

Criteria and Findings for Proposed Comprehensive Plan Map Amendment for an approximately 1.46-acre portion of a 2.64 acre property at 1332 and 1334 Wallace Road NW from “Developing Residential” to “Multi-Family Residential”

Procedural Findings

On August 3, 2017, Brandie Dalton of Multi-Tech Engineering Services, on behalf of applicant Nathan Quarry of Stonewell, LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of an approximately 1.46-acre portion of the subject property from “Developing Residential” to “Multiple Family Residential” and to change the zoning of that portion from RA (Residential Agricultural) to RM-2 (Multiple Family Residential).

After the applicant provided additional required information, the application was deemed complete for processing on August 24, 2017. Notice of the consolidated proposal was distributed to City departments and public and private service providers on August 24, 2017 and was mailed to the owners of all property within 250 feet of the subject property on September 13, 2017. The property was posted in accordance with the posting provision outlined in SRC 300.620.

State law (ORS 197.610) and SRC 300.602(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 August 17, 2017.

Pursuant to ORS 197.010(1), an amendment to the Comprehensive Plan Map must be approved by the City Council. Therefore, on October 3, 2017, the Planning Commission held a public hearing on the consolidated applications and recommended to the City Council that they approve the proposed Comprehensive Plan Map Change. Additionally, the Planning Commission approved the Zone Change application, contingent on the City Council’s approval of the Comprehensive 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 Planning Commission concurs with the applicant's statement, which states in relevant part:

"There is a lack of appropriately designated vacant RM2 sites within this vicinity. There is RM zoned property located along Wallace Road. These sites are all developed. This site gives the applicant the ability to provide mixed housing within this area and help Salem meet their housing needs. As shown on the City land zone map there is no property contiguous to the existing site that is zoned RMII that is vacant.

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

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when

developed has the potential to provide street connections to the properties to the north for existing and future development.
In conclusion, there are no vacant sites for the proposed use located along Wallace Road. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A multi-family use on the site is better suited for the site because of the location and by helping to provide additional housing in the City of Salem.”

The proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation. There is no conflict between the existing “Developing Residential” designation and RA (Residential Agriculture) zoning. The applicant does not assert that a mistake has been made in the application of the Developing Residential designation to the subject property or that an alteration in social, economic, or demographic patterns of the nearby vicinity has rendered the current designation inappropriate.

Definitions and intent statements for the “Developing Residential” designation within the Salem Area Comprehensive Plan describe the future use for lands under this designation as “primarily for single and multifamily residential with schools, parks, and churches.” Policy A.3.a.4 describes the process for “Conversion of Developing Residential or Urbanizable Areas to Urban Development,” including annexation, construction of public capital developments, and filing and approval of a subdivision or zone change. The policy cites orderly and economic extension of public facilities and services, providing adequate land for a variety of housing types, and maintaining an adequate land supply for a variety of uses as some of the reasons for converting urbanizable land into urban land.

Although the site is at the perimeter of the Salem city limits and borders the Urban Growth Boundary, it is also surrounded by streets and future streets designated as a Major Arterial (Wallace Road NW) and a future Collector (Mainline Drive/5th Street). An existing Major Arterial, Wallace Road NW, runs north-south abutting the west property line of the site. A future Collector street, Mainline Drive/5th Street is planned to run north-south along the eastern property line of the site. A minor arterial, Orchard Heights Road NW, is less than 400 feet to the south. The subject property is well served by the arterial street network in the vicinity. This existing and future street network provides efficient street capacity and access necessary to serve higher density development.

As noted by the applicant, the 2015 Housing Needs Analysis (HNA) identifies a deficit of approximately 207 acres of land designated for multifamily residential development. Although not adopted at this time, the HNA has been accepted by City Council and serves as the basis for a three-phase work plan adopted by the City to address the identified deficit of land for multifamily housing. The proposal to designate 1.46 acres from “Developing Residential” to “Multifamily Residential” addresses a housing need identified in the HNA and supported by recent studies showing the multifamily vacancy rate as less than 2.5 percent.¹ The proposal is consistent with the range of existing and

¹ “Report: Rents up, vacancy down in Salem area,” *Statesman-Journal*, February 26, 2016, quoting Jennifer Martin, Senior Advisor at Sperry Van Ness.

planned housing unit types in the immediate vicinity, which includes a mix of Single Family Residential and Multifamily Residential designations. The access to planned collector and arterial streets support the applicant's contention that the site is equally or better suited for multifamily residential development than most other vacant properties in the vicinity.

