

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator

STAFF: Aaron Panko, Planner III

HEARING DATE: September 6, 2016

APPLICATION: Comprehensive Plan Change / Neighborhood Plan Change / Zone Change 16-08

LOCATION: 560 Glen Creek Road NW and 585-635 9<sup>th</sup> Street NW

SIZE: Approximately 2.18 acres – see Attachment A

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

- 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 designation for the property from "Industrial" 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 9<sup>th</sup> Street NW – 97304 (Polk County Assessor's map and Tax Lot numbers: 073W21AD / 06400, 06500, 06603, 06701, and 07100).

APPLICANT: Deacon Development Group, Ryan Schera

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

REPRESENTATIVE: Mackenzie, Eric Adams

APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Ch. 64  
Zoning Map Amendment: Salem Revised Code, Ch. 265

RECOMMENDATION: 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 a change to the West Salem Neighborhood Plan designation for the property from "Industrial" to "Commercial"; and**

**APPROVE Zone Change from IP (Industrial Park) to CG (General Commercial), subject to the following condition 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.

## **APPLICATION PROCESSING**

### **Subject Application**

On July 15, 2016, Ryan Schera, Deacon Development Group, on behalf of applicants and property owners, William and Beverly Brainard; Allan and Janet Ketchum, Ketchum Family Trust; Gary Dental; and Cecil and Denise Brill, filed an application for a Comprehensive Plan Change, Neighborhood Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from "Industrial" to "Commercial", to change the West Salem Neighborhood Plan designation from "Industrial" to "Commercial", and to change the zoning from IP (Industrial Park) to CG (General Commercial).

The consolidated application was deemed complete for processing on July 29, 2016. The public hearing on the application is scheduled for September 6, 2016.

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

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

### **120-Day Requirement**

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The requests for a Neighborhood Plan Change and Zone Change included in this consolidated application are subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is November 26, 2016.

### **Public Notice**

1. Notice of the consolidated proposal was distributed to City departments and public and private service providers on August 17, 2016.
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on August 17, 2016.
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on July 29, 2016.

## **BACKGROUND INFORMATION**

### **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 designation from "Industrial" 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 from "Industrial" 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 is included as Attachment B.

### 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 Comments**

The subject property is located within the boundaries of the West Salem Neighborhood Association. Notification was sent to the neighborhood association on August 17, 2016. At the time of writing this staff report, no comments have been received from the West Salem Neighborhood Association.

### **Public Comments**

All property owners within 250 feet of the subject property were mailed notification of the proposed application. At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

### **Applicant Submittal Information:**

Requests for Minor Comprehensive Plan 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 as Attachment B to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

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

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 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 and multi-family residential 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 that could potentially allow multi-family or mixed use development 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 proposed designation is equally or better suited for the property than the existing designation.

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

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. Staff finds that the proposal meets this criterion.

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

*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. If the property is developed with a multi-family use, the screening requirement adjacent to industrial designated property will include both landscaping and screening. 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 (Cheriot) 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.*

**Staff Response:** A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the West Salem Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

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

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

**Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural**

**Resources:** *To protect natural resources and conserve scenic and historic areas and open spaces.*

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

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

**Staff Response:** 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 and/or mixed-use 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.*

**Staff Response:** 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 proposed change to a commercial designation will potentially allow for multi-family residential or mixed-use development on the property through the conditional use permit process. Salem-Keizer Transit (Cherriots) provides transit service adjacent to the subject property via routes 5 and 6. Services, including schools (Walker Middle School) and parks, are located nearby. Employment opportunities are in proximity and walkable to the property. The proposed change in designation will have the potential to provide additional housing units, 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.*

**Staff Response:** The subject property is within the Urban Service area. Findings from the Public Works Department indicate that the water, sewer, and storm infrastructure are

available within surrounding streets/areas and appear to be adequate to serve the proposed development.

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

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

**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.*

**Staff Response:** 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. Further, the commercial designation would allow for an opportunity for a multi-family or mixed-use development through the conditional use permit process helping to provide needed housing for the Salem area. 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. The proposal satisfies this criterion.

## **FINDINGS APPLYING TO THE NEIGHBORHOOD PLAN AMENDMENT**

**Applicant Statement:** The subject site is located within the boundaries of the West Salem Neighborhood Plan (WSNP). Policies from Chapter 3 and 4 of that plan describe the anticipated pattern of land use and development for the West Salem Neighborhood area, and include specific direction regarding the neighborhood and commercial area near the subject site. Designations shown on the associated land use maps identify the subject site for "Employment without Residential" and "Center – Employment Only." These characterizations of use are presumed to have been made based on the Industrial Comprehensive Plan and zoning designations for the site, which places greater emphasis on employment and non-residential uses.

While the WSNP has been adopted by the City of Salem as a document that guides and influences land use decisions with the affected area, it is not the only land use planning document that can be relied on for that purpose. On page 7 of the WSNP it is noted that the City may take appropriate action to address a particular project or process if the Plan does not specifically do so, and that the WSNP should be amended to remain consistent. Based on this recognized relationship between the WSNP and other land use planning documents, the applicant proposes an amendment to the WSNP that would reconcile re-designating the site from IP to CG. It is presumed that the corresponding change to the WSNP – particularly the Generalized Land Use Map – would designate the site as "Center over Existing Commercial." The applicant acknowledges that another designation may also be appropriate. Regardless, the intent of the amendment would be to ensure consistency between the WSNP and the Comprehensive Plan.

The following summary from page 16 of the WSNP may be useful for appropriately characterizing the effect of re-designating the site from IP to CG:

"The development of a "Mixed-Use Center" SACP land use designation that provides for coordinated development within the areas that allow for residential, neighborhood retail, restaurants, employment, public space, and/ or civic uses. Centers may include any or all of these uses, but should be developed as specific area plans with the prevailing economic market and neighborhood needs in mind. Centers should be developed in such a manner as to provide a sense of place, a compact urban form, neighborhood vitality, and innovative design. Within Centers, buildings should be oriented to the pedestrian, there should be accessibility to transit and major roads, and there should be connectivity with the surrounding neighborhood, while still accommodating the use of the automobile."

Although the City of Salem has not yet created a "Mixed Use Center" Comprehensive Plan designation, the applicant argues that the CG zone is capable of achieving many of the corresponding outcomes identified in the WSNP, 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. Minimum setbacks are reduced in the CG zone, which would allow new buildings to be placed closer to Wallace Road, Glen Creek Road, and 9th Street NW, thereby enabling direct pedestrian access from these public streets, as well as greater flexibility for placing parking areas internal to the site. This approach to site planning would enhance aesthetics of the streetscapes along Glen Creek Road and Wallace Road, both of which are major gateway transportation corridors that serve the greater West Salem area. Sidewalks and bike lanes currently extend along these streets and will enable pedestrians and cycles to access the site from nearby residential neighborhoods, adjacent commercial areas, and Wallace Marine Park.

On March 7, 2016, the applicant attended a regularly scheduled meeting of the West Salem Neighborhood Association to discuss the proposed Comprehensive Plan Amendment, Zone Change, and Neighborhood Plan Amendment. In general, comments at the meeting regarding the proposed land use requests were favorable and in support of re-designating the site from IP to CG.

In addition to these findings, the applicant offers the following responses to relevant policies from the WSNP.

**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 West Salem Neighborhood Plan Map designates the subject property as Industrial. 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.

If the comprehensive map designation and neighborhood plan map designation is changed to Commercial, it would be appropriate to consider the suitability of the site to provide residential housing. The housing goals from the West Salem Neighborhood Plan encourage multi-family housing complexes (greater than 20 units) to be located near existing or proposed shopping and services, as well as encourage infill development that is compatible with the adjacent established neighborhood character. The subject property is located near a major intersection with two arterial streets with shopping centers and services available nearby.

The applicant's statement sufficiently addresses these criteria. Staff 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 response and/or finding relative to the amendment requested.

