

PLANNING DIVISION  
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SALEM, OREGON 97301  
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# NOTICE OF RECOMMENDATION

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

## RECOMMENDATION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP AMENDMENT / NEIGHBORHOOD PLAN MAP  
CHANGE / ZONE CHANGE CASE NO. CPC-NPC-ZC-SPR16-08

APPLICATION NOS.: 16-113317-ZO & 16-113318-ZO

NOTICE OF RECOMMENDATION MAILING DATE: ~~OCTOBER 19~~ NOVEMBER 2,  
2016

**APPLICATION SUMMARY:** A proposed Comprehensive Plan Map Change to  
"Commercial", Neighborhood Plan Map Change to "Commercial" and a Zone Change  
to CG (General Commercial).

**REQUEST:** A consolidated application for a Comprehensive Plan Map Change,  
Neighborhood Plan Map Change and Zone Change. The application includes the  
following:

- 1) A Comprehensive Plan Map Change from "Industrial" to "Commercial";
- 2) A change to the West Salem Neighborhood Plan Map designation for the property  
from "~~Industrial~~ Employment without Residential" to "Commercial"; and
- 3) A Zone Change from IP (Industrial Park) to CG (General Commercial).

The subject properties are approximately 2.18 acres in size, zoned IP (Industrial  
Park), and located at 560 Glen Creek Road NW and 585-635 9th Street NW - 97304  
(Polk County Assessor's Map and Tax Lot numbers: 073W21AD / 06400, 06500,  
06603, 06701 and 07100).

**APPLICANT:** DEACON DEVELOPMENT GROUP

**LOCATION:** 560 GLEN CREEK RD NW & 585-635 9<sup>TH</sup> ST NW / 97304

**CRITERIA:** Salem Revised Code 64.025(e)(2)

**FINDINGS:** Pursuant to ORS 197.010(1), an amendment to the Comprehensive  
Plan Map and Neighborhood Plan Map must be approved by the City Council.  
Accordingly, upon hearing evidence presented at the public hearing, the Planning  
Commission may forward a recommendation to the City Council on the  
Comprehensive Plan Map Change and Neighborhood Plan Map Change and  
approve or deny the associated applications contingent on the City Council's decision  
on the Comprehensive Plan Map Change.

The Planning Commission hereby adopts as its findings of fact for the  
Comprehensive Plan Map Amendment and Neighborhood Plan Map Change in the  
Order on this matter dated ~~October 18~~ November 1, 2016, herewith attached and by  
this reference incorporated herein.

**RECOMMENDATION:** Based upon the foregoing findings and conclusions, the

Planning Commission RECOMMENDS that City Council approve the Minor Comprehensive Plan Map Amendment to change the designation of the subject property from "Industrial" to "Commercial" and RECOMMENDS to City Council to approve the Neighborhood Plan Map Change from "Employment without Residential" to "Commercial" for property approximately 2.18 acres in size, zoned IP (Industrial Park), and located at 560 Glen Creek Road NW and 585-635 9th Street NW - 97304 (Polk County Assessor's Map and Tax Lot numbers: 073W21AD / 06400, 06500, 06603, 06701 and 07100).

**VOTE:**

**Yes 6      No 0      Absent 1 (Fox)      Abstained 1 (Griggs)**



Rich Fry, President  
Salem Planning Commission

The City Council may proceed with adoption of an ordinance, hold a public hearing to receive additional evidence and testimony or refer the proposal back to the Planning Commission for additional deliberation on the proposal.

