

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

## DECISION OF THE HEARINGS OFFICER

**QUASI-JUDICIAL ZONE CHANGE CASE NO.: ZC19-02**

**APPLICATION NO. : 19-109380-ZO**

**NOTICE OF DECISION DATE: JULY 19, 2019**

**SUMMARY:** Quasi-Judicial Zone Change from RM-I (Multiple Family Residential) to RM-II (Multiple Family Residential).

**REQUEST:** An application for a Quasi-Judicial Zone Change from RM-I (Multiple Family Residential) to RM-II (Multiple Family Residential), for a 7.26-acre portion of a property approximately 33.88 acres in size that is currently vacant. The property is currently split-zoned RM-I (Multiple Family Residential), RM-II (Multiple Family Residential), and RS (Single Family Residential), and is located at 4485 Kale Street NE (Marion County Assessor Map and Tax Lot Number(s): 062W32C00800).

**APPLICANT:** Brandie Dalton, Multi/Tech Engineering, on behalf of I and E Construction, Inc.

**LOCATION:** 4485 Kale St NE / 97305

**CRITERIA:** Salem Revised Code (SRC) Chapter 265.005(e)

**FINDINGS:** The findings are in the attached Decision dated July 19, 2019.

**DECISION:** The **Hearings Officer APPROVED** Quasi-Judicial Zone Change ZC19-02 based upon the application materials deemed complete on June 3, 2019 and the findings as presented in this report.

Application Deemed Complete:	<u>June 3, 2019</u>
Public Hearing Date:	<u>June 26, 2019</u>
Notice of Decision Mailing Date:	<u>July 19, 2019</u>
Decision Effective Date:	<u>August 6, 2019</u>
State Mandate Date:	<u>October 1, 2019</u>

Case Manager: Brandon Pike, [bpike@cityofsalem.net](mailto:bpike@cityofsalem.net), 503-540-2326

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., Monday, August 5, 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 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

# NOTICE OF DECISION

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



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.

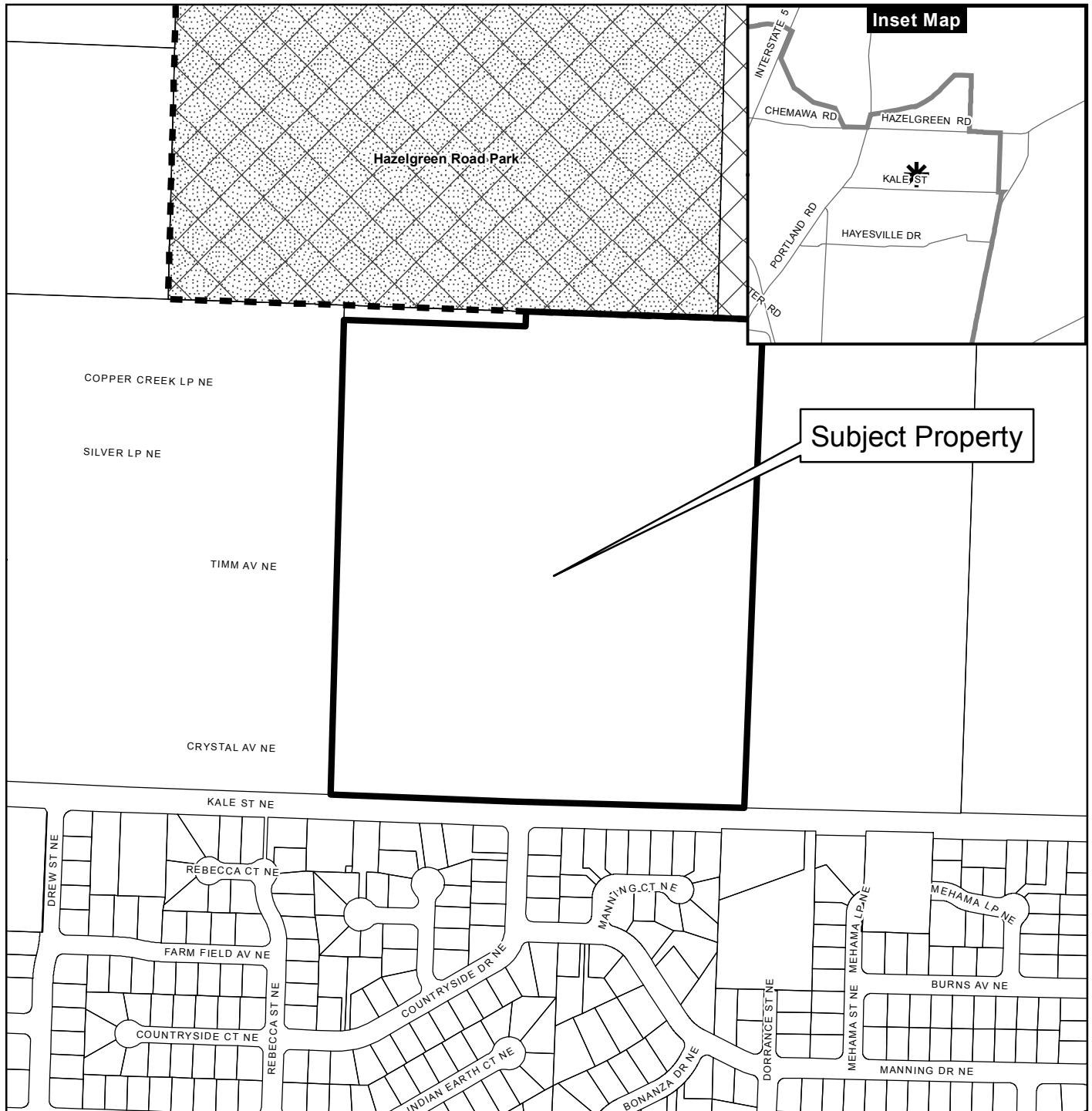
The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

