



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

10/31/2011

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 013-11

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Tuesday, November 15, 2011

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Jason Richling, City of Salem
Angela Lazarean, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Angela Lazarean, DLCD Urban Planner

<paa> YA



FORM 2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

DATE STAMP	<input type="checkbox"/> In person <input type="checkbox"/> electronic <input type="checkbox"/> mailed
	DEPT OF
	OCT 25 2011
	LAND CONSERVATION AND DEVELOPMENT For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC-ZC11-09**

Date of Adoption: **10/18/2011**

Date Mailed: **10/21/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/26/2011

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To change the Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and change the zone district from RS (Single Family Residential) to CG (General Commercial) on property 0.26 acres in size and located at 1150 Vista Ave SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W03AA / 00200).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Multi-Family Residential** to: **Commercial**

Zone Map Changed from: **RS (Single Family Residential)** to: **CG (General Commercial)**

Location: **1150 Vista Avenue SE**

Acres Involved: **0.26**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD File No. 013-11 (18944) [16810]

DLCD file No. _____

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Jason Richling, Planner III**, 

Phone: (503) 588-6173 Extension: 7526

Address: **555 Liberty St SE, Room 305**

Fax Number: 503-588-6005

City: **Salem**

Zip: **97301-**

E-mail Address: **jrichling@cityofsalem.net**

NOTICE OF DECISION

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



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

PLANNING COMMISSION RESOLUTION NO: PC 11-9

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE CASE NO. 11-09

WHEREAS, a petition to change the Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and change the zone district from RS (Single Family Residential) to CG (General Commercial) for property located at 1150 Vista Avenue SE (Marion County Assessor's Map and Tax Lot numbers: 083W03AA / 00200), was filed by Jeff Tross for the Estate of Chester E. and Shirley M. Straight (Dennis Straight, Personal Representative), with the Planning Commission of the City of Salem, and

WHEREAS, after due notice, a public hearing on the proposed changes was held before the Planning Commission on October 18, 2011, at which time witnesses were heard and evidence received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding including the testimony presented at the hearing, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM,
OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated October 18, 2011, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, it is hereby ordered:

- A. That the SACP map designation change request for the subject property from "Multi-Family Residential" to "Commercial" be GRANTED.
- B. That the zone change request for the subject property from RS (Single-Family Residential) to CG (General Commercial) be GRANTED subject to the following condition of approval:

Condition 1: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 47 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

ADOPTED by the Planning Commission this 18th day of October, 2011.



President, Planning Commission

The decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m. on November 4, 2011**. Any person who presents evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section of SRC Chapters 64 and 113. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is

untimely and/or lacks the proper fee, the appeal will be rejected. The Salem City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

APPEAL PERIOD ENDS: November 4, 2011

The complete case file and copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, 555 Liberty St SE, Salem OR during City business hours, 8:00 a.m. to 5:00 p.m. Contact Jason Richling, Case Manager, at 503-586-5173, Ext. 7526 or jrichling@cityofsalem.net to review the case file.

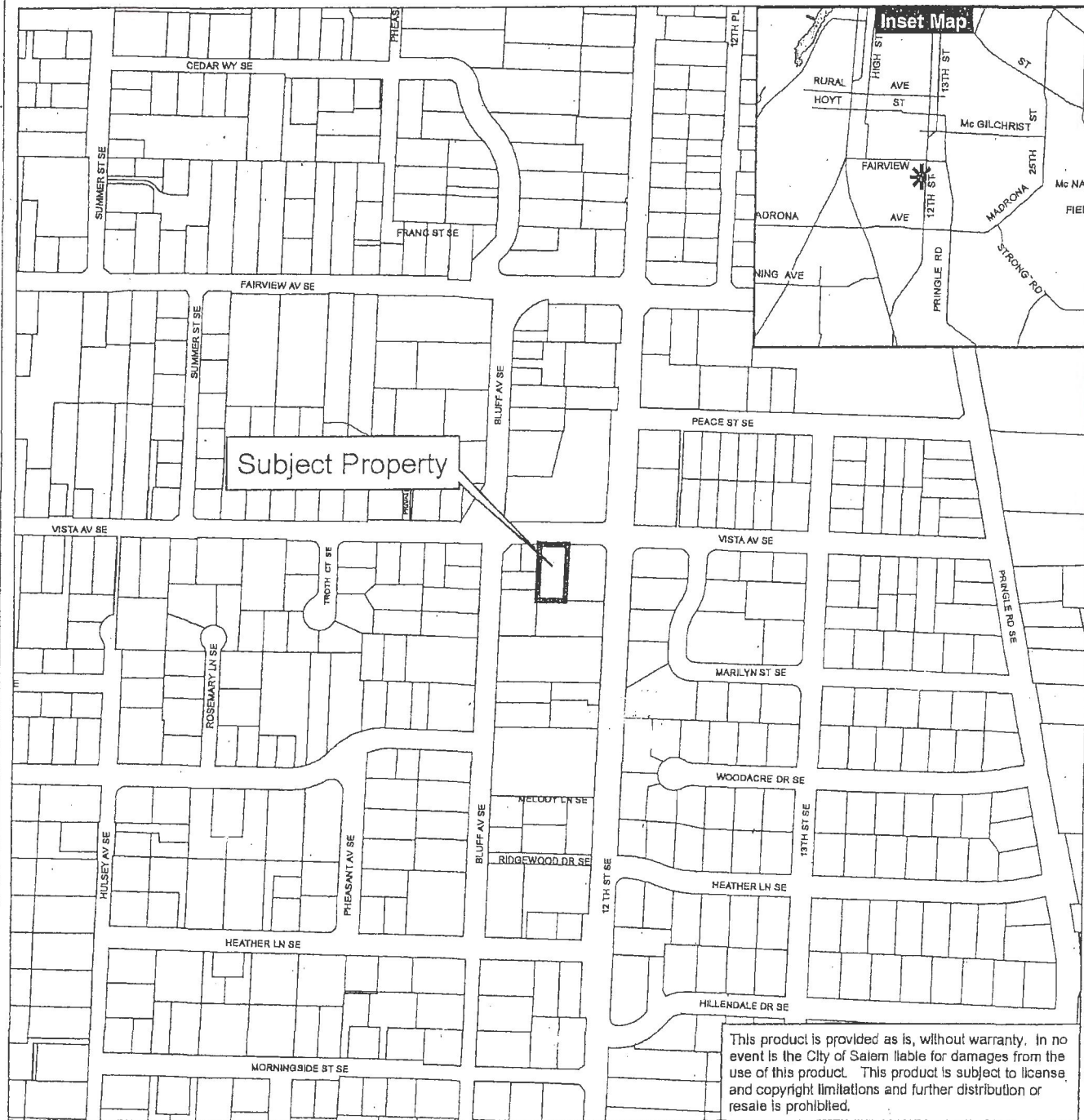


PLANNING COMMISSION VOTE

4 YES (Fox, Fry, Levin, Lewis) 0 NO 3 ABSENT (Gallagher, Goss, Schmidtke)

G:\CD\Planning\Case Application Files 2011\GPC-ZC 11-1-PLANNING COMM Decision Resolutions Actions Sheets \PC Resolution for GPC-ZC11-09.doc

Vicinity Map 1150 Vista Avenue SE



Legend

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


0 100 200 400 Feet



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

FOR MEETING OF: October 18, 2011
AGENDA ITEM NO.: 6.1

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Jason Richling, Planner II

HEARING DATE: October 18, 2011

APPLICATION: Comprehensive Plan Change / Zone Change Case No. CPC-ZC11-09

LOCATION: 1150 Vista Avenue SE

SIZE: Approximately 0.26 acres

REQUEST: To change the Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and change the zone district from RS (Single Family Residential) to CG (General Commercial) on property 0.26 acres in size and located at 1150 Vista Ave SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W03AA / 00200)

APPLICANT: Estate of Chester E. and Shirley M. Straight. Dennis Straight, Personal Representative.

APPLICANT'S REPRESENTATIVE: Jeff Tross

APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Chapter 64

Zone Map Amendment: Salem Revised Code, Chapter 113

RECOMMENDATION: APPROVE subject to the following condition:

Condition 1: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 47 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

APPLICATION PROCESSING

Subject Application

On August 8, 2011, Jeff Tross, on behalf of Dennis Straight, filed a Comprehensive Plan

Change/Zone Change application to change the Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and change the zone district from RS (Single Family Residential) to CG (General Commercial). The application was deemed complete for processing on August 25, 2011.

The public hearing on the proposed Comprehensive Plan Change/Zone Change is scheduled for October 18, 2011. Notice of the public hearing was provided in accordance with SRC 300.620(b). An approval by the Planning Commission shall not be construed to have granted a variance from the provisions of any City ordinance unless the approval clearly states that a variance has been granted.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes (ORS) 227.17B).

Public Notice

1. Notice was mailed to property owners within 250 feet of the subject property on September 28, 2011 (Attachment #1).
2. The property was posted in accordance with the posting provision outlined in SRC 300.620.
3. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 45-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on August 26, 2011.

BACKGROUND INFORMATION

The subject property was annexed into the City of Salem on June 29, 1964. In May, 1991, the owners of the adjacent property to the east located at 1170 Vista Avenue SE (Tax Lot 100) filed a request to change the Comprehensive Plan designation of their property from "Multi-Family Residential" to "Commercial" and to amend the zoning classification from RM (Multi-Family Residential) to CG (General Commercial). Due to issues identified in the planning process such as vehicular access that affected additional abutting properties, Planning Staff recommended that the Planning Commission initiate a Comprehensive Plan and Zone Change that would include Tax Lots 200, 700 and 800, as well as 100. At the time, the owners of the subject property, Tax Lot 200, asked to be removed from the proposal. The Planning Commission proceeded to initiate the Comprehensive Plan and Zone Change for Tax Lots 100, 700 and 800 (CPC/ZC 91-10, Attachment 5) and the City Council granted final approval for that action, which do not include the subject property, in February, 1992.

The subject site is currently developed with a single-family dwelling. The east side of the property is encumbered by an 8-foot wide developed accessway, which provides street access to the adjacent commercial properties to the south and east. The shared accessway was created pursuant to Condition "c" of CPC-ZC 91-10, which required creation of an accessway easement on Tax Lot 100 in combination with an existing easement on adjoining Tax Lot 200 to provide a common driveway to Vista Avenue for all of the parcels involved in CPC-ZC 91-10.

This easement is now the only means of access to Tax Lot 800, which has no other frontage on Vista Avenue. The proposed use of the subject property is to provide additional space and frontage onto Vista Avenue SE for C&R Remodeling, a design and remodeling firm currently located adjacent to the subject property to the south on Tax Lot 800.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and change the zone district from RS (Single Family Residential) to CG (General Commercial).

Neighborhood Association Comments

SRC 300.620(b)(2)(B)(iii) requires public notice be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." The subject property is within the Morningside Neighborhood Association and adjacent to South Central Association of Neighbors (SCAN) Neighborhood Association. The Morningside Neighborhood Association and SCAN have submitted comments indicating support for the proposal (Attachments 6 and 7).

Public Comments

Notice of the proposal was mailed to property owners within 250 feet of the subject property on September 28, 2011. At the time of writing this staff report, comments have been submitted by three property owners within the notification area indicating no objections to the proposal.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment 3). Public Works Department Staff reviewed the Transportation Planning Rule Analysis (TPR), dated July 19, 2011, that was submitted by the applicant and agree with the findings of the TPR that a "trip-cap" of 47 average daily trips should be imposed.

Community Development (Building and Safety Division) – The Building and Safety Division of Community Development Department, reviewed the proposal and indicated they have no comments.

Fire Department – The Fire Department reviewed the proposal and indicated they have no comments.

Urban Development Department – The Urban Development Department has reviewed the proposal and indicated that they have no comments.

Police Department – The Police Department reviewed the proposal and indicated they have no comments.

Public and Private Agency Comments

Salem-Keizer Public Schools – The Salem-Keizer School District reviewed the proposal and

indicated that they have no specific comments on this case.

Portland General Electric (PGE) – PGE reviewed the proposal and submitted the following comments:

Development cost per current tariff and service requirements [A] 10-foot PUE [is] required on all front street lots

Northwest Natural (NW Natural) – NW Natural reviewed the proposal and indicated no objections

Oregon Department of Land Conservation and Development (DLCD) – DLCD was notified of the proposal and did not provide comments

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The SACP designates the subject property as “Multi-Family Residential”. The Comprehensive Plan designation of all surrounding properties is as follows:

North: Across Vista Avenue SE – “Commercial”
South: “Commercial”
East: “Commercial”
West: “Single-Family Residential”

Neighborhood Plan: The property is located within the boundaries of the Womingside Neighborhood Association. The Womingside Neighborhood Plan was adopted by the City Council in June 1984, and further revisions to the Plan have not been adopted. The applicant notes that the subject property is designated as “single-family residential” on the neighborhood plan map. However, staff has analyzed the Neighborhood Plan Land Use map and determined that the subject property is not designated for a specific land use type on the Plan map.

Applicable Detail Plans

Detailed plans are prepared as policy guides to the SACP and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function.

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 located on Vista Avenue SE. At this location, Vista Avenue SE is designated a “Local” street.

