policies Plan, in a location along a transportation corridor where public facilities and services are available and existing multiple family land already exists to the west and north.

This criterion is met.

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 proposed minor comprehensive plan amendment is consistent with the applicable provisions of the Statewide planning goals. Findings related to consistency with the Salem Area Comprehensive Plan are included later in this document in the findings for the proposed zone change.

▪ **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 City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process.

The City, through the requirements of its procedures ordinance (SRC Chapter 300) has created land use application review procedures which ensure citizens have opportunity to provide input on land use approvals. Notification of the proposal was provided consistent with the requirements of State Law and the Salem Revised Code as detailed in this staff report. The applicant has also attended Sunnyslope and South Gateway Neighborhood Association meetings to ensure citizen involvement. Opportunities for public input will be available in the hearings process prior to action on the proposal. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **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 City has complied with the Goal requirements for establishing and maintaining a land use planning process.

The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions. The Salem Area Comprehensive Plan has been adopted by the City and acknowledged by the Land Conservation and Development Commission as being in compliance with the statewide goals, state statutes, and state administrative rules. The City's adopted land use planning process provides a framework for evaluating the proposal in keeping with the requirements of this Goal. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, and the Zone Change criteria. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **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 property is not an historic resource, and no identified creek or waterway occurs on or adjoins the property.

In addition, the subject property is not identified as a scenic area or public open space, or recreation area. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

- **Goal 6 (Air, Water, and Land Resources Quality):**

To maintain and improve the quality of the air, water and land resources of the state.

The proposed Plan change will allow for multifamily residential use. The site currently allows single-family residential use. Residential use in general does not create significant impacts to air quality. The traffic generated by the increased residential use of the site will not result in a significant impact on air quality.

The site is largely vacant urban land on which development is expected. Sewer service to the property will be provided by the City. Waste water from the development will be discharged into the sewer system for treatment at the City of Salem treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff will be collected into bioswales, pre-treated, and the residual removed by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

There are no identified constraints due to factors of air, water, or land resources quality that would prevent the use of the site as proposed. Based on the type of use, the location, and the surrounding land uses, the proposal will have no significant impacts to the quality of the air, water or land.

The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

- **Goal 7 (Areas Subject to Natural Disasters and Hazards):**

To protect people and property from natural hazards.

No significant natural hazards are identified on this site that would prevent or interfere with the proposed use.

The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

- **Goal 10 (Housing):**

To provide for the housing needs of citizens of the state.

The proposal would redesignate the property to help to meet needs for multi-family housing. The Housing Needs Analysis indicates there is an adequate inventory of vacant land for single family housing within the urban area. The proposed redesignation and rezoning to RM1 would allow up to 38 units on the subject property (2.65 acres x 14 units/acre = 37.24 units). The applicant's Transportation Planning Rule Analysis discusses 27 townhouse units and the existing single family dwelling, for a total of 28 units. Staff calculated that, if the subject property remains in the Developing Residential designation and RA

(Residential Agriculture) zoning, it could be redeveloped with approximately 22 homes (2.65 acres x 43,560 square feet / acre = 115,870 square feet; deducting 25 percent for roads, 86,902 square feet / 4,000 square feet/lot = 21.7 lots). The proposed mix of 28 units in the Transportation Planning Rule Analysis results in a density of approximately 10.5 units/acre, which is at the low end of the density range of 8 to 14 units/acre allowed by the RM1 multifamily zone.

The proposal will also help fulfill the multifamily housing needs forecast for the urban area. By providing multifamily housing that will help to fulfill the projected housing needs of the community, the proposal fulfills the requirements of this Goal.

The proposed comprehensive plan map amendment will allow an increase in the residential dwelling unit density allowed on the subject property thereby helping the City to fulfill its projected deficit of multiple family housing identified in the City's 2014 Housing Needs Analysis. The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **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 public facility and service needs of the proposed development will be determined by the City and specified during the site development process, and all necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

All necessary City utilities including water, sewer, and storm drainage, are already available, or can be provided for the proposed development. Street improvements will be required. Other services including fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 12 (Transportation):**

To provide and encourage a safe, convenient and economic transportation system.

Major streets (Liberty Road S and Davis Road S) are in place due to previous development, the applicant will have access to Davis Road via Honey Bee Street to the north, and the subject property will have the potential to provide street connections to properties to the south for future development. A Transportation

Planning Rule analysis dated November 9, 2018, has been submitted with the application.

In order to evaluate the impact of the proposed comprehensive plan map amendment on the City's transportation system, the applicant commissioned a Transportation Planning Rule (TPR) Analysis. The findings of that analysis, comparing trips for up to 21 single-family dwelling units that could be developed in the RA zone versus trips for up to 36 Low-Rise Multifamily Housing units that would be allowed in the RM1 zone, indicate a net addition of 66 trips per weekday and net reduction of one trip at the evening peak hour, which would have no significant impact on the operation of area streets and intersections. The proposed addition of a maximum of 27 new townhouses to the existing single family dwelling would result in a net increase of 198 average weekday trips, below the threshold of 200 average daily trips that would require a full Transportation Impact Analysis (TIA) per City of Salem code.

The proposed comprehensive plan map amendment and zone change can comply with the requirements of Goal 12 and the State's Transportation Planning Rule (OAR 660-012) provided that the additional trips generated by the proposed comprehensive plan map amendment and zone change and 27 townhouses do not exceed 198 daily trips. The Assistant City Traffic Engineer has reviewed the applicant's traffic analysis and concurs with its findings. In order to ensure that future development is consistent with the proposed mix in the Transportation Planning Rule Analysis, the Planning Commission placed a condition of approval on the zone change decision limiting the total number of dwelling units on the subject property to no more than 28 dwelling units.

