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503-588-6173*

DECISION OF THE PLANNING COMMISSION

MINOR COMPREHENSIVE PLAN MAP AMENDMENT / NEIGHBORHOOD PLAN MAP AMENDMENT / ZONE CHANGE CASE NO.: CPC-NPC-ZC20-05

APPLICATION NO.: 20-111638-ZO / 20-111641-ZO / 20-111642-ZO

NOTICE OF DECISION DATE: September 2, 2020

SUMMARY: A Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change from POS (Public Open Space) and PA (Public Amusement) to CSE (Community Service Education) and PE (Public and Private Educational Service).

REQUEST: A consolidated Minor Comprehensive Plan Map Amendment from Public Open Space to inCommunity Service Education, in Minor Neighborhood Plan Map Amendment to School, and Zone Change from PA (Public Amusement) to PE (Public and Private Educational Service) for properties totaling approximately 43.18 acres in size and located 2373 Kuebler Road S (Marion County Assessor Map and Tax Lot Numbers: 083W08 / 0100 and 083W08 / 300). (**Attachment A**)

APPLICANT: Mark Shipman, Saalfeld Griggs Lawyers, on behalf of Joel Smallwood, Salem Keizer School District 24J

LOCATION: 2373 Kuebler Road S, Salem OR 97302

CRITERIA: Salem Revised Code (SRC) Chapters 64.025(e)(2) – Comprehensive Plan Map Amendments and 265.005(e)(1) – Zone Changes

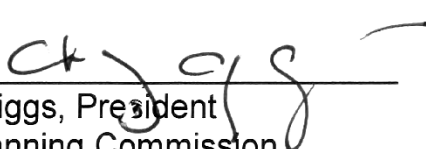
FINDINGS: The findings are in the attached Decision dated September 2, 2020.

DECISION: The **Planning Commission APPROVED** Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change CPC-NPC-ZC20-05 subject to the following conditions of approval:

Condition 1: The transportation impacts from the 43.18-acre site shall be limited to a maximum cumulative total of 2,099 average daily vehicle trips.

VOTE:

Yes 9 No 0 Absent 0


Chane Griggs, President
Salem Planning Commission

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

| | |
|----------------------------------|---------------------------|
| Application Deemed Complete: | <u>August 10, 2020</u> |
| Public Hearing Date: | <u>September 1, 2020</u> |
| Notice of Decision Mailing Date: | <u>September 2, 2020</u> |
| Decision Effective Date: | <u>September 18, 2020</u> |

Case Manager: Olivia Dias, odias@cityofsalem.net, 503-540-2343

This decision is final unless written appeal and associated fee (if applicable) from an aggrieved party is filed with the City of Salem Planning Division, Room 320, 555 Liberty Street SE, Salem OR 97301, or by email at planning@cityofsalem.net, no later than 5:00 p.m., Thursday, September 17, 2020. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter(s) 64 and 265. The appeal 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 Salem City Council will review the appeal at a public hearing. After the hearing, the Salem 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 by contacting the case manager, or at the Planning Desk in the Permit Application Center, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

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

FACTS & FINDINGS

COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE CASE NO. CPC-NPC-ZC20-05

SEPTEMBER 2, 2020

PROCEDURAL FINDINGS

1. On July 13, 2020, an application was filed for a Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change by Mark Shipman, of Saalfeld Griggs Lawyers on behalf of the applicant and property owner the Salem Keizer School District 24J, represented by Joel Smallwood.
2. The consolidated application was deemed complete for processing on August 10, 2020, and a public hearing to consider the application was scheduled for September 1, 2020.
3. Notice of the consolidated application was provided to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on August 10, 2020. Public notice was posted on the property on August 19, 2020.
4. DLCD Notice. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of the proposed Comprehensive Plan Change and Zone Change application to DLCD on June 8, 2020.
5. On September 1, 2020, the Planning Commission held a public hearing on the consolidated applications, received testimony, and voted to grant the Comprehensive Plan Change, Neighborhood Plan Change and Zone Change.
6. 120-Day Rule. 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 requesting a zone change from PA (Public Amusement) to PE (Public and Private Educational Service), to allow for the expansion of Sprague High School. The zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation and Neighborhood Plan designation of the property from "Public Open Space" to "Community Service Education," a designation which is implemented by the PE zone.

The proposal requires the following land use approvals:

- A. Minor Comprehensive Plan Map Amendment from “Public Open Space” to “Community Services - Education”;
- B. Neighborhood Plan Map Amendment to “Community Services - Education”; and
- C. Zone Change from PA (Public Amusement) to PE (Public and Private Education Services).

APPLICANT’S PLANS AND STATEMENT

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing compliance with the applicable approval criteria, as well as the existing conditions plan illustrating the existing development on the property, are attached to this report as follows:

- Applicant’s Written Statement: **Attachment B**

Planning Commission utilized the information included in the applicant’s statement to evaluate the proposal and to establish the facts and findings.

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.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designates the subject property as “Public Open Space” and “Community Service Education.”

The Comprehensive Plan designations of surrounding properties include:

- | | |
|--------|--|
| North: | “Developing Residential” and “Single-Family Residential” |
| South: | Across Kuebler Road S; “Developing Residential” |
| West: | “Public Open Space” |
| East: | “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 23rd Street NE and Park Avenue NE, designated as collector streets, D Street NE, designated as a minor arterial, and Center Street NE, designated as a major arterial.

Relationship to the Urban Service Area

The subject property lies within the City's Urban Service Area. The Urban Service Area is that territory within City where all required public facilities (streets, water, sewer, storm water, and parks) necessary to serve development are already in place or fully committed to be extended. Property located outside the City's Urban Service Area is required to obtain an Urban Growth Preliminary Declaration prior to development to identify those public facilities identified in the City's public facility plans that are needed to serve the property.

Because the subject property is located inside the Urban Service Area an Urban Growth Preliminary Declaration is not required for further development of the subject property.

Infrastructure

| | |
|------------------------------------|---|
| <i>Public Infrastructure Plan:</i> | The Water System Mater Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the subject property. |
| <i>Water:</i> | <p>The subject property is located within the S-3 water service level.</p> <p>An 8-inch water main is located in Joseph Street S.</p> |
| <i>Sewer:</i> | An 8-inch sewer main is located in Joseph Street S. |
| <i>Storm Drainage:</i> | A 12-inch storm main is located in Kuebler Road S along the frontage. |
| <i>Streets:</i> | Kubler Road S has an approximate 46 to 60-foot improvement within a 70 to 106-foot-wide right-of-way abutting the subject property. 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.

Joseph Street S has an approximate 40-foot improvement within a 60-foot-wide right-of-way abutting the subject property. This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 40-foot-wide improvement within a 60-foot-wide right-of-way.

Transportation Planning Rule: A Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) is needed to demonstrate that the proposed Comprehensive Plan Change/Zone Change (CPC/ZC) will not have a significant effect on the transportation system as defined by OAR 660-012-0060. Findings addressing the Transportation Planning Rule can be found below.

2. Zoning

The subject property is zoned PA (Public Amusement) and PE (Public and Private Educational Service). Surrounding properties are zoned and used as follows:

North: Marion County UT-5 (Urban Transition – 5 Acres) and RS (Single Family Residential)
South: Across Kuebler Road S, RS (Single Family Residential)
West: RS (Single Family Residential)
East: PA (Public Amusement)

3. Existing Conditions

The subject property is approximately 43.18 acres and is currently developed with Sprague High School. The school contains sports fields currently designated as “Public Open Space” and zoned Public Amusement. The subject property has approximately 750 feet of frontage on Kuebler Road S.

