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503-588-6173*

DECISION OF THE PLANNING COMMISSION

**COMPREHENSIVE PLAN CHANGE / ZONE CHANGE / ZONE CHANGE CASE
NO.: CPC-ZC19-10**

APPLICATION NO.: 19-108088-ZO / 19-109021-ZO / 19-114785-ZO

NOTICE OF DECISION DATE: SEPTEMBER 5, 2019

SUMMARY: An application to change the Comprehensive Plan Map designation and/or zoning for several tax lots to accommodate future commercial and mixed use development.

REQUEST: A consolidated application to change:

(1) The Comprehensive Plan Map designation from "Single Family Residential" to "Mixed-Use" and zoning from RS (Single Family Residential) to MU-II (Mixed Use-II) for approximately 6.2 acres located at 2499 Wallace Rd NW (Polk County Assessor Map and Tax Lot 073W09CD01000), 2501 Wallace Rd NW (Polk County Assessor Map and Tax Lot 073W09CD00900), and 2519 Wallace Rd NW (Polk County Assessor Map and Tax Lot 073W09CD01101) and

(2) The Comprehensive Plan Map designation from "Multi-Family Residential" to "Mixed-Use" and zoning from RD (Duplex Residential) to MU-II (Mixed Use-II) for approximately 1.3 acres (Polk County Assessor Map and Tax Lot 073W09CD01301)

for a future mixed-use multi-family and commercial development in Phase 2 of the Riverbend Mixed Use Neighborhood Center and change

(3) The Comprehensive Plan Map designation from "Single Family Residential" to "Commercial" and zoning from RS (Single Family Residential) to CR (Retail Commercial) for a 0.15-acre property located at 2465 Wallace Road NW 97304 (Polk County Assessor Map and Tax Lot 073W16BA09900) and

(4) The zoning from CO (Commercial Office) to CR (Retail Commercial) for a 1.582-acre portion of a property located at 1221 River Bend Road NW 97304 (Polk County Assessor Map and Tax Lot Number 073W16BA10000)

for a future commercial development in Phase 1 of the Riverbend Mixed Use Neighborhood Center.

APPLICANT: 3030 Riverbend, LLC (Scott Martin)

LOCATION: 2465, 2499, 2501 & 2519 Wallace Rd NW & 1221 Riverbend Rd NW, Salem, OR 97304

CRITERIA: Salem Revised Code Chapters SRC 64.025(e)(2) and SRC 265.005(e).

FINDINGS: The findings are in the attached Decision dated September 3, 2019.

NOTICE OF DECISION

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



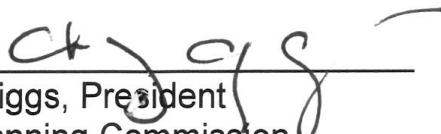
DECISION: The **Planning Commission APPROVED** Comprehensive Plan Change / Zone Change / Zone Change Case No.CPC-ZC-ZC19-1010 subject to the following conditions of approval:

Condition 1. The zone change from RS (Single Family Residential) to CR (Retail Commercial) for the approximately 0.15-acre property located at 2465 Wallace Road NW 97304 (Polk County Assessor Map and Tax Lot 073W16BA09900) is contingent upon successful completion of the applicant's purchase of the land from the Oregon Department of Transportation.

Condition 2: A legal description of the boundary between the CR (Retail Commercial) zone and CO (Commercial Office) zone shall be submitted to the Planning Administrator for review and approval.

VOTE:

Yes 7 No 0 Absent 1 (Wright) Abstain 1 (Elzinga)



Chane Griggs, President
Salem Planning Commission

| | |
|----------------------------------|---------------------------|
| Application Deemed Complete: | <u>August 1, 2019</u> |
| Public Hearing Date: | <u>September 3, 2019</u> |
| Notice of Decision Mailing Date: | <u>September 5, 2019</u> |
| Decision Effective Date: | <u>September 21, 2019</u> |
| State Mandate Date: | <u>November 29, 2019</u> |

Case Manager: Pamela Cole, pcole@cityofsalem.net, 503-540-2309

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., Friday, September 20, 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 “SINGLE FAMILY RESIDENTIAL” TO “MIXED-USE” AND A ZONE CHANGE FROM RS (SINGLE FAMILY RESIDENTIAL) TO MU-II (MIXED USE-II)

COMPREHENSIVE PLAN MAP AMENDMENT FROM “MULTI-FAMILY RESIDENTIAL” TO “MIXED-USE” AND A ZONE CHANGE FROM RD (DUPLEX RESIDENTIAL) TO MU-II (MIXED USE-II)

COMPREHENSIVE PLAN MAP AMENDMENT FROM “SINGLE FAMILY RESIDENTIAL” TO “COMMERCIAL” AND A ZONE CHANGE FROM RS (SINGLE FAMILY RESIDENTIAL) TO CR (RETAIL COMMERCIAL)

ZONE CHANGE FROM CO (COMMERCIAL OFFICE) TO CR (RETAIL COMMERCIAL)

CASE NO. CPC-ZC-ZC19-10

SEPTEMBER 3, 2019

PROCEDURAL FINDINGS

1. On March 28, 2019, Geoffrey James, Architect, on behalf of the applicant, Scott Martin, and property owner, 3030 Riverbend LLC (Scott Martin), filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from “Single Family Residential” and “Multi-Family Residential” to “Mixed-Use” and “Commercial”, and to change the zoning from RS (Single Family Residential) and RD (Duplex Residential) to MU-II (Mixed Use-II) and CR (Retail Commercial). The applicant also submitted a zone change application on June 28, 2019 to change the zoning from CO (Commercial Office) to CR (Retail Commercial) for a portion of the property. A vicinity map is included as **Attachment A**.
2. The consolidated application was deemed complete for processing on August 1, 2019. The public hearing on the application was scheduled for September 3, 2019. In accordance with Section 300.720(b) of the Salem Revised Code, notice of the proposed comprehensive plan change and zone change was mailed on August 14, 2019 and posted on the subject property on August 24, 2019.
3. State law (ORS 197.610) and SRC 300.602(b)(1) requires the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on July 30, 2019.

4. On September 3, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, and voted to grant the Comprehensive Plan Changes and Zone Changes.
5. Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The requests for Zone Changes included in this consolidated application are subject to the 120-day rule. The state-mandated 120-day deadline to issue a final local decision for the Zone Changes is November 29, 2019.

BACKGROUND/PROPOSAL

Proposal

The applicant is requesting to change the zoning of areas within proposed Phase 2 of the Riverbend Mixed Use Neighborhood Center from RS (Single-Family Residential) and RD (Duplex Residential) to MU-II (Mixed Use-II). This zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the comprehensive plan designations from “Single Family Residential” and “Multi-Family Residential” to “Mixed-Use,” a designation which is implemented by the MU-II (Mixed Use-II), MU-I (Mixed Use-I), ESMU (Edgewater/Second Street Mixed-Use Corridor), NCMU (Neighborhood Center Mixed Use), and FMU (Fairview Mixed-Use) zones.

The applicant is requesting to change the zoning from RS (Single-Family Residential) to CR (Retail Commercial) for a small area within Phase 1 of the Riverbend Mixed Use Neighborhood Center that the applicant is in the process of purchasing from the Oregon Department of Transportation. This zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the comprehensive plan designations from “Single Family Residential” to “Commercial,” a designation which is implemented by the CR (Retail Commercial), CO (Commercial Office), CN (Neighborhood Commercial), and CG (General Commercial) zones.

The applicant is also requesting a zone change from CO (Commercial Office) to CR (Retail Commercial) for a portion of Phase 1 of the Riverbend Mixed Use Neighborhood Center that abuts an area previously zoned CR (Retail Commercial). This zone change does not require an amendment to the Salem Area Comprehensive Plan Map.

The West Salem Neighborhood Plan, Generalized Land Use Map with Recommended Changes designates this area as “Center.”¹

¹ Per the West Salem Neighborhood Plan, Recommended Changes to the Generalized Land Use Map, the “Center” designation provides for coordinated development within the area shown that allows for residential, neighborhood retail, restaurant, employment, public space, and/or civic uses. Centers may include any or all of these uses, but should be developed as specific area plans with the prevailing economic market and neighborhood needs in mind. Centers should be developed in such a manner as to provide a sense of place, a compact urban form, neighborhood vitality, and innovative design. Within Centers, buildings should be oriented to the pedestrian, there should be accessibility to transit and major roads, and there should be connectivity with the surrounding neighborhood, while still accommodating the use of the automobile.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of approximately 6.2 acres at 2499 Wallace Rd NW, 2501 Wallace Rd NW, and 2519 Wallace Rd NW from "Single Family Residential" to "Mixed-Use;"
- 2) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of approximately 1.3 acres (Polk County Assessor Map and Tax Lot 073W09CD01301) from "Multi-Family Residential" to "Mixed-Use;"
- 3) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of approximately 0.15 acres at 2465 Wallace Road NW from "Single Family Residential" to "Commercial;"
- 4) A Quasi-Judicial Zone Change to change the zoning of approximately 6.2 acres at 2499 Wallace Rd NW, 2501 Wallace Rd NW, and 2519 Wallace Rd NW from RS (Single-Family Residential) to MU-II (Mixed Use-II);
- 5) A Quasi-Judicial Zone Change to change the zoning of approximately 1.3 acres (Polk County Assessor Map and Tax Lot 073W09CD01301) from RD (Duplex Residential) to MU-II (Mixed Use-II);
- 6) A Quasi-Judicial Zone Change to change the zoning of approximately 0.15 acres at 2465 Wallace Road NW from RS (Single Family Residential) to CR (Retail Commercial); and
- 7) A Quasi-Judicial Zone Change to change the zoning of approximately 1.582 acres at 1221 River Bend Road NW from CO (Commercial Office) to CR (Retail Commercial).

The applicant's written statement summarizing each request and addressing compliance with the required approval criteria is included as **Attachment B**, with maps of the existing and proposed zoning on pages 7 and 8 and a conceptual plan on page 9.

Existing Conditions

The subject property for the consolidated application is a total of approximately 9.23 acres. The property slopes downward from the southwest toward Wallace Road NW in the northeast. The property contains existing mature trees, including significant trees (Oregon White Oaks greater than 24 inches in diameter at breast height). The subject property has approximately 315 feet of frontage on River Bend Road NW and approximately 983 feet of frontage along Wallace Road NW. The applicant owns additional property that is not subject to the Comprehensive Plan Change or Zone Change applications; it has approximately 210 feet of frontage on River Bend Road NW.

Phase 1 of the Riverbend Mixed Use Neighborhood Center, including 1221 River Bend Road NW, is currently being developed as approved under Case No. DR-SPR-DAP18-04 for a 48-unit multi-family complex and two retail commercial buildings. The property at 2465 Wallace Road NW is currently vacant; the applicant has a sale and purchase agreement with the Oregon Department of Transportation and intends to incorporate the property into the surrounding property through a future property line adjustment or other land use action.

The properties that are proposed as Phase 2 of the Riverbend Mixed Use Neighborhood Center are 2499, 2501, and 2519 Wallace Rd NW and Polk County Assessor Map and Tax Lot 073W09CD01301. While Tax Lot 073W09CD01301 is vacant, the other properties contain single family dwellings and accessory buildings.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designates 2465, 2499, 2501, and 2519 Wallace Rd NW as "Single Family Residential," Tax Lot 073W09CD01301 as "Multi-Family Residential," and 1221 River Bend Road NW as "Commercial."

The Comprehensive Plan designations of surrounding properties include:

North: "Commercial" and "Multi-Family Residential"
South: "Single Family Residential"
(Across River Bend Road NW) "Single Family Residential"
East: (Across Wallace Road NW) "Multi-Family Residential" and Community Services
West: "Single Family Residential"

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted by River Bend Road NW, designated as a Collector street, and Wallace Road NW, designated as a Major Arterial.

Neighborhood Plan: The subject property is located within the boundaries of the West Salem Neighborhood Association. The West Salem Neighborhood Association has an adopted neighborhood plan, The West Salem Neighborhood Plan, effective April 2004.

2. Zoning

2465, 2499, 2501, and 2519 Wallace Rd NW are zoned RS (Single Family Residential), Tax Lot 073W09CD01301 is zoned RD (Duplex Residential), and the portion of 1221 River Bend Road NW subject to this application is zoned CO (Commercial Office). Surrounding properties are zoned and used as follows:

North: CR (Retail Commercial) and RM-II (Multiple Family Residential-II) – convenience store and gas station, apartments
South: RS (Single Family Residential) -- Single Family Dwellings (Across River Bend Road NW) RS (Single Family Residential) – Single Family Dwellings
East: (Across Wallace Road NW) PS (Public Services) – City utility facility; Polk County EFU (Exclusive Farm Use) and SR (Suburban Residential) -- Single Family Dwellings, Agriculture
West: RS (Single Family Residential) – Single Family Dwellings

3. Relationship to the Urban Service Area

The subject property is located within the Urban Service Area and adequate utilities are available to serve the property. A UGA permit is not required.

4. Infrastructure

Public Infrastructure Plan:

The Water System Master Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the subject property.

Water: The subject property is located within the G-0 water service level. The nearest public water main is a 12-inch main located in Wallace Road NW.

Sewer: An 8-inch main is located within a City easement on the subject property.

Storm Drainage: 24-inch and 30-inch storm mains are located in Wallace Road NW. A 15-inch storm main is located at the northwest corner of the property.

Streets: Wallace Road NW is designated a State Highway and is under the jurisdiction of the Oregon Department of Transportation (ODOT).

Transportation Planning Rule: A Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) was required to demonstrate that the proposed Comprehensive Plan Change/Zone Change/Zone Change (CPC/ZC/ZC) will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer reviewed the documents submitted for the proposal and found that the applicant's submittal met this requirement.

5. Land Use History

There are no previous land use actions identified on the northern area of the subject property (proposed Phase 2 of the Riverbend Mixed Use Neighborhood Center).

Development of most of the southern area, Phase 1 of the Riverbend Mixed Use Neighborhood Center, was approved through these land use actions:

CPC-ZC17-07 (Minor Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change 17-07)

Summary: A consolidated application to change the Comprehensive Plan Map designation and zoning from Single-Family Residential to "Commercial" with approximately 2.6 acres zoned CO (Commercial Office) and approximately 1.3 acres zoned CR (Retail Commercial) for a future mixed-use multi-family and neighborhood commercial development.

Request: An application to change the Comprehensive Plan Map designation from "Single Family Residential" to "Commercial" and change the zoning from RS (Single Family Residential) to CO (Commercial Office) and CR (Retail Commercial) for property approximately 3.89 acres in size, zoned RS (Single-Family Residential), and located at the 1200 Block of Riverbend Road NW - 97304 (Polk County Assessor's Map and Tax Lot number: 073W16BA / 10000).

The following condition of approval of CPC-ZC17-07 is applicable to the subject property of that decision, now assigned an address of 1221 River Bend Road NW (Polk County Assessor Map and Tax Lot Number 073W16BA10000).

Condition 1 of CPC-ZC17-07: Traffic impacts from future development on the subject property shall be limited to a maximum of 1,083 average daily trips generated by the proposed use or uses.

DR-SPR-DAP18-04 (Class 3 Design Review, Class 3 Site Plan Review and Class 2 Driveway Approach Permit 18-04)

Summary: Proposed development of a new 48 dwelling unit multi-family apartment complex and two new retail commercial buildings.

Request: A Class 3 Design Review, Class 3 Site Plan Review and Class 2 Driveway Approach Permit request for development of a new multi-family apartment complex containing five buildings and a total of 48 dwelling units, and two new retail commercial buildings approximately 11,250 square feet in size, for property approximately 3.89 acres in size, zoned CO (Commercial Office) and CR (Retail Commercial), and located at the 1200 Block of River Bend Road NW 97304 (Polk County Assessors Map and Tax Lot number: 073W16BA / 10000).

6. Natural Features

Trees: The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. No riparian corridors are present. Any Significant Trees on the property would be subject to the protections of SRC Chapter 808 upon annexation.

Based upon a review of the data in the City geographic information system and the applicant's conceptual plan, the subject property contains Significant Trees.

Wetlands: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures.

Based upon a review of the data in the City geographic information system, the subject property contains no wetlands or waterways.

7. Neighborhood Association Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association. Notification was sent to the neighborhood association on August 1, 2019. The comments below were received from the Land Use Chair of the West Salem Neighborhood Association.

The West Salem Neighborhood Association (WSNA) continues to be extremely concerned with the increased burden additional development along the Wallace Road/Hwy 221 corridor places on the already

overcapacity arterial road as well as the neighborhood side-streets, and even business parking lots, used as detours during near daily times of heavy traffic. (Please see your records regarding the WSNA response to Phase I of this project.)

The intersection at Riverbend Road and Wallace Road is unusually burdened by a steady flow of construction vehicles, year around, transporting material from sand and gravel companies located at the east end of Riverbend Road. Increased residential and commercial traffic resulting from phase II of this project will worsen the existing problem. Previous zoning changes and permit decisions seem to care little for the neighborhood concerns regarding the already overcapacity road infrastructure leading to unreasonable time spent in slowed traffic, pollution from idling vehicles and undue wear on the asphalt itself. Long promised infrastructure improvements have failed to materialize.

The residents in West Salem are frustrated by the apparent lack of impact their input - written or verbal - seems to have on decisions made. Yet we continue on, hoping that the concerns of the existing neighborhood residents impacted by these decisions, and the resultant failing infrastructure, will be heard, respected and acted upon.

In addition, the West Salem Land Use Chair emailed that the comments submitted by Steve Anderson regarding traffic (**Attachment C**) "delineate the WSNA concerns." At the time of the public hearing, these comments had not been approved by a vote of the Board representing the neighborhood association.

At the public hearing, Mr. Anderson testified and submitted additional written comments (**Attachment D**) as "the submittal of the WSNA Land Use Committee to the neighborhood association body and acceptance of said requesting actions for submittal to the Salem Planning Commission on the Riverbend Phase II project" and requesting (1) a condition similar to a deed restriction requiring that the open space area with trails and community connections shown on the applicant's conceptual plan be permanently enforced, (2) conditions for mitigation of impacts to the Wallace Road transportation system, and (3) conditions that, where possible, require SDCs for this project to be allocated to go first to mitigate traffic impacts for the Wallace Road system and, further, to be allocated to projects in the West Salem area.

Response: The applicant's conceptual plan for the development in Phase 2 is not being approved with this decision. The applicant's representative stated that the applicant intends to make open space and pedestrian paths in the development available to the public as long as public behavior is acceptable. The Planning Commission declined to impose the requested condition to make the open space permanently available to the public, as that condition would have the effect of taking private property for public use.

Oregon Administrative Rules (OAR 660-012-0060) requires that an amendment to the functional plan, acknowledge comprehensive plan, or a land use regulation (including a zoning map) demonstrate that the amendment will not have a “significant effect” on existing or planned transportation facilities. The applicant’s Traffic Engineer submitted a Traffic Impact Analysis dated December 23, 2018 for the Riverbend Phase 2 Comprehensive Plan Amendment and Zone Change (CPC-ZC) to both the City of Salem and the Oregon Department of Transportation (ODOT). Both agencies reviewed the December 23, 2018 study and provided comments back to the applicant’s Traffic Engineer. A response memorandum dated February 7, 2019 was submitted to both agencies. Both the City and ODOT reviewed the proposal and concurred that the proposed CPC-ZC complies with the requirements of the Transportation Planning Rule (OAR 660-0012-0060) and will not have a significant effect on the transportation system. Additional comments from the applicant’s Traffic Engineer were submitted at the public hearing (**Attachment E**).

The entire length of Wallace Road NW within the City limits is under the jurisdiction of ODOT; therefore, the operating standards and policies of ODOT apply. The Oregon Highway Plan Policy, Action 1F.5 identifies a procedure to evaluate amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660-12-0060, in situations where the volume to capacity ratio is above the mobility targets. The traffic analysis submitted for this project shows that River Bend Road NW is operating below the ODOT mobility standards in the TSP horizon year before and after the project, so there is not a significant affect at that location. The analysis also indicates that the intersection of Wallace Road NW and Glen Creek Road NW operates above the mobility standards both before and after the project. The change in the volume to capacity ratio at the Glen Creek Road NW intersection is only 0.01. The ODOT threshold for significant is 0.03. By ODOT’s definition, a change of 0.01 is not considered significant and meets the requirements of the Oregon Highway Plan policies and therefore meets the TPR.

Wallace Road NW through West Salem is under the jurisdiction of the Oregon Department of Transportation (ODOT). Any major improvement to increase capacity along the corridor would need to be clearly identified in the Salem Transportation System Plan (TSP) and in Mid-Willamette Valley Council of Governments Regional Transportation System Plan.

The cumulative impacts of development in West Salem were discussed in the Salem River Crossing Draft Environmental Impact Statement. The Draft Environmental Impact Statement was not adopted by the City and therefore does not have any bearing on this or any future land use action.