The zone change condition, together with the street improvements that will be required in conjunction with the future development, ensure that the proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **Goal 13 (Energy Conservation):**

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

New residential construction will comply with the energy efficiency requirements in effect at the time of construction. The site is close to employment and services, reducing the travel distance needed to access these functions. These factors are consistent with compliance with this Goal.

The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

▪ **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 site is within the city limits. The proposal is to re-designate underdeveloped residential land. All necessary public services can be provided to the site. The proposed use will contribute to the efficient use of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

The proposed comprehensive plan map amendment is consistent with this Statewide Planning Goal.

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

Finding: Redesignating the property to allow additional multifamily housing will increase the tax base, create attractive and efficient development, provide adequate access, circulation, and public facilities, establish a compatible use consistent with economic and multi-family housing needs, therefore providing a general benefit.

The proposed comprehensive plan map amendment to change the comprehensive plan map designation of the subject property from “Developing Residential” to “Multi-Family Residential” will provide additional needed multiple family designated land within the City and an increase in the variety of housing types available at a location that is adjacent to other multiple family residential designated land, in proximity to neighborhood services, and served by transit. This criterion is met.

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 RA (Residential Agriculture) to RM1 (Multiple Family Residential 1).

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

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

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

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

Finding: The proposed zone is equally or better suited for the property than the existing zone because:

- This proposal for lower density multi-family development will be a compatible use and neighbor to abutting townhouse and duplex developments in RM2 zones.
- The additional trips from the proposed RM1 development would have minimal impacts on the performance of existing or planned transportation facilities and no mitigation is necessary.

The proposed zone change is justified because the proposed RM1 zone is equally or better suited for the property than the existing RA zone based on its location abutting a major arterial street to the east and other multiple family zoned land to the west and north, and its proximity to services (e.g. school, park, and transit) which are provided in a more efficient manner when higher residential densities are present for them to benefit from.

The proposed RM1 zoning for the property is also consistent and compatible with the zoning of surrounding properties which includes RM2 zoned land to the west.

The proposed zone change will also allow for an increase in the supply of the City's multiple family zoned land. This increase in the supply of multiple family zoned land will help to address the City's projected deficit of land needed for multiple family dwelling units as identified in the City's 20-year Housing Needs Analysis for 2015 to 2035. This criterion is met.

With the adopted condition of approval, the proposal meets this criterion.

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

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

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

Finding: The proposed zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

▪ ***Residential Development Goal (SACP Section IV.E):***

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.*

Future residential development of the site is proposed under the RM1 zone, which will provide increased residential density to address housing needs.

Development at the low end of an RM1 density will allow for a compact and efficient use of the land area and of public facilities and infrastructure provided to the site. The proposal will increase the range of housing opportunities for the population of the urban area, and for those desiring to live in this part of the city. For these reasons, the proposal is consistent with the Residential Development Goal.

The proposed zone change from RA (Residential Agriculture) to RM1 (Multiple Family Residential 1) will allow for increased density residential development at a location that is bordered by an arterial and near a collector street, that is in close proximity to neighborhood services, including a park and school, that is served by transit, and that is bordered by multiple family zoned land to the west and north. The proposal will help to increase the diversity of housing types available within the City to serve the City's population. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 1 (Establishing Residential Uses)(SACP Section IV.E.1):***

The location and density of residential uses shall be determined after consideration of the following factors:

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
- 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. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.*
- 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.*

The proposed multi-family zoning will contribute to meeting the City's deficit of multi-family land and establish a mixture of residential uses within the area.

The land has the capacity to accommodate the proposed use. All necessary public facilities and services can be provided at adequate levels for the type and density of housing proposed, and multiple forms of transportation are available. The property is near schools and services and the proposal is consistent with the pattern of multifamily housing at various dispersed locations within the neighborhood. The proposed density is consistent with the intent to fulfill the density Goal of General Development Policy 7, which is an overall average of 6.5 units per acre.

The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 2 (Facilities and Services Location)(SACP Section IV.E.2):***

Residential uses and neighborhood facilities and services shall be located to:

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

The major streets are in place due to previous development and street extensions to properties to the south can be provided for existing and future development. All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are

adequate to serve the proposed use.

Conditions of approval for future development will include street improvements along its frontage on Liberty Road S and extensions of Honeybee Street S through the property and to the southern boundary. This will provide for improved vehicular, pedestrian, and bicycle access. Liberty is an arterial and a designated bike route. The proposal will accommodate population growth by providing for increased density housing in a compact and efficient manner, on serviceable vacant land within the City. Utilities and services are present in the area and their extension to the site will be efficient and without duplication. Residential development on the site, compared to non-residential development, will correspond more closely to the residential pattern that is established to the west and north. For these reasons, the proposal is consistent with the directives of this policy.

The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 3 (Infill Development)(SACP Section IV.E.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.

The 2.65 acre subject property is largely vacant, with one single family dwelling and a small number of outbuildings. The proposed zone change to RM1 will be consistent with properties previously rezoned RM1 and RM2 located along the south side of Davis Road, and provide for current housing needs in the in area. The comprehensive plan change/zone change will permit suburban infill development with the development of a property that is already served by City Services and all transportation to be developed with a higher density of housing that is needed in this area.

