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

05/20/2013

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 003-13

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: Monday, June 03, 2013

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: Bryan Colbourne, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

<paa> YA

FORM 2

DLCD SHUTTLE

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

☐ In person ☐ electronic ☐ mailed

DEPT OF

MAY 13 2013

LAND CONSERVATION AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC-NPC-ZC13-01**

Date of Adoption: **5/7/2013**

Date Mailed: **5/9/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 3/22/2013

☐ 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 (SACP) Map designation from Multi-Family Residential to Commercial and Multi-Family Residential, change the zone district from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential), and change the Sunnyslope Neighborhood Plan accordingly, on property approximately 7.8 acres in size and located at 4951, 4895, & 4857 Skyline Road S (Marion Co. Assessor's Map & Tax Lot numbers: 083W09CC/ 5700, 5701, 5800.

Does the Adoption differ from proposal? Please select one

No

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

Zone Map Changed from: **RM1 (Multiple Family Residenti** to: **CO (Comm'l Office) & RM2**

Location: **4951, 4895, & 4857 Skyline Rd S** Acres Involved: **7.8**

Specify Density: Previous: **8 min/14 max** New: **12 min-28 max**

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☒	☐	☐	☒	☒	☒	☒	☒	☒	☐	☐	☐	☐	☐

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. _____

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

Local Contact: **Bryan Colbourne, Planner III** Phone: **(503) 540-2363** Extension:

Address: **555 Liberty St SE, Rm 305** Fax Number: **503-588-6005**

City: **Salem** Zip: **97301-** E-mail Address: **bcolbourne@cityofsalem.net**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)

per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light **green paper if available.**
3. Send this Form 2 and **one complete paper copy** (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540

9. **Need More Copies?** Please print forms on **8½ -1/2x11 green paper only if available.** If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail **plan.amendments@state.or.us**.

NOTICE OF DECISION

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

CITY OF Salem AT YOUR SERVICE

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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE CASE NO. CPC-NPC-ZC13-01

APPLICATION NO. : 13-102895-ZO

NOTICE OF DECISION DATE: MAY 9, 2013

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Multi-Family Residential to Commercial and Multi-Family Residential, change the zone district from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential), and change the Sunnyslope Neighborhood Plan accordingly, on property approximately 7.8 acres in size and located at 4951, 4895, & 4857 Skyline Road S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W09CC / 5700, 5701, & 5800).

APPLICANT: OAK GROVE LAND COMPANY LLC

LOCATION: 4951, 4895 & 4857 SKYLINE RD S

CRITERIA: Salem Revised Code Chapters 64 & 113

FINDINGS: The Planning Commission adopted the Facts and Findings in the staff report dated May 7, 2013.

DECISION: The Planning Commission GRANTED Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No. CPC-NPC-ZC13-01, subject to the following:

A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Multi-Family Residential" to "Commercial" and "Multi-Family Residential" be GRANTED;

B. That the request to change the Sunnyslope Neighborhood Plan map designation from "Single Family" to "Commercial Office" and "Multi-Family" be GRANTED; and

C. That the zone change request for the subject property from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential) be GRANTED subject to the following conditions of approval:

Condition 1. All significant trees on the subject property, as defined by SRC Chapter 68, shall be protected and incorporated into the site plan design of any future development at the site. All significant trees shall be marked and protected during construction. Any future site plan shall provide all such significant trees with sufficient undisturbed and/or pervious area below the drip line of each tree to ensure the ongoing health of the trees. Removal of the significant trees shall only be allowed with approval of a tree removal permit or tree ordinance variance.

Condition 2. Within 80 feet of the abutting RS-zoned land to the west and north, buildings shall not exceed two stories in height, nor exceed 35 feet in height.

Condition 3. Within 80 feet of the abutting RS-zoned land to the west and north, private open space areas (including balconies, decks, or patios) shall not be located on building walls that directly face the abutting RS-zoned land.

Condition 4. Residential buildings on the subject property shall be set back a minimum of 30 feet from the RS-zoned land to the west and north, unless a greater setback is required by the Salem Revised Code. Commercial buildings on the subject property shall be set back a minimum of 25 feet from the RS-zoned land to the west, unless a greater setback in required by the Salem Revised Code. This condition shall not apply to garages, carports, and trash/recycling enclosures.

Condition 5. 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 CO (Commercial Office) designated property shall be limited to a maximum of 739 average daily trips generated by the proposed use or uses.

Condition 6. Convey land for dedication of right-of-way along the entire frontage of tax lot 083W09CC05700 to equal a half-width of 48 feet on the development side of Skyline Road S.

~~**Condition 7.** As a condition of Site Plan Review approval, construct a paved pedestrian walkway within a minimum 10-foot-wide public easement through the subject property from Jennifer Court S to Skyline Road S, in an alignment approved by the Public Works Director.~~

VOTE:
Yes 4 No 1 (Blasi) Absent 2 (Fox, Palmateer)

Jim Lewis, President
Salem Planning Commission

A copy of the decision is attached.

Application Deemed Complete: March 15, 2013
Public Hearing Date: May 7, 2013
Notice of Decision Mailing Date: May 9, 2013
Decision Effective Date: May 25, 2013

Case Manager: Bryan Colbourne, Case Manager, bcolbourne@cityofsalem.net BC

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., MAY 24, 2013**. Any person who presented 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, SRC Chapters 63, 64 & 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 City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

The complete case file, including findings, conclusions and conditions of approval, if any, is available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

FOR MEETING OF: May 7, 2013
AGENDA ITEM NO.: 6.1

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator

STAFF: Bryan Colbourne, Planner III

HEARING DATE: May 7, 2013

APPLICATION: Comprehensive Plan Change/Neighborhood Plan Change/Zone Change 13-01

LOCATION: 4951, 4895, & 4857 Skyline Road S

SIZE: Approximately 7.8 acres

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Multi-Family Residential to Commercial and Multi-Family Residential, change the zone district from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential), and change the Sunnyslope Neighborhood Plan accordingly, on property approximately 7.8 acres in size and located at 4951, 4895, & 4857 Skyline Road S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W09CC / 5700, 5701, & 5800).

APPLICANT: Oak Grove Land Company, LLC
Jeff Tross, Representative

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

Zone Map Amendment: Salem Revised Code, Chapter 113

RECOMMENDATION: APPROVE subject to the following conditions:

Condition 1. All significant trees on the subject property, as defined by SRC Chapter 68, shall be protected and incorporated into the site plan design of any future development at the site. All significant trees shall be marked and protected during construction. Any future site plan shall provide all such significant trees with sufficient undisturbed and/or pervious area below the drip line of each tree to ensure the ongoing health of the trees. Removal of the significant trees shall only be allowed with approval of a tree removal permit or tree ordinance variance.

Condition 2. Within 80 feet of the abutting RS-zoned land to the west and north, buildings shall not exceed two stories in height, nor exceed 35 feet in height.

Condition 3. Within 80 feet of the abutting RS-zoned land to the west and north, private open space areas (including balconies, decks, or patios) shall not be located on building walls that directly face the abutting RS-zoned land.

Condition 4. Residential buildings on the subject property shall be set back a minimum of 30 feet from the RS-zoned land to the west and north, unless a greater setback is required by the Salem Revised Code. Commercial buildings on the subject property shall be set back a minimum of 25 feet from the RS-zoned land to the west, unless a greater setback in required by the Salem Revised Code. This condition shall not apply to garages, carports, and trash/recycling enclosures.

Condition 5. 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 CO (Commercial Office) designated property shall be limited to a maximum of 739 average daily trips generated by the proposed use or uses.

Condition 6. Convey land for dedication of right-of-way along the entire frontage of tax lot 083W09CC05700 to equal a half-width of 48 feet on the development side of Skyline Road S.

Condition 7. As a condition of Site Plan Review approval, construct a paved pedestrian walkway within a minimum 10-foot-wide public easement through the subject property from Jennifer Court S to Skyline Road S, in an alignment approved by the Public Works Director.

APPLICATION PROCESSING

Subject Application

On February 7, 2013, Jeff Tross, on behalf of the applicant, Oak Grove Land Co. LLC, filed an application for a Comprehensive Plan Change, Neighborhood Plan Change, and Zone Change for the subject property. After additional information was submitted, the application was deemed complete for processing on March 15, 2013.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes (ORS) 227.178).

Public Notice

1. Notice of the public hearing was mailed to property owners within 250 feet of the subject property on April 17, 2013 (Attachment 1).

2. The property was posted in accordance with the posting provision outlined in SRC 300.620.

3. The City sent notice of this proposal to DLCD at least 35 days prior to the public hearing, as required by ORS 197.610 and SRC 300.620(b)(1).

BACKGROUND INFORMATION

The subject property was annexed into the City of Salem in 1964. The property was previously used as a junk and auto salvage yard. In 1998, the City initiated a Comprehensive Plan change and zone change for the property from Residential Agriculture (RA) zoning to Multiple Family Residential (RM1) zoning (Ordinance No. 92-98). The junk yard use ceased operations at the site in 2003. In 2005, an application was submitted for a 2-parcel partition (Partition Case No. 05-33), to divide part

of the property in order to create a 0.83 acre parcel at the southern end of the site, which is now developed as a parking lot for use by the medical offices to the south (Tax lot 05700).

The subject property is located within the Salem Urban Growth Boundary, the corporate city limits, and inside the Urban Service Area.

Summary of Requested Action

The applicant is requesting a change of the subject property's Comprehensive Plan map designation from "Multi-Family Residential" to a split of "Commercial" in the southern part of the site and "Multi-Family Residential" in the northern part of the site, and change the property's zoning from RM1 to a split of CO (Commercial Office) in the southern part of the site and RM2 in the northern part of the site (See Attachment 1 and 4 for the proposed configuration of CO and RM2 zoning). A corresponding change in the property's designation on the Sunnyslope Neighborhood Plan Map from Single Family to Multi-Family Residential and Commercial Office is also requested.