Zoning

The subject property is currently zoned RS (Single-Family Residential). Zoning of surrounding properties includes:

North: Across Vista Avenue SE – “General Commercial”
South: “General Commercial”
East: “General Commercial”
West: “Single-Family Residential”

Existing Site Conditions

The subject property is relatively flat and is currently developed with a single-family dwelling. The east side of the property is encumbered by an 8-foot wide developed accessway, which provides street access to the adjacent commercial properties to the south and east.

Trees: The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. Compliance with the tree preservation requirements of SRC Chapter 68 (Preservation of Trees and Vegetation) and SRC Chapter 132 (Landscaping) is required.

Wetlands: According to the Salem Keizer Local Wetland Inventory (LWI) there are no mapped wetlands on the subject property.

Landslide Hazard Susceptibility: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, there are no areas of mapped landslide hazard susceptibility on the subject property.

Site Plan

A site plan is not required as part of a Comprehensive Plan Change/Zone Change application and was not submitted with this proposal.

Applicant Submittal Information

An application for a Minor Comprehensive Plan Change must include a thorough statement addressing the approval criteria. Similarly, requests for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submittal is attached in its entirety as Attachment 2 to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN AMENDMENT

Salem Revised Code (SRC) Section 64.040(g) defines a minor plan change as a single proceeding for amendment to the Comprehensive Plan affecting less than five (5) privately and separately owned tax lots. This request is a Category 4 minor plan change, which is a quasi-judicial act. The burden of proof in meeting the approval criteria rests with the proponent of the change (SRC 64.090(a)). Salem Revised Code Section 64.090(b) establishes the approval criteria for Comprehensive Plan Map amendments.

To approve a quasi-judicial SACP Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 2).

Criterion 1: Lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the following:

- (A) Size: Suitability of the size of the alternative sites to accommodate the proposed use; or
- (B) Location: Suitability of the location of the alternative sites to permit the proposed use; or

Criterion 2: A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following:

- (A) The construction of a major capital improvement (e.g., an arterial or major collector, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan or elements of the Comprehensive Plan were adopted or last amended; or
- (B) Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.

The proposal must satisfy either Criterion 1A or 1B or 2A or 2B. The applicant has chosen to address criterion 1B – A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use based on suitability of the location of the alternative site to permit the proposed use.

Applicant's Statement for 1(B): The proposed use is additional space for C&R Remodeling. The subject site is adjacent to C&R and it is the only logical and practical location for this use. It fronts on the street that provides access to the business and the access driveway to the business is located on the property. All other properties adjacent to C&R are developed with commercial and residential uses.

A reasonable vicinity for the examination of potential alternative sites consists of the area bounded by Commercial Street SE on the west, 25th Street on the east, Madrona Street on the south, and Mission Street on the north. The boundaries of this vicinity area are major arterial streets and the area within these boundaries includes the "Industrial", "Industrial Commercial", and "Commercial" Plan designations. These designations are appropriate for the proposed use. However, there is a lack of suitable sites for the proposed use within this vicinity due to their location.

There are lands designated Industrial and Industrial-Commercial along the west side of 25th Street and along McGilchrist St. SE. There are lands designated Industrial-Commercial along the south side of Mission Street and along 13th Street. There are lands designated Commercial along 12th Street and along Commercial St.

In this case the location of the alternative sites is the determining factor since the proposed use is additional space for the existing C&R location. The appropriately designated sites along 25th, McGilchrist, Mission, 12th, 13th and Commercial Streets will not serve the stated purpose because they are not adjacent to the C&R property and therefore they are not suitable due to their location. The only property that is appropriately designated for the proposed use and

adjacent to the C&R property is Tax Lot 100, adjacent on the north and the location of the Salem Scuba shop. Because it is already occupied for a different use it is not available for the proposed use.

Within the examined vicinity area there are no appropriately designated alternative sites, for reasons of location, and (1)(B) is satisfied.

Finding: The applicant states that C&R Remodeling has occupied Tax Lot 800, adjacent to the subject property, since the early 1990's. For the purpose of Criterion 1, the applicant defines the "vicinity" as the area bound by Mission St and Madrona Ave SE to the north and south, and by 25th St and Commercial St SE to the east and west. This vicinity is appropriate, given the land use designations contained therein and the existing use of the C & R Remodeling site and of the adjacent subject property.

Other sites designated Industrial and Commercial within the vicinity could potentially be redeveloped for the desired use; however nearby properties are generally either fully developed or lack sufficient site area to reasonably accommodate the construction contracting business. Other potential sites within the vicinity are not adjacent to the C&R property, and therefore would not allow for expansion of the existing business while retaining the existing business location with familiarity to the clientele and within the surrounding neighborhood and commercial corridor. Staff review of this area led to the same conclusion as the applicant that there are no suitable alternative sites within the vicinity to accommodate the proposed expanded business.

The property is located near the southeast terminus of an established commercial corridor generally bordering 12th Street SE between Mission St SE and Vista Ave SE. This location is well-suited to a Commercial Plan map designation and zone district due to its location adjacent to a major arterial (12th Street SE) and a collector street (Vista Avenue SE), providing convenient accessibility to the City's street grid. Adjacent properties to the north (across Vista Ave SE), south and east are zoned CG-General Commercial and developed as medical office, retail and other general commercial uses. Several properties to the west are zoned for single-family residential uses. The proposed use of the property is for additional parking and storage to serve an existing, low-intensity, commercial use which provides a valued service to the adjacent residential area and to the community as a whole. The proposed use of the subject property will form an appropriate transition between the single-family residential neighborhoods to the west and the institutional and commercial uses to the north and east nearer to 12th Street SE.

These circumstances, together with the adjacent property's long-standing use as a construction contractor's business, support a change to the 'Commercial' Plan designation.

Criterion 3: The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals;

Applicant's Statement: The following Statewide Planning Goals are reviewed as may be applicable to this proposal:

GOAL 1 – CITIZEN INVOLVEMENT

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the Neighborhood Association, to property owners within the notice area and posted on the property prior to the hearing. The

applicants met with the Worningside Neighborhood Association prior to the public hearing on the proposed changes. A public hearing to consider the request will be held by the Planning Commission with an opportunity to also be heard by the City Council. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Finding: Appropriate notice was given, as outlined in this staff report, and satisfies Citizen Involvement described in Goal 1.

GOAL 2 – LAND USE PLANNING

The Salem Area Comprehensive Plan was adopted by the City and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules in October 1992 and subsequently revised in March 1997, November 2000, July 2002, November 2003, April 2004 and January 2005 and October 2008 (DLCD Order 08-WKTASK-001758). Additionally, there are a number of Detail Plans the City has adopted as policy guides to the Comprehensive Plan.

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, and the Zone Change considerations. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal in keeping with the requirements of this Goal.

Finding: The SACP is acknowledged to be in compliance with the Statewide Planning Goals, and this application is reviewed for conformance with the SACP goals and policies and applicable Statewide Planning Goals.

GOAL 3 – OPEN SPACES, SCENIC AND HISTORIC AREAS, NATURAL RESOURCES

Goal 3 Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR 660-015-0000(3)), requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Finding: The subject property has not been identified in the Comprehensive Plan as a scenic or historic resource, or as natural resource area. This Goal is not applicable.

GOAL 4 – WATER AND LAND RESOURCES QUALITY

Goal 4 Air, Water, and Land Resource Quality (OAR 660-015-0000(4)) requires local governments to adopt standards to ensure that all waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable airsheds and river

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

Applicant's Statement: The subject property is developed. Future redevelopment will be required to meet the standards in effect at the time to maintain or improve the quality of the air, water and land. All necessary public services are already provided to this property, which serves to protect the air, water and land. Due to the small size of the property, no significant changes to its impacts on the air, water or land would be expected as a result of the proposal.

The site is not in a watershed and does not include a surface water resource. Water for use on the site will be provided by the City water system. The proposal will not affect groundwater resources. If waste water is generated from the use of the property it will be discharged into the City sewer system, and the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality. Stormwater runoff will be collected and removed by the storm drainage system in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along 12th and 13th Streets, which are Major Arterials (STSP) and which serve as major commuter routes between south Salem and the city center. The C&R business is a low-traffic impact use and additional facilities to serve that business will not significantly change the impact to air quality in this area. The traffic generated from the use will be insignificant to the total volume of traffic that is present on the two Major Arterials, and there will be no significant additional air quality impact.

The land within the site is already impacted by the existing structure and new structures will not create a significant impact to the quality of the land. Based on these factors and considerations the proposed project will have no significant impacts to the quality of the air, water or land.

Finding: Staff concurs with the applicant. The site is developed urban land. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards. The proposed plan and zone change will have no significant impact on the quality of the air, water or land.

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Goal 7: Areas Subject to Natural Hazards (OAR 660-015-0000(7)), requires local governments to adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider the benefits of maintaining natural hazard areas as open space, recreation and other low density uses, the beneficial effects that natural hazards can have on natural resources and the environment; and the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

Applicant's Statement: No natural hazards have been identified that distinguish this site from others that are similarly situated in the area, or that would prevent the proposed use.

Finding: Staff concurs with the applicant's statement. There are no known natural hazards on the subject site.

GOAL 9 – ECONOMIC DEVELOPMENT

Goal 9: Economic Development (OAR 660-015-0000(9)) requires local governments to adopt and maintain Comprehensive plans for urban areas that include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends, contain policies concerning the economic development opportunities in the community and provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.

Applicant's Statement: The proposal will enhance a local small business. Due to surrounding development and the terrain there are no other locations for the proposed use. The site is adjacent to existing businesses on two sides. The additional space will help to maintain and improve the business and will add value to the site. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

Finding: Staff concurs with the applicant's statement. The applicant's emphasis on the positive effects of fostering expansion of an existing small business as a means of strengthening the local economy complies with Goal 9. The proposed change complements the existing commercial corridor abutting 12th Street SE and enhances the diverse range of economic opportunities within the vicinity of the property.

GOAL 10 – HOUSING

Goal 10: Housing (OAR 660-015-0000(10)) requires local governments to provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Applicant's Statement: The subject site is a single parcel of approximately 11,000 square feet. It is designated for multifamily housing but it is zoned RS. There is one single-family house on the property, however, it is poor condition and is not currently suitable for occupancy. Due to its small size it is not likely that it would redevelop for multifamily housing. If used as proposed one housing unit would be lost. This will not have a significant effect on the inventory of single family housing in the neighborhood or the city. The neighborhood to the west is entirely residential, and there are abundant opportunities for single family housing as well as multifamily housing in the immediate area as well as city-wide. As noted, in 1991 the Planning Commission recommended the site for the same change as currently proposed. For these reasons re-designating the site to Commercial will not have a significant effect on the City's ability to provide housing or to meet the requirements of this Goal.

Finding: Staff concurs with the applicant's statement. As detailed above, Oregon Statewide Planning Goal 10 requires the City to allocate adequate amounts and types of land to accommodate a mix of housing units for all incomes. The amount and types of needed land are deemed adequate if the amount of available buildable lands within the UGB is greater or equal to projected land consumption rates. The City's 20-year housing needs were assessed as a part of Periodic Review Work Task 1, which was approved by the Oregon Department of Land Conservation and Development on November 23, 2001. Through that process a 500-acre deficit of land for multi-family residential development was identified based on an assumed annual consumption rate of 25 acres per year through the 20-year planning horizon. To meet the requirements of Goal 10, the City of Salem enacted an aggressive re-zoning program to

remedy the deficit, the most recent component of which was the Salem Multiple Family Residential Land Study (SMFRLS), which concluded in 2001 with the re-zoning of 75.4 acres for a total of 490.54 acres of multi-family residential zoned land to fulfill Periodic Review Work Task 1 and Goal 10. SMFRLS sought to balance the distribution of the new multiple family land throughout the City, with the most expansive areas allocated to parts of the City with the lowest existing amount of multiple family land (West and South Salem). In addition to the 490.54 acres re-zoned to Multi-Family Residential classifications to comply with Goal 10, the Periodic Review Work Order cites, among other opportunities, 103.99 acres of potential higher-density residential development facilitated through the Compact Development Overlay Zone implemented in 1998, the potential for up to 2,000 mixed-density residential units to develop within the Fairview Mixed Use Zone (Fairview Training Center), and capacity for up to 2,086 (gross) additional high-density housing units identified in the 1997 North Downtown Plan.

The subject property is zoned RS-Single Family Residential, and is therefore not currently eligible for multi-family residential development. Development of the property to multi-family residential densities would require approval of a zone change application to a multi-family residential zoning classification. Constraints including the small parcel size, the location of a shared access easement encumbering the eastern 8 feet of the property and commercial vehicle traffic along the accessway associated with the abutting commercial uses make development of the property for residential uses impractical. As outlined above, the City of Salem has made substantial efforts to maintain an adequate supply of multi-family residential land to meet demand through the 20-year Periodic Review planning horizon. The proposed Comprehensive Plan Change of the 0.26-acre subject property from 'Multi-Family Residential' to 'Commercial' will not affect the ability of the City to provide for its projected housing needs. The property has been historically used for single-family residential purposes since it was developed in 1946, and it is not anticipated that the site would be redeveloped for multi-family housing. The proposed change to a 'Commercial' Comprehensive Plan designation will foster compatibility with the existing commercial corridor abutting 12th Street SE. Staff finds that the proposal is consistent with this goal.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

Goal 11: Public Facilities and Services (OAR 660-015-0000(11)) requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons.

