

NOTICE OF DECISION

PLANNING DIVISION
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DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP CHANGE / ZONE CHANGE CASE NO: CPC-ZC19-03

APPLICATION NO. : 18-123763-ZO & 18-123761-ZO

NOTICE OF DECISION DATE: May 8, 2019

REQUEST: A consolidated application to change the Comprehensive Plan Map designation and zoning of an approximately 15.8-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 15.8 acres in size, zoned RA (Residential Agriculture), and located at 5871 Liberty Road S (Marion County Assessor map and tax lot number: 083W16C / 600).

APPLICANT: Harrison Industries, LLC (Kenneth Harrison, Kevin Harrison)

LOCATION: 5871 Liberty Road S / 97306

CRITERIA: Salem Revised Code Chapter 64.025(e)(2)
Salem Revised Code Chapter 265.005(e)

FINDINGS: The facts and findings are in the attached document dated May 8, 2019.

DECISION: The Planning Commission **APPROVED** Comprehensive Plan Change / Zone Change Case No. CPC-ZC19-03 subject to the following conditions of approval:

- A. APPROVE Minor Comprehensive Plan Map Amendment on the Salem Area Comprehensive Plan Map from "Developing Residential" to "Multi-Family Residential"; and
- B. APPROVE the zone change request for the subject property from RA (Residential Agriculture) to RM-2 (Multiple Family Residential) with the following conditions:

Condition 1: Construct a traffic signal at the intersection of Liberty Road S and Davis Road S City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE and shall be designed to accommodate the east leg extension of Rainier Drive SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

Condition 2: Construct a traffic signal at the intersection of Liberty Road S and Mildred Lane SE to City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

Condition 3: The required Local street connections through the subject property are described as follows:

- a. Joynak Street S shall be extended into or through the subject property at the time of future development.
- b. Honey Bee Street S shall be extended into or through the subject property at the time of future development.
- c. Fire Cloud Avenue S shall be extended from the west line of the subject property, and shall connect to proposed Fire Cloud Avenue S within Marion County Tax Lot Number 083W16CC / 1500.
- d. Eagle Dance Street S and Big Mountain Avenue S shall be extended through subject property at the time of future development.
- e. Stub a Local street to the north line of the subject property abutting Marion County Tax Lot Number 083W16C / 101 in an alignment that accommodates future extension through the neighboring property and its steep topography.

Condition 4: Provide access to Marion County Tax Lot Number 083W16C / 800 through the Local street system within the proposed development.

VOTE:

Yes 6 No 0 Absent 3 (Griggs, Kopcho, Levin) Abstained 0


Brian McKinley, Vice President
Salem Planning Commission

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|----------------------------------|-----------------------|
| Application Deemed Complete: | <u>April 4, 2019</u> |
| Public Hearing Date: | <u>May 7, 2019</u> |
| Notice of Decision Mailing Date: | <u>May 8, 2019</u> |
| Decision Effective Date: | <u>May 24, 2019</u> |
| State Mandate Date: | <u>August 2, 2019</u> |

Case Manager: Olivia Glantz, 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, May 23, 2019**. 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 Chapter(s) 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>

FACTS & FINDINGS

COMPREHENSIVE PLAN MAP AMENDMENT FROM “DEVELOPING RESIDENTIAL” TO “MULTI-FAMILY RESIDENTIAL” AND ZONE CHANGE FROM RA (RESIDENTIAL AGRICULTURE) TO RM1 (MULTIPLE FAMILY RESIDENTIAL 2) CASE NO. CPC-ZC 19-03

MAY 7, 2019

PROCEDURAL FINDINGS

On December 3, 2018, Brandie Dalton of Multi-Tech Engineering Services, on behalf of applicant Harrison Industries, LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of an approximately 15.8-acre 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 April 4, 2019. The public hearing on the application is scheduled for May 7, 2019.

Notice of public hearing was sent by mail to surrounding property owners pursuant to Salem Revised Code (SRC) requirements on April 7, 2019. Public hearing notice was posted on the property on April 24, 2019 by the applicant pursuant to SRC requirements.

On May 7, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, and voted to approve the Comprehensive Plan Change and Zone Change with four condition of approval as recommended in the staff report.

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-day deadline to issue a final local decision in this case is August 2, 2019.

