

# NOTICE OF DECISION

PLANNING DIVISION  
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503-588-6173*

## DECISION OF THE PLANNING COMMISSION

**COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE CASE NO. CPC-ZC17-06**

**APPLICATION NO. : 17-115687-ZO & 17-115699-ZO**

**NOTICE OF DECISION DATE: October 5, 2017**

**REQUEST:** A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 1.46-acre portion of a 2.64 acre property from "Developing Residential" with RA (Residential Agriculture) zoning to "Multifamily Residential" with RM-2 (Multiple Family Residential) zoning.

The subject site is an approximately 1.46-acre portion of a property that totals approximately 2.64 acres in size and consists of two tax lots, zoned RA (Residential Agriculture), and located at 1332 and 1334 Wallace Road NW (Polk County Assessor map and tax lot number: 073W22B000402 and 073W22B000405).

**APPLICANT:** Stonewell, LLC (Nathan Quarry and Kenneth Birdwell)

**LOCATION:** 1332 & 1334 Wallace Road NW - 97304

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

**FINDINGS:** 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 approve or deny the associated applications contingent on the City Council's decision.

The Zone Change findings are in the attached document dated October 5, 2017.

**DECISION:** The Planning Commission **APPROVED** the **Zone Change** Case No. CPC-ZC17-06 for the subject property from RA (Residential Agriculture) to RM-2 (Multiple Family Residential) contingent on City Council approval of the consolidated Comprehensive Plan Map Change.


**VOTE:**

**Yes 9**

**No 0**

**Absent 0**

**Abstained 0**

  
Rich Fry, President  
Salem Planning Commission

Application Deemed Complete:	<u>August 24, 2017</u>
Public Hearing Date:	<u>October 3, 2017</u>
Notice of Decision Mailing Date:	<u>October 5, 2017</u>
Decision Effective Date:	<u>October 21, 2017</u>

Case Manager: Olivia Glantz, [OGlantz@cityofsalem.net](mailto:OGlantz@cityofsalem.net)

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., Thursday, October 20, 2017.** Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**Criteria and Findings for Proposed Quasi-Judicial Zone Change for an  
approximately 1.46-acre portion of a 2.64 acre property at 1332 and 1334 Wallace  
Road NW from RA (Residential Agriculture) to RM-II (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 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 RA (Residential Agriculture) to RM-II (Multi-Family Residential).

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 zone would be compatible with the vicinity's development pattern.**
- (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 Planning Commission finds that the request satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. The physical characteristics of the property, including its relationship to the planned arterial and collector street network, its location within an area providing a wide range of housing types, and the relative absence of environmental constraints such as steep slopes or natural hazards are appropriate for the proposed RM-2 zone.

In implementing the "Multifamily Residential" Comprehensive Plan Map designation, the RM-2 zone primarily allows apartments and related multifamily uses, as well as compatible services such as libraries, small scale day care facilities, and churches. The site abuts another lot to the south that is zoned RM-2. Multifamily development on the site would be subject to development standards adopted in the RM-2 zone (SRC Chapter 514), as well as Multiple Family Design Review Guidelines and Standards (SRC Chapter 702).

The abutting property to the east is a one acre portion of the subject property located outside of the city limits and Urban Growth Boundary, in unincorporated Polk County. The property abuts Wallace Road NW to the west and the future road of Mainline Drive/5th Street, a collector, which will run along the Urban Growth Boundary and when built will provide a clear delineation between urban intensity residential development to the west and rural open space and resource uses to the east.

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 conforms with the applicable provisions of the Salem Area Comprehensive Plan.**

**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.



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

**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 (TIA) 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.

**(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its 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 rezone; or include both the demonstration and an amendment to the Comprehensive Plan.**

**Finding:** The subject property is not currently designated for industrial, commercial, or employment use. Therefore, this criterion does not apply to the proposal.