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

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

**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 and multi-family residential 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 that could potentially allow multi-family or mixed use development 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 proposed designation is equally or better suited for the property than the existing designation.

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 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. The proposal satisfies this criterion.

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

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

**(E) If the zone change requires a comprehensive plan change from an industrial 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. 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 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. The proposal satisfies this criterion.

## **CONCLUSION**

Based on the facts and findings presented herein, staff concludes that the proposed Comprehensive Plan Map Amendment, Neighborhood Plan Change and Zone Change satisfy the applicable criteria contained under SRC 64.025(e)(2) and SRC 265.005(e)(1).

## **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property approximately 2.18 acres in size, designated Industrial on the Plan Map, zoned IP (Industrial Park), and located at 560 Glen Creek Road NW and 585-635 9<sup>th</sup> Street NW - 97304 (Polk County Assessor's Map and Tax Tot numbers: 073W21AD / 06400, 06500, 06603, 06701, and 07100):

- A. RECOMMEND that City Council accept first reading of an ordinance bill for the purpose of amending the designation of the subject property on the Salem Area Comprehensive Plan Map from "Industrial" to "Commercial"; and
- B. APPROVE Neighborhood Plan Change from "Industrial" to "Commercial"; and
- C. APPROVE Zone Change from IP (Industrial Park) to CG (General Commercial) subject to the following condition 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.

- Attachments:
- A. Vicinity Map
  - B. Applicant's Written Statements on Comprehensive Plan Change, Neighborhood Plan Change and Zone Change
  - C. Public Works Memo
  - D. TPR Analysis

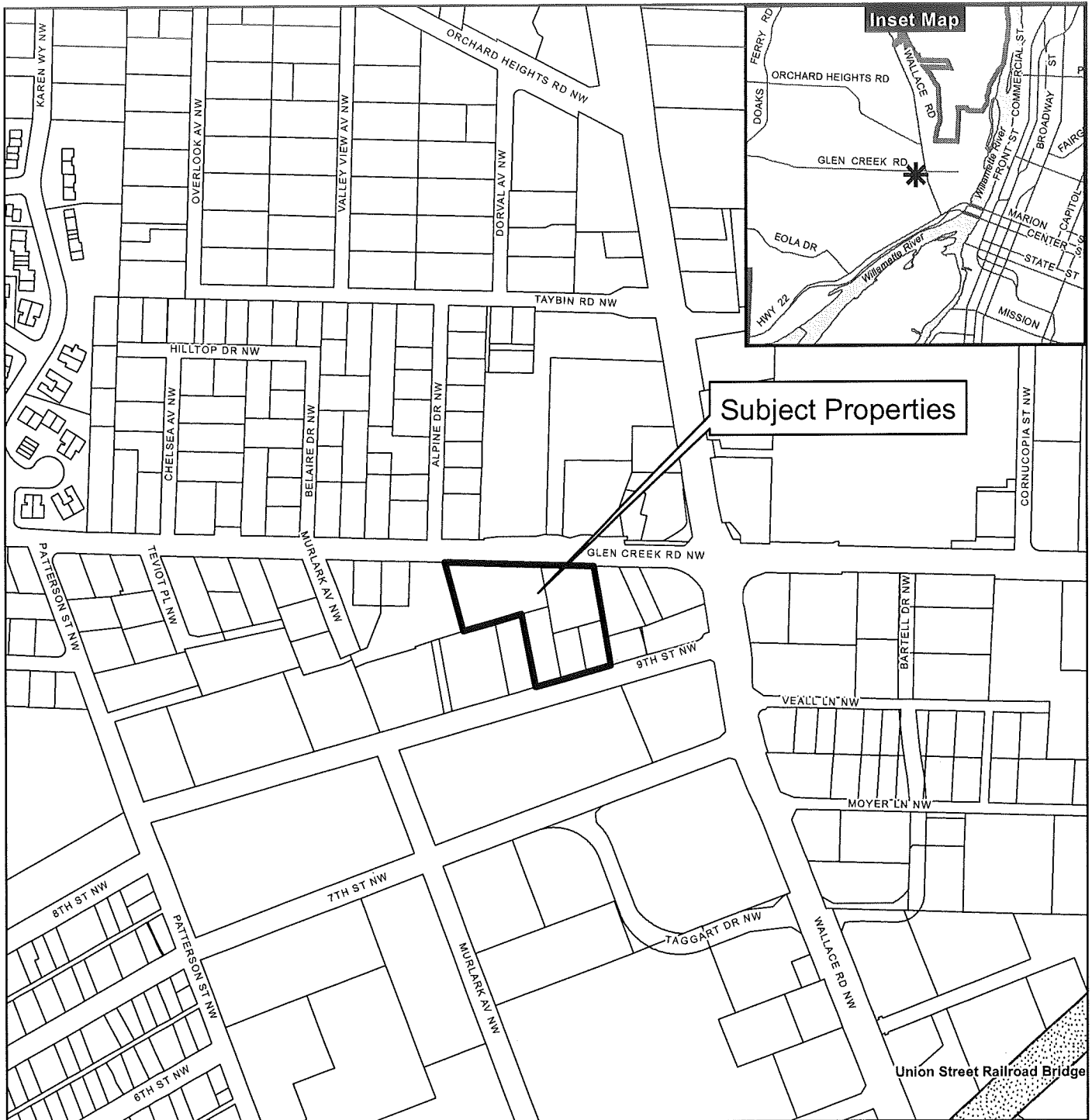
Prepared by Aaron Panko, Planner III

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# Vicinity Map

## 560 Glen Creek Road NW

## 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



**I. PROJECT SUMMARY****Owner/Applicant:****Applicant's Representative/  
Project Contact:**

Mackenzie  
Eric Adams, Land Use Planner  
eadams@mcknze.com

1515 SE Water Avenue #100  
Portland, OR 97214  
P: (503) 224-9560  
F: (503) 228-1285

**Site Address:**

The project site is located at the southwest corner of Glen Creek Road and Wallace Road in West Salem. The site is comprised of five tax lots, as noted below.

**Lot Size:**

Multiple lots, combined area of 2.18 acres

**Tax Map/Lots:**

7.3.21AD – 6400, 6500, 6603, 6701, and 7100

**Comprehensive Plan:**

Industrial

**Zoning:**

IP – Industrial Park (2.18 acres)

**Request:**

The subject proposal seeks approval of a Comprehensive Plan Amendment, Zone Change, and Neighborhood Plan Amendment that are necessary to rezone the site from Industrial Park (IP) to General Commercial (CG).

**Applicable Criteria:**

Salem Revised Code (SRC) 64.025 and 265.005, et al.

## II. INTRODUCTION AND PROPOSAL

### Site Description

The site is located at the southwest corner of the intersection at Glen Creek Road and Wallace Road. It also has frontage along NW 9th Street. A total of five tax lots comprise the 2.18-acre site (Exhibit A). Three of the tax lots are currently developed with separate single story commercial buildings, accounting for approximately 0.74 acres of the site. The remaining site area does not contain any buildings, but is improved with a pavement and an access driveway that enters the site from Glen Creek Road.

Most of the site is flat and at the same grade as NW 9th Street and Wallace Road. However, along the north boundary of the property, Glen Creek Road is at an elevation roughly 30 feet higher near the northwest corner of the property, and slopes downward to the east until becoming almost level with the site. Few natural features are located within the boundaries of the site given its developed conditions. A short segment of an open drainage ditch maintained by the City of Salem enters the site from the west and crosses through portions of Tax Lots 6603, 6701, and 7100 before transitioning to an underground pipe (Exhibits B and G). Several existing trees are growing within the ditch; however, the species and size of these trees has not yet been confirmed.