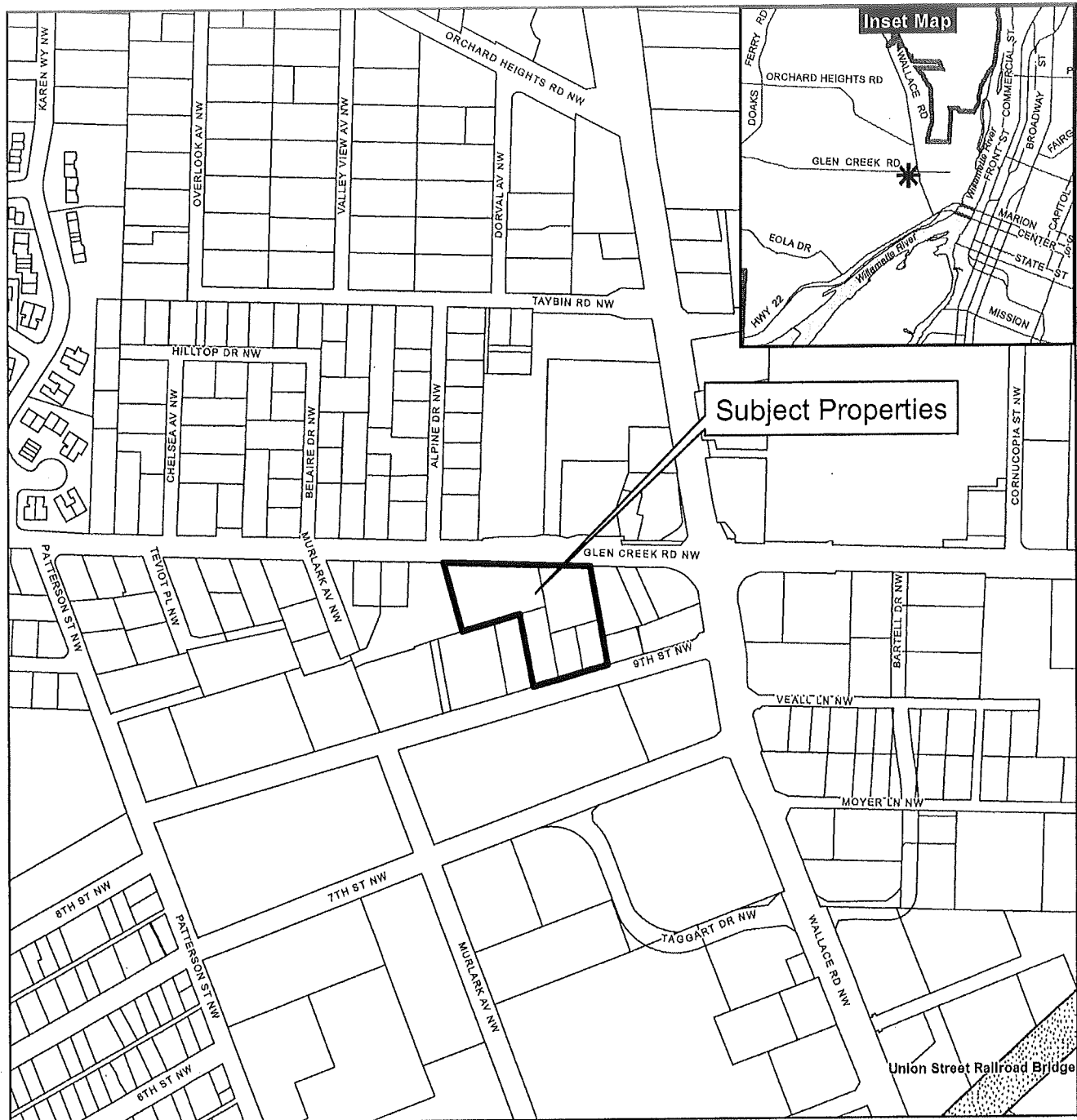
The City Council will make a final decision on the proposal. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the mailing date of the Council decision.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, 555 Liberty St SE, Salem during city business hours, 8:00 a.m. to 5:00 p.m. Contact Aaron Panko, Case Manager at 503-540-2356 or [apanko@cityofsalem.net](mailto:apanko@cityofsalem.net) to review the case file.