The subject property is designated “Developing Residential” on the Comprehensive Plan Map. This designation anticipates future urbanization and development primarily for single family and multiple family residential uses with services including schools, parks, and churches.

The proposed RM1 zoning for the property is consistent with the intent of the “Developing Residential” designation to hold land until such time it is converted to a more urban use. The proposed zone change from RA to RM1 will provide an opportunity for the development of an underutilized property in a manner that will be compatible with the development pattern of the surrounding neighborhood. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 6 (Multi-Family Housing)(SACP Section IV.E.6):***

Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities, and services:

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

The development is in close proximity to existing and proposed services, including Crossler Middle School and Secor Park, and commercial uses are located to the north of the site along Liberty Road S. The existing neighborhood consists of single family housing, and soon to be completed, 138 multi-family dwellings [townhouses on individual lots in the RM2 zone] on the south side of Davis Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

The RM1 zone requires a density ranging from 8 to 14 units per acre, and the proposed development would result in approximately 10.5 units per acre. The site is within walking distance of employment opportunities and transit routes. It is adjacent to Liberty Road S., the major street that connects to the commercial services near Kuebler Boulevard. Liberty Road S is a bike route. The site is also within the one-half mile service area of Secor Park and Bryan Johnston Park. For these reasons, the subject property is consistent with the factors stated in this policy for siting new multifamily housing or townhouses on individual lots at the density of the RM1 zone.

The proposed zone change from RA to RM1 will allow for the efficient use of residential land in a manner that increases the diversity of housing types available within the City at a location that is proximate to neighborhood services, served by transit, and located on a major arterial street. The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 7 (Circulation System and Through Traffic)(SACP Section IV.E.7):***

Residential neighborhoods shall be served by a transportation system that

provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;*
- b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;*
- c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

The subject property is located west of Liberty Road and south of Davis Road. The proposed development will have access to Davis Road via Honey Bee Street located to the north. A street extension toward the property to the south will be provided for existing and future development. The major streets are in place due to previous development.

Access to the single family dwelling on the subject property is provided via a driveway onto Liberty Road S. At the time of the pre-application conference for the preliminary proposal, the Public Works Department advised the applicant that access for the proposed development shall be extended from Honey Bee Street S through the proposed local street system and direct access to Liberty Road S is restricted. For future development, access will be provided through the existing local residential street to the north (Honey Bee Street S, Mariel Place S, and Joynak Street S). These streets provide a network for pedestrians, bicycles, and vehicles. The extension of Honey Bee Street S, and any other required streets within the future development, will be improved with curb and sidewalk to provide pedestrian access. The proposed street system in this area will provide circulation and access to the site and to the surrounding area as required by this policy.

The proposed zone change is consistent with this policy of the comprehensive plan.

▪ ***Residential Development Policy No. 8 (Protection of Residential Areas)(SACP Section IV.E.8):***

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

The proposed development provides a transitional buffer between the intensive RM2 multi-family development to the west and the single family areas to the east across Liberty Road. The proposed lower density RM1 zoning for the property will serve to protect the surrounding residential area by providing a transition from the more intensive multiple family residential zoned land to the west of the subject property. The proposed zone change is consistent with this comprehensive plan policy.

▪ ***Residential Development Policy No. 9 (Alternative Housing Patterns)(SACP Section IV.E.9):***

Residential Development Patterns 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.*

The surrounding properties are zoned for single family development and multi-family development, and the proposed development will provide a higher density of needed housing in Salem.

The proposal represents an opportunity for increased housing densities consistent with this directive. This will help to reduce the development costs per unit on the property, while increasing the efficiency of providing public services. Multiple forms of transportation are available to the location. The site is within proximity to employment, schools, and commercial services, which will reduce the vehicle miles traveled and length of auto trips needed to reach these services. The proposal is consistent with the factors of this policy.

The proposed zone change is consistent with this comprehensive plan policy.

▪ ***Residential Development Policy No. 10 (Requests for Rezonings)(SACP Section IV.E.10):***

Requests for re-zonings 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 subject property is designated for Residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not negatively impact adjacent properties.

The site is proposed to be re-designated to "Multi-family Residential" and re-zoned RM1, which allows a higher residential density than the current RA zone. There is need for the proposed multifamily housing. Adequate public services are available to serve development at the density allowed by the RM1 zone. There are no physical obstacles or barriers to development within the density

range allowed by the zone.

The current “Developing Residential” comprehensive plan designation of the property recognizes the potential for further urbanization and development for primarily single family and multiple family uses with neighborhood services such as schools, parks, and churches. Adequate public services are available and will be required to be extended to serve the site. The proposed zone change is consistent with this comprehensive plan policy.

(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 subject property is currently designated “Developing Residential” on the Salem Area Comprehensive Plan Map. Because the subject property is designated “Developing Residential,” the proposed zone change from RA to RM1 requires a corresponding comprehensive plan map change, but not a comprehensive plan map 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. This approval criterion is therefore not applicable to the proposed zone change.

(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. The Assistant City Traffic Engineer has reviewed this TPR Analysis and concurs with the finding of no significant impact.

The TPR analysis proposed construction of a maximum 27 townhouses while maintaining one existing single-family dwelling. While the applicant currently plans to divide the property and retain the single-family dwelling on one unit of land and add up to 27 townhouses on individual lots, no development proposal was required or submitted with the current application. The proposed rezoning would affect the entire subject property and would allow up to 38 dwelling units at the maximum density of 14 units/acre in the RM1 zone. To ensure that the proposed comprehensive plan map amendment, zone change, and future development will not have a significant impact on a transportation facility, the following condition of approval is adopted:

Condition 1: No more than 28 dwelling units shall be permitted within the subject property.