Concept Plan

A preliminary site plan (referred to here as the 'Concept Plan') was submitted with the application. After meeting with the Sunnyslope Neighborhood Association, the applicant prepared a revised Concept Plan (Attachment 4), which incorporates certain design changes that were requested by the neighbors. The revised Concept Plan proposes an 88-unit apartment complex in 12 apartment buildings on the proposed RM2 portion of the site. The proposed CO-zoned portion of the Concept Plan proposes eight office buildings with a total floor area of 43,800 square feet. There is surface parking provided throughout the interior of the site. The purpose of the Concept Plan is to show how the site could potentially develop under the proposed zoning. The Concept Plan is not binding upon the property, should the Comprehensive Plan change/zone change be approved. Staff reviewed the concept plan for conformance with the development standards of the proposed CO (Commercial Office) and RM2 (Multiple Family Residential) zones, and reviewed the plan for conformance with the Multiple Family Design Standards. Areas of noncompliance with development standards and issues that could require design changes are listed below. Prior to development, the applicant will be required to obtain Design Review approval for the multi-family development, and Site Plan Review approval for the commercial development.

1. The required setback from the office building along the west property line within the CO zone, where the proposed CO zone abuts RS-zoned property, will be dependent on whether the subject property is partitioned along the proposed CO-RM2 zone boundary. If the property is partitioned as shown in the Concept Plan, and therefore the CO zoned portion is a separate unit of land than the RM2 portion, the code-required setback for development on the CO parcel from the RS zone is a minimum 15-foot-wide "C" bufferyard (light impact proposed, abutting residential), which could be up to 20 feet depending on height of the building. Recommended Condition 4 requires a minimum 25-foot-wide setback for future offices regardless of height. If the property is not partitioned as shown, then the whole CO/RM2 subject property could be considered a "Heavy Impact" use for purposes of determining bufferyards, and would require a 40-foot-wide, Category "E" bufferyard where abutting RS-zoned land.

2. Similarly, if the property is not partitioned along the proposed CO-RM2 zone boundary, as shown on the Concept Plan, then a 40-foot-wide Category "E" bufferyard would be required between the proposed apartment building in the RM2 zone and the abutting residential uses to the west and north (Proposed "heavy impact", abutting residential use).

3. Multiple Family Design Standard D.3.b.3 states: "Design and construct driveways to access the street with a lower classification for those developments with frontage on more than one street." The site has frontage on Skyline Road (major arterial) and Jennifer Avenue S (local street). The Concept Plan proposes no vehicular access to Jennifer Avenue S., which would

not satisfy this design standard. The Public Works Department, Traffic Section, has reviewed the proposed access design, and indicated that vehicle access to Jennifer is not necessary. Therefore, the Concept Plan would require discretionary design review, to demonstrate compliance with the more flexible corresponding design guideline, which states: "Where possible, connect driveway access to collector or frontage streets rather than directly onto arterial streets".

4. Multiple Family Design Standard D.3.b.4 states: "When physically possible, design and construct accessways in combination with either existing or future adjacent developments." The Concept Plan proposes a network of shared internal driveways and drive aisles. The plan does not propose a shared driveway access point to Skyline Road. The access configuration will be reviewed for compliance with this standard at time of design review.

5. Multiple Family Design Standard E.3.b.2(a) states: "Within twenty-eight (28) feet from any property line, the building setback for adjacent buildings on the same lot shall vary by at least four (4) feet." The apartment buildings along Skyline Road do not satisfy this offset requirement, as drawn, and will need to be modified at the time of design review

6. A surface parking lot is currently developed at the southern tip of the subject property. The existing medical office building on the property abutting to the south currently relies on this parking to satisfy part of their off-street parking requirement. The Concept Plan proposes the removal of this parking lot. Removing the existing parking lot on the subject property will potentially create a shortage of parking for the existing medical office to the south. The minimum parking requirements for the existing medical office and for all proposed development will need to be satisfied at the time of development.

Citizen and Neighborhood Association Comments

1. The subject property is within the Sunnyslope Neighborhood Association. The neighborhood association submitted a letter (Attachment 6) in support of the proposal provided the following conditions are met:

   a. That any apartments adjacent to Jennifer Avenue be sited so that no decks or patios face west toward the homes on Jennifer Avenue, and that the height of the apartments not exceed the height permissible for single family homes.

      Staff Response: Staff agrees with the neighborhood's request and recommends Condition 3, which requires that no private open space, such as balconies, decks, or patios face the abutting single family zoned land. Staff also recommends limiting the height of buildings around the perimeter of the site, where abutting RS zoned land, to no more than two stories, or 35 feet in height. See the finding addressing zone change criterion b(4) later in this report for more detail.

   b. That no apartments be constructed adjacent to the single family homes along Juntura Court and that any parking structures sited adjacent to Juntura Court be no higher than one story.

      Staff Response: The applicant's Concept Plan demonstrates that the site can be developed with no apartments immediately adjacent to the RS zoned lots on Juntura Court, as requested by the neighborhood association. Staff does not recommend a condition of approval requiring no apartments adjacent to the rear of lots on Juntura Court. Instead, Staff recommends conditions 1 through 4, which preserve trees and require lower impact, two-story buildings around the perimeter of the site, adjacent to all the abutting RS zoned land. This approach mitigates the impact of the proposal equally for all abutting RS-zoned properties and does not give special treatment to

any particular group of RS-zoned properties.

c. That any apartments adjacent to Distinctive Court not exceed the height permissible for single family homes.

Staff Response: Staff does not support this request. The impact of the proposed RM2 zoning at the northern part of the site will be greatest where the site abuts RS-zoned properties. Where the proposed RM2 zoning abuts land that is already zoned RM2, such as on Distinctive Court, there is no need for mitigating conditions to limit height of buildings because the zoning and development potential of the subject and abutting properties will be the same.

d. That a minimum thirty foot setback from adjacent properties be maintained for all apartments along Jennifer Court constructed on this property.

Staff Response: Staff concurs with the neighborhood's request for a greater setback to the abutting RS-zoned land than would be normally required for two-story buildings. Condition 4 requires a minimum 30-foot setback along the west and north property lines abutting RS-zoned land. See the finding addressing zone change criterion b(4) later in this report.

e. That no residential buildings be constructed on the portion of the property to be re-zoned as Commercial Office. We understand that the owner does not intend to construct apartments at this location.

Staff Response: In addition to office buildings, the CO zone also allows a wide range of residential uses, including apartment houses. The applicant's Concept Plan does not propose residential use on the CO-zoned portion of the site. Staff does not recommend a condition of approval limiting the uses permitted on the CO-zoned portion of the site. Instead, Staff recommends conditions 1 through 4, which preserve trees and require lower impact, two-story buildings around the perimeter of the site, adjacent to all the abutting RS zoned land. These recommended conditions should adequately mitigate the impact of the proposed zone change to CO, regardless of the type of development built on the CO land.

f. That all significant Oregon White Oaks be preserved in accordance with the City's tree ordinance, and that pervious pavement be used whenever possible to ensure the continued health of these mature trees.

Staff Response: Staff concurs with the neighborhood's request and recommends Condition 1 to protect the significant Oregon White Oaks at the site. See the finding addressing zone change criterion b(4) later in this report.

g. That no vehicular access is constructed to connect with Jennifer Court, and that an appropriately lighted pedestrian/bike pathway is constructed to connect the property with Jennifer Court.

Staff Response: Staff has analyzed the property and surrounding street network for connectivity needs and concludes that no vehicular connectivity is necessary through the site from Jennifer to Skyline and no vehicular access to Jennifer is necessary for development of the site. Pedestrian connectivity from the site to Jennifer is needed, however, pursuant to Local Street Connectivity Element Policy 2.3 of the Salem Transportation System Plan, which states:

The City may require pedestrian and bicycle accessways to connect to cul-de-sac streets, to pass through long blocks, and to provide for networks of public paths creating non-motorized access to neighborhood activity centers.

Therefore, Condition 7 requires pedestrian connectivity through the site.

2. Comments were also received from two surrounding property owners.

   a. Mr. Ralph Bishop submitted a written response (Attachment 7) stating concerns about the proposal, and requests that the approval of the re-zone be conditioned upon the follow items:

      i. Development of the site in conformance with the concept plan, including the reorientation of the balconies to not directly face the RS zone and the two story height limit along the perimeter of the site, abutting the RS zone.

      Staff Response: Recommended Condition 3 requires that no private open space, such as balconies, decks, or patios face the abutting single family zoned land. Staff also recommends limiting the height of buildings around the perimeter of the site, where abutting RS-zoned land, to no more than two stories, or 35 feet in height. See the finding addressing zone change criterion b(4) later in this report for more detail.

      ii. A 33-foot building setback along the west property line instead of the proposed 30-foot setback proposed by the neighbors.

      Staff Response: The most recent version of the applicant's Concept Plan proposes a 30 foot setback between the perimeter apartments to the RS-zoned land, and a 25-foot setback from office buildings to the RS-zoned land. Staff concurs with the request for a greater setback to the abutting RS-zoned land than would be normally required for two-story buildings. Condition 4 requires a minimum 30-foot setback along the west and north property lines abutting RS-zoned land, consistent with the Concept Plan. The earlier version of the concept plan that proposed a 33-foot setback to the RS zone was for three story apartment buildings. A 30-foot setback, combined with the proposed 35 foot height limitation adequately addresses this concern, and exceeds minimum development standards for the proposed apartments. Also see the finding addressing zone change criterion b(4) later in this report.

      iii. Limit the height of the apartments in the interior of the site to three stories.

      Staff Response: The applicant's concept plan proposes three story apartment buildings in the interior of the proposed RM2 zone. The RM2 zone allows buildings up to 50 feet in height. Staff does not recommend a condition of approval limiting the height of buildings in the interior of the site beyond the requirements of the Salem Zoning Code. Instead, staff recommends conditions 1 through 4, which preserve trees and require lower impact, two-story buildings around the perimeter of the site, adjacent to all the abutting RS zoned land. These recommended conditions will adequately mitigate the impact of the proposed zone change in order to satisfy zone change criterion b(4), to minimize the "effect of the proposal on the neighborhood".

      iv. Preserve all trees along the perimeter of the site and prevent the trimming of a significant oak that lies on Mr. Bishop's property that hangs over the property line over into the subject property.

Staff Response: Regarding trees on the subject property; staff recommends Condition 1 to protect the significant Oregon White Oaks at the site. See the finding addressing zone change criterion b(4) later in this report, for more information.

Regarding overhanging tree limbs; SRC Chapter 68 generally requires parties to obtain a permit to for large-scale cutting or pruning of significant trees and pruning limbs overhanging from one property onto another will require coordination between the two property owners.

v. Not provide a vehicular connection to the terminus of Jennifer Avenue S.