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

# Vicinity Map

## 4485 Kale Street NE



### Legend

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

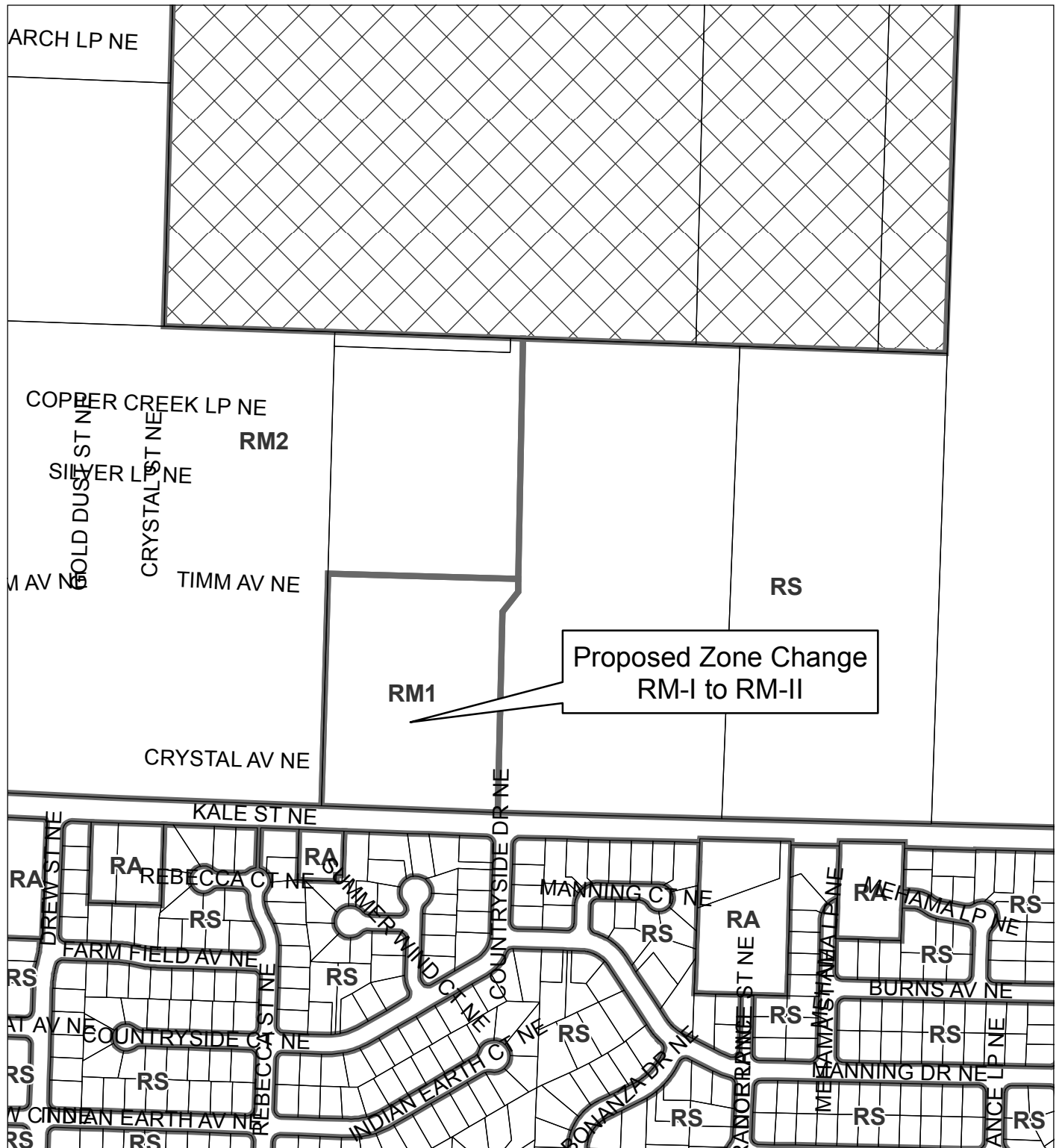
0 100 200 400 Feet



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

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