**(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 in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

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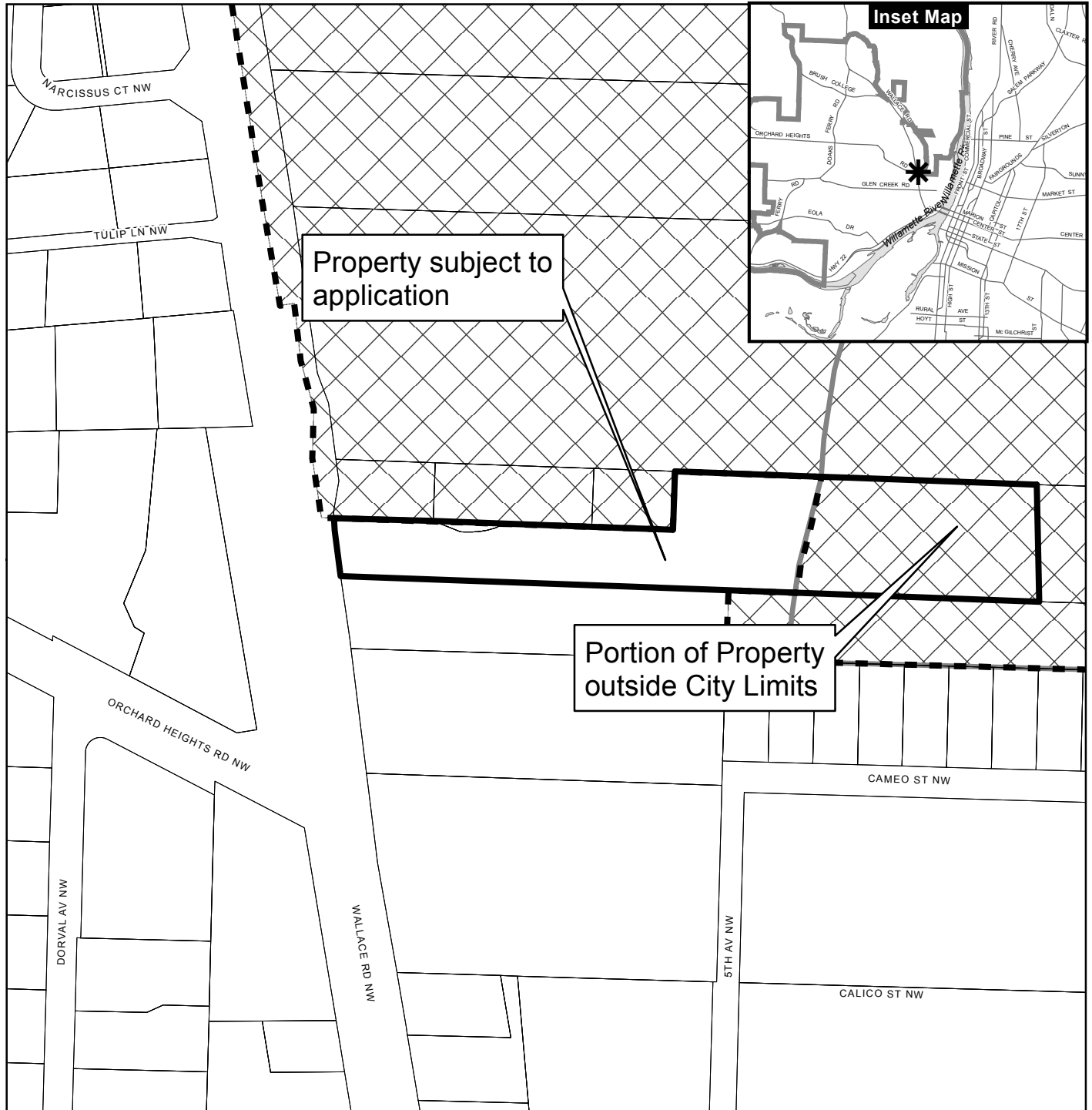
The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system.