Congestion Relief Task Force recommendations were adopted by City Council on April 22, 2019. The application under review was submitted prior to that date; therefore, any recommendations adopted by City Council are not applicable to this application. In addition, any Council recommendations are not applicable to this

application as those recommendations would first need to be adopted into the Transportation Systems Plan and zoning code.

Halting development in an area of the city would require City Council to declare a “Moratorium of Construction or Land Development.” The State of Oregon has a specific process that local jurisdictions must follow in order to enact a moratorium. Oregon Revised Statute (ORS) 197.505 describes the manner of declaring a moratorium and the time limit associated with a moratorium. The law also requires that housing and economic development needs are accommodated as much as possible. The City Council has not declared a moratorium of construction and therefore, it is inappropriate to apply those considerations to this land use application.

Additionally, when land is developed, case law (Nolan and Dolan) prohibits the City from assessing mitigation that is not commensurate with its impacts.

Therefore, the Planning Commission declined to impose the requested condition for mitigation of traffic impacts.

All new development in the City pays a required Transportation System Development Charge (TSDC) that was adopted by City Council. The TSDC fee is collected to partially fund growth-related transportation projects that are identified on the eligible projects list. These projects are distributed throughout the City, and it would be unlikely to reallocate all of the TSDC funds collected from West Salem developments to improvements in West Salem. Allocation of TSDC’s is a City Council decision and is not appropriate consideration to this land use case.

Therefore, the Planning Commission declined to impose the requested condition for designation of SDCs toward Wallace Road NW and West Salem projects.

8. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed application. At the time of writing the staff report, comments had been received from six members of the public prior to the comment deadline indicating the following concerns:

- One asked if the applicant intends to phase the development to avoid having to construct traffic improvements, and if so, at what point would the cumulative impacts warrant improvements. He said that he would support this application provided that significant transportation systems improvements are made to handle the increased traffic volume on Wallace Road NW.
- Several noted that they oppose approving increases in high density housing and adding residents to West Salem because this would worsen significant traffic congestion in West Salem, particularly on the infrastructure linking West Salem to downtown Salem. They noted that traffic has been and continues to be an

increasing burden to citizens as they commute to workplaces and schools, daycares, and other services across the bridge, as they experience long waits that congest traffic lights and substantially increase travel times and stress on West Salem families.

- One commented that approval of higher density development by City leadership would be ignoring hardworking, tax paying, citizens that will suffer with the consequences of traffic multiple times a day and requested that City leadership consider their wellbeing and approaching growth in our community in the appropriate order.
- One commented that the Salem City Council needs to accept the fact that West Salem residents are dependent on cars to live here and that roads need to be maintained, widened, and that new infrastructure such as expanding existing roadways and constructing a new bridge are essential for the safety and livelihoods of all West Salem residents, adding that West Salem citizens pay taxes to the City of Salem and their needs deserve to be met.
- One commented that it is absolutely ludicrous that the city leadership would even considering adding thousands of residents to West Salem further taxing the existing infrastructure and burdening its residents with more hours in the very cars that city leadership thinks can be removed with biking and walking initiatives.
- One commented that bikes and transit are not sufficient because people need freedom to travel on their own schedule, in a manner that gets them here and there quickly, and they will not wish to ride a bike or walk to a bus stop in winter weather.
- Several commented that they are opposed to any rezoning that increases housing density and opposed to any additional multi-family or residential construction in West Salem until a plan is established and improved infrastructure is provided including expansion of existing roadways and construction of a third bridge.

At the public hearing, two citizens provided testimony:

- One testified and provided written testimony (**Attachment F**) stating support of the overall design and intent of the project but challenging the proposed staff finding that the project will not have a significant effect on the transportation system and requesting that the Planning Commission reject the proposed Goal 12 Transportation findings and direct staff to return with revised findings that address four issues: (1) the staff report declares that the Phase 1 trip cap applies only to Phase 1 with no supporting documentation why the trip cap should not apply to the whole project; (2) the Oregon Highway Plan specifies that any development that generates more than 1,000 new trips is significant, and the TIA for Phase 2 states that 1,606 new trips will be generated, but the TIA report

includes no reference to the 1,000 trip mitigation requirement; (3) the TIA report conclusion that the project will not have a significant effect on the transportation system is nonsensical and OAR 660.012-0060(1)(c)(C) requires mitigation when a facility is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan; and (4) staff's finding that the proposal will not have a significant effect on the transportation system is invalid based on a LUBA decision and court case.

Response: The Assistant City Traffic Engineer provided the following response to concerns about traffic congestion, in addition to the response provided in the section above regarding the comments from the Neighborhood Association's Land Use Chair and Land Use Committee member:

Neither the City of Salem nor the Oregon Department of Transportation have identified any capacity, or long promised infrastructure improvement projects along Wallace Road NW through the most congested part of the roadway. The Salem TSP only identifies an access management and local street circulation project which would include a center landscaped median island with turn pockets. But any project that would add travel lanes along this section of highway would require widening the roadway by 24 feet, and subsequently require substantial widening of the bridges over the Willamette River to accommodate the additional travel lanes. A project like this would need to be included in ODOT's future project list. There are currently no projects identified or funding sources that would allow any capacity improvement project to move forward in this area.

Previously approved zone changes and development approvals all consider the impacts to traffic. The City collects Transportation System Development Charges which is an 'impact' fee, but case law, Oregon law, and City code prohibit us from exacting improvements or fees that are disproportionate to the impact of the development. Suggesting that no new development be allowed in West Salem until the transportation system is fixed would be a moratorium on development. Only City Council can enact a moratorium, but it must be done consistent with Oregon State Law (ORS 197.505).

Commissioner Levin stated that he supports the project but agrees with the West Salem citizens' concerns regarding traffic impacts. He finds it unacceptable that City Council ignores the problems in West Salem and finds the proposed solutions of the Congestion Relief Task Force lackluster, inappropriate, and insufficient. He suggested that Council explore funding options for transportation improvements such as fees for West Salem property owners.

Commissioner Pollock stated that a lot of people should talk about Marine Drive NW and encourage City Council to complete that project to alleviate the impacts on the state highway.

- One testified that she has concerns over the traffic, would like to see the proposed open space preserved for use of the residents who will be affected by the development, and is concerned about light pollution from the apartments.

Response: Traffic concerns are addressed above. The applicant's conceptual plan is not being approved at this time. The Planning Commission declined to impose a condition to make the open space permanently available to the public, as that condition would have the effect of taking private property for public use. The applicant will be required to submit a site plan review application for further development of the property. Development must comply with the requirements of the applicable zone including setback and building height standards, landscaping and screening standards, and general development standards that limit lighting impacts on neighboring properties.

9. City Department Comments

- A. The Building and Safety Division reviewed the proposal and had no concerns.
- B. The Fire Department reviewed the proposal and submitted comments indicating that they have no concerns with the request; however, items including Fire Department access and water supply will be addressed at building permit plan review.
- C. The Public Works Department, Development Services Section, reviewed the proposal and submitted comments included as **Attachment G**.

10. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public and private service providers.

- A. Salem-Keizer Public Schools reviewed the proposal and submitted comments regarding projected additional students for Harritt Elementary, Walker Middle School, and West Salem High School.
- B. The Fair Housing Council of Oregon requested that the Commission defer approval of the proposed Comprehensive Plan Map and Zone Change until the City provides more detailed Goal 10 findings with a complete analysis showing any gain/loss in needed housing as dictated by the Housing Needs Analysis and compared to the Buildable Lands Inventory.

Response: The Planning Commission found that staff adequately addressed Goal 10 in the staff report.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP AMENDMENT FROM “SINGLE FAMILY RESIDENTIAL” AND “MULTI-FAMILY RESIDENTIAL” TO “MIXED-USE”

The following analysis addresses the proposed Comprehensive Plan changes for the areas of the subject property proposed to be changed from “Single Family Residential” and “Multi-Family Residential” to “Mixed-Use.”

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) **Whether there was a mistake in the application of a land use designation to the property;**
 - (bb) **Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
 - (cc) **Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
 - (dd) **Whether the Comprehensive Plan Map designation is**

compatible with the surrounding Comprehensive Plan Map designations.

Finding: The proposal is justified based on (i) and (ii). An alteration in the social, economic and demographic patterns of the Salem urban area is identified as evidenced by the findings from the 2015 HNA/EOA which found a need for additional commercial and multi-family residential land to meet demand over the next 20-years while conversely finding that the City has a surplus of available single family residential land. The proposed change in designation would allow for mixed-use development of the property which will better help to contribute needed neighborhood commercial services and housing to meet the projected needs of the Salem urban area.

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

The proposal meets this criterion.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Finding: The subject property is located within the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The proposal meets this criterion.

SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;

Finding: The subject property abuts Wallace Road NW, which is designated as a major arterial street, and is proposed to be developed with vehicular access and pedestrian access connecting to the property to the south at 1221 River Bend Road NW, which is under common ownership. This property abuts River Bend Road NW, designated as a collector street. The northern area of the subject property proposed for "Mixed-Use" designation is approximately 450 feet south of Brush College Road NW, which is designated as a minor arterial street.

North of the subject property, the corridor is characterized by multi-family and single-family residential development, with a commercial node west of the intersection of Wallace Road NW and Brush College Road NW. The adjacent property to the south under common ownership was previously approved with a "Commercial" comprehensive plan designation and is under construction with a mixed-use development. Further south, the Wallace Road corridor is an area characterized by commercial retail and office services.

The finding and conclusions from the EOA show that West Salem has a large residential area that is underserved by retail commercial development. It is recommended that the City identify nodes for development of neighborhood retail uses

to surrounding neighborhoods. The subject property is located on a major arterial near the intersections with a collector street and minor arterial, which is a logical place to designate land for commercial use. The proposed zoning designation for the property includes the MU-II (Mixed Use-II) zone. This zone would permit development of needed multi-family housing as well as commercial uses to serve existing and future residences.

The proposal provides for a logical urbanization of land, meeting this criterion.

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

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

Salem Urban Area Goals and Policies, General Development (Page 24, Salem Comprehensive Policies Plan):

To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Economic Growth B.3

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

Finding: The Salem EOA identifies a deficit of available commercially zoned land in order to meet current and future community needs. One strategy for addressing this deficit is by targeting conversion of non-commercial lands to commercial uses. The proposal helps to increase the amount of mixed use land, which allows commercial uses and will help to improve and strengthen the economic base of the Salem urban area, thereby meeting this policy.

Development Compatibility B.12

Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

Finding: Future development of the site will be required to conform to the development standards of the MU-II (Mixed Use-II) zone, including minimum landscaping and setback requirements. The proposed mixed use designation is consistent with this policy.

Salem Urban Area Goals and Policies, Urban Growth Goal (Page 26, Salem Comprehensive Policies Plan):

To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.

Infill C.4

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

Finding: The subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, and storm infrastructure are available within surrounding streets and appear to be adequate to serve the proposed development. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Growth Management Goal (Page 27, Salem Comprehensive Policies Plan):

To manage growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to ensure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm lands.

Infill on Facilities D.9

New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

Finding: The subject property is located within the Urban Service Area. City services, including water, sewer, streets and storm drainage are available to serve the subject property. Development of the proposed site does not require the extension or development of new public services. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Mixed-Use Development Goal (Page 33, Salem Comprehensive Policies Plan):

To provide a mixture of complementary land uses that may include housing, retail, offices, services, industrial and civic uses, to create economic and social vitality.

Development F.1

Encourage efficient use of land by facilitating compact, high-density development and minimizing the amount of land that is needed to accommodate automobile parking. Where appropriate, revise mixed-use design standards to make them

simpler and easier to use, including making mixed-use design standards consistent across mixed-use areas.

Finding: The proposed designation would allow higher density residential development and commercial development, consistent with the policy.

Development F.2

Encourage development that preserves private open space for residents and employees of mixed-use development.

Finding: The applicant's conceptual site plan for future development shows a mixed-use development, including multi-family residential and neighborhood commercial uses. The layout of the site preserves a large number of the existing mature trees on the subject property that will be used as private open space area for future residents and will serve as a natural buffer between the proposed development on the subject property and the adjacent single-family neighborhoods.

Priorities for Mobility and Access F.3

Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where applicable.

Finding: The applicant's conceptual site plan for future development shows a mixed-use development, including multi-family residential and neighborhood commercial uses. The proposed change to a mixed-use land use designation will allow the property to be developed with a variety of housing, retail sales, and services uses. The proposed neighborhood commercial development will provide an alternative to help serve residential uses in the nearby area, reducing the need for and frequency for longer single occupant vehicle trips.

Priorities for Mobility and Access F.4

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

Finding: The development standards of the Mixed Use-II zone that will implement the proposed Mixed-Use designation encourage pedestrian-oriented design such as pedestrian amenities near streets and transparent windows on ground floor facades.

Priorities for Mobility and Access F.5

Provide roadway and pedestrian connections to residential areas.

Finding: The applicant's conceptual plan includes pedestrian and bike connections from the public streets to the residential buildings.

Design F.6

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

Finding: The development standards of the Mixed Use-II zone that will implement the proposed Mixed-Use designation encourage pedestrian-oriented design such as pedestrian amenities near streets and transparent windows on ground floor facades.

Design F.7

Provide flexibility in the siting and design of new developments, facilities, and redevelopment to respond to changes in the marketplace and infrastructure systems.

Finding: The proposed Mixed Use designation and the Mixed Use-II zone that will implement it allow a variety of residential and commercial uses, consistent with this policy.

Design F.8

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

Finding: The development standards of the Mixed Use-II zone that will implement the proposed Mixed-Use designation require landscaped areas and setbacks abutting other zones. The conceptual site plan indicates many existing trees will be retained as a natural buffer and pedestrian trails will be connected to adjacent neighborhoods.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 34, Salem Comprehensive Policies Plan):

To promote development of commercial office buildings for a range of employment uses, especially in downtown, mixed use districts, and commercially-oriented urban renewal areas.

Community Shopping and Service Facilities G.4

Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development that discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets and provisions for connectivity to the facilities for pedestrian and bicyclist from residential neighborhoods.

Finding: The subject property is located near the intersections of Wallace Road NW, classified as a major arterial, with River Bend Road NW, designated as a collector

street, and Brush College Road, designated as a minor arterial street. This location near the intersection of major streets is well suited for community shopping and services. The proposed change in designation from “Single Family Residential” and “Multi-Family Residential” to “Mixed-Use” will allow the property to be developed with needed commercial services. Bicycle and pedestrian access is currently available, or will be available at the time of development for the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Transportation Goal (Page 40, Salem Comprehensive Policies Plan):

To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.

Connectivity and Circulation J.5

The vehicle, transit, bicycle, and pedestrian circulation systems shall be designed to connect major population and employment centers in the Salem Urban Area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Finding: The subject property is located near the intersections of Wallace Road NW, classified as a major arterial, with River Bend Road NW, designated as a collector street, and Brush College Road, designated as a minor arterial street. Sidewalks are developed on Wallace Road NW abutting the property. Salem Keizer Transit (Cherriots) provides bus service near the property via route 16.

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, or cultural resources on the subject property. There appear to be significant trees located on the property. Through a future application for site plan review for development of the subject property, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. 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 subject property is not located within a floodplain or floodway. Mapped landslide hazards are present on the subject property. Through a future application for site plan review for development of the subject property, the application will be reviewed for compliance with the City's landslide hazard ordinance. The proposal is consistent with Goal 7.

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

Finding: In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035, and concluded that Salem has a projected commercial land shortage of 271 acres. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

One strategy outlined in the EOA for addressing the commercial land deficit includes rezoning land for commercial use in or near neighborhoods. Specifically, residential areas within West Salem are identified as lacking neighborhood retail development. It is recommended that the City identify sites that are 2-5 acres in West Salem for retail development to serve the surrounding neighborhood.

The proposed mixed-use designation for the subject property is consistent with the findings and recommendations of the EOA. Granting the comprehensive plan change allows the property to provide economic opportunities for needed neighborhood commercial services for West Salem and the greater urban area into the future.

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

Finding: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. The current single-family residential designation of most of the property does not allow the possibility for higher density, multi-family housing to be provided on the property. The proposed change from a single-family residential designation to a mixed-use designation will allow the potential for multi-family residential development on the property as a permitted use in the proposed MU-II (Mixed Use-II) zone.

Statewide Planning Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Finding: The subject property is within the Urban Service Area. Findings from the Public Works Department indicate that the water, sewer, and storm infrastructure are available within surrounding streets 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.

Salem-Keizer Transit (Cherriots) provides transit service nearby via route 16, and a Park and Ride facility is located approximately 1/3 of a mile north of the subject property on Wallace Road. Other public facilities and services include schools. Comments from the Salem Keizer School District indicate that if the property is developed for multi-family residential use, students would be served by Harritt Elementary School, Walker Middle School, and West Salem High School. Nearby parks include 1) Brush College Park, which is classified as a neighborhood park providing basic recreation resources for nearby residents; 2) Orchard Heights Park, which is classified as a community park, a larger scale park allowing for group activities and organized sports; and 3) Wallace Marine Park, which is classified as an urban park, which is intended to meet the recreational needs of the entire city and may be a regional draw.

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

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either

an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The Assistant City Traffic Engineer reviewed the proposal and concurs with the applicant’s TPR analysis findings that the entire proposal, including this proposed change from “Single Family” and “Multi-Family” to “Mixed-Use” designation, will not have a significant effect on the transportation system.

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: Existing urban services are developed and provided adjacent to the subject property. As demonstrated by the EOA/HNA, the City currently has a surplus of available single family residential land, with a demonstrated need for additional multi-family and commercial land. The proposed change in designation to mixed-use will result in utilization of available land in the urban growth boundary to meet the forecasted needs of the community.

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 “Single Family Residential” and “Multi-Family Residential” to “Mixed-Use” is in the public interest and would be of general benefit because it would allow an opportunity for the property to develop in a way that provides needed commercial services to an area which is currently lacking in available commercially designated property. Further, the proposed mixed use designation would allow for an opportunity for a multi-family or mixed-use development on the property, helping to contribute to the supply of needed housing for the Salem area.

The proposal satisfies this criterion.

WEST SALEM NEIGHBORHOOD PLAN

Finding: The property is located within the boundaries of the West Salem Neighborhood Association. The West Salem Neighborhood Plan was adopted in 2004 and is in effect pursuant to SRC Chapter 64.

The West Salem Neighborhood Plan, Generalized Land Use Map identifies the subject property as an area that is recommended for land use changes. The Recommended Changes to the Generalized Land Use Map designates the subject property as “Center.” The “Center” designation is intended to promote a variety of uses, including residential, neighborhood retail, restaurant, employment, public space, and/or civic uses. The proposed “Mixed-Use” comprehensive plan designation and the proposed MU-II (Mixed Use-II) zoning designation offer a similar list of permitted uses for the property, and thereby assist in implementing the goals and policies of the West Salem Neighborhood Plan.

The proposal meets the applicable criteria in the Neighborhood Plan such that the proposed Commercial Comprehensive Plan Map designation of the subject property is consistent with the neighborhood plan policies.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE ZONING MAP AMENDMENT FROM RS (SINGLE FAMILY RESIDENTIAL) AND RD (DUPLEX RESIDENTIAL) TO MU-II (MIXED USE-II)

The following analysis addresses the proposed zone changes for the subject property from RS (Single Family Residential) and RD (Duplex Residential) to MU-II (Mixed Use-II).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

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

- (i) **A mistake in the application of a land use designation to the property;**
- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity’s development**

pattern; or

- (iii) **A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Finding: The applicant does not identify a mistake in the application of a land use designation to the property.

The proposal is justified based on (ii) and (iii). An alteration in the social, economic and demographic patterns of the Salem urban area is identified as evidenced by the findings from the 2015 HNA/EOA which found a need for additional commercial and multi-family residential land to meet demand over the next 20-years while conversely finding that the City has a surplus of available single family residential land. The proposed change in designation would allow for a commercial and/or mixed-use development of the property which will better help to contribute needed neighborhood commercial services and housing to meet the projected needs of the Salem urban area.

The proposal meets this criterion.

- (B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.**

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

- (C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.**

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

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

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

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The proposal does not include a comprehensive plan change from an industrial or commercial designation. The subject property currently has single family residential and multi-family residential comprehensive plan map designations, and the request would change the map designation to mixed use. This criterion is not applicable.

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

Finding: The applicant has submitted a Transportation Planning Rule (TPR) Analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060).

The applicant's Traffic Engineer submitted a Traffic Impact Analysis dated December 23, 2018, for the Riverbend Phase 2 Comprehensive Plan Amendment and Zone Change (CPC-ZC) to both the City of Salem and the Oregon Department of Transportation (ODOT). Both agencies reviewed the December 23, 2018, study and provided comments back to the applicant's Traffic Engineer. A response memorandum dated February 7, 2019, was submitted to both agencies. Both the City and ODOT reviewed the proposal and concur that the proposed CPC-ZC complies with the requirements of the TPR OAR 660-0012-0060 and will not have a significant effect on the transportation system.