4. City Department Comments

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

Salem Fire Department – The Salem Fire Department submitted comments indicating no concerns.

Salem Community Development Department, Building and Safety Division – The Building and Safety Division indicated no concerns.

5. Public Agency & Private Service Provider Comments

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

6. Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association (Sunnyslope) and adjacent to Southwest Association of Neighbors (SWAN).

Required Open House/Neighborhood Meeting. Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On May 21, 2020, the applicant and their representatives attended a regularly scheduled meeting of the Sunnyslope Neighborhood Association to present their proposal.

Notification was sent to the neighborhood associations on August 10, 2020. All property owners and tenants within 250 feet of the subject property were mailed notification of the proposed application. SWAN has not commented. One surrounding property owner and Sunnyslope have provided comments.

Concerned about the lack of public access to the school's facilities (i.e. tennis courts): The surrounding property owner and Sunnyslope both expressed concerns about the use of the school's facilities by the general public.

Finding: The proposed Comprehensive Plan Map Change, Neighborhood Plan Change and Zone Change application does not change how the school district manages their facility. The subject property was created by several property line adjustments to separate Skyline Natural Area Park and Sprague High School. The Plan designations were aligned with the previous property lines and the sports courts and fields have been managed by the school district. With the relocation of the property lines and ownership change of the land area, the school district property includes a portion of property designated as "Public Open Space." The proposed application would change the remainder of the school district property to "Community Service Education" which is consistent with the existing use of the subject property. The operation of the school property and accessory uses is not part of the decision criteria and cannot be addressed with the application.

Adequate Notice: Concerns were raised about the applicant not providing adequate notice.

Finding: The Salem-Keizer School District met the 'Open House' requirements of SRC 300 by presenting at Sunnyslope Neighborhood Association Meeting on May 21, 2020. Notice of proposal was distributed to Neighborhood Associations (Sunnyslope and SWAN), City Departments and public and private service providers on August 10, 2020.

Public Hearing notice was mailed to the owners and tenants of all property within 250 feet of the subject property on August 12, 2020. The property was posted in accordance with the posting provision outlined in SRC 300.620.

7. MINOR COMPREHENSIVE PLAN MAP AMENDMENT APPROVAL CRITERIA

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: There is no conflict between the existing “Public Open Space” designation and PA (Public Amusement) zoning. The applicant does not assert that a mistake has been

made in the application of the Public Open Space designation to the subject property. The applicant does not assert that an alteration in social, economic, or demographic patterns of the nearby vicinity has rendered the current designation inappropriate. Planning Commission concurs that the proposal is justified based on (ii); the proposed designation is equally or better suited for the property than the existing designation for the property located at 2373 Kuebler Road S.

The subject property was created by several property line adjustments to separate Skyline Natural Area Park and the Sprague High School. The Plan designations were aligned with the previous property lines. With the relocation of the property lines and ownership change of the land area, the school district property includes a portion of property designated as "Public Open Space." The proposed application would change the remainder of the school district property to "Community Service Education" which is consistent with the existing use of the subject property.

Planning Commission does concur that the "Community Service Government" Comprehensive Plan designation is better suited for the property than its existing designations because the proposed "Community Service Government" designation aligns the designations between the school and the park. While the existing designations allowed for the existing sports fields when under the City of Salem ownership, they do not allow for the necessary expansion of the School or the sports fields as an accessory use to the school. The proposed change in designation will allow for the needed expansion, while providing a unified designation that properly reflects the existing use and the proposed Development on the Subject Property.

The Sunnyslope Neighborhood Plan helps to establish that planned vision and identifies the subject property as parks and open space and school. The plan describes the following policies:

Park and Recreational Facilities Policies

No. 42: To encourage the development of Skyline Park for passive recreational activities, such as hiking, keeping in mind the sensitivity of Croisan Creek as a scenic area providing natural drainage, abundant foliage and a variety of animal life.

No. 43: To encourage the development of Skyline Park including construction of a year-round community swimming pool adjacent to Sprague High School to serve Sunnyslope as well as adjacent neighbors.

Finding: The Sunnyslope Neighborhood Plan acknowledges the need for Sprague High School to expand in the future and the need to preserve Skyline Park. The proposed Comprehensive Plan Designation change will create a clear distinction between the natural park and the existing school. The change in designation will ultimately protect the park from encroachment since all of the school district facilities will be located on a single property and have a separate designation than Skyline Park.

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 inside of the Urban Service Area. The water, sewer, and storm infrastructure area available within surrounding streets/areas and appear to be adequate to serve the proposed development. 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 proposed Plan map designation will provide for the logical urbanization of the subject properties. The Plan change to the Community Services Education will allow for the expansion of the School, which will allow the school to better serve the development in the surrounding area. Since the school opened in 1972 there has been a significant increase in residential development within the School's catchment area, with a corresponding increase in enrollment. This change in designation, and the corresponding zone change, will allow for the addition to the school which is in line with the increased need for basic education services in the surrounding area.

The proposed comprehensive plan map change updates the designation of the properties so that the land is within a single designation, rather than the existing split designation. This in and of itself supports a determination that the proposed plan map provides for the logical urbanization of land by supporting a cohesive designation across a split-designated unit of land in common ownership and developed under a common use.

The proposal meets 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.

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

Salem Urban Area Goals and Policies, Open Space, Parks and Recreation Goal (Page 44, Salem Comprehensive Policies Plan):

Policy K.3.School Site and Parks Coordination: The site selection criteria used to evaluate and select new park sites shall include the location of complementary public facilities such as school sites.

Finding: The proposed plan designation change would remedy the newly relocated property lines between the existing school and park. The two uses complement each other and are abutting properties, meeting the intent of this policy. The change in

designation of the school property allows the school to expand to better serve the area.

Salem Urban Area Goals and Policies, School Location and Development Goal (Page 45, Salem Comprehensive Policies Plan):

Policy L.1. Public School Planning 1. Planning for school location and siting should be done in close coordination with ongoing comprehensive planning, taking into consideration the following:

- (1) the neighborhoods the schools are to serve,*
- (2) any site limitations,*
- (3) the impact upon the transportation system,*
- (4) pedestrian access, and*
- (5) projected residential growth patterns*

Finding: The proposal is not for a new school, but instead to provide the correct designation for the existing school. When the school was sited in the 1970's it conformed to whatever siting policies were in place at the time. The District has determined that the school needs to be expanded in order to continue to serve the residential growth expected in south Salem, thus conforming to this policy.

Planning Commission finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

Finding: The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that ensures the opportunity for citizens to be involved in all phases of the planning process.*

Finding: An Open House was held by the applicant, consistent with SRC 300.320. A public hearing notice was mailed to the affected property owners, all property owners and tenants within 250 feet of the subject property and to the Sunnyslope Neighborhood Association and Southwest Association of Neighbors (SWAN). 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: The subject property does not contain any protected natural resources or scenic and historic areas, this Statewide Planning Goal is not applicable.

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 wastewater 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 6.

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

Finding: There is a small section of known natural hazards identified on the subject property, specifically landslide hazards. The proposal doesn't include development within the mapped landslide hazards area identified on subject property. The subject property is not located within a floodplain or floodway. 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 abutting an identified natural area. The subject property was created by several property line adjustments to separate Skyline Natural Area Park and the Sprague High School. The plan designations were aligned with the previous property lines. With the relocation of the property lines and ownership change of the land area, the school district property includes a portion of property designated as "Public Open Space." The proposed application would change the remainder of the school district property to "Community Service Education" which is consistent with the existing use of the subject property. This change will have no impact on the Skyline Natural Area Park and is consistent with this goal.

