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503-588-6173*

## DECISION OF THE SALEM PLANNING COMMISSION

### MINOR COMPREHENSIVE PLAN MAP AMENDMENT, NEIGHBORHOOD PLAN MAP AMENDMENT, AND ZONE CHANGE CASE NO.: CPC-NPC-ZC20-04

APPLICATION NO.: 20-108131-ZO / 20-110268-ZO / 20-108135-ZO

NOTICE OF DECISION DATE: August 25, 2020

**SUMMARY:** A Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change from CG (General Commercial) and RM-II (Multiple Family Residential) to PS (Public Service).

**REQUEST:** A consolidated Minor Comprehensive Plan Map Amendment from Commercial and "Multiple Family Residential" to "Community Service Government," Minor Neighborhood Plan Map Amendment to Community Service Government, and Zone Change from CG (General Commercial) and RM-II (Multiple Family Residential) to PS (Public Service) for properties totaling approximately 1.89 acres in size and located in the 2400 Block of Commercial Street NE and Liberty Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W15AD05600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, & 6400).

**APPLICANT:** Matt Hastie, Angelo Planning Group, on behalf of Daniel Fricke, ODOT

**LOCATION:** 2400 Block of Commercial Street NE & Liberty Street NE

**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 **August 25, 2020**.

**DECISION:** The **Planning Commission APPROVED** Minor Comprehensive Plan Map Amendment, Neighborhood Plan Map Amendment, and Zone Change CPC-NPC-ZC20-04 subject to the following conditions of approval:

**Condition 1:** All of the individual lots which make up the 1.89-acre property shall be consolidated into one lot.

**Condition 2:** Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.

# NOTICE OF DECISION

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



- 2) South Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the south property line adjacent to Hickory Street NE.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

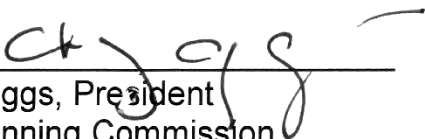
Along the portion of the east property line located to the south of the southernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line adjacent to Commercial Street NE.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

**Condition 3:** The transportation impacts from the 1.89-acre site shall be limited to a maximum cumulative total of 2,406 average daily vehicle trips.

**VOTE:**

**Yes 7      No 1 (Kopcho)      Absent 1 (Heller)**

  
\_\_\_\_\_  
Chane Griggs, President  
Salem Planning Commission

Application Deemed Complete:	<u>June 18, 2020</u>
Public Hearing Date:	<u>August 4, 2020</u>
Notice of Decision Mailing Date:	<u>August 25, 2020</u>
Decision Effective Date:	<u>September 10, 2020</u>

Case Manager: Bryce Bishop, [bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net), 503-540-2399

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](mailto:planning@cityofsalem.net), no later than 5:00 p.m., Wednesday, September 9, 2020. Any person who presented written evidence or testimony prior to 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-ZC20-04**

**AUGUST 25, 2020**

#### **PROCEDURAL FINDINGS**

1. On May 6, 2020, an application was filed for a consolidated Minor Comprehensive Plan Map Amendment, Minor Neighborhood Plan Map Amendment, and Quasi-Judicial Zone Change by Matt Hastie, of Angelo Planning Group, on behalf of the applicant and owner of the property, the Oregon Department of Transportation (ODOT).
2. After additional requested information was provided by the applicant the consolidated application was deemed complete for processing on June 18, 2020, and a public hearing to consider the application was scheduled for August 4, 2020.
3. Notice of the consolidated application was provided to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on July 15, 2020. Public notice was posted on the property by the City's Case Manager for the application on July 23, 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 18, 2020.
5. On August 4, 2020, a public hearing was held before the Planning Commission. At the hearing the Planning Commission received staff's presentation and heard testimony from the applicant's representatives. Subsequent to the Commission's questions of the applicant and staff, the hearing was closed and the record subsequently left open for a period of seven days, until August 11, 2020, at 5:00 p.m., in order to allow any party to submit additional written testimony regarding the proposal. The applicant was correspondingly granted a subsequent seven days, until August 18, 2020, at 5:00 p.m., to submit final written rebuttal.
6. On August 18, 2020, the Planning Commission voted to reopen the public hearing in response to new evidence submitted by the applicant during the final rebuttal period. Subsequent to additional questions of the applicant and staff the Planning Commission closed the hearing, conducted deliberations on the proposal, and voted to approve the Minor Comprehensive Plan Map Amendment, Minor Neighborhood Plan Map Amendment, and Quasi-Judicial Zone Change subject to conditions of approval.
7. 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 Oregon Department of Transportation (ODOT) owns nine properties located in the 2400 Block of Commercial Street NE and Liberty Street NE (**Attachment A**). The properties which make up the subject property are bordered by Commercial Street NE on the west, Liberty Street NE on the east, and Hickory Street NE on the south.

Four of the properties owned by ODOT, which comprise the northern half of their site, are currently designated "Commercial" on the Salem Area Comprehensive Plan Map, zoned CG (General Commercial), and developed and used for ODOT's traffic signal facility shop. The remaining five properties, which comprise the southern half of their site, are designated "Multiple Family Residential" on the comprehensive plan map, zoned RM-II (Multiple Family Residential), and undeveloped except for a driveway and a few storage containers.

As indicated in the written statement provided by the applicant, ODOT plans to extend their existing use of the site into the undeveloped southern portion of the property, but under the existing comprehensive plan designation and zoning neither the CG (Commercial General) or the RM-II (Multiple Family Residential) zones allow Governmental Maintenance Services and Construction, the use classification the existing traffic signal facility shop falls within.

Because their existing use of the property is non-conforming, and because their proposed expansion of the use onto their RM-II zoned property is similarly not allowed, ODOT is seeking to change the comprehensive plan and Highland neighborhood plan map designations of the property to "Community Service Government," (**Attachment B**) together with a zone change to PS (Public Service) (**Attachment C**), in order to place the entire site within one comp. plan/zoning designation that allows their existing and planned use of the site.

Under the proposed "Community Service Government" comprehensive plan designation and PS (Public Service) zone the existing traffic signal facility shop would become a conforming permitted use and ODOT would be able to expand their use of the site to the southern undeveloped portion of the property where they propose to utilize it for the ongoing temporary storage of variable message signs to be used on future ODOT projects.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Commercial" and "Multiple Family Residential" to "Community Service Government."
- 2) A Minor Neighborhood Plan Map Amendment to change the Highland Neighborhood Plan general land use map designation to "Community Service Government."
- 3) A Quasi-Judicial Zone Change to change the zoning of the subject property from CG (General Commercial) and RM-II (Multiple Family Residential) to PS (Public Service).

## **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 the applicable approval criteria, as well as the existing conditions plan illustrating the existing development on the property, are attached as follows:

- Applicant's Written Statement: **Attachment D**
- Existing Conditions Plan: **Attachment E**

Staff utilized the information included in the applicant's statement to evaluate the proposal and to establish the facts and findings within this decision.

## **SUMMARY OF RECORD**

The following items are submitted to the record: 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)**

Comprehensive Plan Map: The Salem Area Comprehensive Plan designates the northern four properties which make up the subject property (*tax lot nos. 073W15AD06000, 6100, 6200, & 6300*) as "Commercial" and the remaining southern five properties which make up the subject property (*tax lot nos. 073W15AD05600, 5700, 5800, 5900, & 6400*) as "Multiple Family Residential."

The Comprehensive Plan designations of surrounding properties include:

<b>Comprehensive Plan Designation of Surrounding Properties</b>	
North	Commercial
South	Across Hickory Street NE, Commercial
East	Across Liberty Street NE, Commercial
	Across Liberty Street NE, Single Family Residential
West	Across Commercial Street NE, Industrial Commercial

Relationship to 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.

## 2. Zoning

The northern four properties which make up the subject property (*tax lot nos. 073W15AD06000, 6100, 6200, & 6300*) are currently zoned CG (General Commercial) and total approximately 1.03 acres in size. The remaining southern five properties which make up the subject property (*tax lot nos. 073W15AD05600, 5700, 5800, 5900, & 6400*) are zoned RM-II (Multiple Family Residential) and total approximately 0.86 acres in size. The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	CG (General Commercial)
South	Across Hickory Street NE, CG (General Commercial)
East	Across Liberty Street NE, CO (Commercial Office)
	Across Liberty Street NE, RS (Single Family Residential)
West	Across Commercial Street NE, IC (Industrial Commercial)

## 3. Existing Conditions

The subject property consists of nine individual properties totaling approximately 1.89 acres in size and located in the 2400 Block of Commercial Street NE and Liberty Street NE (**Attachment A**).

As shown on the existing conditions plan (**Attachment E**), the northern CG zoned portion of the property is currently developed with a front office building facing Liberty Street, an attached warehouse, and parking/vehicle use and storage areas surrounding the building on the remainder of the site. The southern RM-II zoned portion of the property is currently largely undeveloped except for a driveway on the south side of the existing building and storage containers adjacent to Commercial Street.

In regard to the natural features of the site, the topography of the property is flat, there are existing trees on the property, and there are no mapped wetlands or waterways present.

The subject property has frontage on Commercial Street NE, Liberty Street NE, and Hickory Street NE. The portion of Commercial Street abutting the subject property is designated as a Parkway under the City's Transportation System Plan (TSP). Liberty Street is designated as a Major Arterial and Hickory Street is designated as a local street. Each of the existing properties has frontage on a street with the exception of the property located at 2496 Commercial Street NE (*tax lot no. 073W15AD06200*), which is a land locked parcel located behind the property at 2498 Commercial Street NE (*tax lot no. 073W15AD06100*).

Vehicular access to the property is currently provided by two existing driveways onto Liberty Street NE. One of the driveways is located perpendicular to the vehicle entrance into the warehouse portion of the existing building and the other driveway is located to the south of the office portion of the building.

#### 4. City Department Comments

- A. The Building and Safety Division reviewed the proposal and indicated no comments.
- B. The Salem Fire Department reviewed the proposal and indicated they have no concerns with the proposed comprehensive plan map amendment, neighborhood plan map amendment, and zone change. The Fire Department indicates that items relating to any future development of the property including, but not limited to, fire department access and water supply will be addressed at time of building permit plan review.
- C. The Public Works Department reviewed the proposal and provided comments that are included as **Attachment F**.

#### 5. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers. No comments were received.

#### 6. Neighborhood Association and Public Comments

The subject property is located within the Highland neighborhood association.

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 March 12, 2020, the applicant and their representatives attended a regularly scheduled meeting of the Highland Neighborhood Association to present their proposal. A summary of the comments provided at the neighborhood association meeting prepared by the applicant's representative is included as **Attachment G**.

Subsequent to application submittal notice of the application was provided to the Highland neighborhood association pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

No comments were received from the neighborhood association prior to the August 4, 2020 public hearing, but within the subsequent seven-day open record period for the case comments were received from the neighborhood association indicating they had heard presentations earlier in the year regarding the proposed project and the Highland Neighborhood Association Executive Committee has no objections and supports the project.

In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property.



No comments were received from area property owners, tenants, or other interested parties.

## 7. Open Record Periods

At the August 4, 2020, public hearing the Planning Commission voted to leave the written record open for a period of seven days, until August 11, 2020, at 5:00 p.m., to allow for any party to submit additional testimony on the proposal. The Commission also correspondingly voted to allow the applicant a subsequent seven days, until August 18, 2020, at 5:00 p.m., to submit final written rebuttal.

During the initial seven-day open record period two comments were received. One of the comments received was from ODOT providing additional information in support of their proposal. The other comment received was from the Highland Neighborhood Association chair indicating the neighborhood association's support of the proposal.

In addition, two decision alternatives were provided by staff for the Planning Commission to consider should they decide to take action other than the recommended action in the August 4, 2020, staff report. The two additional comments provided during the initial 7-day open record period and the two decision alternatives submitted by staff are included in the August 11, 2020, open record period memo to the Planning Commission which is included as **Attachment I**.

Alternative No. 1 was to approve the requested comprehensive plan map amendment, neighborhood plan map amendment, and zone change, subject to conditions, for the northern four CG zoned properties (tax lot numbers 073W15AD06000, 6100, 6200, & 6300), the RM-II zoned property located within the middle of the site (tax lot number 073W15AD05900), and the northernmost portion of the RM-II zoned property located at the southeast corner of site (tax lot number 073W15AD06400) that are currently being used for the traffic signal shop facility. This alternative would have allowed the existing signal shop facility to become a lawful conforming use in the zone and would have retained the existing multiple family comprehensive plan and zoning designations for the portions of the site which are not currently developed with improvements for the signal shop facility.

Alternative No. 2 was to approve the comprehensive plan map amendment, neighborhood plan map amendment, and zone change for the entire property as requested by the applicant, but with conditions; including conditions for landscaping and screening around the perimeter of the site in order to minimize the visual impacts of the existing use and the proposed expanded storage area.

During the final seven-day open record period the applicant submitted final rebuttal (**Attachment J**) in response to the two alternatives provided by staff and proposed a third alternative that would have withdrawn their request to change the designations of the four northern CG zoned properties and the RM-II zoned property at the southeast corner of the site and instead apply the requested PS zone only to the four RM-II zoned properties at the southwest corner of the site in order to allow for ODOT's proposed expansion of the sign storage area.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR COMPREHENSIVE PLAN MAP AMENDMENT AND NEIGHBORHOOD PLAN MAP AMENDMENT**

### **8. MINOR COMPREHENSIVE PLAN MAP AMENDMENT & NEIGHBORHOOD PLAN MAP AMENDMENT APPROVAL CRITERIA**

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments and neighborhood plan map amendments. In order to approve a minor comprehensive plan map amendment and neighborhood plan map amendment, the Review Authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the comprehensive plan map amendment and neighborhood plan map amendment.

***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:** As indicated in the written statement provided by the applicant, the proposal meets this approval criterion because the Community Service Government (CSG) comprehensive plan designation is better suited for the subject property than the Commercial (C) and Multiple Family Residential (MFR) designations. The CSG designation “includes sites and facilities for uses such as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal.” The subject property is currently partially developed with a government maintenance use and the proposed expanded use will be a government use. The subject property is located in an industrial and commercial area in Salem. Property directly south of the site is developed with a privately operated vehicle storage use, similar to the ODOT traffic signal maintenance shop. Conditions of approval for landscaping and screening are established with the decision to improve the appearance of the existing facility and to visually obscure the storage area, as required under the PS zone, from the surrounding area.

***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:** As indicated in the written statement provided by the applicant, the subject property is within the public service boundary for the City and that the subject property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed CSG designation, including transportation, water, sanitary sewer, stormwater, and other facilities. The applicant indicates that the use proposed for the site is intermittent materials storage, which will not require any additional facilities or services. Thus, the property will be served by existing facilities necessary to support the uses allowed by the proposed CSG designation.

As indicated in the comments from the Public Works Department (**Attachment F**), water, sewer, and storm infrastructure are available within the surrounding streets/areas and appear to be adequate to serve the proposed development. Site-specific infrastructure requirements will be addressed at the time of Site Plan Review for any future development on the subject property. This approval criterion is met.

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

**Finding:** As indicated in the written statement provided by the applicant, the proposal meets this approval criterion because the property is within the city’s urban growth boundary and is associated with an adjacent, existing urban use. The proposed plan map designation supports the logical urbanized use of the site, as the site is currently part of a government maintenance facility and not expected to have a change in use. The plan designation will allow for any future development or use of the site by ODOT to be a conforming use. Conditions of approval for landscaping and screening are established with the decision to improve the appearance of the existing facility, to visually obscure the storage area, and to ensure that the existing development and proposed expansion conform to the landscaping and screening requirements of the PS zone.

***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:** Analysis of the proposed comprehensive plan map amendment, neighborhood plan map amendment, and zone change for conformance with the applicable Goals and Policies of the Salem Area Comprehensive Plan is as follows:

The written statement provide by the applicant identifies the following Salem Area Comprehensive Plan goals and policies as being applicable to the proposal:

▪ **Economy and Employment (Page 33 of Salem Comprehensive Policies Plan):**

*The City of Salem values its employment lands as it strives to increase the economic prosperity of Salem residents and businesses. These employment lands – including mixed-use, commercial and industrial land – were the focus of the Salem Economic Opportunities Analysis 2015-2035 (EOA) adopted in 2015. The purpose of the EOA was to develop strategies to provide enough land to meet Salem’s future employment land needs, inform policy decisions related to land use, and respond to Keizer’s Economic Opportunities Analysis.*

*The EOA, which is consistent with Statewide Planning Goal 9, found that Salem’s portion of the Salem-Keizer Urban Growth Boundary (UGB) – the Salem Urban Area – has a deficit of 271 acres of commercial land and a surplus of 907 acres of industrial land. It recommended strategies to meet Salem’s employment land needs, including preserving key employment land for traded-sector uses and identifying areas for conversion from industrial to commercial uses.*

▪ **Economic Development Policy H.1 – Economic Diversification (Page 36 of Salem Comprehensive Policies Plan):**

*Diversify the basic economic sector of the Salem urban area through:*

- a. Expansion of existing industrial enterprises and location of new, clean industries.*
- b. Expansion of the light manufacturing.*
- c. Expansion of businesses with an existing presence in Salem or businesses that provide goods and services to existing businesses in Salem.*
- d. Expansion of businesses who want to locate in Salem because of Salem’s competitive advantages and characteristics.*

**Finding:** As indicated in the written statement provided by the applicant, the proposal is consistent with these provisions of the comprehensive plan because the existing commercially zoned land is owned and operated by ODOT for a traffic signal maintenance facility. As such, ODOT will continue using the site for its current use, which provides employment for 11 ODOT maintenance workers and supports ODOT operations in both Salem, the surrounding region, and state highways throughout Oregon. Allowing for the comprehensive plan map amendment and rezoning to provide space for storage of ODOT materials will further support the ODOT operations, and bring the site into conformance.

While the existing Governmental Maintenance Services and Construction use of the property is classified as a broader Public Service use under SRC 400.005, Table 400-1, rather than an industrial use, the use still serves as a source of employment as indicated by the applicant. The proposed comprehensive plan map amendment, neighborhood plan map amendment, and zone change allow for the existing traffic signal shop facility to become a conforming permitted use on the property and allow for the use to be further expanded onto the undeveloped southern portion of the property with conditions for landscaping and screening to improve the appearance of the facility and visually obscure the storage area.

▪ **Industrial Development Policy I.5 – Public Facilities, Services, and Utilities (Page 38 of the Salem Comprehensive Policies Plan):**

*Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.*

**Finding:** As indicated in the written statement provided by the applicant, the proposal is consistent with this comprehensive plan policy because the property is currently within the City's Urban Service Area and is capable of being served with public facilities and services, should a future use need them. As indicated in the comments from the Public Works Department (**Attachment F**), the subject property is currently served by public facilities sufficient to support the existing and any future development of the property under the applicant's requested "Community Service Government" comprehensive plan designation and PS (Public Service) zoning for the property.

▪ **Residential Development Policy E.8 – Protection of Residential Areas (Page 32 of the Salem Comprehensive Policies Plan):**

*Residential areas shall be protected from more intensive land use activity in abutting zones.*

**Finding:** The subject property is located within a broader area characterized by a mixture of single family, multiple family, retail, office, and light industrial development. Land uses more immediately adjacent to the subject property, however, include primarily a combination of more intensive industrial and commercial development which, together with the location of the property between the busy Liberty Street and Commercial Street couplet, makes the feasibility of developing residential uses on the multiple family portion of the property more difficult from market and livability standpoint. This comprehensive plan policy calls for residential uses to be protected from more intensive land use activity in abutting zones. However, due to the industrial-type maintenance and storage uses to the north and south of the subject property, the non-residential uses in the immediate surrounding area, and the relatively isolated nature of the RM-II zoning of the property from other multiple family zoned properties, residential use of the southern portion of the site is generally inconsistent with this comprehensive plan policy. As provided in the written statement provided by the applicant, the proposed change in zoning district and designation

more accurately portrays the existing and proposed uses of the ODOT facility, which is a non-residential, public service, use that is inconsistent with the existing multi-family zoning designation. The proposal is consistent with this comprehensive plan policy.

Analysis of the proposed comprehensive plan map amendment, neighborhood plan map amendment, and zone change for conformance with the applicable Statewide Planning Goals is 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:** As indicated in the written statement provided by the applicant, the proposal is consistent with this goal because an open house was held at the Highland Neighborhood Association (HNA) on March 12, 2020. The applicant explains that attendees of the meeting expressed support for the rezoning proposal.

In addition to attending a required open house/neighborhood meeting, notice of the proposal was also provided to the Highland Neighborhood Association, surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Planning Commission also held a public hearing to consider the request. The required open house/neighborhood meeting, public notice, and public hearing process ensure all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision process. These procedures meet the requirements of this goal for citizen involvement in the land use planning process.

- **Statewide Planning Goal 2 – Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Finding:** As indicated in the written statement provided by the applicant, the proposal is consistent with this goal because the City has complied with the Goal 2 requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

- **Statewide Planning Goal 3 – Agriculture Lands; Goal 4 – Forest Lands**

**Finding:** The subject property is not identified as agricultural land or forest land, these Statewide Planning Goals are therefore not applicable to this proposal.