Development within immediate proximity of the site includes a mixture of commercial, industrial, and residential uses. A gas station and apartment complex are located north of the site, across Glen Creek Road, while two drive-up banks and various retail stores are located immediately east, across Wallace Road. To the south, across NW 9th Street, existing uses include a drive-up coffee stand, and single-story office buildings. A collection of warehouse and service-related buildings abut the site to the west.

The site is currently zoned Industrial Park (IP). Properties immediately east, south, and southeast are also zoned CG (Exhibit E). Existing zoning designations on the north side of Glen Creek Road include Retail Commercial (CR) and Multifamily Residential (RM-2). Properties immediately west and south are also zoned for industrial use through the IP and General Industrial (IG) zones. Additionally, the "Edgewater/Wallace Road Overlay Zone" applies to properties immediately south and east of the site along Wallace Road. In general, the Comprehensive Plan designations corresponding to properties immediately adjacent to the site are consistent with the zones described above (Exhibit C).

### Proposal

The subject application seeks concurrent approvals of a Comprehensive Plan Amendment, Zone Change, and Neighborhood Plan Amendment that are necessary to re-designate the site from IP to CG (Exhibits D and F).

### III. SALEM DEVELOPMENT CODE APPROVAL CRITERIA

The following narrative addresses applicable review criteria from Salem Revised Code (SRC) Sections 64.025 and 265.005, along with applicable policies from the Salem Comprehensive Plan and West Salem Neighborhood Plan.

#### I. Applicable Review Criteria for Minor Comp Plan Amendment and Zone Change

##### *From Salem Revised Code 64.020 (f)(2):*

*A Minor Comprehensive Plan Amendment may be made if:*

- (A) The amendment does not significantly change or amend key principles or policies in the Comprehensive Plan;*
- (B) The amendment does not require substantial changes to plan language to maintain internal plan consistency;*
- (C) The amendment does not require significant factual or policy analysis;*
- (D) The amendment is in the public interest of the public health, safety, and welfare of the City; and*
- (E) The amendment conforms to the applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development. (Ord No. 6-13)*

**Response:** As discussed in greater detail below, the proposed request is consistent with the criteria from SRC Section 64.020(f)(2). Re-designating the site as CG does not significantly change or amend key principles or policies in the Comprehensive Plan. To encourage ease of access to desired retail and employment opportunities, several Comprehensive Plan policies support locating commercial uses along major transportation corridors and near higher density residential development. Although primarily intended to facilitate commercial development, the CG zone also allows a mixture of civic, industrial, and residential uses, thus it has the capacity to function as a mixed-use zone. Policies from the Comprehensive Plan support locating mixed-use development near major neighborhood nodes, like the intersection at Glen Creek Road and Wallace Road. Lastly, reliance on infill development sites with access to required utilities and transportation services is encouraged over use of “greenfield” sites as the preferred means of meeting the community’s employment, housing, and shopping needs. The subject site is partially undeveloped and has immediate access to all required utilities and transportation services.

In addition to these findings, the applicant notes that conclusions presented in the 2015 Salem Housing Needs Analysis and Economic Opportunities Analysis (HNA/EOA) support re-designating the site as CG for several reasons. First, the report projected a surplus of 907 acres of industrial land over the 20-year planning horizon, while the supply of developable commercial land resulted in a deficit of 271 acres. The report also noted that employment growth related to industrial uses was anticipated to be greatest with “traded-sector” employers, which prefer larger acreage sites (i.e., 10 acres or greater) that have good automotive access and are located away from residential areas. Over half of the available supply of developable industrial land is comprised of parcels or sites that are 20 acres or more. The subject site doesn’t satisfy any of these criteria. The total area of the site is slightly more than two acres and access to the site is limited to an eastbound right turn from Glen Creek Road and access from NW 9th Street, the latter of which is inaccessible by northbound travel along NW Wallace Road. Additionally, an existing residential neighborhood with a mixture of single and multifamily dwellings is located immediately north across NW Glen Creek Road.

Two of the methods recommended in the HNA/EOA for balancing the deficit of developable commercial acreage include:

- Identification of target areas for conversion to commercial use that are impinging on industrial uses and less well-suited for future industrial uses (Implementation Measure 1.1)
- Establishing one or more neighborhood or convenience shopping and service centers in West Salem, especially in developing residential areas (Implementation Measure 1.2)

Although the site is not in or near a “developing residential area,” it is near an established residential area. In addition, its location along two major transportation corridors that serve the majority of residential neighborhoods in West Salem provides significant potential for helping to satisfy the identified need for more commercial land.

The CG zone also presents an opportunity for responding to the demand for additional multifamily dwellings over the 20-year planning horizon analyzed through the HNA/EOA. Findings presented in that study project that there is a deficit of 207 acres of developable multifamily residential land, which equates to approximately 2,897 dwellings. Although approval of a Conditional Use Permit is required in order for multifamily dwellings to be constructed in the CG zone, the site is ideally situated to meet some of the identified need. It is within a quarter-mile of essential retail and commercial services (e.g., a grocery store, restaurants, medical offices, and banking institutions), as well as several recreational facilities, including Wallace Marine Park. The site is well-served by public transit – Routes 5 and 6 of the Salem-Keizer Transit system utilize Wallace Road – and the Glen Creek Transit Center is located within a quarter mile east of the site. As an alternative to driving, the immediate proximity of these services would allow residents to rely on bus service to reach employment and shopping areas within and near downtown Salem, thereby reducing traffic loads and environmental impacts related to vehicular emissions.

In general terms, the proposed re-designation of the site to CG is in the interest of the public health, safety, and welfare of the city. It will support economic development and housing choice in demographic sectors identified in the HNA/EOA as being underserved. The opportunity to further develop/redevelop the site, potentially with a mixture of commercial and residential uses, will capitalize on efficiencies related to the immediate availability of needed utilities and transportation facilities, thus decreasing the need to annex and develop “greenfield” sites elsewhere within the Salem Urban Growth Boundary. As discussed in greater detail below, design and development standards related to uses allowed in the CG zone will enhance the visual aesthetics of the corridor along Glen Creek and Wallace roads in comparison to existing site conditions.

***From Salem Revised Code 265.005 (e)(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;*

**Response:** The applicant is not aware of a mistake in the application of a land use designation to the property. As described above, the existing Zoning and Comprehensive Plan designations for the property are consistent with one another.

(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*

**Response:** As discussed above, the 2015 HNA/EOA has identified the need for additional commercial and multifamily residential land to meet demand over the corresponding 20-year planning horizon. Conversely, the available supply of developable industrial land is more than

adequate to meet the demand for related uses, and the subject site is not likely to contribute toward meeting a portion of that demand due to its small size and limited opportunities for efficient vehicular access. Given that properties immediately east of the site are currently zoned CG, re-designating the subject parcels to CG will increase the overall potential for development/redevelopment with a mix of commercial uses – and perhaps some multifamily. This would contribute toward satisfying an existing demand for more convenience shopping in West Salem, as identified in the EOA.

- (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.*

**Response:** The CG zone is at least equally suited for the subject site as the IP zone for the following reasons.

Adjacent properties to the east and south are currently zoned CG, as are additional properties located southeast along Wallace Road. Properties located to the north and northwest are zoned CR, which allows a similar set of commercial uses. Thus, there is little potential for compatibility conflicts between the subject site and these existing commercially zoned properties.

Re-designating the site to CG will maintain a similar zoning relationship with properties to the west that are currently zoned IP. Given that the two zones abut one another currently, no compatibility conflicts are expected as a result of increasing the area of CG zoning.

The combined area of CG properties located immediately east of the site is 1.42 acres, which is less total area than the subject site. Re-designating these five tax lots to CG will increase the total contiguous area of CG by 2.18 acres, hence allowing a more unified redevelopment project. The resultant 3.6 acres of CG zoning would be comparable to other individual or contiguous properties along Wallace Road that share the same zoning designation. Therefore, increasing this particular area of CG zoning would be consistent with the established pattern of commercial zones along Wallace Road.