# Vicinity Zoning - 4485 Kale Street NE



## Legend

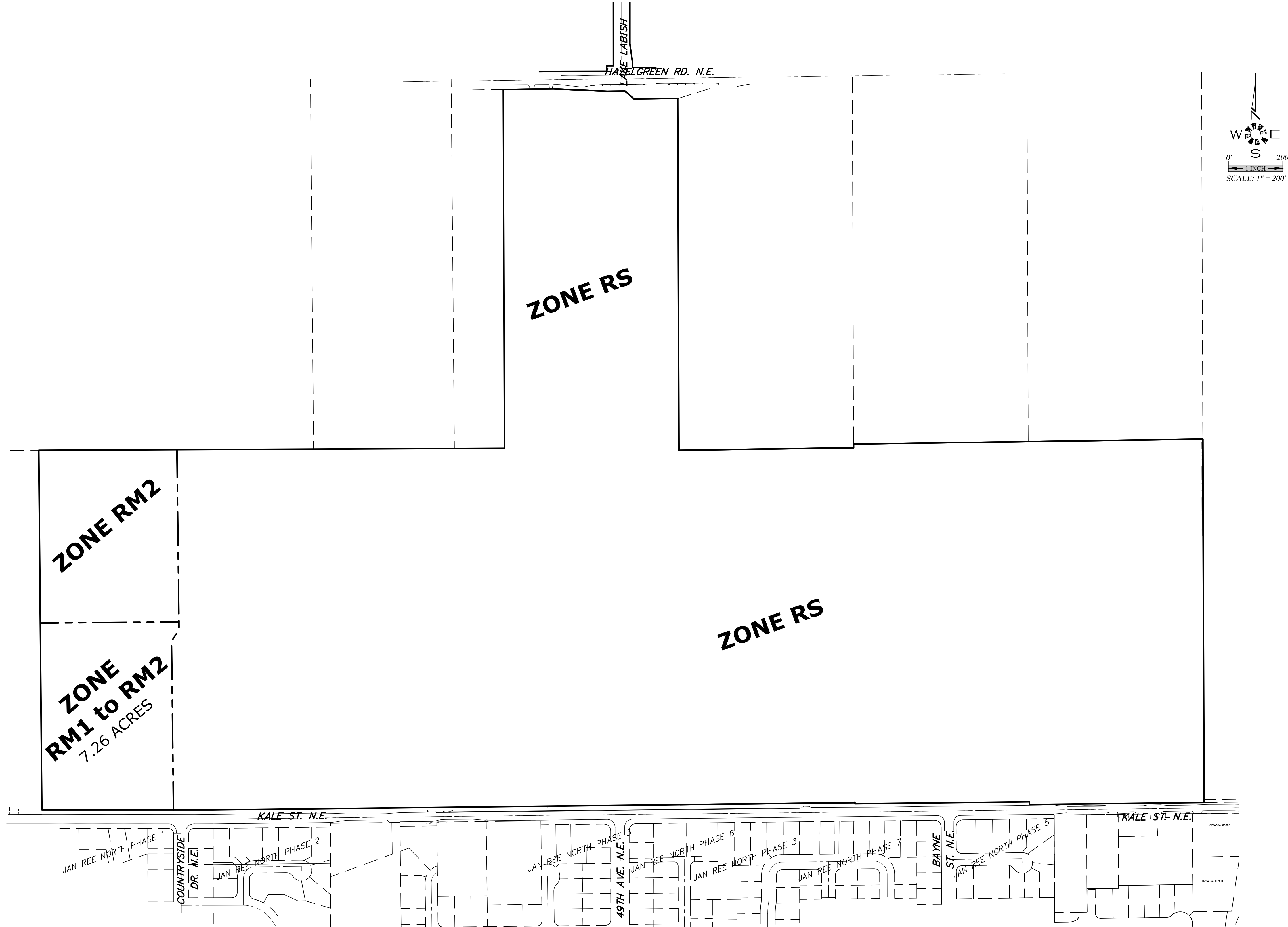
- |                           |         |
|---------------------------|---------|
| <b>RS</b> Base Zoning     | Taxlots |
| Urban Growth Boundary     | Parks   |
| Outside Salem City Limits | Schools |