The entire length of Wallace Road NW within the City limits is under the jurisdiction of ODOT; therefore, the operating standards and policies of ODOT apply. The Oregon Highway Plan Policy, Action 1F.5 identifies a procedure to evaluate amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660-12-0060, in situations where the volume to capacity ratio is above the mobility targets. The traffic analysis submitted for this project shows that River Bend Road NW is operating below the ODOT mobility standards in the TSP horizon year before and after the project, so there is not a significant affect at that location. The analysis also indicates that the intersection of Wallace Road NW and Glen Creek Road NW operates above the mobility standards both before and after the project. The change in the volume to capacity ratio at the Glen Creek Road NW intersection is only 0.01. The ODOT threshold for significant is 0.03. By ODOT's

definition, a change of 0.01 is not considered significant and meets the requirements of the Oregon Highway Plan policies and therefore meets the TPR.

The applicant's TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060.

The proposal meets this criterion.

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

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

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN AMENDMENT FROM "SINGLE FAMILY RESIDENTIAL" TO "COMMERCIAL"

The following analysis addresses the proposed Comprehensive Plan change from "Single Family Residential" to "Commercial" for the area of the subject property at 2465 Wallace Road NW.

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive

Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

- (aa) Whether there was a mistake in the application of a land use designation to the property;**
- (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
- (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
- (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.**

Finding: The proposal is justified based on (i) and (ii). An alteration in the social, economic and demographic patterns of the Salem urban area is identified as evidenced by the findings from the 2015 HNA/EOA, which found a need for additional commercial and multi-family residential land to meet demand over the next 20 years while conversely finding that the City has a surplus of available single family residential land. The proposed change in designation would allow for mixed-use development of the property which will better help to contribute needed neighborhood commercial services and housing to meet the projected needs of the Salem urban area.

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

The proposal meets this criterion.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Finding: The subject property is located within the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The proposal meets this criterion.

SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;

Finding: The subject property abuts Wallace Road NW, which is designated as a major arterial street. Further south, the Wallace Road corridor is an area characterized by commercial retail and office services. Moving north, the corridor is characterized by

multi-family and single-family residential development, with one commercial node at the intersection of Wallace Road NW and Brush College Road NW.

The finding and conclusions from the EOA show that West Salem has a large residential area that is underserved by retail commercial development. It is recommended that the City identify nodes for development of neighborhood retail uses to surrounding neighborhoods. The subject property is located near the intersection of a major arterial and collector street, which is a logical place to designate land for commercial use, and is surrounded by other commercially zoned land. The proposed zoning designation for the 0.15-acre property is the CR (Retail Commercial) zone. The immediately surrounding 1.582 acres of the property is currently designated CO (Commercial Office) and is also proposed for a zone change to CR (Retail Commercial).

The proposal provides for a logical urbanization of land, meeting this criterion.

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

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

Salem Urban Area Goals and Policies, General Development (Page 24, Salem Comprehensive Policies Plan):

To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Economic Growth B.3

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

Finding: The Salem EOA identifies a deficit of available commercially zoned land in order to meet current and future community needs. One strategy for addressing this deficit is by targeting conversion of non-commercial lands to commercial uses. The proposal helps to increase the amount of commercial land, which will help to improve and strengthen the economic base of the Salem urban area, thereby meeting this policy.

Development Compatibility B.12

Land use regulations which govern the siting of any development shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

Finding: Future development of the site will be required to conform to the development standards of the CR (Retail Commercial) zone, including minimum landscaping and setback requirements. The subject property abuts Wallace Road NW and is surrounded by an area already designated “Commercial” and zoned CO (Commercial Office) and CR (Retail Commercial). Between the subject property and the adjacent properties to the west that are designated “Single Family Residential,” a multi-family housing development meeting the multi-family design review standards and guidelines of SRC Chapter 702 is under construction on property designated “Commercial” and zoned CO (Commercial Office). If the subject property is developed with a multi-family use, rather than the retail use indicated on the preliminary plan, the multi-family design review standards and guidelines of SRC Chapter 702 will also apply to the development. The proposed commercial designation is consistent with this policy.

Salem Urban Area Goals and Policies, Urban Growth Goal (Page 26, Salem Comprehensive Policies Plan):

To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.

Infill C.4

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

Finding: The subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, and storm infrastructure are available within surrounding streets and appear to be adequate to serve the proposed development. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Growth Management Goal (Page 27, Salem Comprehensive Policies Plan):

To manage growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to ensure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm lands.

Infill on Facilities D.9

New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

Finding: The subject property is located within the Urban Service Area. City services, including water, sewer, streets and storm drainage are available to serve the subject

property. Development of the proposed site does not require the extension or development of new public services. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Mixed-Use Development Goal (Page 33, Salem Comprehensive Policies Plan):

To provide a mixture of complementary land uses that may include housing, retail, offices, services, industrial and civic uses, to create economic and social vitality.

Development F.2

Encourage development that preserves private open space for residents and employees of mixed-use development.

Finding: The applicant's conceptual site plan for future development shows that the subject property will be incorporated into Phase 1 of the Riverbend Mixed Use Neighborhood Center, a mixed-use development that is already under construction, including multi-family residential and neighborhood commercial uses. The layout of the site preserves a large number of the existing mature trees on the subject property that will be used as private open space area for future residents and will serve as a natural buffer between the proposed development on the subject property and the adjacent single family neighborhoods.

Priorities for Mobility and Access F.3

Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where applicable.

Finding: The applicant's conceptual site plan for future development shows that the subject property will be incorporated into Phase 1 of the Riverbend Mixed Use Neighborhood Center, a mixed-use development, including multi-family residential and neighborhood commercial uses. The proposed change to a commercial land use designation will allow the property to be developed with a variety of retail sales and services uses. The proposed neighborhood commercial development will provide an alternative for to help serve residential uses in the nearby area, reducing the need for and frequency for longer single occupant vehicle trips.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 34, Salem Comprehensive Policies Plan):

To promote development of commercial office buildings for a range of employment uses, especially in downtown, mixed use districts, and commercially-oriented urban renewal areas.

Community Shopping and Service Facilities G.4

Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development that discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets and provisions for connectivity to the facilities for pedestrian and bicyclist from residential neighborhoods.

Finding: The subject property is located near the intersection of Wallace Road NW, which is classified as a major arterial, and River Bend Road NW, which is designated as a collector street. This location near the intersection of major streets is well suited for community shopping and services. The proposed change in designation from Single Family Residential to Commercial will allow the property to be developed with needed commercial services. There are no local residential streets that traffic will need to be filtered through in order to gain access to the subject property. Bicycle and pedestrian access are currently available or will be available at the time of development for the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Transportation Goal (Page 40, Salem Comprehensive Policies Plan):

To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.

Connectivity and Circulation J.5

The vehicle, transit, bicycle, and pedestrian circulation systems shall be designed to connect major population and employment centers in the Salem Urban Area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

Finding: The subject property is located near the intersection of Wallace Road, classified as a major arterial in the Salem Transportation System Plan, and River Bend Road NW, which is classified as a collector street. Sidewalks are developed on Wallace Road NW abutting the property and are being developed along the River Bend Road NW frontage of the surrounding property that is currently under construction. Salem Keizer Transit (Cherriots) provides bus service near the property via route 16.

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, or cultural resources on the subject property. There appear to be significant trees on the subject property. Through a future application for site plan review for development of the subject property, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. 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 subject property is not located within a floodplain or floodway. Mapped landslide hazards are present on the subject property. Through a future application for site plan review for development of the subject property, the application will be reviewed for compliance with the City's landslide hazard ordinance. The proposal is consistent with Goal 7.

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

Finding: In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

One strategy outlined in the EOA for addressing the commercial land deficit includes rezoning land for commercial use in or near neighborhoods. Specifically, residential

areas within West Salem are identified as lacking neighborhood retail development. It is recommended that the City identify sites that are 2-5 acres in West Salem for retail development to serve the surrounding neighborhood.

The proposed commercial designation for the subject property is consistent with the findings and recommendations of the EOA. Granting the comprehensive plan change allows the property to provide economic opportunities for needed neighborhood commercial services for West Salem and the greater urban area into the future.

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

Finding: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. The current single-family residential designation for the property does not allow the possibility for higher density, multi-family housing to be provided on the property. The proposed change from a single-family residential designation to a commercial designation will allow the potential for multi-family residential or mixed-use development on the property through the conditional use permit process if located in the CR (Retail Commercial) zone.

Statewide Planning Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Finding: The subject property is within the Urban Service Area. Findings from the Public Works Department indicate that the water, sewer, and storm infrastructure are available within surrounding streets 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.

Salem-Keizer Transit (Cherriots) provides transit service near the subject property via route 16, and a Park and Ride facility is located approximately 1/3 of a mile north of the subject property on Wallace Road. Other public facilities and services include schools. Comments from the Salem Keizer School District indicate that if the property is developed for multi-family residential use, students would be served by Harritt Elementary School, Walker Middle School, and West Salem High School. Nearby parks include 1) Brush College Park, which is classified as a neighborhood park providing basic recreation resources for nearby residents; 2) Orchard Heights Park, which is classified as a community park, a larger scale park allowing for group activities and organized sports; and 3) Wallace Marine Park, which is classified as an urban park, which is intended to meet the recreational needs of the entire city and may be a regional draw.

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

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The Assistant City Traffic Engineer reviewed the proposal and concurs with the applicant’s TPR analysis findings that the entire proposal, including this proposed change from “Single Family” to “Commercial” designation, will not have a significant effect on the transportation system.

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: Existing urban services are developed and provided adjacent to the subject property. As demonstrated by the EOA/HNA, the City currently has a surplus of available single-family residential land, with a demonstrated need for additional multi-family and commercial land. The proposed change in designation will result in utilization of available land in the urban growth boundary to meet the forecasted needs of the community.

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 Single Family Residential to Commercial is in the public interest and would be of general benefit because it would allow an opportunity for the property to develop in a way that provides needed commercial services to an area which is currently lacking in available commercially designated property. Further, the commercial designation would allow for an opportunity for a multi-family or mixed-use development on the property, helping to contribute to the supply of needed housing for the Salem area.

The proposal satisfies this criterion.

WEST SALEM NEIGHBORHOOD PLAN

Finding: The property is located within the boundaries of the West Salem Neighborhood Association. The West Salem Neighborhood Plan was adopted in 2004 and is in effect pursuant to SRC Chapter 64.

The West Salem Neighborhood Plan, Generalized Land Use Map identifies the subject property as an area that is recommended for land use changes. The Recommended Changes to the Generalize Land Use Map designates the subject property as “Center.” The “Center” designation is intended to promote a variety of uses, including residential, neighborhood retail, restaurant, employment, public space, and/or civic uses. The proposed “Commercial” comprehensive plan designation and the proposed CR (Retail Commercial) zoning designation offer a similar list of permitted uses for the property, and thereby assist in implementing the goals and policies of the West Salem Neighborhood Plan.

The Planning Commission finds that the proposal meets the applicable criteria in the Neighborhood Plan such that the proposed Commercial Comprehensive Plan Map designation of the subject property is consistent with the neighborhood plan policies.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE ZONING MAP AMENDMENT FROM RS (SINGLE FAMILY RESIDENTIAL) AND CO (COMMERCIAL OFFICE) TO CR (RETAIL COMMERCIAL)

The following analysis addresses the proposed zone changes for the subject property at 2465 Wallace Road NW from RS (Single Family Residential) to CR (Retail Commercial) and a 1.582-acre portion of the subject property at 1221 River Bend Road NW from CO (Commercial Office) to CR (Retail Commercial).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area,

the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

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

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

Finding: The applicant does not identify a mistake in the application of a land use designation to the property.

The proposal is justified based on (ii) and (iii). An alteration in the social, economic and demographic patterns of the Salem urban area is identified as evidenced by the findings from the 2015 HNA/EOA which found a need for additional commercial and multi-family residential land to meet demand over the next 20-years while conversely finding that the City has a surplus of available single-family residential land. The proposed change in designation would allow for a commercial and/or mixed-use development of the property which will better help to contribute needed neighborhood commercial services and housing to meet the projected needs of the Salem urban area.

At this time, the applicant has entered into a sale and purchase agreement with the Oregon Department of Transportation for the subject property at 2465 Wallace Road NW. The findings and analysis for the Comprehensive Plan Change and zone change, that the proposed zone change is equally or better suited for the property than the existing zone, rely in part on the applicant's assertion that the subject property will be incorporated into and developed with the surrounding properties owned by the applicant. If the property remains under the ownership of the Oregon Department of Transportation, the zone change may not be appropriate. In order to retain the current land use designation and zoning if the sale is not completed, the Planning Commission adopted the following condition of approval:

Condition 1: The zone change from RS (Single Family Residential) to CR (Retail Commercial) for the approximately 0.15-acre property located at 2465 Wallace Road NW 97304 (Polk County Assessor Map and Tax Lot 073W16BA09900) is contingent upon successful completion of the applicant's purchase of the land from the Oregon Department of Transportation.

The applicant's representative notified staff on the day of the public hearing that a proposed property line adjustment will be submitted to change the boundary between the property at 2465 Wallace and the property at 1221 River Bend Road NW. The proposed boundary would follow the centerline of the drive aisle that runs from River Bend Road NW through the Phase 1 development to the northern boundary of 1221 River Bend Road NW. This zone boundary differs from the proposed zone boundary depicted in the applicant's submittal for the comprehensive plan change and zone change application. Therefore, the Planning Commission adopted the following condition requiring a legal description to establish the zone boundary:

Condition 2: A legal description of the boundary between the CR (Retail Commercial) zone and CO (Commercial Office) zone shall be submitted to the Planning Administrator for review and approval.

With the conditions of approval, the proposal satisfies this criterion.

(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for the consolidated comprehensive plan change and zone change request for 2465 Wallace Road NW and are also applicable to the proposed zone change of the 1.582-acre portion of the subject property at 1221 River Bend Road NW from CO (Commercial Office) to CR (Retail Commercial).

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 the consolidated comprehensive plan change and zone change request for 2465 Wallace Road NW and are also applicable to the proposed zone change of the 1.582-acre portion of the subject property at 1221 River Bend Road NW from CO (Commercial Office) to CR (Retail Commercial). The proposal satisfies this criterion.

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The proposal does not include a comprehensive plan change from an industrial or commercial designation. The property at 2465 Wallace Road NW currently has a “Single Family Residential” comprehensive plan map designation, and the consolidated request would change that map designation from “Single Family Residential” to “Commercial.” The property at 1221 River Bend Road NW is currently designated “Commercial” in the comprehensive plan map and is not proposed to be changed. This criterion is not applicable.

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

Finding: The applicant has submitted a Transportation Planning Rule (TPR) Analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060).

The applicant’s Traffic Engineer submitted a Traffic Impact Analysis dated December 23, 2018, for the Riverbend Phase 2 Comprehensive Plan Amendment and Zone Change (CPC-ZC) to both the City of Salem and the Oregon Department of Transportation (ODOT). Both agencies reviewed the December 23, 2018, study and provided comments back to the applicant’s Traffic Engineer. A response memorandum dated February 7, 2019, was submitted to both agencies. Both the City and ODOT reviewed the proposal and concur that the proposed CPC-ZC complies with the requirements of the TPR OAR 660-0012-0060 and will not have a significant effect on the transportation system.

The entire length of Wallace Road NW within the City limits is under the jurisdiction of ODOT; therefore, the operating standards and policies of ODOT apply. The Oregon

Highway Plan Policy, Action 1F.5 identifies a procedure to evaluate amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660-12-0060, in situations where the volume to capacity ratio is above the mobility targets. The traffic analysis submitted for this project shows that River Bend Road NW is operating below the ODOT mobility standards in the TSP horizon year before and after the project, so there is not a significant affect at that location. The analysis also indicates that the intersection of Wallace Road NW and Glen Creek Road NW operates above the mobility standards both before and after the project. The change in the volume to capacity ratio at the Glen Creek Road NW intersection is only 0.01. The ODOT threshold for significant is 0.03. By ODOT's definition, a change of 0.01 is not considered significant and meets the requirements of the Oregon Highway Plan policies and therefore meets the TPR.

The applicant's TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060.

The applicant previously submitted a Transportation Planning Rule (TPR) Analysis for Comprehensive Plan Change – Zone Change 17-07, which included the property now assigned an address of 1221 River Bend Road NW (Polk County Assessor Map and Tax Lot Number 073W16BA10000). The applicant's TPR analysis demonstrated that the proposed CPC/ZC would not have a significant impact on the transportation system as defined by OAR 660-012-0060, and recommended a condition be placed on the application to limit the traffic impacts from future development to a maximum of 1,083 average daily trips. The Assistant City Traffic Engineer concurred with those TPR analysis findings, and the Planning Commission adopted the recommended condition, which still applies to the area of 1221 River Bend Road NW proposed for the zone change from CO (Commercial Office) to CR (Retail Commercial).

The proposal meets this criterion.

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

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

CONCLUSION

Based on the facts and findings presented herein, the Planning Commission concludes that the proposed Minor Comprehensive Plan Map Amendments and Quasi-Judicial Zone Changes, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2) and SRC 265.005(e)(1) for approval.

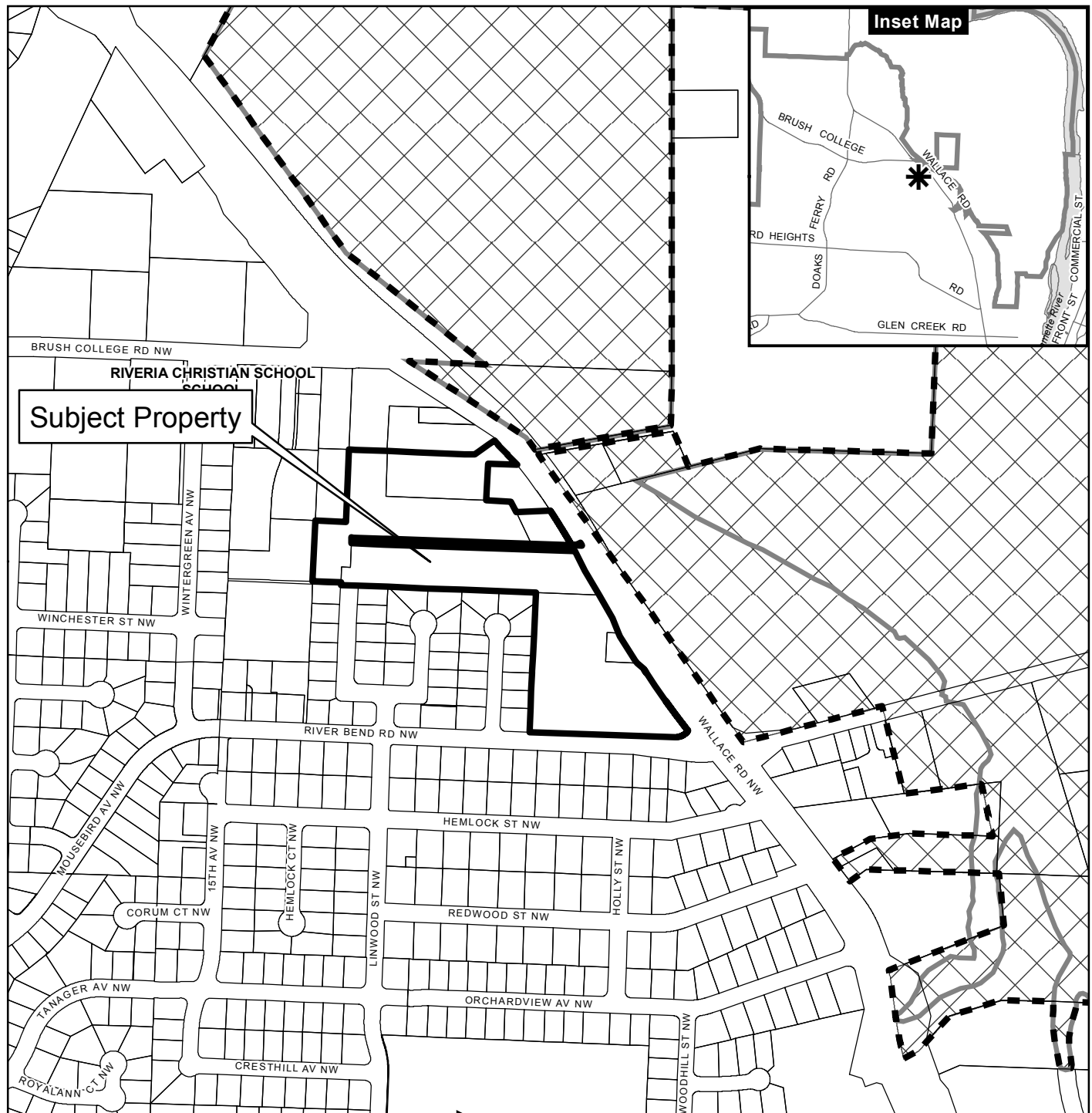
Attachments: A. Vicinity Map

- B. Applicant's Written Findings
- C. Comments from Steven Anderson - August 15, 2019
- D. Comments from Steven Anderson - September 3, 2019
- E. Comments from Applicant's Traffic Engineer - September 3, 2019
- F. Comments from E.M. Easterly - September 3, 2019
- G. Public Works Memorandum

