

*Si necesita ayuda para comprender esta informacion, por favor llame
503-588-6173*

DECISION OF THE PLANNING COMMISSION

**MINOR COMPREHENSIVE PLAN MAP AMENDMENT / ZONE CHANGE CASE
NO.: CPC-ZC19-11**

APPLICATION NO.: 19-119069-ZO / 19-119070-ZO

NOTICE OF DECISION DATE: NOVEMBER 20, 2019

SUMMARY: A comprehensive plan change to Commercial and Zone change to CO (Commercial Office).

REQUEST: A minor comprehensive plan map amendment from SF "Single-Family Residential" to COM "Commercial" and quasi-judicial zone change from RS (Single-Family Residential) to CO (Commercial Office) for approximately 0.23 acres of a 1.03-acre property located at 4345 Sunnyside Road SE - 97302 (Marion County Assessor Map and Tax Lot 083W10AC / 600).

APPLICANT: Jake Buckendorf

LOCATION: 4345 Sunnyside Rd SE

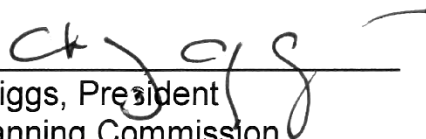
CRITERIA: Salem Revised Code (SRC) Chapters SRC 64.025(e) (2) and SRC265.005(e).

FINDINGS: The findings are in the attached Decision dated November 20, 2019

DECISION: The **Planning Commission APPROVED** Minor Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-11 based upon the application materials deemed complete on October 30, 2019 and the findings as presented in this report.

VOTE:

Yes 8 No 0 Absent 0


Chane Griggs, President
Salem Planning Commission

The rights granted by the attached decision must be exercised, or an extension granted, by December 6, 2021 or this approval shall be null and void.

NOTICE OF DECISION

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



Application Deemed Complete:	<u>October 30, 2019</u>
Public Hearing Date:	<u>November 19, 2019</u>
Notice of Decision Mailing Date:	<u>November 20, 2019</u>
Decision Effective Date:	<u>December 6, 2019</u>
State Mandate Date:	<u>February 27, 2020</u>

Case Manager: Olivia Glantz, OGlantz@cityofsalem.net, 503-540-2343

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, no later than **5:00 p.m., Thursday, December 5, 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) SRC 64 and SRC 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 “COMMERCIAL”, AND A ZONE CHANGE FROM RS (SINGLE FAMILY RESIDENTIAL) TO CO (COMMERCIAL OFFICE) CASE NO. CPC-ZC19-11

NOVEMBER 20, 2019

PROCEDURAL FINDINGS

1. On August 30, 2019, Sam Thomas of Lenity Architecture, on behalf of the applicant and property owner, Jake Buckendorf, filed an application for a Comprehensive Plan Change and Zone Change for the 0.23-acre portion of the subject property. A vicinity map is included as **Attachment A**.
2. After additional information was provided, the consolidated application was deemed complete for processing on October 30, 2019. The public hearing on the application was scheduled for November 19, 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 October 30, 2019 and posted on the subject property November 6, 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 October 18, 2019.
4. On November 19, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, and voted to approve the Comprehensive Plan Change and Zone Change as recommend in the staff report.
5. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

BACKGROUND/PROPOSAL

The applicant is proposing to rezone a portion of the subject property from RS (Single Family Residential) to CO (Commercial Office) as shown on the proposed zoning map. No proposed future uses have been identified as part of the applicant's submittal.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of a portion of the subject property from "Single Family Residential" to "Commercial."
- 2) A Quasi-Judicial Zone Change to change the zoning of the 0.23-acre portion of the subject property from RS (Single Family Residential) to CO (Commercial Office).

The applicant's written statement summarizing each request and addressing compliance with the required approval criteria is included as Attachment B.

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 the subject property as both "Single Family Residential" and "Commercial."

The Comprehensive Plan designations of surrounding properties include:

North: "Commercial"

South: "Commercial" and "Single-Family Residential"

East: (Across Sunnyside Road SE and Commercial Street SE) "Commercial"

West: "Single-Family Residential"

Components of the Comprehensive Plan

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.

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 has frontage along Sunnyside Road SE, which is designated as a minor arterial street.

2. Zoning

The subject property is split zoned RS (Single Family Residential) and CO (Commercial Office). The proposal is to rezone the RS portion of the property to CO. Surrounding properties are zoned and used as follows:

North: CO (Commercial Office) and RS (Single Family Residential) – Single Family Home

South: CO (Commercial Office) and RS (Single Family Residential) – Single Family Homes and an Office Use

East: (Across Sunnyside Road SE and Commercial Street SE) CR (Retail Commercial) - several commercial uses

West: RS (Single Family Residential) – Single Family Home

3. Relationship to the Urban Service Area

The subject property is located within the Urban Service Area.

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.

4. Neighborhood Association Comments

The subject property is located within the boundaries of the Faye Wright Neighborhood Association (Faye Wright) and across Sunnyside Road SE/Commercial Street SE from Morningside Neighborhood Association (Morningside). Neither neighborhood association provided comments.

5. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notice of the proposal.

Two comments were received by a neighboring property owner:

- There is a mistake in the Staff Report published on November 12, 2019, which states the property is not within the floodplain. The subject property is within the flood plain and pictures of past flooding were submitted into the record. Flooding happens with some frequency in the area. Increase of flow to the creek should not occur to prevent harm to neighboring

property owners.