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

The site is also surrounded by streets, Liberty Road S, a Major Arterial and future local streets, Joynak Street and Big Mountain Avenue. An existing Major Arterial, Liberty Road S, runs north-south abutting the east property line of the site. A future Collector street Red Leaf Drive S is planned to run north-south through the abutting property to the west of the site. The subject property is well served by the arterial and collector 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 15.8 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. The proposal is consistent with the range of existing and planned housing unit types in the immediate vicinity, which includes a mix of Single Family Residential and Multifamily Residential designations. The access to existing arterial street 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.

As conditioned below, 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 outside of 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. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

The S-3 water system that is available in surrounding streets/areas is inadequate to serve the proposed development and requires either construction of Skyline Reservoir #2 as specified in the Water System Master Plan; or payment of a Temporary Access Fee (TAF) pursuant to SRC 200.080(a). The portion of the subject property requiring S-4 water is capable of being served with the extension of S-4 water from the Verona Heights Subdivision, approximately 1,300 feet west of the subject property, to the boundary of the property as specified in existing infrastructure master plans.

Future development will require an Urban Growth Area (UGA) Preliminary Declaration to address linking and boundary facilities required to serve the subject property under the standards and requirements of SRC Chapter 200.

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 “Developing Residential” comprehensive plan map designation applies to urbanizable lands within the Urban Growth Boundary. The Salem Comprehensive Policies Plan, on page 6, indicates that the intent of the Developing Residential designation is to hold properties needed to accommodate future urban development during the next 20 years. As urban services become available to these areas, Developing Residential lands are intended to be converted to future use for single family and multiple family residential with schools, parks, and churches.

In 2014, the City published a Housing Needs Analysis for the next 20 years (2015 to 2035). One of the key findings of that study was that the City has a deficit of land for multiple family housing.

The proposal to change the comprehensive plan map designation of the subject property from “Developing Residential” to “Multi-Family Residential” represents a logical urbanization of the land consistent with this criterion because it helps the City to meet its multi-family housing need and results in land designated as “Developing Residential” being urbanized, as anticipated by the Salem Comprehensive Policies Plan, in a location along a transportation corridor where public facilities and services are available and existing multiple family land already exists to the west and north.

This criterion is met.

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

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 15.8 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 outside 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 Liberty Road corridor to serve residential development in the western portion of the city. Commercial nodes at the intersections of Liberty Road and Skyline Road in addition to Commercial Street and Kuebler Boulevard 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 outside the Urban Service Area. Because the subject property is located outside the City's Urban Service Area, SRC Chapter 200 requires applicants to file an application for an Urban Growth Preliminary Declaration to identify the master planned public facilities required to be extended to serve the

proposed development. Pursuant to SRC 200.025(e), the public facilities identified in the Urban Growth Preliminary Declaration must be constructed by the applicant as a condition of any subsequent land use approval.

The subject property is capable of being served with public facilities and services necessary to support the uses allowed by the proposed comprehensive plan map designation. The applicant will be required to apply for an Urban Growth Preliminary Declaration which will identify public facilities and services that will need to be constructed when the property is developed.

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 outside of the Urban Service Area. The water, sewer, and storm infrastructure area are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The applicant will be required to apply for an Urban Growth Preliminary Declaration which will identify public facilities and services that will need to be constructed when the property is developed. 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. As described in findings above, 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 8, which stops along Liberty Road near Davis Road just north of the subject property. The property is near shopping areas and employment opportunities on Liberty Road and nearby Commercial Street. Crossler Middle School, is located within close proximity. Bryan Johnston Park is within close proximity to the southeast of the subject property.

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 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.

There are several planned or existing streets stubbed to the subject property which shall be extended through the development site. The following are planned and existing streets which must be extended though the property:

- **Joynak Street S:** The existing Local street is stubbed to the north line of the subject property. This street shall be extended into or through the subject property at the time of future development pursuant to SRC 803.035(a).
- **Future Street from Davis to TL 101:** Pursuant to CPC-NPC-ZC12-03 includes a condition to provide a Local street connection from Davis Road S to the southern boundary of Map and Tax Lot Number 083W16C / 101. The applicant shall be required to extend a Local street stub to the north line of the subject property abutting Map and Tax Lot Number 083W16C / 101 in an alignment that accommodates future extension through the neighboring property and its steep topography.
- **Honey Bee Street S: CPC-ZC19-01** includes a north-south Local street extension of Honey Bee Street S to the north line of the subject property abutting Map and Tax Lot Number 083W16CD00600. The extension of this street into or through the subject property will be addressed in conjunction with the Site Plan Review application.
- **Fire Cloud Avenue:** SUB06-20AMOD1 includes an east-west Local street extension of Fire Cloud Avenue S within Map and Tax Lot 083W16CC / 1500 to the west line of the subject property. The applicant shall be required to extend a Local street stub to the west line of the subject property connecting to proposed Fire Cloud Avenue S within Map and Tax Lot Number 083W16CC / 1500.
- **Eagle Dance Street and Big Mountain Avenue:** Two existing Local streets extend to the south line of the subject property—Eagle Dance Street S and Big Mountain Avenue S. These streets shall be extended through subject property at the time of future development pursuant to SRC 803.035(a).

In addition, Marion County Tax Lot Number 083W16C / 800 abuts the southeast corner of the subject property. Pursuant to 803.035(a), the proposed development is required to provide connectivity to underdeveloped adjacent properties. The applicant shall be required to provide access to Map and Tax Lot Number 083W16C / 800 through the Local street system within the proposed development.

These streets provide a network for pedestrians, bicycles, and vehicles. The proposed street system in this area will provide circulation and access to the site and to the surrounding area as required by this policy.

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. As described in findings above, the subject property is located outside of the Urban Service Area. The water, sewer, and storm infrastructure area are generally available within surrounding streets/areas and appear to be adequate to serve the proposed development. The applicant will be required to apply for an Urban Growth Preliminary Declaration which will identify public facilities and services that will need to be constructed when the property is developed. The site slopes to the east and has a low natural hazards risk. The property is unencumbered by sensitive areas such as wetlands or riparian areas. The existing and planned street network on properties in the vicinity meet the circulation requirements of Residential Development Policy 7.

Planning Commission finds that 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 South Gateway 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. 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. 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 15.8 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 190 and 443 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, as conditioned, that their request will not have a “significant effect” on the surrounding transportation system, as defined above.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates, that after the installation of traffic signals, that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. The proposal complies with Goal 12. The TPR analysis recommends the signalization of two intersections: (1) Liberty Road S at Davis and (2) Liberty Road at Mildred Lane SE. As conditioned below, the comprehensive plan change will mitigate the impacts of the amendment in a manner that avoids further degradation to the transportation system.

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, as conditioned below, that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system. 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 15.8 subject property was annexed into the City of Salem in 2007, 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 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.

The proposal satisfies this criterion.

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 RM1 (Multiple Family Residential 1).

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 proposed zone is equally or better suited for the property than the existing zone because 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 a lot to the north that is zoned RM-1. 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 property abuts Liberty Street S to the east and will be required to connect the future road system from the north and south abutting properties.

With the adopted condition of approval, 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: 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 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. The TPR analysis demonstrates, as conditioned, that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system.

The subject property has four stub streets abutting its boundaries and two properties with previous land use approvals requiring connections to the subject property. Each of the stub streets shall be extended through the property and the previous conditions of approval shall be taken into consideration when development occurs. A previous subdivision modification (SUB06-20AMOD) was approved on Marion County Tax Lot Number 083W16CC / 1500, which provides a stub street (Fire Cloud Avenue S) to the west property line of the subject property. In addition, a previous zone change required that Marion County Tax Lot Number 083W16C / 101 provide a connection to the subject property, connecting this property to Davis Road.

Lastly, the small land area near the south east portion of the subject property should be included in the local street system of the development. This would provide for less connections to Liberty Street and for the future development of Marion County Tax Lot Number 083W16C / 800 on local streets. The following conditions ensure that those connections and connectively are consistency with the Salem Revised Code and previous land use decisions.

Condition 1: Construct a traffic signal at the intersection of Liberty Road S and Davis Road S City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE and shall be designed to accommodate the east leg extension of Rainier Drive SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

Condition 2: Construct a traffic signal at the intersection of Liberty Road S and Mildred Lane SE to City of Salem Standards. The signal shall be interconnected via underground fiber-optic cable to the existing traffic signal at Liberty Road S and Kuebler Boulevard SE. The timing of the traffic signal installation shall be determined at the time of Site Plan Review.