Staff Response: Staff has analyzed the property and surrounding street network for connectivity needs and concludes that no vehicular connectivity is necessary through the site from Jennifer to Skyline and no vehicular access to Jennifer is necessary for development of the site. Pedestrian connectivity from the site to Jennifer is needed, however, pursuant to Local Street Connectivity Element Policy 2.3 of the Salem Transportation System Plan, which states:

> The City may require pedestrian and bicycle accessways to connect to cul-de-sac streets, to pass through long blocks, and to provide for networks of public paths creating non-motorized access to neighborhood activity centers.

Therefore, Condition 7 requires pedestrian connectivity through the site.

b. Mr. Don Fensler submitted a written response in opposition to the proposal (Attachment 8), stating the following concerns:

i. That the proposal fails to satisfy zone change criterion b(2) that there has been a "a change in the social, economic, or demographic patterns of the neighborhood or the community" and fails to satisfy criterion b(3) that there has been "a change of conditions in the character of the neighborhood" because the neighborhood is made up of long-term residents.

Staff Response: As demonstrated in the findings addressing zone change criteria b(2)&(3) later in this report, staff finds that the proposed zoning is consistent with the existing uses and zone categories along the Skyline Road corridor. Over time, the character of the immediate neighborhood has changed from a largely homogenous area of residential development and rural land to a mixed residential neighborhood which includes a significant number of apartment complexes and office development. The zone change to CO and RM2 is consistent with the land use pattern that has developed in this area.

ii. That the proposal fails to satisfy zone change criterion b(4) to consider "the effects of the proposal on the neighborhood" because apartments at this location could increase the population of the Sunnyslope Neighborhood by 300 to 400 people, an increase of 40 to 50 percent, and will result in more noise and crime.

Staff Response: Staff does not agree that development of the subject property could increase the population of the Sunnyslope Neighborhood by "40 to 50 percent". The Sunnyslope Neighborhood Association's own website

states that the population of the neighborhood is 7,800 residents[1].

Further, SRC 113.150(b) contains factors to be evaluated and weighed when considering a zone change. While an incremental increase in population caused by a change in zoning to a 7.8 acre site may have some effect on the adjacent neighborhood, all residential development of vacant land has that effect, and should not be considered a basis to deny a request

Proposed Conditions 1 through 4, which preserve trees and require lower impact, two-story buildings around the perimeter of the site, adjacent to all the abutting RS zoned land adequately mitigate the impact of the proposed zone change in order to satisfy zone change criterion b(4), to minimize the "effect of the proposal on the neighborhood."

City Department Comments

Public Works (Development Services and City Traffic Engineer) – Public Works Department Staff reviewed the Traffic Impact Analysis (TIA) and Transportation Planning Rule Analysis (TPR) that was submitted by the applicant and agree with its findings. The Public Works Department's comments and recommended conditions are included here as Attachment 9.

Building and Safety Division – Reviewed the proposal and submitted comments indicating no concerns.

Fire Department – Reviewed the proposal and submitted the following comments:

> Fire Department access shall be within 150 feet on all portions of the exterior [walls of proposed buildings]. Aerial access shall be provided to one entire side of all buildings that exceed 30 feet height.

Salem Airport – Reviewed the proposal and submitted comments indicating no concerns.

Public Agency and Private Service Provider Comments

Salem-Keizer Public Schools – Reviewed the proposal and submitted a letter, which is included as Attachment 10. The school district's letter includes an analysis of school capacity and school transportation services for the proposal. The letter concludes that sufficient school capacity exists to serve the site under the proposed Comprehensive Plan designations and proposed zoning.

Salem-Keizer Transit – Reviewed the proposal and submitted the following comments:

> This location is served by two routes. Route 1 has quarter hour transit service between 6:30 and 9:00 AM and between 2:00 and 9:00PM. At all other times bus service runs once each half hour. Route 21 has half hour service throughout the day. At this time Salem-Keizer Transit has no plans to provide increased service to this area.

Portland General Electric – Reviewed the proposal and submitted the following comments:

> Development cost per current tariff and service requirements. A ten-foot-wide PUE is required on all front lots. [There could be a] potential building clearance conflict to PGE overhead conductors.

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

[1] http://www.sunnyslopena.org/

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan designates the subject property as "Multi-Family Residential". The Comprehensive Plan designation of surrounding properties is as follows:

North: "Single Family Residential" and "Multi-Family Residential"
South: "Commercial"
East: Across Skyline Road S, "Single Family Residential"
West: "Multi-Family Residential" and "Single Family Residential"

Neighborhood Plan: The property is located within the boundaries of the Sunnyslope Neighborhood Association. The Sunnyslope NA is a City-recognized neighborhood association. Sunnyslope NA also has a Neighborhood Plan, which was adopted by the Salem City Council in 1983. The subject property is designated "Single Family" on the Neighborhood Plan Land Use Map. A request to change the site's designation on the Neighborhood Plan to "Multi-Family Residential" and "Commercial Office" is included in this application.

Applicable Detail Plans

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function. Site plans have been provided showing the zoning of the site and the locations of the proposed zone changes.

Salem Transportation System Plan (STSP): The STSP uses a Street Classification System to determine the functional classification of each street within the city's street system. The subject property abuts Skyline Road S along its east side. Skyline Road S provides access to the subject property. Skyline Road S is classified as a major arterial on the STSP. Jennifer Avenue S, a local street, also terminates at the west side of the subject property.

Zoning

The subject property is currently zoned RM1 (Multiple Family Residential). Zoning of surrounding properties include:

North: RS (Single Family Residential) and RM2 (Multiple Family Residential)
South: CO (Commercial Office)
East: Across Skyline Road S, RS (Single Family Residential)
West: RS (Single Family Residential) and CO (Commercial Office)

Existing Site Conditions

The site is approximately 7.8 acres in size. The majority of the site is vacant land. There is a 57-stall, paved surface parking lot developed at the south end of the property.

Trees: The site is heavily wooded with a variety of evergreen and deciduous trees. The largest concentration of trees exists in the site's northern half and along the west property line.

The City's tree preservation ordinance, SRC Chapter 68.100(a) requires tree conservation plans only for development proposals involving the creation of lots or parcels to be used for the construction of single-family or duplex dwelling units. Because the proposal does not involve the creation of lots or parcels for single-family or duplex dwelling unit construction, a tree conservation plan is not required.

Pursuant to SRC Chapter 68, Preservation of Trees and Vegetation, a Tree Removal Permit is required for removal of any significant trees, including Oregon White Oaks 24 inches in diameter at breast height (dbh) or greater in size. The applicant submitted an inventory of all such significant Oregon White Oaks 24 inches dbh or greater in size (Attachment 11). This survey was prepared by a registered land surveyor, and it identifies a total of 23 significant oak trees on the property. The applicant's concept plan incorporates all 23 significant trees into the design of the apartments and office complex (Attachment 4). Condition 1 requires that at a minimum, these 23 significant trees will be protected at the site, and likewise incorporated into any future development proposal at the site:

Condition 1. All significant trees on the subject property, as defined by SRC Chapter 68, shall be protected and incorporated into the site plan design of any future development at the site. All significant trees shall be marked and protected during construction. Any future site plan shall provide all such significant trees with sufficient undisturbed and/or pervious area below the drip line of each tree to ensure the ongoing health of the trees. Removal of the significant trees shall only be allowed with approval of a tree removal permit or tree ordinance variance.

Wetlands: No wetlands are identified on the subject property according to the City's adopted local wetlands inventory.

Landslide Hazards: SRC Chapter 69, "Landslide Hazards," sets forth the mitigation requirements that may be imposed if landslide hazards are present on a property. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure a safe and healthful development.

According to the City's adopted landslide hazard susceptibility maps the site contains several relatively small areas of mapped landslide susceptibility worth two points. A Comprehensive Plan change / zone change in itself does not add any activity points, however, building permits for an apartment complex, as proposed, are worth two activity points under SRC Chapter 69. This yields a total of four points for the site, which is classified as a low landslide risk under SRC Chapter 69. No geologic assessment or geotechnical report is required under SRC Chapter 69 for the Comprehensive Plan change / zone change or the subsequent multiple family development proposal.

Building permits for the office buildings are worth three (3) activity points under SRC Chapter 69. This yields a total of five points for the site, which is classified as a moderate landslide risk under SRC Chapter 69. The Public Works Department will determine what, if any, requirements there could be for the office development at time of site plan review and building permit.

Applicant Submittal Information:

The applicant submitted written statements and proof that the proposal conforms to all applicable criteria imposed by the Salem Revised Code for each of the requests. The applicant's statements are included in their entirety as attachments 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.

In addition, the applicant submitted a 'concept plan' which provides for an 88-unit apartment complex in 12 apartment buildings on the proposed RM2 portion of the site. The proposed CO-zoned portion of the site contains eight office buildings with a total floor area of 43,800 square feet. There is surface parking provided throughout the interior of the site. The purpose of the concept plan is to show how the site could potentially develop under the proposed zoning.

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

The following analysis addresses the proposed Comprehensive Plan map amendment of 3.91 acres of the subject property from "Multi-Family Residential" to "Commercial".

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. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 3).

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 1A and 1B.

Applicant's Statement for 1(A) & 1(B): The proposed use is a combined and coordinated office-residential development on a site totaling approximately eight acres. The size of the site allows for approx. 44,000 square feet of office space in a variety of individual building sizes, and a moderate multi-family housing density. This combination creates the opportunity for on-site living and working. The location of the site along the Skyline Road arterial frontage, in between the two major intersections of Liberty Road and Kuebler Boulevard, is appropriate for its similarity to and compatibility with the existing land use pattern. The proposed CO zone with office uses is already present along this section of Skyline Road.

The vicinity for alternative sites can be described as the City Limits on the south and west, Lone Oak Road on the east, and Browning Avenue on the north. This area encompasses several neighborhoods, is heavily developed at an urban density, and is densely populated. CO zoning requires a location along a street classified as an arterial or a collector, and the defined vicinity

includes several arterials, and Browning Avenue and Lone Oak Road are both classified as Collectors.

Within the described vicinity there is one undeveloped site along an arterial or a collector that is appropriately designated for the office uses. That site is a property of 4.24 acres located in between Kuebler Rd. and Country Dr., west of Croisan Scenic Way; map 8-3W-17AA Tax Lot 500. The site is designated Commercial and zoned CO. The property is owned by Country Mutual Insurance Co, which also owns and occupies the developed office property immediately across Country Dr. to the south (Tax Lot 700). Based on this ownership it must be assumed that the property is held for future use by the insurance company, and it is not an alternative site for the proposed mix of uses, based on its location.