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

**Finding:** The Planning Commission finds that 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.

# Vicinity Map

## 1332 and 1334 Wallace Road NW



### Legend

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

Parks

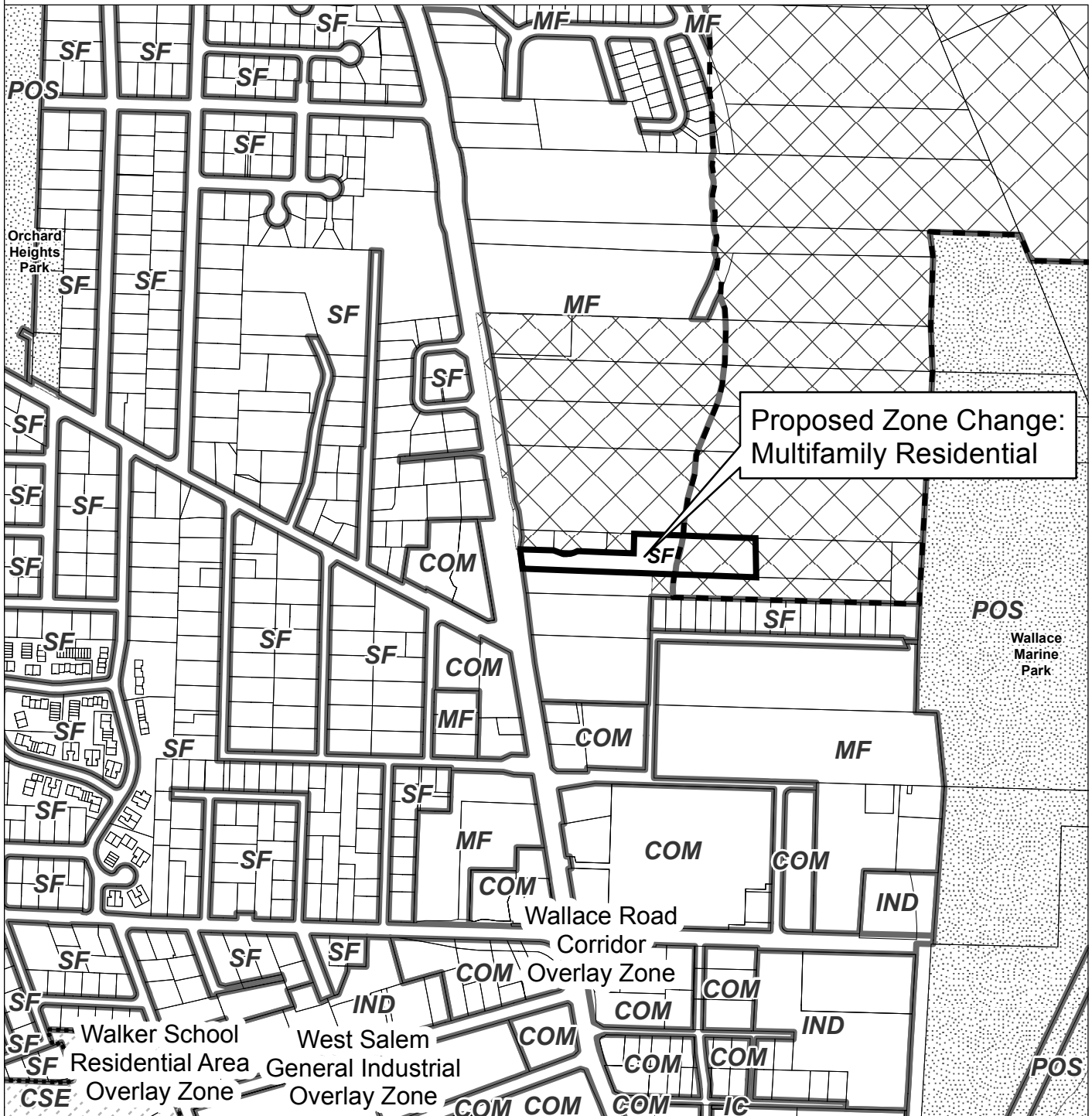
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AT YOUR SERVICE  
Community Development Dept.