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

# Vicinity Map

## 560 Glen Creek Road NW and 585-635 9th Street NW



### Legend

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

Parks

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

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0 100 200 400 Feet



# Comprehensive Plan Map - 560 Glen Creek Road NW and 585-635 9th Street NW



## Legend

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

0 50 100 200 Feet



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

**BEFORE THE PLANNING COMMISSION OF THE CITY OF SALEM**

<b>IN THE MATTER OF THE</b>	<b>) ORDER NO. CPC-NPC-ZC16-08</b>
<b>APPLICATION FOR A</b>	<b>)</b>
<b>COMPREHENSIVE PLAN CHANGE,</b>	<b>) COMPREHENSIVE PLAN</b>
<b>NEIGHBORHOOD PLAN CHANGE</b>	<b>) CHANGE, NEIGHBORHOOD</b>
<b>AND ZONE CHANGE FOR</b>	<b>) PLAN CHANGE, AND ZONE</b>
<b>PROPERTY LOCATED AT 560 GLEN</b>	<b>) CHANGE CASE NO. 16-08</b>
<b>CREEK ROAD NW AND 585-635 9<sup>TH</sup></b>	<b>)</b>
<b>STREET NW - 97304</b>	<b>)</b>

This matter having come regularly for hearing before the Planning Commission at its September 6, 2016 and October 4, 2016 meetings, and the Planning Commission, having received evidence and heard testimony, makes the following findings and adopts the following order recommending approval of the application for a Comprehensive Plan Change and Neighborhood Plan Change, and approving Zone Change in Case No. CPC-NPC-ZC16-08.

**(I) PROCEDURAL FINDINGS:**

- (a)** On July 15, 2016 the applicant filed a consolidated application; the applications were deemed complete on July 29, 2016.
- (b)** A public hearing before the Planning Commission was held on September 6, 2016 and continued until October 4, 2016 in which testimony and evidence was received. The Planning Commission voted to approve the application, subject to modified conditions of approval on October 4, 2016.
- (c)** The Planning Commission adopts the staff reports dated September 6, 2016 and October 4, 2016 and the Facts and Findings attached hereto and incorporated herein by this reference.

**(II) SUBSTANTIVE FINDINGS:**

- (a)** The applicable criteria for approval of a Comprehensive Plan Change are: SRC 64.025(e)(2). The applicable criteria for approval of a Zone Change are: SRC 265.005(e).
- (b)** Testimony and evidence was received by the Planning Commission on September 6, 2016 and October 4, 2016. The Planning Commission finds that the consolidated application has addressed the applicable approval criteria for an affirmative decision. Complete findings are included in Exhibit 1.

The Planning Commission finds that the application, as conditioned, meets the applicable criteria for approval.

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE PLANNING COMMISSION  
OF THE CITY OF SALEM, OREGON:**

**Section 1.** The Salem Planning Commission for Case No. CPC-NPC-ZC 16-08:

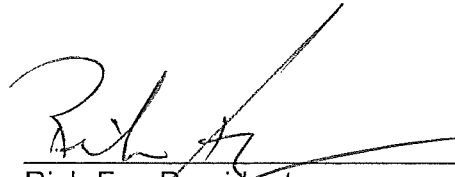
RECOMMENDS that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Industrial" to "Commercial", APPROVES and amending the Neighborhood Plan Map from "Employment without Residential" to "Commercial;" and

APPROVES the Zone Change from IP (Industrial Park) to CG (General Commercial), subject to the following conditions of approval:

**Condition 1:** Approval of the ~~neighborhood plan change~~ and zone change shall be contingent on the City Council's decision on the Comprehensive Plan Map Change and Neighborhood Plan Map Change.

**Condition 2:** Multi-family uses shall be prohibited on the subject property.

ADOPTED by the Salem Planning Commission this ~~18th~~ 1st day of ~~October~~ November, 2016.