There are other undeveloped lands within the vicinity area, mainly at the southern and western edges of the vicinity area, which are zoned RA. The RA zone does not provide for multi-family housing or for office uses.

Because there are no appropriately designated alternative sites for the proposed use within the vicinity of similar size, and because there are no appropriately designated alternative sites for the proposed use based on their location, the proposal satisfies this criterion.

Finding: Staff concurs with the applicant's analysis. The applicant proposes an apartment complex and office complex at the site. The vicinity defined by the applicant is an area bounded by the City Limits on the south and west, Lone Oak Road on the east, and Browning Avenue on the north. This is an appropriate vicinity because it has logical boundaries that follow arterial and collector streets and is functionally connected by the existing street system and by historical development patterns.

As demonstrated by the applicant, the other commercially designated properties within the vicinity are neither sized nor located appropriately to accommodate the applicant's proposed use. Staff review of this area led to the same finding as the applicant that there are no suitable alternative sites within the vicinity to accommodate the proposed office complex. This criterion has been met.

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

Applicant's Statement:
The following Statewide Goals are applicable to this proposal:

GOAL 1 – CITIZEN INVOLVEMENT

Applicant's Statement: 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, 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.

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

GOAL 2 – LAND USE PLANNING

Applicant's Statement: 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 under the applicable goals and policies of the Plan, and criteria for a Comprehensive Plan Change and a Zone Change. 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 Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals.

GOAL 5 – NATURAL RESOURCES, SCENIC AND HISTORIC AREAS, AND OPEN SPACES

Finding: There are no known scenic, historic, or cultural resources on the subject site. Tree preservation at the site has been reviewed for compliance with Salem Revised Code Chapter 68 (Tree Preservation), as discussed earlier in this report.

GOAL 6 – AIR, WATER, AND LAND RESOURCES QUALITY

Applicant's Statement: The property is in a fully developed part of the city. The site is currently designated for multi-family residential use. It is proposed for a combination of multi-family residential and office uses. Neither use creates significant impacts to air quality. The major impact to air quality in the vicinity is vehicle traffic along the nearby arterial streets. The volume of traffic from the proposed use will be a small part of the overall traffic in this highly developed area.

City sewer and water services are available to the property. There will be no withdrawals of groundwater, or discharges of waste water into the ground. Wastewater from development will be collected in City treatment facilities, which are required to meet the applicable standards for environmental quality. Storm water runoff will be collected and removed by the City storm drains. Through the use of these public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

There are no identified constraints due to factors of air, water or land resources quality that would prevent the proposed use of the site. Based on the type of use, the location, and the surrounding land uses, the proposal will have no significant impacts to the quality of the air, water or land.

Finding: Staff concurs with the applicant. The site is urban land, surrounded on all sides by developed properties. 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 impacts on the quality of the air, water or land.

GOAL 9 – ECONOMIC DEVELOPMENT

Applicant's Statement: The proposed combination of multi-family residential and office uses will have a positive effect on the economy by renewing the use of the property, by providing an additional location for small office-based businesses and services, and by creating a unique live-work opportunity. These factors help to improve the economy of the city and the region.

Finding: The proposed Comprehensive Plan change will help facilitate the development of this urban property with residential and light impact office commercial uses, thereby making good use of the site. Future development at the site will create economic opportunities by increase the inventory of commercial land in Salem, while remaining appropriately suited to the surrounding land uses through the recommended conditions of approval. Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 9.

GOAL 10 – HOUSING

Applicant's Statement: The site is currently designated for multi-family housing at a density of 8-14 units/acre. The site is currently vacant. The proposal reduces the residential acreage but increases the allowed density to 12-28 units/acre, thereby preserving the potential housing density. There are a variety of housing opportunities present in the neighborhood, including single family homes, duplexes, multi-family apartments, and senior living/adult care housing. The housing component of the proposal is consistent with the type and density of housing that is present in the neighborhood. Preserving the potential density of multi-family residential units means there is no decrease in the potential number of housing units that could be established on the property, which maintains housing opportunities.

Finding: Although the requested Comprehensive Plan Change and Zone Change proposes a decrease in the area of land designated for multi-family residential development, the proposed increase in required dwelling-unit density in the northern 3.91-acre portion of the site will result in no net loss of total dwelling unit density at the 7.8-acre site, as demonstrated by the applicant's statement. Therefore, the proposal does not diminish the City's existing inventory of multi-family residential housing lands. Staff concurs with the applicant and finds that the proposal is consistent with this goal.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

Applicant's Statement: As described in the Pre-Application Summary report, all necessary public facilities and services are available and can be provided to this property at levels that are adequate for the proposed uses, including sewer, storm drainage, and water services.

Finding: The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. Site specific infrastructure requirements will be addressed in the Site Plan Review process in SRC 163. The proposal is consistent with this goal.

GOAL 12 – TRANSPORTATION

Applicant's Statement: The parcel fronts on Skyline Road, classified as a Major Arterial by the STSP. Skyline Road is the access to the property. The concept site plan shows two driveways to Skyline. The number and location of allowed access points will be determined by the City at the time a development site plan is submitted for approval.

A TPR analysis for this proposal has been prepared by Associate Transportation Engineering & Planning, Inc, (ATEP), Richard Woelk, P.E., Transportation Engineer. This report is included as a part of the application. The TPR report estimates the average daily traffic that would be generated by the proposed office uses, which is the subject of the Comprehensive Plan Amendment. The report analyzes the traffic impact for the a.m. and p.m. peak hours. The TPR analysis establishes a "trip cap" for the office uses that results in no significant adverse effect on the transportation system. No permanent off-site improvements are required for the project to meet the requirements of the TPR.

Public transit service is available along Salem-Keizer Transit Route 8 (Liberty Road South), which travels on Skyline Road between Liberty and Kuebler, along the property frontage.

Skyline Road is not currently improved to arterial standards. The City has an improvement project for Skyline scheduled for construction in 2015, which will include sidewalks and bike lanes. Currently, bike lanes and sidewalks are located along Liberty Rd. to the north and Kuebler Blvd. to the south. When the Skyline Road improvement is completed, all transportation options including pedestrian, bicycle, and transit modes will be available.

No new streets are needed to serve the site as a result of the proposal. No transportation facilities or intersections will be adversely affected by the proposal. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an operating standard at an intersection to fall to an unacceptable level.

Because the site will be accessible by a variety of transportation alternatives, and the proposed use will not have a significant adverse impact on the transportation system, 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.

The applicant submitted a Traffic Impact Analysis (TIA) in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The applicant's TIA recommends a "trip cap" of no more than 739 average daily trips on the CO-zoned portion of the subject property in order to ensure no significant effect on the surrounding transportation system. The City Traffic Engineer concurs the proposed CPC/ZC will not have a significant effect on the transportation system if conditioned to include this limitation on average daily trips to and from the site.

GOAL 13 – ENERGY CONSERVATION

Applicant's Statement: The property is located within a developed part of the city. The transportation system serving the property makes access to it direct, efficient, and convenient. Its location along the major street through the neighborhood helps to minimize the vehicle miles traveled to obtain the services to be offered by future office uses, which conserves energy. The site is near other commercial services along Liberty and Kuebler, which minimizes travel distances for future residents of the property. Access will also be convenient for pedestrians and bicycles. New construction will be built to current energy efficiency codes. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

Finding: By providing a new location for commercial office uses in close proximity to where people live, the proposal, when developed, will potentially serve to reduce the energy used by area residents and office employees and is consistent with the energy conservation requirements of this Goal.

GOAL 14 – URBANIZATION

Applicant's Statement: The site is within the city. All necessary public services are available to the site. The proposed uses will contribute to the efficient use of a site along an arterial street. This

will help to maintain 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.

Finding: Staff concurs with the applicant's statement. The proposal will help facilitate the development of urban land that is within the Urban Growth Boundary and already near City services, public facilities, and infrastructure. This is consistent with the intent of this Goal to maintain a compact and efficient urban area. This proposal does not affect the Urban Growth Boundary. This proposal complies with Goal 14.

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: The "greater area" in this case consists of the Skyline Road corridor between Liberty Road S and Kuebler Blvd., including the commercial centers around the Skyline-Liberty and Skyline-Kuebler intersections. This is the greater area because of the similarity in the types and pattern of land uses to those proposed for the subject property, and because of the distinct boundaries created by the two major intersections and the land use pattern around them. As shown on the Plan map, the land use pattern of this area consists of a mix of commercial and residential land uses along the Skyline Road frontage bordered by residential lands in the interior neighborhoods, and larger-scale commercial retail and office centers around the two intersections. The variety of land uses on lands bordering the arterial, and their proximity to one another, results in a "mixed-use" character along Skyline between Liberty Road and Kuebler Blvd. The land use pattern is represented by Comprehensive Plan map designations that include Commercial, Multifamily Residential, and Single-family Residential.

The proposed Plan change to Commercial is logical with the land use pattern because it borders the arterial frontage, and it is adjacent to the existing CO zone to the south. The proposed office uses are the same type of use as those that already exist in this area. Existing uses along the Skyline frontage include offices zoned CO, multi-family residential zoned RM2, and single family residential zoned RS. The west side of Skyline is occupied entirely by lands designated Commercial and Multifamily Residential on the Plan map. It is logical to continue this pattern along the arterial frontage.

The proposed change to Commercial is harmonious with the land use pattern because the office area will be along the arterial frontage, and adjacent to the existing office property. The residential area will remain in the interior of the property, which is already designated Multifamily Residential. There will be no change in that Comprehensive Plan designation. No vehicular access is planned between the subject property and the single-family residential neighborhood to the west, which also makes the proposal harmonious with the adjacent residential land use pattern.

Because the subject site is located along the frontage of the major arterial, borders office uses to the south and multi-family residential to the north, proposes the same types of uses as those that already exist in the area, does not change the Plan designation in the interior of the property, and therefore maintains the pattern and relationship between land uses as currently exists in the area, the proposed change is logical and harmonious with the land use pattern for the greater area as shown on the Plan map. The proposed change to Commercial will also be harmonious with the land use pattern because it is along a transit route, and it will not significantly affect the transportation system. For these reasons the proposed change to Commercial is logical and harmonious with the land use pattern for the greater area as shown on the Plan map, and this criterion is satisfied.

Finding: Staff concurs with the applicant's statement. The subject property is surrounded by a mix of commercial, multiple family residential, and single family residential uses and plan map designations. Given the existence of commercially designated and used land abutting the site to the

south, the proposed designation of the southern portion of the site as "Commercial", with CO (Commercial Office) zoning is logical and harmonious with the existing pattern. This criterion is met.