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: The City's most recently adopted 2015 Economic Opportunities Analysis (EOA) indicates that the City faces a deficit of employment land. However, the EOA also assumes that the majority of the subject property does not provide capacity for additional economic development within the planning period, because the site is owned by a public (school district) agency and committed to an existing use. It is expected that the site will be used for a public purpose and is not expected to redevelop for commercial use during

the planning period. The subject property is considered “committed” (to other uses) and is not assigned any development potential. Rezoning the property to a non-commercial use will be consistent with the findings of the EOA and by extension is consistent with Statewide Planning Goal 9.

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

Finding: The proposed comprehensive plan map amendment would change the current “Public Open Space” designation to “Community Service Education” both designations do not allow for residential development, the property does not contain a residential use nor planned for in the future. There is no impact to the cities inventory, and complies with this goal.

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 adjacent streets 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.*

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 TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system, as conditioned below, which will limit the number of trips allowed on the site. The proposal complies with Goal 12.

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

Finding: The 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.

SRC 64.025(e)(2)(E): The amendment is in the public interest and would be of general benefit.

Finding: The written statement provided by the applicant indicates, in summary, that the amendment to the site would allow the site existing and ongoing use to be consistent with its designation and zoning. The amendment to the designation and rezoning will provide a clearer picture of the current and future uses of the site, which will allow the City to ensure future planning efforts reflect the actual use. The proposal satisfies this criterion.

SUNNYSLOPE NEIGHBORHOOD PLAN

Finding: The property is located within the boundaries of the Sunnyslope Neighborhood Association. The Sunnyslope Neighborhood Plan was adopted in 1983 and is in effect pursuant to SRC Chapter 64. The criteria for approval of a Neighborhood Plan Change are the same as the Minor Comprehensive Plan Map amendment, the findings above adequately address the proposed Neighborhood Plan change.

8. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA

The following analysis addresses the proposed zone change for the subject property PH (Public and Private Health Services) to MU-I (Mixed Use-I).

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 "Community Service Education" designation is equally or better suited for the Subject Property. The Community Service Education designation is intended to provide sites and facilities that provide services to the general population including health, education, and government services. The "Parks, Open Space, and Outdoor Recreation" designation is designed to provide a variety of types of "outdoor open space."

The subject property was created by several property line adjustments to separate Skyline Natural Area Park and the Sprague High School. The plan designations were aligned with the previous property lines. With the relocation of the property lines and ownership change of the land area, the school district property includes a portion of property designated as "Public Open Space." The proposed application would change the remainder of the school district property to "Community Service Education" which is consistent with the existing use of the subject property.

Planning Commission does concur that the "Community Service Government" comprehensive plan designation is better suited for the property than its existing designations because the proposed "Community Service Government" designation aligns the designations between the school and the park. While the existing designations allowed for the existing sports fields when under the City of Salem ownership, they do not allow for the necessary expansion of the School or the sports fields as an accessory use to the school. The proposed change in designation will allow for the needed expansion, while providing a unified designation that properly reflects the existing use and the proposed Development on the Subject Property.

This criterion is satisfied.

SRC 265.005(e)(1)(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.

SRC 265.005(e)(1)(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.

SRC 265.005(e)(1)(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.

SRC 265.005(e)(1)(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 subject property is not currently designated for industrial, commercial, or employment use. Therefore, this criterion does not apply to the proposal.

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

have a significant effect on the transportation system.

Condition 1: The transportation impacts from the 43.18-acre site shall be limited to a maximum cumulative total of 2,099 average daily vehicle trips.

As conditioned, the proposal meets this criterion.

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

CONCLUSION

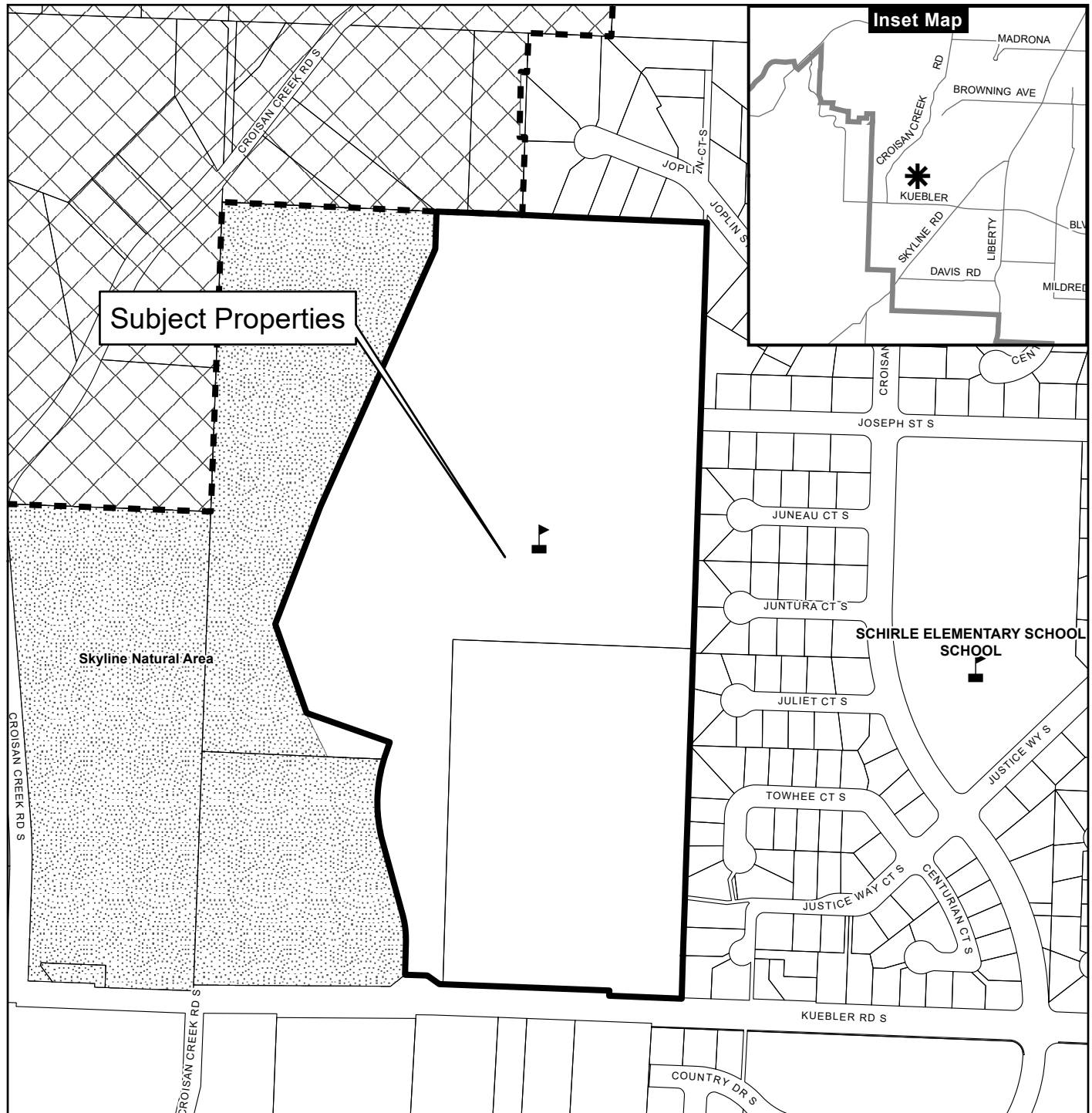
Based on the facts and findings presented herein, the proposed Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment and Quasi-Judicial Zone Change, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2) and 265.005(e)(1) for approval as conditioned.