Response: The Salem-Keizer Local Wetland Inventory shows hydric soils mapped on the property, and a segment of the Pringle Creek is mapped as a linear wetland area along the west property line. The western edge of the subject property is within the mapped Floodplain. At the time of any development of the subject property, notification to the Division of State Lands will be required, the property would be subject to the City's Floodplain regulations, stormwater regulations, and detailed stormwater designs would be required.

6. Public Agency & Private Service Provider Comments

Salem Public Works Department - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (Attachment C and E).

Salem Fire Department – The Salem Fire Department reviewed the application and indicated they have no concerns with the comprehensive plan change and zoning amendment.

Salem Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Oregon Department of Land Conservation and Development (DLCD) – No comments received.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN CHANGES AND ZONE CHANGES WITH ANNEXATION

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 applicant's findings address (i) and (ii) above, demonstrating that the social, economic, and demographic patterns of the nearby vicinity have so altered that the current single family residential designation is no longer appropriate, and that the proposed "Commercial" designation is equally or better suited for the subject property than the current "Single Family Residential" designation.

The applicant states that the proposed zone is better suited due to the surrounding commercial land uses. The property is surrounded by a mix of commercial buildings such as office, beauty salon, insurance agency and a gas station. The property being located on two arterial streets (Commercial Street SE and Sunnyside Road SE) makes it more suited for commercial or higher-density housing uses. The applicant also states that the proposed commercial designation is better suited for the subject property than the current single-family residential designation.

The proposed commercial designation would allow the property to be developed with a greater variety of residential uses, including single family, two family and multiple family residential, as well as mixed use. The commercial designation would also allow the property to potentially be developed with commercial uses. Access on an arterial street, proximity of nearby shopping areas, transit service, parks and employment opportunities, make the property better suited for uses other than single family residential. These greater number of potential residential and commercial uses are better suited for the property and will help to meet the future housing and economic

needs of the City, therefore, the proposed commercial designation is equally or better suited than the current single-family residential designation.

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: Water, sewer, and storm infrastructure is available within Sunnyside Road SE and appears to be adequate to serve the property. Site specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The subject property is capable of being served with necessary public facilities.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), in an area that is surrounded by existing residential neighborhoods and services. Public facilities required to serve future development of the property are available in Sunnyside Road SE. The proposed comprehensive plan map amendment will allow the logical and efficient use of vacant land and contribute to the economic and housing needs of the community.

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 (Pages 23-26, 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 proposed change to a commercial designation will increase the supply of available commercial land, allowing the property to potentially be developed with future commercial uses that contribute towards meeting future employment and economic development needs of the City. The proposal is consistent with this development goal.

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 property is required to comply with height, landscaping, setback, and screening requirements of the CO zone which help to reduce the impact of development on adjacent properties, in compliance with this development goal.

Salem Urban Area Goals and Policies, Growth Management (Page 27-30, 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 by:

- a. Establishing and periodically reviewing an urban growth boundary to identify and separate urbanizable land from rural land while insuring sufficient amounts of urbanizable land to accommodate population needs.*
- b. Planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.*

Infill Development D.6

New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.

Finding: The subject property is within the urban service area, and existing public facilities including sewer, water, and storm are available within Sunnyside Road SE to serve future development. Development of the subject property utilizes existing available land, requiring minimal environmental disturbance, in compliance with this development goal.

Salem Urban Area Goals and Policies, Residential Goal (Page 30-33, Salem Comprehensive Policies Plan):

To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.

Protection of Residential Areas E.8

Residential areas shall be protected from more intensive land use activity in

abutting zones.

Finding: The subject property abuts residentially zoned land within Marion County to the north and residentially zoned property inside City Limits to the east. Future development of the property is required to comply with height, landscaping, setback, and screening requirements of the CO zone which help to reduce the impact of development on adjacent properties, in compliance with this development goal.

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: Notice of the proposal was provided to the Faye Wright and Morningside Neighborhood Associations, to surrounding property owners within the notice area, and was posted on the property prior to the hearing. The Planning Commission will hold a public hearing to consider the request. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

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 3 – Agriculture Lands; Goal 4 – Forest Lands

Finding: The subject property is not identified as agricultural land or forest land; these Statewide Planning Goals are not applicable to this application.

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: The subject property does not contain any known protected natural resources or scenic and historic areas. Development of the site will be required to conform to all local, state and federal rules for natural and historic areas, in compliance with this goal

Statewide Planning Goal 6– Air, Water, and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Finding: Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. Future development of the property is subject to tree preservation, stormwater and waste water requirements of the UDC which are intended to minimize the impact of development on the state's natural resources. The proposal is consistent with Goal 7.

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

Finding: There are no known natural hazards identified on the subject property. The subject property is not located within a floodplain or floodway. Mapped landslide hazards are not identified on subject property. The proposal is consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Finding: The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property, therefore, Goal 8 is not applicable to this proposal.

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 and a surplus of approximately 907 acres of industrial land. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted the EOA and updated the Comprehensive Plan accordingly; the City now uses the EOA and its findings to inform policy decisions, including how to respond to request for rezoning land.

The proposed change from "Single Family Residential" to "Commercial" will increase the supply of available commercial land in the City, allowing the property to potentially be developed with future commercial uses that contribute towards meeting future employment and economic development needs of the City. The proposal is consistent with Goal 9.