- **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 is not designated as an open space or scenic area and there are no protected natural resources present on the site. The property is,

however, located within the City's Historic and Cultural Resources Protection Zone concerning the potential for archaeological resources. In order to comply with Goal 5 any future development of the subject property is required to comply with the applicable provisions of SRC Chapter 230 (Historic Preservation). The proposal conforms to this statewide planning goal.

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

**Finding:** The proposal will not have an impact on air, water, or land resources quality. The proposal conforms to this statewide planning goal.

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

**Finding:** As indicated in the written statement provided by the applicant, the proposal is consistent with this goal because there are no known natural hazards existing on the subject property.

In addition, the topography of the subject property is flat and there are no areas of mapped landslide hazard susceptibility located on the subject property. The proposal conforms to this statewide planning goal.

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

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

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

**Finding:** As indicated in the written statement provided by the applicant, the proposal is consistent with this goal. The small portion of the subject property zoned for commercial development is comprised of five tax lots, totaling about 1.03 acres. The property is zoned for General Commercial, which does not take into account that the site is government owned and part of an already existing government maintenance facility. The City's Economic Opportunities Analysis (EOA) for 2015 to 2035 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 (state) agency and committed to an existing use. It is expected that the site will continue to be used for a public purpose and not redeveloped for commercial use during the planning period.

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

**Finding:** As indicated in the written statement provided by the applicant, the proposal is consistent with this goal. The subject property zoned for residential development is comprised of five tax lots, totaling approximately 0.86 acres. The property was zoned for Multifamily as part of a larger rezoning throughout the City in 1998, the Salem Multiple Family Residential Lands Study (SMRFLS) project. The City's Housing Needs Analysis (HNA) for 2015 to 2035 indicates the City faces a deficit of residential land. However, the Planning Commission found that this land is unsuitable for multi-family development due to its location near incompatible uses and along state highways. They also found that it was unlikely to be developed for multi-family development due to its small size which would make it cost prohibitive to develop. Additionally, the fact that ODOT owns the property makes it unlikely to be developed with housing.

- **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:** As indicated in the comments provided by the Public Works Department, water, sewer, and storm infrastructure is currently available within the surrounding streets/areas and appear to be adequate to serve the subject property. The proposal conforms to this statewide planning goal.

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

**Finding:** As indicated in the written statement provided by the applicant, the proposal is consistent with this goal. Goal 12 is implemented by the Transportation Planning Rule (TPR). 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 and 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 has prepared and submitted a Traffic Impact Analysis which includes a TPR analysis. The analysis was prepared by ODOT staff and the methodology for the analysis was coordinated with City of Salem Transportation Engineering staff.

As stated in the Transportation Memo, the zone change is not expected to affect the transportation facilities surrounding the site (the Liberty-Commercial couplet or surrounding local streets). The proposed use specifically is not expected to generate any additional traffic, as the use will be for additional materials storage for variable message signs for ODOT projects. However, under a worst-case land use scenario, the zone change could allow an eating and drinking establishment to be developed. Development of this use could result in an increase in the number of trips beyond what is allowed under the current zoning designation. Because the zone change could allow a use in the future that could substantially increase trips, ODOT recommended that a trip cap be applied as a condition of approval to ensure that the zone change does not increase trips beyond those allowed under the current zone. Such a trip cap would mitigate for any potential significant effort of the zone change on surrounding transportation facilities.

The TPR analyses submitted by the applicant (**Attachment H**) demonstrate the potential for the proposed new land use designations to have a significant impact on the transportation system and, as such, must mitigate the impacts to avoid further degradation of the performance of the City's transportation facilities. As provided in the comments from the Public Works Department (**Attachment F**), the City's Assistant Traffic Engineer reviewed the applicant's TPR analyses and concurs with their findings with the exception of a few minor errors in the reports that have a minimal impact on the exact number of trips for each zone area and the overall site limitation.

The analyses provided indicate a recommended "trip cap" of 2,355 average daily trips (ADT) for the General Commercial portions of the property and 51 ADT for the Multiple Family Residential portions of the property. In order to comply with the requirements of Goal 12 a condition of approval has been established with the decision limiting the maximum cumulative total of average daily trips for the 1.89-acre site to 2,406. The proposal, as conditioned, complies with this statewide planning goal.

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

**Finding:** Any future additional development of the property will be required to be built to comply with current energy standards. The proposal conforms to this statewide planning goal.

- **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:** As indicated in the written statement provided by the applicant, this goal is not applicable because the 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.

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

**Finding:** The subject property is not located within the Willamette River Greenway or an estuarine or coastal area. These statewide planning goals are therefore not applicable to the proposal.

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

**Finding:** As indicated in the written statement provided by the applicant, this approval criterion is met because the proposed comprehensive plan map amendment, neighborhood plan map amendment, and zone change bring the existing comprehensive plan designation and zoning for the site into conformance with its long-time public use.

The ODOT signal shop serves an important public purpose and provides a general benefit to the public by ensuring that signs used to maintain traffic mobility and safety for Oregon motorists are properly assembled, stored, and repaired.

## **FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR QUASI-JUDICIAL ZONE CHANGE**

### **9. QUASI-JUDICIAL ZONE CHANGE APPROVAL CRITERIA**

SRC Chapter 265.005(e) provides the approval criteria for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial zone change, the Review Authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following applicable criteria are met. The extent of the consideration given to the various criteria set forth below depends on the degree of impact of the proposed change. The greater the impact of a proposal on the area, the greater the burden on the applicant to demonstrate the zone change is appropriate. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the zone change, or for the issuance of certain conditions to ensure the criteria are met.

**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:** As indicated in the written statement provided by the applicant, this approval criterion is met. The proposed zone change allows for the existing and planned future use of the ODOT facility to be brought into conformance with the permitted uses of the proposed PS zone, and serves to place the entire site under one consistent zone which is better suited for the property than its existing commercial and multiple family residential zoning which does not permit the existing and proposed future use.

The southern portion of the site was zoned for Multifamily as part of a larger rezoning throughout the City in 1998, the Salem Multiple Family Residential Lands Study (SMRFLS) project. The multiple family zoning of that portion of the property, however, does not account for the site being government owned and part of an already existing government maintenance facility. The existing multiple family zoning also represents the application of the zone to isolated parcels which are surrounded by non-residential parcels.

According to the SRC, "The PS zone generally allows a variety of civic service, social service, health service, and educational service uses, together with a limited variety of other compatible uses." Per the use classifications in the Salem Revised Code 400.075 (SRC), civic services include government maintenance facilities, and example of which is "Government motor pools; shops facilities; [and] storage yards." (SRC 400.075(c)). The existing and proposed future use of the site by ODOT is suited to the PS designation.

The ODOT facility is one large fenced site comprised of multiple lots split-zoned between General Commercial and Multifamily districts, and has been in use since the early 1990s. The Public Service zone is used on other similar sites throughout the City, such as the City of Salem Public Works buildings, the ODOT Materials Lab and District 2 building, and other government offices. Rezoning the subject site to the PS designation would represent a similar and logical approach and would be consistent with the intended purpose of this designation. The proposed zone will allow ODOT to use their site to store variable message signs that must be modified or repaired at the adjacent signal shop, prior to their use on state facilities in other parts of Oregon.

The PS zone proposed by the applicant includes minimum lot size and dimension standards that apply to all PS zoned lots in order to ensure there is sufficient land area for the reasonable development of lots. Pursuant to SRC 544.010(a), table 544-2, lots within the PS zone must be a minimum of 10,000 square feet in size and have a minimum lot width of 50 feet and a minimum lot depth of 80 feet. Review of the existing lots which make up the subject property for conformance with these standards indicates that six of the nine existing lots do not meet the minimum 10,000 square-foot lot size standard and three of the existing nine lots do not meet the minimum required 50-foot lot width and/or the 80-foot minimum required lot depth. In order for the proposed PS zone to be found to be equally or better suited for the property than the existing zoning, the property itself must meet the applicable development standards of the PS zone. In order to ensure that the subject property conforms to the applicable lot standards of the PS zone and that the PS zone can therefore be considered equally or better suited for the property than the existing zones, the following condition of approval from Alternative 2 identified in the August 11, 2020, memo to the Planning Commission shall apply.

**Condition 1:** All of the individual lots which make up the 1.89-acre property shall be consolidated into one lot.

In addition to minimum standards for lot area and dimensions, the PS zone also includes minimum setback, landscaping, and screening standards to ensure that development within the PS zone occurs in a manner that is consistent and compatible with surrounding land uses. The PS (Public Service) zone, pursuant to SRC 544.010(b), Tables 544-3 and 544-4, and SRC 544.010(d), requires parking and vehicle use areas to be setback and landscaped from streets and from interior property lines abutting adjacent properties. The PS zone also requires, per SRC 544.010(e), outdoor storage areas to be screened from streets and adjacent properties.

In order to ensure that existing and proposed development on the subject property will conform to the setbacks, landscaping, and screening standards of the PS zone the following condition of approval from Alternative 2 identified in the August 11, 2020, memo to the Planning Commission shall apply:

**Condition 2:** Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
- 2) South Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the south property line adjacent to Hickory Street NE.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

Along the portion of the east property line located to the south of the southernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line adjacent to Commercial Street NE.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

The proposal, as conditioned conforms to this approval criterion.

***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 an applicant-initiated zone change request rather than a City-initiated request. This approval criterion is therefore not applicable to the proposal.

***SRC 265.005(e)(1)(C): The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.***

**Finding:** Findings addressing comprehensive plan map and neighborhood plan map criterion SRC 64.025(e)(2)(D), included under Section 8 of this decision, address the conformance of the proposal with the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. As provided in the findings included under Section 8 of this decision, the proposal satisfies the applicable provisions of the Salem Area Comprehensive Plan. This approval criterion is met.

***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 comprehensive plan map and neighborhood plan map criterion SRC 64.025(e)(2)(D), included under Section 8 of this decision, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. As provided in the findings included under Section 8 of this decision, the proposal complies with all the applicable statewide planning goals. This approval criterion is met.

***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 proposed zone change from CG (General Commercial) to PS (Public Service) requires a corresponding comprehensive plan change from a commercial comprehensive plan designation to a public comprehensive plan designation. As such, this approval criterion is applicable to the proposal.

The small portion of the subject property zoned for commercial development is comprised of five tax lots, totaling approximately 1.03 acres. The property is zoned for General Commercial, which does not take into account that the site is government owned and part of an already existing government maintenance facility.

As identified in the City's 2015 to 2035 Economic Opportunities Analysis, the City has an approximately 271-acre deficit of commercial land. Roughly 60 percent of the deficit is for office and commercial services and approximately 40 percent is for retail and retail services. 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 (state) agency and committed to an existing use. It is expected that the site will continue to be used for a public purpose and not redeveloped for commercial use during the planning period.

The proposed zone change is consistent with the 2015 to 2035 EOA. This approval criterion is met.

**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:** As indicated in the written statement provided by the applicant, the proposal satisfies this approval criterion. The applicant prepared and submitted TPR analyses in conjunction with the application. As stated in the analyses, the zone change is not expected to affect the transportation facilities surrounding the site (the Liberty-Commercial couplet or surrounding local streets). The proposed use specifically is not expected to generate any additional traffic, as the use will be for additional materials storage for variable message signs for ODOT projects. However, under a worst-case land use scenario, the zone change could allow an eating and drinking establishment to be developed. Development of this use could result in an increase in the number of trips beyond what is allowed under the current zoning designation.

The TPR analyses submitted by the applicant (**Attachment H**) demonstrate the potential for the proposed new land use designations to have a significant impact on the transportation system and, as such, must mitigate the impacts to avoid further degradation of the performance of the City's transportation facilities. As provided in the comments from the Public Works Department (**Attachment F**), the City's Assistant Traffic Engineer reviewed the applicant's TPR analyses and concurs with the findings with the exception of a few minor errors in the reports that have a minimal impact on the exact number of trips for each zone area and the overall site limitation.

The analyses provided indicate a recommended “trip cap” of 2,355 average daily trips (ADT) for the General Commercial portions of the property and 51 ADT for the Multiple Family Residential portions of the property. In order to mitigate the impacts of the proposal on the City’s transportation system as required by this approval criterion, the following condition of approval from Alternative 2 identified in the August 11, 2020, memo to the Planning Commission is established:

**Condition 3:** The transportation impacts from the 1.89-acre site shall be limited to a maximum cumulative total of 2,406 average daily vehicle trips.

The proposal, as conditioned, satisfies this approval 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:** As indicated in the written statement provided by the applicant, this approval criterion is met because the property is currently within the City’s Urban Service Area and served by transportation, sewer, water, and stormwater drainage facilities; therefore, it is capable of being served with public facilities and services, should a future use need them.

As indicated in the comments from the Public Works Department, water, sewer, and storm infrastructure are available within the surrounding streets/areas and appear to be adequate to serve the property and the uses allowed by the proposed. This approval criterion is met.

## **CONCLUSION**

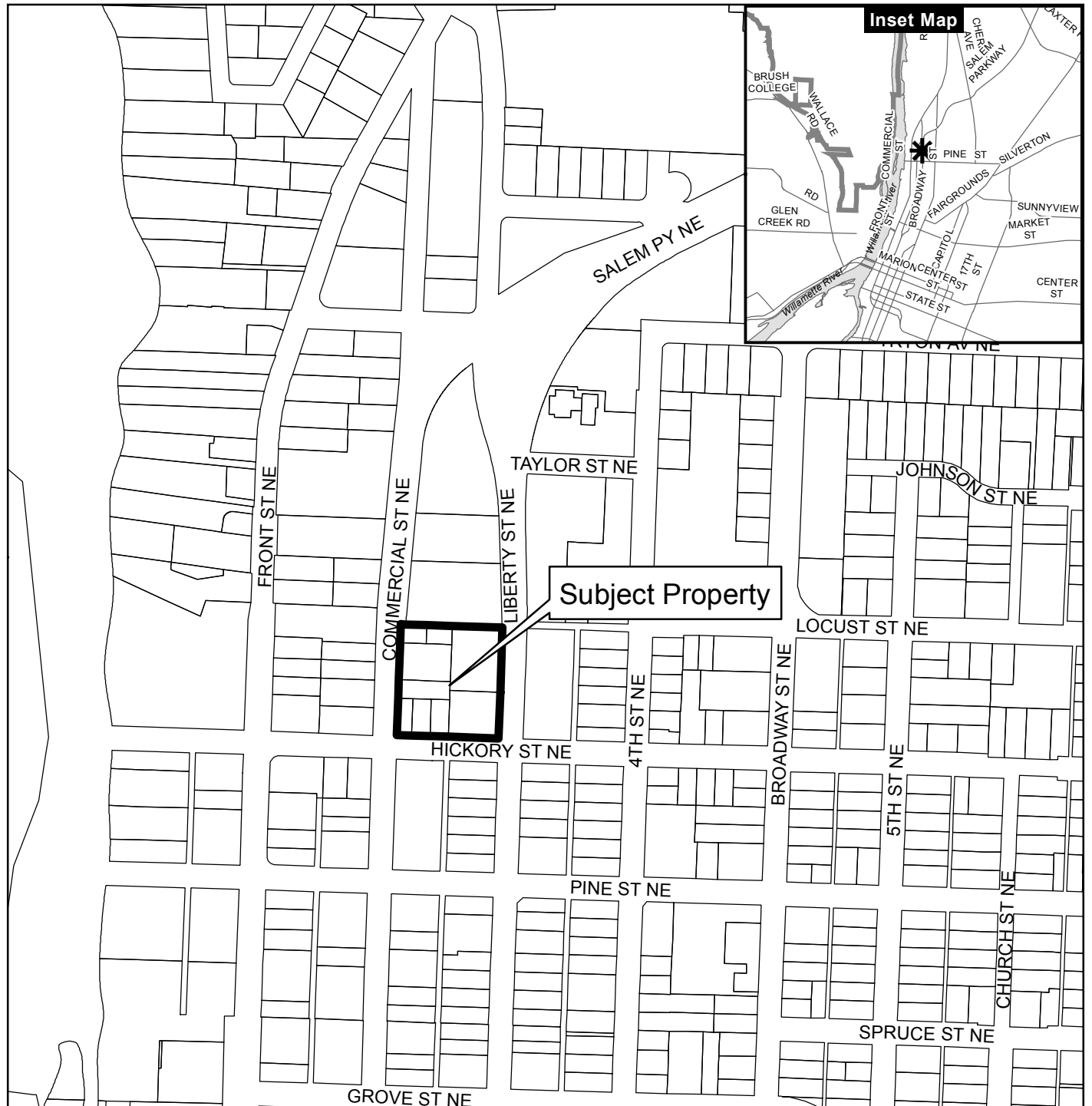
Based on the facts and findings presented herein, the proposed Minor Comprehensive Plan Map Amendment, Minor Neighborhood Plan Map Amendment, and Quasi-Judicial Zone Change, as conditioned, satisfy the applicable criteria contained under SRC 64.025(e)(2) and 265.005(e)(1) for approval.

Attachments: A. Vicinity Map  
B. Comprehensive Plan Map  
C. Zoning Map  
D. Applicant’s Written Statement  
E. Existing Conditions Plan  
F. Public Works Department Comments  
G. Highland Neighborhood Association Meeting Summary  
H. Applicant’s Transportation Planning Rule (TPR) Analyses  
I. Open Record Period Memo to Planning Commission (dated: August 11, 2020)  
J. Applicant’s Final Written Rebuttal

Prepared by Bryce Bishop, Planner II

# Vicinity Map

## 2400 Block of Commercial Street NE & Liberty Street NE



### Legend

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

- Parks

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Community Development Dept.

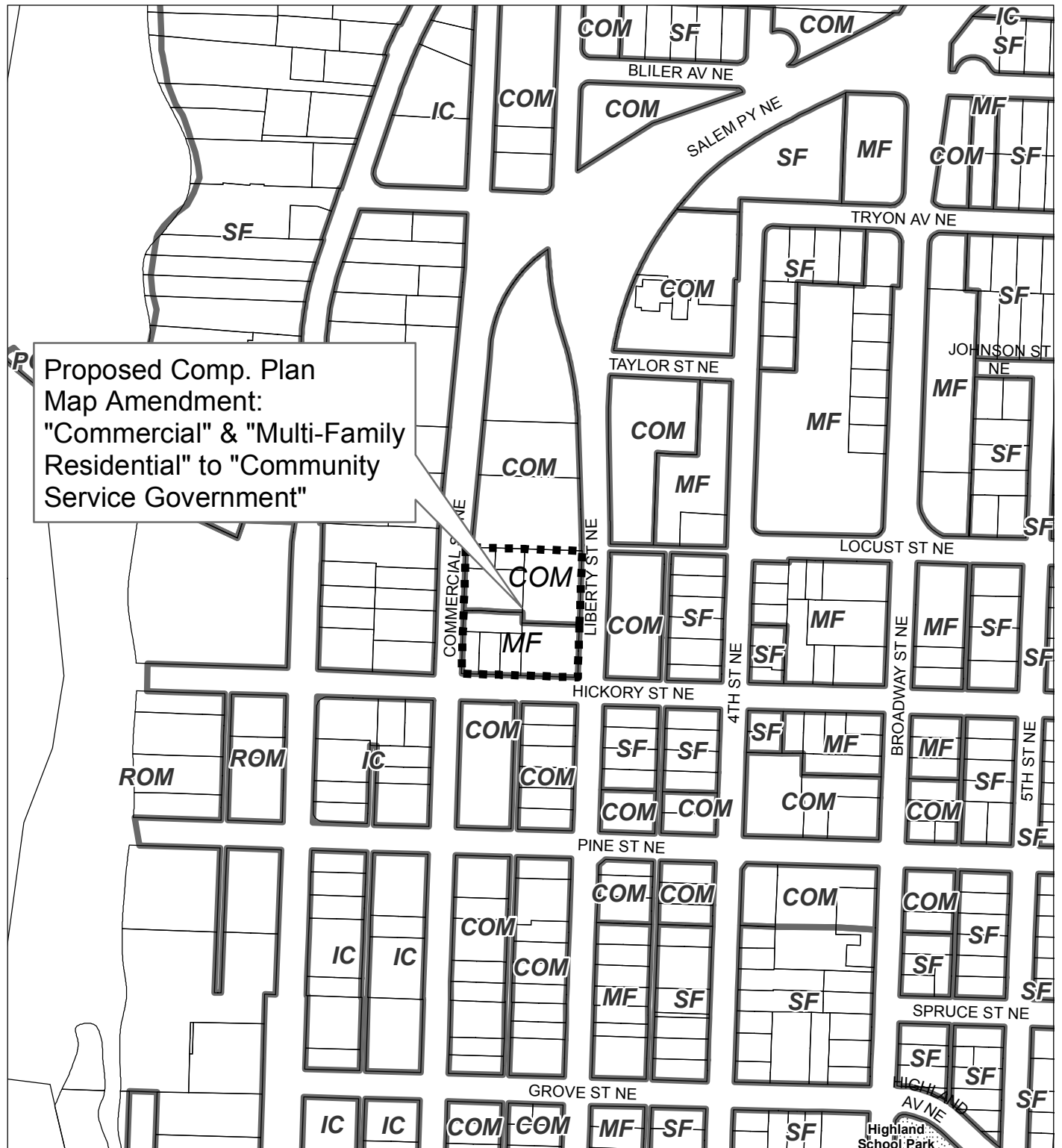
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