Applicant's Statement: Public facilities and services including sewer, water, and storm drainage are already provided to the subject property. No additional services are needed. Any facility expansions that may be needed in the future will be determined by the City at the time development permits are requested. The City's provision of public facilities in a timely and orderly fashion serves as the framework for urban development. By providing the necessary public services and facilities for the proposed uses, the requirements of this Goal are met.

Finding: The City has adopted Stormwater, Wastewater and Water Master Plans as Detailed Plans to the Salem Area Comprehensive Plan. These Detailed Plans outline the public facilities and services needed to serve land within the Urban Growth Boundary. The City utilizes an

Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an Urban Service Area (USA) boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan.

The Site is located within the boundary of the Urban Service Area. Therefore, public facilities and services are currently available to serve the Site in conformance with adopted Public Facility Detail Plans and the requirements of SRC Chapters 63 and 66. Moreover, on-site public facility and service improvements will be reviewed for conformance with adopted facility plans at the time of site development.

By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met. In accordance with the Salem Revised Code and applicable master plans, any required improvements to public facilities and services to serve the proposed future use of the property will be determined by the City at the time development permits are requested. The site is already provided with necessary public services and utilities to serve a range of uses allowed under both the existing Multi-Family Residential Plan map designation and the proposed Commercial designation. The Public Works Department notes that site-specific infrastructure requirements will be addressed during the site plan review process at such time that new development occurs on the site. This proposal is consistent with this goal.

GOAL 12 – TRANSPORTATION

According to the Oregon Statewide Planning Goals & Guidelines for Goal 12, Transportation (OAR 660-015-0000(12)), a transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

Applicant's Statement: The subject property is located along Vista Avenue approximately 100 west of 12th Street. Vista Avenue is designated a Collector, and 12th is a Major Arterial (STSP). Vista, together with Fairview Avenue, serves as an east-west link between 12th and Commercial Street. As a result, access to the subject property is provided means of streets that are intended to provide for circulation within city. The street system provides the site with efficient links to the surrounding urban area. The existing street network is adequate to serve the site, and no new streets are required. Public transit is available on Chemtrots 12th and Battle Creek Route 6.

A report has been provided by Karl Birky, P.E., of Oregon Traffic Engineering LLC, to address the requirements of the TPR. The report is included as a part of this application. As shown by the TPR report, the projected ADT from the site is 47. The volume of traffic projected to be generated is within the capacity of the affected transportation system. No new streets are needed to provide access to the site, and the existing transportation system is adequate. The small volume of traffic that would result will not cause a change in a level of service (LOS) at any intersection, or cause a change in the functional classification of any street.

Because the transportation system provides adequate access to the property, and development can occur without significant adverse impacts to the transportation system, and transportation alternatives are available, the requirements of this Goal and the TPR are satisfied.

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

The applicant 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.

There are two methods commonly used to assure that there is no "significant affect" as a result of a comprehensive plan change. The first method is to limit the amount of anticipated traffic from future allowed uses. Under this approach, a condition of approval is typically placed on the decision, which limits development on the subject property to the same or less than anticipated amounts of traffic from allowed uses under the existing comprehensive plan map designation (a trip-cap). The second method is to mitigate transportation facilities that are significantly affected, if there is a resulting increase in possible traffic. The applicant in this case has requested use of the first method.

The applicant's TPR analysis, dated July 19, 2011 (Attachment 4) determines the number of trips that could be generated from the site under the existing comprehensive plan map designation of Multi-Family Residential, assuming a corresponding multi-family zoning classification. The analysis recommends that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal to or less than currently could be generated by allowed uses in the Multi-Family Residential designation, which the analysis estimates to be 47 average daily trips.

The City Traffic Engineer has reviewed the TPR Analysis that was submitted by the applicant and agrees with its findings. The proposed Comprehensive Plan Change and Zone Change will not have a "significant affect" on the transportation system as defined by OAR 660-012-0060, when conditioned to limit the vehicle trips generated by future uses at the site to a maximum of 47 average daily trips. Staff recommends this condition of zone change approval, as stated later in this report. The condition will mitigate the impacts of the proposal and satisfy Goal 12.

Condition 1: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 47 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or

future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

GOAL 13 – ENERGY CONSERVATION

Goal 13 Energy Conservation (OAR 660-015-0000(13)) requires that land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy based upon sound economic principles.

Applicant's Statement: The property is located in a developed neighborhood. The transportation system in this area is fully established and makes access to the property direct, efficient and convenient by motorized and non-motorized forms of transportation. The property's proximity to the major transportation routes in the area will serve to reduce the vehicle miles traveled to reach the site, which conserves energy. In addition, any new or remodeled structures will be required to meet the energy conservation codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

Finding: The commercial designation will be appropriate since it makes use of a parcel with an existing inefficient use, a vacant single-family dwelling constructed in 1946. The location of the site adjacent to a major arterial (12th Street SE) and a collector street (Vista Avenue SE) and the availability of public transit and developed pedestrian and bicycle amenities in close proximity to the site make the property highly accessible and serve to reduce the energy needed to reach the property. These factors result in the site being consistent with the energy conservation requirements of this Goal.

GOAL 14 – URBANIZATION

Goal 14 (OAR 660-015-0000(14)) requires local governments 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.

Applicant's Statement: The site is within a fully urbanized part of the city. The proposed redesignation of the site is consistent with its surroundings. All necessary public services are available to the site. The proposal will contribute to infill and the maintenance of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

Finding: Staff concurs with the facts provided by the applicant. The proposal does not affect the Urban Growth Boundary and is consistent with the goal to maintain a compact and efficient urban area. This proposal complies with Goal 14.

Applicant's Conclusion: Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals and this criterion is satisfied.

Finding: Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

Criterion 4: The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the plan map.

Applicant's Statement As shown on the Plan map the subject parcel is bordered on two sides by property that is designated and used for commercial purposes. It is not adjacent to any other property that is designated for multifamily residential use. A commercial driveway is located on the eastern part of the property. It is also directly across Vista Ave. from commercial property zoned CG that extends west to Bluff Avenue. Considering these locational, zoning, and functional factors, the proposed change to the *Commercial* Plan designation with the CG zone represents a logical in-filling of the commercial land use pattern at this location. .

The property fronts on Vista Ave., a Collector, which is the access to two commercial businesses. As noted the driveway on the subject property is the access for those two businesses. Due to the relationship of this parcel to the two existing, bordering commercial properties, in 1991 the Planning Commission proposed to designate the property for commercial use. The property owner declined to be included in that proposal. The property is now proposed for sale to the owner of the adjacent C&R Remodeling property. The existing residential designation and homes will remain along the west side of Bluff Avenue. Based on the relationship of the subject property to the surrounding residential and commercial parcels, its frontage on the Collector, and the commercial pattern to the north, the proposed change will be harmonious with the land use pattern.

For these reasons, the proposed change will be logical and harmonious with the land use pattern for the greater area, as it is shown on the Plan map.

Finding: Staff concurs with the applicant's statement. The existing land use pattern along 12th Street SE and the surrounding area contains a broad range of lot sizes and uses, including a range of properties used for commercial purposes. This proposal will result in a change which allows a use of the property that is consistent with the character of the 12th Street SE commercial corridor.

As stated earlier in this report, an access easement encumbers the eastern 8 feet of the property, and is shared between the subject property and the adjacent commercial uses to the south (C & R Remodeling) and east. This constraint makes development of the property for residential uses impractical and is incongruous with Salem Planning Commission Code Interpretation 04-01, which concluded that in cases where access for a use is provided via a driveway that crosses a property of a different zoning designation, the use which the driveway serves must be an allowed use in both of the affected zoning districts. Under existing conditions, the commercial uses served by the accessway are not uses that are consistent with the Multi-Family Residential Plan designation or the City's residential zoning classifications. The proposed Plan designation change from Multi-Family Residential to Commercial remedies this circumstance and is consistent with the policies set forth by the Salem Planning Commission in Code Interpretation 04-01.

As was recognized by the Planning Commission in their review of CPC-ZC91-10, the proposed plan map amendment to Commercial is consistent with the surrounding land use pattern, and is a logical and harmonious change given the site circumstances and surrounding mix of uses. This criterion is met.

Criterion 3: The proposed change conforms to all criteria imposed by applicable goals and policies of the Comprehensive Plan in light of its intent statements, and

Applicant's Statement: The following elements of the SACP are applicable to this request

Part II Definitions and Intent Statements

A Comprehensive Land Use Plan Map

1. **Intent:** The intent of the Salem Area Comprehensive Plan is to project a goal, the most desirable pattern of land use in the Salem area. This pattern, as represented on the Comprehensive Plan Map, indicates areas appropriate for different types of land use. The pattern takes into consideration the transportation network, the location of public facilities and utility systems, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment.

To ensure that the anticipated urban land use needs are met, the Plan Map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed. There are two approaches to achieving this commitment. One approach is the rezoning of land in quantities sufficient to accommodate land use demands identified for the planning period. Another approach is through the phased provision of land over time, through annexation and rezoning in response to demand for specific land uses.

It is the latter approach that the Salem Area Comprehensive Plan has taken. Thus the land use pattern that is shown on the map recognizes the zoning that has developed over time, with general designations of the land uses that are expected to be developed as a result of (1) demand, (2) the plan policies and intent statements, and (3) implementing regulations and processes. This Plan recognizes that the land use and zoning are expected to change during the time span of the Plan as conditions change.

Applicant's Statement: The stated intent of the Comp Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land over time in response to changing needs and conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use, and the Plan recognizes that land use and zoning are expected to change as conditions change.

The existing zoning and use of the site is not consistent with its current Plan Map designation. In 1991 the Planning Commission proposed to change the land use designations to those that are now requested. At that time the land use designations were changed for the parcels to the east and south, establishing the current land use pattern. This proposal is consistent with the changes that occurred and which were intended at that time.

The current proposal is consistent with the stated intent of the Plan to remain responsive to changing conditions, and to recognize that land use and zoning are expected to change as conditions change. The result of the proposal will be to complete the appropriate pattern of land use intended at the time the two adjacent parcels were redesignated. The subject parcel is now bounded on two sides by commercial activities and on one side by a single-family residential parcel. The driveway serving the two commercial parcels is partially on the subject parcel. The property across Vista to the north is commercial. The proposal is consistent with the intent to recognize changing conditions and provide for flexibility, in this case to infill commercial use on an underutilized parcel. These reasons are consistent with the Plan's methodology for determining the appropriate use of land within the urban area.

3. Plan Map Designations

Applicant's Statement: The site is proposed to be designated *Commercial*. The intent of the *Commercial* designation as described in part II.A.3.c. is to indicate commercial areas throughout the urban area that provide shopping and service opportunities. These commercial opportunities include "community", "neighborhood", and "specialized" shopping and service facilities, among others. This designation is implemented by various zones including CG. The purpose of the request is consistent with the intent of this designation.

Part IV. Salem Urban Area Goals and Policies

- B. General Development Goal: To insure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Applicant's Statement: The relationship of this proposal to the State Land Use Goals has been described earlier in this report. Based on the description provided, the proposal is consistent with the applicable Goals.

6. Carrying Capacity: All public and private development shall meet the requirements of applicable local, state and federal standards.

Applicant's Statement: New development on the site will be required to meet all applicable local, state and federal standards for the type and scale of development that is proposed, at the time of development.

7. Optimal Uses of Land: Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

Applicant's Statement: The subject property is developed in a traditional pattern that reflects its current residential purpose. The scale and density of the existing development is consistent with the surrounding uses. Future redevelopment will make efficient use of the available space, within the constraints imposed by the development regulations and the surrounding uses. The

site has no terrain features or watercourses that require unusual consideration. The use of the site in conjunction with the adjacent parcel to the south will help to optimize the use of land at this location.

10. **Street Improvements:** Improvements of streets in addition to those in or abutting a development may be required as a condition of approval of subdivisions and other intensifications of land use.

Applicant's Statement: The projected impact of the proposal on the bordering streets has been reviewed through the Trip Generation Estimate and TPR report. No changes to the bordering streets are necessary to serve the traffic generated by the proposed use.

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

Applicant's Statement: The land use regulations that apply to this proposal include required bufferyard setbacks, screening, and landscaping, as detailed in the applicable zone code sections. The bufferyard requirements address compatibility with the residential use to the west. The other adjoining properties are in commercial use.

14. **Screening of Storage:** Outdoor storage areas should be screened from the public streets and from adjacent uses.

Applicant's Statement: Any outdoor storage will comply with this guideline.

15. **Lighting:** Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.

Applicant's Statement: Any outdoor lighting included as a part of the proposed use will be designed to meet the standards required by the zone code to illuminate the site and not cause glare into the public right of way or adjacent properties, consistent with this policy.

- E. **Residential Development Goal:** GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.