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 decisions related to residential land. The HNA concluded that Salem has a projected

1,975-acre surplus of land for single-family detached housing, and a projected deficit of approximately 207 acres of available multi-family zoned land.

The proposed comprehensive plan map amendment would change the current “Single Family Residential” designation to “Commercial”, and the zoning from RS (Single Family Residential) to CO (Commercial Office).

The City has a surplus of RS zoned land available to meet future needs. The RS zoning allows the property to be developed with single family uses, or in limited situations, two family uses, when the property is located on a corner lot or abutting a commercially zoned property. The proposed CO zoning designation allows for a greater variety of residential uses than the current zoning does, including single family, two family, and multiple family residential, as well as mixed-use development. The proposed change in designation is in compliance with Goal 10 by providing a designation that allows more diverse housing options than the current zoning to contribute towards the future housing needs of the City.

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: Water, sewer, and storm infrastructure is currently available within Rickey Street SE adjacent to the subject property and appears to be adequate to serve the property. Site specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The request allows for the efficient use and development of property requiring minimal extension of new public services.

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

Finding: 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 has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The 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, and as such no mitigation is required.

Statewide Planning Goal 13 – Energy Conservation: *To conserve energy.*

Finding: The proposed change in designation will allow vacant land to be developed in the urban service area that does not require construction of additional public infrastructure. Future development of the property will be built to comply with current energy efficient standards, consistent with Goal 13.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development of the property are in close proximity. The proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB in compliance with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources

Finding: The subject property is not located within the Willamette River Greenway or in an estuary or coastal area, these Statewide Planning Goals are not applicable to this application.

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 will benefit the community by allowing underutilized vacant land on a minor arterial street to be developed with uses that are more compatible with existing uses on Sunnyside Road. The proposed designation allows for development of a variety of permitted uses, including single family, two family and multiple family residential, as well as office or mixed use, all uses that will help the City meet future housing needs. The proposal satisfies this criterion.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR THE ZONING MAP AMENDMENT

The following analysis addresses the proposed zone change for the subject property from RS (Single Family Residential) to CO (Commercial Office).

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's findings address (ii) and (iii) above, demonstrating that the proposed CO (Commercial Office) designation is equally or better suited for the subject property than the current RS (Single Family Residential) zoning designation.

The applicant states that the proposed zone is better suited due to the surrounding commercial land uses. The property is surrounded by a mix of commercial buildings such as office, beauty salon, insurance agency and a gas station. The property being located on two arterial streets (Commercial Street SE and Sunnyside Road SE) makes it more suited for commercial or higher-density housing uses. The applicant also states that the proposed commercial designation is better suited for the subject property than the current single-family residential designation. The Planning Commission concurs with the applicant's assessment that the RS zoning for this portion of the subject property is no longer appropriate.

The applicant also states that the proposed CO zone is better suited for the subject property than the current RS zone.

The proposed commercial designation would allow the property to be developed with a

greater variety of residential uses, including single family, two family and multiple family residential, as well as mixed use. The CO zone would also allow the property to potentially be developed with commercial uses. Access on an arterial street, proximity of nearby shopping areas, transit service, parks and employment opportunities, make the property better suited for uses other than single family residential. These greater number of potential residential and commercial uses are better suited for the property and will help to meet the future housing and economic needs of the City, therefore, the proposed CO zone is equally or better suited than the current RS zone.

(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 collective application.

(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 collective application. 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 property currently has a Single Family Residential comprehensive plan map designation; the request would change the map designation from Single Family Residential to Commercial. Because the zone change requires a comprehensive plan change from a non-industrial designation to another non-industrial designation, 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 provided a Transportation Planning Rule (TPR) analysis recommending that the proposed CPC/ZC would not contribute to a significant effect on the transportation system and would be consistent with the TPR requirements with the recommended trip cap. The Assistant City Traffic Engineer concurs with the applicant's TPR analysis based on the findings below.

The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses.

The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The 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 and as such no mitigation is required.

(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 subject property is located within the Urban Service Area. The water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

