

Criteria and Findings for Proposed Comprehensive Plan Map Amendment from “Single Family Residential” to “Multi-Family Residential” and Proposed Neighborhood Plan Map Amendment from “Single Family” to “Multi-Family” for an approximately 1.28-acre site encompassing two taxlots at 4220, 4230, and 4240 Sunnyview Road NE

PROCEDURAL FINDINGS

On January 10, 2017, the Planning Commission adopted Resolution 17-02 initiating this comprehensive plan change, neighborhood plan change, and zone change request.

Notice of the proposal was distributed to City departments and public and private service providers on February 10, 2017. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on February 14, 2017. The property was posted in accordance with the posting provision outlined in SRC Chapter 300.

State law (ORS 197.610) and SRC Chapter 300 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 January 31, 2017.

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Therefore, on March 7, 2017, the Planning Commission held a public hearing on the proposal and recommended to the City Council that they approve the proposed Comprehensive Plan Map and Neighborhood Plan Map Changes. Additionally, the Planning Commission approved the applications for Zone Change contingent on the City Council’s approval of the Comprehensive Plan Map Change and Neighborhood Plan Map Change.

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 satisfies criterion (A)(ii), Equally or Better Suited Designation. The proposed Multi-Family Residential designation is better suited for the subject property than the existing Single Family Residential designation because the site satisfies the criteria set forth in the Salem Area Comprehensive Plan Residential Development Policy E.6., to locate Multi-Family Residential housing in close proximity to transportation corridors, public facilities, and services. The subject property is also surrounded on the south and west side by other Multi-Family Residential land developed with apartment complexes, and is not directly abutting any other Single Family Residential lands. The site was designated Single Family Residential at a time when the surrounding land use pattern was significantly different. The site's Single Family Residential designation current configuration with three detached dwellings on two large lots is not an optimal use of the land. The site's 1.28 acre size and its location on Sunnyview Road NE with direct access to transit and close proximity to commercial services makes it ideal for a multi-family redevelopment such as a small apartment complex or townhouse subdivision. 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 inside the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas, and appear adequate to serve future multi-family residential uses on the site. The property fronts Sunnyview Road NE, which is built out with two vehicular travel lanes, and central turn lane, curbs, sidewalks, and bike lanes at this location. Site-specific infrastructure requirements for redevelopment of the site

will be addressed in the Site Plan Review process in SRC Chapter 220. 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 proposed Multi-Family Residential designation is a logical extension of the existing Multi-Family Residential land surrounding the site to the south and west. To the east, the site abuts Blanchet Catholic School. The property is approximately ¼ mile east of Lancaster Drive NE. As the East Lancaster and North Lancaster neighborhoods have urbanized over time, a distinct land use pattern has developed in the vicinity that includes commercial uses along Lancaster Drive with a transition to high density multi-family residential uses and several large school campuses immediately east of Lancaster Drive, and then transitioning into single family residential neighborhoods farther east. This pattern is reflected in the Salem Area Comprehensive Plan Map. The subject property's location makes the proposed multi-family designation a logical choice for the site, given its location near Lancaster Drive and next to apartments and a large school campus. 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

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

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

- Policy E.1. The location and density of residential uses shall be determined after consideration of the following factors;*
- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*

Response: The City of Salem recently completed and accepted a Housing Needs Analysis, which found that the City has a projected deficit of 207 acres of multi-family land over the next 20 years to meet population and employment growth projections. The proposed comprehensive plan change of the subject property from Single Family to Multi-Family Residential will help address this citywide projected need for more Multi-Family land. The proposal is consistent with Residential Development Policy E.1.

- Policy E.2. Residential uses and neighborhood facilities and services shall be located to:*
- a. Accommodate pedestrian, bicycle and vehicle access;*
 - b. Accommodate population growth;*
 - c. Avoid unnecessary duplication of utilities, facilities and services; and*
 - d. Avoid existing nuisances and hazards to residents.*

And

Policy E.3. City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

Response: The subject property is located on Sunnyview Road NE, which is classified as a Minor Arterial on Salem's Transportation System Plan. Sunnyview Road NE at this location is developed with two vehicular travel lanes plus a center turn lane, curbs, sidewalks, and bike lanes. As already mentioned, the subject property is located inside the Urban Service Area and Water, sewer, and storm infrastructure are available within surrounding streets/areas, and appear adequate to serve future multi-family residential uses on the site. The proposed change in Plan Map designation to Multi-Family Residential will result in the opportunity for increased residential density at a location that is well-served by urban facilities and services and can efficiently support the additional development. The proposal is consistent with Residential Development Policies E.2 & E.3.

Policy E.6. Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

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

Response: The subject property is located on Salem Area Transit's high-frequency bus routes 2 and 5. The property is also in close proximity to shopping areas and employment opportunities on Lancaster Drive NE. McKay High School, Swegle Elementary School, and Blanchet Catholic School are all located within close proximity. McKay School Park is located approximately 0.7 miles to the north of the site. The proposal is consistent with Residential Development Policy E.6.

The applicable Statewide Planning Goals are addressed as follows:

Goal 1 – Citizen Involvement

The affected property owners were notified of the proposed change.