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

0 50 100 200 Feet



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



ZONE MAP

NORTHSTAR

MULTI/TECH ENGINEERING EXEMPT FROM  
LIABILITY IF NOT STAMPED APPROVED  
  
NOT FOR  
CONSTRUCTION  
UNLESS STAMPED  
APPROVED HERE

NO CHANGES, MODIFICATIONS  
OR REPRODUCTIONS TO BE  
MADE TO THESE DRAWINGS  
WITHOUT WRITTEN  
AUTHORIZATION FROM THE  
DESIGN ENGINEER.  
  
DIMENSIONS & NOTES TAKE  
PRECEDENCE OVER  
GRAPHICAL REPRESENTATION.

6610 Well Locations ZONE  
Design: M.D.G.  
Drawn: C.F.S.  
ProjMgr: J.J.G.  
Date: ----  
Scale: AS SHOWN  
As-Built: ----

**CITY OF SALEM  
BEFORE THE HEARINGS OFFICER**

AN APPLICATION FOR A QUASI-JUDICIAL	}	
ZONE CHANGE FROM RM-I (MULTIPLE	}	ZC19-02
FAMILY RESIDENTIAL) TO RM-II	}	
(MULTIPLE FAMILY RESIDENTIAL), FOR A	}	
7.26-ACRE PORTION OF A PROPERTY	}	FINDINGS OF FACT, CONCLUSIONS, AND
APPROXIMATELY 33.88 ACRES IN SIZE	}	DECISION
THAT IS CURRENTLY VACANT. THE	}	
PROPERTY IS CURRENTLY SPLIT-ZONED	}	
RM-I (MULTIPLE FAMILY RESIDENTIAL),	}	
RM-II (MULTIPLE FAMILY RESIDENTIAL),	}	
AND RS (SINGLE FAMILY RESIDENTIAL),	}	
AND IS LOCATED AT 4485 KALE STREET	}	
NE – 97305	}	

**DATE AND PLACE OF HEARING:**

June 26, 2019, Salem Community Development Department, Room 305, Civic Center, 555 Liberty Street SE, Salem, Oregon.

