

EXHIBIT 1
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

NOVEMBER 25, 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.
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 subject to two conditions of approval as recommended in the staff report.
5. On September 5, 2019, the Planning Commission issued their decision.
6. On September 20, 2019, the West Salem Neighborhood Association filed a timely appeal.
7. On October 28, 2019, the City Council conducted a hearing to receive evidence and testimony regarding the proposal, conducted deliberations, and voted to modify the September 5, 2019 Planning Commission decision approving the consolidated application by adding a third condition of approval for a trip cap.

SUBSTANTIVE FINDINGS

1. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the West Salem Neighborhood Association (WSNA). The Planning Commission's findings relative to testimony received from the WSNA Land Use Chair and Land Use Committee were included in their decision and are incorporated herein by reference.

At the Council hearing, members of the WSNA Land Use Committee testified on behalf of WSNA for the three issues raised in the appeal.

- a. Two members of the WSNA Land Use Committee, Dan Gerges and James Clark, testified that the applicant had explained to WSNA that the development would include open space, recreational space, trails, community connections, and a community center, and that these would be expected to be maintained by the property owner with HOA fees. Because the applicant did not guarantee that these features would continue in existence or continue to be open to the neighborhood residents, WSNA requested that the Council adopt conditions of approval requiring an open space area with trails and community connections.

Response: The Council declined to adopt the requested condition to make the open space, trails, and community connections permanently available to the public, as that condition would have the effect of taking private property for public use.

- b. Steve Anderson, WSNA Land Use Chair, testified that staff failed to address requirements of Goal 12, Oar 660-12-0060, State and City Transportation Planning Rules, the Oregon Highway Plan (OHP Section 1F.5), and the ODOT guidance document on how to implement said rules and regulations; staff did not do their due diligence; and staff made false testimony to the Planning Commission that prejudiced their decision. Mr. Anderson requested that City

Council return the application to staff to include conditions requiring mitigation for increased traffic volume impacts along Wallace Road NW.

Response: 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.

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 effect 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.

Additional comments from the applicant’s Traffic Engineer and the Oregon Department of Transportation submitted for the Council hearing affirmed that the TPR Analysis methodology was appropriate and that the proposal would not have a significant effect on ODOT facilities as that term is used in OAR 660-012-0060. The Assistant City Traffic Engineer acknowledged at the Council hearing that it was an oversight that staff had not recommended that the Planning Commission adopt a trip cap consistent with 2,085 trips the applicant’s traffic engineer projected for the Phase 2 development subject to this application, which the analysis showed would not have a significant effect on the transportation system.

The Council considered Mr. Anderson’s comments, the Assistant City Traffic Engineer’s comments, comments from ODOT (summarized below), and comments from the applicant’s traffic engineer (summarized below). The Council accepted the TPR analysis by the applicant’s traffic engineer, concurrence by

ODOT engineering staff, and concurrence by City engineering staff, declined to send the application back to staff for additional analysis, and modified the decision of the Planning Commission by adopting a condition for a trip cap of 2,085 average daily trips for the Phase 2 development to ensure that the proposed development would not have a significant effect on the transportation system, as demonstrated in the TPR analysis.

- c. Linda Bierly of the WSNA Land Use Committee testified at the Council hearing and submitted written comments on behalf of WSNA requesting that the City Council authorize use of SDCs (Systems Development Charges) generated by this development to mitigate the traffic impact of the development, that Council update the CIP budget list to add the installation of a signal light at the Brush College Road NW / Wallace Road NW intersection to provide a safer intersection and meter traffic flow along Wallace Road, and that Council direct staff to begin the process of asking permission from ODOT to place this signal.

Response: The Assistant City Traffic Engineer commented that the intersection would not meet signal warrants at the time of this development, and if a signal were installed, it would create platooned traffic flow toward the development site.

Therefore, the City Council declined to impose a requested condition for designation of SDCs toward mitigation including a signal at the Brush College Road NW / Wallace Road NW intersection.

Citizen Comments

The Planning Commission's findings relative to testimony received from citizens were included in their decision and are incorporated herein by reference.