CONCLUSION

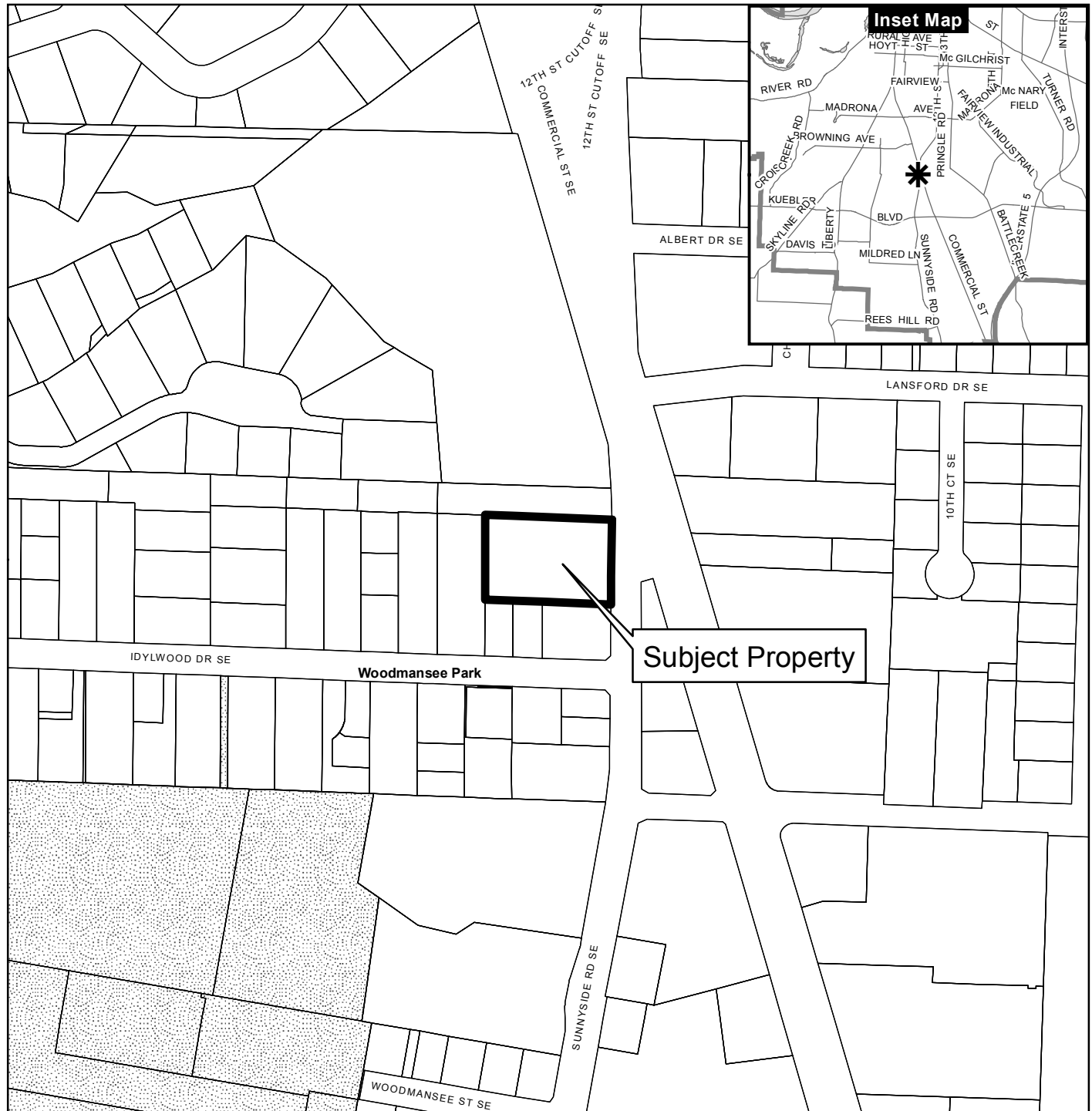
Based on the facts and findings presented herein, the Planning Commission concludes that the proposed Comprehensive Plan Map Amendment and Zone Change satisfy the applicable criteria contained under SRC 260.045(b) for approval.

Attachments: A. Vicinity Map
 B. Applicant's Written Findings
 C. Public Works Memo
 D. Revised Public Works Memo