**APPEARANCES:**

<u>Staff:</u>	Brandon Pike, Planner I
<u>Neighborhood Association:</u>	None
<u>Proponents:</u>	Brandie Dalton, Multi/Tech Engineering, on behalf of I and E Construction, Inc., Agent for Applicant
<u>Opponents:</u>	None
<u>Neutral:</u>	Al Unruh, Neighbor

**SUMMARY OF THE APPLICATION AND HEARING**

**BACKGROUND**

The City of Salem held a duly authorized and noticed public hearing on June 26, 2019, regarding an application for a Quasi-Judicial Zone Change from RM-I

(Multiple Family Residential) to RM-II (Multiple Family Residential) located at 4485 Kale Street NE – 97305.

During the hearing, Brandon Pike requested the Staff Report be entered into the Record, and the Hearings Officer granted the request. Prior to the close of the public hearing, the applicant waived the additional 7-day period for additional testimony.

The Staff Report, and Staff presentation stated, observed, noted and alleged the following:

### **FINDINGS OF FACT AND CONCLUSIONS**

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

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Multi-Family Residential" for the portions of the property currently zoned RM-I and RM-II, and "Single Family Residential" for the portion zoned RS. The Salem Comprehensive Policies Plan describes the predominant uses within the residential designations as single family and multifamily dwelling units. There are, however, other compatible land uses that are permissible and which provide services to the individuals living in the residential areas. These uses include schools, parks, and churches.

Because the proposed RM-II (Multiple Family Residential) zoning is consistent with the "Multi-Family Residential" Comprehensive Plan designation of the portion of the subject property included in this zone change application, a concurrent Comprehensive Plan Map Amendment is not required.

The Comprehensive Plan designations of surrounding properties include:

North: "Industrial"

South: Across Kale Street NE – "Developing Residential"

East: "Single Family Residential"

West: "Multi-Family Residential"

The property is outside the Urban Service Area.

#### **2. Zoning and Surrounding Properties**

The subject site is currently split-zoned RM-I (Multiple Family Residential), RM-II (Multiple Family Residential), and RS (Single Family Residential).

The zoning of surrounding properties is described as follows:

North: Marion County – UT-20-IND (Urban Transition Industrial); undeveloped agricultural land.

South: Across Kale Street NE – RS (Single Family Residential) and RA (Residential Agriculture); single-family / two-family subdivision.

East: RS (Single Family Residential); Northstar single-family / two-family subdivision.

West: RM-II (Multiple Family Residential); manufactured home park.

### **3. Neighborhood and Citizen Comments**

The subject property is located within the boundaries of the Northgate Neighborhood Association. Notification was sent on June 6, 2019 to the neighborhood association and surrounding property owners within 250 feet of the property. Prior to the hearing, no comments were received from the neighborhood association or from adjoining property owners.

During the public hearing, Al Unruh, a property owner across the street from the subject property, testified. Mr. Unruh expressed concern over increased traffic once the property is developed, and the impact of multi-family housing on the value of his single-family home.

The Hearings Officer agrees with City Staff and adopts the findings in paragraphs 1-3, above.

### **4. City Department and Public Agency Comments**

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

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

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

### **5. Public Agency and Private Service Provider Comments**

The Salem-Keizer School District reviewed the proposal and provided comments, which was included in the staff report as Attachment F.



The Hearings Officer notes the statements in paragraphs 4 and 5 are uncontested and finds the same useful in addressing the criteria below.

## **6. Criteria for Granting a Quasi-Judicial Zone Change**

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 applicable criteria and factors are stated below in **bold** print. Following each criterion are the findings relative to the amendment requested.

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

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

The Hearings Officer notes that the applicant does not identify a mistake in the application of a land use designation to the property. The applicant does not identify a change in the economic, demographic, or physical character of the vicinity. The Hearings Officer notes that the applicant has requested the zone change under (iii): the proposed zone change is equally or better suited for the property than the existing zone.

The applicant identifies four reasons they believe the proposed RM-II zoning designation to be equally or better suited for the subject property than the existing RM-I zone:

- 1) The site is located within an area of Salem with available public facilities and services;

- 2) The northern portion of the property is already zoned RM-II;
- 3) The RM-II zone will allow the site to be developed with uses that are compatible with the surrounding uses; and,
- 4) The development of the site will provide additional housing in order to help meet housing needs within the City.