Attachments: A. Vicinity Map
B. Applicant's Written Statement
C. Public Works Department Memo

Prepared by Olivia Dias, Planner III

Vicinity Map

2373 Kuebler Road S



Legend

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

Parks

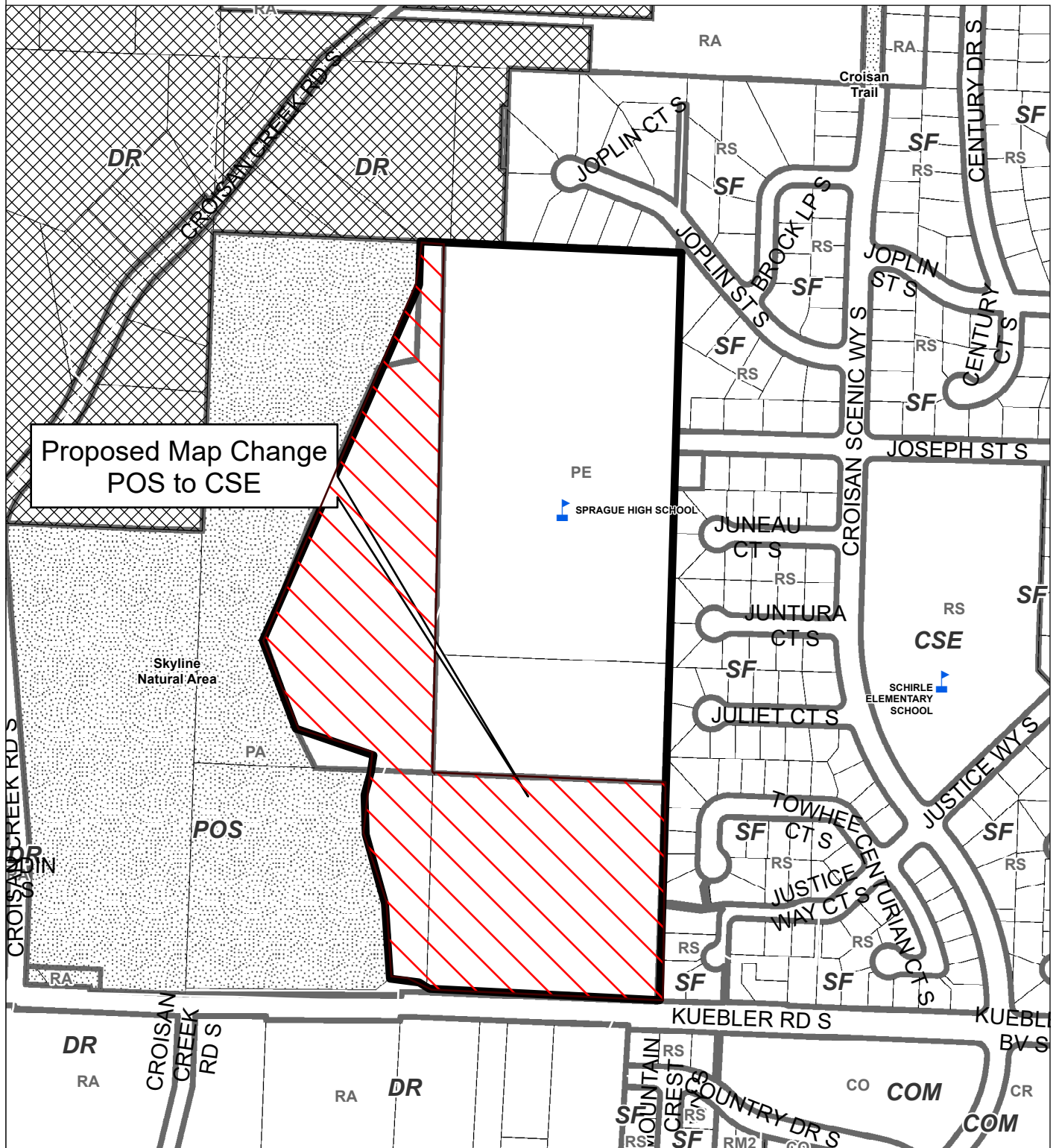
CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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Comprehensive Plan Map - 2373 Kuebler Road S



Legend

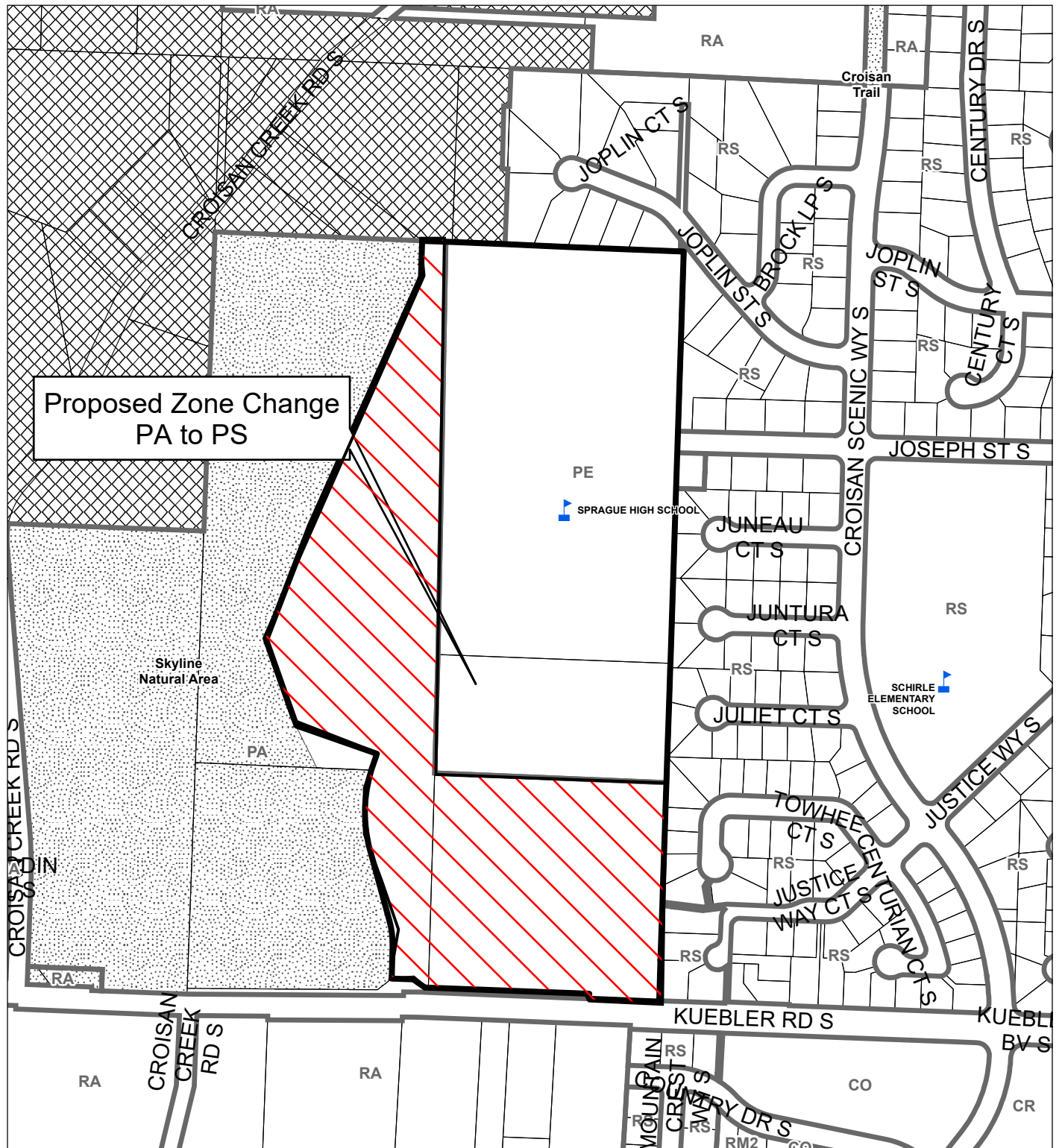
- | | | |
|---------------------------|--------------------|---------|
| SF | Comprehensive Plan | Taxlots |
| Urban Growth Boundary | | Parks |
| Outside Salem City Limits | | Schools |