Criterion 5: 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 applicable Goals and Policies of the Comprehensive Plan are addressed as follows:

SACP Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The stated intent of the Comprehensive 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 subject site's current Comprehensive Plan Map designation indicates the proposed use of the entire property for multi-family residential. In this proposal, part of the property will remain designated for that use, and part is proposed to change to allow office use. Office use along the arterial frontage is consistent with the existing land use pattern in the area. The result of the proposal will be to create a consistent and appropriate pattern of land use along the arterial frontage. The proposal is consistent with the stated intent of the Plan to provide maximum flexibility, and to recognize that land use and zoning are expected to change over time. The reasons, factors, and circumstances that form the basis for this proposal are consistent with the Plan's methodology for determining the appropriate use of land within the urban area.

II.A.3. Plan Map Designations

A portion of the site is proposed to be designated Commercial. The intent of the Commercial designation is described in part II.A.3.b. This designation provides for "Commercial Offices" which "accommodates office space and non-retail services". This designation is implemented by the CO zone. The proposal is consistent with the intent of this designation.

IV. Salem Urban Area Goals and Policies

B. General Development

Goal: *To insure that land use decisions are consistent with the State Land Use Goals.*
The relationship of the proposed Comprehensive Plan Change to the State Land Use Goals has been described earlier in this report. Based on the description provided, the proposal satisfies the applicable Goals.

Policies:

6. *Carrying Capacity:* Any new development 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. As described in the Public Works Dept. comments, all necessary public services are available at adequate levels to serve the proposed uses.

7. *Optimal Use of the Land:* The subject property is proposed to be developed for a combination of office and multi-family residential uses. The scale and density of the proposed commercial use is consistent with the existing uses in the surrounding area. The proposal will make efficient use of the site, within the constraints imposed by the dimensions of the lot and the applicable development standards such as preservation of significant Oregon White Oak trees. The site has no topographic features or watercourses that impose obstacles or constraints to the proposed use. The type and scale of the intended structures is typical of the development pattern in the area, and the proposed density is appropriate for the types of uses proposed. These factors serve to optimize the use of land at this location.

10. *Street Improvements:* The relationship of the proposal to the access street has been reviewed by Public Works and in the TPR report. Skyline does not currently meet arterial standards, but the City has scheduled a project to improve the street. The project is to be constructed in 2015, at which time the street will meet the standards for a major arterial.

12. *Development compatibility:* The land use regulations that apply to this proposal include those for setbacks, screening, landscaping, building height, parking, etc., as detailed in the applicable zone code sections. As noted the residential component of the proposal is established by the existing Multifamily Residential Comprehensive Plan designation. The orientation of the residential structures and the limitations on their height and setbacks are intended to maintain compatibility with the surrounding uses. The compatibility of the proposed development will be further determined at the time of Site Plan Review and Development Design Review.

14. *Screening of Storage:* Office uses typically do not involve outdoor storage of materials or merchandise.

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-Polk County metropolitan area.*
The proposal will provide for general-purpose office uses along a major arterial corridor in south Salem. Office uses at this location can provide services for the surrounding community, as well as provide local employment opportunities. By providing for office-based services in proximity to surrounding residential neighborhoods the proposal will help to maintain and promote commercial services in the southern part of the urban area, which is consistent with the Goal of maintaining and promoting commercial services in the urban area.

Policies:

2. *Development of Shopping and Service Facilities:* A development plan will be submitted at the time development is proposed. The information included in this policy is required by the Site Plan Review process. No development can occur until Site Plan
Review is complete and approved. In this manner, all of the required information will be provided prior to development, in keeping with this policy.

3. *Redevelopment:* The site is not an existing shopping or service facility and this policy does not apply.

5. *Neighborhood and Community Shopping and Service Facilities:* The office component of the proposal can be expected to serve both the immediate neighborhood as well as an area composed of several neighborhoods, and therefore constitute a "neighborhood and community" service facility. The site is located along a major arterial. The existing development pattern along the arterial

includes commercial office and residential uses. The proposed office development will front on the arterial, and it is adjacent to an existing office development to the south. The development design creates an office cluster on the subject property, and does not result in "strip development" along the arterial frontage. The office cluster will be served by one driveway to the arterial. All parking and service areas required for the offices will be provided within the part of the site that is designated for office uses. No vehicular access is planned to Jennifer Court, which serves the bordering residential area to the west. Based on these factors, the proposal is consistent with the directives of this policy.

6. *Commercial Office Uses:* This policy requires office uses to have convenient access to collector and arterial streets. The site has frontage on Skyline Road, a Major Arterial, which is the access to the site. The proposal satisfies this requirement.

8. *Buffer strips:* The office area borders two residential lots to the west. The buffer yard standards of Chapter 132 will provide for the appropriate levels of setbacks, screening and landscaping between the office uses and the residential uses on adjoining lands, as required by this policy.

Considering the relationship of the proposal to the existing development pattern in the area, the location of the proposed commercial office area along the arterial frontage, and the limited extent of the border between office and existing residential uses to the west, the proposal conforms to the Commercial Development Goal and Policies.

The residential part of the property is already designated Multifamily Residential, and that part of the proposal does not involve a change to the Comprehensive Plan designation. However, 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 entire site is currently designated for multi-family housing, and zoned RM1. The site is vacant and currently provides no housing opportunities. The RM1 zone density standards would allow for up to 109 housing units on this 7.82 acre site. Half of the property is proposed to be redesignated to provide for office uses, leaving half (3.91 acres) in the current Multifamily Residential Plan designation. To accommodate the decrease in residential acreage, the remaining residential acreage is proposed to be rezoned to RM2. The RM2 zone density standards would allow for 109 housing units on the 3.91 acres. In order to preserve the significant Oregon White Oak trees on the property, as required, 88 multi-family units are proposed. In addition, there is an extensive variety of single- and multi-family housing available in this area, which includes duplexes, apartment complexes, and senior care residences. As a result, there is a wide variety of existing housing opportunities in this area.

The proposal to increase the allowable density on half of the site is consistent with sub-a., which encourages the efficient use of developable residential land. Increasing the density also maximizes the efficient use of the available public services, as directed in sub-c. In addition, the number of housing units proposed is consistent with the Salem-Keizer Housing Needs Analysis 2012-2032, which shows a deficit of multi-family housing within the city of Salem.

By providing for the proposed number of allowable multi-family residential units on the property the opportunities for housing in this area will be maintained, and the proposal satisfies this Goal.

The proposed change in density is consistent with Residential Development Policy 1 because there are no obstacles to development presented by the site, the necessary public services are available to serve development at the proposed density, the site is in close proximity to services including shopping, employment, and schools, and the density is consistent with existing development in the neighborhood. The proposal is consistent with Policy 3 because it represents efficient infill of a vacant site in an otherwise fully developed neighborhood. The proposal is consistent with Policy 6 because the site is adjacent to a transportation corridor that includes transit, and it is close to

facilities including employment centers, shopping, and schools. The scheduled Skyline Road project will improve the opportunities for pedestrian and bicycle access between the site and those facilities. Those factors also address Policy 7, and in addition, there will be no access for vehicular traffic between the subject property and bordering residential property.

With regards to Policy 8, office uses are generally regarded as compatible with residential areas, as evidenced by the relationship between office and residential uses throughout this area, and office uses do not represent a "more intensive" land use activity abutting the residential area of this site. With regards to Policy 9, the proposed development pattern combining RM2 and CO zoning represents an alternative housing pattern which can help to decrease vehicle usage, increase the efficient use of public services, and reduce development costs. The proposal is consistent with Policy 10 because the residential part of the site is already appropriately designated on the Comprehensive Plan map, adequate public services are available, the site's physical characteristics can support the proposed density, and the proposal satisfies Policy 7.

For the reasons and factors cited, the proposal satisfies the Residential Development Goal and Policies.

Finding: Staff concurs that the proposal complies with the applicable goals and policies of the Salem Area Comprehensive Plan (SACP). The Plan recognizes the need to remain responsive to changing and evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant's statements above, the proposal is consistent with the Goals and Policies of the SACP. Considering the facts, evidence, and reasons presented, the proposed Comprehensive Plan Map change of the southern 3.91 acres of the site from "Multi-Family Residential" to "Commercial" conforms to all applicable Statewide Planning Goals and Comprehensive Plan Policies.

Criterion 6: The proposed change benefits the public.

Applicant's Statement: The proposed change to Commercial will allow for the appropriate and productive use of a vacant property that is located along the major arterial frontage. The proposed office use is the same type of use that is present along the street frontage in the vicinity, and will therefore be consistent with the existing land use pattern. Office uses will be compatible with the residential uses located in the interior of the site. Future office uses of the site can provide services to the immediate neighborhood as well as to the surrounding community, and can also provide employment opportunities for area residents. The site is along a transit route and is in close proximity to other types of commercial and public facilities and services. The land use and transportation pattern in this area make the site an appropriate location for office uses. The combination of office and multi-family residential represents an alternative housing pattern that can provide live-work opportunities at this location.

The CO zone implements the Commercial Plan designation, and the purpose of the CO zone is specific, and limited, to provide for office use. It does not permit retail commercial uses, or services such as free-standing restaurants, auto related businesses, etc. Because the uses in the CO zone are almost entirely restricted to office activities, the zone serves a special purpose with regards to its relationship to the surrounding residential neighborhood. Office activities are fully-enclosed, non-intrusive, low-intensity, and generally weekday businesses. There is little direct impact on adjacent residential areas such as may occur from retail-type activity, such as noise, lighting, outdoor storage of materials, heavy vehicles, etc.

Although the residential part of the proposal does not require a Plan change, and therefore is not subject to these criteria, it is worth noting that the *Salem-Keizer Housing Needs Analysis 2012-2032* projects a deficit of 3,283 multi-family housing units, and a deficit of 228 gross acres of residential land, within the City of Salem during the study period. The proposal benefits the public by maintaining the capability for an appropriate number of multi-family units on the site. Providing adequate housing to serve the needs of the residents of the city is in the public interest.

By providing for a combination of uses that is consistent with the existing land use pattern, which is compatible with development on surrounding lands, and which makes efficient use of vacant, serviced land, the proposed change benefits the public.

Based on the conditions, circumstances, and reasons provided, the proposed change in the Comprehensive Plan map designation to Commercial is consistent with the policy requirements, guidelines, and directives of the Comprehensive Plan.