Prepared by Pamela Cole, Planner II

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Vicinity Map - 2465, 2499, 2501, and 2519 Wallace Rd NW and 1221 River Bend Rd NW



Legend

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

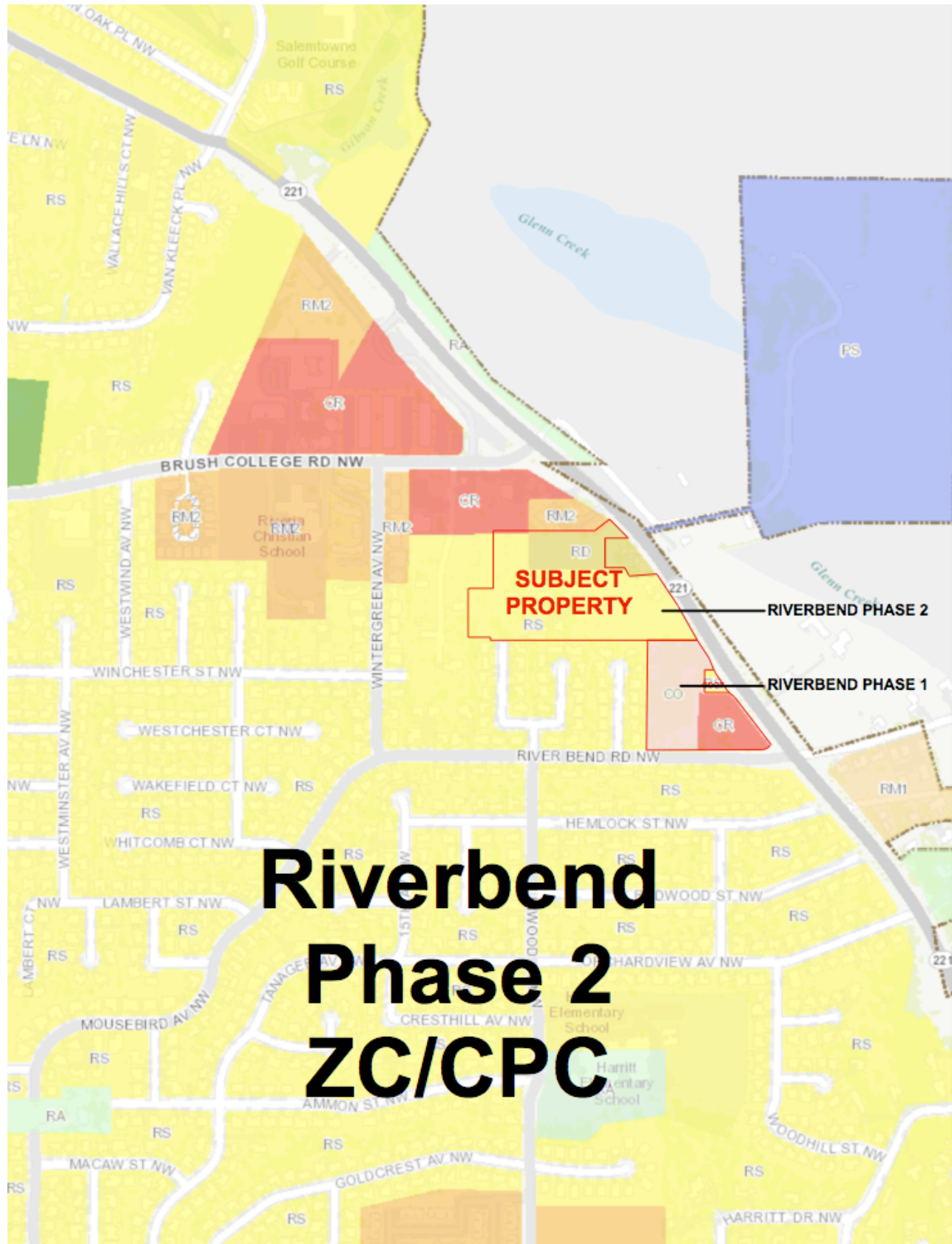
- Parks

CITY OF Salem
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Community Development Dept.

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APRIL 1, 2019

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REQUEST:

A consolidated application to change the Comprehensive Plan Map designation and Zoning of a 7.0 acre property from mostly “Single Family Residential” with RS (Residential Single Family) zoning and some “Multi-Family” comprehensive plan map designation with RD (Residential Duplex) zoning to “Mixed-Use” with MU-II (Mixed Use 2) zoning all in Riverbend Phase 2, plus one area of “Commercial Retail” designation with CR (Commercial Retail) zoning for 2465 Wallace (a previous ODOT parcel) in Riverbend Phase 1, such existing CR zoning to become contiguous with Phase 2, and to encompass the three retail buildings (shops) along the Wallace frontage.

Approx. 12,000 of retail shops and 114 apartment units, in 3-story buildings, are shown on the Site Plan for Phase 2. It is conceivable that the two existing dwellings, shown on the map, might be replaced by new apartment units (infill) in the future, but if that happens it will not increase the density above that permitted. At this time two of the dwellings are shown remaining, and maybe will be rental homes for now, until it is decided to replace them with new construction.

The subject site is located at 2465, 2499, 2501, 2519 Wallace Rd. NW just south of Brush College Rd. NW intersection with Wallace Road NW (Polk County Assessor map t739cd/Tax Lots 900, 1000, 1101, 1301, and 9900).

Included in this application, as previously mentioned, is a (recently acquired) small 0.37 acre ODOT surplus lot (Tax Lot #9900) in the previously approved Riverbend ZC-CPC. This is the proposed location for a third small one-story retail building along the Wallace frontage. Therefore, a zone change to CR is needed for that piece (from the existing RS) and a corresponding change of the comprehensive plan map designation to “Commercial Retail”, and it is proposed that it makes sense that the CR “east half” of the Phase 1 site therefore be extended to encompass these 3 retail buildings (instead of just the previous 2), and that the CR zone therefore extend over the Wallace frontage. That zone, and that property (all within one ownership) then will be effectively contiguous with the MU-II zoning proposed for Phase 2. See the Assessor maps of Phase 1 & Phase 2.

Therefore the 2465 Wallace Road parcel is the subject of a PLA Property Line Adjustment (see PLA Map) and this small parcel zoned RS (Single Family Residential) is the subject this request for a rezone to CR (Commercial-Retail) to match the adjacent CR zoned area. In fact, the zone change request is for a 1.730 acre CR parcel as shown on the PLA map. The 0.37 acre lot is the subject of this request to change the comprehensive plan designation from “Single Family Residential” to “Commercial” to be consistent with the surrounding parcel it is becoming a part of.

VICINITY & ZONING MAP

The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: RM-2 and CR zoning. Adjacent apartments, BBQ restaurant, etc.

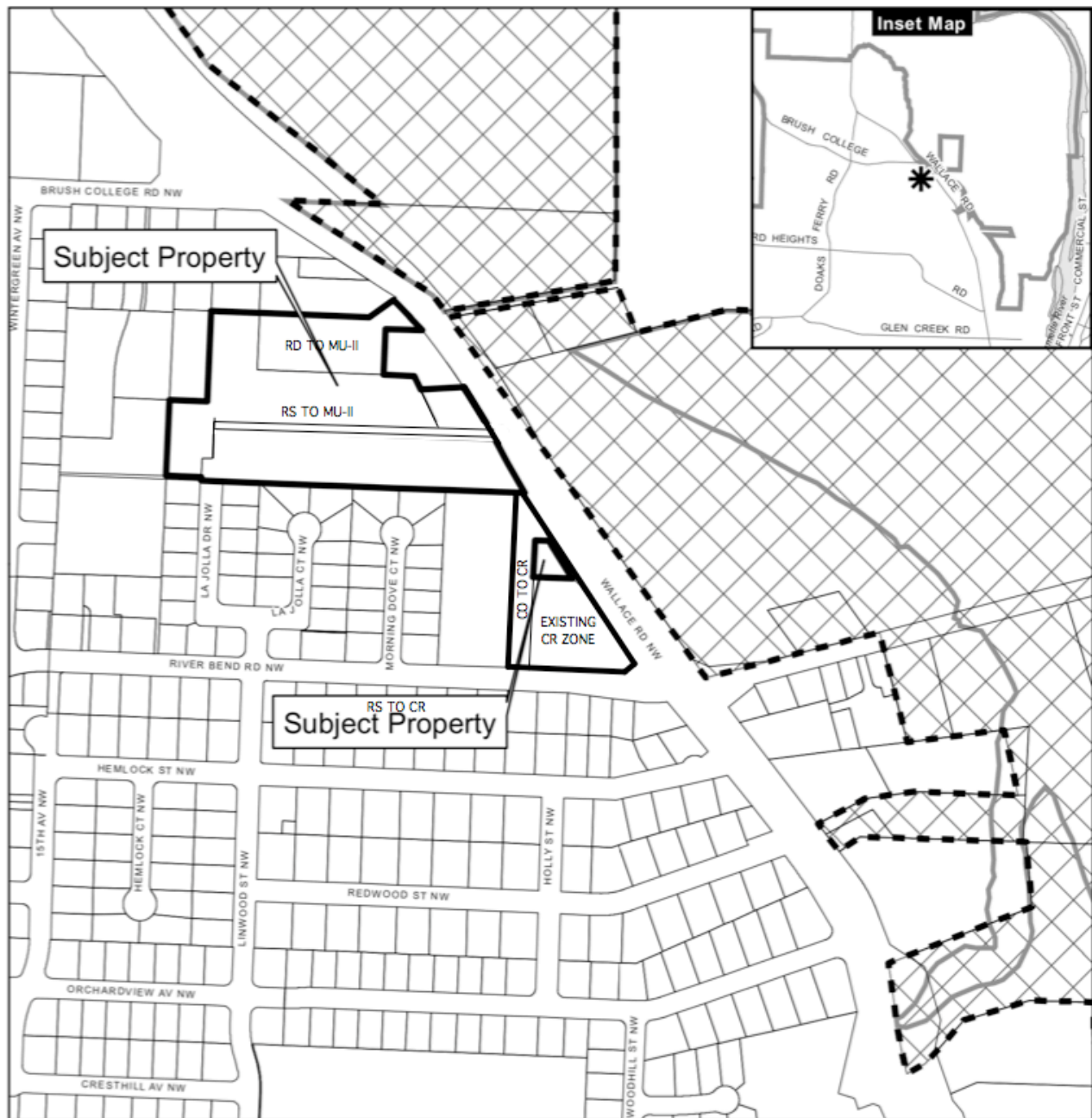
South: RS zoning, south of Riverbend Rd.

West: RS & RM-2 zoning

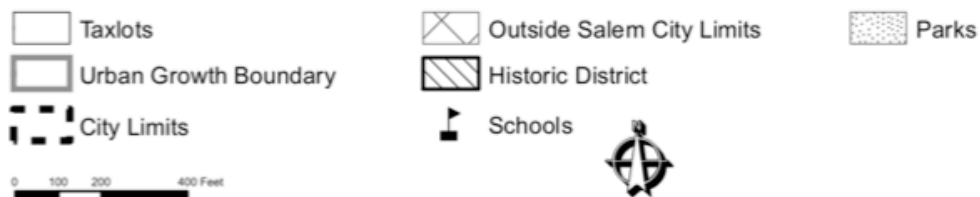
East: Wallace Rd. major arterial ROW

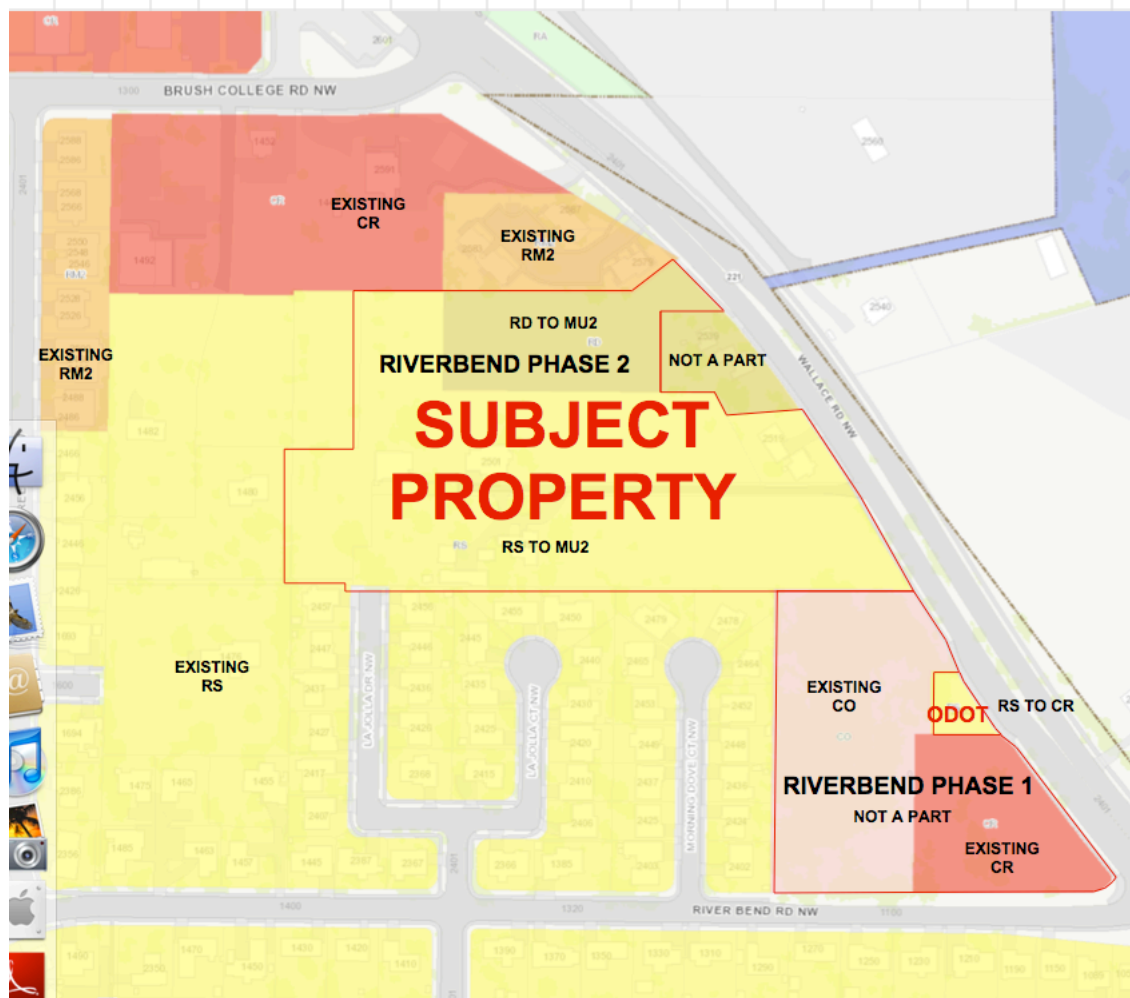


Vicinity Map 2465, 2499, 2501, 2519 Wallace Rd NW



Legend

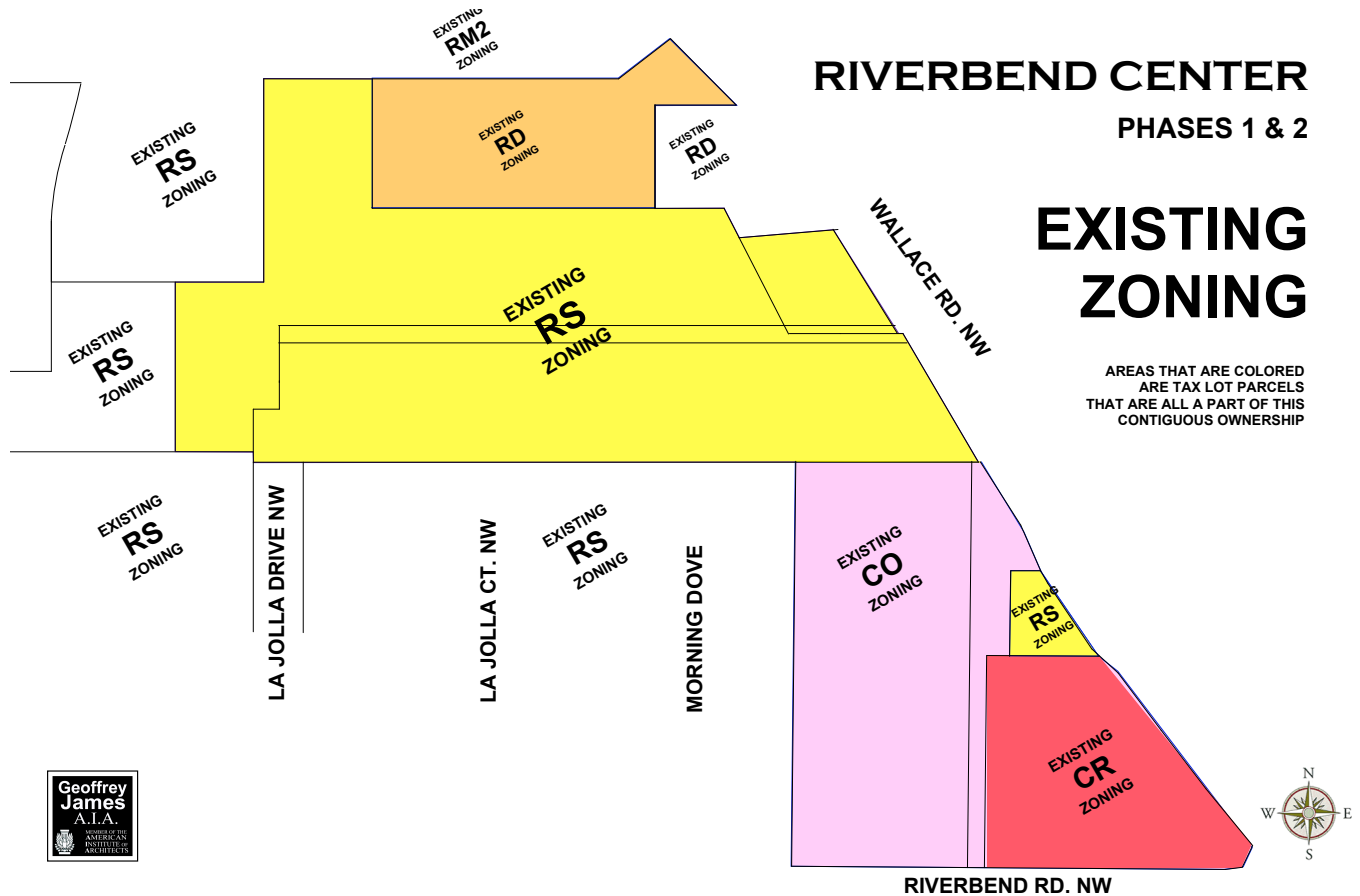




EXISTING & PROPOSED ZONING

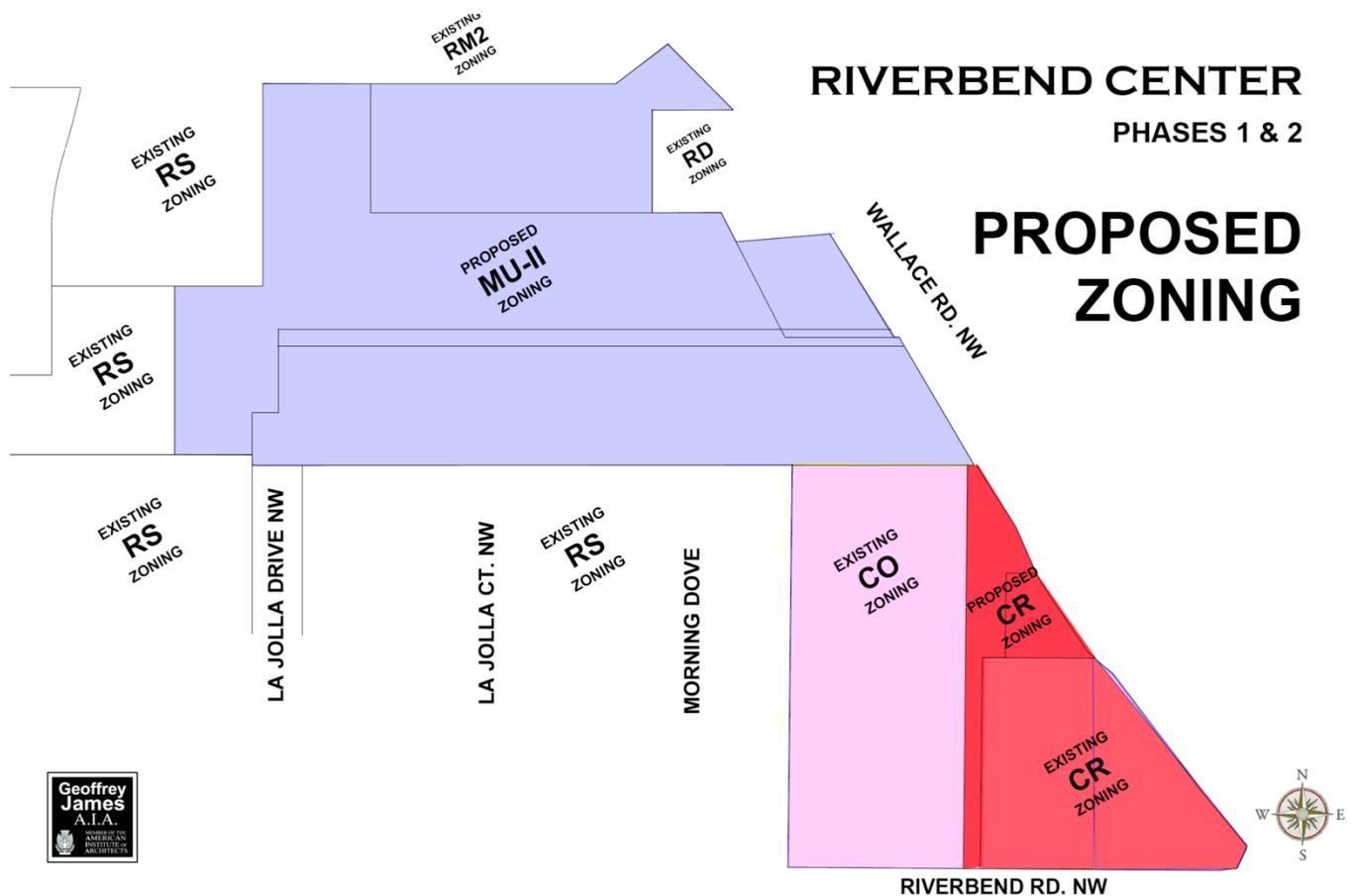
EXISTING ZONING

This diagram is the existing zoning of the actual subject properties in contiguous ownership by the applicant. Phase 1 (at the south) was zoned in 2017 to CR & CO. There was a small RS lot that was not included but is now acquired, and is now included in this ZC/CPC application.