  
\_\_\_\_\_  
Rich Fry, President  
Salem Planning Commission

Deemed Complete:	<u>July 29, 2016</u>
Public Hearing Date:	<u>September 6, 2016 and October 4, 2016</u>
Notice Decision Mailing Date:	<u><del>October 19</del> November 2, 2016</u>
Decision Effective Date:	<u>November 4<sup>th</sup>, 2016</u>
State Mandate Date:	<u><del>November</del> December 26, 2016</u>

Case Manager: Aaron Panko, APanko@cityofsalem.net

AP

## CPC-NPC-ZC16-08 – Facts and Findings

**APPLICATION:** Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change Case No. 16-08

**LOCATION:** 560 Glen Creek Road NW and 585-635 9<sup>th</sup> Street NW – 97304 (Polk County Assessor's Map and Tax Lot numbers: 073W21AD / 06400, 06500, 06603, 06701, and 07100)

**SIZE:** 2.18 Acres

**REQUEST:** A consolidated application for a Comprehensive Plan Change, Neighborhood Plan Change and Zone Change. The application includes the following:

- 1) A Comprehensive Plan Change from "Industrial" to "Commercial";
- 2) A change to the West Salem Neighborhood Plan designation for the property from "Employment without Residential" to "Commercial"; and
- 3) A Zone Change from IP (Industrial Park) to CG (General Commercial).

**APPLICANT:** Ryan Schera, Deacon Development Group

**PROPERTY OWNERS:** William and Beverly Brainard; Allan and Janet Ketchum, Ketchum Family Trust; Gary Dental; and Cecil and Denise Brill

**APPROVAL CRITERIA:** Comprehensive Plan Change: Salem Revised Code, Chapter 64

Zone Change: Salem Revised Code, Chapter 265

**ACTION:** RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Industrial" to "Commercial"; and

~~APPROVE Neighborhood Plan Change~~ RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the West Salem Neighborhood Plan Generalized Land Use Map from "Employment without Residential" to "Commercial"; and

APPROVE Zone Change from IP (Industrial Park) to CG

(General Commercial) subject to the following conditions of approval:

**Condition 1:** Approval of the ~~neighborhood plan change~~ and zone change shall be contingent on the City Council's decision on the Comprehensive Plan Map Change and Neighborhood Plan Map Change.

**Condition 2:** Multi-family uses shall be prohibited on the subject property.

### **120-DAY REQUIREMENT**

The application was deemed complete for processing on July 29, 2016. The State Mandated 120-deadline to issue a final local decision for this consolidated application is ~~November 26, 2016~~ has been extended by the applicant to December 26, 2016.

### **BACKGROUND**

On September 6, 2016, the Planning Commission conducted a public hearing to receive testimony for Comprehensive Plan Map Change, Neighborhood Plan Map Change, and Zone Change Case No. 16-08 for property located at 560 Glen Creek Road NW and 585-635 9<sup>th</sup> Street NW. The hearing was continued to October 4, 2016 to allow the applicant and staff additional time to prepare supplemental findings addressing concerns raised by the West Salem Neighborhood Association. At the continued hearing, Planning Commission voted to approve the consolidated application subject to conditions of approval.

### **PROPOSAL**

The applicant is requesting to change the zoning of the subject property from IP (Industrial Park) to CG (General Commercial). The zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the comprehensive plan designation from "Industrial" to "Commercial," a designation which is implemented by the CG zone, and a change to the West Salem Neighborhood Plan Map designation from "Employment without Residential" to "Commercial."

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Industrial" to "Commercial."
- 2) A change to the West Salem Neighborhood Plan Map designation from "Employment without Residential" to "Commercial."
- 3) A Quasi-Judicial Zone Change to change the zoning of the subject property from IP (Industrial Park) to CG (General Commercial).

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria are included in the September 6, 2016 Staff Report and the October 4, 2016 Supplemental Staff Report.