Condition 3: The required Local street connections through the subject property are described as follows:

- a. Joynak Street S shall be extended into or through the subject property at the time of future development.
- b. Honey Bee Street S shall be extended into or through the subject property at the time of future development.
- c. Fire Cloud Avenue S shall be extended from the west line of the subject property, and shall connect to proposed Fire Cloud Avenue S within Marion County Tax Lot Number 083W16CC / 1500.
- d. Eagle Dance Street S and Big Mountain Avenue S shall be extended through subject property at the time of future development.
- e. Stub a Local street to the north line of the subject property abutting Marion County Tax Lot Number 083W16C / 101 in an alignment that accommodates future extension through the neighboring property and its steep topography.

Condition 4: Provide access to Marion County Tax Lot Number 083W16C / 800 through the Local street system within the proposed development.

The zone change, as proposed to be conditioned, satisfies this approval criterion.

The proposal meets this criterion.

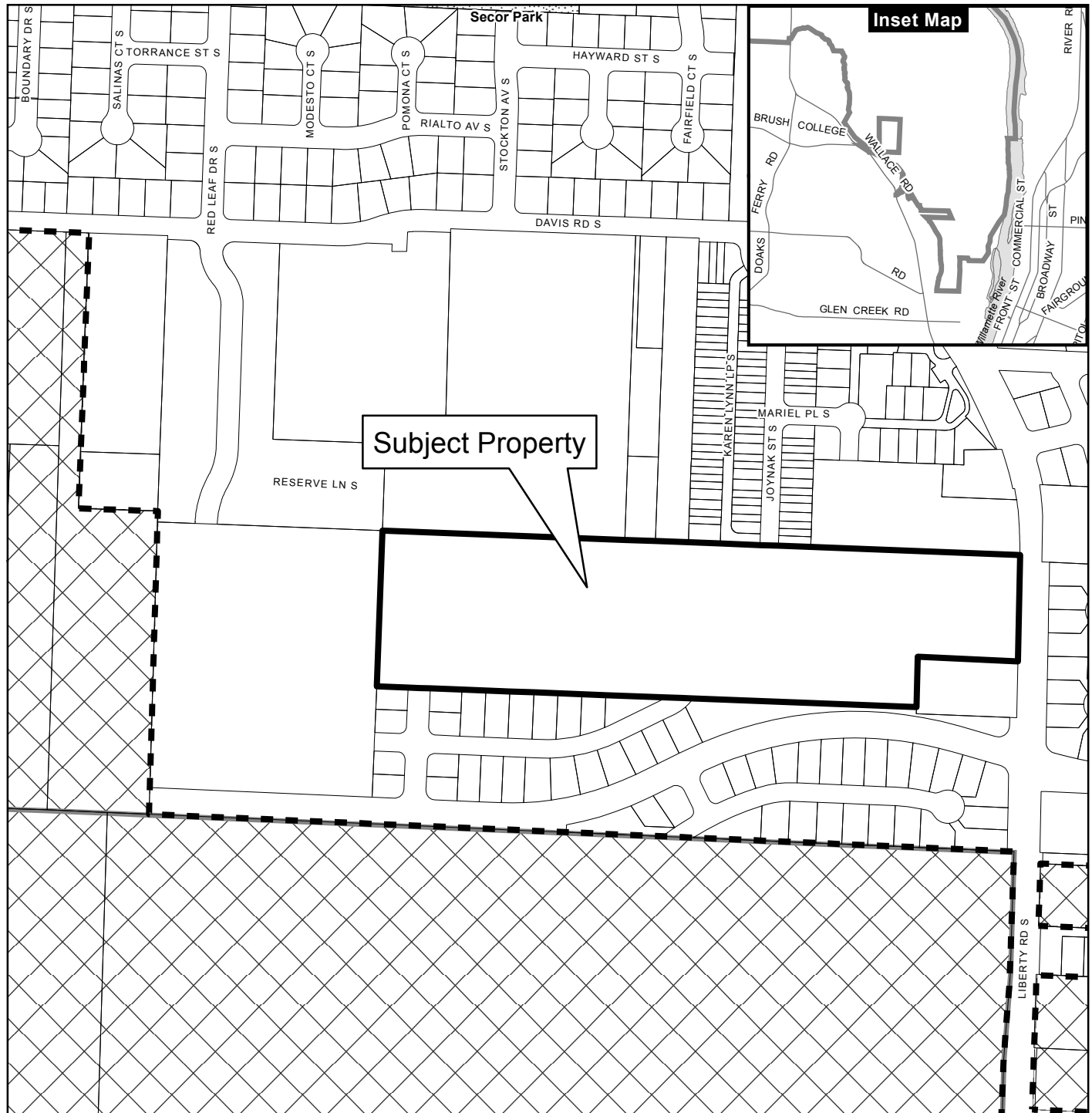
(G)The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included earlier in this report, address the public facilities and services available to support multifamily residential uses allowed on the subject property. The proposal satisfies this criterion.