The zone change, as proposed to be conditioned, satisfies this approval criterion.

The proposal meets this criterion.

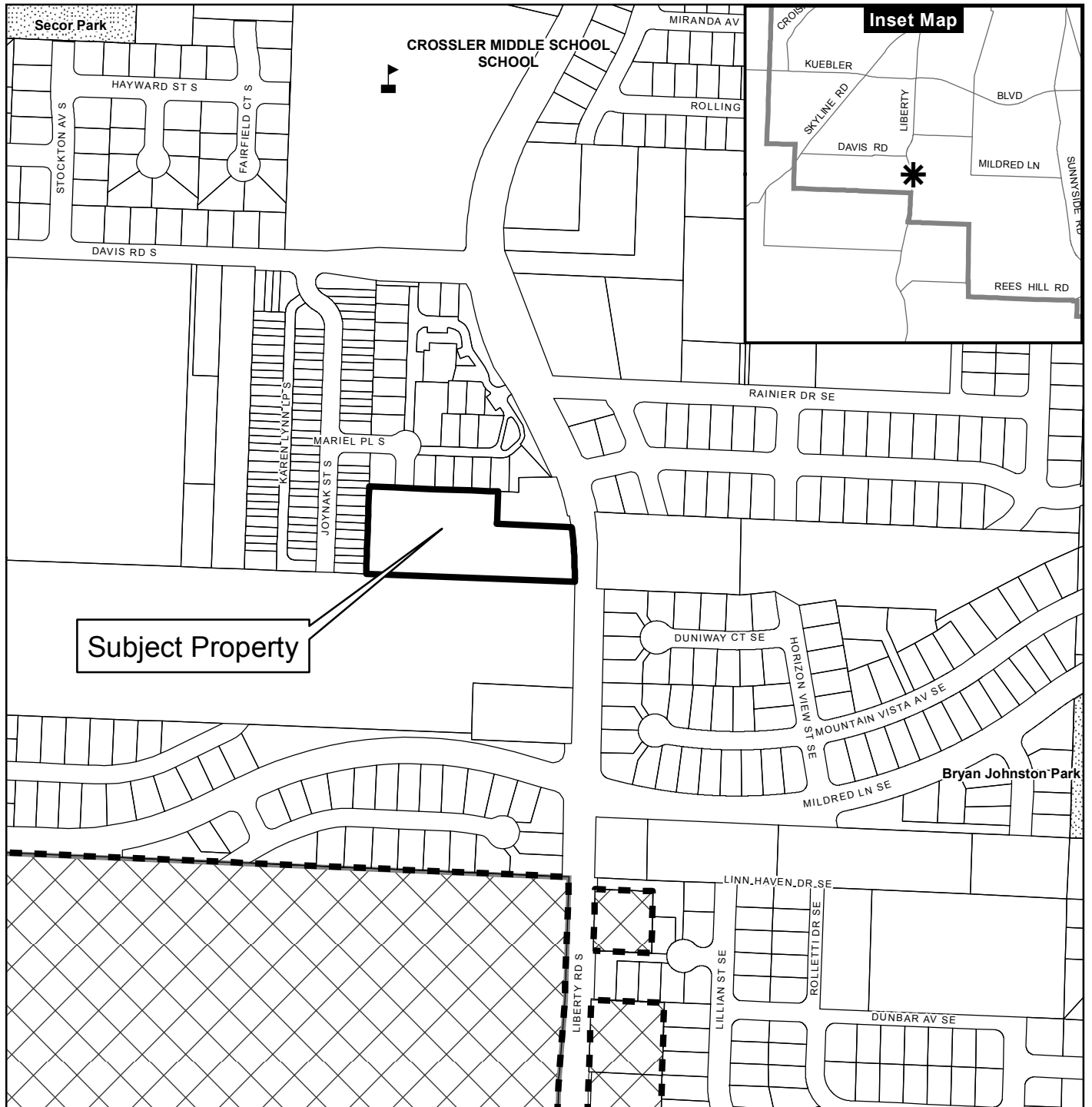
(G)The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

Finding: Sewer and storm infrastructure is available within surrounding streets and is adequate to serve the proposed development. The subject property is located within the S-3 water service level, and an 8-inch S-3 water main is available at the terminus of Honey Bee Street S. Reservoir capacity is limited in the S-3 water service level, but staff anticipates that water service will be available through a temporary facilities access agreement pursuant to SRC 200.080. Future development will require an Urban Growth Area (UGA) Preliminary Declaration to address linking and boundary facilities required to serve subject property under the standards and requirements of SRC Chapter 200. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

The proposal meets this criterion.

Vicinity Map

5821 Liberty Rd S



Legend

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

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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APPLICANT'S STATEMENT ADDRESSING THE COMPREHENSIVE PLAN /ZONE CHANGE CRITERIA

SRC 64.020(f)(2) minor plan change criteria:

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the Salem Area Comprehensive Plan (SACP). No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

64.025(e)(2)(A)(ii): Equally or Better Suited Designation

There is a lack of appropriately designated vacant RM1 sites within this vicinity. There is RM1 zoned property located along Davis Road and Liberty Rd. These sites are either already developed or presently put to other use. This site gives the applicant the ability to provide mixed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no property contiguous to the existing site that is zoned RM1 and vacant. The only similarly designated property undeveloped within the necessary proximity to the existing site being the RM1 parcel at 1974 Davis Rd S.