PROPOSED ZONING

This diagram is the proposed zoning of the subject properties. Phase 1 (at the south) was zoned in 2017 to CR & CO. There was a small RS lot that was not included, but is included in this current ZC/CPC application, and the CR zoning for the three retail buildings is proposed to be “squared off” or extended to encompass this additional lot, and is contiguous with Phase 2. The retail along Wallace is therefore intended to all be in the CR zone. The apartments to the west, will remain in the CO “half” of Phase 1. Phase 2 (the northern portion) is all proposed to be MU-2 zoning to permit this proposed Mixed-Use development of shops and apartments, all connected by pedestrian walks.



RIVERBEND PHASE 2 MIXED USE ZC/CPC 2465,2499,2501,2519 WALLACE RD NW

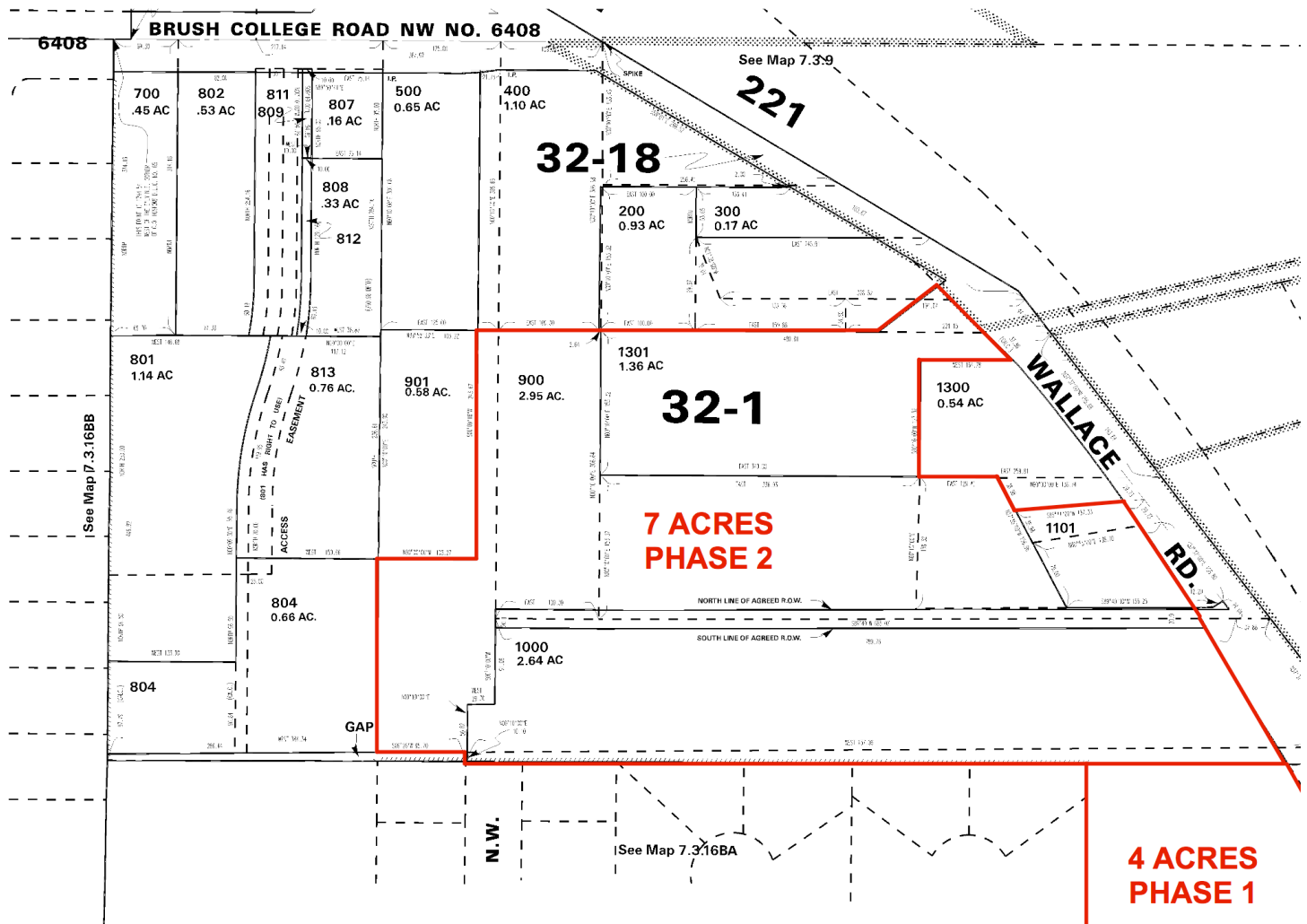


RIVERBEND PHASE 2 DEVELOPMENT PLAN (plus existing Phase 1)

Phase 2 continues the same theme as Phase 1. Retail shops are planned to be located along the Wallace frontage, but set back at the 20 ft. ODOT easement line. Parking (to code) is shown located west of the retail. Some 8 apartment buildings are shown arranged around a driveway/parking loop to the west. As before, i.e. in Phase 1, the major trees are mapped, and then the improvements are located (as much as possible) so as to preserve the trees. Circulation is a simple loop (24 ft. driveways) of parking, and access to the development is from three driveways at the arterials. A separate pedestrian walkway system connects all buildings, retail and apartments, to ADA wheelchair specs, and connects to the adjacent public streets. There are four existing dwellings on the property, and three are preserved as rentals on this map. There is a Barn, that the applicant proposes to restore as a focal point, and as a meeting spot for the residents. The Children's Play Area is at the center of the development. There is an extensive network of walking paths on the plan, so residents (and neighbors) can walk or bicycle to the shops. At the end of La Jolla Drive there is a proposed standard bulb turnaround (preferred by the neighbors) and a connected pedestrian walk through the development, i.e. to the shops.

ASSESSOR MAPS

for reference only

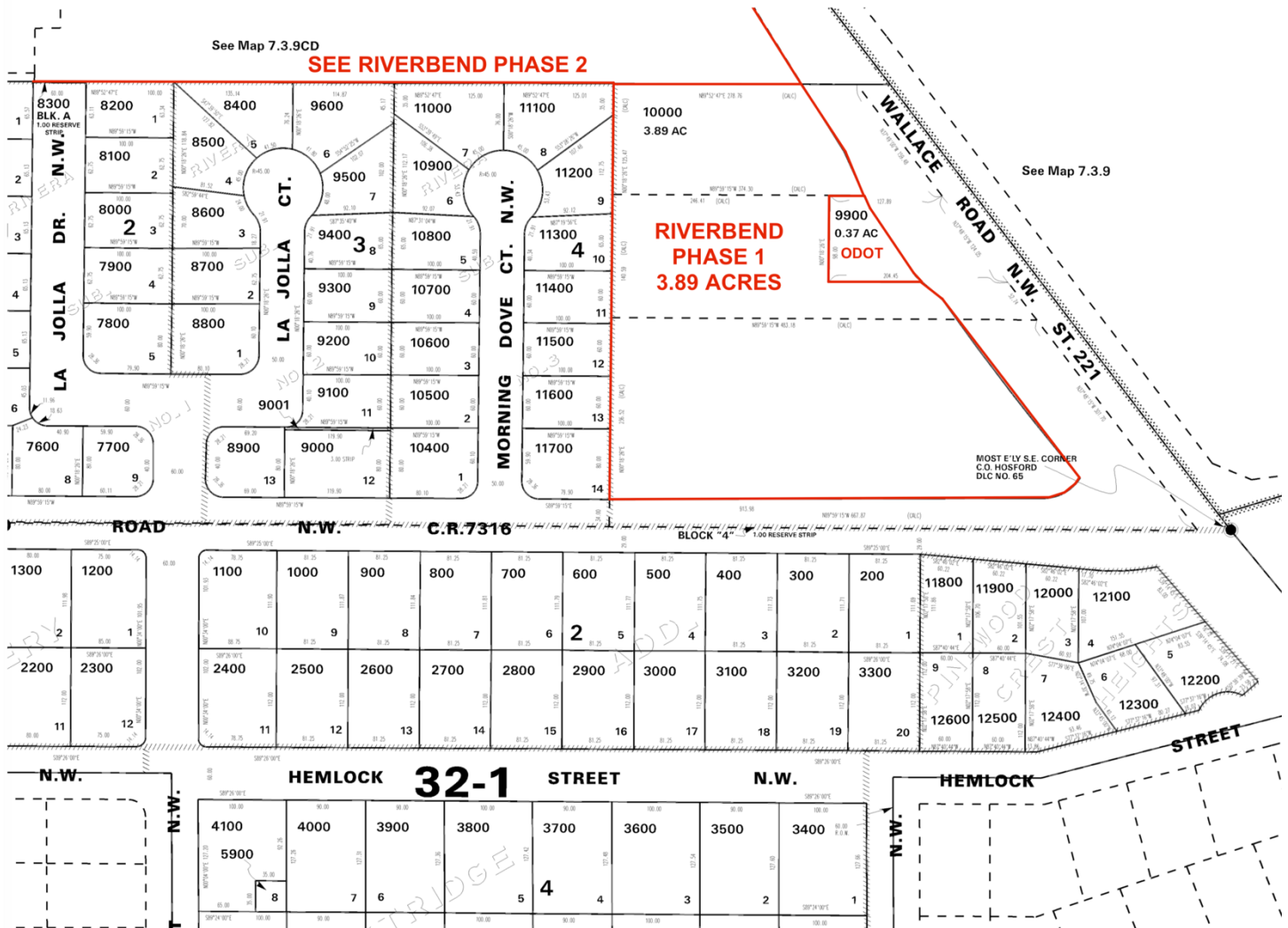


ASSESSOR MAP OF PHASE 2 Tax Lots 900, 1301, 1000, 1101

EXISTING 20 FT. ACCESS DRIVEWAY STRIP TO BE ABANDONED

There is an existing 20 ft. wide access strip or easement, from Wallace, that serves the existing 4 dwellings (e.g. 2499 Wallace). This driveway will be abandoned or vacated because the new loop driveway system replaces it, and there will be three new access driveways from the arterials. City of Salem Public Works had a question as to whether or not this strip was a "right of way" but the Surveyor has researched this with Polk County Assessor and the deeds clearly show it as a private access only, that was never dedicated to the public as a ROW. The new 24 ft. driveways replace this old 20 ft. driveway, so these lines on the map have little relevance with this new mixed-use layout. An attached letter from the Land Surveyor covers this point.

RIVERBEND PHASE 2 MIXED USE ZC/CPC 2465,2499,2501,2519 WALLACE RD NW



ASSESSOR MAP OF PHASE 1 Tax Lots: 10000 and 9900

This map is included for reference. These 4 acres were re-zoned in 2017. However, the ODOT parcel #9900 was not in ownership at that time so is now included in this ownership and in this second phase of the zone change. See the "Proposed Zoning" Map on Page #8 for the proposed CR zoning for the east "half".

WEST SALEM NEIGHBORHOOD PLAN: “PROPOSED CHANGES”

Neighborhood Centers (purple)



The subject property “Riverbend Phase 2” is located entirely in the “purple” area on the Neighborhood Plan, and is comprised of 7 acres west of Wallace, north of the 4 acres of Phase 1, and south of Brush College Rd. It is intended to provide a needed “mixed-use” improvement at this location.

The other subject property called “Riverbend Phase 1” was previously approved, is also located entirely in the “purple” area on the Neighborhood Plan, and is 4 acres west of Wallace, north of Riverbend, and south of Phase 2. It was largely re-zoned in 2017, and now includes (in this application) a modification of the approved CR zoning to include a recently acquired ODOT parcel, i.e. a third retail (shops) building, and is all intended to provide a needed “mixed-use” improvement at this location.

Pre-Application

In December 2018 a Pre-Application Conference was held with City Staff, the Applicant, and the Architect/Planner, to discuss the comprehensive plan change/zone change request for properties identified as t739cd/Tax Lots 900, 1000, 1101, 1301 plus 9900. See Assessor Map 073W16BA09900. Street addresses are 2465,2499,2501,2519 Wallace Road NW. In general, the proposed ZC/CPC met the intent of the comprehensive plan and the adopted neighborhood plan goals and map.

Proposal:

The subject properties total approximately 7.0 acres in size for this Phase 2, and the property is contiguous with the previously approved 4 acres of Phase 1. The properties are all in one ownership and are all located on the west side of Wallace Road NW. The additional property constitutes a Phase 2 of the previously approved ZC/CPC for the Riverbend 1 (mixed-use) Center. It adds additional local shops, and additional, and needed, multifamily apartment units. In addition, because the ground slopes south to north some 30 feet, the gravity sewer system for both phases connects to the existing public sanitary sewer line near the existing apartments to the north of Phase 2. Similarly, the storm water retention basin and treatment bio-swales are also located on Phase 2, i.e. the low point of the site, before connecting to the trunk line at Wallace.

The applicant is requesting to rezone the north properties from RS (Single-Family Residential) to MU-II (Mixed-Use-2) and to change the comprehensive plan designation from 'Single Family Residential' to 'Mixed-Use' for properties identified as t739cd/Tax Lots 900, 1000, 1101, 1301 at 2499 (and the other street addresses) off Wallace Rd. NW.

The applicant is requesting to rezone the duplex-zoned property from RD (Residential Duplex) to MU-II (Mixed-Use-2) and change the comprehensive plan designation for that tax lot from 'Multifamily Residential' to 'Mixed-Use' for properties identified as t739cd/Tax Lot 1301 (no street address)

Also, there is a small state-surplus property (Tax Lot 9900) that has recently been acquired for Riverbend Phase 1. This is proposed to be rezoned from RS to CR Commercial Retail and for a comprehensive plan designation change from Single Family Residential to Commercial, to match the adjacent and existing CR zoning at the corner of Riverbend & Wallace, to allow a third (small) retail shops building at this parcel, and the east "half" of Phase 1 (where the three retail buildings are sited) is proposed to be CR zoning (expanded).

EXISTING SITE CONDITIONS

The property does have street frontage onto Wallace Road NW. There are 2 existing single-family dwellings located on Tax Lots 1101 and 1300. There are also 2 existing single-family homes on parcels 900 and 1000, plus an existing barn on parcel 900.

The subject properties in Phase 2 are approximately 7.0 acres (total) in size and are located on the

west side of Wallace Road. Tax Lot 1301 (1.36 acres) is already zoned RD, and the rest of the parcels are currently zoned RS. The applicant's request is to rezone the 7.0 acres of the property in Phase 2 to MU-II.

Applicable Detail Plans:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function. Site Plans of the south half and of the north half have been provided showing the proposed use and layout of the mixed-use development, plus existing and proposed zoning of the site plus conformance with the adopted neighborhood plan.

Salem Transportation System Plan (STSP): The STSP uses a Street Classification System to determine the functional classification of each street within the city's street system. The subject property has access to Wallace Road NW. Wallace Road is designated as a 'Major Arterial' in the Salem Transportation System Plan.

TRAFFIC REPORT

A TIA Traffic Impact Analysis has been prepared by the consulting traffic engineer and is attached with this document.

West Salem Neighborhood Plan:

West Salem does have an adopted Neighborhood Plan that was adopted by City Council on April 7, 2004. The Plans Goals and Policies are to maximize the use of land within the current UGB; provide a mixture of housing types for all income levels; encourage higher densities, infill, and mixed-use opportunities, where appropriate, to minimize the need for UGB expansion. The map indicates this property as future Neighborhood Center development, i.e. mixed use of shops and homes in a master planned area.

According to the West Salem Neighborhood Plan Policies, housing needs should require 15 percent alternative housing types in new-single family subdivisions greater than 5 acres to promote diversity of housing throughout West Salem; locate multiple-family housing complexes near existing or proposed shopping services; and encourage infill development that is compatible with the adjacent established neighborhood character.

North Portion of Riverbend Center:

The rezoning of the site will help to maximize the densities allowed in the area while providing mixed uses, i.e. a mixture of housing and shops in a Mixed Use, i.e. MU-2 zone in a single family residential and multi-family residential area and will be consistent with the CR and RM2 zoning on adjacent parcels to the north. This creates a mixed use and increased density "node" within this generally single family residential and multi-family residential area and will be consistent with the neighborhood

plan and also the proposed expanded CR & the CO zoning, and the resulting mixed-uses (retail plus apartments on the adjacent south portion of the site.

South Portion of Riverbend Center:

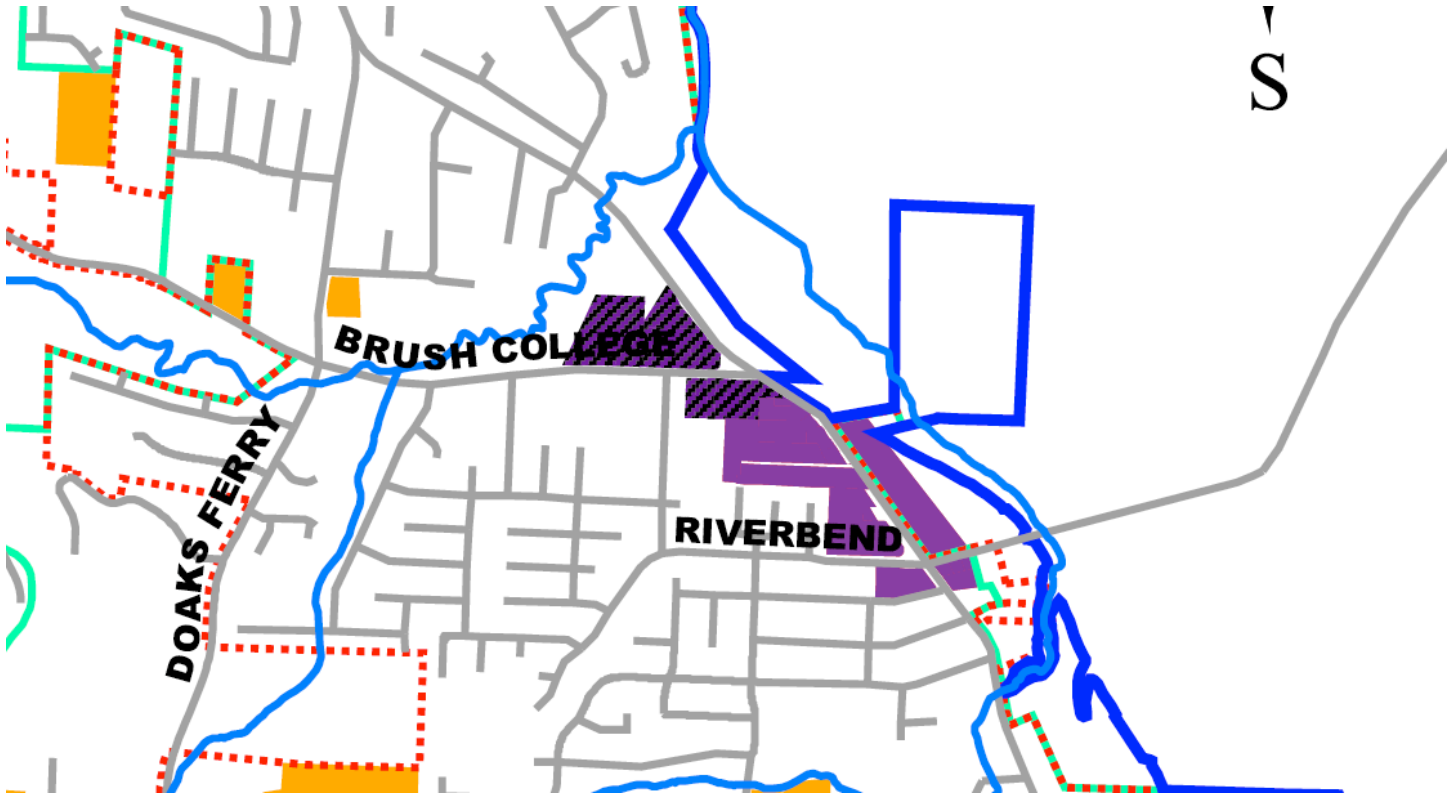
The rezoning of the site at its frontage on Wallace Road to expand the CR zone area to allow the third retail building, and to ensure the commercial zone is contiguous with the north site, will help to maximize the densities allowed in the area while providing mixed uses, i.e. a mixture of housing and shops in a Mixed Use, i.e. expansion of this existing CR zoned area. This creates a mixed use and increased density “node” within this single family residential and multi-family residential area and will be consistent with the neighborhood plan and also the proposed MU-2 mixed use zoning on the adjacent north portion of the site.