The proposal meets this criterion.

Vicinity Map

5871 Liberty Road S



Legend

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

 Parks

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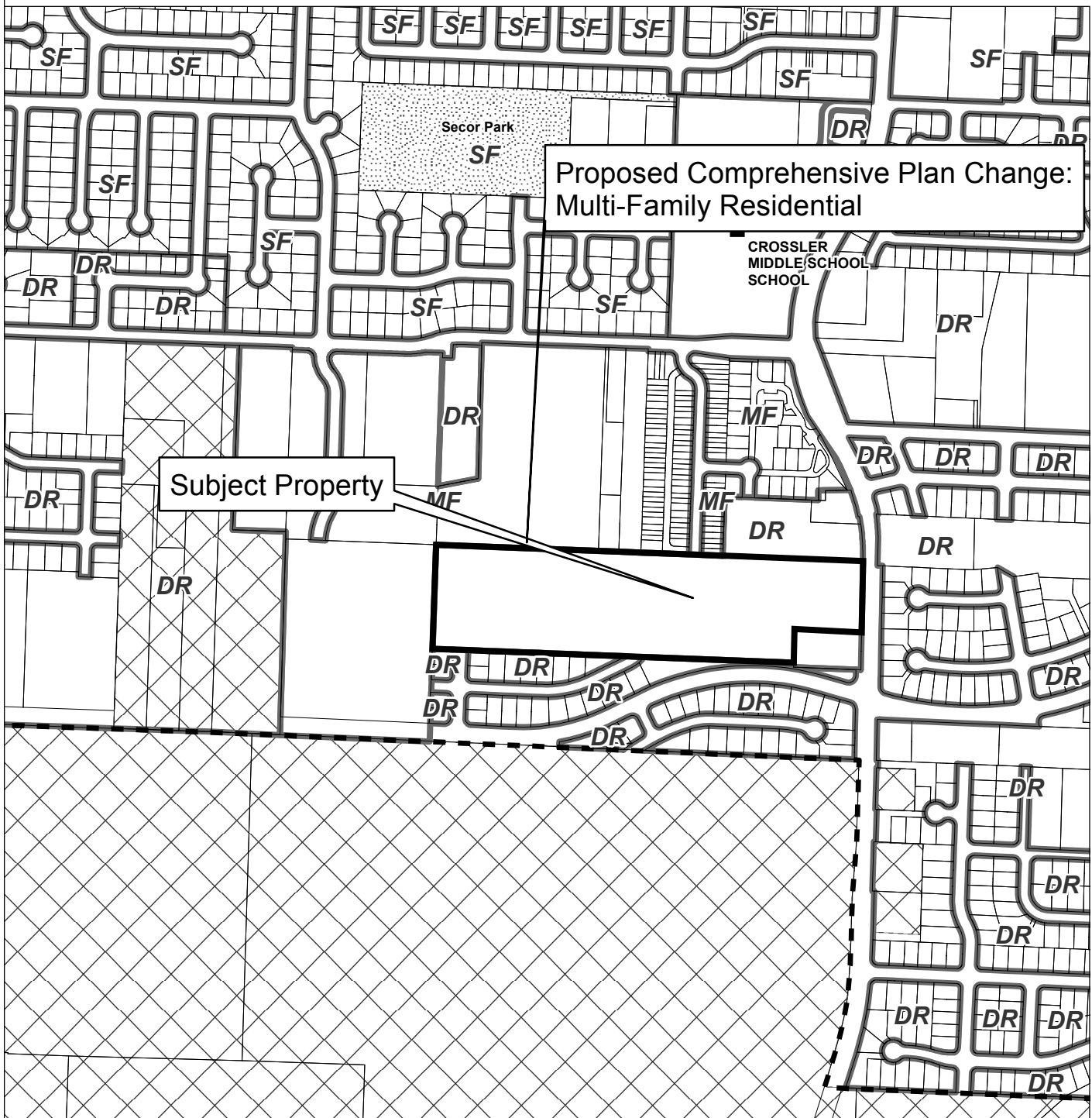
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Comprehensive Plan Map