Applicant's Statement: The subject property currently provides one housing unit. It is designated for multifamily housing on the Comp Plan map, but remains zoned for single family housing. The parcel is too small for practical use for multifamily housing, and it is not adjacent to other land similarly designated. It is surrounded by commercial uses on three sides. It is at the eastern edge of an extensive interior residential neighborhood that extends to the west, and which provides a variety of housing opportunities. Because of the extent and the variety of single family and multifamily housing that is present in the vicinity, the site is not needed in order to assure that there is an adequate supply of housing or developable land for housing within the immediate area, or the community in general. For these reasons, the proposal to change the use of the site does not conflict with the intent or purpose of this Goal.

- G. Commercial Development Goal: To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.

Applicant's Statement: The proposal is to add space to an existing, long-standing business at this location. Maintaining the business at this location is consistent with the Goal directive to maintain the Salem urban area as a commercial center.

The following Commercial Development Policies apply to this proposal:

2. Community Shopping and Service Facilities: Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:
 - a. Site plan,
 - b. Layout of all off-street parking and loading facilities,
 - c. Landscaping plan,
 - d. Surface stormwater plan,
 - e. Vehicular and pedestrian circulation plan,
 - f. Utility plans,
 - g. Impact on adjacent neighborhoods,
 - h. Impact on adjacent street networks,
 - i. Proposed use(s),
 - j. Transit service, and
 - k. Other information that may be required.

Applicant's Statement: The subject parcel is already developed but is proposed to be converted for use in support of the adjacent C&R Remodeling. The required plans will be submitted at the time the use is proposed to change. Information that may be required, such as utilities and stormwater drainage, will be provided when building plans are submitted, as is typical. In this manner, all of the required information will be provided prior to redevelopment, in keeping with this policy.

3. Redevelopment: Redevelopment of existing shopping and service facilities should be encouraged where appropriate.

Applicant's Statement: The site is not an existing shopping or service facility, however the site is adjacent to two commercial properties and provides the access driveway that serves both. The redevelopment of the site will be in conjunction with the commercial parcel adjacent to the south.

5. Neighborhood and Community Shopping and Service Facilities: Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.

Applicant's Statement: The subject site is adjacent to commercial activity to the east and south, and across Vista Ave. from commercial activity to the north. Its location is within this

commercial cluster. All of these existing commercial activities have frontage on 12th Street, a Major Arterial. The proposed use will not affect the existing pattern along the arterial frontage.

8. Buffer Strips: Buffer strips from residential uses shall be provided for all commercial development.

Applicant's Statement: The property to the west is in residential use. The buffer yard standards of Chapter 132 will provide for the appropriate setbacks, screening and landscaping between future uses and the residential parcel, as required by this policy.

Finding: Staff concurs with the facts presented by the applicant's representative as stated above and concludes that the proposed Comprehensive Plan change satisfies this approval criterion.

Criterion 6: The proposed change benefits the public.

Applicant's Statement: The proposal will allow for an appropriate and productive reuse of a small property that is within an existing commercial cluster. The proposal will renew the use of the site and provide needed space to the existing adjacent commercial use. The proposal is consistent with the scale and nature of the existing commercial uses. It fronts on the Collector and there will be no additional intrusion on the residential area to the west. The proposed use of the site can provide services to the surrounding neighborhood as well as to the community. The street frontage at this location is appropriate for the type of use proposed, and the site already serves as the access to the adjacent commercial uses. The adjacent land use and transportation pattern make the site an appropriate location for the proposed change. By providing for its use in conjunction with an existing use, and which is in scale with the nearby residential area, the proposed change benefits the public.

For the conditions, circumstances, and reasons provided, the proposed change in the Plan designation is consistent with the policy requirements, guidelines, and directives of the Comp Plan.

Based on the reasons, factors and circumstances described, the proposal satisfies the applicable Criteria for a Comprehensive Plan Map Amendment.

Finding: Staff concurs with the facts presented by the applicant's representative as stated above and concludes that the proposed Comprehensive Plan change satisfies this approval criterion. Considering its location with the existing commercial cluster, the type and purpose of the use proposed, and the relationship of the parcel to surrounding uses, the proposal conforms to the Commercial Development Goal and Policies.

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

The following analysis addresses the re-zoning of the subject property from RS (Single-Family Residential) to CG (General Commercial).

SRC Chapter 113-150 provides the criteria for approval for Zone Map amendments. In order to approve a quasi-judicial Zone Map amendment request, the administrative body 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 nature and circumstances of each individual case. Unless any of the factors are deemed irrelevant, something more than an unsupported conclusion is required, but the degree of detail in the treatment of relevant factors depends on the degree of proposed change or deviation, and the scale and intensity of the proposed use or development. The requisite degree of consideration is directly related to the impact of the proposal: the greater the impact of a proposal in an area, the greater is the burden on the proponent.

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. The applicant provided justification for all applicable criteria (Attachment 2).

Criterion (a): The applicant for any quasi-judicial zone change . . . has the burden of proving justification for the change. The greater the impact of the proposed zone change on the area, the greater the burden of proving the justification on the proponent.

Criterion (b): The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the Comprehensive Plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the Comprehensive Plan; and any standards imposed by state land use law. . . .

Applicant's Statement: The intent and purpose of zone changes is described in SRC 113.100(a). In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

As has been described, the subject property was previously determined to be an appropriate part of the commercial cluster along Vista Ave., west of 12th. The development pattern along the 12th Street arterial frontage changed at the time of the street improvement project, when the C&R driveway access to 12th was closed. Its access is now through the subject parcel to Vista Ave. The parcel is now proposed to be used as part of C&R. The north side of Vista between 12th and Bluff is in commercial use. As a result, commercial uses are on three sides of the subject property. These circumstances cause the proposed transition from residential to commercial use to be appropriate, and make the proposed zone change consistent with the intent and purpose for zone changes as expressed in 113.100(a).

SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comp Plan. The relationship of this proposal to the Comp Plan has been examined, and the proposal has been shown to conform to those requirements.

Finding: Staff concurs. The proposed Comprehensive Plan and zone change have been shown to conform to the SACP, as outlined earlier in the report.

Criterion (b): . . . In addition, the following factors should be evaluated by the Review Authority, and shall be addressed in the decision:

Factor 1: The existence of [a] mistake in the compilation of any map, or in the application of a land use designation to the property;

Applicant's Statement: The property is currently designated Multifamily Residential on the Comp Plan map but it is zoned RS. The RS zone is inconsistent with the Plan designation and can be viewed as a mistake in the application of a land use designation to the property. However, that inconsistency is not specifically relevant to this request, and the existence of a mistake in the map or in the application of a land use designation to the property is not claimed.

Finding: This factor has been addressed and is not applicable.

Factor 2: A change in the social, economic, or demographic patterns of the neighborhood or the community:

Applicant's Statement: The commercial properties south of Vista represent the south end of the 12th Street commercial corridor. The economic pattern of the neighborhood changed when 12th Street was improved in the mid-1990's and the 12th Street driveway access to C&R Remodeling was closed. Since that time its access has been through the subject property to Vista Ave. In anticipation of that project, in 1999 the Planning Commission proposed to change the subject property to commercial use. The property owner at that time declined the proposal. Other aspects of the neighborhood remain unchanged. Today the subject site is in between commercial uses to the east and single family residential to the west, but it is the only parcel designated for multifamily housing. The proposed zone change to CG is appropriate considering its location and current relationship to the adjoining commercial uses.

Finding: Staff concurs with the applicant's statement. The proposed zone change from RS (single Family Residential) to CG (General Commercial) complements the character of the existing commercial corridor abutting 12th Street SE. As stated previously, constraints including the small parcel size, the location of a shared access easement encumbering the eastern 8 feet of the property and commercial vehicle traffic along the accessway associated with the abutting commercial uses make development of the property for residential uses impractical. The applicant emphasizes the positive effects of fostering expansion of an existing small business as a means of strengthening the local economy. Correspondingly, in light of the facts and findings contained in the applicant's statement and stated previously in this report, the proposed zone change from RS (Single-Family Residential) to CG (general Commercial) represents a logical response to changing local and global economic trends by remedying constraints evident under the current site zoning and making land available for commercial redevelopment within an existing commercial corridor.

Factor 3: A change of conditions in the character of the neighborhood:

Applicant's Statement: The major changes to the character of the neighborhood have been the improvement of 12th Street, and the recent redevelopment of the lumber yard north of Vista for a medical clinic. Other conditions in the neighborhood have remained stable. The proposal is based on the relationship of the subject parcel to the adjoining C&R property, and not specifically on changes in the character of the neighborhood.

Finding: Staff concurs with the applicant's statement. The proposed zone change from RS (single Family Residential) to CG (General Commercial) makes land available for commercial redevelopment within an existing commercial corridor in concert with redevelopment projects and infrastructure improvements in the vicinity of the subject property. The proposed expansion of an existing small business onto the subject property would be beneficial to strengthening the local economy and providing expanded services to residents and businesses in the vicinity of the site.

Factor 4: The effect of the proposal on the neighborhood;

Applicant's Statement: The proposal will have little effect on the neighborhood. The subject property already serves as a commercial access. There has been no apparent effect on the neighborhood as a result of this access. The only bordering residential parcel is to the west. The parcel fronts on a Collector. The adjoining commercial uses are not high-intensity activities, and there will be little or no off-site impact from the proposed change. The traffic impact of the proposal will be no greater than could occur under its current land use designations. The proposal is not likely to create any impacts that are not already present at this location.

Finding: Staff concurs that the proposed zone change will have a negligible effect on the neighborhood. As stated in the July 19, 2011, TPR analysis submitted with this proposal (Attachment 3) and by the applicant, the traffic impacts of this proposal are anticipated to be no greater than that which could occur under the current Multi-Family Residential' comprehensive plan designation assuming a corresponding multi-family residential zoning classification. With the amendment to a 'Commercial' Plan designation and CG (General Commercial) zoning classification, it is anticipated that the traffic impacts will generally be limited to standard business operating hours rather than peak traffic hours as might occur with residential development of the property.

Factor 5: The physical characteristics of the subject property, and public facilities and services; and

Applicant's Statement: The subject property is already developed, and the physical characteristics of the site will not be affected in any significant way. All required public facilities are in place or can be made available to the property at adequate levels of service. No changes in service demands or capacities are expected. The property has no identified physical characteristics that would prevent the proposed use.

Finding: Staff considered the potential effects of the proposed zone change on the neighborhood. The applicant's TPR analysis, dated July 19, 2011 (Attachment 3) recommends that development conditions be created for the comprehensive plan and zone change that limit future trip generation volumes to volumes equal to or less than currently could be generated by allowed uses in the Multi-Family Residential designation, assuming a corresponding multi-family residential zoning classification, which the analysis estimates to be 47 average daily trips.

The City Traffic Engineer has reviewed the TPR Analysis that was submitted by the applicant and agrees with its findings. The proposed Comprehensive Plan Change and Zone Change will not have a "significant affect" on the transportation system, when conditioned to limit the vehicle trips generated by future uses at the site to a maximum of 47 average daily trips. With regard to traffic impacts, staff recommends the following condition, as proposed by the applicant's Transportation Planning Rule (TPR) Analysis:

Condition 1: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 47 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

As conditioned, this factor has been satisfied.

Factor 6: Any other factor that relates to the public health, safety and general welfare that the Review Authority identifies as relevant to the proposed change.

Applicant's Statement: The main potential impact of the proposed change of use would be from traffic. However, a TPR analysis has been provided that shows the projected traffic impact from the proposed use will be minimal. No new streets or traffic controls will be required as a result of the proposed use. The driveway access point is already in use for this purpose. All required public facilities are provided to the site. The proposed use will not create smoke, dust or odor. There are no other identified factors relating to the public health, safety or general welfare that pertain to this proposal.

Considering the surrounding uses and the character of the area, the proposed zone change will have little impact on the existing uses or on the neighborhood in general. Based on the reasons and factors presented, the relevant zone change considerations are addressed and satisfied.

Finding: Staff concurs with the statements submitted by the applicant's representative as set forth above and concludes that each of the factors have been addressed, therefore the proposed zone change conforms to the criteria for zone change approval of SRC 113.150.

CONCLUSIONS

The proposal is consistent with and in compliance with the applicable goals and policies of the SACP and the Statewide Planning Goals and satisfies all applicable criteria.

Based on the facts and findings presented by the applicant, staff concludes that the proposed amendment meets the criteria for approval. The applicant met their burden of proof in satisfying the Statewide Planning Goals and the evaluation of factors for zone change defined under SRC 113.150, thereby meeting the approval criteria for a zone change.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** by resolution, the following actions for Comprehensive Plan Change/Zone Change 11-09 for property 0.26 acres in size and located at 1150 Vista Avenue SE, 97302 (Marion County Assessor's Map and Tax Lot number: 083W03AA / 00200).