According to the most recent 2014 Housing Needs Analysis on the city's website, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation, the subject property can be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed will provide street connections for existing development to the properties to the north, and potential street connection to south for future development.

In conclusion, there are no sites for the proposed use located along Davis Road, Skyline Road, or Liberty Road that provide alternate access and egress in a southward direction for adjacent properties. The development will be located off of any right-of-way and better matches multi-family subdivisions to the west and north of the subject property. Therefore, this use is better suited for the site because of the location and the minimal visual impacts on the area.

Therefore, the proposal satisfies the above criterion.

64.025(e)(2)(B): Services

The City provided information at the pre-application conference that water and sewer lines are available at northern property boundary for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way. Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City. Private utilities will be provided

with under grounding of electrical, gas, telephone and cable lines into the site. The needed services are available for the development of the site.

4.025(e)(2)(C): Urbanization

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the Urban Growth Boundary (UGB). The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

The following Statewide Planning Goals apply to this proposal: The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the Salem Transportation System Plan (STSP). The proposal complies with the applicable intent statements of the Salem Area Comprehensive Plan (SACP) as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1-Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goals and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. The application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this goal. Notice of the proposal will be provided to property owners and public agencies, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 -Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, along with

findings and evidence to support the zone change and site plan review applications. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Goal 3 –Agricultural Lands:

The City's adopted Comprehensive Plan General Development Goals and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. The subject property under consideration as part of this application is presently zone Developing Residential and is not Agricultural Land. Thus, the proposal conforms to the land use planning process established by this Goal.

Goal 4-Forest Lands:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. The subject property under consideration as part of this application, which is presently zone Developing Residential, includes no Forest Land. Thus, the proposal conforms to the land use planning process established by this Goal.

Goal 5 -Natural Resources, Scenic and Historic Areas, and Open Spaces:

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City map there are no mapped wetlands or waterways on the subject property. There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables him to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 –Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Liberty Road and Davis Road. Liberty Road (east) is designated as a major arterial in the Salem Transportation System Plan (STSP). Davis Road (north) is designated as a collector in the Salem Transportation System Plan (STSP). Honey Bee Street, Mariel Place, and Joynak Street (north) are local streets according to the City of Salem Department of Public Works Administrative Rules Design Standards Sec.6.2 (a) 1. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact. The TPR Analysis dated November 9, 2018 identifies the traffic impact of the proposed multifamily development to be below 200 average trips per day.

The site largely is vacant. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 8 -Recreational Needs:

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. Salem identifies programs, activities and policies relating to parks and recreational activities in the community. The City's needs for leisure areas and open space areas have been identified in its adopted plans. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Crossler Middle School is located about one block to the north of the site. The middle school is located on the northwest corner of Davis Road and Liberty Road. Secor Park is located to the north of the subject property. These two sites provide adequate parks and recreation within the area. Therefore, the proposal complies with this Goal.

Goal 9-Economic Development:

The proposed zone change will have a positive impact on the economy of the City of Salem. The rezone will allow the property to be developed, which will create employment along with a housing type that is a less expensive option for families.

Goal 10 -Housing:

In 1998 and 2000, in order to meet State Wide Planning Goal 10 (Housing), properties in the vicinity along the eastern end of Davis Road were rezoned to RM1 and RM2 as part of the Salem Multi-Family Residential Land Study (SMFLS).

The subject property is 2.66 acres in size. The applicant is proposing to rezone the subject property from RA to RM1 and change the comprehensive plan designation from "Developing Residential" to "Multi-Family Residential". According to the 2014 Housing Needs Analysis, "Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation Salem has a deficit of about 207 gross acres of land in the Multi-Family Residential." The rezone helps maximize the density

while helping to meet housing needs within the Salem Urban Growth Boundary. Salem's Housing Needs Analysis dated December 2014 concludes on Page 47 with this principal recommendation:

"Redesignate or rezone land to Multi-Family. Salem's biggest opportunity to address the deficit of Multi-Family land will be through redesignating land from SF (or possibly DR) to MF. "

The applicant's proposal helps the City redesignate land while helping meet the housing needs.

The development will also be located in an area in close proximity to existing and proposed services. Crossler Middle School is located about one block to the north of the site. The middle school is located on the northeast end of Davis Road at the intersection with Liberty Road. Secor Park is located about 1/4 mile to the north of the subject property. Commercial Services are currently available to the north along Liberty Road.

The immediate neighborhood consists of some single family housing and predominately multi-family housing on Joynak Street and Davis Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards. The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 -Public Facilities and Services:

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal ,by requiring development to be served by public services. The proposal is for appropriate urban development in an area where future extensions of those services can be provided in an efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use. The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will 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 Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools. Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 -Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located west of Liberty Road and south of Davis Road. The major streets are in place due to previous developments. The applicant will have access to Davis Road via Honey Bee Street to the north. The subject property will have the potential to provide street connections to properties to the south for future development. A TPR analysis dated November 9, 2018, has been submitted with the application.

64.025(e)(2)(E): Public Interest

The public is benefitted by creating a well-located parcel of multi-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in reasonable and a responsible manner. The rezoning addresses planning issues such as use, adequate parking, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography will be taken into consideration for lot layout and access.. In summary, by establishing a use that is consistent with the future economic and multi-family needs, and by providing a compatible use, the proposed change benefits the public.