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# Comprehensive Plan Map 1332 and 1334 Wallace Road NW



## Legend

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

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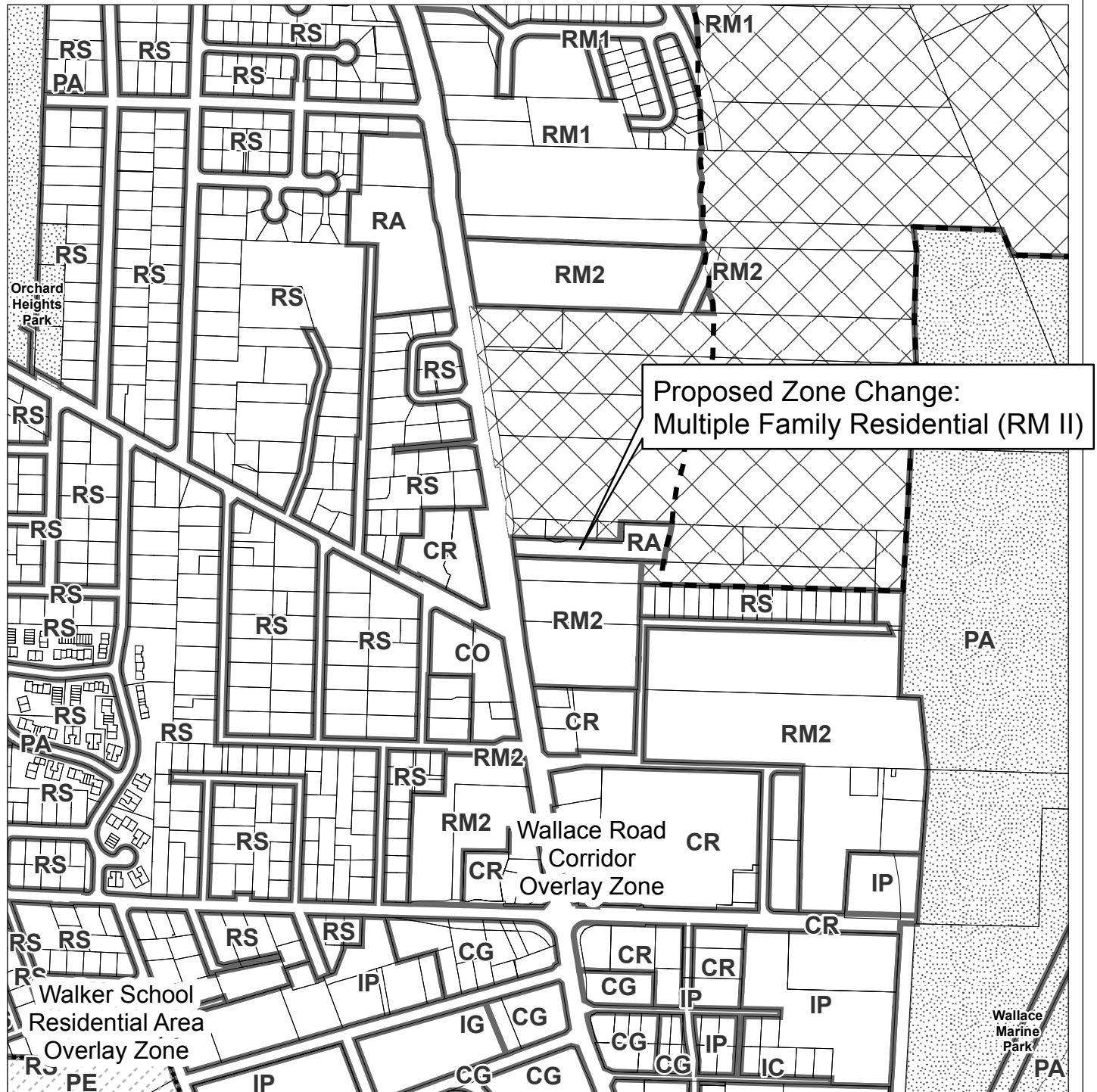


CITY OF *Salem*  
AT YOUR SERVICE  
Community Development Dept.



# Zoning Map

## 1332 and 1334 Wallace Road NW



### Legend

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

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