- A. That the SACP map designation change request for the subject property from "Multi-Family Residential" to "Commercial" be GRANTED.
- B. That the zone change request for the subject property from RS (Single-Family Residential) to CG (General Commercial) be GRANTED subject to the following condition of approval:

Condition 1: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 47 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated.

pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

- Attachments:**
1. Public Hearing Notice and Map
 2. Applicant's Statement Addressing Comprehensive Plan Change/Zone Change Approval Criteria
 3. Transportation Planning Rule Analysis, dated July 19, 2011
 4. Public Works Department Comments
 5. Copy of CPC-ZC 91-10
 6. Letter of Support from Morningside Neighborhood Association
 7. Letter of Support from SCAN

Prepared by: Jason Richling, Planner II 

G:\CD\PLANNING\CASE APPLICATION FILES 2011\CPC-ZC Comp Plan Change-Zone Change\1-Staff Reports\CPC-ZC11-09.jmr.doc



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

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

CASE NUMBER:	Comp Plan Change/Zone Change Case No. CPC-ZC 11-09
AMANDA APPLICATION NO:	11-112197-ZO
HEARING INFORMATION:	Planning Commission, Tuesday, Oct, 18-2011, 5:30 p.m., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	1150 VISTA AV SE, SALEM OR 97302
OWNER / APPLICANT(S):	Dennis Straight, Heir at Law of Shirley M. Straight, CHESTER R STRAIGHT, & SHIRLEY M STRAIGHT
APPLICANT / AGENT(S):	JEFF TROSS P C
DESCRIPTION OF REQUEST:	To change the Salem Area Comprehensive Plan Map designation from Multi-Family Residential to Commercial and change the zone district from RS (Single Family Residential) to CG (General Commercial) on property 0.26 acres in size and located at 1150 Vista Ave SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W03AA / 00200)
CRITERIA TO BE CONSIDERED:	<p>❖ Comprehensive Plan Change</p> <p>Pursuant to SRC 64.090, the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria:</p> <ol style="list-style-type: none">1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and6. The proposed change benefits the public. <p>Zone Change</p> <p>Pursuant to SRC 113.150(b), the testimony and evidence for the ZONE CHANGE must be directed to the following criteria:</p> <ol style="list-style-type: none">1. The existence of a mistake in the compilation of any map, or in the application of a land use designation to the property;2. A change in the social, economic, or demographic patterns of the neighborhood or the community;3. A change of conditions in the character of the neighborhood;4. The effect of the proposal on the neighborhood;5. The physical characteristics of the subject property, and public facilities and services; and6. Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change.

ATTACHMENT 1

**HOW TO PROVIDE
TESTIMONY:**

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.


HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER:


Jason Richling, Planner II, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-588-6173 ext 7526. E-mail: JRichling@cityofsalem.net

**NEIGHBORHOOD
ORGANIZATION:**

Womingside Neighborhood Association, Land Use Chair: Geoffrey James, Phone: (503) 931-4120; Email: geoffreyjames@comcast.net. Scan, Land Use Chair: H. Thomas Andersen, Phone: (503) 587-8506; Email: HTAndersen@aol.com

**DOCUMENTATION
AND STAFF REPORT:**

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website: www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

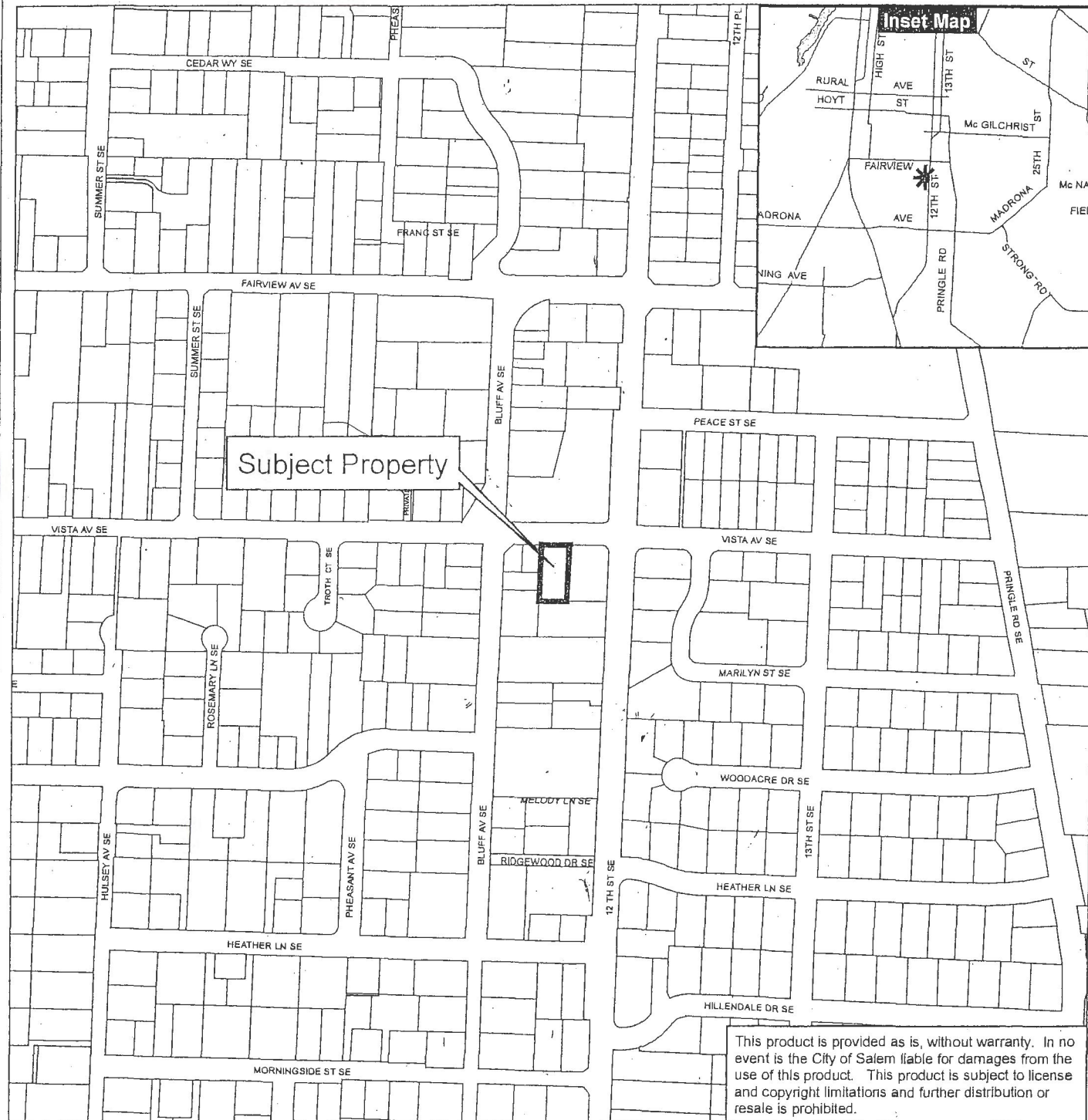
Sept. 28-2011

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

It is the City of Salem's policy to assure that no person shall be discriminated on the grounds of race, religion, color, sex, marital status, family status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964 and related statutes and regulations, in all programs and activities.

Individuals needing special accommodations such as sign or other language interpreters to participate in the meeting must request such services at least two working days (48 hours) in advance by calling the Community Development Department at 503-588-6173.
(Text Telephone: 503-588-6353)
Equipment for the hearing impaired is available upon request.

Vicinity Map 1150 Vista Avenue SE



Legend

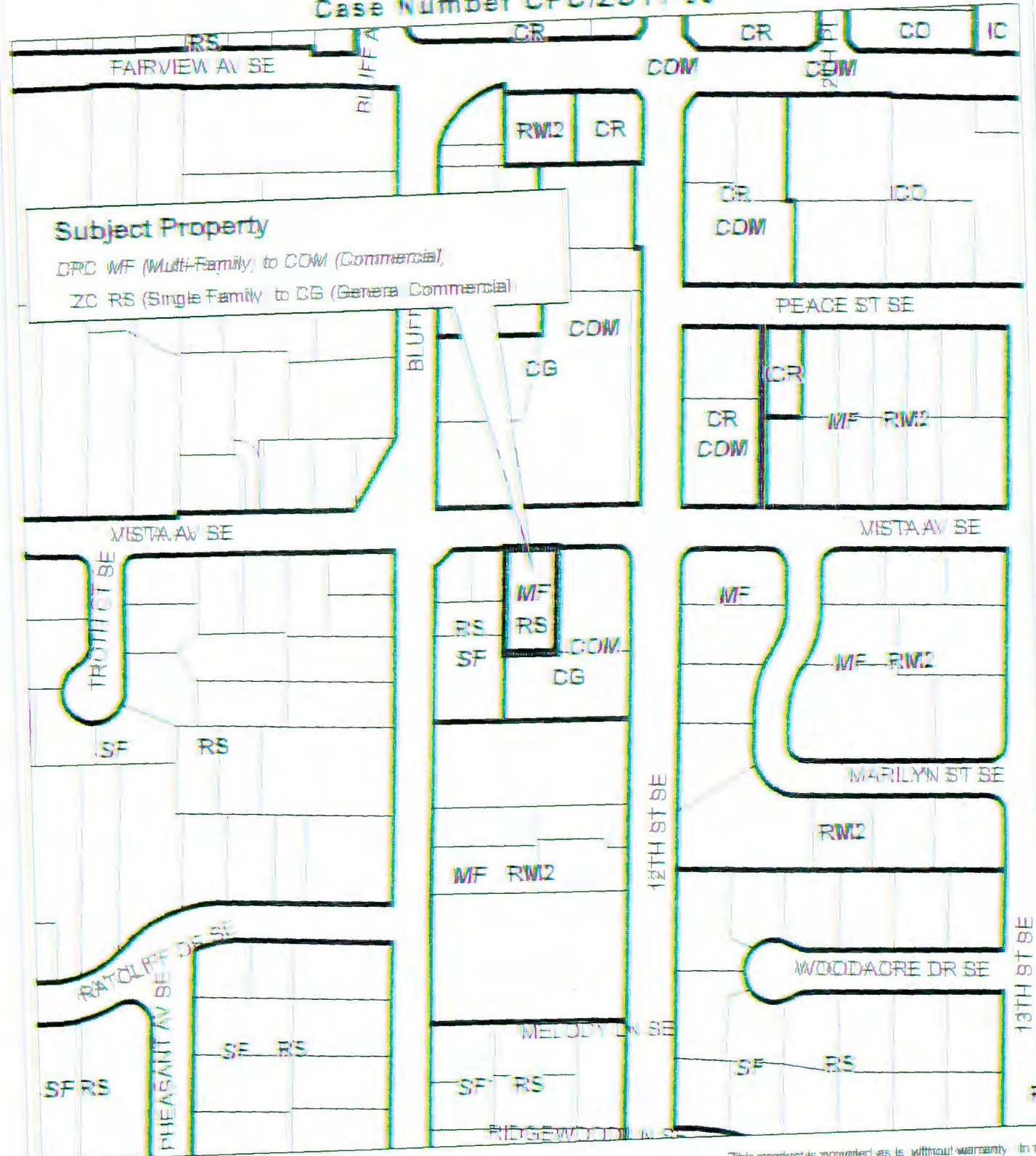
- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Historic District
- Schools
- Parks

0 100 200 400 Feet



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

Comprehensive Plan Change / Zone Change Case Number CPC/ZC11-09



Subject Property

CPC MF (Multi-Family) to COW (Commercial),
ZC RS (Single Family) to CG (General Commercial)

Legend

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

0 .50 100 .200 Feet



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CITY OF Salem
COMMUNITY DEVELOPMENT DEPT.

BACKGROUND

In May, 1991, the owners of the property at 1170 Vista Avenue SE (Tax Lot 100 on map T8S R3W Section 03AA) applied to change the Comprehensive Plan and Zone designation of their property from *Multifamily Residential/RM* to *Commercial/CG*. Due to issues that also affected three abutting properties, Planning Staff recommended that the Planning Commission initiate a Comp Plan/Zone Change to *Commercial/CG* that would include Tax Lots 200, 700 and 800, as well as 100. The owners of Tax Lot 200 asked to be removed from the Plan/Zone Change. The Planning Commission proceeded to initiate the Plan/Zone Change for Tax Lots 100, 700 and 800, CPC/ZC 91-10. The City Council granted final approved for that action in February, 1992.

Tax Lot 100 is the location of the Salem Scuba Shop. Tax Lot 800 was used by a construction company and currently is the location of C&R Remodeling. An older, single family house remains on Tax Lot 200. (Tax Lot 700 has since been combined with Tax Lot 800, as required by condition of approval “i”.)

Condition “a.” of CPC/ZC 91-10 required Tax Lots 100 and 800 to dedicate 12’ of right of way along their 12th Street frontage. As described in condition “g”, the driveway and parking area for Tax Lot 800 would then be within the right of way of 12th Street, and a “revocable agreement” with the City was required to allow those uses to continue. Subsequently, the City closed the driveway as part of the 12th Street improvement project. Condition “c.” required creation of an accessway easement on Tax Lot 100 which, when combined with an existing easement on adjoining Tax Lot 200, would provide a common driveway to Vista Avenue for all of the affected parcels. This easement is now the only access to Tax Lot 800, which has no other frontage on Vista Avenue. The easement runs between the house on Tax Lot 200, and the Salem Scuba Shop. The driveway easement is functional, but leaves the business without an access along its 12th Street frontage,

which is a disadvantage

C&R Remodeling has occupied Tax Lot 800 since the early 1990's. Doug Lethin, the current owner, has owned the business for 22 years. Prior to acquiring C&R Remodeling Mr. Lethin was the general manager of his father's business, the Handyman hardware store and lumber yard, on the northwest corner of 12th and Vista. That site had been a building supply business since the 1950's and is currently being redeveloped for a medical clinic.