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Vicinity Zoning - 2373 Kuebler Road S



Legend

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

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

**SALEM-KEIZER SCHOOL DISTRICT 24J
COMPREHENSIVE PLAN CHANGE/ZONE CHANGE/
NEIGHBORHOOD PLAN CHANGE
CONSOLIDATED WRITTEN STATEMENT**

OWNER/APPLICANT:

Joel Smallwood, Manager
Maintenance and Construction Services
Salem-Keizer School District 24J
3630 State Street
Salem, Oregon 97301
Email: SMALLWOOD_JOEL@salkeiz.k12.or.us

APPLICANT'S REPRESENTATIVE:

Mark D. Shipman, Attorney
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308
Phone: 503-399-1070
Email: mshipman@sglaw.com

SUBJECT PROPERTY INFORMATION:

The subject property is located at 2373 Kuebler Boulevard South in Salem, Oregon, and is designated by the Marion County Assessor as Marion County Tax Map 08-3W-08, Tax Lots 100 ("**TL 100**") and 300 ("**TL 300**") (herein the "**Subject Property**"). TL 100 is approximately 29.20 acres in size and is currently developed with Sprague High School, parking areas, and a football stadium. TL 300 is approximately 13.98 acres in size and is developed with two baseball fields, a softball field, four tennis courts and several portable classrooms. The total acreage of the Subject Property is approximately 43.18 acres in size. The City of Salem's (herein the "**City**") Comprehensive Plan designates the Comprehensive Plan of the Subject Property as both "Public Open Space" and "Community Service Education" with the portions of the Subject Property developed with buildings designated for Community Service Education and the portions used for sports facilities and the southern-most parking areas designated for Public Open Space. TL 100 is split-zoned Public Education (PE) and Public Amusement (PA) and TL 300 is zoned PA. (See Zoning Map, **Exhibit 1**).

The Subject Property is located within the City limits and the City's Urban Service Area ("**USA**"). Access to the Subject Property is provided via Kuebler Drive SE.

According to the City's current Zoning Map, the the properties surrounding the Subject Property have the following zoning designations:

| | |
|-----------|---|
| North | Marion County Urban Transition – 5 Acres (UT-5) |
| Northwest | Marion County Urban Transition – 5 Acres (UT-5) |
| West | Single Family Residential (RS) |
| South | Residential Agriculture (RA) |
| East | Public Amusement (PA) |
| Northeast | Public Amusement (PA) |

On April 23, 2020, Applicant's representative met with City Staff to discuss the development of the Subject Property. (See Pre-Application Report, **Exhibit 2**).

The Subject Property is located within the Sunnyslope Neighborhood Association (the "**SNA**"). Applicant

initially contacted SNA's Chair, Alan Alexander, and Land Use Chair, Evan White, via email on April 13, 2020. The Applicant also contacted the Southwest Association of Neighbors (SWAN) neighborhood ("**SWAN**"). Applicant invited SWAN by email (on May 14, 2020) to attend a virtual SNA meeting in lieu of an open house in accordance with SRC 300.320 (f). That virtual SNA meeting was held on May 21, 2020. Applicant has met the Neighborhood Association Contact requirements under SRC 300.310-320. (See **Exhibit 3** for Neighborhood Association Contact information and for Affidavit of Posting Notice of SNA Meeting on the Subject Property and photos of posted Notice).

Applicant's representative provided Cherriots staff with a copy of the proposed site plan along with the summary of the proposal on July 5, 2020 (see **Exhibit 4**).

PREVIOUS LAND USE ACTIONS:

- PLA 18-12
- PLA 18-13
- PLA 18-14
- PLA 18-15
- PLA 20-06

BACKGROUND INFORMATION:

The Subject Property is currently developed with Sprague High School which is composed of a main school building, portable classrooms, and sports facilities designed to serve the students (the "**School**"). Applicant is requesting a zone change, a comprehensive plan amendment change, and a neighborhood plan change, to allow for the renovation of Sprague High School, including seismic upgrades, asbestos abatement, and for the expansion of the main building to accommodate the growing student population (the "**Development**"). This type of use is designated by the Salem Revised Code (alternately, the "**SRC**" or the "**Code**") as "Basic Education" which is permitted out right in the PE zone but is not a permitted use in the PA zone. The Subject Property is bound by residential uses to the north, east, and south and public open space to the west. As these residential uses are served by the School, the expansion will benefit the surrounding properties and the impact to the surrounding properties will be minimal.

SUMMARY OF PROPOSAL:

Applicant is proposing the renovation of the School, including additions, seismic upgrades, and asbestos abatement. In order to allow for the Development, Applicant is applying for a Comprehensive Plan Amendment, changing the comprehensive plan designation on the entirety of the Subject Property to "Community Services Education," to rezone the Subject Property so that the entirety of the Subject Property is zoned as "Public Education," and for a neighborhood plan amendment, changing the designation in the SNA Plan from "Parks and Open Space" to "Community Services Education." The purpose of this consolidated request is to allow for the upgrading and expansion of the School to accommodate the increasing student population. Applicant requests that the City process this Application as a consolidated land use application under SRC 300.120.

ADDITIONAL APPLICATIONS:

Applicant will also be filing a property line (consolidation) adjustment to consolidate the Subject Property into a single lot; a site plan review application; and potentially adjustments to various development standards upon finalization of the site plan.

EXISTING SITE CONDITIONS:

The Subject Property has approximately 687 feet of street frontage on Kuebler Boulevard South and 2,373 feet of street frontage along Joseph Street South. The existing Basic Education use is a permitted use in the PE zone but is not a permitted use in the Public Amusement zone.

SITE PLAN:

A proposed site plan has been submitted as part of this Application. (See *Exhibit 5*)

APPLICABLE DETAIL PLANS:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan (“*SACP*”) and are specific plans for a particular geographic area of the City of Salem (the “*City*”), or for the provision or performance of some particular service or function. The SNA has a neighborhood plan with identified goals and policies (adopted by the City) that act as the guiding principle for the SNA’s recommendations regarding development within the boundaries of the SNA. As the generalized land use map for the neighborhood plan is incorporated into the SACP, Applicant is also requesting a Neighborhood Plan Change as part of this consolidated application.

SNA has an adopted neighborhood plan that was adopted by the Salem City Council on August 8, 1983 via Ordinance No. 55-83, excluding Neighborhood Policies 55 and 56 (the “*SNA Plan*”). The SNA Plan designates the Subject Property as “Parks and Open Space.”

HOMEOWNERS ASSOCIATION INFORMATION:

The Subject Property is not subject to an active homeowner’s association (HOA). This Application does not require notice or approval from an HOA pursuant to SRC 300.210(a)(10).