Prepared by Olivia Glantz, Planner III

Vicinity Map

4345 Sunnyside Road SE



Legend

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

0 100 200 400 Feet

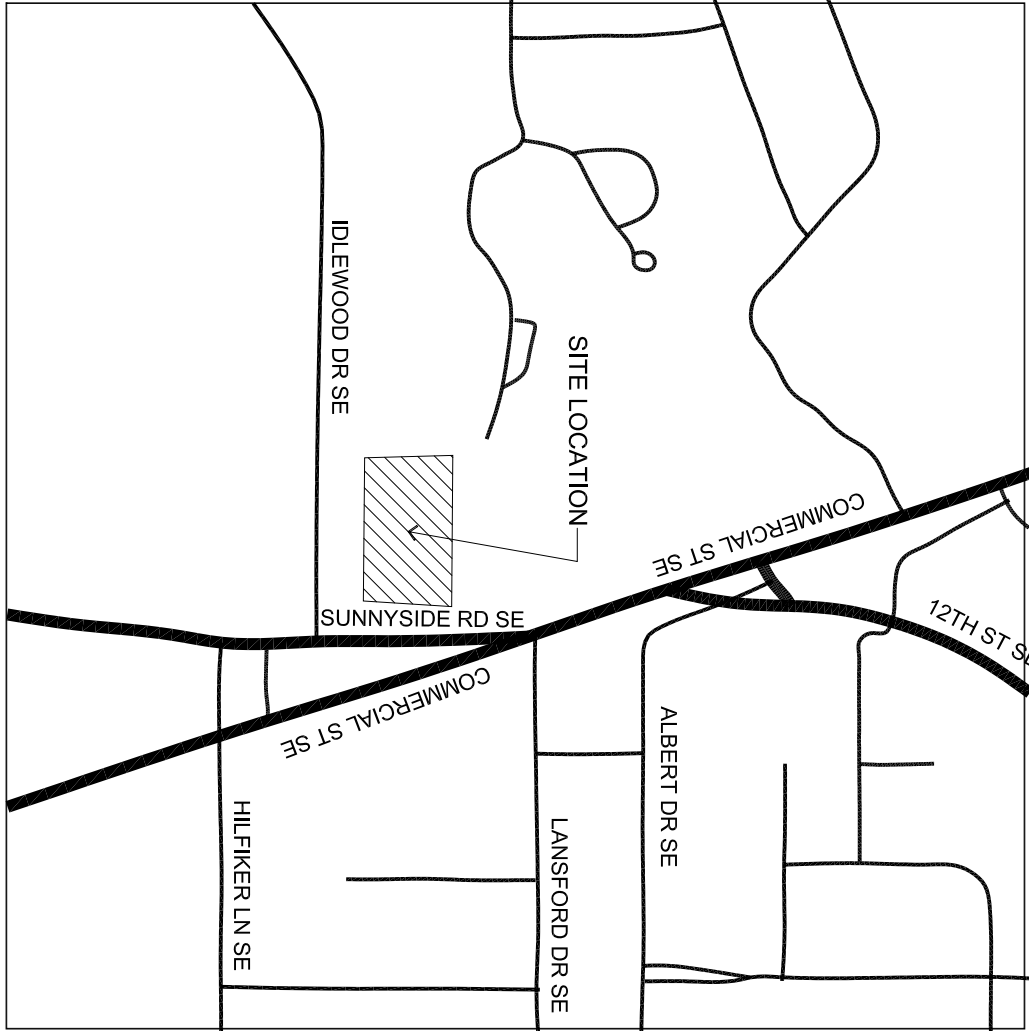
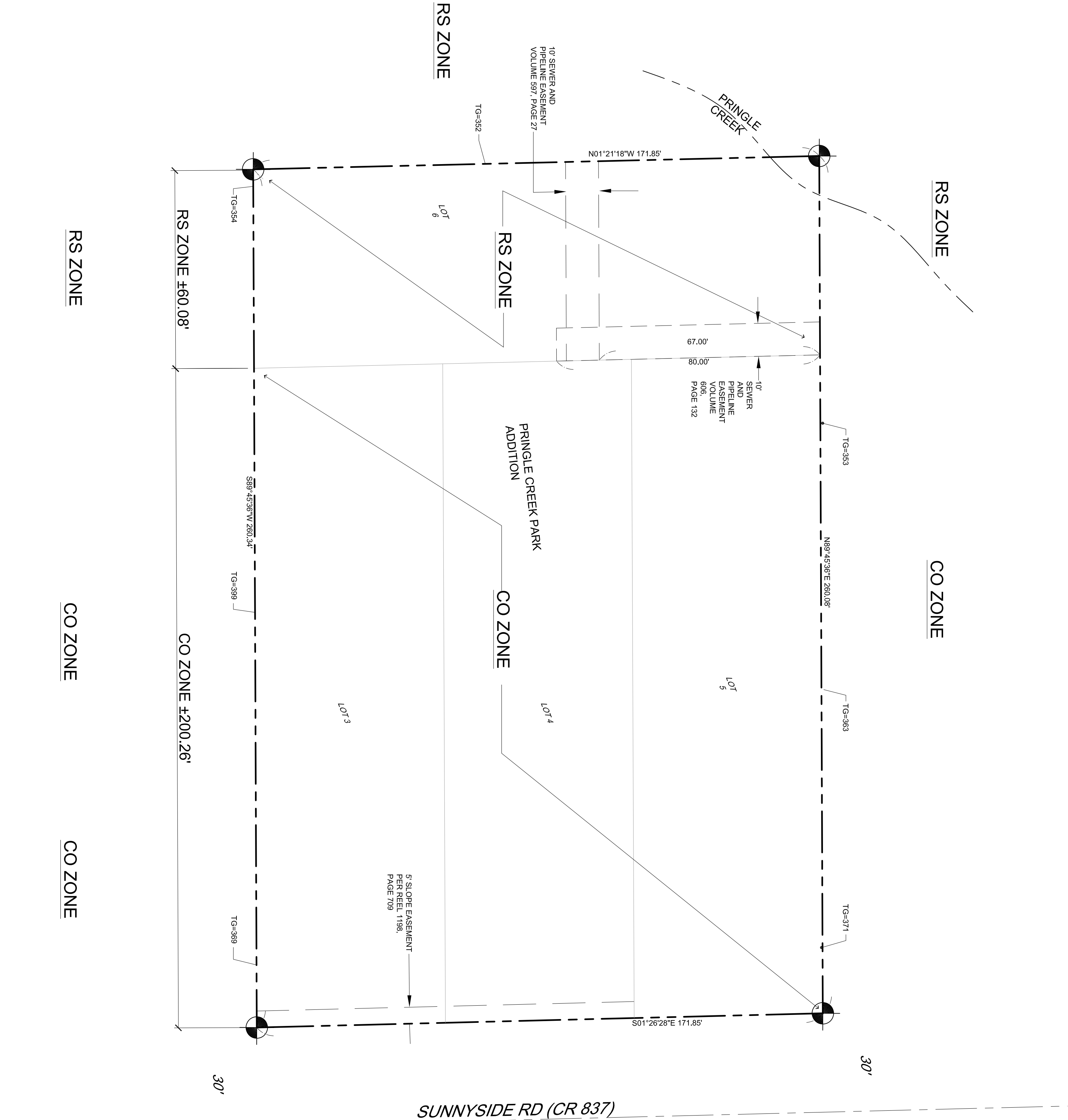


CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

QUASI-JUDICIAL ZONE CHANGE APPLICATION

4345 SUNNYSIDE RD SE
SALEM, OR 97302



VICINITY MAP
NOT TO SCALE

PROJECT TEAM:

OWNER
4345 Sunnyside Rd SE
Salem, OR 97302
ARCHITECT
Lenity Architecture
3150 Kettle Court SE
Salem, OR 97302
lee@lenityarchitecture.com

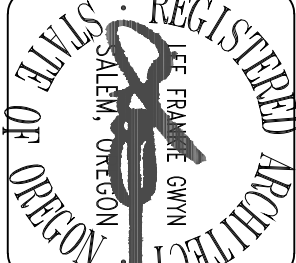
EXISTING CONDITIONS PROJECT DATA			
SITE DATA:			
ADDRESS:	4345 SUNNYSIDE RD SE		
MAP TAX LOT:	083W1A00000		
PROJECT AREA:	1.19 ACRES		
PROPERTY ZONE:	CO (COMMERCIAL OFFICE)	44.80%	55.20%
	RS (SINGLE FAMILY RESIDENTIAL)	23%	

©2019 Lenity Architecture, Inc.

EXISTING
CONDITIONS
SITE PLAN

QUASI-JUDICIAL ZONE
CHANGE APPLICATION
4345 SUNNYSIDE RD SE SALEM, OR 97302

lenity
architecture, inc.
3150 Kettle Court SE, Salem, Oregon 97301
P 503 399 1090 F 503 399 0565 W lenityarchitecture.com



DATE
08/05/2019

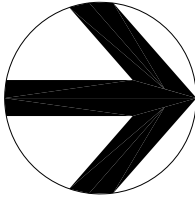
REVISED DATE

SHEET

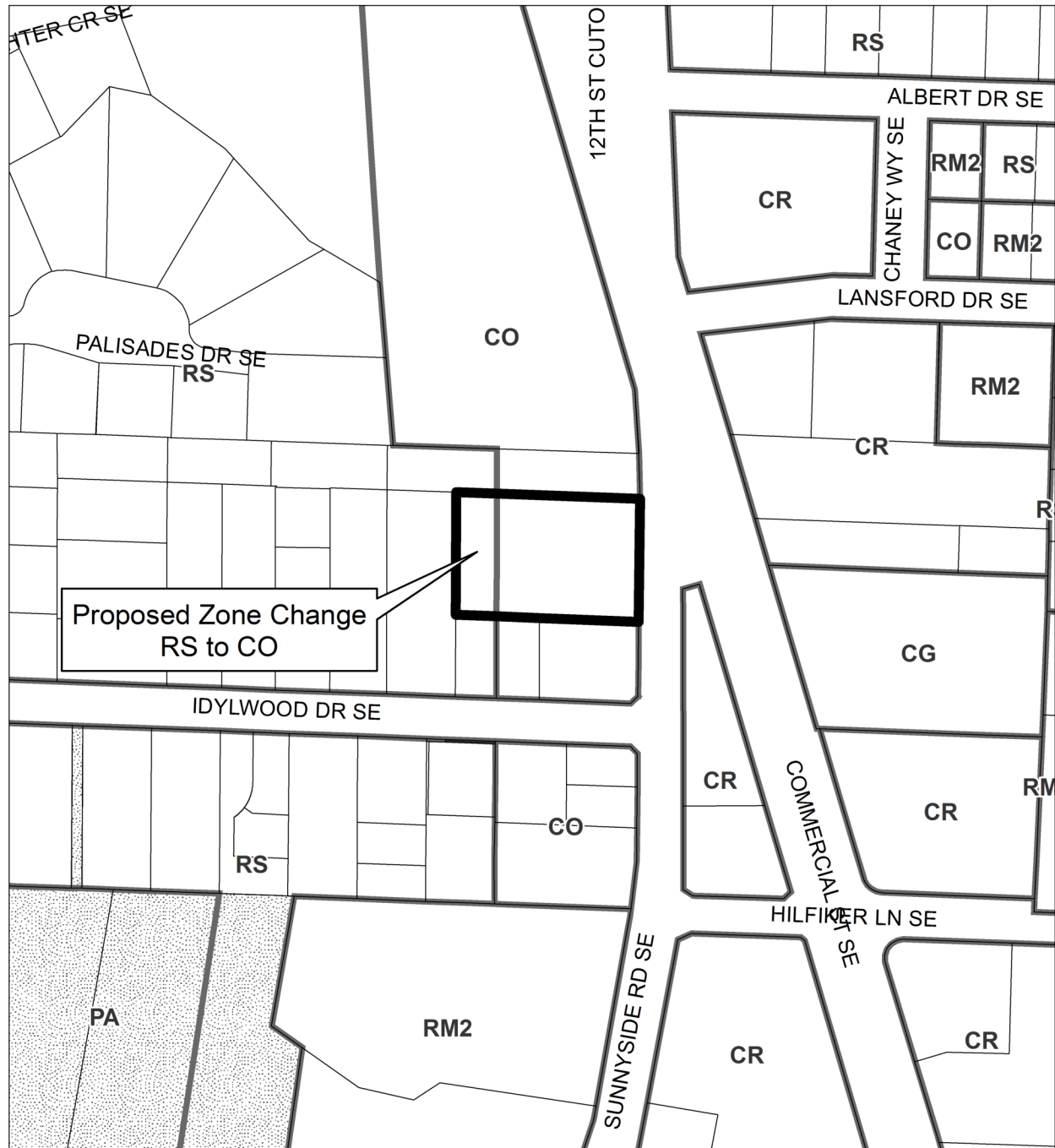
A1.0

EXISTING CONDITIONS SITE PLAN

SCALE: 1" = 20'-0"