# Comprehensive Plan Map



## Legend

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

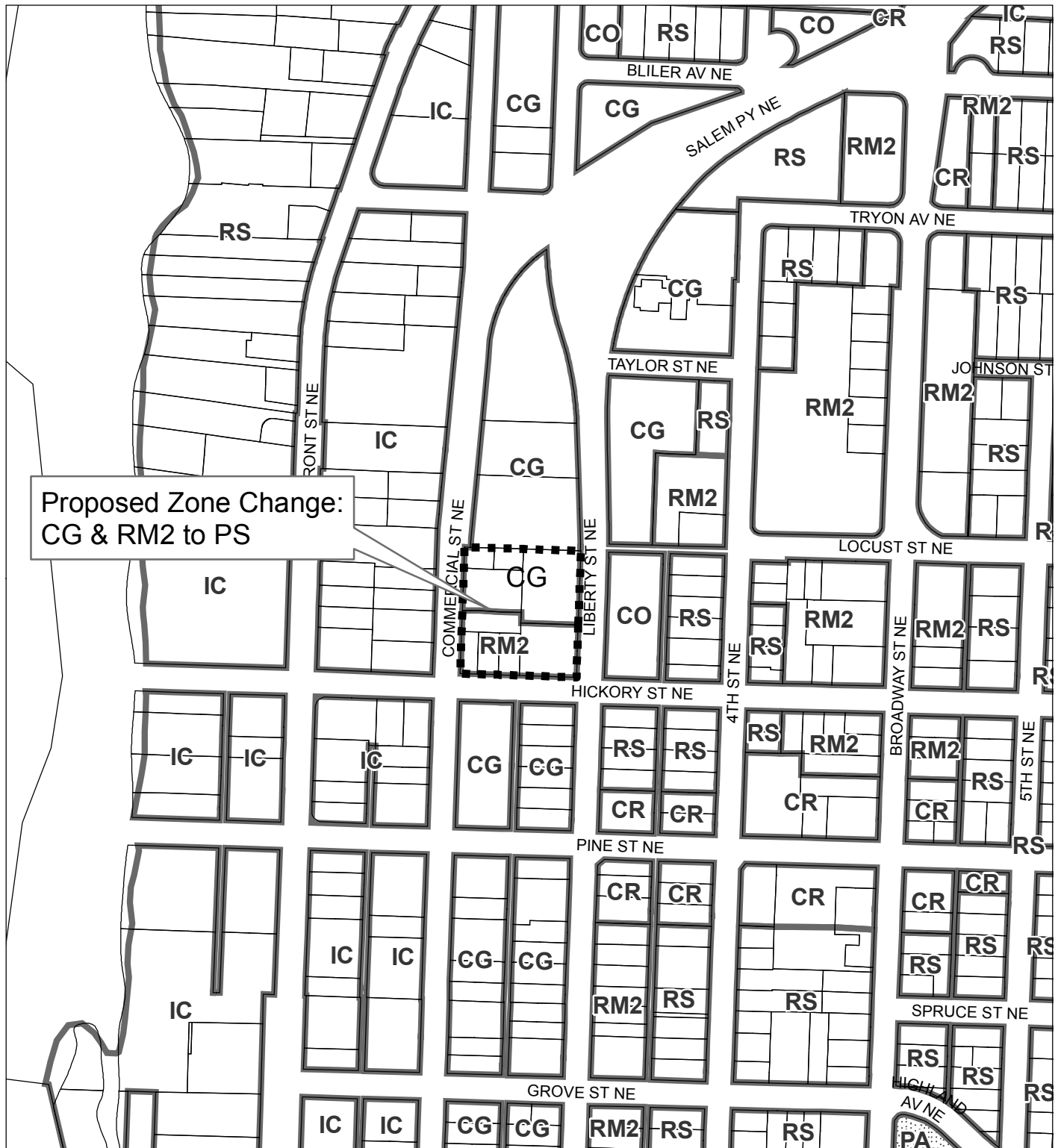
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# Zoning Map



## Legend

- |                           |         |
|---------------------------|---------|
| <b>RS</b> 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.

# ODOT Traffic Signal Facility

## Zone Change Application: General Commercial to Public Service

Prepared for:

Oregon Dept of Transportation (ODOT)



Prepared by:

Angelo Planning Group (APG)



Submitted to:

City of Salem Planning Division

Submitted:

April 2020

## PROJECT TEAM

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## DEVELOPMENT APPLICATION SUMMARY INFORMATION

Tax Lot ID	073W15AD / 06000, 06200, 06100, 06300
Existing Zoning Designation	General Commercial (CG)
Proposed Zoning Designation	Public Services (PS)
Existing Comprehensive Plan Designation	Commercial (C)
Proposed Comprehensive Plan Designation	Community Service Government (CSG)
Existing Use	Government Maintenance Building
Proposed Use	Government Maintenance Building

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Exhibit 1: Pre-application Conference Sign-In Sheet

Exhibit 2: TPR Compliance Trip Generation Memo

Exhibit 3: Open House Summary and Highland NAC Agenda

Exhibit 4: Recorded deed

Exhibit 5: Site Plan

## Section 1: Project Information

### Background Information

Oregon Department of Transportation (ODOT) is the owner of the site of the proposed zone change located at 2445 Liberty Street NE and 2496, 2400, and 2498 Commercial St NE in Salem. The site is comprised of five tax lots, totaling about 1.03 acres. The tax lots are along the frontage of NE Hickory Street and between the Liberty and Commercial Street couplet. The lots include the ODOT traffic signal shop facility. (Figure 1: Vicinity Map). ODOT is seeking a Zone Change of the site from General Commercial (CG) to Public Service (PS), a zone specifically designated for government uses, such as ODOT buildings and other maintenance buildings, and similar comprehensive plan map designation amendments. (Figures 2 and 3: Existing Zoning and Proposed Zoning). A zone change to the southern section of the site (tax lot 073W15AD / 05600, 05700, 05800, 05900, and 06400), which is currently zoned Multifamily Residential 2 (MFR-2) will be similarly rezoned in a separate, concurrent application.

The site is currently undeveloped, and will not be developed as a part of this application. The rezoning application is specifically for the ongoing temporary storage of variable message signs.

No development for the site is proposed at this time, which is unpaved and unoccupied. After the Zone Change is approved, ODOT plans to use the open space to store variable message signs to use on future ODOT projects. To the extent that use requires any improvements to or “development” on that portion of the site, it will be the subject of a future development application and subject to a variety of City development standards.

### Land Use Requests

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the designation of the Tax Lots from CG (General Commercial) to PS (Public Service)
- 2) A change to the Highland Neighborhood Plan Map designation for the property from "Commercial" to "Community Service Government"

### Pre-Application Conference

A pre-application conference to discuss the comprehensive plan change and future use as material storage for the southern parcels was conducted on April 25, 2019. The case number / AMANDA No. for conference is PRE-AP19-42 / 19-108608-PA.

### Neighborhood Association Open House

The site of the zone change and comprehensive plan amendment is located in the Highland Neighborhood Association. A presentation and Open House to the Highland Neighborhood Association was held on March 12<sup>th</sup>, 2020. See Exhibit XX for the Open House materials.

### Zoning and Surrounding Land Use

The subject property is zoned CG (General Commercial), with the southern portion of the ODOT-owned property zoned MFR-2 (Multifamily Residential 2).

The CG-zoned portion currently includes the building and paved vehicle and equipment storage.

Surrounding properties are zoned as follows:

North:	General Commercial (CG)
South:	(Across Hickory Street NE) General Commercial (CG)
East:	(Across Liberty Street NE) Commercial Office (CO)
West:	(Across Commercial Street NE) Industrial Commercial (IC)

### Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as “Commercial”, with the southern portion of the site designated “Multifamily Residential”.

The Comprehensive Plan designations of surrounding properties include:

North:	“Commercial”
South:	(Across Hickory Street NE) “Commercial”
East:	(Across Liberty Street NE) “Commercial”
West:	(Across Commercial Street NE) “Industrial Commercial”

### Salem Transportation System Plan (TSP):

The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted on the east by Liberty St, designated as a Major Arterial; on the south by Hickory St NE, designated as a Local St; and on the west by Commercial St NE, designated as a Parkway north of Pine St NE.

### Highland Neighborhood Plan

The subject property is within the boundaries of the Highland Neighborhood Association. Highland has a neighborhood plan, which was adopted by the Salem City Council in 1980 and revised in 1984. The Generalized Land Use Map for the plan designates the subject property as "Community Shopping."

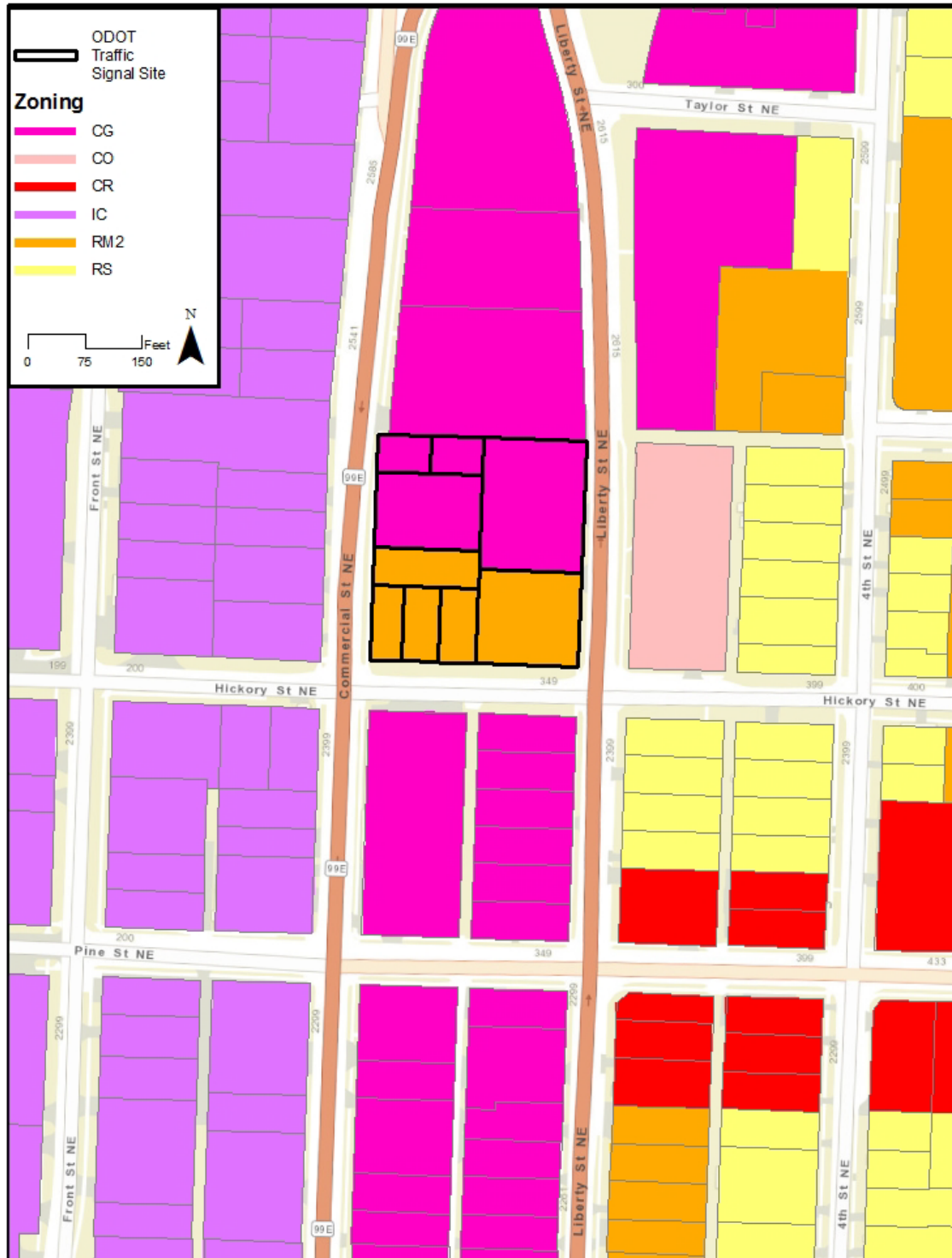
### Relationship to the Urban Service Area

The subject property is located within the Urban Service Area. Therefore, a UGA permit is not required.



*Figure 1: Vicinity Map*

Figure 2: Existing Zoning Map



**Legend:**

- ODOT
- Traffic
- Signal Site

**Zoning**

- CG
- CO
- CR
- IC
- RM2
- RS
- PS

**Map Details:**

- Streets: Front St NE, Hickory St NE, Pine St NE, Commercial St NE, Liberty St NE, Taylor St NE, 4th St NE.
- Address Ranges: 199-200, 2299-2300, 2341-2342, 2383-2384, 2399-2400, 2499-2500, 349-350, 399-400, 433-434.
- Scale: 0 to 150 Feet.
- North Arrow: N.

## Section 2: Findings Applying to the Applicable Salem Revised Code Criteria for the Zoning Map Amendment

The following analysis addresses the proposed zone change from CG (General Commercial) to PS (Public Service). 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 reviewing 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.

### *Chapter 265 Zoning*

#### *Sec. 265.005. - Quasi-judicial zone changes.*

*(a) Applicability. This section applies to any quasi-judicial zone change, other than a zone change by operation of law under SRC 265.015.*

*(b) Standing to initiate quasi-judicial zone change. A quasi-judicial zone change may be initiated only by the Council, the Planning Commission, or the owner of the property subject to the proposed zone change, or that owner's agent.*

*(c) Procedure type. A quasi-judicial zone change is processed as a Type III procedure under SRC chapter 300.*

*(d) Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a quasi-judicial zone change shall include the following:*

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

*(A) The **total site area, dimensions, and orientation relative to north;***

*(B) The **location of existing structures and other improvements** on the site, including accessory structures, **fences, walls, and driveways**, noting their **distance from property lines**; and*

*(C) The location of drainage patterns and drainage courses, if applicable;*

**Response: Section 1 of this document provides information related to items A and B. Item C is not applicable.**

**[Insert site maps showing dimensions highlighted above.]**



*(2) A traffic impact analysis, if required, in the format specified, and based on thresholds specified in standards established, by the Director.*

**Response: The proposed zone change application includes an existing conditions plan for the site and traffic impact analysis for the ODOT facility. The traffic impact analysis states that the proposed zone change will not lead to an increase in trips to the site.**

*(e) Criteria.*

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

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

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

*(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or*

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

**Response: The zone change proposed is to bring the existing and planned future use of the ODOT facility into conformance, and to make the entire site one zone, which is better suited for the property than the existing zone. Currently, the site is zoned General Commercial, which does not permit government maintenance services and construction. Proposed zoning is Public Service (PS).**

The ODOT facility is one large fenced site comprised of multiple lots split-zoned between General Commercial and Multifamily districts, and has been in use by ODOT since the early 1990s. The Public Service zone is similarly used on other similar sites throughout the City, such as the City of Salem Public Works buildings, the ODOT Materials Lab and District 2 building, and other government offices. Rezoning the subject site to the PS designation would represent a similar and logical approach and would be consistent with the intended purpose of this designation.

The physical characteristics of the site are largely industrial, with the site consisting of a combination of paved and gravel land and a large, secure, building comprised of small offices and a larger warehouse for maintenance of ODOT traffic signals and signs. The site currently zoned for CG is the main office, warehouse, parking, and existing materials storage for the ODOT variable message signs.

The surrounding land uses for the site are a combination of primarily commercial, and industrial (see Figure XX, below, for photos of the surrounding land). Only one nearby property (located diagonally across Liberty and Hickory Streets) is zoned for residential (RS) use. The surrounding uses are fairly disjointed, with vehicle maintenance and storage company directly south of the site across Hickory St, a healthcare service office to the east, a commercial area north of the ODOT facility, and a vehicle maintenance and single family homes across Commercial St to the west and southwest.

*(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.*

**Response: The zone change is not City initiated. Therefore, this standard does not apply.**

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

**Response: This application contains responses to the applicable Salem Area Comprehensive Plan Provisions. Responses can be found in Section 4 of this narrative.**

*(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

**Response: This application contains responses to the applicable statewide planning goals and DLCD administrative rules. Responses can be found in Section 5 of this narrative.**

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

**Response: The proposed zone change is from a commercial designation to another designation. The property is zoned for General Commercial, which overlooks the fact that the site was government owned and part of an already existing government maintenance facility. Zoning on all adjacent parcels is commercial, except the multifamily residential on the rest of the ODOT-owned lot, which is proposed for a new zone as part of this concurrent application.**

**The City's most recently adopted 2015 Economic Opportunities Analysis (EOA) indicated 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 (state) 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. One small lot (0.16 acres) within the ODOT owned traffic signal maintenance shop was incorrectly included in the EOA, despite being publicly owned and not expected to be redeveloped for commercial use. The subject property is considered "committed" (to other uses) and is not assigned any development potential. The small lot should not have been**

considered part of potential future development land. As a result, changing the site's Comprehensive Plan and zoning designations will have no impact on the City's documented commercial land supply or the commercial deficit identified in the EOA. Rezoning the property to a non-commercial use will be consistent with the findings of the EOA.

*(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.*

**Response:** As stated in the Transportation Memo (Exhibit XX), the zone change will not significantly affect the transportation facilities surrounding the site (the Liberty-Commercial couplet or surrounding local streets) and that there is no net change in the trip generation potential of the site after the rezone. The proposed use specifically is not expected to generate any additional traffic, as the use will be for additional materials storage for variable message signs for ODOT projects. However, under a worst-case land use scenario, the zone change could allow an eating and drinking establishment to be developed. Development of this use could result in an increase in the number of trips beyond what is allowed under the current zoning designation. Because the zone change could allow a use in the future that could substantially increase trips, ODOT recommends that a trip cap be applied as a condition of approval to ensure that the zone change does not increase trips beyond those allowed under the current zone. Such a trip cap would mitigate for any potential significant effort of the zone change on surrounding transportation facilities

*(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.*

**Response:** The property is currently within the Urban Services Boundary for the City and already is served by transportation, sewer, water and stormwater drainage facilities; therefore, it is capable of being served with public facilities and services, should a future use need them. However, no change in use is proposed for the ODOT property under this application, and the ODOT facility is not anticipated to need any additional public services or facilities.

*(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.*

**Response:** The proposed zone change is expected to have little impact on the area, as it will bring the non-conforming use into conformance with the current and planned future use of ODOT's adjacent Signal Shop facilities. No additional structures, paving, or other improvements are proposed for the site. The site's use has not changed in 30 years, and, per the assumptions applied to the site in the City's Economic Opportunities Analysis (EOA), the site should be excluded from housing or commercial uses, since "Publicly-owned lands were evaluated and many (not all) were excluded because they are not intended to convert to employment use during the planning period." In addition, the bulk of the site was considered as already developed in that analysis. The site's use is not expected to change from the current use. This activity will have little to no effect on the site itself or the surrounding area.

**Sec. 265.020. - Conditions of approval.**

*(a) Conditions may be imposed on zone changes including limits on use, uses permitted, and any development standards.*

*(b) Conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of land. Modification of use conditions shall be by zone change, as provided under this chapter. Modification of all other conditions, including full or partial release therefrom, shall be by variance, as provided under SRC [chapter 245](#).*

*(c) If the dedication of right-of-way or construction of public improvements is required as a condition of approval under this section, the dedication or improvement shall be the obligation of the applicant and must be completed prior to issuance of building permit or certificate of occupancy, whichever is earlier. Upon justification by the applicant, the Director may allow deferral of all or a portion of public improvements required as a condition under this section beyond issuance of building permit or certificate of occupancy until a stated time or until required by Council, whichever is earlier. An applicant seeking deferral under this section shall execute an improvement deferral agreement which specifies the terms of deferral. The agreement shall be in a form approved by the City Attorney and shall be filed in the deed records of the appropriate county.*

**Response: The applicant is willing to consider conditions of approval that may be established through the review and approval process.**

**Sec. 265.025. - When zone change requires comprehensive map amendment.**

*A zone change may require an amendment to the comprehensive plan map. A zone change requires an amendment to the comprehensive plan map when the zone proposed with the change requires a different corresponding plan map designation. If an amendment to the comprehensive plan map is required, the zone change and comprehensive plan map amendment shall be consolidated under SRC [chapter 300](#).*

**Response: The proposed zone change application is being submitted with a requested amendment to the comprehensive plan map as a consolidated application. Responses to the requirements for a comprehensive plan amendment (Chapter 64) are included in this application under Section 3.**

**CHAPTER 544. - PS—PUBLIC SERVICE**

**Sec. 544.001. - Purpose.**

*The purpose of the Public Service (PS) Zone is to implement the Community Service designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The PS zone generally allows a variety of civic service, social service, health service, and educational service uses, together with a limited variety of other compatible uses.*



*Sec. 544.005. - Uses.*

**Response:** Per Table 544-1 (below), the proposed use of the site is a government maintenance service, which is permitted in the Public Service zone. Government maintenance services include “Government motor pools; shops facilities; [and] storage yards.” (SRC 400.075(c)). The use will be the ODOT traffic signal shop, including storage of the materials.