SALEM TRANSPORTATION SYSTEM PLAN (STSP):

The STSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. Kuebler Boulevard South abuts the Subject Property to the south and Joseph Street South wraps around the Subject Property along its north and eastern borders. The functional classification for Kuebler Boulevard South is Parkway, and the functional classification for Joseph Street S is a “local road.” The intersection of Kuebler Boulevard South and Joseph Street South is currently a ninety degree turn controlled by a stop light. The Subject Property has one access driveway onto Kuebler Boulevard South and Joseph Street South traverses through the school parking areas with a gated entrance into the neighboring residential areas for emergency access and as part of the planned school bus routes.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP (MINOR) AMENDMENT

Salem Revised Code (SRC) 64.025 (e) sets forth the Criteria of Approval for a minor comprehensive plan amendment. The applicable criteria have been excerpted below in bold and italics, followed by Applicant's proposed findings.

(2) A minor comprehensive plan amendment shall be granted if all of the following criteria are met:

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

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

Proposed Finding: The social, economic, and demographic patterns within the vicinity of the Subject Property have not been altered to make the current designation no longer appropriate.

(ii) Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property; or

Proposed Finding: The "Community Service Education" designation is equally or better suited than the "Public Open Space" designation for the Subject Property. The Community Service Education designation is intended to provide sites and facilities that provide services to the general population including health, education, and government services. The "Public Open Space" designation is designed to provide a variety of types of "outdoor open space," including open space designed to serve schools, specifically designated sports complexes like those currently developed on the Subject Property. While the existing designations allow for the existing uses on the Subject Property, they do not allow for the necessary expansion of the School. The proposed change in designation will allow for the needed expansion, while providing a unified designation that properly reflects the existing use and the proposed Development on the Subject Property. The proposed designation is equally or better suited for the Subject Property. This criterion is satisfied.

(iii) 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:

(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 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.

Proposed Finding: There is no conflict with the SACP designation and the zoning of the Subject Property. Applicant is applying for a zone change from PA to PE as part of this Application.

(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;

Proposed Finding: The Subject Property is located within the City's USA and is currently served by public facilities. The proposed change will allow for the Development on Subject Property, which Applicant will develop in accordance with the applicable development standards, including storm and waste water management standards. While the Development is due to an increase in the overall student population, the School's student population has been steadily increasing over time. The Development is proposed to better meet the existing needs of the student population and there will not be an abrupt intensification of use of the relevant City services. The existing facilities are capable, or could be expanded to accommodate, the Development. This criterion is satisfied.

(C) The proposed plan map designation provides for the logical urbanization of land;

Proposed Finding: The proposed plan map designation will provide for the logical urbanization of the Subject Property. The plan change to the Community Services Education will allow for the expansion of the School, which will allow the school to better serve the development in the surrounding area. Since the school opened in 1972 there has been a significant increase in residential development within the School's catchment area, with a corresponding increase in enrollment. Over the years Applicant has added additional portable classrooms on the Subject Property, however, those are no longer adequate to meet the existing needs of the student population and an expansion of the School is necessary. This change in designation, and the corresponding zone change, will allow for the proposed Development which is in line with the increased need for basic education services in the surrounding area. The expansion of the School is itself the result of the logical urbanization of the surrounding area.

Moreover, the proposed comprehensive plan map change updates the designation of the Subject Property so that each parcel of land is within a single designation, rather than the existing split designation for Tax Lot 300. This in and of itself supports a determination that the proposed plan map provides for the logical urbanization of land by supporting a cohesive designation across a split-designated unit of land in common ownership and developed under a common use. This criterion is satisfied.

(D) The proposed plan map designation is consistent with the Salem Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development;

Proposed Finding: As provided for below, the proposed Community Services Education designation complies with the applicable provisions of the SACP, applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development ("**LCDC**").

3. Plan Map Designations:

The Comprehensive Plan Map is a representation of the Plan's goals and policies. The Plan map designations indicate various types of land use.

Descriptions of the Plan Map designations follow.

h. Community Services

This designation includes sites and facilities for uses such as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal.

Proposed Finding: This proposal is in conformance with the goals of the Community Services designation. The current use is the existing School, which will continue to operate and will expand to cover more of the Subject Property. This is consistent with the proposed SACP designation, demonstrating consistency with this element of the SACP.

IV. Salem Urban Area Goals and Policies

L. School Location and Development

GOAL: To ensure that the coordination of planning, siting, development of schools is consistent with the Salem Area Comprehensive Plan.

Proposed Finding: The SACP goals regarding the siting and development of schools focuses on a coordination with the surrounding uses and siting that is within a centralized location, to allow the schools to best serve the surrounding student population. The Development is an expansion of the existing School. In that context, the Development necessitating the amendment is in line with the SACP Goals because it allows for an expansion of an existing designation in a centrally located site rather than establishing a new secondary school which would require the development of an additional site that may not fit the siting goals in the SACP. The proposed change in designation is consistent with this SACP goal.

J. TRANSPORTATION

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

Salem Transportation System Plan

1. The Salem Transportation System Plan shall contain goals, objectives, policies, plan maps, and project lists that will guide the provision of transportation facilities and services for the Salem Urban Area...

2. The Salem Transportation System Plan shall be updated, as necessary, to remain consistent with other City of Salem, regional, and statewide plans.

Proposed Finding: The City adopted a STSP, applicable policies of which have been excerpted below, followed by proposed findings demonstrating compliance therewith.

STSP STREET SYSTEM ELEMENT

GOAL: Provide a comprehensive system of streets and highways that serves the mobility and multimodal travel needs of the Salem Urban Area.

OBJECTIVE NO. 1

Develop a comprehensive, hierarchical system of streets and highways that provides for optimal mobility for all travel modes throughout the Salem Urban Area.

Policy 1.6 Local Access and Circulation

The City's street system shall contain an interconnected network of local streets that provide property access and neighborhood circulation.

Proposed Finding: The Subject Property provides for the safe and efficient movement of goods and people. The Subject Property is bordered to the south by Kuebler Boulevard South and circumnavigated by Joseph Street South. Joseph Street South is classified as a local street by the STSP street classification system. Kuebler Boulevard South is classified as a parkway. Joseph Street South connects into the adjacent residential neighborhood but is closed off by a gate during school hours and is used primarily to allow buses to access the Subject Property. The circulation pattern within the parking area provides for adequate queuing given that the majority of users access and leave the site primarily during two windows of time. While additional access points may be desirable in other uses with similar traffic volumes, the ability to restrict access through these two points provides increased security, which is preferable given the school use. The Subject Property is well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood. The proposed change is designation is consistent with this goal and the associated policy.

Multimodal Transportation System

4. The transportation system for the Salem Urban Area shall consist of an integrated network of facilities and services for a variety of motorized and nonmotorized travel modes.

Proposed Finding: The Subject Property is currently served by pedestrian sidewalks and bike lanes, which encourage the use of alternative modes of transportation. While there is not currently an adjacent Cherriots line that services the Subject Property, many students access the site via school bus which is available for students living outside of a reasonable walking distance. Therefore, the Subject Property is properly integrated into the City's network of facilities, providing both motorized and nonmotorized travel modes. The proposed designation change is consistent with this goal.

Supportive of Land Use Plan Designations & Development Patterns

7. Local governments shall encourage the expansion of transit services throughout and beyond the Salem Urban Area, especially to areas of increased residential densities, major commercial concentrations, and large institutional and employment centers.