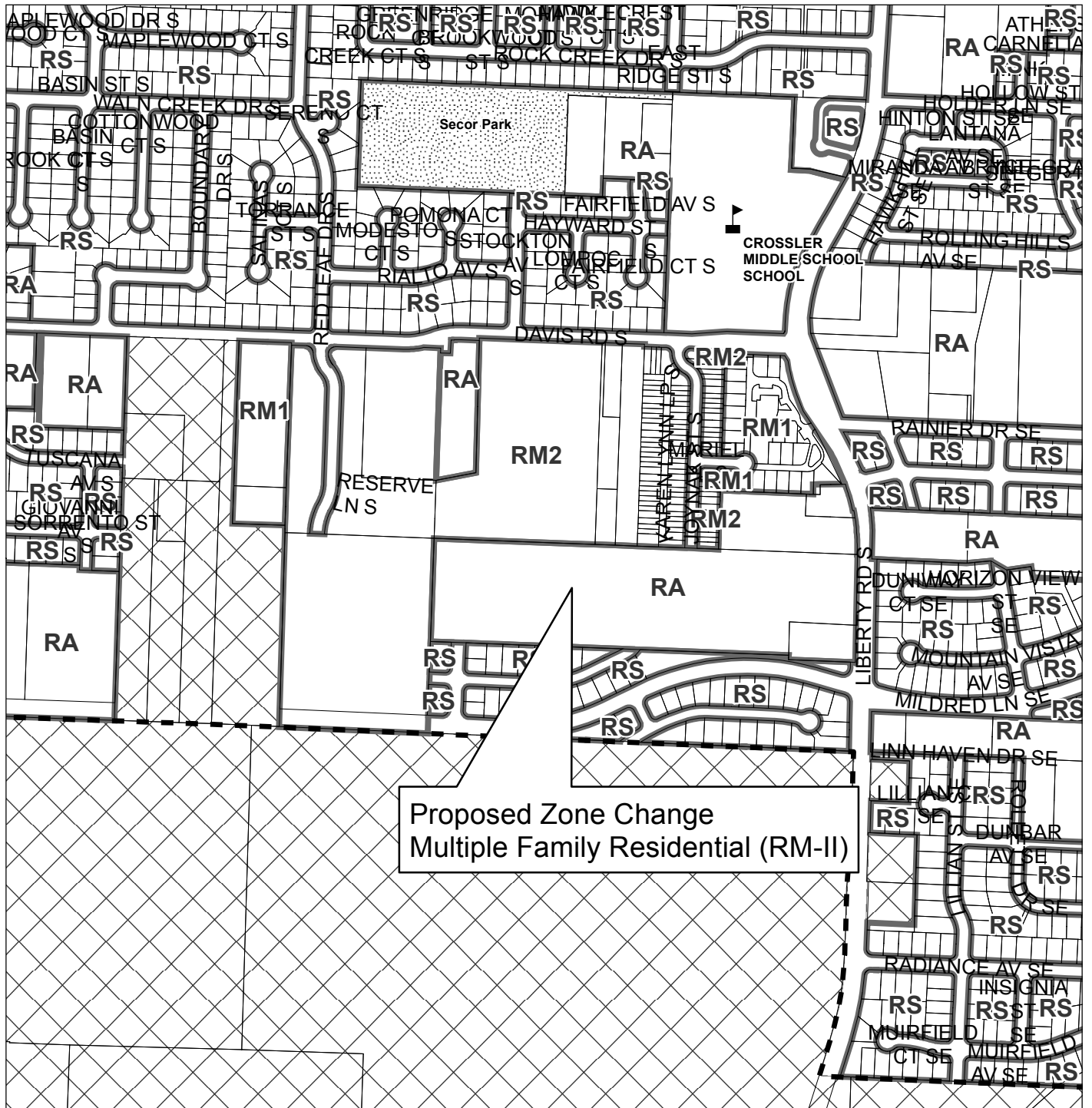
5871 Liberty Road S



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Zoning Map

5871 Liberty Road S



Legend

- | | | |
|-----------|---------------------------|---------|
| RS | Base Zoning | Taxlots |
| | Urban Growth Boundary | Parks |
| | Outside Salem City Limits | Schools |

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