Although developing the site consistent with uses allowed in the CG zone may increase the number of vehicle trips utilizing the affected intersections in comparison to existing conditions, as is discussed in greater detail below, uses allowed in the CG zone with the highest trip generation rates are also allowed in the IP zone. As a result, re-designating the site as CG has no potential to cause a significant adverse effect on the transportation system. Additionally, it should be noted that existing medians and turn-movement limitations will control the flow of traffic into and from the site in a manner that maintains the functional service level of the intersection at Glen Creek Road and Wallace Road.

Lastly, in most respects, the development standards of the CG zone are similar to those of the IP zone. Minimum required building setbacks in the CG zone are slightly less than what's required in the IP zone, which is a reflection of the CG zone to support pedestrian-friendly design and direct access to building entrances. The CG zone also presents the potential for fewer compatibility impacts in relation to other zones, thus it is viable to allow smaller setbacks than those required in the IP zone. For example, development in the IP zone must be set back from residential uses by a minimum of 10 feet, while the minimum setback in the CG zone is five feet. In the case of the subject site, the nearest residential use is approximately 65 feet north, across



Glen Creek Road. Re-designating the site to CG will have no material effect on the distance buffering nearby residential uses from non-residential uses developed at the site. Additionally, neither zone limits building coverage, other than compliance with the minimum required setbacks.

While the CG zone allows a maximum building height of 75 feet, which is 30 feet taller than the maximum allowed in the IP zone, it is unlikely one or more buildings constructed on the site could achieve that height. Limited site area would be available to satisfy off-street parking demand. For example, a four-story 60,000 square foot office building constructed consistent with the IP zone development standards would require approximately 170 parking spaces. At an average area of 325 square feet per space, roughly 56,000 square feet of the site would be required for parking and circulation area. After accounting for the corresponding building footprint (15,000 square feet), there would not be sufficient area available to satisfy the parking demand within the boundaries of the site. Thus, other development standards will likely limit maximum building height on the site to be comparable or less than what is currently allowed in the IP zone.

Both the IP and CG zones allow a mixture of uses classified as either Retail Sales and Services; Business and Professional Services; Motor Vehicle Sales and Services; Recreation, Entertainment, and Cultural Services; Educational Services; Civic Services; Public Safety; Construction Contracting, Repair, Maintenance, and Industrial Services; Whole Sales, Storage, and Distribution; or Manufacturing. However, the CG zone allows a more diverse mix of uses from each of these categories, particularly Retail Sales and Services; Business and Professional Services; Motor Vehicle Sales and Services; Recreation, Entertainment, and Cultural Services; and Health Services. For example, the only limitation on retail sales is that it must take place within an enclosed building or fenced area, and no limitations are placed on professional offices or Personal Services. The additional uses and comparative lack of limitations on uses allowed in CG zone would help satisfying the demand for convenience shopping and commercial services identified in the West Salem area. As noted above, the re-designating the site as CG will increase the area of this zone to just more than two acres when combined with the properties immediately east, and will provide greater flexibility for delivering desirable commercial services for West Salem.

- (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.*

**Response:** The subject zone change has not been initiated by the City.

- (C) *The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.*  
 (D) *The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

**Response:** Please see below for findings in response to applicable policies from the Salem Area Comprehensive Plan, as well as relevant Statewide Planning Goals.

- (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.*

**Response:** The subject Zone Change is proposed in conjunction with a Comprehensive Plan Amendment that will result in re-designating the site from an industrial zone to a non-industrial zone. Findings presented above in regards to the 2015 Salem HNA/EOA demonstrate that approving the requested change is consistent with the methods recommended for satisfying the projected demand for developable commercial acreage. The corresponding reduction in the available supply of vacant industrial acreage will not have an adverse effect on satisfying the projected demand for new industrial development.

(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.*

**Response:** The applicant has submitted a trip generation analysis that compares “reasonable worst-case development scenarios” for the IP and CG zones, which are based on the uses allowed in each zone with the highest trip generation rates (Exhibit H). After accounting for portions of the site that aren’t available for development due to the embankment along Glen Creek Road, it is assumed that the remaining site area could support up to 10,000 square feet of building area and related on-site parking. Based on these factors, the analysis demonstrates that the proposed Zone Change and Comprehensive Plan Amendment will not significantly affect a transportation facility.

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

**Response:** As shown on Exhibit G, all necessary public utility lines are located within immediate proximity of the site.

To facilitate review of the subject request, findings in response to the applicable Statewide Planning Goals and relevant policies of the Salem Comprehensive Plan and West Salem Neighborhood Plan are presented below and grouped into the following five categories.

- Land Use and Compatibility
- Economy and Housing
- Public Facilities and Services
- Transportation Facilities
- Neighborhood Plan Amendment

#### **IV. Land Use & Compatibility**

##### ***Applicable Statewide Planning Goals***

##### *Statewide Planning Goal 2: Land Use Planning*

*OAR 660-015-0000(2)*

*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.*

**Response:** The Salem Area Comprehensive Plan was prepared and adopted in conformance with Statewide Planning Goal 2. Policies addressing the designation of land for commercial, residential, and industrial use are included in the plan, along with policies articulating the community’s expectations for achieving compatible development patterns that are served by necessary public facilities. Findings in response to the policies from the Comprehensive Plan that are relevant to the subject applications are

presented below. Corresponding titles of the Salem Revised Code implement these policies through development standards and procedures specifying application requirements and decision criteria for each use of land addressed by the Comprehensive Plan. Sections 64.025 and 265.005 of the SRC, findings for which are presented above, satisfy those regulatory elements for Comprehensive Plan Amendment and Zone Change applications.

#### *Statewide Planning Goal 14: Urbanization*

*OAR 660-015-0000(14)*

*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.*

**Response:** The Salem Comprehensive Plan establishes the land use and urbanization framework for the city by assigning land within the Urban Growth Boundary to one of several civic, commercial, industrial, residential, or mixed-use designations. Corresponding zones regulated through the SRC establish the allowed densities and intensities of use in a manner that facilitates urbanization through the efficient use of land. As discussed above, the proposed Comprehensive Plan Amendment and Zone Change will perpetuate existing continuity and compatibility achieved between the IP and CG zones, while also increasing the opportunity for needed commercial development in Salem.

#### ***Applicable Comprehensive Plan Policies***

##### *General Development – Development Compatibility (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.*

**Response:** Both the IP and CG zones include regulations addressing screening, landscaping, setbacks, building height, and lot coverage.

As noted above, the minimum setbacks required in the IP zone are slightly more restrictive than those of the CG zone; however, that is a reflection of the more intensive uses that are allowed in the IP zone. A minimum setback of 10 feet is required along all zone boundary lines, except for a boundary shared with a residential zone, in which case the minimum setback increases to 30 feet. In comparison, buildings constructed in the CG zone are allowed to be set back by as little as five feet from zone boundary lines. Given that properties to the east and south are zoned either CG or IP, rezoning the site to CG will simply modify the established pattern of zoning to include a greater area of CG, but not materially alter the potential relationship between setbacks allowed in the CG and IP zones. A similar situation is true north of the site, where multifamily residential land (RM-2) is immediately adjacent to IP and CG zoned properties. The buffer provided by Glen Creek Road will not be altered; thus, even though shallower setbacks are allowed in the CG zone, compatibility impacts on residential properties to the north would not be expected.

Additionally, setback areas in the IP and CG zones must be landscaped consistent with standards contained in SRC Chapter 806 and 807. A minimum of 15 percent of lot area in either must be landscaped consistent with these standards.

Lastly, while taller buildings are allowed in the CG zone than in the IP zone, it is unlikely a 75-foot-tall structure could be developed on the site due to insufficient area for required parking, as discussed above. In fact, it is questionable whether a four-story building could be placed on the site given its developable area and dimensions.