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

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

**Condition 1:** Approval of the ~~neighborhood plan change and~~ zone change shall be contingent on the City Council's decision on the Comprehensive Plan Map Change and the Neighborhood Plan Map Change.

## **FACTS AND FINDINGS**

### Existing Conditions

The subject property consists of five separate tax lots with a total combined area of approximately 2.18 acres. Three of the lots are currently developed with single story buildings including appliance repair, office and antique and collectibles store, the remaining two lots along Glen Creek Road are not occupied. The subject property has approximately 400 feet of frontage on Glen Creek NW and 212 feet of frontage along 9<sup>th</sup> Street NW.

### Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject properties as "Industrial."

The Comprehensive Plan designations of surrounding properties include:

North: (Across Glen Creek Road NW) "Commercial", "Multi-Family Residential", and "Single Family Residential"

South: (Across 9<sup>th</sup> Street NW) "Commercial" and "Industrial"

East: "Commercial"

West: "Industrial"

### Components of the Comprehensive Plan

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

different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

*Salem Transportation System Plan (TSP):* The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted by Glen Creek Road NW, designated as a Minor Arterial, and 9<sup>th</sup> Street NW, designated as a Local Street.

*Neighborhood Plan:* The subject property is located within the boundaries of the West Salem Neighborhood Association. The West Salem Neighborhood Association has an adopted neighborhood plan, The West Salem Neighborhood Plan, effective April 2004.

### Zoning and Surrounding Land Use

The subject property is zoned IP (Industrial Park). Surrounding properties are zoned and used as follows:

- North: Across Glen Creek Road NW, CR (Retail Commercial); Gas Services Station, Insurance Office, RM-II (Multi-Family Residential) – Multi-Family Apartment Complex, and RS (Single Family Residential) – Single Family Dwellings
- South: Across 9<sup>th</sup> Street NW, CG (General Commercial) – Bank and drive through coffee, IG (General Industrial) – Salem Electric
- East: CG (General Commercial); Bar and Valley Flooring Center
- West: IP (Industrial Park) – Auto Repair and other light industrial uses

### Relationship to the Urban Service Area

The subject property is located within the Urban Service Area and adequate utilities are available to serve the property. A UGA permit is not required.

### Infrastructure

*Public Infrastructure plan:* The Water System Master Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the proposed commercial zoning for the subject property.

### Land Use History

**CPC/ZC 89-05:** A comprehensive plan change from "Single Family Residential" to "Industrial" and a zone change from RS (Single Family Residential) to IP (Industrial Park) for Tax lot 073W21AD06701.

No other land use actions are identified on the subject properties.

## **Public and Private Agency Review**

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

**Salem Fire Department** – The Salem Fire Department submitted comments indicating that they have no concerns with the request; however, the Fire Department will have requirements at the time development plans are submitted, including access, water supply, and fire hydrants.

**Salem Building and Safety Division** – The Building and Safety Division has reviewed the proposal and indicated no concerns.

**Oregon Department of Land Conservation and Development (DLCD)** – No comments received.

## **Neighborhood Association and Public Comments**

The subject property is located within the boundaries of the West Salem Neighborhood Association. All property owners within 250 feet of the subject property were mailed notification of the proposed application and public hearing signs were posted on the property prior to the public hearing. Testimony was received at the public hearing on September 6, 2016, by writing, and at the October 4, 2016 hearing. Staff response to the issues raised during the public hearing is included in the October 4, 2016 Supplemental Staff Report.

## **Applicant Submittal Information:**

Requests for Minor Comprehensive Plan Map Changes and Zone Changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety with the September 6, 2016 Staff Report and the October 4, 2016 Supplemental Staff Report.

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

### *Major vs. Minor Comprehensive Plan Map Amendment:*

SRC 64.025(a) states that amendments to a Plan Map shall be adopted as provided in this section. The two types of Plan Map amendments are major and minor. As used in this section, "Plan Map" means the Urban Growth Boundary, the Comprehensive Plan Map, or a general land use map in a Neighborhood Plan.