A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the neighborhood association. This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals.

Goal 3 – Agricultural Lands

There are no known agricultural lands on the subject property.

Goal 4 – Forest Lands

There are no known forest lands on the subject property.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

There are no designated historic resources or districts on the property. The City's tree preservation ordinance and any applicable wetland and floodplain standards will continue to apply to the site.

Goal 6 – Air, Water and Land Resources Quality

The site is urban land, surrounded on all sides by developed properties. Through the use of public facilities, the wastewater and surface water discharges from the property will be managed according to approved standards. The proposed plan and zone change will have no significant impacts on the quality of the air, water or land.

Goal 7 – Areas Subject to Natural Disasters and Hazards

There are no known natural hazards existing on the affected parcels. In the event a hazard is identified, the City's tree protection, landslide, and floodplain development standards will be applied and will ensure compliance with Goal 7.

Goal 8 – Recreational Needs

The site is residential land proposed for a change from Single Family to Multi-Family designation. The site does not provide any recreational amenities for the community. The proposed change will not have a significant impact recreational amenities in the Salem area.

Goal 9 – Economic Development

The proposed change in comprehensive plan map designation from Single Family Residential to Multi-Family Residential will provide the property owners with the opportunity to further develop the site for increased residential density. The subject property does not include any commercial or industrial lands. The proposed plan map changes will help address the need for more multi-family residential land to meet area housing needs, but the proposal will not have a significant impact on economic development for the community other than the short term construction jobs created to build possible future multi-family housing at the site.

Goal 10 – Housing

The City of Salem recently completed a Housing Needs Analysis (HNA), which found that the City has a projected deficit of 207 acres of multi-family land over the next 20 years to meet

population and employment growth projections. The City Council accepted this HNA on February 8, 2016, and directed staff to begin working to address the deficit. The proposed comprehensive plan change of the subject property from Single Family to Multi-Family Residential will help address this citywide projected need for more multi-family designated land.

Goal 11 – Public Facilities and Services

The City's Public Works Department has reviewed the proposed Plan Map amendment and concluded that 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.

Goal 12 – Transportation

Goal 12 is implemented by the Transportation Planning Rule (TPR). 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 1.28 acre subject property is currently developed with three single family homes. If this site were developed to its maximum allowable density under its current Single Family Residential Plan Map designation and Residential Agriculture zoning, there could be up to 11 single family homes. Under the proposed RM2 zoning, the site could hypothetically be developed with 35 apartment units.

The net increase in traffic in the pm peak hour is 11 vehicles. This is less than a one percent increase to the total pm peak hour traffic on Sunnyview Road NE in the planning horizon year 2035.

The proposed changes of both the Comprehensive Plan Map and Zoning will not cause a traffic or operational issue. There is no significant affect and the proposal is consistent with the Transportation Planning Rule.

Goal 14 – Urbanization

The proposal does not affect the Urban Growth Boundary and is consistent with the goal to maintain a compact and efficient urban area. This proposal complies with Goal 14.

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

Finding: The proposed change in the land use designation is in the public interest and will be of general benefit because it will help address this citywide projected need for more multi-family designated land. The City of Salem recently completed a Housing Needs Analysis (HNA), which found that the City has a projected deficit of 207 acres of multi-family land over the next 20 years to meet population and employment growth projections. The City Council accepted this HNA on February 8, 2016. The proposal satisfies this criterion.

FINDINGS APPLYING TO THE NEIGHBORHOOD PLAN MAP AMENDMENT

The site is within the East Lancaster Neighborhood Association (ELNA). ELNA has a neighborhood plan with a Land Use Plan Map, which designates the subject property as “Single Family”. The neighborhood plan was adopted by the City Council, and the Land Use Plan Map is therefore an adopted part of the Salem Area Comprehensive Plan, pursuant to SRC 64.320.

A change in the ELNA Neighborhood Plan Map designation from Single Family to Multi-Family is proposed. The ELNA neighborhood plan map land use designations were adopted by City Council in 1984, over 30 years ago. At that time the subject property was surrounded by other low density single family residential development. The land use pattern of the neighborhood has changed since then and the site is now surrounded on the south and west side by Multi-Family Residential land developed with apartment complexes. The property no longer abuts any other single family residential developments, except to the north, across Sunnyview Road NE.

The ELNA Neighborhood Plan contains the following criteria for the siting of multi-family development in “Multifamily Policy 16”:

- a. With primary access on to arterials and collectors
- b. Within one-half mile of an existing transit route, and
- c. Adjacent to existing or designated commercial areas

These criteria offer insight into why land was designated Single Family or Multi-Family in the original 1984 ELNA plan. Today, the subject property satisfies all three of the criteria for Multi Family designation. Sunnyview Road NE is an arterial street and a transit route. The site is also an extension of other existing multi-family residential development to the west, which is adjacent to commercially designated land along Lancaster Drive NE.

Staff finds that the proposed neighborhood plan map change to a Multi-Family designation is justified for these reasons and the reasons presented earlier in this report, addressing the Comprehensive Plan Map amendment criteria of SRC 64.025(e).