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 Planning Commission finds that the proposed Multi-Family Residential designation is a logical extension of the existing Multi-Family Residential land surrounding the site to the south. To the east, the site abuts the Urban Growth Boundary and Polk County Exclusive Farm Use zoned property. The property abuts Wallace Road NW to the west. As the West Salem neighborhood expands over time, a distinct land use pattern has developed in the vicinity that includes commercial uses and multi-family uses near the intersection of Wallace Road NW and Orchard Heights NW, and then transitioning into single family residential neighborhoods farther west. This pattern is reflected in the Salem Area Comprehensive Plan Map and the West Salem Neighborhood Plan. The subject property's location makes the proposed multi-family designation a logical choice for the site, given its location near Wallace Road and next to existing apartments.

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.*

Finding: The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately 1.46 acres of land away to a single family designation, where the accepted HNA identifies a surplus, to a multifamily designation, where the HNA identifies a deficit.

- b. *The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*

Finding: The land proposed for the Comprehensive Plan Map and zone change appears to have capacity for multifamily residential development. The relative environmental suitability of the property is even greater when compared to the steeper residential properties in the southern portions of the City. There are no known natural hazards or geographical constraints which would prevent development of higher-density housing on the site.

- c. *The capacity of public facilities, utilities, and services. Public facilities, utilities, and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*

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.

- d. *Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services.*

Finding: Some services exist in the vicinity of the site, including a shopping, employment, entertainment and middle school. Retail and service areas have developed along the Wallace Road corridor to serve residential development in the western portion of the city. Wallace Marine Park and Orchard Heights Park are in the vicinity. Commercial nodes at the intersections of Wallace Road and Orchard Heights Road in addition to Wallace Road and Glenn Creek Road provide a wider range of shopping, employment, and entertainment opportunities.

- e. *The character of the existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*

Finding: The residential properties in the vicinity of the site are developed, or planned for development, at a range of densities. The proposed Multiple Family Residential designation matches the abutting property to the south. Where the site abuts lower density residential properties to the north, Multiple Family Design Guidelines and Standards established in SRC Chapter 702 require multifamily design guidelines requires increased setbacks and screening to ensure a transition to the smaller bulk and scale of single family residences.

- f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*

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.

- g. The density goal of General Development Policy 7.*

Finding: General Development Policy 7 provides in part that “the cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.” When applied to the subject property, the range of densities allowed in zones implementing the Multifamily Residential designation are consistent with an overall development pattern resulting in a density of 6.5 dwelling units per acre.

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.*

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 development standards established in the UDC will ensure that multifamily residential uses developed on the site are adequately served.

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 residential 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.*

Finding: The RM-2 (Multiple Family Residential) zone proposed by the applicant includes a minimum density of 12 units per gross acre, encouraging efficient use of residential land and public facilities. The immediate vicinity includes a range of densities within existing developments and zoning district standards for undeveloped properties. Transit service to employment centers, shopping areas, public buildings, and other destinations is available via Cherriots Route 16 and 17, which stops along Wallace Road at Orchard Heights Road just south of the subject property and Glenn Creek Transit Center further south of the subject property. The property is in close proximity to shopping areas and employment opportunities on Wallace Road. Walker Middle School, and Harriet Elementary School are all located within close proximity. Orchard Heights Park is located approximately 0.5 miles to the west of the site.

Policy E.7 Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

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

Finding: The planned street transportation system in the vicinity of the subject property establishes a framework of arterials and collectors that provide both east/west and

north/south access across the area. As planned collectors are extended and local streets are constructed to serve new development within this area, which will allow for short trips within the neighborhood to be made by a variety of routes, with or without driving. Street improvements will fill in gaps in the sidewalk network, and arterial and collector streets will provide bike lanes for improved access throughout the neighborhood.