- One citizen, E.M. Easterly, testified at the Council hearing and submitted written comments challenging staff's conclusion that the proposal would not significantly impact Wallace Road, the applicant's traffic distribution assumptions, staff's interpretation of TPR process obligations, ODOT's evaluation of the applicant's TPR analysis and concurrence with the conclusion of no significant impact, and the Planning Commission's conclusions. He also submitted emails including his communications with Daniel Fricke at ODOT. He requested that Council return the application to staff to analyze the applicant's conclusions and prepare findings that identify mitigation measures that conform to OAR 660-12-0060(1)(c)(C), Oregon Land Use Goal 12, and the Salem Transportation System Plan Requirements.

Response: The Council considered Mr. Easterly's comments, the Assistant City Traffic Engineer's comments (summarized above), comments from ODOT (summarized below), and comments from the applicant's traffic engineer (summarized below). The Council accepted the TPR analysis by the applicant's traffic engineer, concurrence by ODOT engineering staff, and concurrence by

City engineering staff, declined to send the application back to staff for additional analysis, and modified the decision of the Planning Commission by adopting a condition for a trip cap of 2,085 average daily trips for the Phase 2 development to ensure that the proposed development would not have a significant effect on the transportation system, as demonstrated in the TPR analysis.

Oregon Department of Transportation Comments

The Planning Commission's findings relative to testimony received from the Oregon Department of Transportation were included in their decision and are incorporated herein by reference.

- Emails from Daniel Fricke at ODOT were submitted into the record for the Council hearing. Mr. Fricke responded to Mr. Easterly's comments:

Regarding Oregon Highway Plan (OHP) Action 1F.5, while you are correct that the Transportation Impact Analysis (TIA) for the proposed comprehensive plan amendment and zone change does project an increase in average daily traffic over 1,000, Action 1F.5 does not establish that increase as "a significant mobility impact threshold." The threshold you cite relates specifically to establishing only what constitutes a "small increase in traffic" which by definition does not cause further degradation. In a case where a proposed amendment increases average daily traffic by over 1,000 trips, Action 1F.5 states:

If the increase in traffic between the existing plan and the proposed amendment is more than 1,000 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.

ODOT staff have reviewed the TIA for the proposed amendment using existing processes and have determined that the projected increase in traffic, while causing a minimal degradation in operations at two Wallace Road intersections, will not have a significant impact on ODOT facilities. In accordance with OAR 660-012-0060, it is ODOT's responsibility to determine if a proposed land use or zoning change that is expected to have a net increase in trips exceeding 1,000 average daily trips will have a significant impact on ODOT's facilities. That there is a net increase of more than 1,000 trips does not constitute an automatic determination that the increase is significant. In this case, our analysis showed that the projected increase in traffic at Glen Creek and Orchard Heights was about 1% of the projected volumes at those intersections (based on volume/capacity ratios). This increase is well within the margin of error inherent in the analysis tools used to determine possible

impacts. We have, therefore, concluded that this change does not constitute a significant impact to intersections on Wallace Road. This finding applies only to review of this proposed amendment and only to its potential impacts to ODOT facilities.

Response: The Council considered Mr. Fricke's comments, comments from Steve Anderson and E.M. Easterly (summarized above), comments from the Assistant City Traffic Engineer (summarized above), and comments from the applicant's traffic engineer (summarized below). The Council accepted the TPR analysis by the applicant's traffic engineer, concurrence by ODOT engineering staff, and concurrence by City engineering staff, declined to send the application back to staff for additional analysis, and modified the decision of the Planning Commission by adopting a condition for a trip cap of 2,085 average daily trips for the Phase 2 development to ensure that the proposed development would not have a significant effect on the transportation system, as demonstrated in the TPR analysis.

Applicant's Rebuttal

The Planning Commission's findings relative to the TPR analysis and testimony received from the applicant's traffic engineer were included in their decision and are incorporated herein by reference.