Finding: The proposed Comprehensive Plan change to "Commercial" with Commercial Office zoning will help facilitate the future improvement of the site for office development, thereby making good use of an urban property. Any new development at the site will require compliance with the Salem Landscape Code, SRC Chapter 132, and may result in improvements to public facilities such as streets and sidewalks. These sorts of new improvements and landscaping features will benefit the public. In addition, the office development at this site can provide services to the immediate neighborhood as well as to the surrounding community, and can also provide employment opportunities for area residents, as stated by the applicant. 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.

FINDINGS APPLYING TO THE SUNNYSLOPE NEIGHBORHOOD PLAN MAP AMENDMENT FROM "SINGLE FAMILY" TO "MULTI-FAMILY"

The following analysis addresses the proposed amendment to the Sunnyslope Neighborhood Plan Land Use Map from Single Family to Commercial and Multi-Family Residential.

The subject property is located within the Sunnyslope Neighborhood Association. The Sunnyslope Neighborhood Plan was adopted by the City Council on August 8, 1983.

Applicant's Statement: The subject property is located within the Sunnyslope Neighborhood Association area. The Sunnyslope Neighborhood has a Neighborhood Plan that was adopted in March, 1979, and revised in 1983. It was adopted by the City Council in August, 1983.

The Sunnyslope Plan includes a Land Use Plan Map. This map is very generalized and not specific to property lines, but appears to designate the property frontage as Multi- Family. That designation is consistent with the SACP map. Therefore, the application includes a request to amend the Sunnyslope Land Use Plan Map for the portion of the property to be designated "Commercial Office".

The Sunnyslope Plan presents Intent Statements for its various land use categories. For Commercial Office, *The intent is to provide locations for commercial offices at sites adjoining major streets, transit service, and other commercial establishments that reduce the need for vehicular traffic in the neighborhood.* The proposal is consistent with this Intent statement, as the site is along a major street, it is along a transit route, and it adjoins another office facility to the south. The site has direct access to the arterial, and there will be no vehicular connection to the adjacent residential neighborhood.

The Plan's Land Use Goals are:

1. *To preserve the residential character and environmental quality of the present neighborhood.* The proposal combines residential and office uses. The proposed office area does not intrude on the residential character of the neighborhood. It is located along the arterial street frontage, and it is adjacent to an existing office facility. The residential use will occupy the interior of the site, adjacent to the residential area to the west and north. The environmental quality of the neighborhood was improved by the removal and remediation of the former auto wrecking yard on this site. By providing the same types of uses that are currently present, the current character of the neighborhood will be preserved.

2. *To encourage future development which will be consistent with the existing residential character of the neighborhood and which will enhance the social, economic and environmental quality of the overall planning area.* The property is located along the west side of the Skyline frontage, which is occupied by multi-family and office uses. The proposed development is consistent with this existing land use pattern. The commercial office development is oriented to the arterial. It will not intrude on or affect the overall residential character of the interior neighborhoods. The office development will provide economic activity, and employment, in the neighborhood. That will improve the social and economic quality of the overall planning area. New development will be subject to Site Plan Review, and will be subject to development standards, which will enhance the environmental quality of the planning area.

Overall Policy 3, Neighborhood Character, is *the predominantly single-family residential character of the neighborhood shall be maintained. The immediate shopping needs of Sunnyslope residents should be provided for in designated locations.* The site is currently designated for multi-family residential, not single-family residential. The proposal does not change the overall single family residential character of the neighborhood. The site will provide for office-based services in the neighborhood, and it will not affect the location of shopping in the neighborhood.

Overall Policy 4, Major Intersections, directs multi-family units and office complexes to major intersections to provide exposure, and to reduce the amount of traffic through the neighborhood. The office site is close to the Skyline-Kuebler intersection, and adjacent to an office facility that is at the intersection. There will be no vehicular access between the site and the residential neighborhood to the west, and the proposed use will not affect the amount of traffic through the neighborhood.

Multi-family Policy 9 suggests the multi-family dwelling density should vary from seven units per acre in difficult terrain to fifteen units per acre along arterials or at major intersections. However, these density suggestions date from 1983, which pre-dates the guidelines and standards for residential density currently found in the SACP and the Zone Code. They also pre-date the SMFRLS process, which was conducted to assure there would be an adequate amount of multi-family housing in the city. As a result, these density suggestions are inconsistent with current Plan provisions for efficient use and infill on serviced urban land, do not reflect current development standards, and do not adequately reflect the need to provide adequate levels of multi-family housing. The density suggestions are out of date and this proposal must be viewed in relation to current Comprehensive Plan density policies and Zone Code development standards.

Multi-family Policy 10 directs multi-family housing to locate in concentrations along arterials or collectors and within one-fourth mile of a bus route. The subject site fulfills those recommendations. The site [is] already designated for multi-family housing, it is along an arterial, and there is a transit route along the frontage.

Multi-family Policy 11 recommends the principal access to multi-family development be along arterial and collector streets. The site has frontage and access on Skyline Road, a Major Arterial, which satisfies this recommendation.

Commercial Office Policy 19 states, *Commercial office developments shall be located in concentrated locations on arterials and collectors and will be encouraged to locate adjacent to neighborhood shopping centers and major intersections.* The proposed office development is on an arterial, and is adjacent to an existing office to the south, which is adjacent to the major intersection. Major office development is located on the south side of the intersection. Taken together, the office development around the intersection forms a concentrated location based on the arterial and the major intersection.

Commercial Office Policy 20 states, *Commercial office developments should be designed to provide ready access by neighborhood residents for professional services. Location of these shall take*

advantage of transit routes. The proposed office development is located on Skyline Road, a major street route through the neighborhood, which provides convenient access to all parts of the surrounding residential area. Skyline Road is also a transit route.

Considering its location on the arterial, available transit service, location adjacent to an existing office, proximity to a major intersection, and compatibility with the residential neighborhood, the proposed office development conforms to the Goals and Policies of the Sunnyslope Neighborhood Plan.

Finding: The Sunnyslope Neighborhood Plan includes a Land Use Plan Map. The applicant's statement is incorrect in stating that the current designation of the subject property is "multi-family". The neighborhood plan map designates the subject property as "Single Family". Since 1983 when this map was prepared, however, the City has changed the SACP Map designation of the subject property from single family to multi-family. That change occurred between 1998 and 2000 in order for the City to comply with Statewide Planning Goal 10 (Housing), as part of the City-wide Salem Multi-Family Residential Land Study (SMFLS). Although the Sunnyslope Neighborhood Plan Map was not specifically amended at that time, it is clear that the property is now designated for multi-family use on the SACP Map and zoned RM1. Therefore, changing the northern portion of the site from "Single Family" to "Multi-Family" at this time is now a housekeeping amendment to rectify the inconsistency between Neighborhood Plan and the controlling SACP. Changing the southern portion of the site from "Single Family" to "Commercial Office" is well supported by the facts and findings presented by the applicant above.

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

The following analysis addresses the re-zoning of the subject property from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential).

SRC Chapter 113.150 provides the criteria for approval of 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 are 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 3).

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. . . .

Finding: SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comprehensive Plan. The relationship of the proposal to the Comprehensive Plan has been examined, as detailed earlier in this staff report, and the proposal has been shown to conform to the requirements of the Plan.

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 Multi-Family Residential on the Comprehensive Plan map, and it is zoned RM1. The zone is consistent with the Plan designation. The current designations were applied through the City's SMFRLS process. A mistake in the map or in the application of the land use designation to the property is not claimed as a reason for this request, and this criterion is not applicable to the proposal.

Finding: Staff has found no mistakes in the zoning maps or in the application of the Comprehensive Plan designation or zone of the subject property. 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: Skyline Road is long established as a multi-use arterial corridor between its major intersections with Liberty Road S and Kuebler Boulevard. Major concentrations of commercial activities are located around those intersections, and office uses are located along Skyline along with multiple types of residential uses. As the scale of the commercial activities increased, in particular the major office activities around the Kuebler intersection, residential development expanded and the residential population in the vicinity increased. The proposed uses are consistent with the existing uses and zone categories along this corridor. The zone changes to CO and to RM2 are consistent with the land use pattern that has developed in this area. The proposed combination of uses is consistent for the economic and demographic patterns of the neighborhood. Further, as the City's housing needs analysis points out, additional multi-family housing is needed in the community to accommodate the housing needs of the projected population. Maintaining the housing capability of the site in a compact form, with provisions to maintain compatibility with adjacent residential uses, is consistent with meeting the projected housing requirement.

Finding: Staff concurs with the applicant's statement that office and apartment development near the intersection of Kuebler Boulevard and Skyline Road has created a pattern of economic and demographic change for the immediate neighborhood. These investments in neighborhood during the past three decades have resulted in changed property values, new employment opportunities, and increased population.

Regarding the Housing Needs Analysis (HNA) referenced by the applicant; the *Salem-Keizer Housing Needs Analysis 2012-2032* demonstrates a need for additional multiple family dwelling units in Salem. This study was prepared in 2011, but has not been adopted by the City of Salem. Unadopted studies such as this generally cannot be used to show compliance with the Statewide Planning Goals as part of a re-zone request. In this case, the above findings sufficiently address this factor without the need for reference to the HNA.

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

Applicant's Statement: As discussed in (2), the conditions in the character of the neighborhood have continued to evolve as a result of the major office based activities that have located in this area. The Kaiser-Permanente medical offices, and Country Companies insurance offices, are both regional-level economic and employment centers. The Doctor's Clinic is another major medical services provider at this location. These activities have changed the character of the neighborhood from an outlying residential district to one of the major business, service, and employment centers in south Salem. As a result, Skyline Road has changed from primarily serving the residential traffic, to a major commuter corridor for employees, clients and patients of these major businesses. The

proposed residential and commercial zone changes are consistent and compatible with these changes to the types and patterns of activities that compose the character of the neighborhood.

Finding: Staff concurs with the applicant's statement. Over time, the character of the immediate neighborhood has changed from a largely homogenous area of residential development and rural land to a mixed residential neighborhood which includes a significant amount of high density multiple family residential development and office development. This factor has been addressed.

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

Applicant's Statement: Since the property is currently designated for multi-family housing, the effect of the proposal on the neighborhood will primarily be the establishment of an additional office location. CO zoning is appropriate for the arterial frontage, and access to it will be from the arterial. There will be no direct vehicular access to an interior, local residential street. Office uses in general have little impact on nearby residential neighborhoods. The property is already designated for multi-family residential use, and the allowed number of residential units will not increase as a result of the zone change. As shown by the TPR report, the traffic impact of the proposed uses will not cause an adverse impact on the transportation system. With provisions to maintain compatibility with adjacent residential uses, the proposal will be consistent with the existing character of the neighborhood.