Benefits of the Mixed-Use in the north and south areas of the property.

One of the recommended changes to the Generalized Land Use Map within the West Salem Neighborhood Plan is to designate the subject property and properties along Wallace Road NW as NCMP (Neighborhood Center). See the Neighborhood Plan map below. The proposed MU-2 zoning at the north portion and the CR & CO zoning at the south portion (effectively also “mixed-use”) also meets the intent of the plan, to provide a mix of housing types with some neighborhood shops, so as to reduce travel trips downtown, and to provide amenities within walking or bicycling distance of neighboring homes. The rezoning of the site will be consistent with this proposed change for this area.

The West Salem Neighborhood Plan is provided in order to help development be developed logically and harmonious to the area. The rezoning of the property, both north and south portions, will indeed be harmonious and consistent with the West Salem Neighborhood Plan.

The public is benefitted by creating a well-located parcel of mixed-use land; it will increase the City and State tax base; it will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner; and will provide the ability to enhance the site.



WEST SALEM NEIGHBORHOOD PLAN: MAP OF PROPOSED CHANGES

The proposed Riverbend Phases 1 & 2 "mixed-use" development is all within the purple area north of Riverbend and south of Brush College Rd. and west of Wallace Rd.

THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.020(f)(2) minor plan change criteria:

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

64.025(e)(2)(A)(ii): Equally or Better Suited Designation

There is a lack of appropriately designated vacant multifamily or mixed-use sites within this vicinity. There is RM-2 zoned property located along Wallace Road. These sites are however already developed. This site gives the applicant the ability to provide mixed-use housing, plus neighborhood shops, within this area, and help Salem meet their housing needs, and to help reduce travel trips to retail shops further away.

As shown on the City land zone map there is no RM2 or CR or certainly MU-2 zoned vacant property contiguous to the existing site 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 residential land. With a mixed-use designation, the subject property can be developed as a group of needed retail shops plus needed multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs and integral or adjacent retail shops, all within the Salem Urban Growth Boundary.

In conclusion, there are no other vacant sites for the proposed uses located along Wallace Road. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A mixed-use, retail and multi-family use on the site is better suited for the site because of the location and by helping to provide additional housing, and needed neighborhood shops, within the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

64.025(e)(2)(B): Services

The City provided information for the pre-application conference that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of-way.

Applicable state or federal permits are required to be obtained for issuance of building or construction permits from the City.

Private utilities will be provided with under-grounding of electrical, gas, telephone and cable lines into

the site. The needed services are available for the development of the site.

64.025(e)(2)(C): Urbanization

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact mixed-use development to contain sprawl, reduces vehicular trips, by providing some on-site shops, and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

The following Statewide Planning Goals apply to this proposal:

The request is in conformance with State Wide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence sufficient to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public-agencies and will be posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its

applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

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

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City maps there are no mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development of 2 mapped points and will ensure compliance with Goal 5.

Minor landslide hazards exist on the site. Therefore, a geological assessment may or may not be required.

At this time, it has not been officially noted that there are any significant historic buildings on the subject property, and the three existing residences and one barn are not historic or significant. If identified, the applicant will work with the City to determine the appropriate permits and process for a historic building, but this seems unlikely. The intent is to retain the existing gambrel type barn as a centerpiece.

The applicant has taken the opportunity to consider existing conditions and influences that enables the applicant to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City, and the project Civil Engineer, have identified the process through which water, sewer and storm drainage will be supplied to the site. Storm water runoff will be collected, treated, and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless

utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets. Traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact. The proposed neighborhood shops will act as a buffer from traffic noise to the proposed apartments located to the west.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 10 – Housing: In 1998 and 2000, in order to meet State Wide Planning Goal 10 (Housing), some properties along Wallace Road were rezoned to RM1 and RM2 as part of the Salem Multi-Family Residential Land Study (SMFLS).

This subject property is approx. 7.0 acres in size. The applicant is proposing to rezone the subject property from RS to MU-2, to allow a mix of housing and neighborhood shops, and to change the comprehensive plan designation from "Single-Family Residential" to "Mixed-Use" with predominately multi-family development. According to the 2014 Housing Needs Analysis, "Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ...Salem has a deficit of about 207 gross acres of land in the Multi-Family Residential." This rezone of 7 acres helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

As stated in the Salem's Housing Needs Analysis dated December 2014:

"Re-designate or rezone land to Multi-Family. Salem's biggest opportunity to address the deficit of Multi-Family land will be through re-designating land from SF (or possibly DR) to MF. There may be opportunities to up-zone existing residential land to increase capacity, such as from RM1 to RM2. "

The applicant's proposal for Mixed-Use map designation and MU-II zoning helps the City re-designate land while helping meet the housing needs and also provide some integral retail shops that should potentially reduce neighborhood vehicular travel trips towards downtown, by the development of neighborhood services and neighborhood retail shops: a true Mixed-Use development.

Commercial Services including and an existing gas station, a convenience store, and a restaurant, are currently available to the north along Wallace Road near Brush College Rd., but no other neighborhood shops exist in this part of West Salem. Provision of some neighborhood shops at this location may reduce traffic trips and shopping trips from this area to Glen Creek and downtown.

The existing neighborhood consists of single-family housing and multi-family housing. In order to maintain the character of the neighborhood, the site will be developed through the Site Plan Review process to meet the standards of the MU-II zone.

The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Storm-water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located west of Wallace Road. The major streets are in place due to previous developments. The subject properties will continue to have direct vehicular access to Wallace Road at two locations, plus Riverbend Road.

CONFORMANCE WITH THE COMPREHENSIVE PLAN GOALS:

Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

This is indeed a developing area. The neighborhood plan, the Housing Needs Analysis, and other studies indicate that a higher and better use of this acreage is a neighborhood mixed-use center, instead of a conventional single-family subdivision.

The proposed designation is equally or better suited for the property than the existing designation. The designation of Mixed-Use better suits this location on a busy major arterial than single family homes. The Neighborhood Plan supports this proposed change, to a mixture of neighborhood shops and increased-density (multi-family) housing in a connected and landscaped setting.

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.

All public facilities exist and serve this site, from infrastructure (city sewer, water and storm) to transit (existing bus stop turnout), and sidewalks.

The proposed designation provides for the logical urbanization of land; The proposed Mixed-Use development of neighborhood shops and multi-family development in a carefully planned arrangement, that saves as many existing trees as possible, is a logical and appropriate urbanization of land, with a modest increase of density, and the provision of neighborhood services and shops, that reduce vehicular trips, and also provide open space, and needed retail shops all within walking distance of the surrounding neighborhood.

The proposed land use designation is consistent with Salem Area Comprehensive Plan and all the applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

The amendment is in the public interest and would be of general benefit, and an improvement and enhancement of the neighborhood, providing mixed uses of neighborhood services, open space, needed housing, and local neighborhood shops all within walking distance for many in the surrounding residential areas in this neighborhood.

SECTION 64.025 MINOR COMPREHENSIVE PLAN MAP AMENDMENT

A minor plan map amendment is an amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.

Notwithstanding SRC 300.1110, a minor plan map amendment may only be initiated by the owner of property that is the subject of the amendment, or that owner's agent.

Minor plan map amendments are quasi-judicial decisions and are processed as a Type III procedure under SRC chapter 300.

Submittal requirements:

SURVEY:

A minor plan map amendment may be initiated by an applicant by the submission of an application that complies with subsection (d)(2) of this section.

In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for an applicant-initiated minor plan map amendment shall include the following:

An existing-conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

- (i) The total site area, dimensions, and orientation relative to north;
- (ii) The location of existing structures and other improvements on the site, including, but not limited to, buildings, accessory structures, fences, walls, parking areas, and driveways, noting their distance from property lines;
- (iii) The location of drainage patterns and drainage courses, if applicable.

Existing conditions plans (topo survey) , as described above, are submitted, for both the south portion of the site, and the north portion of the site.

TRAFFIC:

A traffic Impact Analysis. Please see the submitted T.I.A.

Minor Plan Amendment Criteria.

Minor plan map amendment. The greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A minor plan map amendment may be made if it complies with the following:

The minor plan map amendment is justified based on the existence of the following:

Alteration in circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

This is indeed a developing area. The neighborhood plan, the Housing Needs Analysis, and other studies indicate that a higher and better use of this acreage is a neighborhood mixed-use center, instead of a conventional single-family subdivision.

Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation. The designation of Mixed-Use better suits this location on a busy major arterial than single family homes. The Neighborhood Plan supports this proposed change, to a mixture of neighborhood shops and increased-density (multi-family) housing in a connected and landscaped setting.

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.

All public facilities exist and serve this site, from infrastructure (city sewer, water and storm) to transit (existing bus stop turnout), and sidewalks.

The proposed plan map designation provides for the logical urbanization of land; The proposed Mixed-Use development of neighborhood shops and multi-family density development in a carefully planned arrangement, that saves as many existing trees as possible, is a logical and appropriate urbanization of land, with a modest increase of density, and the provision of neighborhood services and shops, that reduce vehicular trips, and provide open space, and retail within walking distance of the surrounding neighborhood.

The proposed land use designation is consistent with Salem Area Comprehensive Plan and all the applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

The amendment is in the public interest and would be of general benefit, and an improvement and enhancement of the neighborhood, providing neighborhood services, open space, needed housing, and local neighborhood shops within walking distance for many in the surrounding residential areas of the neighborhood.

64.025(e)(2)(E): Public Interest

The public is benefitted by creating a well-located parcel of multi-family and mixed-use land with neighborhood shops; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant. A system of accessible pedestrian walks will connect all portions of the mixed-use development and will connect to the public streets at multiple points.

In summary, by establishing carefully planned mixed-uses, that are consistent with the future economic and multi-family needs, and shops within walking distance for many, and by providing compatible uses, the proposed change benefits the public.

ZONE CHANGE CRITERIA SRC CHAPTER 265

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the rezoning of the property is consistent with the character of the neighborhood. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow higher density uses on the site. The proposed MU-2 zoning of the north portion of the site will implement the requested “Mixed-Use” SACP map designation and provide a mix of needed land uses, including multifamily residential plus neighborhood shops. The proposed expansion of the existing CR zoning designation at the south portion of the property will allow for one additional retail building with the previously approved neighborhood shops along Wallace Rd.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) The zone change is justified based on the existence of one or more of the following: (i) A mistake in the application of a land use designation to the property; (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible

with the vicinity’s development pattern; or

(iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Applicant Response to (A)(iii): The proposed zone-change fits the development pattern of the vicinity and the neighborhood plan. The proposed zone change will allow the site to be developed with high density housing and integral commercial uses which will be compatible with the existing uses.

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 types, mixed-use development and needed housing within this area, and will help Salem meet the housing needs, with accompanying neighborhood services and shops.

As shown on the City land zone map there is no RM-2 or MU-2 property contiguous to the existing site 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 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. There is also no true Mixed-Use development in this part of Salem.

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, and should help to reduce vehicular travel trips.

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 and commercial uses in the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

(B) City-initiated zone change.

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from “Single Family Residential” and “Multi-Family Residential” to “Mixed-Use” for the north 7 acres, and the applicant is requesting a change to the Comprehensive Plan Designation from “Single Family Residential” and “Commercial Office” to “Commercial Retail” for a portion of the south 4 acres, as shown on the attached map. Specifically the applicant is proposing a change in the comprehensive plan designation of a 0.47 acre lot within the southern 4 acre area from Single Family Residential to Commercial, to match the surrounding area, and this lot will be absorbed into the 4 acre parcel by a concurrent PLA Property Line Adjustment (see the PLA map).

The overall proposal complies with the “Residential” and “Mixed Use” and “Commercial” Goals and provisions of the SACP by creating an area that promotes mixed-uses and multi-family uses.

Residential Development Goal

The SACP states that one of the intents of the Residential Development goals is, “To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing.”

The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

Residential Development Policies

Establishing Residential Uses: The applicant's proposal is to rezone the northern 7.0 acres portion of the property from RS and RD to MU-2 to allow a higher density and for mixed-uses (houses and shops) to be built on the site. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary, and therefore establishing a mixture of residential uses within the area.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located west of Wallace Road NW. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Storm-water and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. There are existing structures located on the site that already have services. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located within the Urban Service Area.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: There are a few existing structures located on the subject property, i.e. three houses and one barn. In order to provide a needed housing type in Salem, the applicant is requesting a zone change to MU-2 Mixed-Use. All the properties along Wallace Road near the subject property are developed as single-family development, multi-family development, and commercial development. The comprehensive plan encourages a mixture of housing types within a neighborhood that have access to commercial services. This mixed-use development will provide the mixture of housing types and integral neighborhood services and retail shops all connected by a pedestrian walkway system.

The comprehensive plan change/zone change will promote infill development with the development of

a property, that is already served by City Services and all transportation, to be developed with a higher density of housing, which is needed in this area, plus neighborhood shops, to reduce vehicular travel trips.

Multi-Family Housing: The development will also be located in an area in close proximity to existing and proposed services.

The existing neighborhood consists of single-family housing and multi-family dwellings north and south on Wallace Road NW. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

Circulation System and Through Traffic: The subject property is located west of Wallace Road NW. The subject property currently has direct access onto Wallace Road at two locations. When developed, the site will continue to have ODOT approved direct access onto Wallace Road. The major streets are in place due to previous development. Please see the narrative regarding Circulation, Connectivity, Access, and Shadow Plat of adjacent areas.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and multi-family. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing types and mixed-use development while meeting the required Design Standards.

Requests for Rezoning: The subject property is designated for residential development. All public facilities and services are available to the site. The proposed development will meet State-wide Planning Goals and Policies pertaining to residential development and City standards for housing and for mixed-use. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide needed additional multi-family units within the area and a group of neighborhood shops. The development of the site will encourage a mixture of housing types and higher densities and mixed-uses within an infill lot.

Salem-Keizer Housing Needs Analysis:

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 residential land. The rezone helps maximize the density while helping to meet housing needs.

Therefore, this criteria has been met.

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

Applicant Response to (D): All Planning Goals have been addressed above.

See findings under **64.025(e)(2)(D)**.

(E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.

Applicant Response to (E):

The applicant is proposing to change the zone for the north portion of the site from RS and RD to MU-2. The subject property is currently zoned residential.

The applicant is proposing to change the zone for a portion of the south portion of the site from CO and CR. The subject property to be re-zoned is currently zoned RS and CO. This change is to allow for construction of a (third) small retail building fronting on Wallace Road in this portion of the property. It provides economic development and employment growth and helps to reduce vehicular travel trips in the neighborhood.

Therefore, this criterion is not applicable.

(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.

Applicant Response to (F): The current zoning of the north portion of the property is RS and RD. The applicant is proposing to change the zone to MU-II, so the site can be developed at a higher density. The current zoning of the south portion of the property is RS, Co and CR. The applicant is proposing to change the small RS parcel to CR, and a portion of the CO zone area to CR, so that a third small retail shops building can be constructed along the Wallace frontage.

The proposal warrants a TIA. The site will generate some traffic to impact Wallace Road that is designed for some additional capacity. Therefore, the proposed zone change will not affect the existing transportation facilities, substantially, as determined by the TIA.

This criterion has been met.

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

Applicant Response to (G):

The Subject Property to the north portion of the site is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the MU-2 zone.

The Subject Property to the south portion of the site is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the CR zone.

Therefore, this criterion has been met.

CONFORMANCE WITH SALEM AREA COMPREHENSIVE PLAN POLICIES

F. MIXED-USE DEVELOPMENT

GOAL: To provide a mixture of complementary land uses that may include housing, retail, offices, services, industrial and civic uses, to create economic and social vitality.

Development

1. Encourage efficient use of land by facilitating compact, high-density development and minimizing the amount of land that is needed to accommodate automobile parking. Where appropriate, revise mixed-use design standards to make them simpler and easier to use, including making mixed-use design standards consistent across mixed-use areas.

Applicant Response:

The proposed development is a Mixed-Use project of medium-high density and is planned to be a mix of retail shops at the arterial and apartments integrated with the retail and sited above and to the west. The proposed development conforms to the mixed-use design standards.

2. Encourage development that preserves private open space for residents and employees of mixed-use development.

Applicant Response:

The proposed development preserves trees and private open space for residents, for shoppers, and for employees. Each residential unit includes provision of private spaces, screened decks or patios.

3. Facilitate development (land use mix, density, connectivity, design, and orientation) that reduces the need for, and frequency of, SOV trips and supports public transit, where applicable.

Applicant Response:

A key design concept is the mix of land uses to create a mix of shops and a variety of housing types in an attractive natural and landscaped setting, that reduces the need for vehicular trips, by providing neighborhood shops within walking distance of these residences, as well as nearby residences, all connected by a planned system of wheelchair accessible pedestrian walkways, that also connect the adjacent bus stop.

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

Applicant Response:

Pedestrian and bicycle travel is an integral part of the mixed use development plan. The interior accessible walkways will connect all buildings to all adjacent public streets.

5. Provide roadway and pedestrian connections to residential areas.

Applicant Response:

Roadway and pedestrian connections are a key feature of the proposed master development plan. Roads are connected to both public arterials. Pedestrian/bike paths connect all parts of the development to all adjacent public streets.

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

Applicant Response:

The master plan features commercial areas and mixed-use areas that are safe and comfortable to pedestrians by a system of wide pedestrian walkways that link the neighborhood shops to all parts of the development, plus to the public sidewalks.

7. Provide flexibility in the siting and design of new developments, facilities, and redevelopment to respond to changes in the marketplace and infrastructure systems.

The master site plan provides flexibility in the siting of new developments that respond to changes in the marketplace, and infrastructure systems as required.

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

Applicant Response:

The master site plan provides a transition between the mixed-use areas and the adjacent single family neighborhoods by saving many of the existing trees as a natural buffer, but also by provision of pedestrian and nature trails that are connected to adjacent neighborhoods and provide this amenity to all in the neighborhood.

G.

COMMERCIAL DEVELOPMENT

GOAL: To promote development of commercial office buildings for a range of employment uses, especially in downtown, mixed- use districts, and commercially-oriented urban renewal areas.

Applicant Response:

The proposed commercial buildings in this development do provide opportunities for some office uses for neighborhood services, that are permitted by the CR zone designation.

GOAL: To promote commercial development that supports growth of traded-sector commercial employment.

Shopping and Service Facilities

4. Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development that discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets and provisions for connectivity to the facilities for pedestrian and bicyclists from residential neighborhoods.

Applicant Response:

What is proposed is at a neighborhood scale, with a limited number of retail shops. By its design, the layout discourages customer vehicle traffic from filtering through residential streets and driveways. However Pedestrian and bicycle facilities do provide safe access from the neighborhood shops through the development to adjacent single-family areas.

5. Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods. New commercial development will generally be within a range of sizes of commercial centers, such as convenience shopping centers, neighborhood shopping centers, and community shopping centers. The size of the commercial center should be scaled and consistent with the character of surrounding and nearby residential development.

Applicant Response:

What is proposed is a commercial development of neighborhood shops, and not a convenience shopping center, or a neighborhood shopping center. The size of this mixed-use development is instead scaled to be consistent with the character of the surrounding and nearby residential development.

6. With commercial development, buffer strips will be provided from residential uses, and external connectivity from residential development and other commercial development will be provided to commercial areas for pedestrian, bicycle and vehicular connectivity.

Applicant Response:

The overall development site plan features treed buffer strips between this development and adjacent residential uses. Bicycle and pedestrian connectivity is a primary feature.