Given these considerations, the IP and CG zones do not represent a significant difference in terms of screening, landscaping, setbacks, and building height. Therefore, the CG zone should be at least as compatible with surrounding properties as the IP zone.

#### *Urban Growth – Infill (4)*

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

**Response:** As noted above, the site has immediate access to all required urban services. Rezoning the site to CG will help to address an identified shortage of developable commercial land within the Salem UGB, in a manner that benefits from the immediate proximity of transportation facilities and public utilities. In comparison to annexing and extending services to an existing “greenfield” site, meeting the community’s need for developable land in this way is considerably more cost-effective.

#### *Growth Management – Ten Year Supply of Land (12)*

*A continuous ten-year supply of serviced, developable land should be maintained to avoid unnecessary increases in land prices created by artificial shortages of land.*

**Response:** Based on findings presented in the 2015 HNA/EOA, 824 acres of developable commercial land is needed within the UGB in order to satisfy demand projected over the 20-year planning horizon. Assuming consumption of that acreage occurred at a steady average rate over the entire planning period, 41 acres of developable commercial land would be needed per year.

As of 2014, a total of 553 acres of developable commercial land were available, which would equate to a present-day supply of 471 acres assuming an average annual consumption rate of 41 acres per year. This supply would be sufficient to meet the demand for commercial development for another 11 years.

It should be noted however, that the subject site is well-suited to help meet the projected demand for additional commercial acreage, regardless of whether a 10-year supply of developable land is presently available. The site presents several advantages and efficiencies that might not be derived from other locations – particularly properties that would need to be annexed and urbanized prior to development. From this perspective, even if the current supply of developable acreage is sufficient to meet demand for more than 10 years, the subject site has considerable potential for limiting urban sprawl, and, more specifically to the West Salem area, providing additional commercial and convenience services for which demand has been identified in the HNA/EOA.

Given these findings, the subject request is consistent with the policy cited above.

#### *Mixed-Use Development – Design (6)*

*Develop commercial and mixed-use areas that are safe, comfortable and attractive to pedestrians.*

**Response:** Mixed-use development is possible in the CG zone. A broad variety of commercial, retail, office, residential, and low-intensity industrial/production uses are allowed in the zone. As such, the corresponding development standards account for compatible combination of these uses, and emphasize safe and convenient pedestrian circulation to and through a site. Chapters 86 and 803 of the SRC require construction of sidewalk and planter strips along public streets, while standards contained in Chapter 806 require walkways and sidewalks to be separated from on-site vehicle parking and circulation areas. In the case of multifamily dwellings proposed as part of a mixed-use development, the design review guidelines in Chapter 702 encourage the placement of parking and circulation areas internal to a site so that buildings can be oriented toward streets, thus facilitating safe and convenient pedestrian access. Additional landscaping standards for common areas and setbacks specify the

inclusion of internal pedestrian walkways that connect buildings with one another, as well as with adjacent public sidewalks. Therefore, mixed-use development that may occur consistent with the CG zone is anticipated to provide safe, comfortable, and attractive pedestrian amenities.

#### *Mixed-Use Development – Design (8)*

*Provide appropriate transitions between mixed-use areas and adjacent single-use neighborhoods*

**Response:** Rezoning the subject site to CG will expand and continue the existing pattern of commercial zoning at the node formed by Glen Creek Road and Wallace Road. In general, the CG zone borders both sides of Wallace Road up to the intersection at Glen Creek, but does not extend beyond it. The zone is also applied to properties west of Wallace Road, extending almost to Murlark Avenue. Approval of the subject applications would have a comparable outcome, and maintain the transition points between an established mixed use area and residential neighborhoods located to the north and west. For reasons noted above, the intensity of development likely to occur through the CG zone standards is not anticipated to substantially exceed what would be possible through the IP zone. Thus, rezoning the site to CG is consistent with the policy cited above.

## **V. Economy & Housing**

### ***Applicable Statewide Planning Goals***

#### *Statewide Planning Goal 9: Economic Development*

*OAR 660-015-0000(9)*

*To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

**Response:** The Salem Area Comprehensive Plan was prepared and adopted in conformance with Statewide Planning Goal 9. Policies addressing the designation of land for commercial and industrial use are included in the plan, along with policies articulating the community's expectations for providing diverse economic opportunities. The CG zone is one of five zones specifically identified for enabling commercial development within the community, consistent with the Commercial designation of the Salem Comprehensive Plan.

#### *Statewide Planning Goal 10: Housing*

*OAR 660-015-0000(10)*

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

**Response:** The Salem Area Comprehensive Plan was prepared and adopted in conformance with Statewide Planning Goal 10. Policies addressing the designation of land for residential use are included in the plan, along with policies articulating the community's responsibility to plan for needed housing. Although the CG zone is primarily intended to help provide opportunities for commercial development and related services and employment, residential uses are also allowed in the zone. Single family dwellings, in the form of residential care homes, and multifamily dwellings, which are allowed on a conditional basis, may be developed in the CG zone. Each of these dwelling types is part of the overall spectrum of housing needed in the community, as identified by Goal 10 and the 2015 HNA.

### ***Applicable Comprehensive Plan Policies***

#### *General Development – Economic Growth (3)*

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

**Response:** As discussed above, the 2015 EOA has identified the need for additional commercial land within the UGB that can be developed over the 20-year planning horizon. Demand for additional commercial services in West Salem was emphasized in particular. The subject site is ideally positioned to help satisfy a portion of that demand given its location at the intersection of two major transportation corridors serving West Salem. Complimentary commercial uses are already present within the immediate vicinity of the site, which would allow customers to conveniently complete multiple shopping errands or service appointments, rather than needing to travel to other portions of the community. Thus, rezoning the site to CG is consistent with the policy cited above.

#### *Housing – Multi-Family Housing (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.*

**Response:** As noted above, multifamily development is allowed in the CG zone on a conditional basis. While providing a portion of the community's demand for housing is not the primary purpose of the CG zone, applying the zone to the subject site would be consistent with several of the locational factors described in the policy cited above. The site is immediately adjacent to existing transit service and is located at the intersection of two major transportation corridors that serve West Salem and the nearby commercial areas. One of Salem's largest parks (Wallace Marine Park) is within a quarter mile of the site, thus enabling easy pedestrian or bicycle access for residents who could live at the site. Nearby medical office, banking, retail, and manufacturing uses provide a wide variety of potential shopping and employment opportunities that would be conveniently reached by residents, as well.

#### *Housing – Protection of Residential Areas (8)*

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

**Response:** An existing residential neighborhood comprised of low and high density housing is located immediately north of the site, across Glen Creek Road. This street provides a buffer of approximately 60 feet between the nearest dwellings and the site. Additionally, topography west of the site along Glen Creek Road gradually rises in comparison to the developable portion of the site, which would be expected to further mitigate the potential intensity of uses occurring at the site. Uses allowed in the CG zone are also anticipated to have fewer nuisance characteristics than those that might occur in the IP zone – specifically, impacts related to noise, vibrations, and odors that are typically associated with industrial production and manufacturing. Given these considerations, the CG zone diminishes the likelihood of compatibility impacts on the adjacent residential neighborhood, which will improve the overall effectiveness of buffering provided by Glen Creek Road and topographical difference between the site and nearby dwellings.

### *Industrial Development – Industrial Land Inventory (1)*

*Maintain a long-term (20 year) industrial land inventory which provides a full range of small, medium, and large parcel sizes and locations to sustain a competitive market for industrial sites. Maintaining a long-term supply of industrial land will require identifying and preserving key high value industrial land, especially areas where the City has made substantial investments in infrastructure. High value industrial land has the following characteristics: it is designated for industrial uses, in flat parcels, most frequently in large parcels at least 10 acres in size, located within an industrial district, has direct access to a state highway or I-5, and is serviced or planned to be serviced with water and wastewater infrastructure.*

**Response:** As stated in the 2015 EOA, the supply of industrial land currently available within the UGB is sufficient to meet demand for industrial development over the 20-year planning horizon. Over half of the available acreage is comprised of parcels or sites that are greater than 20 acres. The subject site does not meet the minimum acreage threshold noted in the policy above, nor does it have direct access to a state highway or I-5.