Finding: Under the existing RM1 zoning, a multiple family residential development such as an apartment complex could be built at a dwelling unit density between 8 to 14 units per acre, which means between 64 and 110 dwelling units are required on the entire 7.8-acre site currently. The proposed split-zoned arrangement provides 3.9 acres of RM2-zoned land at the north end of the site and 3.9 acres of CO-zoned land at the south end of the site. A multiple family residential development such as an apartment complex could be built at a dwelling unit density between 12 and 28 units per acre on the proposed RM2 portion. That means between 47 and 110 dwelling units would be required on the proposed 3.91-acre northern RM2 part of the site. On the proposed CO-zoned southern portion of the site, commercial office buildings up to 70 feet in height would be allowed. The CO zone also allows a wide range of residential uses, including apartment houses.

The potential effects of the proposed re-zone from RM1 to CO and RM2 will primarily be the visual impact of a new high density apartment complex and office complex on the surrounding single family residential neighborhood to the west and north. The subject property is currently a heavily wooded open space. There are rows of large deciduous and evergreen trees along the west and north property lines. The applicant shared about the proposed re-zone and presented the concept plan at the March and April 2013 Sunnyslope Neighborhood Association meetings. The surrounding property owners who attended those meetings stated that the trees along the west and north property lines of the site are an important feature of the immediate neighborhood, and they expressed concern about loss of these trees if the site were to be developed as proposed.

Based on the feedback received from the surrounding property owners at these neighborhood meetings, the applicant hired a professional land surveyor to prepare a tree survey (Attachment 11), which locates all significant trees (defined as Oregon White Oaks over 24 inches diameter at breast height, per SRC Chapter 68) on the site. The applicant also redesigned the concept plan to demonstrate that the site could be developed in a way that ensures the preservation of all significant trees. The redesigned concept plan (Attachment 4) also limits the height of apartment units around the perimeter of the site to no more than two stories, or 35 feet, which is equal to the maximum height allowed for residential buildings in the existing RM1 and surrounding RS zones. The new concept plan also re-orients the perimeter apartment buildings so that private open spaces (such as balconies, decks, and patios) do not directly face the RS zone and provides a wider buffer yard than normally would be required by the Salem Revised Code for new two story buildings. These elements of the new concept plan are based on the feedback received from the neighbors and are intended to mitigate the effect of the proposal on the neighborhood. Staff recommends the following conditions of approval to ensure that these agreed-upon design elements are incorporated into any future development plans on the subject property:

Condition 1. All significant trees on the subject property, as defined by SRC Chapter 68, shall be protected and incorporated into the site plan design of any future development at the site. All significant trees shall be marked and protected during construction. Any future site plan shall provide all such significant trees with sufficient undisturbed and/or pervious area below the drip line of each tree to ensure the ongoing health of the trees. Removal of the significant trees shall only be allowed with approval of a tree removal permit or tree ordinance variance.

Condition 2. Within 80 feet of the abutting RS-zoned land to the west and north, buildings shall not exceed two stories in height, nor exceed 35 feet in height.

Condition 3. Within 80 feet of the abutting RS-zoned land to the west and north, private open space areas (including balconies, decks, or patios) shall not be located on building walls that directly face the abutting RS-zoned land.

Condition 4. Residential buildings on the subject property shall be set back a minimum of 30 feet from the RS-zoned land to the west and north, unless a greater setback is required by the Salem Revised Code. Commercial buildings on the subject property shall be set back a minimum of 25 feet from the RS-zoned land to the west, unless a greater setback in required by the Salem Revised Code. This condition shall not apply to garages, carports, and trash/recycling enclosures.

The 30-foot setback requirement for the RM2 land and 25-foot setback for the CO land are based on the setbacks proposed in the applicant's concept plan. Conditions 2 and 3 set the perimeter width at 80 feet for the purpose of the height and private open space restrictions, based on the approximate locations of the perimeter buildings shown on the concept plan.

As conditioned, this factor has been addressed.

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

Applicant's Statement: The subject property is essentially flat and level, and it has no distinct topographic features. The major physical feature on the property is the presence of significant Oregon White Oak trees. The precise location of these significant trees has been identified by a property survey, which allows a development to be designed for their preservation. All required public facilities are available and can be made available to the property at adequate levels to serve the proposed uses. By accounting for the preservation of the significant trees on the site, the physical characteristics of the property are considered in the proposed use.

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060, by recommending a "trip cap" of no more than 739 average daily trips to and from the CO-zoned portion of the subject property:

Condition 5: 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 CO (Commercial Office) designated property shall be limited to a maximum of 739 average daily trips generated by the proposed use or uses.

The City Traffic Engineer concurs the proposed CPC/ZC will not have a significant effect on the transportation system if conditioned to include this limitation on average daily trips to and from the site.

Development on this site shall require the dedication of right-of-way along the property frontage to equal a half-width right-of-way of 48 feet on the development side of Skyline Road S. The dedication along the frontage of tax lot 083W09CC05700 is required as a condition of comprehensive plan change/zone change approval because the property is developed as a parking lot:

Condition 6. Convey land for dedication of right-of-way along the entire frontage of tax lot 083W09CC05700 to equal a half-width of 48 feet on the development side of Skyline Road S.

The remainder of the property is vacant and can be dedicated as a condition of site plan review approval when the property develops.

In addition, the Local Street Connectivity Element Policy 1.1 of the Salem Transportation System Plan (TSP) states:

> Applicants submitting preliminary development plans shall provide for local street connections toward existing or planned streets and neighborhood activity centers located within one-half-mile of the development. Street alignments should be sensitive to natural features, topography, and layout of adjacent development.

The applicant does not provide for local street connectivity through the site. However, a pedestrian and bicycle accessway through the site from Jennifer Avenue to Skyline Road may be an acceptable alternative based on Local Street Connectivity Element Policy 2.3:

> The City may require pedestrian and bicycle accessways to connect to cul-de-sac streets, to pass through long blocks, and to provide for networks of public paths creating non-motorized access to neighborhood activity centers.

The purpose of the above TSP policy is to require all future development to include sidewalk connections and sidewalk circulation designed to connect and provide access to local neighborhood, shopping, schools, and other activity centers. The applicant's site plan does not show a pedestrian connection through the subject property from Jennifer to Skyline. Therefore, the following condition is recommended:

Condition 7. As a condition of Site Plan Review approval, construct a paved pedestrian walkway within a minimum 10-foot-wide public easement through the subject property from Jennifer Court S to Skyline Road S, in an alignment approved by the Public Works Director.

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

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 TPR analysis shows the projected traffic impact from the proposed uses will not cause a significant impact on the street system. No new streets are required as a result of the proposed use. All required public facilities can be provided to the site at adequate levels to support the proposed uses. The significant trees have been identified and located for preservation. The proposed uses will not create smoke, dust, or odors. The concept site plan includes provisions for building placement, height limits, and setbacks that maintain compatibility

with the adjacent residential uses. These factors provide for the public health, safety and general welfare that pertain to this proposal.

Finding: Staff concurs with the applicant's assessment that the physical characteristics of this site are appropriate to accommodate commercial office and multiple family residential developments with minimal impact to surrounding properties, as proposed in the Concept Plan. Water, sewer, and storm infrastructure can be provided to the site.

Applicant's Conclusion: The proposed CO zone is appropriate for the location, the characteristics of the site, the existing land use pattern along the arterial frontage, and the transportation system. The proposal is consistent with the economic and demographic character of the neighborhood, and in keeping with the evolution of this neighborhood into a major center of business, employment and services for the community and the region. The proposed CO zone will be consistent with the land uses and the land use pattern along the arterial frontage. Similarly, the proposed RM2 zone changes the development density, but not the use, allowed on the subject property. Based on the facts and evidence presented, and the conditions and circumstances that apply, the proposal addresses and satisfies the zone change criteria.

Finding: Staff concurs with the statements submitted by the applicant's representative, as set forth above, and concludes that each of the factors has been addressed. Therefore, the proposed zone change conforms to Criterion B as defined under SRC 113.150(b).

The proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan 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/Neighborhood Plan Change/Zone Change 13-01, for property approximately 7.8 acres in size and located at 4951, 4895, & 4857 Skyline Road S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W09CC / 5700, 5701, & 5800):

A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Multi-Family Residential" to "Commercial" and "Multi-Family Residential" be GRANTED;

B. That the request to change the Sunnyslope Neighborhood Plan map designation from "Single Family" to "Commercial Office" and "Multi-Family" be GRANTED;

C. That the zone change request for the subject property from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential) be GRANTED subject to the following conditions of approval:

Condition 1. All significant trees on the subject property, as defined by SRC Chapter 68, shall be protected and incorporated into the site plan design of any future development at the site. All significant trees shall be marked and protected during construction. Any future site plan shall provide all such significant trees with sufficient undisturbed and/or pervious area below the drip line of each tree to ensure the

ongoing health of the trees. Removal of the significant trees shall only be allowed with approval of a tree removal permit or tree ordinance variance.

Condition 2. Within 80 feet of the abutting RS-zoned land to the west and north, buildings shall not exceed two stories in height, nor exceed 35 feet in height.

Condition 3. Within 80 feet of the abutting RS-zoned land to the west and north, private open space areas (including balconies, decks, or patios) shall not be located on building walls that directly face the abutting RS-zoned land.

Condition 4. Residential buildings on the subject property shall be set back a minimum of 30 feet from the RS-zoned land to the west and north, unless a greater setback is required by the Salem Revised Code. Commercial buildings on the subject property shall be set back a minimum of 25 feet from the RS-zoned land to the west, unless a greater setback in required by the Salem Revised Code. This condition shall not apply to garages, carports, and trash/recycling enclosures.

Condition 5. 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 CO (Commercial Office) designated property shall be limited to a maximum of 739 average daily trips generated by the proposed use or uses.

Condition 6. Convey land for dedication of right-of-way along the entire frontage of tax lot 083W09CC05700 to equal a half-width of 48 feet on the development side of Skyline Road S.

Condition 7. As a condition of Site Plan Review approval, construct a paved pedestrian walkway within a minimum 10-foot-wide public easement through the subject property from Jennifer Court S to Skyline Road S, in an alignment approved by the Public Works Director.