**TABLE 544-1. USES**

<b><i>Civic Services</i></b>	
<i>Governmental services</i>	<b><i>P</i></b>
<i>Social services</i>	<b><i>P</i></b>
<i>Governmental maintenance services and construction</i>	<b><i>P</i></b>

*Sec. 544.010. - Development standards.*

**Response:** No development is proposed at this time. Therefore, these standards do not apply.

*Sec. 544.015. - Design review.*

**Response:** No development is proposed at this time. Therefore, these standards do not apply.

*Sec. 544.020. - Other provisions.*

*In addition to the standards set forth in this chapter, development within the PS zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:*

**Response:** No development is proposed at this time. Therefore, these standards do not apply.

## Section 3: Chapter 64 Comprehensive Planning

This section of the application contains responses that illustrate how this Zone Change application conforms to the applicable standards and approval criteria of the Salem Revised Code (SRC). Only code sections that contain applicable standards and criteria or otherwise require a response related to the requested land use action have been included.

***Sec. 64.020 - Comprehensive Plan Change***

*(a) Applicability. Amendments to the comprehensive plan, other than an amendment to a plan map, as that term is defined in SRC 64.025, shall be adopted as provided in this section. The two types of comprehensive plan amendments are major and minor.*

**Response: The proposed zone change application requires an amendment to the comprehensive plan map, but no amendment to the comprehensive plan policies or text. Therefore, this section does not apply.**

***Sec. 64.025 - Plan map amendments***

*(a) Applicability. Amendments to a plan map shall be adopted as provided in this section. The two types of plan map amendments are major and minor. As used in this section, the term "plan map" means the urban growth boundary, the comprehensive plan map, or a general land use map in a neighborhood plan.*

*(1) A major plan map amendment is:*

*(A) Any amendment to the urban growth boundary; or*

*(B) An amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.*

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

**Response: No amendment to the Urban Growth Boundary or amendment affecting more than one property owner or a large number of individual properties is proposed. The proposed amendment will affect five contiguous properties owned by ODOT, all considered parts of the same maintenance facility site. Therefore, the amendment is considered a minor plan map amendment.**

**Currently, the site's comprehensive plan designation is Commercial with an CG zoning district. The Public Service zoning district change requires an amendment to the designation to a Community Service Government (CSG) designation, which, according to the Comprehensive Plan, "includes sites and facilities for uses such as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal." The proposed use will be a government use.**

*(b) Standing to initiate plan map amendments.*

*(1) Notwithstanding SRC [300.1110](#), a major plan map amendment may only be initiated by the Council.*

**Response: No major plan amendment is proposed; therefore, this standard does not apply.**

*(2) Notwithstanding SRC [300.1110](#), a minor plan map amendment may only be initiated by the Council, the Planning Commission, or an owner of property that is the subject of the amendment, or that owner's agent.*

**Response: The proposed amendment is a minor plan map amendment being proposed by the Oregon Department of Transportation, the owner of the subject property.**

*(c) Procedure type.*

*(1) Major plan map amendments are legislative decisions, and are processed according to the Legislative Procedures under SRC [chapter 300](#).*

*(2) Minor plan map amendments are quasi-judicial decisions, and are processed as a Type III procedure under SRC [chapter 300](#)*

**Response: The proposed amendment to the plan map is minor and is proposed under a Type III quasi-judicial procedure.**

*(d) Submittal requirements.*

*(1) Initiation.*

*(A) A major or minor plan map amendment may be initiated by the Council by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment.*

*(B) A minor plan map amendment may be initiated by the Council or the Planning Commission by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment, or by an applicant by the submission of an application that complies with subsection (d)(2) of this section.*

**Response: The proposed application is being initiated by the property owner. Therefore, the Initiation standards above do not apply.**

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

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

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

**Response: The proposed application includes an existing conditions plan (Exhibit XX) and a traffic memo estimating the trip potential worst-case trip generation associated with the proposed change in zoning designation (Exhibit XX).**

*(e) Criteria.*

*(1) Major plan map amendment. A major plan map amendment may be made if:*

- (A) The amendment is in the best interest of the public health, safety, and welfare of the City.*
- (B) The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

**Response: The proposed change is a minor plan map amendment. Therefore, these standards do not apply.**

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

- (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 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;*

**Response: The Community Service Government (CSG) comprehensive plan designation is better suited for the subject property than the Commercial (C) designation. CSG designation “includes sites and facilities for uses such as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal.” The proposed use will be a government use.**

**The location of the subject property as well as the surrounding uses makes it well-suited for the CSG designation. The subject property is partially developed with a government maintenance use, and the property directly south and west of the site are vehicle storage and maintenance uses, similar to the ODOT traffic signal maintenance shop. The subject property is located in an industrial and commercial area in Salem. Only one adjacent property (located diagonally across Liberty and Hickory Streets) is zoned for residential (RS) purposes.**

*(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;*

**Response: The Subject Property is within the public service boundary for the City. The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed CSG designation, including transportation, water, sanitary sewer, stormwater and other facilities. The use proposed for the site is intermittent materials storage, which will not require any additional facilities or services.**

**Thus, the property will be served by existing facilities necessary to support the uses allowed by the proposed CSG designation. This criterion is satisfied.**

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

**Response:** The property is already within the city's urban growth boundary and is associated with an adjacent, existing urban use. The proposed plan map designation is a logical use for the site, as the site is currently part of a government maintenance facility and not expected to have a change in use. The plan designation will allow for any future development or uses of the site by ODOT to be a conforming use.

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

**Response:** Consistency with the Comprehensive Plan policies and statewide planning goals is shown in the responses listed in Section 4 and 5 of this narrative.

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

**Response:** 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 ODOT Signal Shop serves a public purpose and general public benefit by assembling, storing and repairing traffic signs and signals that are used to maintain traffic mobility and safety for motorists on Oregon's state highways.

## Section 4: Compliance with Salem Comprehensive Plan Policies

### *Economy and Employment*

*The City of Salem values its employment lands as it strives to increase the economic prosperity of Salem residents and businesses. These employment lands – including mixed-use, commercial and industrial land – were the focus of the Salem Economic Opportunities Analysis 2015-2035 (EOA) adopted in 2015. The purpose of the EOA was to develop strategies to provide enough land to meet Salem’s future employment land needs, inform policy decisions related to land use, and respond to Keizer’s Economic Opportunities Analysis.*

*The EOA, which is consistent with Statewide Planning Goal 9, found that Salem’s portion of the Salem-Keizer Urban Growth Boundary (UGB) – the Salem Urban Area – has a deficit of 271 acres of commercial land and a surplus of 907 acres of industrial land. It recommended strategies to meet Salem’s employment land needs, including preserving key employment land for traded-sector uses and identifying areas for conversion from industrial to commercial uses.*

*The EOA uses a 20-year employment forecast that assumes employment will grow at the same rate as population, an average annual growth rate of 1.25 percent. That growth rate is based on the coordinated population forecast adopted by Marion County in 2009 for the urban areas of the county. The coordinated forecast included a forecast for the Salem-Keizer UGB, which is projected to have 319,203 people in 2035. Salem’s portion of the UGB is expected to grow from 210,035 people in 2015 to 269,274 people in 2035.*

*The EOA is a support document that serves as a policy guide for this Plan. It has informed the following goals and policies related to mixed-use development, commercial development, economic development, and industrial development.*

*Policy H. 1. Diversify the basic economic sector of the Salem urban area through:*

- a. Expansion of existing industrial enterprises and location of new, clean industries.*
- b. Expansion of the light manufacturing.*
- c. Expansion of businesses with an existing presence in Salem or businesses that provide goods and services to existing businesses in Salem.*
- d. Expansion of businesses who want to locate in Salem because of Salem’s competitive advantages and characteristics.*

**Response:** The existing commercially zoned land is owned and operated by ODOT for a traffic signal maintenance facility. As such, ODOT will continue using the site for its current use, which provides employment for 11 ODOT maintenance workers and supports ODOT operations in both Salem, the surrounding region, and state highways throughout Oregon. Allowing for the comprehensive plan map amendment and rezoning to provide space for storage of ODOT materials will further support the ODOT operations, and bring the site into conformance.

*Policy I. 5. Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities. Expansion of public facilities, services, and utilities beyond the existing, developed, industrial areas shall be coordinated to maximize public investment based on:*

- a. Expansion of the facilities, services, and utilities serves the community's interests; And*
- b. A demonstrated need to expand the currently serviced inventory, Or*
- c. A specific, verifiable development project with specific site requirements that cannot be accommodated within the currently serviced inventory; and d. The project will employ a large number of employees, preferably at a high ratio of employees per acre.*

**Response:** The property is currently within the Urban Services Boundary for the City; therefore, it is capable of being served with public facilities and services, should a future use need them. The site will continue its existing use as the ODOT maintenance facility, and not need any additional public services other than the existing facilities. As it stands, the ODOT maintenance facility allows ODOT to continue to provide support for transportation facilities to the public.

#### *Highland Neighborhood Plan*

**Response:** The Highland Neighborhood has four subareas, with the site of the proposed zone change located in Subarea D – West of Liberty Street. The area is described as “strongly influenced by the high-volume, north-south traffic flows on Liberty and Commercial Streets, and to a lesser degree, on Front Street.”

No policies within the Highland Neighborhood Plan apply to the specific site, the zone change or comprehensive plan designation amendment. The Neighborhood Plan has not been amended since 1984 and was not amended when the subject site was rezoned to MFR in 1998.

## **Section 5: Compliance with Statewide Planning Goals**

#### *Statewide Planning Goal 1 - Citizen Involvement*

**Response:** An open house was held at the Highland Neighborhood Association (HNA) on March 12, 2020. A summary of the meeting and the agenda for the HNA meeting is in Exhibit XX. Attendees at the meeting expressed support for the rezoning proposal.

#### *Statewide Planning Goal 2- Land Use Planning*

**Response:** The City has complied with the Goal 2 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*

**Response:** There are no known scenic, historic, natural, or cultural resources on the affected parcels.

*Statewide Planning Goal 7- Areas Subject to Natural Hazards*

**Response:** There are no other known natural hazards existing on the subject property.

*Statewide Planning Goal 9 - Economic Development*

**Response:** As stated in the response to Section 265.005(e)(1)(E), the small portion of the subject property zoned for commercial development is comprised of five tax lots, totaling about 1.03 acres. The property is zoned for General Commercial, which overlooks the fact that the site was government owned and part of an already existing government maintenance facility. Zoning on all adjacent parcels is commercial, except the multifamily residential on the rest of the ODOT-owned lot, which is proposed for a new zone as part of this concurrent application.

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 (state) 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. One small lot (0.16 acres) within the ODOT owned traffic signal maintenance shop was incorrectly included in the EOA, despite being publicly owned and not expected to be redeveloped for commercial use. The subject property is considered "committed" (to other uses) and is not assigned any development potential. The small lot should not have been considered part of potential future development land. As a result, it is not considered as available to help address the City's commercial land deficit; changing its Comprehensive Plan and zoning designations will have no impact on the City's documented commercial land supply or the commercial deficit identified in the EOA. 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 12- Transportation*

**Response:** Goal 12 is implemented by the Transportation Planning Rule (TPR). 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 has prepared and submitted a Traffic Impact Analysis (Exhibit XX) which includes a TPR analysis. The analysis was prepared by ODOT staff and the methodology for the analysis was coordinated with City of Salem Transportation Engineering staff.

As stated in the Transportation Memo (Exhibit XX), the zone change is not expected to actually affect the transportation facilities surrounding the site (the Liberty-Commercial couplet or surrounding local streets). The proposed use specifically is not expected to generate any additional traffic, as the use will not change at the ODOT facility. Under a worst-case land use scenario, the zone change would continue allow an eating and drinking establishment to be developed, which is considered the worst-case scenario under the current zoning. Development of this use would not change the number of trips beyond what is allowed under the current zoning designation.

#### *Statewide Planning Goal 14- Urbanization*

Response: 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.

# ODOT Traffic Signal Facility

Zone Change Application:

Multifamily Residential to Public Service

Prepared for:

Oregon Dept of Transportation (ODOT)



Prepared by:

Angelo Planning Group (APG)



Submitted to:

City of Salem Planning Division

Submitted:

April 2020

## PROJECT TEAM

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## DEVELOPMENT APPLICATION SUMMARY INFORMATION

Tax Lot ID	073W15AD / 05600, 05700, 05800, 05900, and 06400
Existing Zoning Designation	Multiple Family Residential - 2 (RM2)
Proposed Zoning Designation	Public Services (PS)
Existing Comprehensive Plan Designation	MFR – Multi-Family Residential
Proposed Comprehensive Plan Designation	CSG - Community Service Government
Existing Use	Vacant
Proposed Use	Government Maintenance Materials Storage

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Exhibit 1: Pre-application Conference Sign-In Sheet

Exhibit 2: TPR Compliance Trip Generation Memo

Exhibit 3: Open House Summary and Highland NAC Agenda

Exhibit 4: Recorded deed

Exhibit 5: Site Plan

## Section 1: Project Information

### Background Information

Oregon Department of Transportation (ODOT) is the owner of the site of the proposed zone change located at 2443 Liberty Street NE, 335 and 345 Hickory Street NE, and 2410 Commercial Street NE in Salem. The site is comprised of five tax lots, totaling about 0.86 acres. The tax lots are along the frontage of NE Hickory Street between the Liberty and Commercial Street couplet. The lots are included in the fenced area surrounding the ODOT traffic signal shop facility. (Figure 1: Vicinity Map). ODOT is seeking a Zone Change of the site from Multiple Family Residential 2 (RM2) to Public Service (PS), a zone specifically designated for government uses, such as ODOT buildings and other maintenance buildings. (Figures 2 and 3: Existing Zoning and Proposed Zoning).

The site is currently undeveloped, and will not be developed as a part of this application. The rezoning application is specifically for the ongoing temporary storage of variable message signs.

No development for the site is proposed at this time, which is unpaved and unoccupied. After the Zone Change is approved, ODOT plans to use the open space to store variable message signs to use on future ODOT projects. To the extent that use requires any improvements to or “development” on that portion of the site, it will be the subject of a future development application and subject to a variety of City development standards.

### Land Use Requests

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the designation of Tax Lots 073W15AD 05600, 05700, 05800, 05900, and 06400 from RM2 (Multiple Family Residential - 2) to PS (Public Service)
- 2) A change to the Highland Neighborhood Plan Map designation for the property from "Multi Family Residential" to "Community Service Government"

### Previous Land Use Applications

SMFRLS Salem Multiple Family Residential Land Study – DLCD ORD92-98 (November 22, 1998).

### Pre-Application Conference

A pre-application conference to discuss the comprehensive plan change and future use as material storage for the building was conducted on April 25, 2019. The case number / AMANDA No. for conference is PRE-AP19-42 / 19-108608-PA.

### Neighborhood Association Open House

The site of the zone change and comprehensive plan amendment is located in the Highland Neighborhood Association. A presentation and Open House to the Highland Neighborhood Association was held on March 12<sup>th</sup>, 2020. See Exhibit XX for the Open House materials.



### Zoning and Surrounding Land Use

The subject property is zoned MFR-2 (Multifamily Residential 2), with the northern portion of the ODOT-owned property zoned CG (General Commercial).

The RM2-zoned portion is currently undeveloped. Surrounding properties are zoned as follows:

North:	General Commercial (CG)
South:	(Across Hickory Street NE) General Commercial (CG)
East:	(Across Liberty Street NE) Commercial Office (CO)
West:	(Across Commercial Street NE) Industrial Commercial (IC)

### Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Multi-Family Residential."

The Comprehensive Plan designations of surrounding properties include:

North:	"Commercial"
South:	(Across Hickory Street NE) "Commercial"
East:	(Across Liberty Street NE) "Commercial"
West:	(Across Commercial Street NE) "Industrial Commercial"

### Salem Transportation System Plan (TSP):

The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted on the east by Liberty St, designated as a Major Arterial; on the south by Hickory St NE, designated as a Local St; and on the west by Commercial St NE, designated as a Parkway north of Pine St NE.

### Highland Neighborhood Plan

The subject property is within the boundaries of the Highland Neighborhood Association. Highland has a neighborhood plan, which was adopted by the Salem City Council in 1980 and revised in 1984. The Generalized Land Use Map for the plan designates the subject property as "Community Shopping." The map was not amended when the City rezoned this portion of the property to multi-family residential use in 1998.

### Relationship to the Urban Service Area

The subject property is located within the Urban Service Area. Therefore, a UGA permit is not required.

Figure 1: Vicinity Map



Figure 2: Existing Zoning Map

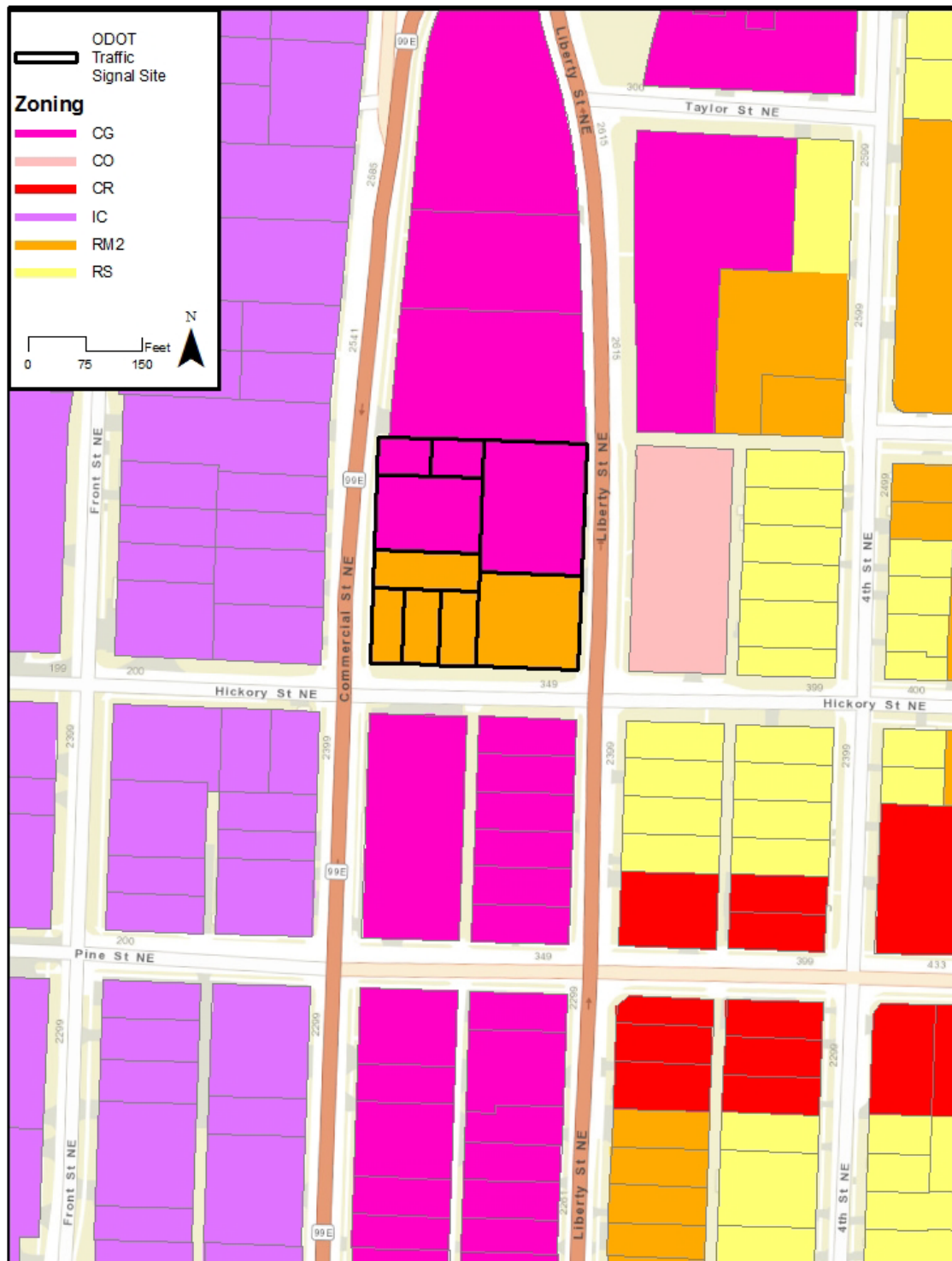
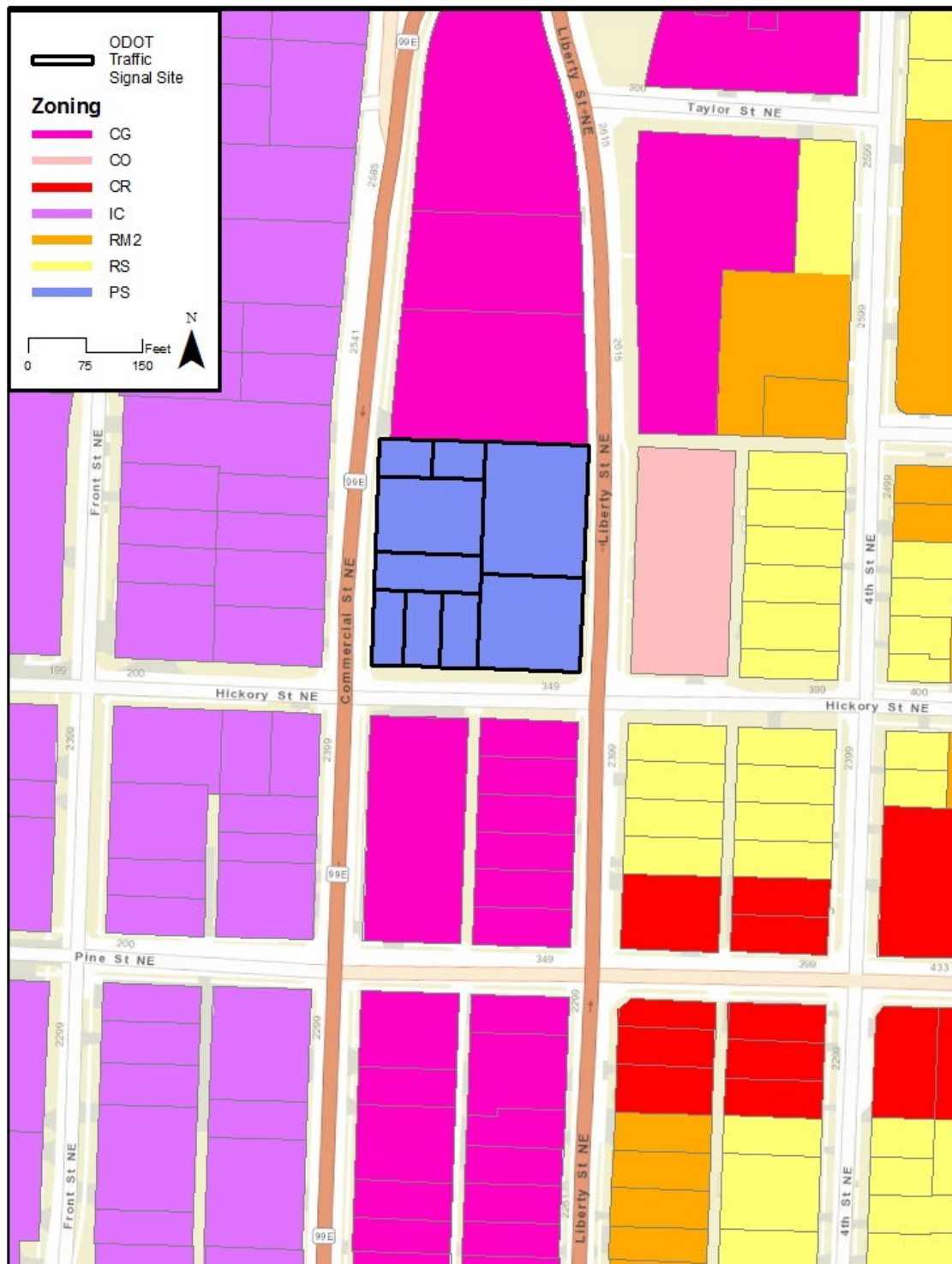