The Hearings Officer notes that the RM-II zone generally allows two family and multiple family residential uses and activities. The proposed RM-II zoning designation will allow a greater density of housing for the subject property, while allowing for development that is compatible with surrounding uses.

The Hearings Officer notes that the City of Salem's 2015-2035 Housing Needs Analysis estimated a deficit of 2,897 multi-family residential dwelling units. The Hearings Officer notes that the proposed zone change would allow for the development of more multi-family residential dwelling units than the current zoning would allow at the subject property.

The Hearings Officer finds that the proposed zone change is equally or better suited to the property than the existing RM-I zone.

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

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

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

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

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

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

*Development Compatibility B.12*

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

The Hearings Officer notes that the future development of the site will be required to conform to the development standards of the RM-II (Multiple Family Residential) zone, which shares similar setback and landscaping requirements as the current RM-I (Multiple Family Residential) zone. This would include adhering to the multiple family design review guidelines and standards of SRC Chapter 702 for multiple family development. The RM-II zone allows for buildings for multiple family, residential care, nursing care, and short-term commercial lodging uses up to 50 feet in height, while the current RM-I zone restricts the height of buildings associated with single family, two family, multiple family, residential care, nursing care, and short-term commercial lodging uses to 35 feet in height.

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

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

*Development Compatibility C.4*

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

The Hearings Officer notes that the subject property is not located within the Urban Service Area. The subject property received UGA approval through UGA preliminary declaration case no. 07-01 for the Northstar subdivision. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

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

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

*Infill on Facilities D.9*

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

The Hearings Officer finds that the subject property is not located within the Urban Service Area. The subject property received UGA approval through UGA preliminary declaration case no. 07-01 for the Northstar subdivision. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The Hearings Officer finds that this proposal is consistent with this policy.

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

*To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.*

*Establishing Residential Uses 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 Hearings Officer notes that the applicant's proposal would allow for a higher housing density than the existing zoning designation, meeting the density goal of General Development Policy 7 and allowing for a greater housing supply for an increasing City population. The proposed zoning would match existing zoning designations to the north and west, allowing for the character of future development to match surrounding development in the neighborhood.

The Hearings Officer notes that the Public Works Department has reviewed the proposal and indicated that the water, sewer, and storm

infrastructure are available within surrounding streets/areas and appear to be adequate to serve future development under the proposed zone. The subject property is served by existing City streets and transit service, with a transit stop located less than half a mile away at the intersection of Kale Street NE and Happy Drive NE.

The Hearings Officer notes that services, including schools (Hammond Elementary School) and parks (Hoodview Park, and the proposed Hazelgreen Park), are located nearby. Hazelgreen Park is proposed directly to the north of the subject property, which would provide a valuable recreational and open space service to future residential development in the area. The subject property is relatively close in proximity to Portland Road NE and Lancaster Drive NE—0.5 to 1 mile from the subject property, respectively. This provides access to necessary employment and entertainment opportunities.

The Hearings Officer finds that the proposed zoning designation would allow for a higher housing density than the existing zone, meeting the density goal of General Development Policy 7.

#### *Facilities and Services Location 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 Hearings Officer finds that the subject property is located north of and abutting Kale Street NE. The property is served by existing streets due to previous development. The applicant states that street extensions will be provided for existing and future development, as well as future improvements to public facilities will be provided at adequate levels to serve future development.

The Hearings Officer notes that the subject property is located within the urban growth boundary, inside the city limits and located outside the Urban Service Area. The subject property received UGA approval through UGA preliminary declaration case no. 07-01 for the Northstar subdivision.

#### *Infill Development 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 Hearings Officer notes that the subject property is currently vacant and underutilized. The applicant states that the proposed zone change to RM-II will encourage infill development and promote the efficient use of residential land, allowing for between 87 to 204 dwelling units within the subject property.