The C&R Remodeling property totals approximately 17,424 squ. ft. The property includes the company's business office, showroom, warehouse and storage buildings, and a parking lot which serves customers and employees. The office/showroom is about 2,400 s.f. and the storage buildings total about 5,600 s.f.

The Proposal

As the business has grown the need for additional work space and parking for employees, customers, and suppliers has become evident. However, expanding the existing site is limited by surrounding development, topography, and lack of access. The site is bordered by multifamily residential use uphill to the south, single family residential downhill to the west, and the scuba shop to the north. Recently, however, Tax Lot 200, 1150 Vista Avenue, has become available, and Doug Lethin proposes to acquire it for use as part of the business. Tax Lot 200 is currently designated *Multifamily Residential* on the Comprehensive Plan Map, and it is zoned RS. In order to use this parcel in conjunction with the business the parcel must be zoned CG. A zone change to that category will also require a Comprehensive Plan Map Amendment. Therefore, this is a request for a Comprehensive Plan Map Amendment from *Multifamily Residential* to *Commercial*, and a corresponding Zone Change from RS to CG, for Tax Lot 200, 1150

Vista Avenue (the “subject property”). This proposal is the same as proposed by the Planning Commission in 1991.

The parcel totals approximately 11,326 s.f. The existing house dating from the 1940’s. It is in overall poor condition, and it has no heating system. It is currently vacant, and in its current condition it is unsuitable for occupancy.

Tax Lot 200 is isolated from other *Multifamily* property by *Single-family Residential* to the west, and by the two *Commercial* properties to the south and east. While it is unlikely that this small, individual parcel would redevelop for multifamily housing, it is the only practical means of adding to the existing C&R Remodeling property.

A Pre-Application Conference on this proposal was held on June 23, 2011, Pre-App 11-31.

Relationship to the Neighborhood

The current C&R location marks the south end of the 12th Street commercial corridor, which is continuous from the Mission Street overpass south to this point. The 12th Street commercial corridor includes a wide variety of retail, service and office based businesses, and in recent years the area around the 12th-13th couplet has become a center for medical and health services. That trend is continuing with the construction of a large new medical clinic on the north side of Vista Ave., on the former Handyman (recently Rick’s Bargain Lumber) site, which extends between 12th and Bluff. The new medical clinic is directly across Vista from the subject property

As noted the property at the southwest corner of 12th and Vista, adjacent on the north to C&R and to the east of the subject property, is the Salem Scuba Shop, zoned CG. South

of C&R the land use pattern is residential. Multifamily residential is to the south of the C&R location, and along the east side of 12th. The neighborhood to the west of both the existing C&R site and the subject parcel is single-family residential. There are four single family homes along Bluff Ave. between Vista Ave. and the current C&R location. The subject parcel is in between commercial property to the south and east, single-family residential property on the west, and directly across Vista Avenue from the new medical clinic to the north. A driveway easement through the property serves the existing C&R commercial use. The parcel is too small for practical use as multifamily housing as indicated by its existing Comp Plan designation. Changing its land use category for use in conjunction with the adjacent C&R location is appropriate, and will be in keeping with the type and scale of commercial uses in the neighborhood. Based on these factors the proposal will not change the character of the location or the surrounding neighborhood.

CRITERIA

Comprehensive Plan Amendment

The subject property is currently designated *Multifamily Residential* on the Comprehensive Plan Map. In order to allow its proposed use, the Plan Map designation is proposed to be amended to the *Commercial* designation. Proposals to amend the Comp Plan Map designation are reviewed according to the criteria of SRC 64.090(b). Criteria (1)(A) or (B), or 2(A) or (B) must be addressed, along with (3)+(6).

This application addresses the requirements of (1)(B), as follows:

~~(1) A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of the alternate sites are limited to one or both of the following.~~

~~(A) Size. Suitability of the size of the alternative sites to accommodate the proposed use.~~
~~or~~

(B) Location: Suitability of the location of the alternative sites to permit the proposed use.

The proposed use is additional space for C&R Remodeling. The subject site is adjacent to C&R and it is the only logical and practical location for this use. It fronts on the street that provides access to the business, and the access driveway to the business is located on the property. All other properties adjacent to C&R are developed with commercial and residential uses.

A reasonable vicinity for the examination of potential alternative sites consists of the area bounded by Commercial Street SE on the west, 25th Street on the east, Madronna Street on the south, and Mission Street on the north. The boundaries of this vicinity area are major arterial streets, and the area within these boundaries includes the “Industrial”, “Industrial Commercial”, and “Commercial” Plan designations. These designations are appropriate for the proposed use. However, there is a lack of suitable sites for the proposed use within this vicinity due to their location.

There are lands designated Industrial and Industrial-Commercial along the west side of 25th Street and along McGilchrist St. SE. There are lands designated Industrial-Commercial along the south side of Mission Street, and along 13th Street. There are lands designated Commercial along 12th Street, and along Commercial St.

In this case the location of the alternative sites is the determining factor since the proposed use is additional space for the existing C&R location. The appropriately designated sites along 25th, McGilchrist, Mission, 12th, 13th, and Commercial Streets will not serve the stated purpose because they are not adjacent to the C&R property, and therefore they are not suitable due to their location. The only property that is appropriately designated for the proposed use and adjacent to the C&R property is Tax

Lot 100, adjacent on the north and the location of the Salem Scuba shop. Because it is already occupied for a different use it is not available for the proposed use.

Within the examined vicinity area there are no appropriately designated alternative sites, for reasons of location, and (B) is satisfied.

(B) The proposed Plan change considers and accommodates as closely as possible all applicable Statewide Planning Goals.

The following Statewide Planning Goals apply to this proposal:

GOAL 1 - CITIZEN INVOLVEMENT

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to property owners within the notice area, to the Neighborhood Association, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

GOAL 2 - LAND USE PLANNING

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan and its applicable goals and policies, and under its

implementing ordinances. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

GOAL 3 - AGRICULTURAL LANDS AND GOAL 4 - FOREST LANDS do not apply.

GOAL 5 - OPEN SPACES, SCENIC, HISTORIC AREAS, NATURAL RESOURCES

The subject property is not identified in the Comp Plan as open space, as a scenic, historic, cultural, or natural resource, or as a recreation site and the property has no qualities or characteristics that would make it suitable for any of these purposes. This Goal does not apply.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The subject property is developed. Future redevelopment will be required to meet the standards in effect at the time to maintain or improve the quality of the air, water and land. All necessary public services are already provided to this property, which serves to protect the air, water and land. Due to the small size of the property, no significant changes to its impacts on the air, water or land would be expected as a result of the proposal.

The site is not in a watershed and does not include a surface water resource. Water for use on the site will be provided by the City water system. The proposal will not affect groundwater resources. If waste water is generated from the use of the property it will be discharged into the City sewer system, and the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality. Stormwater runoff will be collected and removed by the storm drainage system in a manner determined by the City to be appropriate.

The major impact to air quality in the vicinity is vehicle traffic along 12th and 13th Streets, which are Major Arterials (STSP) and which serve as major commuter routes between south Salem and the city center. The C&R business is a low-traffic impact use and additional facilities to serve that business will not significantly change the impact to air quality in this area. The traffic generated from the use will be insignificant to the total volume of traffic that is present on the two Major Arterials, and there will be no significant additional air quality impact.

The land within the site is already impacted by the existing structure and new structures will not create a significant impact to the quality of the land. Based on these factors and considerations the proposed project will have no significant impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards have been identified that distinguish this site from others that are similarly situated in the area, or that would prevent the proposed use.

GOAL 9 - ECONOMIC DEVELOPMENT

The proposal will enhance a local small business. Due to surrounding development and the terrain there are no other locations for the proposed use. The site is adjacent to existing businesses on two sides. The additional space will help to maintain and improve the business, and will add value to the site. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

GOAL 10 - HOUSING

The subject site is a single parcel of approximately 11,000 squ. ft. It is designated for multifamily housing but it is zoned RS. There is one single-family house on the property.

however, it is poor condition and is not currently suitable for occupancy. Due to its small size it is not likely that it would redevelop for multifamily housing. If used as proposed one housing unit would be lost. This will not have a significant affect on the inventory of single family housing in the neighborhood or the city. The neighborhood to the west is entirely residential, and there are abundant opportunities for single family housing as well as multifamily housing in the immediate area as well as city-wide. As noted, in 1991 the Planning Commission recommended the site for the same change as currently proposed. For these reasons redesignating the site to Commercial will not have

a significant affect on the City's ability to provide housing or to meet the requirements of this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

Public facilities and services including sewer, water, and storm drainage are already provided to the subject property. No additional services are needed. Any facility expansions that may be needed in the future will be determined by the City at the time development permits are requested. The City's provision of public facilities in a timely and orderly fashion serves as the framework for urban development. By providing the necessary public services and facilities for the proposed uses, the requirements of this Goal are met.

GOAL 12 - TRANSPORTATION

The subject property is located along Vista Avenue approximately 100' west of 12th Street. Vista Avenue is designated a Collector, and 12th is a Major Arterial (STSP). Vista, together with Fairview Avenue, serves as an east-west link between 12th and Commercial Street. As a result, access to the subject property is provided means of streets that are intended to provide for circulation within city. The street system provides

the site with efficient links to the surrounding urban area. The existing street network is adequate to serve the site, and no new streets are required. Public transit is available on Chemrots 12th and Battle Creek Route 6.

A report has been provided by Karl Birky, P.E., of Oregon Traffic Engineering LLC, to address the requirements of the TPR. The report is included as a part of this application. As shown by the TPR report, the projected ADT from the site is 47. The volume of traffic projected to be generated is within the capacity of the affected transportation system. No new streets are needed to provide access to the site, and the existing transportation system is adequate. The small volume of traffic that would result will not cause a change in a level of service (LOS) at any intersection, or cause a change in the functional classification of any street.

Because the transportation system provides adequate access to the property, and development can occur without significant adverse impacts to the transportation system, and transportation alternatives are available, the requirements of this Goal and the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

The property is located in a developed neighborhood. The transportation system in this area is fully established and makes access to the property direct, efficient and convenient by motorized and non-motorized forms of transportation. The property's proximity to the major transportation routes in the area will serve to reduce the vehicle miles traveled to reach the site, which conserves energy. In addition, any new or remodeled structures will be required to meet the energy conservation codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

GOAL 14 - URBANIZATION

The site is within a fully urbanized part of the city. The proposed redesignation of the site is consistent with its surroundings. All necessary public services are available to the site. The proposal will contribute to infill and the maintenance of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals and this criterion is satisfied.

(4) The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the Plan map.

As shown on the Plan map the subject parcel is bordered on two sides by property that is designated and used for commercial purposes. It is not adjacent to any other property that is designated for multifamily residential use. A commercial driveway is located on the eastern part of the property. It is also directly across Vista Ave. from commercial property zoned CG that extends west to Bluff Avenue. Considering these locational, zoning, and functional factors, the proposed change to the *Commercial* Plan designation with the CG zone represents a logical in-filling of the commercial land use pattern at this location. .

The property fronts on Vista Ave., a Collector, which is the access to two commercial businesses. As noted the driveway on the subject property is the access for those two businesses. Due to the relationship of this parcel to the two existing, bordering commercial properties, in 1991 the Planning Commission proposed to designate the property for commercial use. The property owner declined to be included in that

proposal. The property is now proposed for sale to the owner of the adjacent C&R Remodeling property. The existing residential designation and homes will remain along the west side of Bluff Avenue. Based on the relationship of the subject property to the surrounding residential and commercial parcels, its frontage on the Collector, and the commercial pattern to the north, the proposed change will be harmonious with the land use pattern.

For these reasons, the proposed change will be logical and harmonious with the land use pattern for the greater area, as it is shown on the Plan map.

(5) The proposed change conforms to all criteria imposed by the applicable goals and policies of the Comp Plan in light of its intent statements.

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

SACP Part II Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

II. Intent: The stated intent of the Comp Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land over time in response to changing needs and conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use, and the Plan recognizes that land use and zoning are expected to change as conditions change.

The existing zoning and use of the site is not consistent with its current Plan Map designation. In 1991 the Planning Commission proposed to change the land use designations to those that are now requested. At that time the land use designations were

changed for the parcels to the east and south, establishing the current land use pattern. This proposal is consistent with the changes that occurred and which were intended at that time.

The current proposal is consistent with the stated intent of the Plan to remain responsive to changing conditions, and to recognize that land use and zoning are expected to change as conditions change. The result of the proposal will be to complete the appropriate pattern of land use intended at the time the two adjacent parcels were redesignated. The subject parcel is now bounded on two sides by commercial activities and on one side by a single-family residential parcel. The driveway serving the two commercial parcels is partially on the subject parcel. The property across Vista to the north is commercial. The proposal is consistent with the intent to recognize changing conditions and provide for flexibility, in this case to infill commercial use on an underutilized parcel. These reasons are consistent with the Plan's methodology for determining the appropriate use of land within the urban area.