ZONE CHANGE CRITERIA SRC CHAPTER 265

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate. This zone change is requested in order to allow a higher density use on the site. The proposed RM1 zone will implement the requested "Multi-Family Residential" SACP map designation.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

(1) A quasi-Judicial zone change shall be granted if all of the following criteria are met:

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

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

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

(iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical

characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Applicant Response to (A)(iii): The proposed zone change fits the development pattern of the vicinity. The adjacent property zoned RM2 to the West, nearing completion, comprises 94 townhomes. The adjacent property zoned RM1 to the North, also nearing completion, incorporates 22 duplexes for a total of 44 residences. On account of these neighboring properties to the north and west presently developed as multi-family residential, the proposed townhomes, constructed as triplexes, or similar, will be compatible with the existing uses.

The TPR Analysis dated November 9, 2018 finds the total average trips for this subdivision zoned RM1 to be less than 200 trips per day, and as such does not degrade the performance of any existing or planned transportation facility and no mitigation is necessary in conjunction with the proposed zone change. .

Therefore, in conclusion, due to compatibility with the surrounding uses and the minimal traffic impacts, the RM1 zone will be better suited for the site than the existing DR zone. A TPR Analysis dated November 9, 2018, has been submitted with the application. This criteria has been met.

(B) City-initiated zone change.

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

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

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Developing Residential" to 'Multi-Family Residential'. The proposal complies with the "Residential" Goals and provisions of the SACP by creating an area that promotes multi-family uses.

Residential Development Goal

The SACP states that one of the intents of the Residential Development goals is, "To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing." The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

Residential Development Policies

Establishing Residential Uses: The applicant's proposal is to rezone the 2.66 acre property from RA and RM1 to allow a higher density to be built on the site. As stated above, according to the 2014 Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary, therefore, establishing a mixture of residential uses within the area.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located west of Liberty Road and south of Davis Road. The major streets are in place due to previous development. Street extensions to properties to the south can be provided for existing and future development. The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use. The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: The 2.66 acre subject property is largely vacant, having presently one single family dwelling and a small number of outbuildings. The subject property along with the adjoining property to the south, is surrounded in all directions by residentially developed land. In order to provide a mixture of housing in the area, the applicant is requesting a zone change. The majority of properties along Davis Road from Red Leaf Drive to Liberty Rd are zoned for multi-family development. The subject property zone change to RM1 will complete a contiguous block of multifamily subdivisions south of Davis Road.

The comprehensive plan encourages a mixture of housing types within a neighborhood. The comprehensive plan designation for the site is "Developing Residential". The rezoning of the site to RM1 will be consistent with properties previously rezoned RM1 and RM2 located along the south side of Davis Road, and will also be consistent with State Wide Planning Goal 10, and current housing needs in the area.

The comprehensive plan change/zone change will permit suburban Infill development with the development of a property that is already served by City Services and all transportation to be developed with a higher density of housing that is needed in this area.

Multi-Family Housing: The development will also be located in an area in close proximity to existing and proposed services. Crossler Middle School is located about one block to the north of the site. The middle school is located on the northwest corner of Davis Road and Liberty Road. Secor Park is located about 1/4 a mile to the north of the subject property. These two sites provide adequate parks and recreation within the area. Commercial uses are located to the north of the site along Liberty Road S. The existing neighborhood consists of single family housing, and soon to be completed, 138 multi-family dwellings on the south side of Davis Road. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

Circulation System and Through Traffic: The subject property is located west of Liberty Road and south of Davis Road. The proposed development will have direct access to Davis Road via Honey Bee Street located to the north. A street extensions toward the property to the south will be provided for existing and future development. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and multi-family development. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem.

Requests for Rezoning: The subject property is designated for Residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not negatively impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 513. As required by code, the applicant will submit a Site Plan Review application.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide 24 to 27 needed multi-family units within the area. This development will be in a location with access to the commercial developments on Liberty Road and Commercial Street to the north, therefore meeting the guidelines of providing housing within areas having access to services. The development of the site will encourage a mixture of housing types and higher densities within a suburban infill lot.

Salem-Keizer Housing Needs Analysis:

According to the 2014 Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land." The rezone helps maximize the density while helping to meet housing needs. Therefore, this criteria has been met.

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

Applicant Response to (D): All Planning Goals have been addressed above. See findings under 64.025(e)(2)(D).

***(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.

Applicant Response to (E): The applicant is proposing to change the zone from RA to RM1. The subject property is currently zoned residential. Therefore, this criteria 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.

Applicant Response to (F): The current zoning of the property is RA. The applicant is proposing to change the zone to RM1, so the site can be developed at a higher density.

A TPR Analysis (See Attached Memo dated November 9, 2018) prepared by the applicant's traffic engineer indicates that, "The proposed zone change will not degrade the performance of any existing or planned transportation facility. Accordingly, the TPR is satisfied, and no mitigation is necessary or recommended in conjunction with the proposed zone change. The development of a maximum of 27 townhouses is projected to generate fewer than 200 average daily trips whereby a full Transportation Impact Study (TIS) is not required per City of Salem code."

Therefore, the proposed zone change will not affect the existing transportation facilities in the area.

This criterion has been met.

(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.

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RM1 zone. Therefore, this criteria has been met.