Proposed Finding: As previously stated, the Subject Property is not currently served by Cherriots' bus system, however, the majority of users are able to access alternative transit services. The majority of students accessing the Subject Property access it via bus or a ride sharing arrangement. Schools are traditionally a use that relies on multi-modal transport with an emphasis on bussing, pedestrian, and bike access that allows for reduced reliance on each individual arriving in their own vehicle. The intent of the SACP goal providing for increased public transportation service, especially as it pertains to residential areas, is met through the public-school busing system which serves the Subject Property. The proposed designation is consistent with this goal.

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

Proposed Finding: The minor comprehensive plan (map) amendment and neighborhood map amendment from Public Open Space to Community Services Education and corresponding zone change from PA to PE is consistent with the applicable Statewide Planning Goals as follows:

Goal 1. Citizen Involvement.

Proposed Finding: A minor comprehensive plan amendment is processed as a quasi-judicial land use action. Public notice is required, and a public hearing will be held giving interested citizens an opportunity to be involved in the process. In addition to the City's required citizen involvement tasks, the Applicant has reached out to the SNA and SWAN to keep them apprised of what is happening with the Subject Property and held an open house (pursuant to SRC 300.320(f), as required under the Code for this class of application on May 21, 2020. These outreach efforts, and the City's public hearing process ensures there is adequate citizen involvement in the land use process.

Goal 2. Land Use Planning.

Proposed Finding: The zoning code is a part of the Unified Development Code ("**UDC**") and was adopted by the City and acknowledged by the DLCD as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules.

Additionally, there are a number of Detail Plans the City has adopted as policy guides to the Comprehensive Plan. The following is a list of Detail Plans relevant to this proposal:

Salem Transportation System Plan. Adopted June 28, 1998, and amended February 14, 2000, May 14, 2001, January 24, 2005, March 28, 2005, July 9, 2007, and February 2, 2016.

Salem Urban Area Public Facilities Plan. Adopted October 12, 1992.

Sunnyslope Neighborhood Plan. Adopted August 8, 1983.

The zoning code has been adopted by the City and acknowledged by the State in accordance with the planning process established under Goal 2. Following this process, it became a part of the body of acknowledged planning documents that can be used as a basis for future land use decisions. The Application will be processed in accordance with the land use procedures established by SRC Chapter

300 and any other applicable Oregon statutes or administrative rules. This procedure will ensure compliance with Statewide Planning Goal 2.

Goal 3. Agricultural Lands.

Proposed Finding: The proposed plan amendment does not affect the inventory of agricultural lands. Thus, Goal 3 is not applicable to this proposal.

Goal 4. Forest Lands.

Proposed Finding: The proposed plan amendment application does not affect the inventory of forest lands. Thus, Goal 4 is not applicable to this proposal.

Goal 5. Open Space, Scenic and Historic Areas and Natural Resources.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 5: *Natural Resources, Scenic and Historic Areas, and Open Spaces* (OAR 660-015-0000(5)):

To protect natural resources and conserve scenic and historic areas and open spaces.
Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;*
- b. Wetlands;*
- c. Wildlife Habitat;*
- f. Groundwater Resources;*
- h. Natural Areas;*

Proposed Finding: The proposed plan amendment application does not affect natural resource use nor scenic or historic area. While it does affect "open space" in the technical sense, the applicable statewide goal for the portion of the Subject Property designated as "Public Open Space" is not a "Natural Area" within the confines of Goal 5, but is developed for recreational use, which is more appropriately addressed in regards to Goal 8, below. Thus, Goal 5 is not applicable to this proposal.

Goal 6. Air, Water and Resources Quality.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 6: *Air, Water, and Land Resource Quality* (OAR 660-015-0000(6)):

To maintain and improve the quality of the air, water and land resources of the state.
All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable airsheds and river basins described or

included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

Proposed Finding: The proposed comprehensive plan amendment will not exceed the carrying capacity of the air and water resources available to serve the Subject Property. The Subject Property lies within the City, where development at an urban scale and density is intended to occur. There are adequate water, stormwater, and sewer services in place to serve the Subject Property. Therefore, the City can adequately serve the proposed development's waste and discharge needs, and future development will not exceed the current resources' carrying capacity.

The effects of using the Subject Property for the School will be similar to those of other basic education uses in the City. The effects of this type of urban development is anticipated on lands that are within the City.

There are no significant natural resources on the Subject Property. Development of the size and scale proposed is expected, and the proposed change will have no significant negative impacts on the quality of the land. This goal is satisfied.

Goal 7. Areas Subject to Natural Hazards.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 7: *Areas Subject to Natural Hazards* (OAR 660-015-0000(7)):

A. NATURAL HAZARD PLANNING

- 1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*
- 2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

Proposed Finding: The City has adopted specific policies for protection against flood hazards, potential landslides and other natural hazards. Policies pertaining to flood hazards are contained in both the Natural Hazard Mitigation Plan and the Stormwater Master Plan. Implementing measures can be found in the SRC under Chapters 809 and 601. These policies and implementation measures recognize the complimentary benefits of natural hazard and natural resource management. According to the City's Natural Hazard Mitigation Plan ("**NHMP**") and the corresponding maps, the Subject Property is not at an elevated risk for a natural disaster of the type identified in the NHMP. This goal is satisfied.

Goal 8. Recreational Needs.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 8: *Recreational Needs* (OAR 660-015-0000(8)):

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.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Proposed Finding: The Subject Property is currently designated “Public Open Space” and is developed with a variety of sports facilities which are used by the students of the School. While the facilities may be used by the public, they must be reserved through the parks department and are not generally open to the public in the same manner as a public park, or other similarly situated public open space. The current recreational use in the area will continue within the proposed Development, with student use during school hours and during after-hours sporting events. This space will continue to operate in its current capacity as recreational space, in continued compliance with Goal 8. This goal is satisfied.

Goal 9. Economic Development.

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 9: Economic Development (OAR 660-015-0000(9)):

Comprehensive plans for urban areas shall:

- 1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*
- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*

Proposed Finding: The proposed plan amendment application proposes a change from Public Open Space to Community Services Education. The proposed change does not affect the inventory of employment lands. Goal 9 is not applicable to this proposal.

Goal 10. Housing.

The following italicized section has been excerpted from Oregon’s Statewide Planning Goals & Guidelines for Goal 10: *Housing* (OAR 660-015-0000(10)):

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

GUIDELINES

A. PLANNING

- 1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels;*

(3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.

2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.

3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.

Proposed Finding: The proposed plan amendment application proposes a change from Public Open Space to Community Services Education. The proposed change does not affect the inventory of property available for residential development. Goal 10 is not applicable to this proposal.

Goal 11. Public Facilities and Services.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 11: *Public Facilities and Services* (OAR 660-015-0000(11)):

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.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons.

GUIDELINES

A. PLANNING

3. Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.

4. Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2)

reliability of service; (3) financial cost; and (4) levels of service needed and desired.

Proposed Finding: The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an USA boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan. The Subject Property is located within the USA boundary. Goal 11 is satisfied.

Goal 12. Transportation.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 12: Transportation (OAR 660-015-0000(12)):

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

OAR Section 660-012-0060(1) further states that to determine if a proposed use significantly affects a transportation facility the following must be found:

(a) Changes the functional classification of an existing or planned transportation facility;

(b) Changes standards implementing a functional classification system; or

(c) As measured at the end of the planning period identified in the adopted transportation system plan:

- (A) Allow land uses or levels of development which would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
- (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable level performance standard identified in the TSP or comprehensive plan;*
- (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Proposed Finding: The SACP contains transportation policies pertaining to the provision of a balanced, multimodal transportation system for the City's USA that supports the safe and efficient movement of goods and people. The City has also adopted the STSP as a supplement to the SACP, which considers all transportation modes, is based on an inventory of transportation needs, encourages sustainability, facilitates the economic flow of goods and services, and conforms to the SACP and the Regional

Transportation System Plan. The Development proposes renovation and the construction of an addition; however, the student population will remain steady and there is not an estimated increase in the number of trips to and from the Subject Property. While Applicant is proposing an addition, the addition is designed to move existing portable classrooms into the main school building, eliminating the need for those portables. As additional trips are not anticipated, there will not be a significant impact on the surrounding transportation system. Therefore, this application is consistent with Goal 12.