Part II.A.3. Plan Map Designations

The site is proposed to be designated *Commercial*. The intent of the *Commercial* designation as described in part II.A.3.c. is to indicate commercial areas throughout the urban area that provide shopping and service opportunities. These commercial opportunities include “community”, “neighborhood”, and “specialized” shopping and service facilities, among others. This designation is implemented by various zones including CG. The purpose of the request is consistent with the intent of this designation.

IV. Salem Urban Area Goals and Policies

B. General Development

Goal: *To insure that future decisions concerning the use of land within the Salem urban*

area are consistent with State Land Use Goals

The relationship of this proposal to the State Land Use Goals has been described earlier in this report. Based on the description provided, the proposal is consistent with the applicable Goals.

Policies

6. *Carrying Capacity*: New development on the site will be required to meet all applicable local, state and federal standards for the type and scale of development that is proposed, at the time of development.

7. *Optimal Use of the Land*: The subject property is developed in a traditional pattern that reflects its current residential purpose. The scale and density of the existing development is consistent with the surrounding uses. Future redevelopment will make efficient use of the available space, within the constraints imposed by the development regulations and the surrounding uses. The site has no terrain features or watercourses that require unusual consideration. The use of the site in conjunction with the adjacent parcel to the south will help to optimize the use of land at this location.

10. *Street Improvements*: The projected impact of the proposal on the bordering streets has been reviewed through the Trip Generation Estimate and TPR report. No changes to the bordering streets are necessary to serve the traffic generated by the proposed use.

12. *Development compatibility*: The land use regulations that apply to this proposal include required bufferyard setbacks, screening, and landscaping, as detailed in the applicable zone code sections. The bufferyard requirements address compatibility with the residential use to the west. The other adjoining properties are in commercial use.

14. *Screening of Storage:* Any outdoor storage will comply with this guideline..

15. *Lighting:* Any outdoor lighting included as a part of the proposed use will be designed to meet the standards required by the zone code to illuminate the site and not cause glare into the public right of way or adjacent properties, consistent with this policy.

G. Commercial Development

Goal: *To maintain and promote the Salem urban area as a commercial center for the Marion-Polka County metropolitan area.*

The proposal is to add space to an existing, long-standing business at this location.

Maintaining the business at this location is consistent with the Goal directive to maintain the Salem urban area as a commercial center.

Policies:

2. *Shopping and Service Facilities:* The subject parcel is already developed but is proposed to be converted for use in support of the adjacent C&R Remodeling. The required plans will be submitted at the time the use is proposed to change. Information that may be required, such as utilities and stormwater drainage, will be provided when building plans are submitted, as is typical. In this manner, all of the required information will be provided prior to redevelopment, in keeping with this policy.

3. *Redevelopment:* The site is not an existing shopping or service facility, however the site is adjacent to two commercial properties and provides the access driveway that serves both. The redevelopment of the site will be in conjunction with the commercial parcel adjacent to the south.

5. *Neighborhood and Community Shopping and Service Facilities*. The subject site is adjacent to commercial activity to the east and south, and across Vista Ave. from commercial activity to the north. Its location is within this commercial cluster. All of these existing commercial activities have frontage on 12th Street, a Major Arterial. The proposed use will not affect the existing pattern along the arterial frontage.

8. *Buffer strips*. The property to the west is in residential use. The buffer yard standards of Chapter 132 will provide for the appropriate setbacks, screening and landscaping between future uses and the residential parcel, as required by this policy.

Considering its location with the existing commercial cluster, the type and purpose of the use proposed, and the relationship of the parcel to surrounding uses, the proposal conforms to the Commercial Development Goal and Policies.

In addition to the Goal and Policies for Commercial Development, the proposal addresses the Residential Development Goal as follows:

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

The subject property currently provides one housing unit. It is designated for multifamily housing on the Comp Plan map, but remains zoned for single family housing. The parcel is too small for practical use for multifamily housing, and it is not adjacent to other land similarly designated. It is surrounded by commercial uses on three sides. It is at the eastern edge of an extensive, interior residential neighborhood that extends to the west, and which provides a variety of housing opportunities. Because of the extent and the variety of single family and multifamily housing that is present in the vicinity, the site is not needed in order to assure that there is an adequate supply of housing or developable

land for housing within the immediate area, or the community in general. For these reasons the proposal to change the use of the site does not conflict with the intent or purpose of this Goal.

(6) The proposed change benefits the public:

The proposal will allow for an appropriate and productive reuse of a small property that is within an existing commercial cluster. The proposal will renew the use of the site and provide needed space to the existing, adjacent commercial use. The proposal is consistent with the scale and nature of the existing commercial uses. It fronts on the Collector and there will be no additional intrusion on the residential area to the west. The proposed use of the site can provide services to the surrounding neighborhood as well as to the community. The street frontage at this location is appropriate for the type of use proposed, and the site already serves as the access to the adjacent commercial uses. . The adjacent land use and transportation pattern make the site an appropriate location for the proposed change. By providing for its use in conjunction with an existing use, and which is in scale with the nearby residential area, the proposed change benefits the public.

For the conditions, circumstances, and reasons provided, the proposed change in the Plan designation is consistent with the policy requirements, guidelines, and directives of the Comp Plan.

Zone Change

The intent and purpose of zone changes is described in SRC 113.100(a). In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. The zone change review

process is established as a means of reviewing proposals and determining when they are appropriate.

As has been described, the subject property was previously determined to be an appropriate part of the commercial cluster along Vista Ave., west of 12th. The development pattern along the 12th Street arterial frontage changed at the time of the street improvement project, when the C&R driveway access to 12th was closed. Its access is now through the subject parcel to Vista Ave. The parcel is now proposed to be used as part of C&R. The north side of Vista between 12th and Bluff is in commercial use. As a result, commercial uses are on three sides of the subject property. These circumstances cause the proposed transition from residential to commercial use to be appropriate, and make the proposed zone change consistent with the intent and purpose for zone changes as expressed in 11B.100(a).

SRC 11B.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comp Plan. The relationship of this proposal to the Comp Plan has been examined, and the proposal has been shown to conform to those requirements. In addition the following factors to evaluate a zone change request are to be evaluated and addressed:

(1) Existence of a mistake in a map or in the application of a land use designation to the property

The property is currently designated *Multifamily Residential* on the Comp Plan map, but it is zoned RS. The RS zone is inconsistent with the Plan designation and can be viewed as a mistake in the application of a land use designation to the property. However, that inconsistency is not specifically relevant to this request, and the existence of a mistake in the map or in the application of a land use designation to the property is not claimed.

(2) A change in the social, economic or demographic patterns of the neighborhood or the community.

The commercial properties south of Vista represent the south end of the 12th Street commercial corridor. The economic pattern of the neighborhood changed when 12th Street was improved in the mid-1990's, and the 12th Street driveway access to C&R Remodeling was closed. Since that time its access has been through the subject property to Vista Ave. In anticipation of that project, in 1991 the Planning Commission proposed to change the subject property to commercial use. The property owner at that time declined the proposal. Other aspects of the neighborhood remain unchanged. Today the subject site is in between commercial uses to the east and single family residential to the west, but it is the only parcel designated for multifamily housing. The proposed zone change to CG is appropriate considering its location and current relationship to the adjoining commercial uses.

(3) A change of conditions in the character of the neighborhood.

The major changes to the character of the neighborhood have been the improvement of 12th Street, and the recent redevelopment of the lumber yard north of Vista for a medical clinic. Other conditions in the neighborhood have remained stable. The proposal is based on the relationship of the subject parcel to the adjoining C&R property, and not specifically on changes in the character of the neighborhood. .

(4) The effect on the proposal on the neighborhood.

The proposal will have little effect on the neighborhood. The subject property already serves as a commercial access. There has been no apparent effect on the neighborhood as a result of this access. The only bordering residential parcel is to the west. The parcel fronts on a Collector. The adjoining commercial uses are not high-intensity activities, and there will be little or no off-site impact from the proposed change. The traffic impact of

the proposal will be no greater than could occur under its current land use designations. The proposal is not likely to create any impacts that are not already present at this location.

(5) The physical characteristics of the subject property and public facilities and services

The subject property is already developed, and the physical characteristics of the site will not be affected in any significant way. All required public facilities are in place or can be made available to the property at adequate levels of service. No changes in service demands or capacities are expected. The property has no identified physical characteristics that would prevent the proposed use.

(6) Any other factor that relates to the public health, safety and general welfare that the Review Authority identifies as relevant to the proposed change

The main potential impact of the proposed change of use would be from traffic. However, a TPR analysis has been provided that shows the projected traffic impact from the proposed use will be minimal. No new streets or traffic controls will be required as a result of the proposed use. The driveway access point is already in use for this purpose. All required public facilities are provided to the site. The proposed use will not create smoke, dust, or odor. There are no other identified factors relating to the public health, safety or general welfare that pertain to this proposal.

Considering the surrounding uses and the character of the area, the proposed zone change will have little impact on the existing uses or on the neighborhood in general. Based on the reasons and factors presented, the relevant zone change considerations are addressed and satisfied.

Morningside Neighborhood Plan

The subject property is within the Morningside Neighborhood area. The Morningside Neighborhood Plan was adopted by the City Council in June, 1984. Further revisions to the Plan have not been adopted. The Plan does not yet reflect the changes made under CPC/ZC 91-10. The subject property as well as the adjoining Salem Scuba Property and the current C&R Remodeling property are designated single-family residential on the Morningside Land Use Plan map. These designations are out of date and incorrect.

The Land Use Plan provides Intent Statements for various categories of land use. The intent of the General Commercial designation is to “provide for a wide variety of retail and office uses at sites adjoining major streets, transit service and other commercial establishments thereby reducing the need for vehicular traffic through the neighborhood.” The C&R site is adjacent to 12th Street, a Major Arterial. The subject site is adjacent to Vista Ave., a Collector. These are major streets in the Neighborhood that are intended to carry large volumes of traffic. The proposed use does not generate large volumes of traffic. It adjoins other commercial establishments. For these reasons, the proposal is consistent with the Intent statement.

Commercial Goal (9.) is to provide for the day-to-day commercial needs of the neighborhood and to provide a suitable environment for existing commercial facilities and sites. The subject site is suitable for the existing commercial use it will join because it is adjacent to existing commercial uses, and fronts on the Collector street. It is bordered on three sides by commercial uses. The remodeling business, which includes a “handyman” general repair service, serves the daily needs of local residents as well as those of the broader community.

Commercial policy 10, suggests commercial uses should be limited to areas along 12th and Commercial Streets. The primary use, C&R's existing location, is along 12th Street. The subject site will become a part of that business. It already provides the access to the current location.

Policy 12, suggests that new commercial uses in existing areas shall complement the ability of local residents to shop and work near their homes. C&R has been at its location for many years, and was preceded by another construction firm, and offers these opportunities to residents of the local area.

With regards to Policy 14., impacts from the proposal will be minor and are not anticipated to affect the livability of the area.

With particular regard to the changes that have occurred since the adoption of the Neighborhood Plan, the proposal is consistent with its Intent, Goal and Policies.

Oregon Traffic Engineering LLC



Date: July 19, 2011

To: Mr. Jeff Tross, Planner

From: Karl Birky, PE, PTOE

Re: Zone Change/Comprehensive Plan Map Amendment
1150 Vista Avenue, Salem, Oregon

Mr. Tross:

You have asked me to provide information about the traffic generation aspects of changing the comprehensive plan map designation and the zoning of tax lot 200 of tax map T08S R03W Sec 03AA in Salem. The 11,250 sq. ft. (0.258Ac) parcel is presently developed as a single family residence. The parcel also serves as an access to C&R Remodelers on tax lot 800 to the south. The existing zoning is RS (Single Family Residential) and the existing comprehensive plan map designation is Multifamily Residential. In Oregon, when there is a discrepancy between the zoning and the comprehensive plan map designation as does in this instance, the comprehensive plan map designation controls. The owner is requesting the zoning be changed to General Commercial (CG) and the comprehensive plan map designation be changed to Commercial (C). Land use actions, like this one, require addressing several criteria including the transportation planning rule to assure the land use change does not create unanticipated problems for the transportation system.

Oregon land use law requires the Transportation Planning Rule (TPR) be met whenever a land use action like this is undertaken. Goal 12 of the TPR requires that the land use action not "significantly affect an existing or planned transportation facility" without specific steps being taken. It is the intent of this analysis to establish parameters so that the proposed comprehensive plan map amendment and zone change does not significantly affect a transportation facility.

There are two ways to assure that the requested change meets the TPR. The first is to show the amount of anticipated traffic from future allowed uses is less than the currently allowed traffic volumes could be. If necessary the future traffic volume can be limited to the current volume. The amount of future traffic would be "capped" or limited to less than the estimated amount of traffic from allowed uses under the existing comprehensive plan map designation. The second is to mitigate (fix) facilities that are significantly affected if there is a resulting increase in the potential traffic as defined in the TPR. In this instance, the best way to make the assurance is to limit the traffic to less than is possible under the existing comprehensive plan map designation. This analysis will determine the number of trips that could be generated from the site under



Oregon Traffic Engineering LLC

the existing comprehensive plan map designation and will recommend restrictions that limit trip generation volumes (measured as Average Daily Traffic (ADT)), as determined by the ITE Trip Generation Manual under the existing and new uses.