CONCLUSION

We believe that requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and satisfies all applicable criteria. As demonstrated herein, the "Multi-Family Residential" land use designations and corresponding RM1 (Multi-Family Residential) zoning designation are appropriate for the subject property. We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

Technical Memorandum

To: William Armstrong
Lawrence N Pearl, LLC.

From: Daniel Stumpf, EI
William Farley, PE

Date: November 9, 2018

Subject: 5821 Liberty Road S Zone Change
Trip Generation & Transportation Planning Rule Analysis



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Introduction

This memorandum reports the findings of a trip generation analysis conducted for the proposed zone change and subsequent redevelopment of a property located at 5821 Liberty Road S in Salem, Oregon.

The purpose of this memorandum is to examine the change in the trip generation potential of the site following a change in zoning from *Single Family Residential* (RS) to *Multiple Family Residential-I* (RM-I), with subsequent development of a maximum of 27 townhouses while maintaining an existing single-family house. The study will review the morning peak hour, evening peak hour, and average daily trip generation potentials of the site under both zones, and will address the Transportation Planning Rule (TPR) to ensure that the transportation system is capable of supporting any changes in traffic intensity resultant of the proposed zone change. Trip generation of the proposed development will also be addressed; however, the final townhouse unit count will be dependent on the results of the zone change and TPR analysis.

Location & Project Description

The project site is located north of Mildred Lane SE, south of Davis Road S, east of Joynak Street S, and west of Liberty Road S in Salem, Oregon. The site includes a single tax lot, lot 600, which encompasses an approximate total of 2.63 acres. The site is currently developed with one single-family detached house with direct access long Liberty Road S. Future access between the proposed townhouses will be provided via Honey Bee Street which ends as a stub street along the northern edge of the site.

Figure 1 presents an aerial image of the nearby vicinity with the project site outlined in yellow.



Figure 1: Aerial Photo of Site Vicinity (Image from Google Earth)

Trip Generation – Proposed Zone Change

The subject site is currently zoned as *Single Family Residential* (RS) and is proposed for a change in zoning to *Multiple Family Residential-I* (RM-I). To determine the impacts of the proposed change in zoning, reasonable “worst-case” development scenarios for the existing and proposed zones were determined utilizing data for the most traffic-intensive uses permitted within each zone.

Existing RS Zone

To determine a reasonable “worst-case” development scenario under the existing zoning, City of Salem Code Section 511: *RS–Single Family Residential* was referenced and compared to land uses provided within the *Trip Generation Manual*¹. Based on an assessment of permitted uses under the RS zone, data from land use code 210, *Single-Family Detached Housing*, was used based on the number of potential dwelling units.

Upon inspection of *Table 511-2 – Lot Standards*, the minimum lot size for a single-family house is 4,000 square feet. It should be noted that duplexes are permitted uses within an RS zone, provided they are located on a

¹ Institute of Transportation Engineers (ITE), *Trip Generation Manual*, 10th Edition, 2017.

November 9, 2018
Page 3 of 6

corner lot. The minimum lot size for a duplex is 7,000 square feet. It is assumed that no more than two duplexes could reasonably be developed within the project site.

Based on input from City of Salem staff, it is assumed that a 25 percent reduction in site buildable area will be necessary to accommodate street right-of-way improvements, public space, etc. With a site area of 2.63 acres, or approximately 114,563 square feet, a maximum of 21 residential dwelling units may be constructed, regardless of the developable mix of single-family houses and duplexes.

Proposed RM-I Zone

To determine a reasonable “worst-case” development scenario under the proposed zoning, City of Salem Code Section 513: *RM-I–Multiple Family Residential* was referenced and compared to land uses provided within the *Trip Generation Manual*. Based on an assessment of permitted uses under the RM-I zone, data from land use code 210 and 220, *Multifamily Housing (Low-Rise)*, were used based on the number of potential dwelling units.

Per *Table 513-3 – Dwelling Unit Density*, the maximum density for residential dwellings units on a per acre basis is 14 dwelling units. Based on a project site acreage of 2.63 acres, the proposed RM-I zone could include the construction of up to 36 residential apartment/attached dwelling units within the site.

Trip Generation Comparison

The trip generation calculations show that under the existing RS zone, the subject site could reasonably generate up to 16 morning peak hour trips, 21 evening peak hour trips, and 198 average weekday trips. Under the proposed RM-I zone, the site could reasonably generate up to 17 morning peak hour trips, 20 evening peak hour trips, and 264 average weekday trips. Accordingly, the net change in trip generation potential of the site after the proposed rezone is projected to increase by 1 morning peak hour trip, decrease by 1 evening peak hour trip, and increase by 66 average weekday trips.

The trip generation estimates are summarized in Table 1. Detailed trip generation calculations are included as an attachment to this memorandum.



November 9, 2018
Page 4 of 6

Table 1: Trip Generation Summary – Proposed Zone Change

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Existing RS Zone									
Single-Family Houses	210	21 units	4	12	16	13	8	21	198
Proposed RM-I Zone									
Multifamily Dwellings	220	36 units	4	13	17	13	7	20	264
Net Change in Trip Generation Potential			0	1	1	0	-1	-1	66

Transportation Planning Rule

The Transportation Planning Rule (TPR) is in place to ensure that the transportation system is capable of supporting possible increases in traffic intensity that could result from changes to adopted plans and land use regulations. The applicable elements of the TPR are each quoted in italics below, with responses following.