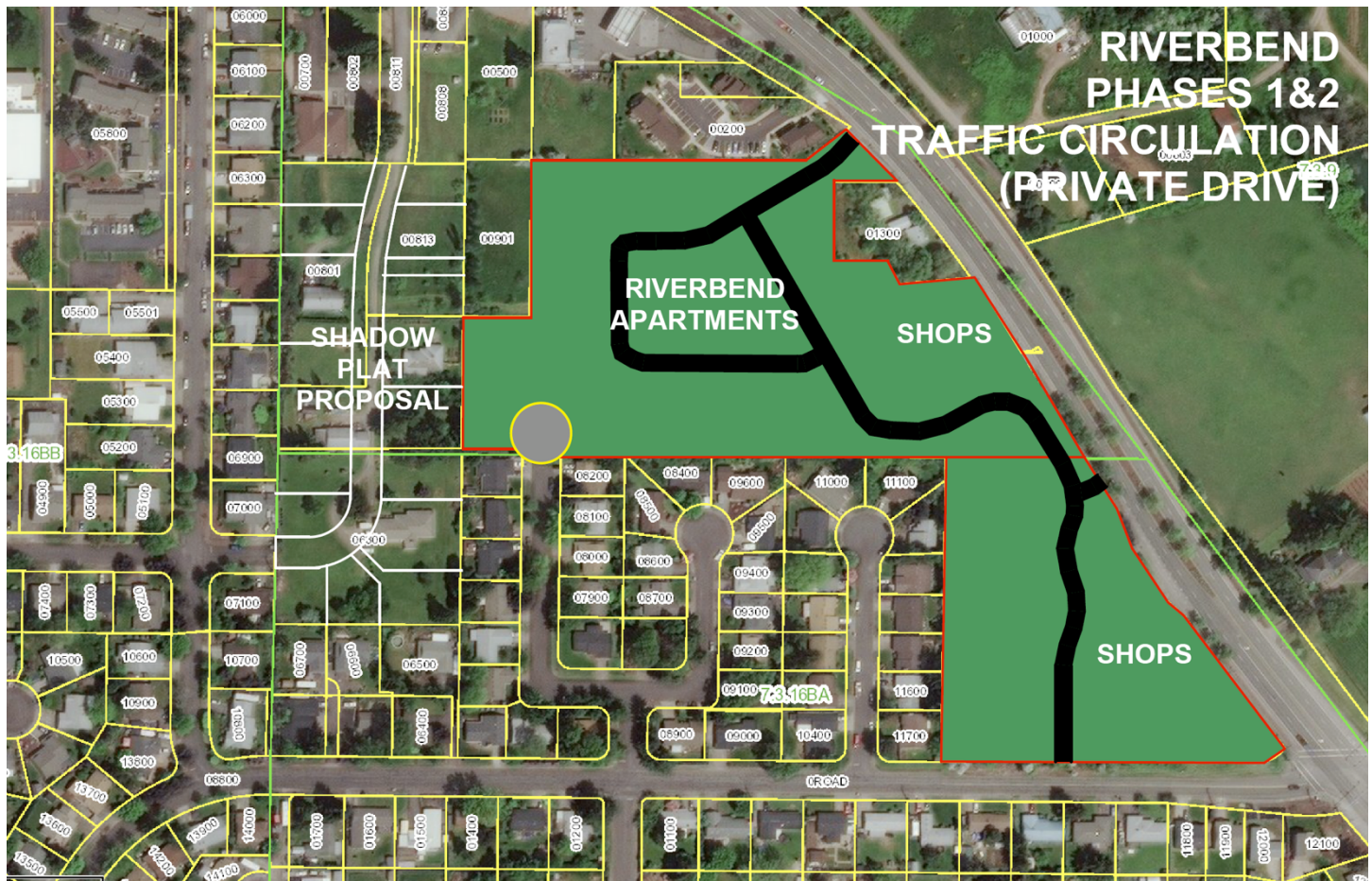
TRAFFIC AND CIRCULATION

TRAFFIC:

Attached is a copy of the TIA Transport Impact Analysis.

CIRCULATION:

Below is a diagram of the Circulation Plan for the contiguous private ownership. Access to the Riverbend Center is via Riverbend Road, and by two driveways from Wallace Road.



CONNECTIVITY:

The road circulation plan includes a suggested Shadow Plat of the future development and connectivity of the RS single family zoned area to the west, that will connect to existing public streets. The Riverbend Apartments is a self-contained complex of 24 ft. private driveways in a loop, connected to the adjacent loop driveway, that will have three access driveways from the two arterials. A proposed paved pedestrian walkway system connects the adjacent neighborhood and all public streets to all parts of the apartment development and to all the retail shops. These concepts are in conformance with the Comprehensive Plan policies for commercial and mixed-use developments.

CONCLUSION

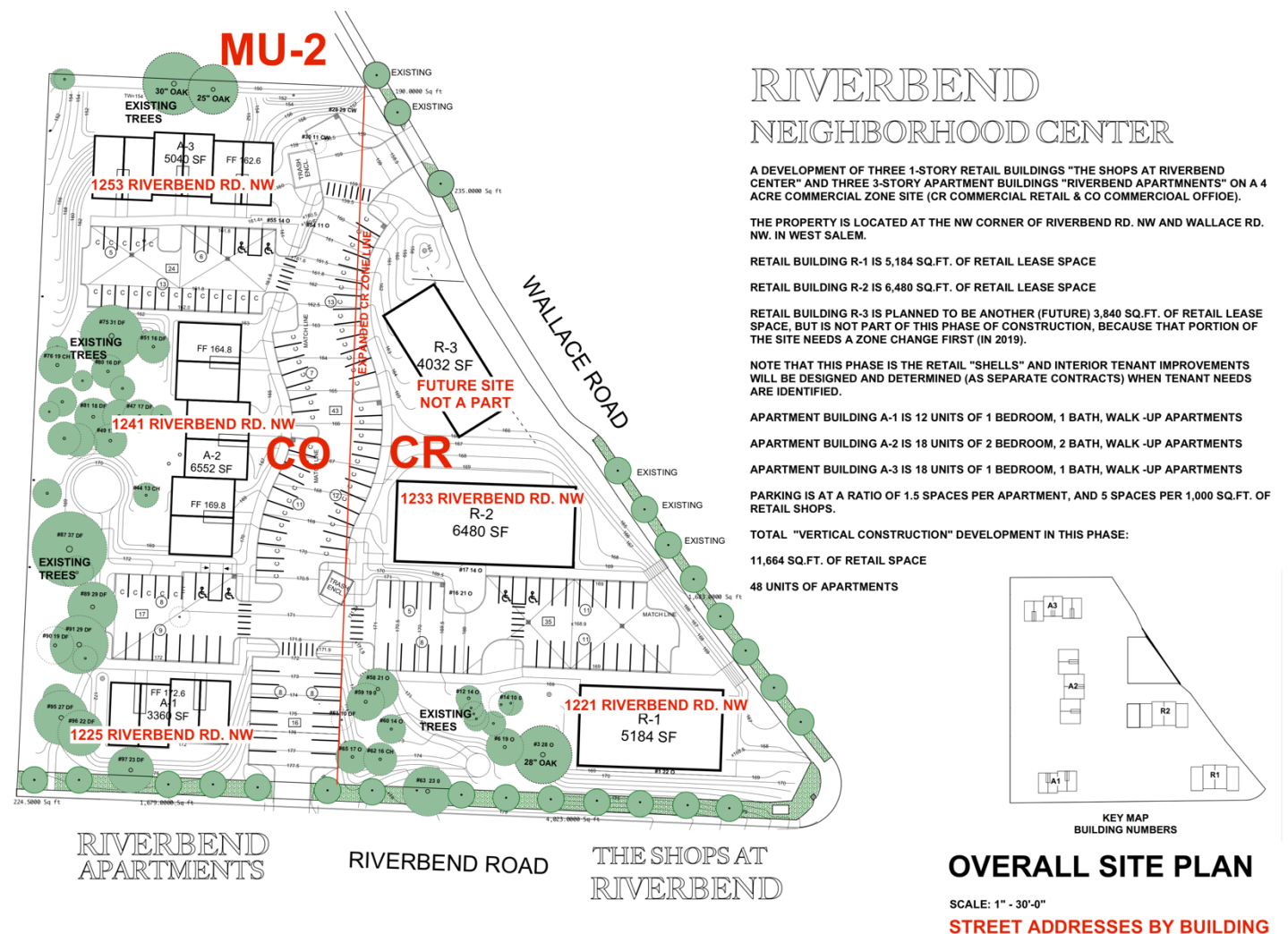
The Applicant believes that the requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and the intent and “recommended changes” in the West Salem Neighborhood Plan, and it satisfies all applicable criteria. As demonstrated herein, the “Mixed-Use” land use designations and corresponding MU-II (Mixed-Use 2) zoning designation are appropriate for the north portion of subject property. As demonstrated herein, the “Commercial Retail” land use designations and the corresponding CR zoning designation are appropriate for the south portion of subject property to allow for a future retail shops building at the Wallace Road frontage.

The Applicant believes that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. There are other detailed approval processes needed for the development of the property at the time proceeding actual development. For these reasons, the Applicant believes that the land use proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

DEVELOPMENT PLANS

DEVELOPMENT PLAN: PHASE 1 (previously approved: under construction)

The map on this page is of Riverbend Phase 1, which was already approved and is under site construction. However, there is a small lot (Parcel 9900) off Wallace that was state surplus property and that has now been acquired. It is RS zoned, so is now included in this zone change application as a proposed change from RS to CR zoning to match the adjacent retail parcel, and also to enlarge that CR area, i.e. from CO to CR. This is to permit the location of the R-3 retail building shown on the map, which will complete this Phase 1 portion of the mixed-use development. Please also see the submitted PLA Property Line Adjustment map that shows the proposed 1.730 acre eastern CR parcel.



DEVELOPMENT PLAN: PHASES 1 & 2

The combined map on the next page is of Riverbend Phases 1 & 2, which is the subject of this ZC/CPC application.

The existing zoning of Phase 2 (at the north 7 acres) is RS & RD, and the proposed zoning is MU-2 for this mixed-use development.

The existing zoning of Phase 1 is CR & CO, and the proposed zoning is CR for all of the 1.730 acres adjacent to Wallace Rd. for this mixed-use development. See the PLA map.

The proposed R-3 retail building (in Phase 1) needs a zone change from RS to CR to complete the CR area of shops in 3 small buildings along Wallace in Phase 2, now that this last piece has been acquired. This is part of the 1.730 acres of proposed CR zoning.

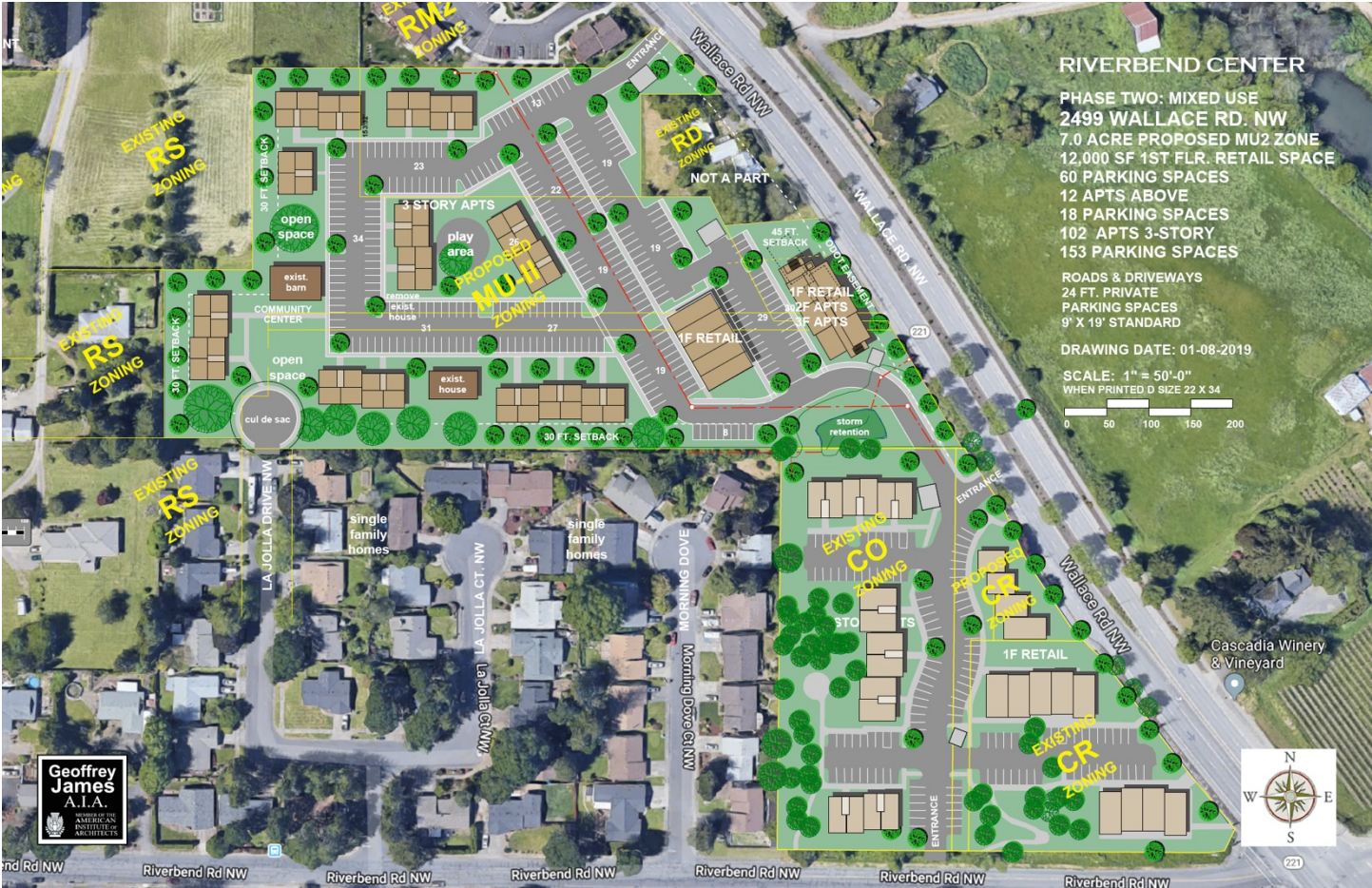
Access from Wallace Rd. is from the existing driveway at the north, and access is also from the stub street or driveway from Phase 1 at the south, and a second (approved) Wallace Road driveway.

All driveways in the development are typically 24 ft. width two-way drive aisles with standard 9 x 19 parking spaces to code, plus disabled parking.

Sanitary sewer and storm drains are gravity to the north, near Riverbend. Storm water retention and treatment is shown on the conceptual Site Plan. Site Development (construction) for sewer and storm (shown on this map) was permitted by the City of Salem in April 2019, and siteworks construction of sewer and water for this development is underway.

Proposed buildings are 3-story. Along Wallace the mixed-use buildings are proposed to be retail on the ground floor with 2 floors of apartments above, accessed by elevator and stairs. Within the site are 4 existing houses, plus a barn. New 3-story apartment buildings are planned at an approx. density of 24 units per acre, to City design standards for multifamily development.

RIVERBEND PHASE 2 MIXED USE ZC/CPC 2465,2499,2501,2519 WALLACE RD NW



PROPOSED CONCEPTUAL DEVELOPMENT (SITE) PLAN

Case No. CPC-ZC-ZC19-10 for 2465, 2499, 2501 & 2519 Wallace Rd NW & 1221 Riverbend Rd NW / Phase II
ATTN: Pam Cole, pcole@cityofsalem.net

COMMENTS FOR CONSIDERATION

For the staff report on this zone change the community concerns of traffic will need to be addressed. When Phase I was brought before the WSNA (I was co-chair) and there was a long discussion on traffic impacts. The city traffic engineer offered, and it was part of the final conditions for the project, a Trip Cap value necessary to meet the requirements of Goal 12 and the Transportation Planning rules for the property and the Wallace Road corridor. This is nowhere addressed here and needs to be part of the analysis to get a true picture of traffic impacts on a failed transportation facility; Wallace Road.

Phase II has a Traffic Impact Analysis dated December 23, 2018, showing that there will be impacts to traffic mobility at intersections along Wallace Road. In spite of under projections of traffic volume and trip counts, the analysis stills shows a clear degradation of traffic movement measured as V/C ratios at intersections along Wallace Road. There is a discussion in the report trying to make an argument that this is not significant. Several issues to this claim.

- This analysis does not include the findings and V/C ratios presented in the Draft Environmental Impact Statement for the Salem River Crossing that showed greater background and “no build” impacts than accounted for in this traffic impact analysis.
- It did not include data and findings from the City’s Congestion Relief Taskforce.
- There were several assumptions in the analysis and SKATS estimates that have been shown to underestimate traffic congestion in the area.

Notable is that City Staff have testified on the Salem River Crossing, Congestion Relief Taskforce, and the decision to support moving forward on the Salem River Crossing Project that the Wallace Road Corridor is not meeting congestion standards and per Goal 12 and OAR 660-012-0060 is a transportation facility significantly impacted; a failed system requiring mitigation.

The Traffic Impact Analysis makes an argument for significant as not being an issue for any impact to V/C less that 0.03. However, this is not supported by LUBA decision on cases of such a nature. LUBA has made several findings where a land use regulation amendment that would generate traffic that would worsen the volume to capacity ratio of a transportation facility that was already operating at a failing volume to capacity ratio would “significantly affect” that transportation facility, within the meaning OAR 660-012-0060. They have shown no support for the claim in the traffic impact analysis.

To this end, the city has an obligation to do what is required under OAR 660-012-0060 and make several analyses and findings as to the existing and future transportation systems defined in the administrative rule. Additionally, the city has the requirement to address the trip cap per Phase I and the degradation of the transportation facility. This increase in traffic for Phase II and conditions previously imposed for reducing, or preventing, further trip impacts is not discussed or analyzed anywhere.

The outcome of this is that the city in their staff report needs additional work before making any recommendations per the requirements of Goal 12 and the administrative rules. The Trip Cap methodology has been shown in LUBA cases and by testimony of city staff on the Salem River

Crossing to not be an effective condition for this transportation facility now and into the future. Additionally, specific mitigation is required that goes above and beyond SDCs that can be applied directly to this project, the Wallace Road transportation facility, and West Salem.

Thank you for the opportunity to work with you. I look forward to seeing a staff analysis that meets the requirements of Goal 12, the administrative rules, and law with the associated mitigation requirements for inclusion with this project. There must be traffic mitigation conditions for this project to proceed. The community expects this level of professionalism as we address the current failed Wallace Road Transportation Facility.

Steven A. Anderson
andersonriskanalysis@comcast.net

3 September 2019

TO: Salem Planning Commission

FR: Steven A. Anderson in behalf of West Salem Neighborhood Association

RE: CPC-ZC-ZC19-10

| | |
|---------------------|-----------------------|
| CITY OF SALEM | |
| HEARINGS OFFICER | _____ |
| PLANNING COMMISSION | <u>X</u> |
| OTHER: | _____ |
| EXHIBIT: | <u>A</u> |
| CASE NO: | <u>CPC-ZC-ZC19-10</u> |

President Griggs and Commission Members:

The following are the submittal of the WSNA Land Use Committee to the neighborhood association body and acceptance of said requesting actions for submittal to the Salem Planning Commission on the Riverbend Phase II project. Specifically, the WSNA request that this application be returned to staff to address deficiencies associated with these issues and provide the require corrections before this project can proceed as conditions of approval.

1. Include a condition (similar to a deed restriction where a property cannot be subdivided) requiring that the open space area with trails and community connections be a condition of approval for the project. The applicant has explained this to the WSNA to engender project acceptance; however, it is only in force as long as the homeowner association or other governing body agrees to continue it. Since it was a selling point for WSNA support of the project, we request that there be a condition within the zoning and/or project that enforces this provision for trails, community connections and open space therein.
2. That this be sent back to staff to provide mitigation per OAR 660 and the Oregon Highway Transportation Plan IF.5 since this project will result in significant traffic volume impacts along Wallace Road. The finding of no significance by staff is in opposition to exiting rules and regulations and they do not have the authority to supersede these rules. There must be mitigation measures conditioned for this project before approval that meet the requirements of "not net impact"—no degradation to the Wallace Road transportation system.
3. Where possible the WSNA request that the SDCs for this project be allocated in such a way that they go first to mitigation traffic impacts for the transportation system along Wallace Road to achieve the provisions of OAR 660 and the Oregon Highway Plan IF.5. Further, that they be allocated to projects in the West Salem area. This action to be as conditions in approval for the project.

WSNA August 19, 2019 proposed response to the city regarding Phase II of the Riverbend Center Projects.

Regarding open recreational space at the Riverbend Center project:

Per discussion with Geoffrey James, Architect and project representative:

The Riverbend Center project has considerable open and recreational space planned that the adjoining neighborhood is welcomed to use and enjoy. The open and recreational space is expected to be maintained by the property owner with HOA fees. There is no guarantee that the open space will continue in existence or continue to be open to the neighborhood residents.

WSNA request that maintenance of the open space and community access to it be built into the project approval, should the project be approved, and that the penalty for failing to do so be sufficiently punitive that to break the agreement would not be worth it. (Example: the Linwood Development Project aka ACERO West Apartments, where certain trees were

promised to be preserved – knowing they were going to raise the elevation with three stories worth of fill and soil – paying the fine was well worth reneging on the agreement.)