### *Industrial Development – Industrial Land Inventory (1)*

*Identify areas that may be appropriate for converting from industrial to commercial or other non-industrial uses over the long-term. The characteristics of industrial land that may be appropriate for conversion to commercial or other non-industrial uses include some or all of the following: (1) located outside of industrial areas or isolated from other industrial uses, (2) surrounded by incompatible uses (such as housing), (3) located adjacent to properties that have converted to commercial uses, (4) have limited or no access to major roads (such as arterial streets, collector streets, or highways), or (5) lacks rail access.*

**Response:** The subject site's location and the arrangement of existing uses that surround it partially satisfy the characteristics noted above for properties that might be appropriate to transition from industrial to non-industrial. For example, the site is bordered on three sides by commercial and/or residential uses. While it has access to a major road (Glen Creek), turning movements at the existing site access are limited to "right-in/right-out." Additionally, the second most direct route to the site is from Wallace Road via 9th Street NW; however, westbound travel at this intersection is also limited to "right-in/right-out" movements. These constraints may not be favorable for encouraging development/redevelopment of the site with the types of industrial uses allowed in the IP zone. Lastly, existing development patterns preclude accessing the site via rail. For these reasons, the site is an ideal candidate for re-designation to commercial use.

## **VI. Public Utilities**

### ***Applicable Statewide Planning Goals***

#### *Statewide Planning Goal 11: Transportation*

##### *OAR 660-015-0000(11)*

*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.*

**Response:** The City of Salem has adopted utility master plans addressing the provision of public water, sanitary, and stormwater facilities through development of lands within the UGB. Standards in Title 6 and Chapter 802 of the SRC implement corresponding policies from the Comprehensive Plan that were adopted consistent with Statewide Planning Goal 11. Development of the site per the CG zone would be subject to these standards. Based on these findings, the proposed zone change is consistent with Goal 11.

### ***Applicable Comprehensive Plan Policies***

#### ***Growth Management – Infill on Facilities (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.*

**Response:** Per information provided by the City of Salem, public utilities within immediate proximity of the site have sufficient capacity to accommodate development per the CG zone standards (Exhibit I). Public water, sanitary, and stormwater drainage lines are currently available within the rights-of-way for Glen Creek Road, Wallace Road, and 9th Street NW (Exhibit G). The need for upgrades to these lines has not been identified by City staff. Therefore, the site can be developed/redeveloped in a cost-effective manner that minimizes the overall expense of development to the City.

### **V. Transportation Facilities**

#### ***Statewide Planning Goal 12: Transportation***

*OAR 660-015-0000(12)*

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

**Response:** The City of Salem has adopted a Transportation System Plan as a supporting document of its Comprehensive Plan. The Transportation System Plan addresses all required elements of Goal 12, as described in Comprehensive Plan Policy J.1. Standards contained in Chapter 803 of the SRC implement Comprehensive Plan policies related to transportation planning by requiring construction of necessary improvements as part of development.

As noted above, re-designating the site as CG is not anticipated to have an adverse impact on the planned functional capacity of the transportation system. Although a wider variety of commercial uses is allowed in the CG zone, the uses with the highest trip generation rates are the same as those allowed in the IP zone. Thus, planned transportation improvements that have been identified as necessary in order to maintain the functional capacities of the transportation system will be sufficient to accommodate development of the site per the CG zone.

### ***Applicable Comprehensive Plan Policies***

#### ***Mixed-Use Development – Priorities for Mobility and Access (4)***

*Reinforce streets as public places that encourage pedestrian and bicycle travel.*

**Response:** The CG zone is capable of facilitating mixed-use development due to its allowance of commercial, industrial, and residential uses. Primary access to the site for pedestrians and bicyclists would likely be along Glen Creek Road or Wallace Road, which are designated as Minor and Major Arterials, respectively. Existing bike lanes and sidewalks extend to and along the site's frontage of both streets. Were the site to be developed as "mixed-use" and included a multifamily residential component, applicable design guidelines would encourage pedestrian-scale building placement and orientation, as well as the use of attractive landscaping treatments along public streets. These features help to reinforce streets as public places and encourage pedestrian and bicycle travel.

#### ***Commercial Development – Community Shopping and Service Facilities (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 bicyclists from residential neighborhoods.*

**Response:** As noted above, the site is located at the intersection of two major transportation corridors that serve residential neighborhoods located to the north and west. The CG zone would facilitate development/redevelopment of the site with community shopping and service facilities for which unmet demand has been identified in West Salem. Existing sidewalk and bike lanes along Glen Creek Road and Wallace Road connect the site with nearby residential neighborhoods, which will enable pedestrian and bicycle travel to the site. Vehicular travel to the site is anticipated to rely on either Glen Creek Road or Wallace Road, and may require travel along minor streets immediately west of Wallace Road. However, “cut-through” traffic in the nearby residential neighborhoods is not expected due to the site’s location and available routes of travel. Given these considerations, the proposed re-designation of the site to CG is consistent with the policy cited above.

#### *Transportation – Connectivity and Circulation (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.*

**Response:** Based on the findings presented above in response to other applicable policies from the Comprehensive Plan, the site is well-served by existing transportation system facilities. Pedestrian and bicycle travel to and from the site is possible via existing sidewalks and bike lanes. Two public transit routes utilize the portions of Wallace Road and Glen Creek Road that are immediately adjacent to the site. These facilities would allow residents and employees who live and/or work nearby to easily patronize new shopping and community services uses that could be developed at the site consistent with the CG zone. Given these considerations, the proposed re-designation of the site to CG is consistent with the policy cited above.

## **VI. Neighborhood Plan Amendment**

The subject site is located within the boundaries of the West Salem Neighborhood Plan (WSNP) (Exhibit J). Policies from Chapters 3 and 4 of that plan describe the anticipated pattern of land use and development for the West Salem Neighborhood area, and include specific direction regarding the neighborhood and commercial area near the subject site. Designations shown on the associated land use maps identify the subject site for “Employment without Residential” and “Center – Employment Only” (Exhibits J-1 and J-2). These characterizations of use are presumed to have been made based on the Comprehensive Plan and zoning designations for the site, the industrial purpose of which places greater emphasis on employment and non-residential uses.

While the WSNP has been adopted by the City of Salem as a document that guides and influences land use decisions with the affected area, it is not the only land use planning document that can be relied on for that purpose. On page 7 of the WSNP it is noted that the City may take appropriate action to address a particular project or process if the Plan does not specifically do so, and that the WSNP should be amended to remain consistent<sup>1</sup>. Based on this recognized relationship between the WSNP and other land use planning documents, the applicant proposes an amendment to the WSNP that would reconcile re-designating the site from IP to CG. It is presumed that the corresponding change to the WSNP – particularly the Generalized Land Use Map – would designate the site as “Center over Existing

<sup>1</sup> 2004, West Salem Neighborhood Plan, page 7; “2. If the PLAN statements do not address a project or process, the City may still take appropriate action to address it. However, if necessary, the PLAN should be amended in this circumstance.”

Commercial.” The applicant acknowledges that another designation may also be appropriate. Regardless, the intent of the amendment would be to ensure consistency between the WSNP and the Comprehensive Plan.