660-012-0060

- (1) *If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:*
- (a) *Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
 - (b) *Change standards implementing a functional classification system; or*
 - (c) *Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

November 9, 2018
Page 5 of 6

- (A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.*

In the case of this analysis, subsections (a) and (b) are not triggered since the proposed zone change will not impact or alter the functional classification of any existing or planned facility and the proposal does not include a change to any functional classification standards.

With regard to subsection (c), the proposed rezone is projected to negligibly increase the morning peak hour and decrease the evening peak hour trip generation potentials of the site; however, the average weekday trip generation potential is projected to increase by up to 66 trips. Based on correspondence with City of Salem staff, a trip cap may be placed on the site to limit the trip generation potential to levels consistent with the RS zone. However, upon review of the City of Salem's *Transportation System Plan (TSP)*, the peak analysis period analyzed in the TSP is the evening peak hour. Given the evening peak hour is the critical analysis period and the proposed zone change will not increase the evening peak hour trip generation potential of the site, the zone change will have no significant impact on the operation of area streets and intersections. Therefore, subsection (c) is not triggered.

Based on the detailed analysis, the proposed zone change will not degrade the performance of any existing or planned transportation facility. Accordingly, the TPR is satisfied, and no mitigation is necessary or recommended in conjunction with the proposed zone change.

Trip Generation – Proposed Development

The proposed development may include the construction of a maximum 27 townhouses while maintaining 1 existing single-family house. To estimate the number of additional trips that could be generated by the proposed development, trip rates from the *Trip Generation Manual* were used. Data from land use codes 210 and 220 were used to estimate existing and proposed site trip generation based on the number of single-family and townhouse dwelling units.

The trip generation estimates are summarized in Table 2. Detailed trip generation calculations are included as an attachment to this memorandum.



November 9, 2018
Page 6 of 6

Table 2: Trip Generation Summary – Proposed Development

	ITE Code	Size	Morning Peak Hour			Evening Peak Hour			Weekday
			Enter	Exit	Total	Enter	Exit	Total	Total
Existing Development									
Single-Family House	210	1 unit	0	1	1	1	0	1	10
Proposed Development									
Single-Family House	210	1 unit	0	1	1	1	0	1	10
Townhouses	220	27 units	3	9	12	9	6	15	198
Total			3	10	13	10	6	16	208
Net Change in Site Trip Generation			3	9	12	9	6	15	198

Based on the trip generation analysis, the proposed development of 27 townhouses is projected to generate an additional 12 morning peak hour trips, 15 evening peak hour trips, and 198 average weekday trips. Since the development of 27 townhouses is projected to generate fewer than 200 average daily trips, a full Transportation Impact Study (TIS) is not required per City of Salem code.

Conclusions

The proposed zone change will not degrade the performance of any existing or planned transportation facility. Accordingly, the TPR is satisfied, and no mitigation is necessary or recommended in conjunction with the proposed zone change.

The development of a maximum of 27 townhouses is projected to generate fewer than 200 average daily trips whereby a full Transportation Impact Study (TIS) is not required per City of Salem code

If you have any questions regarding this technical memorandum, please don't hesitate to contact us.

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TRIP GENERATION CALCULATIONS

Existing RS Zone

Land Use: Single-Family Detached Housing

Land Use Code: 210

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Variable Value: 21

AM PEAK HOUR

Trip Rate: 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	4	12	16

PM PEAK HOUR

Trip Rate: 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	13	8	21

WEEKDAY

Trip Rate: 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	99	99	198

SATURDAY

Trip Rate: 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	100	100	200

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TRIP GENERATION CALCULATIONS

Proposed RM-I Zone

Land Use: Multifamily Housing (Low-Rise)
Land Use Code: 220
Setting/Location General Urban/Suburban
Variable: Dwelling Units
Variable Value: 36

AM PEAK HOUR

Trip Rate: 0.46

	Enter	Exit	Total
Directional Distribution	23%	77%	
Trip Ends	4	13	17

PM PEAK HOUR

Trip Rate: 0.56

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	13	7	20

WEEKDAY

Trip Rate: 7.32

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	132	132	264

SATURDAY

Trip Rate: 8.14

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	147	147	294

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TRIP GENERATION CALCULATIONS

Existing and Proposed Development

Land Use: Single-Family Detached Housing

Land Use Code: 210

Setting/Location: General Urban/Suburban

Variable: Dwelling Units

Variable Value: 1

AM PEAK HOUR

Trip Rate: 0.74

	Enter	Exit	Total
Directional Distribution	25%	75%	
Trip Ends	0	1	1

PM PEAK HOUR

Trip Rate: 0.99

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	1	0	1

WEEKDAY

Trip Rate: 9.44

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

SATURDAY

Trip Rate: 9.54

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	5	5	10

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TRIP GENERATION CALCULATIONS

Proposed Development (Maximum Unit Count)

Land Use: Multifamily Housing (Low-Rise)
Land Use Code: 220
Setting/Location General Urban/Suburban
Variable: Dwelling Units
Variable Value: 27

AM PEAK HOUR

Trip Rate: 0.46

	Enter	Exit	Total
Directional Distribution	23%	77%	
Trip Ends	3	9	12

PM PEAK HOUR

Trip Rate: 0.56

	Enter	Exit	Total
Directional Distribution	63%	37%	
Trip Ends	9	6	15

WEEKDAY

Trip Rate: 7.32

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	99	99	198

SATURDAY

Trip Rate: 8.14

	Enter	Exit	Total
Directional Distribution	50%	50%	
Trip Ends	110	110	220

Source: TRIP GENERATION, Tenth Edition