Regarding the impact of building projects on Wallace Road and the surrounding streets. The City does not look at cumulative impact on the road infrastructure. Each project is evaluated on its standalone impact. The lived experience, however, is cumulative. Wallace Road is currently overcapacity and considered to be failed or failing.

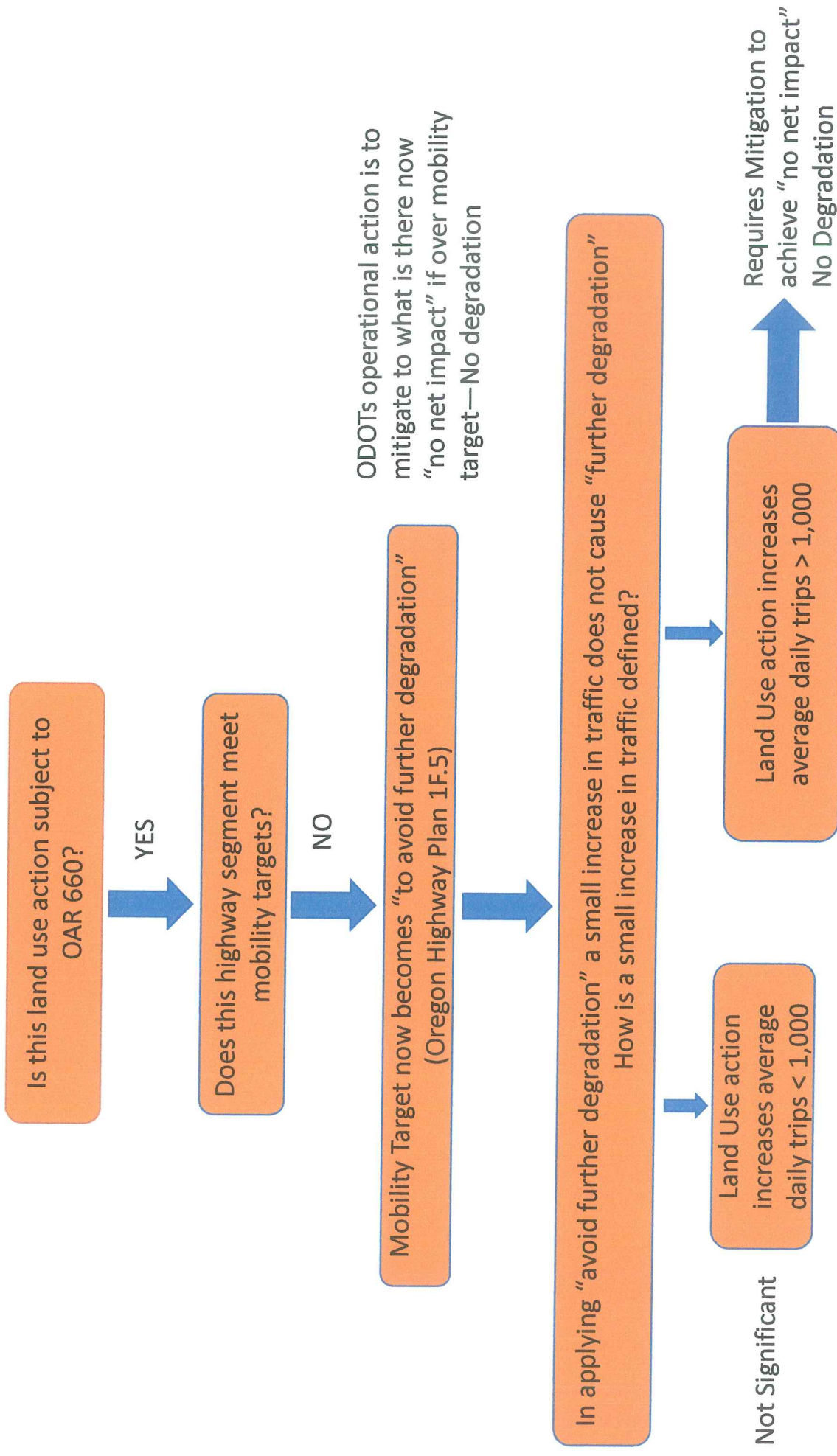
Administrative rule 660's transportation guidelines requires that if a project exceeds the capacity of the transportation facility (road) the City must impose mitigation charges on the developer, above and beyond the System Development Charges (SDCs) to mitigate the impact of the project on the failed or failing road. This is not being done and has not been done for past projects along Wallace Road.

Each building development is assessed a System Development Charges (SDC.) For the Phase I Riverbend Center project the figure was approximately 2 million dollars.

The SDC fees go into the City's general fund to be used however the city sees fit. None of the recent West Salem projects' SDC's have been used to improve West Salem roads.

WSNA insists that SDCs collected for West Salem building projects be applied to projects in West Salem that demonstratively ease the traffic situation and revive the failed and/or failing arterial roads and streets as evidenced by outcome base measures of the completed, tangible, road projects.

WSNA further insists that Administrative rule 660 regarding transportation guidelines be abided by.



August 30, 2019

City of Salem Planning Commission
555 Liberty ST SE RM 305
Salem OR 97301

| | |
|---------------------|-----------------------|
| CITY OF SALEM | |
| HEARINGS OFFICER | _____ |
| PLANNING COMMISSION | <u>X</u> |
| OTHER: | _____ |
| EXHIBIT: | <u>C</u> |
| CASE NO: | <u>CPC-ZC-ZC19-10</u> |
| DATE: | <u>9/3/2019</u> |

RE: Comprehensive Plan Change / Zone Change / Zone Change Case No. CPC-ZC-ZC19-10
Response to Anderson Comments

Dear President Griggs and Members of the Planning Commission,

This memorandum responds to the comments submitted from Mr. Steven Anderson in regard to our December 23, 2018 traffic impact analysis (TIA). Mr. Anderson's summarized comments are provided in italicized typeface while our responses are in regular typeface.

A trip cap was imposed on Riverbend Phase 1 and was not addressed in this analysis.

A trip cap remains in effect for Riverbend Phase 1 and a trip cap is also recommended for Riverbend Phase 2. For a Transportation Planning Rule ("TPR") analysis, also known as a Goal 12 analysis, traffic impacts of near term development are not specifically considered in a 2035 horizon year traffic analysis as projected traffic volumes are based upon the regional travel demand model maintained by the Mid-Willamette Valley Council of Governments (MWVCOG), which builds in regional growth. Between the Riverbend Phase 1 and Phase 2 traffic analyses, the most recent regional travel demand model outputs were obtained and included in the Riverbend 2 analysis to account for any travel demand model changes. As described in the TIA, specific traffic volumes associated with Riverbend Phase 1 were applied to the site driveways and very nearby intersections as the model would not provide adequate information for that level of detail.

Additionally, in a TPR analysis the trip impacts of existing zoning versus proposed zoning are considered rather than evaluating the full impact of a future conceptual development. As part of a future site plan review traffic analysis, the full trip impacts of Riverbend Phase 2 will be addressed along with the full trip impacts of Riverbend Phase 1. The site plan review analysis of Riverbend Phase 2 will propose a development plan that is consistent with the approved trip cap.

City of Salem and ODOT technical staff evaluated the TIA and subsequent February 6, 2019 response letter and found the analysis to be adequate.

The analysis did not include the findings of the Draft EIS Salem River Crossing or the City's Congestion Relief Taskforce.

City of Salem and ODOT staff did not recommend or require the evaluation or inclusion of any associated documents or analyses. Additionally, there is no legal basis to incorporate or evaluate these findings.

City of Salem and ODOT technical staff evaluated the TIA and subsequent February 6, 2019 response letter and found the analysis to be adequate.

The analysis illustrates degradation along the Wallace Road corridor.

City Engineering and Planning staff as well as ODOT staff have not raised concerns about intersection mobility related to this project. The mobility impacts are de minimus. As noted previously, the full impact of Riverbend Phase 2 will be reviewed as part of the site plan review as opposed to the incremental impact between the existing and proposed zoning as required by the TPR.

City of Salem and ODOT technical staff evaluated the TIA and subsequent February 6, 2019 response letter and found the analysis to be adequate.

There were several assumptions in the analysis and SKATS estimates that have been shown to underestimate traffic congestion in the area.

This statement doesn't provide adequate specificity to respond to these claims. However, the adopted regional traffic demand model was utilized in the analysis and post-processed according the procedures of ODOT's *Analysis Procedures Manual*.

City of Salem and ODOT technical staff evaluated the TIA and subsequent February 6, 2019 response letter and found the analysis to be adequate.

Conclusion

I trust that this memorandum addresses the comments provided by Mr. Anderson. Should you have any other questions or comments, please don't hesitate to contact me at rick@greenlightengineering.com or 503-317-4559.

Sincerely,

Rick Nys

Rick Nys, P.E.
Principal Traffic Engineer



EXPIRATION DATE: DEC. 31 2020

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|--------------------------------|------------------------------|
| CITY OF SALEM | |
| HEARINGS OFFICER | PLANNING COMMISSION <u>X</u> |
| OTHER: | |
| EXHIBIT: <u>B</u> | DATE: <u>9/3/2019</u> |
| CASE NO: <u>CPC-ZC-ZC19-10</u> | |

To: Salem Planning Commission

From: E.M. Easterly

Date: September 3, 2019

Re: CPC-ZC-ZC19-10

President Griggs and Commission Members

While I support the overall design and intent of the Riverbend consolidated mixed use development project I challenge the proposed staff finding that declare the project "will not have significant effect on the transportation system¹" for the following reasons:

First, when the City adopted Phase 1 of the project two years ago it also responded to West Salem Neighborhood Association community traffic issues. The City set a precedent by requiring a trip cap. In so doing the City acknowledged that Phase 1 did, indeed, have a significant impact upon state highway 221, Wallace Road. The adopted City mitigation strategy was an automobile trip cap of an average 1,083 trips per day from the development. The City has no basis to claim that Phase 2 of the project will have no "significant impact" upon the Salem transportation facility known as Wallace Road NW.

The Phase 1 project had two ingress and egress points, one on to Riverbend Road and a second one Wallace Road. The Phase 2 project preserves the two original access points and adds another Wallace Road access point further north. All three access point are linked as shown in the graphic below.



According to the Phase 2 TIA report the consolidated project will generate a net 1,606 new trips under the proposed zone change. (TIA Report Table 3, Page 16) That number exceeds the original trip cap of 1,083

¹ "Both the City and ODOT reviewed the proposal and concur that the proposed CPC-ZC complies with the requirements of the Transportation Planning Rule (OAR 660-0012-0060) and will not have a significant effect on the transportation system." (Staff report Page 9)

trips (Staff report Page 7) which in the Phase 2 staff report are restricted to the original Phase 1 parcel. I do not understand the logic of this declaration. The staff report declares that the trip cap applies to just the original parcel yet the internal road links both Phase 1 and Phase 2. The comp plan/zone change proposal before you provides no explanation as to how the original trip cap will be enforced² as required by OAR 660-0012-0060(1)(c) language. Neither the staff report nor the TIA offer supporting documentation why the trip cap should not apply to the whole project. Nor does the trip cap address the projected additional traffic created by Phase 2.

Second, a careful reading of the Oregon Highway Plan specifies that any development that generates more than a 1,000³ new trips is significant. The TIA report associated with current Phase 2 proposal states that 1,606 new trips will generated. (TIA Report Table 3, Page 16) In my reading of the TIA report I found no reference to the OHP 1000 trip mitigation requirement. Thus staff has no authority to claim: "... the proposed CPC-ZC complies with the requirements of the Transportation Planning Rule (OAR 660-0012-0060) and will not have a significant effect on the transportation system." (Staff report Page 9)

Third, the TIA report offers a summary conclusion regarding OAR 660-0012-0060(1)(c)(C)⁴ stating any changes in the v/c ratio "...represent a de minimus impact on the transportation system." (TIA Report Page 22) No evidence is offered to support this conclusion. Instead the TIA report cites OAR 660-0012-0060 (1)(c)(B)⁵ Then concludes: "The proposed zone change/comprehensive plan amendment does not push any intersection into failure, therefore (B) is not applicable." (TIA Report Table 3, Pages 22-23) This conclusion defies common sense. City staff has testified before Council that the Glen Creek/Wallace Road intersection was over capacity during the Salem River Crossing project analysis. To argue that an already failing transportation facility will not be exacerbated by adding new trips defies logic. In short, the TIA does confirm that the intersection at Wallace Road and Glen Creek Road does today, did in 2018 and will continue to fail during the morning commute through the 2035 planning period. The Riverbend project TIA trip numbers increase the level of the degradation. To argue that a currently

2 "As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, ..." OAR 660-0012-0060(1)(c)

3 "If the increase in traffic between the existing plan and the proposed amendment is more than 1000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution."

"In applying OHP mobility targets to analyze mitigation, ODOT recognizes that there are many variables and levels of uncertainty in calculating volume-to-capacity ratios, particularly over a specified planning horizon. After negotiating reasonable levels of mitigation for actions required under OAR 660-012-0060, ODOT considers calculated values for v/c ratios that are within 0.03 of the adopted target in the OHP to be considered in compliance with the target. The adopted mobility target still applies for determining significant affect under OAR 660-012-0060."

OHP Policy 1F: Highway Mobility Policy 1F.5 pg. 74

4 "(C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan." OAR 660-0012-0060(1)(c)(C)

5 "(B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan;" OAR 660-0012-0060(1)(c)(B)

failing transportation facility exempts a new development from the Transportation Planning Rule is illogical and unjustified. The conclusion offered that the project "... will not have a significant effect on the transportation system" is nonsensical. OAR 660-012-0060 (1)(c)(C) requires mitigation when a transportation facility "... is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan." Wallace Road at Glen Creek Road currently does not meet 2035 performance standards and has not since before 2012.⁶ According to the Salem River Crossing project CH2M 2016 Traffic & Technical Report Addendum the Wallace & Glen Creek intersection has been over actual OHP and TPR A.M. capacity levels with a V/C of 1.07 in 2012. (Traffic & Technical Report Addendum Table 2.3-2, Page 10)

Fourth, based upon the 2009 LUBA decision *Eder et al v. Crook Crook County*⁷ there is no basis for the City to claim that Phase 2 of the project will have no "significant impact" upon the Salem transportation facility known as Wallace Road NW. Therefore, the staff declaration by the Assistant City Traffic Engineer that "the entire proposal, including this proposed change from "Single Family" and "Multi-Family" to "Mixed-Use" designation, will not have a significant effect on the transportation system." is invalid. (Staff report Page 20) I also challenge the unsubstantiated conclusion: "The applicant's TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The proposal meets this criterion " (Staff report Page 23) The only thing demonstrated in the TIA is good data modeling. Unfortunately that modeling avoided or ignored the full legal scope of both the Oregon Highway Plan and OAR 660-012-0060.

The proposed staff finding that the Riverbend Phase 2 project will have no significant impact upon Wallace Road NW is beyond staff authority and is in opposition to the requirements of the State Highway Plan and Goal 12 Administrative Rules. Accordingly, I ask that Planning Commission reject the Goal 12 Transportation findings presented in the CPC-ZC-ZC19-10 staff report and direct staff to return with revised draft findings that address each of the four issues raised above with findings that conform to the legal requirements of the Oregon Highway Plan and OAR 660-012-0060.


⁶ According to the Salem River Crossing project CH2M 2016 Traffic & Technical Report Addendum did the Wallace & Glen Creek intersection was over actual OHP and TPR capacity with a V/C of 1.07 in 2012. (Traffic & Technical Report Addendum Table 2.3-2 Page 10)

⁷ "Under LUBA's 2000 decision in *DLCD v. Warrenton*, a comprehensive plan or land use regulation amendment that reduces the V/C ratio of a transportation facility that is already failing would "[r]educe the performance standards of the transportation facility below the minimum acceptable level," within the meaning of OAR 660-012-0060. Finally under *Department of Transp. v. City of Klamath Falls*, a comprehensive plan or land use regulation amendment that hastens the failure of a transportation facility that is already projected to fail during the planning period "significantly affects" that facility, within the meaning the 1998 version of OAR 660-012-0060." 2009-018 Eder et al v. Crook Crook County pg.15



MEMO

TO: Pamela Cole, Planner II
Community Development Department

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

DATE: August 26, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC-ZC19-10 (19-108088-ZO)
2499 WALLACE ROAD NW
COMPREHENSIVE PLAN CHANGE AND TWO ZONE CHANGES**

PROPOSAL

A consolidated application to change the Comprehensive Plan Map designation from Single-Family Residential to Mixed Use and zoning from RS (Single Family Residential) to MU-II (Mixed Use 2) for approximately 6.2 acres located at 2499 Wallace Road NW (Polk County Assessor Map and Tax Lot Numbers: 073W09CD01000), 2501 Wallace Road NW (073W09CD00900), and 2519 Wallace Road NW (073W09CD01101); change the Comprehensive Plan Map designation from Multi-Family Residential to Mixed Use and zoning from RD (Duplex Residential) to MU-II (Mixed Use 2) for approximately 1.3 acres (073W09CD01301) for a future mixed-use multi-family and commercial development in Phase 2 of the Riverbend Mixed Use Neighborhood Center; change the Comprehensive Plan Map designation from Single-Family Residential to Commercial and zoning from RS (Single Family Residential) to CR (Retail Commercial) for approximately 0.15 acres located at 2465 Wallace Road NW (073W16BA09900); and change the zoning from CO (Commercial Office) to CR (Retail Commercial) for a 1.582-acre portion of a property located at 1221 River Bend Road NW (073W16BA10000) for a future commercial development in Phase 1 of the Riverbend Mixed Use Neighborhood Center.

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

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

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

Streets

1. Wallace Road NW

- a. Standard—This street is designated a State Highway and is under the jurisdiction of the Oregon Department of Transportation (ODOT).
- b. Existing Conditions—This street has an approximate 76-foot improvement within a variable-width right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. 24-inch and 30-inch storm mains are located in Wallace Road NW.
- b. A 15-inch storm main is located at the northwest corner of the property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in Wallace Road NW. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. Existing Condition

- a. An 8-inch sewer main is located within a City easement on the subject property.

CRITERIA AND FINDINGS

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

Finding: The applicant's Traffic Engineer submitted a Traffic Impact Analysis dated December 23, 2018, for the Riverbend Phase 2 Comprehensive Plan Amendment and Zone Change (CPC-ZC) to both the City of Salem and the Oregon Department of Transportation (ODOT). Both agencies reviewed the December 23, 2018, study and provided comments back to the applicant's Traffic Engineer. A response memorandum dated February 7, 2019, was submitted to both agencies. Both the City and ODOT reviewed the proposal and concur that the proposed CPC-ZC complies with the requirements of the TPR OAR 660-0012-0060 and will not have a significant effect on the transportation system.

The entire length of Wallace Road NW within the City limits is under the jurisdiction of ODOT; therefore, the operating standards and policies of ODOT apply. The Oregon Highway Plan Policy, Action 1F.5 identifies a procedure to evaluate amendments to transportation system plans, acknowledged comprehensive plans, and land use regulations subject to OAR 660-12-0060, in situations where the volume to capacity ratio is above the mobility targets. The traffic analysis submitted for this project shows that River Bend Road NW is operating below the ODOT mobility standards in the TSP horizon year before and after the project, so there is not a significant affect at that location. The analysis also indicates that the intersection of Wallace Road NW and Glen Creek Road NW operates above the mobility standards both before and after the project. The change in the volume to capacity ratio at the Glen Creek Road NW intersection is only 0.01. The ODOT threshold for significant is 0.03. By ODOT's definition, a change of 0.01 is not considered significant and meets the requirements of the Oregon Highway Plan policies and therefore meets the TPR.

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

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

RESPONSE TO CITIZEN COMMENTS

Citizens submitted comments demonstrating concern about traffic congestion along Wallace Road NW and the impacts of the proposed development. The Assistant City Traffic Engineer provides the following response to concerns about traffic congestion:

“Neither the City of Salem nor the Oregon Department of Transportation have identified any capacity, or long promised infrastructure improvement projects along Wallace Road NW through the most congested part of the roadway. The Salem TSP only identifies an access management and local street circulation project which would include a center landscaped median island with turn pockets. But any project that would add travel lanes along this section of highway would require widening the roadway by 24 feet, and subsequently require substantial widening of the bridges over the Willamette River to accommodate the additional travel lanes. A project like this would need to be included in ODOT’s future project list. There are currently no projects identified or funding sources that would allow any capacity improvement project to move forward in this area.”

“Previously approved zone changes and development approvals all consider the impacts to traffic. The City collects Transportation System Development Charges which is an ‘impact’ fee, but case law, Oregon law, and City code prohibit us from exacting improvements or fees that are disproportionate to the impact of the development. Suggesting that no new development be allowed in West Salem until the transportation system is fixed would be a moratorium on development. Only City Council can enact a moratorium, but it must be done consistent with Oregon State Law (ORS 197.505).”

Prepared by: Jennifer Scott, Program Manager
cc: File