Figure 3 Proposed Zoning Map





## Section 2: Findings Applying to the Applicable Salem Revised Code Criteria for the Zoning Map Amendment

The following analysis addresses the proposed zone change from MF2 (Multiple Family Residential-2) to PS (Public Service). 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.

### **Chapter 265 Zoning**

#### **Sec. 265.005. - Quasi-judicial zone changes.**

*(a) Applicability. This section applies to any quasi-judicial zone change, other than a zone change by operation of law under SRC 265.015.*

*(b) Standing to initiate quasi-judicial zone change. A quasi-judicial zone change may be initiated only by the Council, the Planning Commission, or the owner of the property subject to the proposed zone change, or that owner's agent.*

*(c) Procedure type. A quasi-judicial zone change is processed as a Type III procedure under SRC chapter 300.*

*(d) Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a quasi-judicial zone change shall include the following:*

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

*(A) The total site area, **dimensions**, and orientation relative to north;*

*(B) The **location of** existing structures and **other improvements on the site**, including accessory structures, **fences**, walls, and driveways, **noting their distance from property lines**; and*

*(C) The location of drainage patterns and drainage courses, if applicable;*

**Response: Section 1 of this document provides information related to items A and B. Item C is not applicable.**

**[Insert Site Map showing highlighted dimensions above.]**

*(2) A traffic impact analysis, if required, in the format specified, and based on thresholds specified in standards established, by the Director.*

**Response:** The proposed zone change application includes an existing conditions plan for the site and traffic impact analysis for the ODOT facility. The traffic impact analysis (Exhibit XX) states that the proposed zone change will lead to an increase in trips to the site. However, this was under the assumption of an eating and drinking establishment, which is an allowed use in the PS zone and represents a “worst case” land use scenario. As stated in the trip generation report below:

*“We have selected an eating and drinking establishment drive-through as a potential worst-case scenario land use for the purposes of this analysis based on the full range of uses allowed in the proposed zoning designation and through consultation with city traffic engineering staff. However, we believe the majority of uses allowed in the Public Services zone and the types of uses intended for that zone would generate significantly fewer trips. For example, the City’s zone code indicates, “The purpose of the Public Service (PS) Zone is to implement the Community Service designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The PS zone generally allows a variety of civic service, social service, health service, and educational service uses, together with a limited variety of other compatible uses.” While uses such as eating and drinking establishments are allowed as “other compatible uses” they are not among the primary uses intended for the zone. All primary uses listed in the preceding purpose statement would generate fewer trips based on their associated ITE trip generation rates.*

*Furthermore, the existing and proposed future use of the site by ODOT also will generate a very small number of trips – likely fewer than 50 trips per day. While the worst-case scenario presented in this memo is appropriate as a worst-case for the zone, it does not reflect the actual proposed use of the site by ODOT or the level of trip generation commensurate with that use.*

*As ODOT is not currently proposing to construct any buildings on the site and will only use the site for vehicle and equipment storage, ODOT recommends the City consider establishing an appropriate and reasonable trip cap for the site under the PS zone and Community Service-Government comprehensive plan amendment.”*

*(e) Criteria.*

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

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

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

*(ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or*

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

**Response:** The zone change proposed is to bring the existing and planned future use of the ODOT facility into conformance, and to make the entire site one zone, which is better suited for the property than the existing zone. Currently, the site is zoned Multifamily Residential. However, the site was zoned for Multifamily as part of a larger rezoning throughout the City in 1998, which overlooked the fact that the site was government owned and part of an already existing government maintenance facility. In addition, the current zoning represents application of this designation to an isolated parcel which is almost completely surrounded by non-residential parcels. Development of housing on this site would result in a very small number of units, that could not be developed efficiently and would be surrounded by a combination of industrial and commercial uses.

According to the SRC, "The PS zone generally allows a variety of civic service, social service, health service, and educational service uses, together with a limited variety of other compatible uses." Per the use classifications in the Salem Revised Code 400.075 (SRC), civic services include government maintenance facilities, and example of which is "Government motor pools; shops facilities; [and] storage yards." (SRC 400.075(c)). The existing and proposed future use of the site by ODOT is ideally suited to this designation.

The ODOT facility is one large fenced site comprised of multiple lots split-zoned between General Commercial and Multifamily districts, and has been in use since the early 1990s. The Public Service zone is used on other similar sites throughout the City, such as the City of Salem Public Works buildings, the ODOT Materials Lab and District 2 building, and other government offices. Rezoning the subject site to the PS designation would represent a similar and logical approach and would be consistent with the intended purpose of this designation. The proposed zone will allow this ODOT to use their site to store variable message signs that must be modified or repaired at the adjacent signal shop, prior to their use on state facilities in other parts of Oregon.

The physical characteristics of the site are largely industrial, with the site consisting of a combination of paved and gravel land and a large, secure, building comprised of small offices and a larger warehouse for maintenance of ODOT traffic signals and signs. The site currently zoned for multifamily is within the secure fenced perimeter of the ODOT property, but is currently an unpaved gravel area.

The site is currently unused, but rezoning the entire site to Public Service would allow ODOT to use the site for its government maintenance use.

The surrounding land uses for the site are a combination of primarily commercial and industrial (see Figure XX, below, for photos of the surrounding land). Only one nearby property (located diagonally across Liberty and Hickory Streets) is zoned for residential (RS) use. The surrounding uses are varied, with a vehicle maintenance and storage company directly south of the site across Hickory St, a healthcare service office to the east, a commercial area north of the ODOT facility, and a vehicle maintenance and single family homes across Commercial St to the west and southwest.

*(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.*

**Response: The zone change is not City initiated. Therefore, this standard does not apply.**

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

**Response: This application contains responses to the applicable Salem Area Comprehensive Plan Provisions. Responses can be found in Section 4 of this narrative.**

*(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

**Response: This application contains responses to the applicable statewide planning goals and DLCD administrative rules. Responses can be found in Section 5 of this narrative.**

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

**Response: The proposed zone change is not from an industrial, commercial, or employment designation to another designation. Therefore, this standard does not apply.**



*(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.*

**Response:** As stated in the Transportation Memo (Exhibit XX), the zone change is not expected to actually affect the transportation facilities surrounding the site (the Liberty-Commercial couplet or surrounding local streets). The proposed use specifically is not expected to generate any additional traffic, as the use will be for additional materials storage for variable message signs for ODOT projects. However, under a worst-case land use scenario, the zone change could allow an eating and drinking establishment to be developed. Development of this use could result in an increase in the number of trips beyond what is allowed under the current zoning designation. Because the zone change could allow a use in the future that could substantially increase trips, ODOT recommends that a trip cap be applied as a condition of approval to ensure that the zone change does not increase trips beyond those allowed under the current zone. Such a trip cap would mitigate for any potential significant effort of the zone change on surrounding transportation facilities.

*(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.*

**Response:** The property is currently within the Urban Services Boundary for the City and already is served by transportation, sewer, water and stormwater drainage facilities; therefore, it is capable of being served with public facilities and services, should a future use need them. However, the site will be used as for materials storage for the ODOT maintenance facility, and is not anticipated to need any additional public services or facilities.

*(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.*

**Response:** The proposed zone change is expected to have little impact on the area, as it will bring the non-conforming site into conformance with the current and planned future use of ODOT's adjacent Signal Shop facilities. No additional structures, paving, or other improvements are proposed for the site. The site's use has not changed in over 30 years, and, per the assumptions applied to the site in the City's Housing Needs Analysis (HNA), the sites should be excluded from housing or commercial uses, since "Publicly-owned lands were evaluated and many (not all) were excluded because they are not intended to convert to residential use during the planning period." The site's use is not expected to change, except for periodic sign storage to meet the needs of ODOT in the future. This activity will have little to no effect on the site itself or the surrounding area.

**Sec. 265.020. - Conditions of approval.**

*(a) Conditions may be imposed on zone changes including limits on use, uses permitted, and any development standards.*

*(b) Conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of land. Modification of use conditions shall be by zone change, as provided under this chapter. Modification of all other conditions, including full or partial release therefrom, shall be by variance, as provided under SRC [chapter 245](#).*

*(c) If the dedication of right-of-way or construction of public improvements is required as a condition of approval under this section, the dedication or improvement shall be the obligation of the applicant and must be completed prior to issuance of building permit or certificate of occupancy, whichever is earlier. Upon justification by the applicant, the Director may allow deferral of all or a portion of public improvements required as a condition under this section beyond issuance of building permit or certificate of occupancy until a stated time or until required by Council, whichever is earlier. An applicant seeking deferral under this section shall execute an improvement deferral agreement which specifies the terms of deferral. The agreement shall be in a form approved by the City Attorney and shall be filed in the deed records of the appropriate county.*

**Response: The applicant is willing to consider conditions of approval that may be established through the review and approval process.**

**Sec. 265.025. - When zone change requires comprehensive map amendment.**

*A zone change may require an amendment to the comprehensive plan map. A zone change requires an amendment to the comprehensive plan map when the zone proposed with the change requires a different corresponding plan map designation. If an amendment to the comprehensive plan map is required, the zone change and comprehensive plan map amendment shall be consolidated under SRC [chapter 300](#).*

**Response: The proposed zone change application is being submitted with a requested amendment to the comprehensive plan map as a consolidated application. Responses to the requirements for a comprehensive plan amendment (Chapter 64) are included in this application under Section 3.**

**CHAPTER 544. - PS—PUBLIC SERVICE**

**Sec. 544.001. - Purpose.**

*The purpose of the Public Service (PS) Zone is to implement the Community Service designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The PS zone generally allows a variety of civic service, social service, health service, and educational service uses, together with a limited variety of other compatible uses.*

***Sec. 544.005. - Uses.***

**Response:** Per Table 544-1 (below), the proposed use of the site is a government maintenance service, which is permitted in the Public Service zone. Government maintenance services include “Government motor pools; shops facilities; [and] storage yards.” (SRC 400.075(c)). The use will be storage for the ODOT traffic signal shop materials.

**TABLE 544-1. USES**

<i>Civic Services</i>	
<i>Governmental services</i>	<i>P</i>
<i>Social services</i>	<i>P</i>
<i>Governmental maintenance services and construction</i>	<i>P</i>

***Sec. 544.010. - Development standards.***

**Response:** No development is proposed at this time. Therefore, these standards do not apply.

***Sec. 544.015. - Design review.***

**Response:** No development is proposed at this time. Therefore, these standards do not apply.

***Sec. 544.020. - Other provisions.***

*In addition to the standards set forth in this chapter, development within the PS zone must comply with all other applicable development standards of the UDC, including, but not limited to, the following chapters:*

**Response:** No development is proposed at this time. Therefore, these standards do not apply.

## **Section 3: Findings Applying to the Comprehensive Plan Map (Minor) Amendment**

This section of the application contains responses that illustrate how this Zone Change application conforms to the applicable standards and approval criteria of the Salem Revised Code (SRC). Only code sections that contain applicable standards and criteria or otherwise require a response related to the requested land use action have been included.

**Sec. 64.020 - Comprehensive Plan Change**

*(a) Applicability. Amendments to the comprehensive plan, other than an amendment to a plan map, as that term is defined in SRC 64.025, shall be adopted as provided in this section. The two types of comprehensive plan amendments are major and minor.*

**Response: The proposed zone change application requires an amendment to the comprehensive plan map, but no amendment to the comprehensive plan. Therefore, this section does not apply.**

**Sec. 64.025 - Plan map amendments**

*(a) Applicability. Amendments to a plan map shall be adopted as provided in this section. The two types of plan map amendments are major and minor. As used in this section, the term "plan map" means the urban growth boundary, the comprehensive plan map, or a general land use map in a neighborhood plan.*

*(1) A major plan map amendment is:*

*(A) Any amendment to the urban growth boundary; or*

*(B) An amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or a large number of individual properties.*

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

**Response: No amendment to the Urban Growth Boundary or amendment affecting more than one property owner or a large number of individual properties is proposed. The proposed amendment will affect five contiguous properties owned by ODOT, all considered parts of the same maintenance facility site. Therefore, the amendment is considered a minor plan map amendment.**

**Currently, the site's comprehensive plan designation is Multi-Family Residential (MFR), with an MF-2 zoning district. The Public Service zoning district change requires an amendment to the designation to a Community Service Government (CSG) designation, which, according to the Comprehensive Plan, "includes sites and facilities for uses such as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal." The proposed use will be a government use.**

*(b) Standing to initiate plan map amendments.*

*(1) Notwithstanding SRC [300.1110](#), a major plan map amendment may only be initiated by the Council.*

**Response: No major plan amendment is proposed; therefore, this standard does not apply.**

*(2) Notwithstanding SRC [300.1110](#), a minor plan map amendment may only be initiated by the Council, the Planning Commission, or an owner of property that is the subject of the amendment, or that owner's agent.*

**Response: The proposed amendment is a minor plan map amendment being proposed by the Oregon Department of Transportation, the owner of the subject property.**

*(c) Procedure type.*

*(1) Major plan map amendments are legislative decisions, and are processed according to the Legislative Procedures under SRC [chapter 300](#).*

*(2) Minor plan map amendments are quasi-judicial decisions, and are processed as a Type III procedure under SRC [chapter 300](#)*

**Response: The proposed amendment to the plan map is minor and is proposed under a Type III quasi-judicial procedure.**

*(d) Submittal requirements.*

*(1) Initiation.*

*(A) A major or minor plan map amendment may be initiated by the Council by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment.*

*(B) A minor plan map amendment may be initiated by the Council or the Planning Commission by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment, or by an applicant by the submission of an application that complies with subsection (d)(2) of this section.*

**Response: The proposed application is being initiated by the property owner. Therefore, the Initiation standards above do not apply.**

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

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

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

**Response: The proposed application includes an existing conditions plan (Exhibit XX) and a traffic memo estimating the potential worst-case trip generation associated with the proposed change in zoning designation (Exhibit XX).**

*(e) Criteria.*

*(1) Major plan map amendment. A major plan map amendment may be made if:*

- (A) The amendment is in the best interest of the public health, safety, and welfare of the City.*
- (B) The amendment conforms to the applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

**Response: The proposed change is a minor plan map amendment. Therefore, these standards do not apply.**

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

- (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 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;*

**Response: The Community Service Government (CSG) comprehensive plan designation is better suited for the subject property than the Multi-Family Residential (MFR) designation. CSG designation “includes sites and facilities for uses such as health and medicine, religion, education, culture, government, including cemeteries, airports, and waste disposal.” The proposed use will be a government use.**

**The location of the subject property as well as the surrounding uses makes it well-suited for the CSG designation. The Subject Property is partially developed with a government maintenance use, and the property directly south and west of the site are privately operated vehicle storage and maintenance uses, similar to the ODOT traffic signal maintenance shop. The Subject Property is located in a predominantly industrial and commercial area in Salem. Only one adjacent property (located diagonally across Liberty and Hickory Streets) is zoned for residential (RS) purposes.**

*(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;*

**Response: The Subject Property is within the public service boundary for the City. The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed CSG designation, including transportation, water, sanitary sewer, stormwater and other facilities. The use proposed for the site is intermittent materials storage, which will not require any additional facilities or services.**

**Thus, the property will be served by existing facilities necessary to support the uses allowed by the proposed CSG designation. This criterion is satisfied.**

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

**Response: The property is already within the city's urban growth boundary and is associated with an adjacent, existing urban use. The proposed plan map designation supports the logical urbanized use of the site, as the site is currently part of a government maintenance facility and not expected to have a change in use. The plan designation will allow for any future development or use of the site by ODOT to be a conforming use.**

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

**Response: Consistency with the Comprehensive Plan policies and statewide planning goals is shown in the responses listed in Section 4 and 5 of this narrative.**

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

**Response: 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 adjacent ODOT Signal Shop serves a public purpose and general public benefit by assembling, storing and repairing traffic signs and signals that are used to maintain traffic mobility and safety for motorists on Oregon's state highways. The proposed rezoning will allow ODOT to use the subject site to store additional electronic reader board signs in close proximity to and associated with its repair and maintenance facilities at the Signal Shop. This will allow ODOT to expand its existing activities and further benefit the public through increased traffic mobility and safety.**



## Section 4: Compliance with Salem Comprehensive Plan Policies

*Policy E. 1. The location and density of residential uses shall be determined after consideration of the following factors;*

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*
- c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.*

**Response:** The existing multifamily zoning applied on the site was excluded from potential residential development in the Housing Needs Analysis (2015 – 2035), since “they are not intended to convert to residential use during the planning period.” The site was zoned multifamily as part of a larger Multifamily Residential Study in 1998, but, as shown in Figure 2, is not adjacent to any residentially zoned properties. As such, per the Housing Needs Analysis, this site is not considered available to meet the demand for the future housing needs for Salem. While Salem is currently at a deficit for housing, it was not expected that this land would ever be developed into housing, and retaining the existing multifamily zoning does not accurately portray the existing potential housing stock for City analysis in the future. As a result, rezoning the site to the PS designation will have no impact on future residential development or densities.

*Policy E. 8. Residential areas shall be protected from more intensive land use activity in abutting zones.*

**Response:** The proposed change in zoning district and designation is to more accurately portray the existing and proposed uses of the ODOT facility, which is a non-residential, public service use and inconsistent with the existing multi-family zoning designation. Surrounding uses are primarily a combination of industrial and commercial. The only nearby residential zoning and uses are the single-family homes located across both Liberty and Hickory Streets to the southeast. A number of former residential homes both west and south of the site on the west sides of Commercial and Liberty Streets already have been repurposed for commercial and industrial uses, such as auto collision repair and supply. Given the location and character of surrounding uses, the proposed rezoning and new designation of the site will not lead to any changes in the actual use of the ODOT facility and will have little to no impact on nearby residential uses. The lots which are currently zoned MFR-2 are along the Hickory St frontage, which faces an RV Storage area. The use of these rezoned lots for storage of ODOT variable message signs will be congruous with the sites directly surrounding it.