The following summary from page 16 of the WSNP may be useful for appropriately characterizing the effect of re-designating the site from IP to CG:

“The development of a "Mixed-Use Center" SACP land use designation that provides for coordinated development within the areas that allow for residential, neighborhood retail, restaurants, employment, public space, and/ or civic uses. Centers may include any or all of these uses, but should be developed as specific area plans with the prevailing economic market and neighborhood needs in mind. Centers should be developed in such a manner as to provide a sense of place, a compact urban form, neighborhood vitality, and innovative design. Within Centers, buildings should be oriented to the pedestrian, there should be accessibility to transit and major roads, and there should be connectivity with the surrounding neighborhood, while still accommodating the use of the automobile.”<sup>2</sup>

Although the City of Salem has not yet created a “Mixed Use Center” Comprehensive Plan designation, the applicant argues that the CG zone is capable of achieving many of the corresponding outcomes identified in the WSNP, 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. Minimum setbacks are reduced in the CG zone, which would allow new buildings to be placed closer to Wallace Road, Glen Creek Road, and 9th Street NW, thereby enabling direct pedestrian access from these public streets, as well as greater flexibility for placing parking areas internal to the site. This approach to site planning would enhance aesthetics of the streetscapes along Glen Creek Road and Wallace Road, both of which are major gateway transportation corridors that serve the greater West Salem area. Sidewalks and bike lanes currently extend along these streets and will enable pedestrians and cycles to access the site from nearby residential neighborhoods, adjacent commercial areas, and Wallace Marine Park.

On March 7, 2016, the applicant attended a regularly scheduled meeting of the West Salem Neighborhood Association to discuss the proposed Comprehensive Plan Amendment, Zone Change, and Neighborhood Plan Amendment. Summary minutes from that meeting are included with the application as Exhibit K. In general, comments at the meeting regarding the proposed land use requests were favorable and in support of re-designating the site from IP to CG.

In addition to these findings, the applicant offers the following responses to relevant policies from the WSNP.

### ***Applicable West Salem Neighborhood Plan Policies***

#### ***Maximize Use of Land***

- 1.1 *Encourage higher densities, in fill, and mixed-use opportunities, where appropriate, to minimize the need for UGB expansion.*

**Response:** Subsequent to preparation and adoption of the WSNP, the City of Salem identified deficits of developable multifamily and commercial land through the 2015 HNA/EOA. The CG zone has the

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<sup>2</sup> 2004, West Salem Neighborhood Plan, page 16.

potential to help satisfy a portion of the associated demand for developable acreage that is projected over the 20-year planning horizon. Demand for new housing and commercial services can be met through three approaches: development of “greenfields,” development/redevelopment of infill properties, or a combination thereof. The policy cited above and several policies from the Salem Comprehensive Plan encourage development/redevelopment of infill properties as the preferred means of meeting demand, because doing so may delay or avoid expansion of the UGB. Roughly half of the site is currently undeveloped, which presents an ideal opportunity to introduce uses and a pattern of development that are consistent with the broader goals articulated in the WSNP for new commercial development. The option of introducing multifamily dwellings as part of that redevelopment would help meet some of the projected demand for housing, and also deliver new mixed-use development to an established commercial area in West Salem. New residents would likely patronize the surrounding commercial, retail, and community services uses, providing additional economic support envisioned through the WSNP and the West Salem Urban Renewal Plan.

### *Self-Sufficient Economic Infrastructure*

#### *1.6 Encourage non-residential uses that provide a range of jobs to support the employment needs of residents in West Salem.*

**Response:** Based on findings presented in the 2015 HNA/EOA, new industrial development projected to occur over the 20-year planning horizon is anticipated to focus primarily on traded-sector jobs. The ideal sites for corresponding employers are substantially larger (20 acres or greater) and have relatively direct access to the state/federal highway system. Certainly, not all industrial uses and jobs are dependent upon such sites, and some portion of the overall demand for new industrial development will likely be met by smaller acreage sites. However, the 2015 HNA/EOA estimated that approximately 270 of the 1,400 acres of vacant industrial land was comprised of parcels five acres or smaller in area. Each of the five lots that make up the subject site are substantially smaller than five acres, so it is questionable to what extent they may be able to contribute toward satisfying a portion of the employment growth projected for industrial jobs.

In comparison, once zoned CG, the site has the potential to be combined with the abutting CG zoned properties to the east and developed cohesively with new commercial shopping and service uses. The resultant pattern of development would be more compatible with the set of uses already in place along the Wallace Road corridor, and would enhance the overall aesthetics of this gateway to West Salem to a greater degree than expected through industrial development. Uses allowed in the CG – which include some lower intensity industrial uses – are as equally likely to provide new employment opportunities as the uses allowed in the IP zone. From this perspective, the CG zone presents the multifaceted advantages of facilitating development/redevelopment of the site, enhancing the visual aesthetics of a key gateway to West Salem, and delivering new jobs for nearby residents.

### *Support Neighborhood Businesses*

#### *1.8 Encourage the short-term (0-15 years) redevelopment of the industrial Edgewater/Wallace area with compatible pedestrian-oriented retail and office uses, while supporting existing industrial uses consistent with the West Salem Urban Renewal Plan, which is generally described in Chapter 8 of this document.*

**Response:** The subject site is located just north of the Edgewater/Wallace area of the WSNP. However, it has considerable potential to accomplish many of the goals articulated for this portion of West Salem, especially given its location at a key transportation and neighborhood node. The CG zone would facilitate achieving those goals to greater degree than the site’s current IP zoning. For example, a broader variety of pedestrian-oriented commercial, retail, and office uses would be possible through the CG zone. Such uses would be expected to support nearby residential neighborhoods, but also provide a

portion of the retail, dining, entertainment, and service uses desired by employees of production and manufacturing uses already present in the Edgewater/Wallace area. Given the site's inclusion within the boundaries of the West Salem Urban Renewal Area, its potential for generating the desired urban renewal benefits has already been recognized. Designating it as CG is more likely to catalyze those benefits for the reasons noted above.

#### IV. SUMMARY

The findings presented above have highlighted the need for additional commercial land with the Salem UGB, as well as demand for developable land that is particular to the West Salem area. The CG zone is optimally configured to help meet that need while also helping to satisfy the demand for multifamily housing that's projected over the 20-year planning horizon. From the perspectives of neighborhood aesthetics and economic development, re-designating the site from IP to CG would align with the predominant pattern of commercial uses established along the Wallace Road and Glen Creek Road corridors, and provide additional support for the goals articulated in the WSNP and the West Salem Urban Renewal Plan.

Existing public improvements and facilities are generally sufficient to support development of the site per the CG zone. Sidewalks and bike lanes along Glen Creek Road and Wallace Road will enable pedestrians and cyclists to safely travel to the site from nearby residential neighborhoods and adjacent commercial centers. Established connectivity to Wallace Marine Park through the intersection at Glen Creek and Wallace roads places this site at a key node for the West Salem area, and one that should be redeveloped consistent with the overall vision for "Mixed-use Centers," as described in the WSNP. Capitalizing on these efficiencies of infill development is encouraged by the WSNP and Salem Comprehensive Plan.

Given the similarity among uses with high trip generation rates that are allowed in the IP and CG zones, adverse impacts to the transportation system are not anticipated. Existing transit service along Wallace Road and the proximity of the Glen Creek Transit Center, which is within a quarter mile of the site, are anticipated to decrease the need to travel to the site via private automobile.

In light of these findings, and those presented in the sections above, the applicant has demonstrated how the proposed Comprehensive Plan Amendment, Zone Change, and Neighborhood Plan Amendments are consistent with relevant decision criteria. Hence, the subject requests should be approved.

RECEIVED



AUG 17 2016

MEMO

COMMUNITY DEVELOPMENT

**TO:** Aaron Panko, Planner III  
Community Development Department

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

**DATE:** August 17, 2016

**SUBJECT:** PUBLIC WORKS RECOMMENDATIONS  
CPC-NPC-ZC16-08 (16-113317)  
560 GLEN CREEK ROAD NW  
CPC/NPC/ZC FROM INDUSTRIAL TO COMMERCIAL

**PROPOSAL**

A proposed Comprehensive Plan Change (CPC) to "Commercial", Neighborhood Plan Change to "Commercial" and a Zone Change (ZC) to General Commercial.