- Rick Nys, the applicant's traffic engineer, submitted written comments and testified at the Council hearing regarding Mr. Easterly's comments. Mr. Nys commented that
 - The analysis for Phase 1, which Mr. Easterly asserted was flawed, was separate from and not relevant to Phase 2.
 - Mr. Easterly lacks training or expertise and does not understand the analysis or traffic engineering, and that does not equate to flaws in the analysis.
 - Mr. Easterly's assertion that a 2018 analysis of the Wallace Road NW / Glen Creek intersection should have been included is incorrect because the TPR analysis is based upon projected conditions in 2035, the end of the planning period of the Transportation System Plan and regional travel demand forecasting model, and that a future Site Plan Review TIA will include a near-term analysis of intersections based upon City and ODOT requirements.
 - Traffic counts from 2017 were appropriate for the study because they were less than two years old at the time of the analysis completed in 2018, met the City of Salem Public Works Design Standards requiring counts less than two years old, and met ODOT requirements requiring adjustments for counts more than one year old.
 - The TPR analysis compares the impacts of existing zoning versus proposed zoning for individual properties, and the assumed number of trips for the existing zoning is captured in the travel demand forecast model of the Mid-Willamette Valley Council of Governments. The trip cap imposed on Phase 1 is not applicable to Phase 2, but a separate trip cap may be imposed on Phase 2 based upon the trips illustrated in the analysis.

- Specific development for Phase 2 will be proposed as part of the future Site Plan Review TIA, which will rely upon the ITE Trip Generation Manual for developing estimates based upon the number of units or size of development. The proposed trips are evaluated against the trip cap.

Response: The Council considered Mr. Nys's comments, comments from Steve Anderson and E.M. Easterly (summarized above), comments from the Assistant City Traffic Engineer (summarized above), and comments from ODOT (summarized above). The Council accepted the TPR analysis by the applicant's traffic engineer, concurrence by ODOT engineering staff, and concurrence by City engineering staff, declined to send the application back to staff for additional analysis, and modified the decision of the Planning Commission by adopting a condition for a trip cap of 2,085 average daily trips for the Phase 2 development to ensure that the proposed development would not have a significant effect on the transportation system, as demonstrated in the TPR analysis.

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 applicant’s TPR analysis, based on a projected number of 2,085 average daily trips for the entirety of the property subject to consolidated application CPC-ZC-ZC19-10, demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by 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. To ensure that the project will not have a significant impact on the transportation system, the City Council adopted Condition 3 below, which establishes a trip cap of 2,085 average daily trips.

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, based on a projected number of 2,085 average daily trips for the entirety of the property subject to consolidated application CPC-ZC-ZC19-10, demonstrates that the proposed CPC/ZC, including the proposed zone changes from RS (Single Family Residential) and RD (Duplex Residential) to MU-II (Mixed Use-II), will not have a significant impact on the transportation system as defined by OAR 660-012-0060. To ensure that the project will not have a significant impact on the transportation system, the City Council adopted Condition 3 below, which establishes a trip cap of 2,085 average daily trips.

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 applicant’s TPR analysis, based on a projected number of 2,085 average daily trips for the entirety of the property subject to consolidated application CPC-ZC-ZC19-10, demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by 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. To ensure that the project will not have a significant impact on the transportation system, the City Council adopted Condition 3 below, which establishes a trip cap of 2,085 average daily trips.

The proposal meets this criterion.

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 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 City Council 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 City Council 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 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) and the area of 1221 River Bend Road NW that is remaining in the CO (Commercial Office) zone.

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

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, based on a projected number of 2,085 average daily trips for the entirety of the property subject to consolidated application CPC-ZC-ZC19-10, demonstrates that the proposed CPC/ZC, including the proposed zone changes from RS (Single Family Residential) to CR (Retail Commercial), will not have a significant impact on the transportation system as defined by OAR 660-012-0060. To ensure that the project will not have a significant impact on the transportation system, the City Council adopted the following condition:

Condition 3: Traffic impacts from future development on the subject property (2465, 2499, 2501, and 2519 Wallace Rd NW (Polk County Assessor Map and Tax Lot Numbers 073W16BA09900, 073W09CD01000, 073W09CD00900, 073W09CD01101, and 073W09CD01301)) shall be limited to a maximum of 2,085 average daily trips generated by the proposed use or uses.

With the condition of approval, the zone change proposal satisfies 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 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.

- 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.
- Condition 3:** Traffic impacts from future development on the subject property (2465, 2499, 2501, and 2519 Wallace Rd NW (Polk County Assessor Map and Tax Lot Numbers 073W16BA09900, 073W09CD01000, 073W09CD00900, 073W09CD01101, and 073W09CD01301)) shall be limited to a maximum of 2,085 average daily trips generated by the proposed use or uses.