*Policy I. 5. Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities. Expansion of public facilities, services, and utilities beyond the existing, developed, industrial areas shall be coordinated to maximize public investment based on:*

- a. Expansion of the facilities, services, and utilities serves the community's interests; And*
- b. A demonstrated need to expand the currently serviced inventory, Or*
- c. A specific, verifiable development project with specific site requirements that cannot be accommodated within the currently serviced inventory; and d. The project will employ a large number of employees, preferably at a high ratio of employees per acre.*

**Response:** The property is currently within the Urban Services Boundary for the City; therefore, it is capable of being served with public facilities and services, should a future use need them. The site will continue its existing use as the ODOT maintenance facility, and not need any additional public services other than the existing facilities. As it stands, the ODOT maintenance facility allows ODOT to continue to provide support for transportation facilities to the public.

#### *Highland Neighborhood Plan*

The Highland Neighborhood has four subareas, with the site of the proposed zone change located in Subarea D – West of Liberty Street. The area is described as “strongly influenced by the high-volume, north-south traffic flows on Liberty and Commercial Streets, and to a lesser degree, on Front Street.”

No policies within the Highland Neighborhood Plan apply specifically to the site, or the zone change or comprehensive plan designation amendment. The Neighborhood Plan has not been amended since 1984 and was not amended when the subject site was rezoned to MFR in 1998.

## **Section 5: Compliance with Statewide Planning Goals**

#### *Statewide Planning Goal 1 - Citizen Involvement*

**Response:** An open house was held at the Highland Neighborhood Association (HNA) on March 12, 2020. A summary of the meeting and the agenda for the HNA meeting is in Exhibit XX. Attendees at the meeting expressed support for the rezoning proposal.

#### *Statewide Planning Goal 2- Land Use Planning*

**Response:** The City has complied with the Goal 2 requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission has 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*

**Response:** There are no known scenic, historic, natural, or cultural resources on the affected parcels.

*Statewide Planning Goal 7- Areas Subject to Natural Hazards*

**Response:** There are no other known natural hazards existing on the subject property.

*Statewide Planning Goal 9 - Economic Development*

**Response:** The lot has remained vacant for several decades. The proposal to rezone the site to a “Public Service” designation that would apply to the entire ODOT-owned area will allow the site’s zoning to realign with the actual existing and continued future use of the subject site as a traffic signal shop facility.

The range of permitted uses of the subject property in zones implementing the Public Service designation better reflect the location of the subject property and the historic use of the property as the ODOT traffic signal shop. The proposal will help support ODOT transportation improvement projects across the region and state, which provide jobs and critical transportation infrastructure, consistent with the intent of Goal 9.

*Statewide Planning Goal 10- Housing*

**Response:** The portion of the subject property zoned for residential development is comprised of five tax lots, totaling about 0.86 acres. The property was zoned for Multifamily as part of a larger rezoning throughout the City in 1998, which overlooked the fact that the site was government owned and part of an already existing government maintenance facility. Zoning on all adjacent parcels is non-residential. Based on a review of City density, setback, parking and other relevant standards, the site theoretically could accommodate approximately seven (7) housing units. The City’s most recently adopted 2014 Housing Needs Analysis (HNA) indicates that the City faces a deficit of residential land. However, the HNA and accompanying Buildable Lands Inventory (BLI) also correctly assumed that the subject property was not available to provide capacity for additional residential development within the planning period because the site is owned by a public (state) agency. Because of this, the HNA correctly assumed that the property would be used for a public purpose, and would not be expected to redevelop for residential use during the planning period. The subject property is considered “committed” (to other uses) and was not assigned any residential development capacity in the BLI findings. As a result, it is not considered as available to help address the City’s residential land deficit; changing its Comprehensive Plan and zoning designations will have no impact on the City’s documented residential land supply or the residential deficit identified in the HNA. Rezoning the property to a non-residential use will be consistent with the findings of the HNA and by extension is consistent with Statewide Planning Goal 10.

*Statewide Planning Goal 12- Transportation*

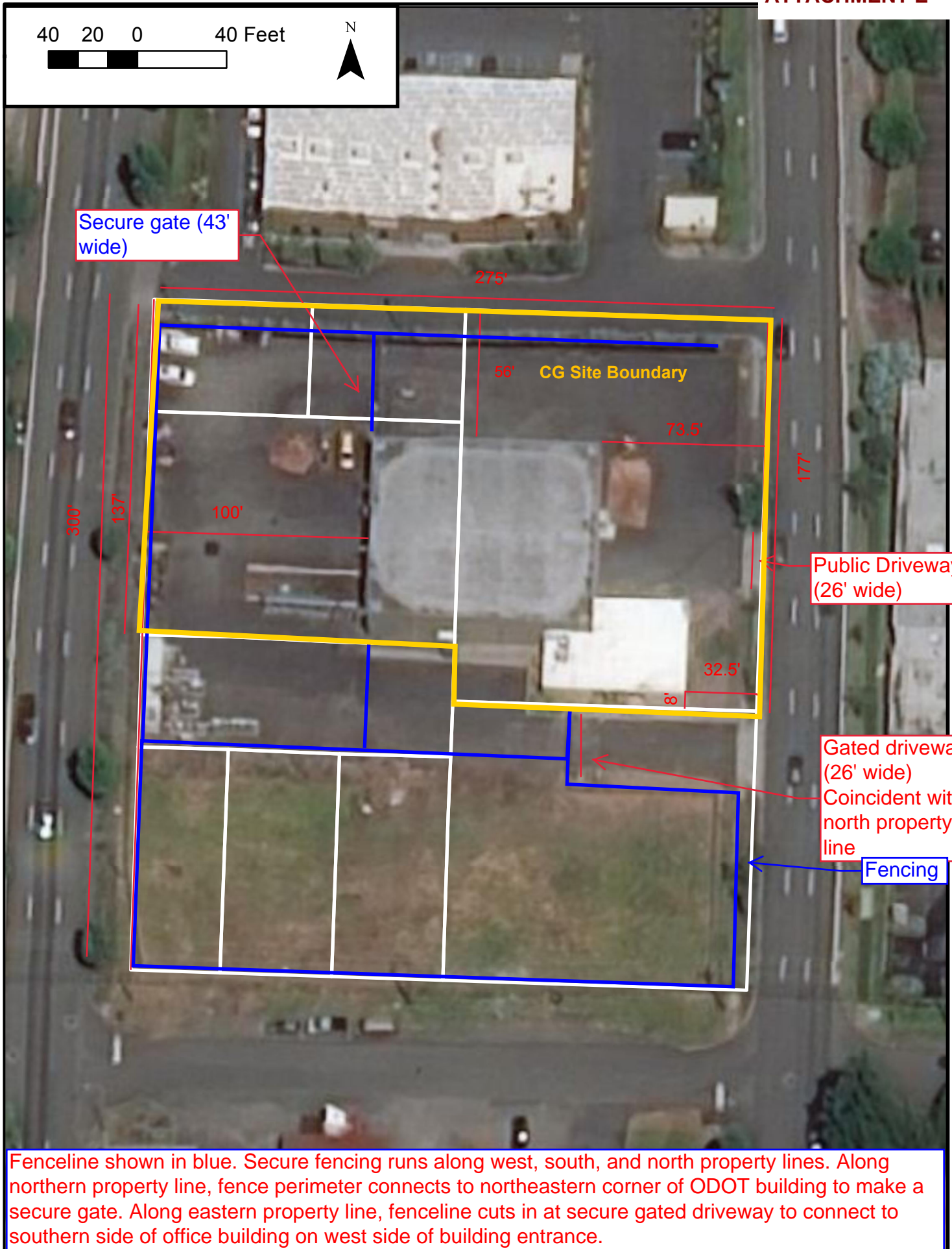
**Response:** Goal 12 is implemented by the Transportation Planning Rule (TPR). The TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the 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 has prepared and submitted a Traffic Impact Analysis (Exhibit XX) which includes a TPR analysis. The analysis was prepared by ODOT staff and the methodology for the analysis was coordinated with City of Salem Transportation Engineering staff.

As stated in the Transportation Memo (Exhibit XX), the zone change is not expected to actually affect the transportation facilities surrounding the site (the Liberty-Commercial couplet or surrounding local streets). The proposed use specifically is not expected to generate any additional traffic, as the use will be for additional materials storage for variable message signs for ODOT projects. However, under a worst-case land use scenario, the zone change could allow an eating and drinking establishment to be developed. Development of this use could result in an increase in the number of trips beyond what is allowed under the current zoning designation. Because the zone change could allow a use in the future that could substantially increase trips, ODOT recommends that a trip cap be applied as a condition of approval to ensure that the zone change does not increase trips beyond those allowed under the current zone. Such a trip cap would mitigate for any potential significant effort of the zone change on surrounding transportation facilities.

*Statewide Planning Goal 14- Urbanization*

**Response:** 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.








Fenceline shown in blue. Secure fencing runs along west, south, and north property lines. Along northern property line, fence perimeter connects to northeastern corner of ODOT building to make a secure gate. Along eastern property line, fenceline cuts in at secure gated driveway to connect to southern side of office building on west side of building entrance.



# MEMO

**TO:** Bryce Bishop, Planner II  
Community Development Department

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

**DATE:** July 28, 2020

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS  
CPC-NPC-ZC20-04 (20-108131)  
2443 LIBERTY STREET NE  
COMP PLAN CHANGE AND ZONE CHANGE**

## **PROPOSAL**

A consolidated Minor Comprehensive Plan Map Amendment from Commercial and Multiple Family Residential to Community Service Government, Minor Neighborhood Plan Map Amendment to Community Service Government, and Zone Change from CG (General Commercial) and RM-II (Multiple Family Residential) to PS (Public Service) for properties totaling approximately 1.89 acres in size and located in the 2400 Block of Commercial Street NE and Liberty Street NE (Marion County Assessor Map and Tax Lot Numbers: 073W15AD05600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, & 6400).

## **RECOMMENDED CONDITIONS OF APPROVAL**

1. The transportation impacts from the 1.89-acre site shall be limited to a maximum cumulative total of 2,406 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. Liberty Street NE

- a. Standard—This street is under the jurisdiction of the Oregon Department of Transportation and is designated as a Major Arterial street with a special right-of-way and improvement width in the Salem TSP. The standard for this section of street is a 36-foot-wide improvement within a 66-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 40-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

### 2. Commercial Street NE

- a. Standard—This street is under the jurisdiction of the Oregon Department of Transportation and is designated as a Parkway street with a special right-of-way and improvement width in the Salem TSP. The standard for this section of street is a 36-foot-wide improvement within a 66-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 44-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

### 3. Hickory Street NE

- 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 24-foot improvement within a 66-foot-wide right-of-way abutting the subject property.

## Storm Drainage

### 1. Existing Conditions

- a. A 30-inch storm main is located in Commercial Street NE.
- b. An 18-inch storm main is located within an easement on map and tax lots 073W15AD06300 and 06400.



## Water

### 1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 6-inch water main is located in Liberty Street NE.
- c. An 8-inch water main is located in Commercial Street NE.
- d. There are 6-inch, 8-inch, and 18-inch water mains located in Hickory Street NE.

## Sanitary Sewer

### 1. Existing Conditions

- a. A 66-inch sewer main is located in Commercial Street NE.
- b. A 36-inch sewer main is located in Hickory Street NE.

## 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 addresses each comprehensive plan change/zone change (CPC/ZC) pursuant to OAR 660-012-0060. The TPR analysis for the proposed change from General Commercial to Public Services demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060.

The TPR analysis for the proposed change from Multiple Family Residential to Public Services 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 TPR Analysis recommends a “trip cap” to mitigate the impact to the transportation system.

Upon review of the TPR analyses, the Assistant City Traffic Engineer discovered inconsistencies in the TPR reports that have minimal impact upon the final recommendation. The analyses recommend a “trip cap” of 2,355 average daily trips (ADT) for the General Commercial portions of the property and 51 ADT for the Multiple Family Residential portions of the property. Despite noting the minor inconsistencies, the Assistant City Traffic Engineer recommends implementation of the applicant’s TPR analysis by limiting the maximum cumulative total of average daily trips on the 1.89-acre site to 2,406 ADT.

**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 existing and proposed developments. 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



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MEMORANDUM

DATE March 12, 2020

TO Dan Fricke, Oregon Department of Transportation (ODOT)

CC Laura Wilson, Jason Shaddix, and Ron Blacketer, ODOT  
Salem Community Development Department  
Highland Neighborhood Association

FROM Matt Hastie and Courtney Simms, Angelo Planning Group (APG)

RE Highland Neighborhood Advisory Committee Presentation Summary

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This memorandum is a summary of the March 12<sup>th</sup> presentation by Matt Hastie at the monthly Highland Neighborhood Association at the North Neighbors Resource Center at 945 Columbia St NE at 7:00pm regarding the following potential land use permit applications:

- Proposed Zone Change and Comprehensive Plan Amendment application for the southern tax lots adjacent to the ODOT Traffic Signal Shop and currently zoned for Multi-Family Residential use (tax lots 073W15AD / 05600, 05700, 05800, 05900, and 06400).
- Potential proposed Zone Change and Comprehensive Plan Amendment application for the portion of the ODOT Traffic Signal Shop property currently occupied by the Signal Shop and associated outdoor storage areas and currently zoned for Commercial General use (tax lots 073W15AD / 06000, 06200, 06100, 06300).

About seven people, mostly presenters and neighborhood association members, were in attendance. Matt Hastie gave a brief presentation about the proposed zone change. Matt was accompanied by Courtney Simms of APG and Laura Wilson of ODOT. Matt indicated that ODOT will pursue a zone change for the portion of the site currently zoned Multi-Family Residential to the Public Services designation and a Comprehensive Plan map amendment from Multifamily Residential to Community Service Government (CSG). Matt noted that ODOT also may seek a zone change for the parent parcel from General Commercial to Public Services and a corresponding Comprehensive Plan map amendment from Residential to Community Service Government (CSG). Laura provided some additional information about the history and use of the facility, including that ODOT had been using the site for a maintenance facility for their traffic signals since the early 1990s.

The neighborhood association was very supportive and did not voice any concerns or questions. Comments from the members, including the two co-chairs included *“That all makes sense and I*

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*can't imagine that we would have any issue with it."* and *"You can check the box for the Highland Neighborhood Association."*

Matt discussed next steps, which include:

- Drafting application narrative for both parcels;
- Submitting the applications to the City of Salem;
- A completeness review and drafting of the staff report by City of Salem Community Development staff, including a Staff recommendation for approval, approval with conditions, or denial to the Salem Planning Commission; and
- A final local decision by the Salem City Council.

# Highland

Neighborhood  
Association



## MEETING NOTICE

Thursday, March 12, 2020 @ 7:00 p.m.  
North Neighbors Resource Center  
945 Columbia St NE

**This is an open meeting. The public is invited.**

For more information, contact:  
Geoff Darling (971-240-8782)  
[higeoff@comcast.net](mailto:higeoff@comcast.net)

or Steve Emerson (503-362-7941)  
[dfhmdf@yahoo.com](mailto:dfhmdf@yahoo.com)

## AGENDA

1. Introductions/Approval of Minutes
2. Reports
  - a. Police Officer
  - b. City Councilor(s), Cara Kaser and Matt Ausec
3. Safe Sleep United – Women’s warming shelter
4. ODOT – Hickory Ave zone change
5. City of Salem – Pine/Maple street crossing
6. Neighborhood Concerns – Issues not on agenda
7. Other Business/Announcements

**Next Meeting Date: April 9, 2020**

Get Crime Maps and Statistics for Highland: [www.crimereports.com](http://www.crimereports.com)  
Visit us on our Facebook Page: <https://www.facebook.com/highland.neighbors.salem>  
Our City of Salem Page: <https://www.cityofsalem.net/Pages/highland-neighborhood-association.aspx>  
Sign up for our mailing list: <https://www.cityofsalem.net/my-neighborhood>



ODOT Region 2 Tech Center  
 455 Airport Rd SE, Bldg. A  
 Salem, OR 97301  
 Fax: (503) 986-2839  
 Phone: (503) 986-2990

## Interoffice Memo

**DATE:** April 3, 2020

**TO:** Dan Fricke  
 Senior Transportation Planner

**FROM:** Keith P. Blair, P.E.  
 Interim Traffic Analysis Engineer

**SUBJECT:** ODOT TSSU TPR Trip Generation  
 Rezone Analysis: General Commercial to Public Service  
 City of Salem, Marion County



RENEWS: 12/31/2021

### Introduction

This memorandum details a trip generation assessment conducted to supplement a proposed application to the City of Salem for a zone change from CG (General Commercial) to Public Service (PS), a concurrent comprehensive plan amendment to Community Service-Government, and future use as vehicle and equipment storage for the adjacent ODOT Traffic Systems Services Unit building, affecting six tax lots (5900, 6000, 6100, 6200, 6300, and 6400) of Marion County Assessors Map 073W15AD. The tax lots are located between the Salem Highway No. 72 (OR-99EB) couplet of Commercial Street NE and Liberty Street NE and north of Hickory Street NE.

### Trip Generation

The subject site is approximately 1.36 acres, currently zoned as CG, and proposed for a change in zoning to PS. To determine the impacts of the proposed rezone, reasonable worst-case development scenarios for the existing and proposed zones were determined utilizing data from the most traffic-intensive uses permitted within each zone.

#### *Existing CG Zone*

To determine a reasonable worst-case development scenario under the existing zone, City of Salem Development Code Chapter 523 CG-General Commercial was referenced. Permitted land uses within the zone were compared to land uses provided within the ITE Trip Generation Manual. Based on this assessment, data from land use code 934, Fast-Food Restaurant with Drive-Through Window, was used to estimate trip generation based on the square-footage of gross building floor area.

The potential development of a Fast-Food Restaurant with Drive-Through Window is expected to attract pass-by and diverted trips to the site. Pass-by trips are trips that leave the adjacent roadway to patronize a land use and then continue in their original direction of travel. Similar to pass-by trips, diverted trips are trips that divert from a nearby roadway not adjacent to the site to patronize a land use before continuing to their original destination. While pass-by trips add additional turning movements at site access intersections, they do not add additional vehicles to the surrounding transportation system. Diverted trips may add turning movements at both site access and other nearby intersections.

Pass-by trip rates were determined using data provided within the ITE Trip Generation Handbook (3<sup>rd</sup> Edition). Data from land use code 934 was used to determine a morning peak hour pass-by rate (49%) and an afternoon peak hour pass-by rate (50%) for the reasonable worst-case development scenario under the existing CG zone. It is assumed that the weekday rates would approximately match that of the afternoon peak hour. For the purposes of this analysis, diverted trips were conservatively treated as primary trips.

Within Chapter 523, there does not appear to be any specific standards with regard to building lot coverage or a floor area ratio (FAR) for uses within a CG zone. Therefore, based on input from City staff, it was assumed that any proposed Fast-Food Restaurant with Drive-Through Window would cover, at most, 30% of the site (the remaining 70% of space would be dedicated to parking, public space, ROW improvements, etc.). This 30% threshold would limit total building area to approximately 17,700 square-feet (30% of the 1.36 acres). However, as typical fast food restaurants within the area are limited to approximately 2,500 square-feet, it is reasonable and appropriate to assume the area would be limited to two 2,500 square-foot buildings. Accordingly, 5,000 square-feet of building space (assuming single-floor buildings) has been assumed to be constructed within the existing CG zone.

#### *Proposed PS Zone*

To determine a reasonable worst-case development scenario under the proposed zone, City of Salem Development Code Chapter 544 PS-Public Service was referenced. Permitted land uses within the zone were compared to land uses provided within the ITE Trip Generation Manual. Based on this assessment, data from land use code 934, Fast-Food Restaurant with Drive-Through Window, was used to estimate trip generation based on the square-footage of gross building floor area.

The potential development of a Fast-Food Restaurant with Drive-Through Window is expected to attract pass-by and diverted trips to the site. Pass-by trips are trips that leave the adjacent roadway to patronize a land use and then continue in their original direction of travel. Similar to pass-by trips, diverted trips are trips that divert from a nearby roadway not adjacent to the site to patronize a land use before continuing to their original destination. While pass-by trips add additional turning movements at site access intersections, they do not add additional vehicles to the surrounding transportation system. Diverted trips may add turning movements at both site access and other nearby intersections.

Pass-by trip rates were determined using data provided within the ITE Trip Generation Handbook (3<sup>rd</sup> Edition). Data from land use code 934 was used to determine a morning peak hour pass-by rate (49%) and an afternoon peak hour pass-by rate (50%) for the reasonable worst-case development scenario under the proposed PS zone. It is assumed that the weekday rates would approximately match that of the afternoon peak hour. For the purposes of this analysis, diverted trips were consistently treated as primary trips.

Within Chapter 544, there does not appear to be any specific standards with regard to building lot coverage or a FAR for uses within a PS zone. Therefore, it was again assumed that any proposed Fast-Food Restaurant with Drive-Through Window would cover, at most, 30% of the site (the remaining 70% of space would be dedicated to parking, public space, ROW improvements, etc.). This 30% threshold would limit total building area to approximately 17,700 square-feet (30% of the 1.36). However, as typical fast food restaurants within the area are limited to approximately 2,500 square-feet, it is reasonable and appropriate to assume the area would be limited to two 2,500 square-foot buildings. Accordingly, 5,000 square-feet of building space (assuming single-floor buildings) has been assumed to be constructed within the proposed PS zone.