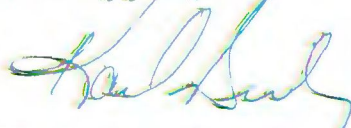
Tax lot 200 is 11,250 sq. ft. or 0.258 Ac in area. The comprehensive plan map allows for Multifamily Residential uses and the allowed zoning in this comp plan map designation is RM1 and RM2. In an RM1 zone the density may be 14 dwellings per acre or 3.6 apartments on this site. In an RM2 zone the density may be up to 28 dwellings per acre or 7.2 apartments on this site. The existing zoning is not allowed in the current comprehensive plan map designation and for this analysis the RM2 zone will be used. The ITE Trip Generation Manual has considered many different trip generation studies across the United States for many years and determined that an apartment generates 6.63 ADT (average daily trips) and consequently 7.2 apartments would generate 47.7 ADT or 47 trips per day. The 47 ADT from tax lot 200 is a reasonable limit to the daily trips (ADT) that could be generated by development on the site with the existing comprehensive plan map designation. In discussion with the City of Salem staff, the site owners have agreed to limit the trips from the parcel in the future to this number.

The intent of establishing this number is to allow the requested land use changes while complying with the TPR. The site is currently an access used by the C&R Remodelers whose office is located on a parcel (tax lot 800) abutting this parcel (tax lot 200) on the south. The plan at this time is to remove the existing home and use the site for equipment and material storage and parking for C&R Remodelers. The requested zone change to CG will allow parking on the site and is consistent with the zoning of the parcels on the east and south of this parcel.

The requested zone change to CG can be approved with conditions (a cap of 47 trips ADT from uses on the parcel). This will meet the intent and the letter of the transportation planning rule.

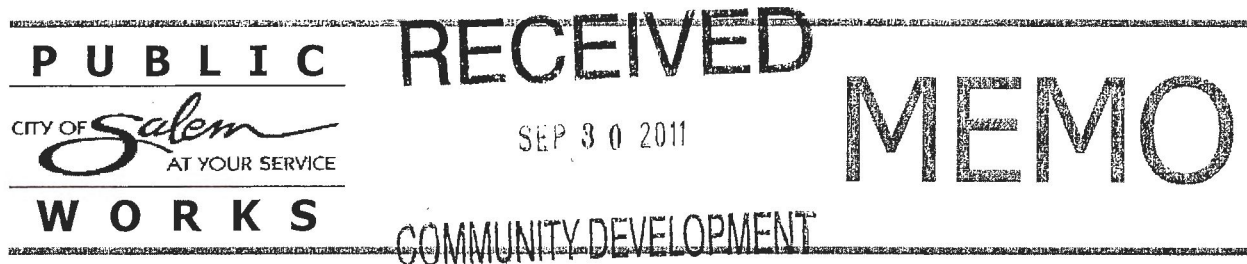
I can be reached at 503-550-7777 if there are additional questions that arise or if additional information is needed.

Sincerely yours,




Oregon Traffic Engineering LLC
Karl Brisky, PE, PTOE
Engineer





TO: Jason Richling, Planner II
Community Development Department

FROM: Glenn J. Davis, P.E., C.F.M., Chief Development Engineer 
Public Works Department

DATE: September 29, 2011

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 11-09 (11-112197)
1150 VISTA AVENUE SE
CHANGE FROM MULTI-FAMILY TO COMMERCIAL

PROPOSAL

To change the Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial" and change the zone district from RS (Single Family Residential) to CG (General Commercial) on property 0.26 acres in size and located at 1150 Vista Ave SE, 97302

FINDINGS:

1. At the time of development review for any proposed use on the subject property, the proposed development's average daily trips shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation manual. Traffic impacts from future development on the subject property shall be limited to a maximum of 47 average daily trips generated by the proposed use or uses.

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. The

ATTACHMENT 4

Code authority references are abbreviated in this document as follows: *Salem Revised Code* (SRC); *Public Works Design Standards* (PWDS); *Salem Transportation System Plan* (Salem TSP); and *Stormwater Management Plan* (SMP).

Jason Richling Planner II
September 29, 2011
Page 2

MEMO

Assistant City Traffic Engineer concurs with the TIA findings and recommends a condition to limit the development on the .26 acre site to 47 vehicles per day.

Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 163.

CRITERIA AND FINDINGS

SRC 113.205(b)(11) Availability and improvement of urban services, including street improvements, dedication of street right-of-way, traffic signs and signals, sewer, storm drainage, water, and mass transportation

Finding: The applicant has submitted a TPR Analysis that is required to address the TPR (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Prepared by Robin Bunse Administrative Analyst I
cc File

1
2 BILL NO. 14

A BILL
FOR

ORDINANCE NO. 15-92

3 AN ORDINANCE providing for a comprehensive plan change from
4 "Multi-Family Residential" and "Single-Family Residential" to
5 "Commercial" and a concurrent zone change from RM (Multiple
6 Family Residential) and RS (Single Family Residential) to CG
7 (General Commercial) on property located on the southwest corner
8 of Vista Avenue SE and 12th Street SE (identified as Tax Lots
9 100, 700 and 800).

10 WHEREAS, a petition for a comprehensive plan change from
11 "Multi-Family Residential" and "Single-Family Residential"
12 designation to "Commercial" designation and a zone change from RM
13 and RS designation to CG designation was filed with the planning
14 commission and after a public hearing the said commission
15 recommended that the comprehensive plan change be granted and the
16 plan map designation be changed to "Commercial" for subject
17 property, described in Exhibit 1 attached hereto and made a part
18 hereof, and that the zone change be granted to the subject
19 property, subject to favorable action by the council; and

20 WHEREAS, after due notice a hearing was held before the
21 Common Council of the City of Salem on January 27, 1992, on both
22 the comprehensive plan change and the zone change request, at
23 which time witnesses were heard and evidence received; and

24 WHEREAS, the council having carefully considered the entire
25 record of this proceeding including the testimony presented at
26 the hearing, after due deliberation and being fully advised; NOW,
27 THEREFORE

BE IT ORDAINED BY THE COMMON COUNCIL
OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Common Council hereby adopts as findings of fact the staff report and the planning commission recommendation on this matter dated January 27, 1992, a copy of which is herewith attached and by this reference incorporated herein.

Section 2. CONCLUSIONS:

Based upon the facts as found herein the council concludes the comprehensive plan change meets the criteria for a minor plan change as set forth in SRC 64.090 and such proposed change and zone change conforms to the comprehensive plan of the City of Salem.

Section 3. ORDER:

Based upon the foregoing findings and conclusions it is hereby ordered:

1) The requested comprehensive plan change for the subject property to "Commercial" be and hereby is granted subject to the following conditions:

- a. Twelve feet of right-of-way shall be dedicated (warranty deed) to the public along 12th Street adjacent to Tax Lots 100 and 800, including a 20-foot radius at the southwest corner of Vista Avenue at 12th Street.
- b. A half-street improvement shall be required along Vista Avenue adjacent to Tax Lot 100, to a width of 17 feet measured between the centerline of right-of-way and the south curbline. The street improvement may be deferred as described in SRC 113.220(b)(11).
- c. Create an accessway easement on Tax Lot 100 which will, when combined with the existing 8-foot easement on Lot 200, provide one common, minimum 20-foot wide accessway

1 for all four parcels. The easement shall be recorded
2 on any deed or legal descriptions.

3 d. The accessway shall be constructed of hard surface
4 pavement to a width of 20 feet, between the south edge
5 of pavement of Vista Avenue and the south line of Lot
6 100.

7 e. Tax Lot 100 shall have direct access onto the
8 accessway, and the remaining existing driveway opening
9 to Vista Avenue shall be closed.

10 f. Tax Lots 100, 700, and 800 shall have defined paved
11 parking lots which meet the provisions of SRC Chapter
12 133 for number of parking spaces and development
13 standards.

14 g. The existing parking area located along the east line
15 of Tax Lot 800 will be located within the right-of-way
16 of 12th Street with the required 12-foot right-of-way
17 dedication. A revocable agreement shall be required to
18 continue to utilize this existing driveway.

19 h. At the time of the parking lot paving process, a storm
20 drainage system shall be installed to prevent street
21 drainage onto Vista Avenue or the surrounding property.

22 i. The owner of Tax Lots 700 and 800 shall lawfully
23 combine the two lots into one lot be a recorded deed.

24 j. If future development of Lots 100, 700 or 800 removes,
25 the existing building on Lot 100, a new accessway
26 easement shall be created which is in compliance with
27 the Salem Revised Code and which does not infringe upon
28 Lot 200.

k. If future development of Lot 100 requires the
enlargement of the existing building, no building
addition shall be within five feet of the existing
accessway easement or the accessway easement cited
herein (2.c.).

l. A 5-foot landscaped strip as prescribed by SRC 132 and
SRC 153 shall be located along the north property line
of Lot 100. This landscaped strip may form the closure
along Vista Street as required in Item e. above. All
landscaped areas shall be maintained. All plant
material that dies or is diseased shall be replaced
with material in conformance with the originally
approved landscape plan.

m. A six-foot high sight-obscuring fence, wall or hedge
shall be located along the entire length of the
property lines abutting residentially use or zoned

properties, specifically along the south property line of Lot 800, along the west property line of Lots 800 and 700, and along the north property line of Lot 700.

n. Open (outdoor) storage of materials and equipment shall be prohibited.

o. Exterior lighting, if used, shall be designed to provide illumination to the site and not cause glare onto the public right-of-way or surrounding residential areas. Exterior light fixtures shall be so located and designed that the light source, viewed by an observer five feet above the ground at five feet outside the boundary of the commercial development shall within 50 feet of the base of the light standard be either:

1. Completely shielded from direct view, or
2. Not greater than five foot candles.

2. The requested zone change from RM and RS to CG for the subject parcel be and the same is granted.

PASSED by the Common Council this 24th day of February, 1992.

SIGNED by the Mayor this 25th day of February, 1992.


Mayor of the City of Salem

ATTEST:



CITY RECORDER

Approved by the City Attorney: 

council\224-vista.com

RECEIVED

JUN 24 2011

COMMUNITY DEVELOPMENT

Morningside Neighborhood Association

6-9-2011

Dear Planning :

The Morningside Neighborhood Association met on the evening of June 8, 2011.
Dave Lethin was present and presented a proposal for C&R Remolding to expand their business.
He has offered to but a house on Vista Ave SE.

Dave presented the history of the property and the owners seem to be agreeable to the proposal.
The Morningside Board heard the proposal and has no objections to the re-zoning of this piece of property.

Sincerely,

Pamela Schmidling AB

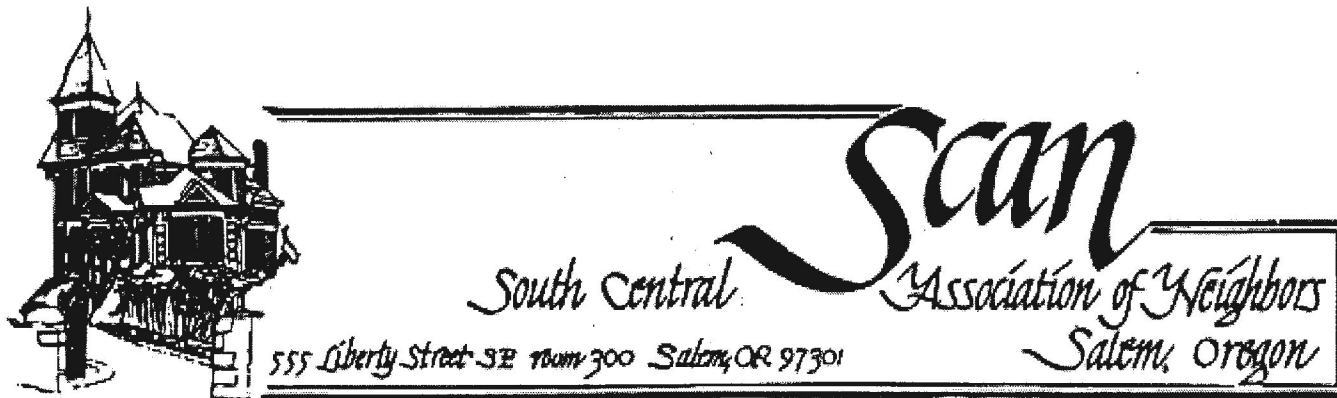
Pamela Schmidling
Chair of Morningside Neighborhood Association

ATTACHMENT 6

555 liberty st. se rm 300

saalem, or. 97301

588-6261



To: Planning Commission, City of Salem
From: H. Thomas Andersen, Chair SCAN Land Use Committee
Re: Application 11-112197-ZO
Date: October 9, 2011

The SCAN Land Use Committee has met at least two times to discuss the above application. Doug Leithin attended one of our meetings to discuss the application.

After a thorough discussion, the members present at the meetings voted unanimously to support the application.

CITY OF SALEM
PLANNING DIVISION
555 LIBERTY ST. SE ROOM 305
SALEM, OR 97301-3503

State

DEPT OF

OCT 25 2011

**LAND CONSERVATION
AND DEVELOPMENT**

Land Conservation & Development
Department
635 Capitol St NE, Suite 150
Salem OR 97301