Vicinity Zoning - 4345 Sunnyside Road SE



Legend

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

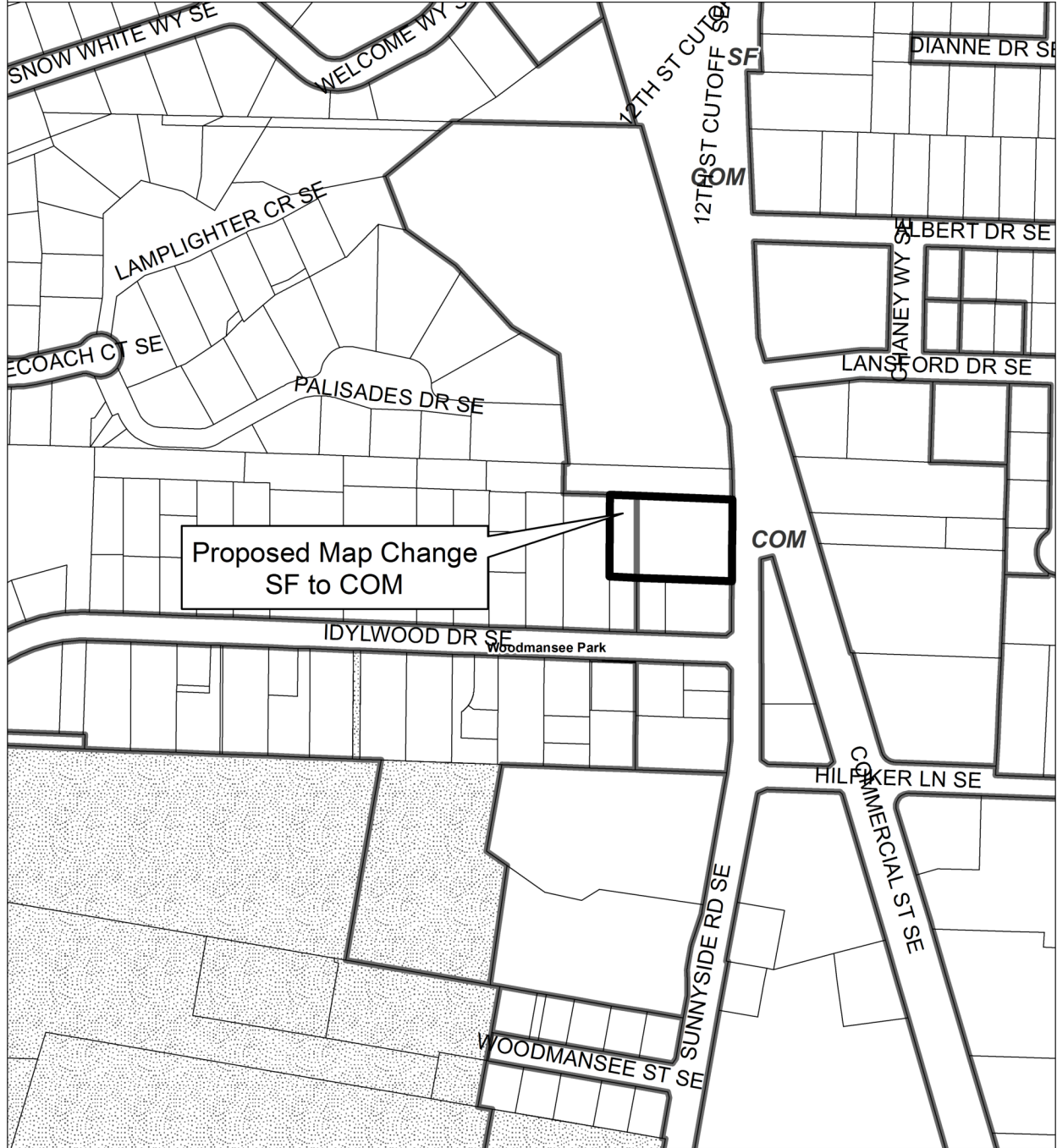
0 50 100 200 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

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

Comprehensive Plan Map - 4345 Sunnyside Road SE



Legend

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

0 50 100 200 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

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

WRITTEN STATEMENT - 4345 SUNNYSIDE RD

COMPREHENSIVE PLAN AMENDMENT

ZONE CHANGE

September 3, 2019

Project Description:

The applicant is proposing to rezone a portion of the property located at 4345 Sunnyside Road from Residential Single-Family to Commercial Office (CO) and change the comprehensive plan designation from Residential to Commercial. The subject property consists of approximately 1.03 acres and is currently undeveloped.

Below are responses to the applicable review and decision criteria.

The zone change is justified based on the existence of one or more of the following:

- **A mistake in the application of a land use designation to the property**
- **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**
- **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: The proposed zone change to Commercial Office is better suited for the property due to the surrounding land uses. The surrounding land uses include a mixed commercial building (bookkeeping, salon, guitar, studio and insurance agency) and single-family residences to the south, a Pacific Pride/Shell gas station to the east, a single-family residence to the north, and single-family residences to the west. The subject property location adjacent to Sunnyside Road and near Commercial Street is more suited to commercial or higher-density housing uses. The application complies with the above criterion.