### **Trip Generation Analysis**

The trip generation calculations show that under the existing CG zone, the subject site could reasonably generate up to 103 morning peak hour trips, 82 afternoon peak hour trips, and 1,178 average weekday trips. Under the proposed PS zone, the site could reasonably generate those same 103 morning peak hour trips, 82 afternoon peak hour trips, and 1,178 average weekday trips as the reasonable worst-case development is permissible under both zones. Accordingly, there is no net change in the trip generation potential of the site after the proposed rezone. The trip generation estimates are summarized in Table 1.



Table 1: Trip Generation Summary

	ITE Code	Size	Morning Peak Hour			Afternoon Peak Hour			Weekday Total
			Enter	Exit	Total	Enter	Exit	Total	
Existing CG Zone									
Fast-Food Restaurant with Drive-Through Window	934	5,000 sq.ft	103	98	201	85	78	163	2,355
Pass-by Trips (49% AM, 50% PM)			50	48	98	42	39	81	1,177
Primary Trips			53	50	103	43	39	82	1,178
Existing Zone Primary Site Trip Generation			53	50	103	43	39	82	1,178
Proposed PS Zone									
Fast-Food Restaurant with Drive-Through Window	934	5,000 sq.ft	103	98	201	85	78	163	2,355
Pass-by Trips (49% AM, 50% PM)			50	48	98	42	39	81	1,177
Primary Trips			53	50	103	43	39	82	1,178
Proposed Zone Primary Site Trip Generation			53	50	103	43	39	82	1,178
Net Increase in Primary Site Trip Generation			0	0	0	0	0	0	0

For the purpose of a conceptual assessment of significance, the maximum potential generated trips for the site under the existing zone was compared to the existing traffic on the adjacent the roadway. The only existing access to the site is to Liberty Street, which is the northbound couplet of the Salem Parkway (OR-99EB).

According to ODOT's Transportation Volume Tables, the 2018 annual average daily (northbound only) traffic on Liberty Street between Pine Street and Hickory Street is 13,700. If the site were to fully develop under the existing zone and generate 1,178 weekday trips, the additional traffic would represent less than a 9% increase in the daily traffic on Liberty Street and an even smaller share of the total daily entering vehicles at the Salem Parkway/Liberty Street intersection, located two blocks north of the site.

### **Summary and Conclusions**

This memorandum details a trip generation assessment conducted to supplement a proposed application to the City of Salem for a zone change from CG (General Commercial) to PS (Public Service), a concurrent comprehensive plan amendment to Community Service-Government, and future use as vehicle and equipment storage for the adjacent ODOT Traffic Systems Services Unit building, affecting six tax lots (5900, 6000, 6100, 6200, 6300, and 6400) of Marion County Assessors Map 073W15AD.

This trip generation assessment concludes that under the existing CG zone, the subject site could reasonably generate up to 103 morning peak hour trips, 82 afternoon peak hour trips, and 1,178 average weekday trips. Under the proposed PS zone, the site could reasonably generate those same 103 morning peak hour trips, 82 afternoon peak hour trips, and 1,178 average weekday trips as the reasonable worst-case development is permissible under both zones. Accordingly, there is no net change in the trip generation potential of the site after the proposed rezone.

We have selected an eating and drinking establishment drive-through as a potential worst-case scenario land use for the purposes of this analysis based on the full range of uses allowed in the proposed zoning designation and through consultation with city traffic engineering staff. However, we believe the majority of uses allowed in the Public Services zone and the types of uses intended for that zone would generate significantly fewer trips. For example, the City's zone code indicates, "The purpose of the Public Service (PS) Zone is to implement the Community Service designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The PS zone generally allows a variety of civic service, social service, health service, and educational service uses, together with a limited variety of other compatible uses." While uses such as eating and drinking establishments are allowed as "other compatible uses" they are not among the primary uses intended for the zone. All primary uses listed in the preceding purpose statement would generate fewer trips based on their associated ITE trip generation rates.

Furthermore, the existing and proposed future use of the site by ODOT also will generate a very small number of trips – likely fewer than 50 trips per day. While the worst-case scenario presented in this memo is appropriate as a worst-case for the zone, it does not reflect the actual proposed use of the site by ODOT or the level of trip generation commensurate with that use.

## Interoffice Memo

**DATE:** April 3, 2020

**TO:** Dan Fricke  
Senior Transportation Planner

**FROM:** Keith P. Blair, P.E.  
Interim Traffic Analysis Engineer

**SUBJECT:** ODOT TSSU TPR Trip Generation  
Rezone Analysis: Multiple Family Residential 2 to Public Service  
City of Salem, Marion County



RENEWS: 12/31/2021

### Introduction

This memorandum details a trip generation assessment conducted to supplement a proposed application to the City of Salem for a zone change from RM2 (Multiple Family Residential 2) to Public Service (PS), a concurrent comprehensive plan amendment to Community Service-Government, and future use as vehicle and equipment storage for the adjacent ODOT Traffic Systems Services Unit building, affecting four tax lots (5600, 5700, 5800, and 6400) of Marion County Assessors Map 073W15AD. The tax lots are located between the Salem Highway No. 72 (OR-99EB) couplet of Commercial Street NE and Liberty Street NE and north of Hickory Street NE.

### Trip Generation

The subject site is approximately 0.552 acres, currently zoned as RM2, and proposed for a change in zoning to PS. To determine the impacts of the proposed rezone, reasonable worst-case development scenarios for the existing and proposed zones were determined utilizing data from the most traffic-intensive uses permitted within each zone.

#### *Existing RM2 Zone*

To determine a reasonable worst-case development scenario under the existing zone, City of Salem Revised Code Chapter 514 RM2-Multiple Family Residential was referenced. Permitted land uses within the zone were compared to land uses provided within the Institute of Transportation Engineers (ITE) Trip Generation Manual (10<sup>th</sup> Edition). Based on this assessment, data from land use code 220, Multifamily Housing (Low-Rise), was used to estimate trip generation based on the maximum number of dwelling units allowable. The code permits 12-28 units per acre with a maximum lot coverage percentage of 50%. The site encompasses approximately 0.276 acres of developable space (50% of the total

0.552 acres), according to the tax lot map. As a result, up to seven dwelling units could be developed on the site.

#### *Proposed PS Zone*

To determine a reasonable worst-case development scenario under the proposed zone, City of Salem Development Code Chapter 544 PS-Public Service was referenced. Permitted land uses within the zone were compared to land uses provided within the ITE Trip Generation Manual. Based on this assessment, data from land use code 934, Fast-Food Restaurant with Drive-Through Window, was used to estimate trip generation based on the square-footage of gross building floor area.

The potential development of a Fast-Food Restaurant with Drive-Through Window is expected to attract pass-by and diverted trips to the site. Pass-by trips are trips that leave the adjacent roadway to patronize a land use and then continue in their original direction of travel. Similar to pass-by trips, diverted trips are trips that divert from a nearby roadway not adjacent to the site to patronize a land use before continuing to their original destination. While pass-by trips add additional turning movements at site access intersections, they do not add additional vehicles to the surrounding transportation system. Diverted trips may add turning movements at both site access and other nearby intersections.

Pass-by trip rates were determined using data provided within the ITE Trip Generation Handbook (3<sup>rd</sup> Edition). Data from land use code 934 was used to determine a morning peak hour pass-by rate (49%) and an afternoon peak hour pass-by rate (50%) for the reasonable worst-case development scenario under the proposed PS zone. It is assumed that the weekday rates would approximately match that of the afternoon peak hour. For the purposes of this analysis, diverted trips were consistently treated as primary trips.

Within Chapter 544, there does not appear to be any specific standards with regard to building lot coverage or a FAR for uses within a PS zone. Therefore, it was again assumed that any proposed Fast-Food Restaurant with Drive-Through Window would cover, at most, 30% of the site (the remaining 70% of space would be dedicated to parking, public space, ROW improvements, etc.). This 30% threshold would limit total building area to approximately 7,200 square-feet (30% of the 0.552 acres). However, as typical fast food restaurants within the area are limited to approximately 2,500 square-feet, it is reasonable and appropriate to assume the area would be limited to a single 2,500 square-foot building. Accordingly, 2,500 square-feet of building space (assuming single-floor building) has been assumed to be constructed within the proposed PS zone.

#### **Trip Generation Analysis**

The trip generation calculations show that under the existing RM2 zone, the subject site could reasonably generate up to 3 morning peak hour trips, 4 afternoon peak hour trips, and 51 average weekday trips. Under the proposed PS zone, the site could reasonably generate up to 51 morning peak hour net new trips, 41 afternoon peak hour net new trips, and 589 average weekday net new trips. Accordingly, the net change in the trip generation potential of the site after the proposed rezone is projected to increase by 48 morning peak hour trips, increase by 37 afternoon peak hour trips, and increase by 538 average weekday trips. The trip generation estimates are summarized in Table 1.

Table 1: Trip Generation Summary

	ITE Code	Size	Morning Peak Hour			Afternoon Peak Hour			Weekday Total
			Enter	Exit	Total	Enter	Exit	Total	
<b>Existing RM2 Zone</b>									
Multifamily Housing (Low-Rise)	220	7 units	1	2	3	2	2	4	51
<b>Existing Zone Primary Site Trip Generation</b>			<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>2</b>	<b>4</b>	<b>51</b>
<b>Proposed PS Zone</b>									
Fast-Food Restaurant with Drive-Through Window	934	2,500 sq.ft	51	49	100	43	39	82	1,177
<i>Pass-by Trips (49% AM, 50% PM)</i>			25	24	49	21	20	41	588
<b>Primary Trips</b>			<b>26</b>	<b>25</b>	<b>51</b>	<b>22</b>	<b>19</b>	<b>41</b>	<b>589</b>
<b>Proposed Zone Primary Site Trip Generation</b>			<b>26</b>	<b>25</b>	<b>51</b>	<b>22</b>	<b>19</b>	<b>41</b>	<b>589</b>
<b>Net Increase in Primary Site Trip Generation</b>			<b>25</b>	<b>23</b>	<b>48</b>	<b>20</b>	<b>17</b>	<b>37</b>	<b>538</b>

For the purpose of a conceptual assessment of significance, the maximum potential generated trips for the site under the existing zone was compared to the existing traffic on the adjacent the roadway. The only existing access to the site is to Liberty Street, which is the northbound couplet of the Salem Parkway (OR-99EB).

According to ODOT's Transportation Volume Tables, the 2018 annual average daily (northbound only) traffic on Liberty Street between Pine Street and Hickory Street is 13,700. If the site were to fully develop under the existing zone and generate 51 weekday trips, the additional traffic would represent less than a 1% increase in the daily traffic on Liberty Street and an even smaller share of the total daily entering vehicles at the Salem Parkway/Liberty Street intersection, located two blocks north of the site.

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### **Summary and Conclusions**

This memorandum details a trip generation assessment conducted to supplement a proposed application to the City of Salem for a zone change from RM2 (Multiple Family Residential 2) to PS (Public Service), a concurrent comprehensive plan amendment to Community Service-Government, and future use as vehicle and equipment storage for the adjacent ODOT Traffic Systems Services Unit building, affecting four tax lots (5600, 5700, 5800, and 6400) of Marion County Assessors Map 073W15AD.

This trip generation assessment concludes that under the existing RM2 zone, the subject site could reasonably generate up to 3 morning peak hour trips, 4 afternoon peak hour trips, and 51 average weekday trips. Under the proposed PS zone, the site could reasonably generate up to 51 morning peak hour net new trips, 41 afternoon peak hour net new trips, and 589 average weekday net new trips. Accordingly, the net change in the trip generation potential of the site after the proposed rezone is projected to increase by 48 morning peak hour trips, increase by 37 afternoon peak hour trips, and increase by 538 average weekday trips.

We have selected an eating and drinking establishment drive-through as a potential worst-case scenario land use for the purposes of this analysis based on the full range of uses allowed in the proposed zoning designation and through consultation with city traffic engineering staff. However, we believe the majority of uses allowed in the Public Services zone and the types of uses intended for that zone would generate significantly fewer trips. For example, the City's zone code indicates, "The purpose of the Public Service (PS) Zone is to implement the Community Service designation of the Salem Area Comprehensive Plan through the identification of allowed uses and the establishment of development standards. The PS zone generally allows a variety of civic service, social service, health service, and educational service uses, together with a limited variety of other compatible uses." While uses such as eating and drinking establishments are allowed as "other compatible uses" they are not among the primary uses intended for the zone. All primary uses listed in the preceding purpose statement would generate fewer trips based on their associated ITE trip generation rates.

Furthermore, the existing and proposed future use of the site by ODOT also will generate a very small number of trips – likely fewer than 50 trips per day. While the worst-case scenario presented in this memo is appropriate as a worst-case for the zone, it does not reflect the actual proposed use of the site by ODOT or the level of trip generation commensurate with that use.

As ODOT is not currently proposing to construct any buildings on the site and will only use the site for vehicle and equipment storage, ODOT recommends the City consider establishing an appropriate and reasonable trip cap for the site under the PS zone and Community Service-Government comprehensive plan amendment.



## MEMO

**TO:** Planning Commission

**FROM:** Lisa Anderson-Ogilvie, AICP  
Deputy Community Development Director and  
Planning Administrator

**DATE:** August 11, 2020

**SUBJECT:** **Comprehensive Plan Change, Neighborhood Plan Change, & Zone Change  
Case No. CPC-NPC-ZC20-04 – 2400 Block of Commercial Street NE and  
Liberty Street NE; Open Record**

On August 4, 2020, the Planning Commission held a public hearing to consider a proposed Minor Comprehensive Plan Map Amendment, Minor Neighborhood Plan Map Amendment, and Zone Change (Case No. CPC-NPC-ZC20-04) for property located in the 2400 Block of Commercial Street NE and Liberty Street NE. The hearing was closed, and the record subsequently left open until August 11, 2020 at 5:00 p.m. for anyone to submit additional written testimony. The applicant has until August 18, 2020 at 5:00 p.m. to submit final written rebuttal.

**Additional Comments Received**

Two comments were received during the open record period that are included as **Attachment A**. One of the comments received was from ODOT providing addition information in support of their proposal. The other comment received was from the Highland Neighborhood Association chair indicating that the neighborhood association heard presentations earlier in the year regarding the proposed project and the Highland Neighborhood Association Executive Committee has no objections and supports the project.

**Testimony from State Housing Advocacy Groups**

During the August 4, 2020, Planning Commission public hearing the applicant's representative provided testimony suggesting that because no comments had been submitted from any state housing advocacy groups, it could be interpreted that the proposed request to change the multiple family residential zoning and comprehensive plan and neighborhood plan designations for the southern portion of the property were in compliance with the Statewide Planning Goals and the applicable approval criterion.

Though no formal letter in support or opposition to the proposal has been provided by any state housing advocacy groups, the Fair Housing Council of Oregon did notify staff that they would be reviewing the proposal to determine if they would be providing comments. In e-mail communications from the Fair Housing Council of Oregon they expressed their support of the staff report and its findings and later indicated they would not be submitting a letter regarding the proposal. The e-mail communications between staff and the Fairview Housing Council of Oregon are included as **Attachment B**.

**Potential Condition of Approval Requiring Subsequent Comprehensive Plan, Neighborhood Plan, and Zone Change**

At the August 4, 2020, Planning Commission hearing a question was raised regarding the possibility of placing a condition on the approval of the requested comprehensive plan, neighborhood plan, and zone change requiring the applicant to change the designations of the property back to their prior non-public designations if the property were to be subsequently sold by ODOT.

As explained during the public hearing, staff does not recommend establishing such a condition. To staff's knowledge, a condition such as this has not been placed on past comprehensive plan, neighborhood plan, and zone change approvals; it would allude to the requested public designations not being equally or better suited for the property and not meeting the approval criteria if there was a requirement to subsequently change the designations back; it would be based on an assumption that the existing multiple family and commercial designations of the property would still be appropriate for the property in the future when potential subsequent changes in the land use pattern of the surrounding area might result in the existing multiple family and commercial designations no longer being appropriate for the property; and, as indicated by the applicant during the public hearing, it would already be in the State's interest to voluntarily change the designations of the property back to a more marketable non-public designation should they subsequently decide to sell the property in the future.

**ALTERANATIVES**

As provided in findings included in the August 4, 2020, staff report, staff continues to recommend denial of the requested minor comprehensive plan map amendment, neighborhood plan map amendment, and zone change because the proposal does not meet all applicable approval criteria.

Alternatives the Planning Commission may consider in-lieu of denying the request include the following:

**Alternative 1:**

Approve the requested minor comprehensive plan map amendment, minor neighborhood plan map amendment, and zone change for the northern four CG zoned properties (tax lot numbers 073W15AD06000, 6100, 6200, & 6300), the RM-II zoned property located within the middle of the site (tax lot number 073W15AD05900), and the northernmost portion of the RM-II zoned property located at the southeast corner of site (tax lot number 073W15AD06400) that are currently being used for the traffic signal shop facility.

This alternative would allow the existing signal shop facility to become a lawful conforming use in the zone as well as allow for the multiple family designated portion of the site which is not currently developed with improvements for the signal shop facility to remain designated and zoned for multiple family residential. This alternative would require the following conditions of approval:



**Condition 1A:** Reconfigure tax lots 073W15AD05900, 6000, 6100, 6200, & 6300, and 6400 as follows:

- 1) Relocate the existing property line between tax lots 073W15AD06300 and 6400 to the south so that the property line is located 20 feet south of the existing driveway in conformance with required PS zone parking and vehicle use area setbacks; and
- 2) Consolidate tax lots 073W15AD05900, 6000, 6100, 6200, & reconfigured tax lot 6300 into one PS zoned lot.

**Condition 1B:** Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
- 2) South Property Line. A minimum 20-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided along the south property line.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

**Condition 1C:** The applicant shall submit a revised Transportation Planning Rule (TPR) analysis to be reviewed by the City Traffic Engineer reflecting the approved revised comprehensive plan map and zoning designation boundaries for the property. The transportation impacts resulting from any future development of the consolidated PS zoned lot shall be limited to the maximum cumulative total number of average daily vehicle trips identified in the approved revised TPR analysis.

**Alternative 2:**

Approve the requested minor comprehensive plan map amendment, minor neighborhood plan map amendment, and zone change for the entire property.

This alternative would allow the existing signal shop facility to become a lawful conforming use in the zone and allow for ODOT's proposed expansion to provide additional outdoor storage area on site. It would also, however, result in the loss of multiple family residential land designated through the Salem Multiple Family Residential Land Study (SMFRLS) process. This alternative would require the following conditions of approval:

**Condition 2A:** All of the individual lots which make up the 1.89-acre property shall be consolidated into one lot.

**Condition 2B:** Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
- 2) South Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the south property line adjacent to Hickory Street NE.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

Along the portion of the east property line located to the south of the southernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line adjacent to Commercial Street NE.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

**Condition 2C:** The transportation impacts from the 1.89-acre site shall be limited to a maximum cumulative total of 2,406 average daily vehicle trips.

The above identified conditions of approval for both alternatives are necessary in order to ensure that the proposal conforms to the applicable zone change approval criteria; that the property will conform to the applicable minimum lot standards of the PS zone; and that the existing and future development of the property will conform to applicable landscaping and screening standards.

The PS (Public Service) zone, pursuant to SRC 544.010(b), Tables 544-3 and 544-4, and SRC 544.010(d), requires parking and vehicle use areas to be setback and landscaped from streets and from interior property lines abutting adjacent properties. The PS zone also requires, per SRC 544.010(e), outdoor storage areas to be screened from streets and adjacent properties. The above conditions would ensure conformance with these requirements.

Attachments:

- A. Comments Received During Open Record Period
- B. E-mail Communications from the Fair Housing Council of Oregon



# Oregon

Kate Brown, Governor

**Department of Transportation**  
Maintenance & Operations Branch  
455 Airport Rd. SE, Bldg K  
Salem, OR 97301  
Phone: (503) 986-7915

August 6, 2020

Bryce Bishop, Planner II, City of Salem, [BBishop@cityofsalem.net](mailto:BBishop@cityofsalem.net)  
Lisa Anderson-Ogilvie, Planning Administrator, City of Salem, [Imanderson@cityofsalem.net](mailto:Imanderson@cityofsalem.net)

Re: Proposed Applications for Comprehensive Plan and Zoning Change, ODOT Sign and Signal Shop Property (Application Numbers: 20-108131-ZO; 20-110268-ZO; 20-108135-ZO)

Mr. Bishop and Ms. Anderson-Ogilvie,

I am writing to urge the City of Salem to approve the proposed Zoning and Comprehensive Plan amendments for the ODOT Sign and Signal Shop Property. These changes are needed to ensure that ODOT can continue to operate this facility in a way that meets the needs of our agency and local cities and counties around the state that also use the facility's services for maintenance and testing of equipment and training of staff. ODOT has owned land at this site for nearly 50 years and has operated this facility to provide traffic system services for over 25 years. We understand that a change in the site's zoning designation is needed to bring the facility into conformance with city zoning requirements and that the City has not identified any other options for achieving this to date.

ODOT has invested a significant level of resources in this site over the years. The facility is used to configure, test, repair and store signs and signals used on highways across the state, as well as similar equipment operated by local cities and counties in Oregon, including the City of Salem. As a result, this facility provides a significant public benefit to thousands of people traveling in Oregon on a daily basis, including residents of Salem who live and work both in and outside of the neighborhood where the facility is located. Denying our application will not prevent us from using the facility completely but it would require us to store some of the equipment that we test and configure at the site at other locations, resulting in significant expense to our agency and Oregon taxpayers. It also would hamper any ability to expand our operations or improve the facility in any significant way, given its non-conforming status.