(1) A Major Plan Map Amendment is:

- a. Any amendment to the Urban Growth Boundary; or
- b. An amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.

**Finding:** The proposal does not amend the Urban Growth Boundary. The proposal involves a comprehensive plan map change affecting a small group of property owners who collectively are the applicant for the proposed change. The proposal does not involve the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties. The re-designation of 2.12 acres of land from Industrial to Commercial is not a broad public policy as the request affect the subject property and, less significantly, the abutting and adjacent properties. Therefore, this proposal does not constitute a Major Plan Map Amendment.

- (2) A Minor Plan Map Amendment is an amendment to either the Comprehensive Plan Map or a general land use map in a Neighborhood Plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.

**Finding:** The proposal involves a change in the Comprehensive Plan Map designation for five separate abutting properties with four different property owners. The application is made up of a small number of properties and property owners, who collectively are the applicant for this request, which therefore affects only a small number of properties.

Further, the following closely circumscribed set of factual circumstances apply to this application: the subject property is 2.12 acres in size, as compared to the approximately 48 square miles within the City limits; the traffic impacts from the proposed re-designation are limited to abutting and adjacent streets and will not have a significant effect on the transportation system; utilities are available and the property can be served with all required utilities; the proposed development pattern of Commercially designated land at the corner of a Major and Minor Arterial is not a unique development pattern and, in fact, is found throughout the City; and the requested re-designation does not materially affect other Industrial or Commercially designated property throughout the City.

The proposed amendment affects only a small number of properties and a closely circumscribed set of factual circumstances, and is therefore a Minor Plan Map Amendment.

**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 proposal is justified based on (i) and (ii). The applicant identifies an alteration in the social, economic and demographic patterns of the Salem urban area as evidenced by the findings from the 2015 HNA/EOA which found a need for additional commercial land to meet demand over the next 20-years while conversely finding that the City has a surplus of available industrial lands. The proposed change in designation would allow for a commercial development/redevelopment which will help to meet the changing needs of the Salem urban area.

The proposed commercial designation is equally or better suited for the property. Due to the size of the subject property, access limitations along Glen Creek Road NW and challenges with topography on the northwest portion of the property, make the property better suited for commercial development. The applicant identifies a similar rate in the number of anticipated trip generation between the current industrial designation and the proposed commercial designation. The applicant also notes a similarity in the development standards, including setbacks and site landscaping, between the current industrial designation and the proposed commercial designation.

The applicant does not identify a conflict between the comprehensive plan designation and zoning designation for the subject property.

It is the finding of the Planning Commission that 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:** The subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. The proposal meets this criterion.

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

**Finding:** The subject property does not directly abut Wallace Road, but is near the Wallace Road corridor, which is an area characterized by commercial retail and office services as well as multi-family development. The area to the south of the subject property is characterized by a mix of industrial uses and commercial development. Along Glen Creek Road to the west of the property are residential uses.

The proposed commercial designation is consistent with the land use pattern of the surrounding area.

**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

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

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

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

*Economic Growth B.3*

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

**Finding:** The Salem EOA identifies a deficit of available commercially zoned land in order to meet current and future community needs. One strategy for addressing this deficit is by targeting conversion of non-commercial lands to commercial uses. The proposal helps to increase the amount of commercial land, which will help to improve and strengthen the economic base of the Salem urban area, thereby meeting this policy.

*Development Compatibility B.12*

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

**Finding:** Future development of the site will be required to conform to the development

standards of the CG (General Commercial) zone, which shares similar setback requirements as the IP (Industrial Park) zone. The CG zone has an overall minimum landscape requirement of 15 percent. The proposed commercial designation is consistent with this policy.