Goal 13. Energy Conservation.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 13: *Energy Conservation* (OAR 660-015-0000(13)):

GUIDELINES

A. PLANNING

3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.

Proposed Finding: This application will, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient. The School currently uses only a portion of the Subject Property. The Development will allow for an intensification of the current use through a compact addition, mitigating the need for development of a new school in undeveloped areas while making a more efficient use of the Subject Property. The Development also focuses on updating an existing building, retrofitting it for increased efficiency, where possible, to off-set some of the need for new buildings. Therefore, the Application is consistent with Goal 13.

Goal 14. Urbanization.

Proposed Finding: This proposal does not include land located outside of the UGB or include the extension of services to properties outside the UGB, thus, Goal 14 is not applicable to this application.

Goal 15. Willamette River Greenway;

Goal 16. Estuarine Resources;

Goal 17. Coastal Shorelands;

Goal 18. Beaches and Dunes;

Goal 19. Ocean Resources.

Proposed Finding: The Subject Property is not within the Willamette River Greenway or in an estuary or coastal area, thus, Goals 15, 16, 17, 18 and 19 are not applicable.

Based on the findings contained above, this proposal to amend the comprehensive plan map designation from Public Open Space to Community Service Education is consistent with the applicable Statewide Planning Goals.

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

Proposed Finding: The amendment is in the public interest and will be of general benefit because it will allow for a more complete use of the Subject Property with an expansion of the existing School. The School is a public school and provides a service which is of general benefit to the community as a whole. The Subject Property is located along a parkway and the proposed use will not over burden the adjacent traffic facilities. Allowing the expansion of the existing School at this location will allow for better service to the surrounding community and alleviating some of the over-crowding within the Salem-Keizer School District 24J, resulting in a net benefit to the overall public school system and thus provide a general benefit to the community as a whole. This criterion is satisfied.

CONCLUSION:

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting a minor comprehensive plan map amendment, changing the designation for the Subject Property from Public Open Space to Community Services Education. By satisfying the criteria for a minor comprehensive plan amendment, Applicant has also satisfied the criteria for a neighborhood plan amendment, changing the designation in the SNA Plan for the Subject Property from Parks and Open Space to Community Services Education.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A NEIGHBORHOOD PLAN MAP (MINOR) AMENDMENT

Proposed Finding: The Morningside Neighborhood Plan has been adopted by the Salem City Council and is mandatory approval criteria for this Application. The SRC Criteria for a Neighborhood Plan Map Amendment is identical to the criteria for the Comprehensive Plan Map (Minor) Amendment. Therefore, based on the findings contained above, the Applicant has satisfactorily addressed the applicable criteria for granting a minor comprehensive plan map amendment designation for the Subject Property from Industrial to Parks - Open Space - Outdoor Recreation.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A QUASI-JUDICIAL ZONE CHANGE

SRC 265.005 (e) sets forth the Criteria of Approval for a quasi-judicial zone. The applicable criteria have been excerpted below in bold and italics, followed by Applicant's proposed findings.

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

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

(i) A mistake in the application of a land use designation to the property;

Proposed Finding: There has not been a mistake in the application of a land use designation to the Subject 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

Proposed Finding: There has not been a change in the economic, demographic, or physical character in the general vicinity of the subject property.

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

Proposed Finding: The "Community Service Education" designation is equally or better suited for the Subject Property. The Community Service Education designation is intended to provide sites and facilities that provide services to the general population including health, education, and government services. The "Parks, Open Space, and Outdoor Recreation" designation is designed to provide a variety of types of "outdoor open space," including open space designed to serve schools, specifically designated sports complexes like those currently developed on the Subject Property. While the existing designations allow for the existing uses on the Subject Property, they do not allow for the necessary expansion of the School. The proposed change in designation will allow for the needed expansion, while providing a unified designation that properly reflects the existing use and the proposed Development on the Subject Property. The proposed designation is equally or better suited for the Subject Property. This criterion is satisfied.

(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.

Proposed Finding: The zone change is not City-initiated. This criterion does not apply.

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

Proposed Finding: This zone change proposal is in conjunction with a corresponding minor comprehensive plan map amendment from Public Open Space to Community Service Education, which, if approved, will comply with the applicable provisions of the SACP. The Applicant previously addressed the identical provisions of the SACP in the comprehensive plan map amendment section above. The Applicant's conformance with all of those criteria was adequately addressed above and will not be repeated here.

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

Proposed Finding: The proposed zone change from PA to PE is consistent with the applicable Statewide Planning Goals. The Applicant previously addressed its conformance with the zone change criteria above in the Comprehensive Plan Map Amendment Section and will not repeat those findings here.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

Proposed Finding: This request is in conformance with the Goals and Policies of the SACP and all applicable land use standards imposed by Oregon statute or administrative rule. The proposed change is a shift that will revise the current split-zoning of the Subject Property to a consistent zoning that will allow for the expansion of the existing use on the Subject Property. The Development constitutes an expansion of the existing facilities but does not create an increased demand for services or amount to an additional burden on the surrounding infrastructure. The proposed zone change, and corresponding comprehensive plan and neighborhood plan amendments, bring the Subject Property into conformance with the policies and goals of the City's long-range planning documents as it will provide consistency across the Subject Property. Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting approval of an application to change the zoning of the Subject Property from PA to PE.


WRITTEN STATEMENT— FINAL CONCLUSION

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting an approval of this consolidated request to change the Comprehensive Plan Designation from Public Open Space to Community Service Education, a corresponding Neighborhood Plan Change, and a Zone Change from PA to PE.



MEMO

TO: Olivia Dias, Planner III
Community Development Department

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

DATE: August 19, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-NPC-ZC20-05 (20-111638)
2373 KUEBLER ROAD S
COMPREHENSIVE PLAN CHANGE AND ZONE CHANGE**

PROPOSAL

A consolidated Minor Comprehensive Plan Map Amendment from Public Open Space to "Community Service Education," Minor Neighborhood Plan Map Amendment to School, and Zone Change from PA (Public Amusement) to PE (Public and Private Educational Service) for properties totaling approximately 43.18 acres in size and located at 2373 Kuebler Road S (Marion County Assessor Map and Tax Lot Numbers: 083W08 / 0100 and 083W08 / 300).

RECOMMENDED CONDITIONS OF APPROVAL

1. The transportation impacts from the 43.18-acre site shall be limited to a maximum cumulative total of 2,099 average daily vehicle trips.

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. Kuebler Road S

- 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 has an approximate 46- to 60-foot improvement within a 70- to 106-foot-wide right-of-way abutting the subject property.

2. Joseph Street S

- a. Standard—This street is designated as a Local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 40-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Kuebler Road S.

Water

1. Existing Conditions

- a. The subject property is located in the S-3 water service level.
- b. An 8-inch water main is located in Joseph Street S. Mains of this size generally convey flows of 500 to 1,100 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Joseph Street S.

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 have a significant impact on the transportation system as defined by OAR 660-012-0060 and, as such, must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 43.18-acre site to 2,099 average daily vehicle trips.

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 the existing and proposed 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