We understand that the primary objection to the rezoning by City staff is a potential loss of land zoned for commercial and/or residential use. However, our agency is committed to the continued use of this site and facility for our operations. Until such time as we choose to cease operations there, this property will not represent any potential for additional commercial or residential development in Salem. If ODOT were to stop using the site in the future, we would be willing to work with the City to rezone the site again to a designation that best meets long-term future community needs. Until such time, zoning this site for its longstanding purpose will not have any impact on its potential for commercial or housing uses.

ODOT is committed to being a good neighbor and a productive public agency partner with the City of Salem. We will work with you to continue to ensure that this site benefits the community and minimizes impacts on surrounding residents, businesses, and property owners. At the same time, we urge you to help us continue to meet a vital statewide and local need for traffic mobility, safety and accessibility in Salem and throughout the state through operation of our facility.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lucinda M Moore".

Lucinda M Moore  
State Maintenance & Operations Engineer  
Oregon Department of Transportation

## Bryce Bishop

---

**From:** My Mail <geoffdarling2@comcast.net>  
**Sent:** Monday, August 10, 2020 7:36 PM  
**To:** Bryce Bishop  
**Cc:** Lisa Anderson-Ogilvie  
**Subject:** ODOT Sign and Signal shop on Commercial

Mr Bishop,

The Highland Neighborhood Association heard presentations earlier this year regarding this project. The HNA Executive Committee has no objections, and supports the project.

Sent from my iPad

## Bryce Bishop

---

**From:** Jean Dahlquist <jdahlqu1@gmail.com>  
**Sent:** Monday, August 03, 2020 11:02 AM  
**To:** Lisa Anderson-Ogilvie  
**Cc:** Bryce Bishop; Eunice Kim  
**Subject:** Re: PAPA CPC-NPC-ZC20-04

Good morning,

Just thought I would provide a small update. Board is having discussions related to the above, but it doesn't look like they have further questions at the moment nor will be submitting a letter regarding CPC-NPC-ZC20-04. Again, those findings look very well written (thank you Bryce!).

Respectfully,

### Jean Dahlquist

Fair Housing Council of Oregon  
Phone: (414) 477-1567  
E-mail: [jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)  
[LinkedIn](#)

On Thu, Jul 30, 2020 at 4:13 PM Lisa Anderson-Ogilvie <[LMAnderson@cityofsalem.net](mailto:LMAnderson@cityofsalem.net)> wrote:

Jean,

Bryce forwarded your question about our HNA to me to answer. The City was advised by our consultants and DLCD staff that we could not adopt the HNA, until the identified need (207 acres of multi-family land) had been addressed (due to a LUBA case from McMinnville). The City Council accepted the HNA and adopted a [work plan](#) to address the needs, including re-zoning land to multi-family. We have been working ever since on the plan and have completed most of the items on the list (especially once we implement HB 2001).

We are in the middle of a Comprehensive Plan update, [Our Salem](#), which will address the remaining needed multi-family acreage. We will be presenting a draft vision to the City Council this fall (September) and then expect to have a new Comp Plan (policies and map) for them to adopt in the end of 2021. The adoption of the Comp Plan will address the multi-family need by re-designating the remaining needed acreage, if not more.

We have been very supportive of applicant-initiated CPC/ZC requests to multi-family; all proposals have been approved since the completion of our HNA (roughly 28 acres). I have attached a recent memorandum we prepared for the Planning Commission on the progress on the work plan.

Feel free to contact me, or our Long Range Planning Manager Eunice Kim ([ekim@cityofsalem.net](mailto:ekim@cityofsalem.net)), with any additional questions.

Thanks,

**Lisa Anderson-Ogilvie, AICP**

*Deputy Community Development Director*

*Planning Administrator*

City of Salem | Community Development Department

555 Liberty St SE, RM 305, Salem, OR 97301

[lmanderson@cityofsalem.net](mailto:lmanderson@cityofsalem.net) | 503-540-2381

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](http://CityofSalem.net)

**From:** Jean Dahlquist <[jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)>

**Sent:** Thursday, July 30, 2020 9:59 AM

**To:** Bryce Bishop <[BBishop@cityofsalem.net](mailto:BBishop@cityofsalem.net)>

**Subject:** Re: PAPA CPC-NPC-ZC20-04

Good morning,

Interesting enough, one of our board members raised the point that you have a lovely 2015 HNA that was never adopted. According to them, this amendment would likely not have been a problem if Salem adopted and complied with its 2015 HNA and rezoned for more multifamily throughout the city. I am not sure what the conclusions from this discussion will be, but I was wondering if you have additional commentary or information to add that will help them understand Salem's rationale?

Thank you,



## Jean Dahlquist

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: [jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)

[Linkedin](#)

On Wed, Jul 29, 2020 at 9:40 AM Jean Dahlquist <[jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)> wrote:

Good morning,

Report looks solid, and I don't think the board will have any issues! I will keep you updated.

--Jean

On Thu, Jul 23, 2020 at 10:47 AM Jean Dahlquist <[jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)> wrote:

Thank you Bryce, I'll look forward to reading it!

## Jean Dahlquist

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: [jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)

[Linkedin](#)

On Wed, Jul 22, 2020 at 12:03 PM Bryce Bishop <[BBishop@cityofsalem.net](mailto:BBishop@cityofsalem.net)> wrote:

Thanks Jean. The staff report will be available on July 28<sup>th</sup>.

Bryce

**Bryce Bishop**

*Planner II*

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

[bbishop@cityofsalem.net](mailto:bbishop@cityofsalem.net) | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

**From:** Jean Dahlquist <[jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)>

**Sent:** Wednesday, July 22, 2020 12:00 PM

**To:** Bryce Bishop <[BBishop@cityofsalem.net](mailto:BBishop@cityofsalem.net)>

**Subject:** PAPA CPC-NPC-ZC20-04

Good afternoon Bryce,

Just a courtesy notice to let you know that we'll be taking a look at CPC-NPC-ZC20-04, the amendments on Tax Lot Numbers: 073W15AD05600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, & 6400. As always, I would be happy to answer any questions or participate in staff report review.

Thank you,

**Jean Dahlquist**

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: [jdahlqu1@gmail.com](mailto:jdahlqu1@gmail.com)

[Linkedin](#)



# Oregon

Kate Brown, Governor

## Department of Transportation

### Region 2 Headquarters

455 Airport Road SE Building B

Salem, Oregon 97301-5395

Telephone (503) 986-2600

Fax (503) 986-2630

**DATE:** August 17, 2020

**TO:** Lisa Anderson-Ogilvie, Planning Administrator  
Bryce Bishop, Planner II  
Members of the Salem Planning Commission

**SUBJECT:** Case No. CPC-PC-ZC20-04

This letter represents our response and rebuttal to the staff report issued on August 12, 2020 in regard to the subject application. It summarizes our position relative to recommendations and alternatives proposed by staff, and includes comments related to additional testimony provided since the August 4 Planning Commission hearing.

### Staff Recommendation

City Planning staff continue to recommend denial of our proposed application. As we have stated previously, we have prepared findings in support of the proposed amendments to the zoning and Comprehensive Plan designations on the site and continue to assert that those findings adequately address the City's approval criteria and reflect conditions on the site and in the surrounding neighborhood. Denial of the application, and particularly of the proposed rezoning of the portion of the site currently zoned for multi-family use, will have an adverse impact on ODOT, a partner agency to the City of Salem, in a number of ways.

- Will limit the ability of ODOT to use this site as has been planned and intended for over 30 years, i.e., for the repair, configuration, testing, and storage of traffic signs and signals which has been ongoing since at least the early 1990s on both the portion of the site currently zoned for General Commercial (CG) use, as well as the two northernmost parcels currently zoned for multi-family (RM2) use. The latter portion of the site has been used as access and storage area for at least 27 years and that use pre-dates the rezoning of the southern half of ODOT's property to the multi-family designation.
- Will require ODOT to find alternative sites for storage of signs after they are tested and configured within the facility. This will essentially require ODOT to find alternative storage sites and transport the signs twice, once to an interim storage site and a second time for their use on Oregon's roadways. This will result in significant expenses paid by the taxpayers of Oregon.

For these reasons, we do not support staff's continued recommendation to deny the applications.

### Staff Alternative 1

Staff have provided the Planning Commission with two options should they choose to approve the application. The first option would be to approve only the proposed rezoning of the CG portion of the site. We oppose this option for the following reasons.

This option ignores ODOT's primary reason for the proposed rezoning applications, i.e., to be able to use at least a portion of the area zoned for RM2 as an expanded outdoor storage area for signs and signals. While ODOT has proposed rezoning the CG portion of the site to bring that area into conformance with the City's zoning designations, that is a secondary and much less important objective for ODOT.

Conditions recommended by staff will impose significant costs and burdens on ODOT which are not reasonable or proportionate to the benefits or impacts associated with the rezoning. The required landscape setbacks would remove a significant portion of the site from ODOT's use. Required setback areas represent approximately 10,800 square feet or about 18% of the CG portion of the site, a significant reduction in usable area which will have an adverse impact on ODOT's operation of the site. The cost of landscaping this area (a cost that would be a public expense) has not been estimated but it is expected to be significant. In addition, the location of landscaping setbacks proposed by staff on the north edge and northwest corner of the site would have impacts on access to that portion of the site. It would require reconfiguration of the existing electronic gate in that location and would reduce the area available for parking and access along northern edge of the site, also hampering the effective operation of the facility. On the western edge of the site, adding the required landscape buffer would require removing and disposing of a significant amount of pavement in that area. While we agree that it would improve the appearance of that edge of the site, it would result in significant expense and loss of sizable portion of the site in that area.

We would also note that the proposed landscape setback and buffer required on the northern portion of the site would serve no real purpose, given that edge of the site already has a site-obscuring fence and vegetation running along the entire length of the site. Adding the landscape setback area on the ODOT side of the property line would increase the buffered area but the additional landscaping would not be visible behind the existing fence and would have no visual benefit for people north of the site.

### **Staff Alternative 2**

This alternative would approve both of ODOT's proposed rezoning applications. However, the proposed conditions, while potentially allowed by the City's code, would impose significant costs and adverse impacts on ODOT. As noted in our response to Alternative 1, conditions imposed on the CG portion of the site would impact the usability of that portion of the site and be very costly. Similar conditions imposed on the RM2 portion of the site also would significantly reduce the usable portion of that site and would result in significant expense incurred by ODOT. ODOT very recently installed a fence around this portion of the site for security purposes (less than two years ago). Under this Alternative, the proposed conditions would require ODOT to move or remove this newly installed fence at significant expense. If Alternatives 1 and 2 are the only options the Planning Commission may consider, ODOT would consider Alternative 2 to be preferable. However, as summarized below, we would recommend a third alternative which we believe would be more beneficial to all parties.

### **ODOT Proposed Alternative (3)**

Given the relative impacts and benefits described above and based on further evaluation of site needs by ODOT Sign and Signal Shop staff, we recommend the following option.

1. Withdraw our application for rezoning the CG portion of the site to the Public Service (PS) designation. As described above, the conditions associated with rezoning this portion of the site would be very costly for ODOT and far outweigh any benefits. ODOT had proposed rezoning of this portion of the site to be in conformance with City zoning designations, i.e., to do the right thing as we have previously stated. This would have the benefit of allowing further modifications to the facility on this portion of the site as it



would no longer be a non-conforming use. However, because ODOT has no immediate plans to expand or change the basic configuration of these structures, this ultimately would have little to no benefit. Leaving the site in the CG zone also will address City staff's concerns about reducing the City's supply of commercially zoned land.

2. Reduce the extent of the rezoning of the RM2 portion of the site. We recommend limiting the rezoning to the four RM2 parcels that form the southwest corner of the site as shown in the attached maps (Tax Lots 5600, 5700, 5800, and 5900). ODOT staff have determined that this is the minimum usable amount of space needed for proposed future storage of signs and equipment on the southern portion of the site. This change would have benefits for both ODOT and the City. It would reduce the amount of land rezoned from the RM2 to the PS designation by approximately 45%, with less than 0.5 acre rezoned, and leaving approximately 0.4 acre of the RM2 zone in place. While we continue to assert that this land is not considered in the City's Housing Needs Analysis as actual capacity for future residential development, it would reduce the impact of the rezoning on paper and help address this aspect of staff's opposition to the rezoning. In addition, it would reduce the size and associated expense of the required landscape setback areas for ODOT. It also would reduce the extent of required lot consolidations and property line adjustments recommended by staff in their proposed conditions of approval.
3. Provide additional flexibility in meeting landscape setback and buffering requirements on the ODOT proposed RM2 rezoned portion of the site. While we understand that the City may impose conditions on a zone change, including conditions associated with meeting development standards, we do not believe the City is mandated to require full compliance with such standards. As noted earlier, complying with the landscape setback standards will result in significant cost to ODOT that is not proportionate to proposed development on the site (i.e., no proposed future structures or other improvements). We recommend that the City work with ODOT to agree on a reasonable plan for fencing and landscaping that meets the City's objectives for improving the appearance of these areas while reducing impacts on loss of use of portions of the site and cost of landscaping and fencing. This could include some combination of the following: allowing for vegetation to be placed either within or outside the existing fence (to minimize the need to move the fence); allowing for the fence to be made sight-obscuring in lieu of planting a six foot hedge (as is permitted in Unified Development Code Section 544.010(e) – development standards for the 'PS' zone related to screening of outdoor storage); and/or reducing the width of the landscape setback area, particularly along the south edge of the proposed rezoned area.

### **Additional Comments**

We note that the City received three additional public comments in support of our application:

1. Letter from ODOT senior management staff noting the importance of this facility in providing an essential statewide and local public benefit.
2. Email from the Highland Neighborhood Association confirming and affirming their earlier support as documented in our application.
3. Letter from City of Salem Traffic Signal Maintenance Supervisor Eric Schrunk (copy attached) highlighting the importance of the facility to the City of Salem and the public

benefit it provides his department and by extension Salem community members (including those in the surrounding area).

These letters are further indication of the public benefit of the proposed land use application and of community support for it.

We also note that City staff took the initiative of contacting the Fair Housing Council of Oregon to ask them to provide their opinion about the rezoning. We consider this a somewhat unprecedented action in our experience, given that we testified that this group often opposed similar zone change applications in other communities. Staff highlights the fact that a representative of the Fair Housing Council noted support for City staff findings (i.e., they are well written). However, we would highlight two other aspects of the letter. First, the Fair Housing Council chose not to make a formal public comment (either in support or opposition to the application). Second, the letter noted that one of the organization's board members noted that *"you have a lovely 2015 HNA that was never adopted. According to them, this amendment would likely not have been a problem if Salem adopted and complied with its 2015 HNA and rezoned for more multifamily throughout the city."* Rather than opposing our application, this comment puts the onus on the City to resolve its deficit of multi-family land by rezoning an adequate amount of land for that purpose in other areas of the City.

Thank you for the opportunity to respond to the materials contained in the staff report.

Sincerely,



Daniel L. Fricke  
Senior Transportation Planner

cc: Galen McGill  
Jason Shaddix  
Laura Wilson  
Ron Blacketer  
Sonny Chickering  
Lisa Nell  
Matt Hastie  
Courtney Simms



07 3W 15AD

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SALEM



MARION COUNTY, OREGON  
SE1/4 NE1/4 SEC15 T7S R3W W.M.  
SCALE 1" = 100'

LEGEND

LINE TYPES

- Historical Boundary
- Easement
- Railroad Right-of-Way
- Private Road ROW
- Subdivision Plat Boundary
- Waterline - Taxlot Boundary
- Waterline - Non Boundary
- Historical Boundary
- Easement
- Railroad Right-of-Way
- Private Road ROW
- Subdivision Plat Boundary
- Waterline - Taxlot Boundary
- Waterline - Non Boundary

CORNER TYPES

- 1/16th Section Cor.
- 1/4 Section Cor.
- 1/8th Section Cor.
- 1/2 Section Cor.
- 1/4 Section Cor.
- 1/8th Section Cor.
- 1/2 Section Cor.

NUMBERS

000 00 00 0

All areas listed are Net Acres, excluding any portions of the taxlot within public ROWs

NOTES

Tick Marks: A tick mark in the road indicates that the labelled dimension extends into the public ROW

CANCELLED NUMBERS

100	1000
101	1001
102	1002
103	1003
104	1004
105	1005
106	1006
107	1007
108	1008
109	1009
110	1010
111	1011
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199	1099
200	1100

DISCLAIMER: THIS MAP WAS PREPARED FOR ASSESSMENT PURPOSES ONLY

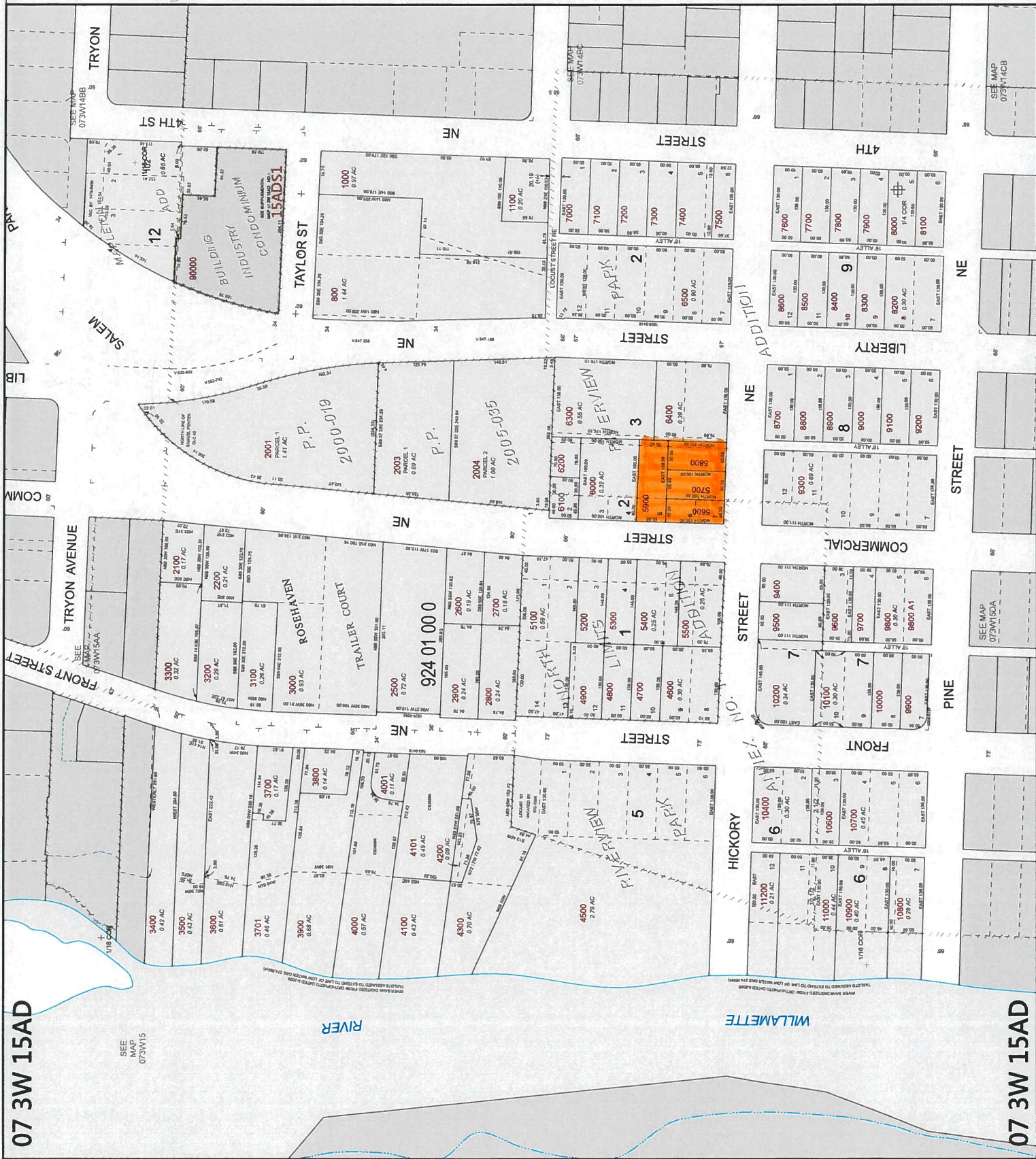


FOR ADDITIONAL MAPS VISIT OUR WEBSITE AT [www.co.marion.or.us](http://www.co.marion.or.us)

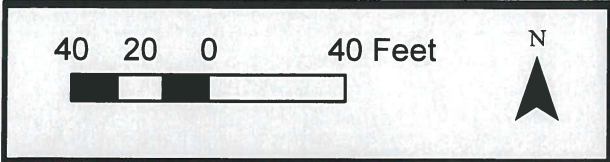
PLOT DATE: 1/24/2018

SALEM

07 3W 15AD









40 20 0 40 Feet



Existing CG Zoning  
(no change)

Proposed PS  
Zoning  
Previously  
RM-2

Existing RM-2  
Zoning  
(no change)