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.*

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

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

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

Infill on Facilities D.9

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

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

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

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

Community Shopping and Service Facilities G.4

*Community shopping and service facilities shall be located adjacent to major*

*arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development that discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets and provisions for connectivity to the facilities for pedestrian and bicyclist from residential neighborhoods.*

**Finding:** The subject property is located adjacent to an intersection of major and minor arterial streets, which is well suited for community shopping and services. The proposed change in designation from Industrial to Commercial will allow the property to be developed with needed commercial services. There are no local residential streets that traffic will be filtered through to get access to the subject property. Bicycle and pedestrian access is currently available to the subject property. The proposal is consistent with this policy.

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

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

Connectivity and Circulation J.5

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

**Finding:** The subject property is located on Glen Creek Road, classified as a Minor Arterial in the Salem Transportation System Plan, Wallace Road NW which is classified as a Major Arterial and 9<sup>th</sup> Street NW which is classified as a local street. Sidewalks are developed on Glen Creek Road and Wallace Road, 9<sup>th</sup> Street has intermittent sidewalks. Salem Keizer Transit (Cherriots) provides bus service adjacent to the property via routes 5 and 6.

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

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

**Finding:** A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the West Salem Neighborhood Association. The applicant has provided evidence that they attended a meeting with the West Salem Neighborhood Association on March 7, 2016 to discuss a proposed zone change for the subject property. 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.*



**Finding:** The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission 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.*

**Finding:** 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.

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

**Finding:** The subject property is comprised of five separate tax lots with a combined size of approximately 2.18 acres. Three of the lots have existing buildings. One of the key characteristics of high valued industrial land identified in the EOA is for flat parcels and a large parcel size of at least 10 acres. The subject property has topographic issues with the north end of the property and access challenges to Glen Creek Road NW. Further, given the size of the combined properties, it is not likely that the property is highly valued industrial land that will redevelop into a larger industrial use.

The location along a major transportation corridor makes this property better suited for commercial development. Granting the comprehensive plan change allows the property to provide economic opportunities for needed commercial services for West Salem and the greater urban area into the future.

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

**Finding:** The City has recently conducted a Housing Needs Analysis (HNA) to determine housing needs for the community for the next 20 years. The HNA concluded that there is currently a deficit of approximately 207 acres of available multi-family zoned land. The current industrial designation for the property does not allow the possibility for housing to be provided on the property. The Planning Commission has placed a condition of approval on the Zone Change application prohibiting multi-family uses on the subject property. Because multi-family residential uses were not permitted under the previous designation, the condition will not have any effect on the amount of property available for multi-family residential development.

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

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

proposed development.

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

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

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

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

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

**Finding:** Existing urban services are developed and provided adjacent to the subject property. The applicant proposes to change the designation of the property from Industrial to Commercial to allow for a potential redevelopment of the property, utilizing existing resources and efficiently utilizing available land to meet community needs.

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

**Finding:** The proposed Comprehensive Plan Map amendment from Industrial to Commercial is in the public interest and would be of general benefit because it would allow an opportunity for the property to redevelop in a way that provides needed commercial services to an area which is currently lacking in available commercially designated property. Abutting property to the east is zoned CG (General Commercial), and nearby properties to the west are designated as residential. The proposed change in land use designation is consistent with the location and character of the property.

## FINDINGS APPLYING TO THE NEIGHBORHOOD PLAN AMENDMENT

**Finding:** The property is located within the boundaries of the West Salem Neighborhood Association. The West Salem Neighborhood Plan was adopted in 2004 and is still in effect pursuant to SRC Chapter 64.

The Generalized Land Use Map has the property designated as "Employment without Residential" and the recommended changes to the generalized land use map identifies the property as "Center – Employment Only." The designations on the generalized land use map and the recommended changes to the generalized land use map reflect the properties current industrial zoning, which place an emphasis on employment over housing.