*Multi-Family Housing 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 Hearings Officer finds that the proposed zoning designation would require a higher minimum dwelling unit density than the existing zoning designation—the RM-I zone has a minimum dwelling unit density of 8 units per acre, while the proposed RM-II zone has a minimum dwelling unit density of 12 units per acre. The proposed RM-II designation would allow for a range of densities and a variety of housing types. The applicant states that the existing neighborhood consists of single family and multiple family dwellings on Kale Street NE. In order to maintain the character of the neighborhood, the subject property will be developed in compliance with applicable design standards.

*Circulation System and Through Traffic 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 Hearings Officer notes that the subject property will have direct access to Kale Street NE and the Northstar subdivision. The Hearings Officer finds that any future development at the subject property will be reviewed for compliance with standards related to pedestrian, bicycle, and motor vehicle access.

#### *Alternative Housing Patterns 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 Hearings Officer finds that in order to provide a residential housing pattern while being consistent with the neighborhood, the proposed RM-II zone will provide opportunity for a higher density of multi-family housing to be developed, helping to address the projected deficit of multi-family dwelling units within Salem.

#### *Requests for Rezoning E.10*

*Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:*

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

The Hearings Officer finds that the subject property is designated on the comprehensive plan for the proposed zoning designation, and adequate public services are planned to serve the site at the time of development. The site's physical characteristics support higher density development, with level

topography and access to public facilities. As stated above, future development of the subject property will be reviewed for adherence to Residential Development Policy 7.

*Urban Design E.11*

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

The Hearings Officer notes the applicant's statement that applications for design review and site plan review will be submitted in compliance with the multiple family design review guidelines and standards. The Hearings Officer concurs that this will ensure that future development at the subject property will improve quality of life for local residents and promote neighborhood compatibility.

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

The applicable Statewide Planning Goals are addressed as follows:

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

The Hearings Officer notes that a public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the Northgate Neighborhood Association.

The Hearings Officer finds that this satisfies Citizen Involvement described in Goal 1.

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

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



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

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

The Hearings Officer finds that the proposal is consistent with Goal 5.

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

The Hearings Officer notes the applicant's statement that the proposed zone will allow for the creation of employment opportunities during development, as well as provide a housing type that is more affordable for families. The Hearings Officer finds that this would help to improve and strengthen the economic base of the Salem urban area, thereby meeting this policy.

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

The Hearings Officer notes that the City has recently conducted a Housing Needs Analysis (HNA) to determine housing needs for the community for the next 20 years. The HNA concluded that there is a projected deficit of approximately 207 acres of available multi-family land in 2035, as designated in the comprehensive plan. Multi-family residential is a permitted use for the subject property under the current RM-I (Multiple Family Residential) zoning designation. Multi-family residential is also a permitted use under the proposed RM-II (Multiple Family Residential) zoning designation. The subject property has several characteristics that would support multi-family development. Salem-Keizer Transit (Cherriots) provides transit service adjacent to the subject property via route 12. Services, including schools (Hammond Elementary School) and parks (Hoodview Park, and the proposed Hazelgreen Park), are located nearby. Employment opportunities and services are in proximity to the property, as Portland Road NE and Lancaster Drive NE are within 0.5 to 1 mile from the subject property, respectively.

The Hearings Officer finds that the proposed change in zoning designation will still allow the potential for development of multi-family

residential uses, which will be useful to meet the City's current and future housing needs.

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

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

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

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

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

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

The Hearings Officer finds that the subject property is not located within the Urban Service Area. Improvements to public facilities have been identified in the approved UGA permit for the subject property, case no. 07-01. Site-specific infrastructure requirements will be addressed in the Site Plan Review process pursuant to SRC Chapter 220.

**(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis**

**and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.**

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

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

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

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

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

No participant objected to or challenged the testimony or evidence. Based on the Record and testimony, the Hearings Officer finds this criterion met.

## DECISION

The Hearings Officer **APPROVES** the request for a Quasi-Judicial zone change from RM-I (Multiple Family Residential) to RM-II (Multiple Family Residential) for property approximately 33.88 acres in size, and located at 4485 Kale Street NE – 97305 (Marion County Assessor Map and Tax Lot Number(s) 062W32C00800).

DATED: July 19, 2019.

A handwritten signature in black ink, appearing to read "Amy Cook", written in a cursive style.

---

Amy L. Cook, Hearings Officer