Policy E.10 Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

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

Finding: The applicant's proposal includes a request for a quasi-judicial zone change from RA (Residential Agriculture) to the higher density RM-2 (Multiple Family Residential) zone. The RM-2 zone implements the "Multi-Family Residential" Comprehensive Plan Map designation proposed as part of the consolidated application. 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 site slopes to the west and has a low natural hazards risk. The property is unencumbered by sensitive areas such as wetlands or riparian areas. The future collector across the subject property, as well as the existing and planned street network on properties in the vicinity meet the circulation requirements of Residential Development Policy 7.

The proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

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

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

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

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

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

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

Finding: There are no known scenic, historic, natural or cultural resources on the affected parcels. The application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and any applicable wetland standards at the time of development. The Planning Commission finds that the proposal is consistent with Goal 5.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: *To protect people and property from natural hazards.*

Finding: The City's landslide hazard ordinance (SRC Chapter 810) establishes standards and requirements for the development of land within areas of identified landslide hazard susceptibility. According to the City's adopted landslide hazard susceptibility maps, the subject property is mapped with areas of 2 landslide hazard susceptibility points. Future development on the subject property will be required to comply with SRC Chapter 810.

There are no other known natural hazards existing on the subject property. The City's tree protection, landslide, and floodplain development standards will be applied at the time of future development. The Planning Commission finds that the proposal is consistent with Goal 7.

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

Finding: Existing and planned residential development in the vicinity of the site provides a wide range of housing types, including single family detached dwellings, townhouses, duplexes, and multifamily apartments. This variety of housing types reflects the range of demand for different residential configurations to be expected in a growing urban area such as Salem. The proposal allows for more intensive development of housing units in an area where existing and planned infrastructure can accommodate higher densities.

The City has accepted a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. In order to address the deficit in land for multifamily development, the City is conducting the first of three phases identified in an accepted work plan. This proposal would convert approximately 1.46 acres of land away from a single family designation, where the accepted, but not adopted HNA identifies a surplus. The proposed "Multifamily Residential" designation and RM-2 (Multiple Family Residential) zoning allows for between 18 and 41 units of multifamily residential

development on the site. The proposal does not adversely affect the City's ability to provide for its housing needs, and is therefore consistent with Goal 10.

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 subject property will access Wallace Road NW, a major arterial. Pursuant to SRC 803.015, a traffic impact analysis would be required if the development will generate a 1,000 or more daily vehicle trips. This development did not meet that requirement so we could not require a full TIA.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. The requested change will increase from 124 trips per day to 432 trips per day.

According to the City Assistant Traffic Engineer, the site is 1.46 acres site and after dedication of right-of-way for 5th Avenue NW will only be about 1.26 acres. At the maximum RM2 density of 28 units per acre, the site could only be developed with 35 units. Apartments generate 6.65 daily trips per unit for a total of 233 trips. Apartments generate 0.62 trips in the PM peak hour for a total of 22 trips. The PM peak hour traffic will have 15 vehicles entering the site and 7 vehicles exiting the site. Over the course of the PM peak hour, that is about one vehicle every 3 minutes.

If this small volume of traffic was included in an operational analysis of any of the signalized intersections on Wallace Road NW, it would not alter the results. Since the results would not be altered, the traffic does not have a significant effect on the transportation system per the applicant's TPR analysis.

The proposal complies with Goal 12.

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

Finding: The 1.46 acre portion of the subject property was annexed into the City of Salem in 1998, and is located within the Urban Growth Boundary (UGB). 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 Planning Commission finds that the proposed Comprehensive Plan Map amendment from Developing Residential to Multifamily Residential is in the public interest and would be of general benefit because it would increase the number of housing units that can be provided on the subject property, consistent with the planned capacity of infrastructure serving future development. The proposed change in land use designation is consistent with the location and character of the property, with adjacent land use designations, and with the planned transportation facilities available to serve the property (Wallace Road NW and Orchard Heights NW). The proposal satisfies this criterion.