The applicant argues that a "Commercial" Neighborhood Plan Designation and Comprehensive Plan Map Designation, which is implemented by the CG zone, is capable of achieving many of the corresponding outcomes identified in the WSNP "Center" designation, especially when compared to the uses and development standards of the IP zone. For example, the CG zone allows a broader mix of commercial, retail, and service related uses that could support nearby residential neighborhoods, particularly uses that support goals of the West Salem Urban Renewal Plan.

The applicant's statement sufficiently addresses these criteria. Planning Commission finds that the proposal meets the applicable criteria in the Neighborhood Plan such that the proposed "Commercial" Comprehensive Plan Map designation of the subject property is consistent with the neighborhood plan policies.

## 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 IP (Industrial Park) to CG (General Commercial).

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

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

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

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

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

**Finding:** The applicant does not identify a mistake in the application of a land use designation to the property.

The proposal is justified based on (ii) and (iii). The applicant identifies an alteration in the social, economic and demographic patterns of the Salem urban area as evidenced by the findings from the 2015 HNA/EOA which found a need for additional commercial land to meet demand over the next 20-years while conversely finding that the City has a surplus of available industrial lands. The proposed change in designation would allow for a commercial development/redevelopment which will help to meet the changing needs of the Salem urban area.

The proposed commercial designation is equally or better suited for the property. Due to the size of the subject property, access limitations along Glen Creek Road NW and challenges with topography on the northwest portion of the property, make the property better suited for commercial development. The applicant identifies a similar rate in the number of anticipated trip generation between the current industrial designation and the proposed commercial designation. The applicant also notes a similarity in the development standards, including setbacks and site landscaping, between the current industrial designation and the proposed commercial designation.

The applicant notes that the subject property is not included among the properties identified for designation as multi-family in the West Salem Neighborhood Plan, and notes the industrial designation of nearby properties allows for uses capable of producing noise, odors, and vibrations that would adversely affect residents of a multi-family development. If residential development were allowed on the subject property it could result in complaints against established manufacturing, industrial services, and distribution uses due to marginalized livability which may adversely impact these businesses.

The applicant and the West Salem Neighborhood Association both acknowledge that utilizing the Multi-Family Design Review Guidelines and Standards of SRC Chapter 702 and the Conditional Use Permit process of SRC Chapter 240 may not be enough to adequately mitigate the potential compatibility conflicts with more intensive uses that may be adjacent to this site.

The Planning Commission finds that there has not been a demonstration that a zone which allows multi-family uses is equally or better suited for the subject property, and therefore has adopted the following condition of approval prohibiting multi-family uses

on the subject property.

**Condition 2:** Multi-family uses shall be prohibited on the subject property.

**(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 complies with the applicable provisions of the Salem Area Comprehensive Plan.**

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

**(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.

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

**Finding:** The proposed zone change requires a comprehensive plan change from an industrial designation to a commercial designation. Findings included earlier in this report indicate that the Salem Economic Opportunities Analysis 2015-2035 identified a surplus of available industrial lands as well as a need for additional commercial designated property, specifically in the West Salem area to meet projected demands. The proposed change in designation to commercial will not have an adverse impact on the ability for the City to meet future industrial needs, and will have the ability to provide additional needed commercial services in West Salem, therefore, this criterion has been met.

**(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the**

**significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.**

**Finding:** The applicant submitted a Transportation Planning Rule (TPR) Analysis 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 effect on the transportation system as defined by OAR 660-012-0060.

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

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

**Conclusion:** Based on the findings and conditions of approval contained above, the applicant has satisfactorily addressed the applicable criteria for an affirmative decision. The Planning Commission has voted to RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Industrial" to "Commercial," ~~APPROVE the Neighborhood Plan Change~~ RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the West Salem Neighborhood Plan Generalized Land Use Map from "Employment without Residential" to "Commercial," and APPROVE the Zone Change from IP (Industrial Park) to CG (General Commercial) with conditions.