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.

Applicant Response: The zone change has been initiated by a private citizen. The above criterion does not apply to this application.

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

Applicant Response: The proposed comprehensive plan amendment and zone change is consistent with the Housing and Commercial Development goals of the Salem Area Comprehensive Plan. The proposed change

would allow for a diverse range of housing options beyond single family residential uses. The application complies with this criterion.

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

Applicant Response: The proposed zone change complies with Goal 10 of the Oregon Statewide Planning Goals. Goal 10 relates to housing and ensuring that cities can provide an adequate supply of housing and plan for future needs via a housing needs analysis which contains a buildable lands inventory. The City of Salem commissioned a housing needs analysis report, completed by ECONorthwest in cooperation with local stakeholders. One of the primary findings found a deficit in the number of multi-family housing units. One recommendation in the report to fill this deficit is to allow properties to be rezoned to include a wider range of housing options, including townhouses, triplexes and apartments. The proposed comprehensive plan amendment and rezone to CO will provide the potential for a wider range of housing options than the current zone designation of RS. The application complies with the above criterion.

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: The proposed zone change would be from a residential designation to a commercial designation. Therefore, the above criterion does not apply to this request.

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: A traffic study was performed by DKS (attached herein) that analyzed the worst-case scenario of traffic impacts if the subject property were to be rezoned from RS to CO. The study found that the worst-case scenario use, a daycare facility, would not increase daily traffic by 400 trips or more. The study concluded that the proposed zone change is consistent with requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR). The application complies with this criterion.

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: The subject property is located near existing public facilities, including water, sewer, and streets.

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

Equally or Better Suited Designation. The proposed designation is equally or better suited for the property than the existing designation.

Conflict Between Comprehensive Plan Map Designation and Zone Designation. A minor Plan Map amendment may be granted where there is a 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:

Whether there was a mistake in the application of a land use designation to the property

Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation

Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation

Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations

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.

The proposed plan map designation provides for the logical urbanization of land.

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.

The amendment is in the public interest and would be of general benefit.

Applicant Response: There is not a conflict between the comprehensive plan map and the zone designation. The above criteria do not apply to the proposed comprehensive plan amendment and zone change.

If you have any questions or need any additional information, please contact me at (503) 399-1090 or by e-mail at samt@lenityarchitecture.com. Thank you for your time and attention.

Sincerely,




Samuel A. Thomas

Senior Land Use Specialist



MEMO

TO: Olivia Glantz, Planner III
Community Development Department

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

DATE: November 5, 2019

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC19-11 (19-119069)
4345 SUNNYSIDE ROAD SE
COMPREHENSIVE PLAN CHANGE AND ZONE CHANGE**

PROPOSAL

A minor comprehensive plan map amendment from SF "Single-Family Residential" to COM "Commercial" and quasi-judicial zone change from RS (Single-Family Residential) to CO (Commercial Office) for approximately 0.23 acres of a 1.03-acre property located at 4345 Sunnyside Road SE - 97302 (Marion County Assessor Map and Tax Lot: 083W10AC 00600).

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—The applicant submitted a Transportation Planning Rule (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. Sunnyside Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street is fully developed along the frontage of the property and has adequate right-of-way for its classification of street abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Sunnyside Road SE.
- b. Pringle Creek flows through the property.

Water

1. Existing Conditions

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

Sanitary Sewer

1. Existing Conditions

- a. A 6-inch sewer main is located on the subject property within multiple easements.

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 has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The 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 and the Assistant City Traffic Engineer concurs with the TPR analysis findings.

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 are adequate to serve future development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.



Prepared by: Jennifer Scott, Program Manager
cc: File



MEMO

REVISED

TO: Olivia Glantz, Planner III
Community Development Department

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

DATE: November 13, 2019

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
CPC-ZC19-11 (19-119069)
4345 SUNNYSIDE ROAD SE
COMPREHENSIVE PLAN CHANGE AND ZONE CHANGE

PROPOSAL

A minor comprehensive plan map amendment from SF "Single-Family Residential" to COM "Commercial" and quasi-judicial zone change from RS (Single-Family Residential) to CO (Commercial Office) for approximately 0.23 acres of a 1.03-acre property located at 4345 Sunnyside Road SE - 97302 (Marion County Assessor Map and Tax Lot: 083W10AC 00600).

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—The applicant submitted a Transportation Planning Rule (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. Sunnyside Road SE

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
- b. Existing Conditions—This street is fully developed along the frontage of the property and has adequate right-of-way for its classification of street abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Sunnyside Road SE.
- b. Pringle Creek flows through the property.

Water

1. Existing Conditions

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

Sanitary Sewer

1. Existing Conditions

- a. A 6-inch sewer main is located on the subject property within multiple easements.

Natural Resources

1. Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property.
2. Floodplain—An existing floodplain and floodway are located on the subject property as designated on the Federal Emergency Management Agency (FEMA) floodplain maps. Development within the floodplain requires a floodplain development permit

and is subject to the requirements of SRC Chapter 601.

3. Landslide Hazards—City records show there may be category 2 landslide hazard areas mapped 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 has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The 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 and the Assistant City Traffic Engineer concurs with the TPR analysis findings.

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 are adequate to serve future development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Jennifer Scott, Program Manager
cc: File