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 "Industrial" to "Commercial"; and
3. A Zone Change from Industrial Park to General Commercial.

The subject properties are approximately 2.18 acres in size, zoned 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).

**SUMMARY OF FINDINGS:**

The proposal meets applicable criteria related to public works infrastructure.

**FACTS**

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR). Analysis in consideration of the requirements of the TPR (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings.

### **CRITERIA AND FINDINGS**

**SRC 265.005(e)(1)(F)** The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

**Finding**—The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

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

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

Prepared by: Nathan Coapstick, Project Coordinator  
cc: File



February 25, 2016

Deacon Development Group  
Attention: Ryan Schera  
901 NE Glisan Street, Suite 100  
Portland, Oregon 97232

Re: **West Salem Commercial Development PA\_ZC – Salem, Oregon**  
*Transportation Impact Analysis*

Project Number 20150903.10

Dear Mr. Schera:

This letter presents the background Transportation Impact Analysis (TIA) assumptions used for the West Salem property in Salem, Oregon. If these assumptions are found appropriate following agency review, they will be used as the basis in performing any necessary additional transportation analysis.

The following items are specifically addressed:

1. Property Description and Proposed Land Use Action
2. Transportation Analysis Description
3. Land Use and Trip Generation Assumptions
4. Transportation Analysis
5. Summary

## **1. PROPERTY DESCRIPTION AND PROPOSED LAND USE ACTION**

The West Salem property is located at the southwest corner of the Wallace Road/Glen Creek Road intersection in Salem, Oregon. The subject property consists of 5 tax lots currently zoned Industrial Park (IP) that are proposed to be zoned General Commercial (GC) as depicted in the attached figure.

The proposed land use action includes a comprehensive plan amendment and zone change. As such, a transportation impact analysis (TIA) needs to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060, and Oregon Department of Transportation (ODOT) and Salem TIA requirements.



## 2. TRANSPORTATION ANALYSIS DESCRIPTION

The subject land use action includes a comprehensive plan amendment and zone change request; therefore, the TIA will need to address Transportation Planning Rule (TPR) criteria outlined in Oregon Administrative Rule (OAR) 660 012-0060 and City of Salem requirements. It is important to note, this land use action is specifically for the subject zone change and is not for a specific development application; therefore, the analysis intent is to compare the relative transportation impacts of the current and proposed zone designations.

OAR 660-012-0060 (1) states, *"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.*

*(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."*

### 3. LAND USE AND TRIP GENERATION ASSUMPTIONS

Based on property configuration, topography, and access, the net developable area is approximately 60,000 square feet, allowing for development of two, approximate 5,000 square buildings with associated parking and circulation areas. The development area and buildings are more specifically shown in the attached figure.

Because specific development is unknown at this time, this transportation analysis evaluates impacts resulting from reasonable worst-case development scenarios in both the current IP and proposed GC zone designations. Allowed land uses identified in Salem Revised Code (SRC) Chapter 533, IP – Industrial Park and Chapter 523, GC – General Commercial were compared to identify uses with the highest potential trip generation based on Institute of Transportation Engineers (ITE) *Trip Generation Manual*, 9<sup>th</sup> Edition data.

The following tables present a summarized list of the highest trip generating land uses in both the IP and GC zone designations.

TABLE 1 – CURRENT IP ZONE LAND USES AND TRIP GENERATION			
Salem Revised Code Land Use Description	Assumed ITE Land Use Code	ITE Land Use Code Description	PM Peak Hour Trip Generation Rate <sup>1</sup>
<b>Retail Sales and Service</b>			
Eating and Drinking Establishment	934	Fast Food with Drive-Thru	32.65
Retail Sales	826	Specialty Retail Center	2.71
Postal Services and Retail Financial Services	912	Drive-in Bank	24.30
<b>Business and Professional Services</b>			
Office	710	General Office Building	1.49
Laboratory Research and Testing	760	Research and Development Center	1.07
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service</b>			
Motor Vehicle Services	944	Gasoline/Service Station	13.87 <sup>2</sup>
<b>Recreation, Entertainment, and Cultural Services and Facilities</b>			
Commercial Entertainment - Indoor	492	Health/Fitness Club	3.53
<b>Education Services</b>			
Daycare	565	Day Care Center	12.34
<b>Construction Contracting, Repair, Maintenance, and Industrial Services</b>			
General Repair Services	811	Construction Equipment Rental Store	0.99

<sup>1</sup> Trips per 1,000 SF gross floor area.

<sup>2</sup> Trips per fueling position.

TABLE 2 – PROPOSED GC ZONE LAND USES AND TRIP GENERATION			
Salem Revised Code Land Use Description	Assumed ITE Land Use Code	ITE Land Use Code Description	PM Peak Hour Trip Generation Rate <sup>1</sup>
<b>Retail Sales and Service</b>			
Eating and Drinking Establishment	934	Fast Food with Drive-Thru	32.65
Retail Sales	826	Specialty Retail Center	2.71
Personal Services	826	Specialty Retail Center	2.71
Postal Services and Retail Financial Services	912	Drive-in Bank	24.30
<b>Business and Professional Services</b>			
Office	710	General Office Building	1.49
Laboratory Research and Testing	760	Research and Development Center	1.07
<b>Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service</b>			
Motor Vehicle Services	944	Gasoline/Service Station	13.87 <sup>2</sup>
<b>Recreation, Entertainment, and Cultural Services and Facilities</b>			
Commercial Entertainment - Indoor	492	Health/Fitness Club	3.53
<b>Health Services</b>			
Outpatient Medical Services and Laboratories	720	Medical-Dental Office Building	3.57
<b>Education Services</b>			
Daycare	565	Day Care Center	12.34
<b>Civic Services</b>			
Governmental Services	730	Government Office Building	1.21
Social Services	720	Medical-Dental Office Building	3.57
<b>Construction Contracting, Repair, Maintenance, and Industrial Services</b>			
General Repair Services	811	Construction Equipment Rental Store	0.99
<b>Farming, Forestry, and Animal Services</b>			
Animal Services	640	Animal Hospital/Veterinary Clinic	4.72

<sup>1</sup> Trips per 1,000 SF gross floor area.

<sup>2</sup> Trips per fueling position.

Allowed IP and GC zone designation land uses presented in the tables above are quite similar with slightly fewer uses being allowed in the IP zone. But most importantly, the top four uses, in terms of trip generation, are the same.

And as previously noted, the net developable area allows for two, approximate 5,000 square foot buildings with associated parking and circulation areas. As such, reasonable worst-case development in either the IP or GC zone designation results in two land uses having the same trip generation.

#### 4. TRANSPORTATION ANALYSIS

As identified in the *Land Use and Trip Generation Assumptions* section of this letter, the current IP and proposed GC zone designations allow the same high trip generating land uses resulting in similar reasonable worst-case development scenarios. As such, the proposed GC zone designation is not anticipated to significantly affect an existing or planned transportation facility as defined by TPR criteria and the zone change will not result in a net PM peak hour trip increase.

No further transportation analysis is necessary to support the proposed comprehensive plan amendment and zone change. Please note this land use action is not for a specific development application and additional transportation analysis may be required to address City of Salem TIA criteria when specific development trip generation is identified.

#### 5. SUMMARY

The current IP and proposed GC zone designations allow the same high trip generating land uses resulting in similar reasonable worst-case development scenarios. As such, the proposed GC zone designation is not anticipated to significantly affect an existing or planned transportation facility as defined by TPR criteria and the zone change will not result in a net PM peak hour trip increase.

No further transportation analysis is necessary to support the proposed comprehensive plan amendment and zone change. Please note this land use action is not for a specific development application and additional transportation analysis may be required to address City Salem TIA criteria when specific development trip generation is identified.

Sincerely,



Christopher M. Clemow, PE, PTOE  
Transportation Engineer

Attachments: Development Area Figure