Attachments:
1. Public Hearing Notice
2. Vicinity Map
3. Applicant's Statement
4. Applicant's (Revised) Concept Plan
5. Traffic Impact Analysis
6. Letter from the Sunnyslope Neighborhood Association
7. Comments from Mr. Ralph Bishop
8. Comments from Mr. Don Fensler
9. Public Works Department Memorandum
10. Salem-Keizer School District Comments
11. Applicant's Tree Survey

Prepared by: Bryan Colbourne, Planner III BC

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CITY OF Salem AT YOUR SERVICE

HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No.CPC-NPC-ZC13-01
AMANDA APPLICATION NO:	13-102895-ZO
HEARING INFORMATION:	**PLANNING COMMISSION, TUESDAY, MAY 7, 2013, at 5:30 P.M., Council Chambers, Room 240, Civic Center**
PROPERTY LOCATION:	4951, 4895 and 4857 SKYLINE RD S, SALEM OR 97302
OWNER:	OAK GROVE LAND COMPANY LLC
APPLICANT / AGENT:	OAK GROVE LAND COMPANY LLC / JEFF TROSS
DESCRIPTION OF REQUEST:	To change the Salem Area Comprehensive Plan (SACP) Map designation from Multi-Family Residential to Commercial and Multi-Family Residential, change the zone district from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential), and change the Sunnyslope Neighborhood Plan accordingly, on property approximately 7.8 acres in size and located at 4951, 4895, & 4857 Skyline Road S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W09CC / 5700, 5701, & 5800).
CRITERIA TO BE CONSIDERED:	❖ ***Comprehensive Plan Change*** Pursuant to SRC 64.090(b), the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria: 1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or 2. 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; and 3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and 4. 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; and 5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and 6. The proposed change benefits the public. ❖ ***Zone Change*** Pursuant to SRC 113.150(b), the testimony and evidence for the ZONE CHANGE must be directed to the following criteria: 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; and 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.

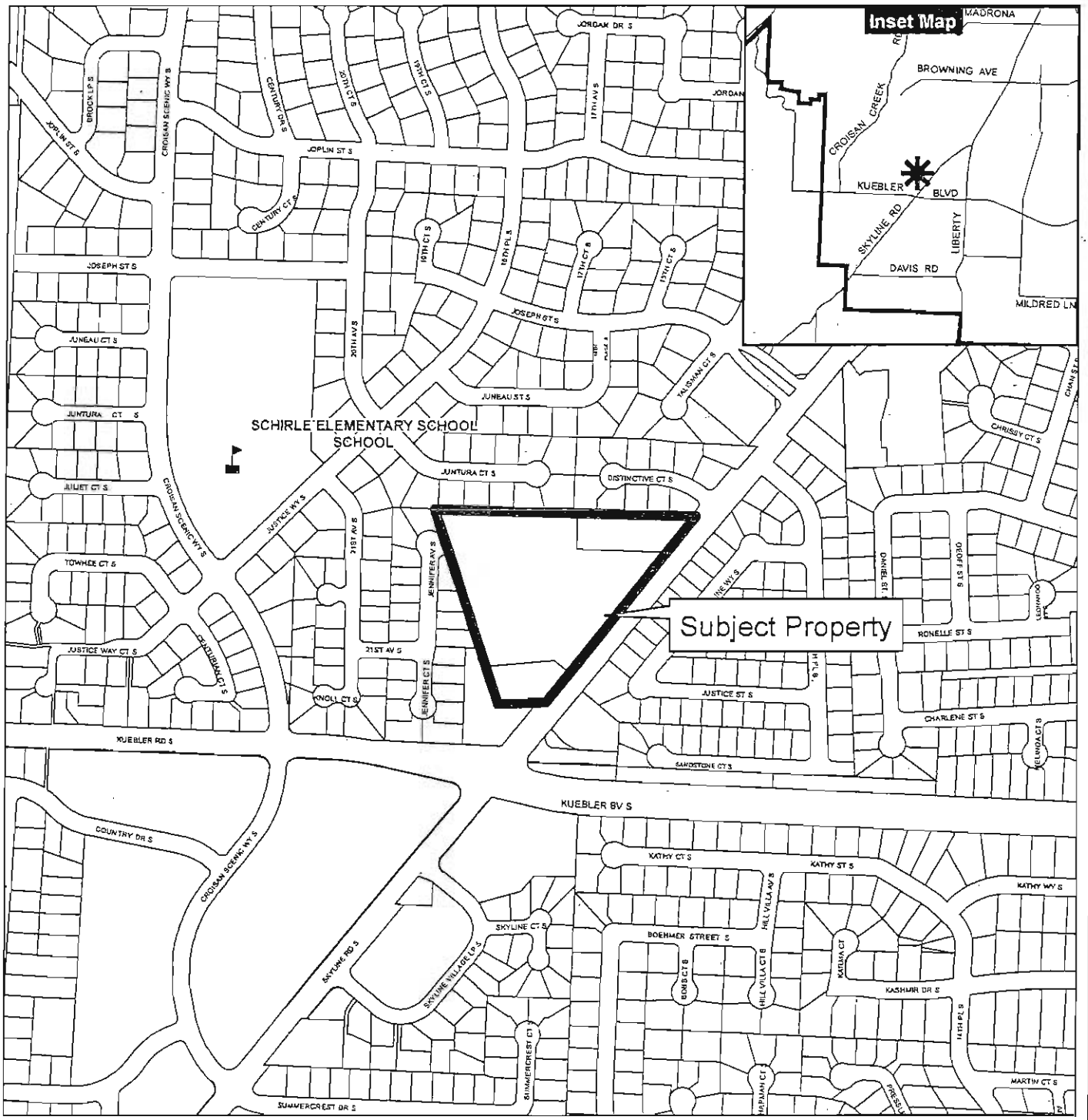
ATTACHMENT 1

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 oppcsition, 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:	**Bryan Colbourne, Case Manager,** City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2363; E-mail: bcolbourne@cityofsalem.net
NEIGHBORHOOD ORGANIZATION:	Sunnyslope Neighborhood Association, Evan White, Land Use Chair; Phone: (503) 585-4814; Email: epwhitehouse@comcast.net
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:	April 17, 2013

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 against on the grounds of race, religion, color, sex, marital status, familial 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. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least two business days before this meeting or event.
TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map
4857, 4895, & 4951 Skyline Road S



Legend

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

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CITY OF Salem AT YOUR SERVICE
Community Development Dept.

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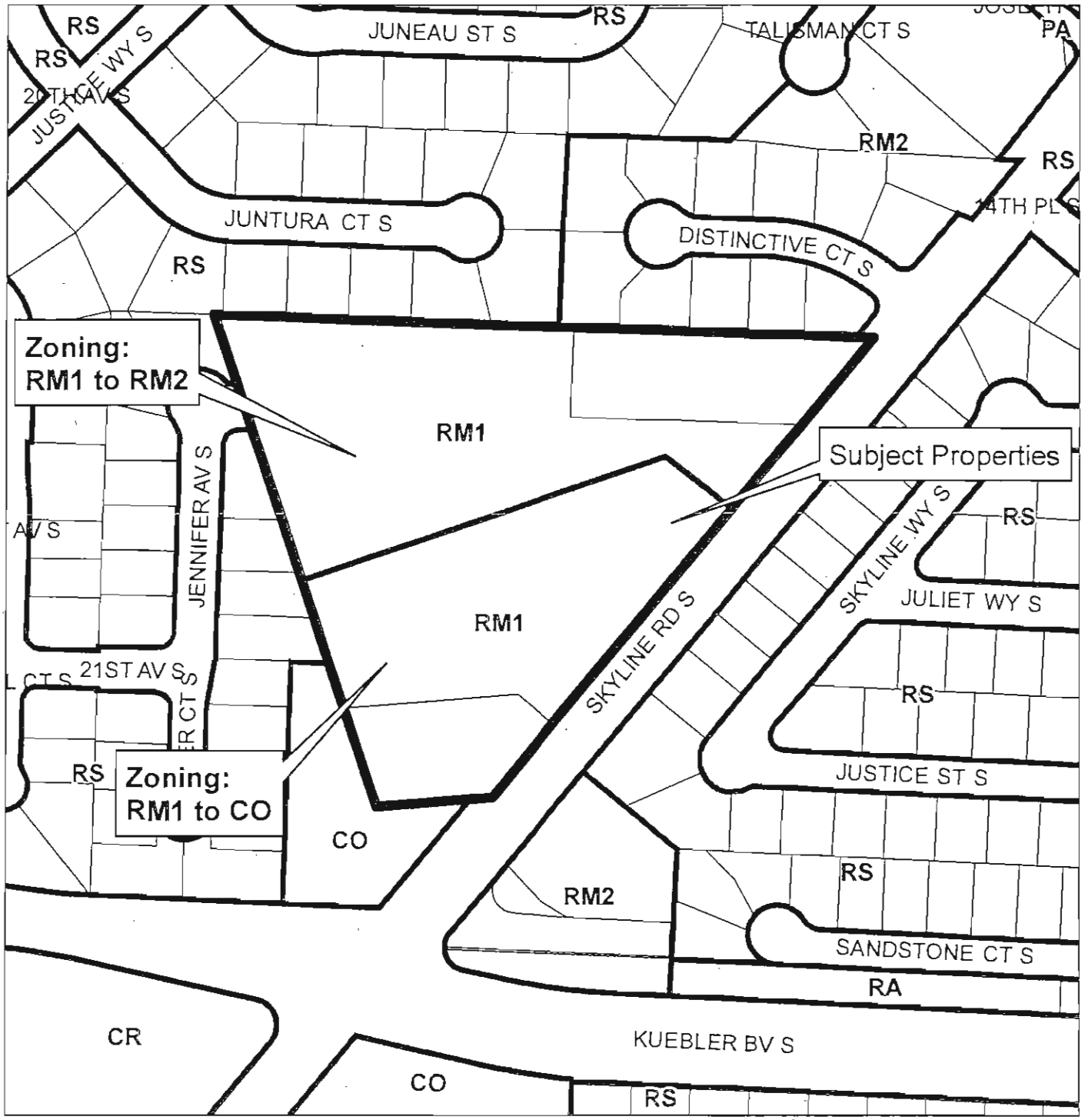
Comprehensive Plan Change/Neighborhood Plan Change/Zone Change 13-01



Legend

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

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CITY OF Salem AT YOUR SERVICE
Community Development Dept.

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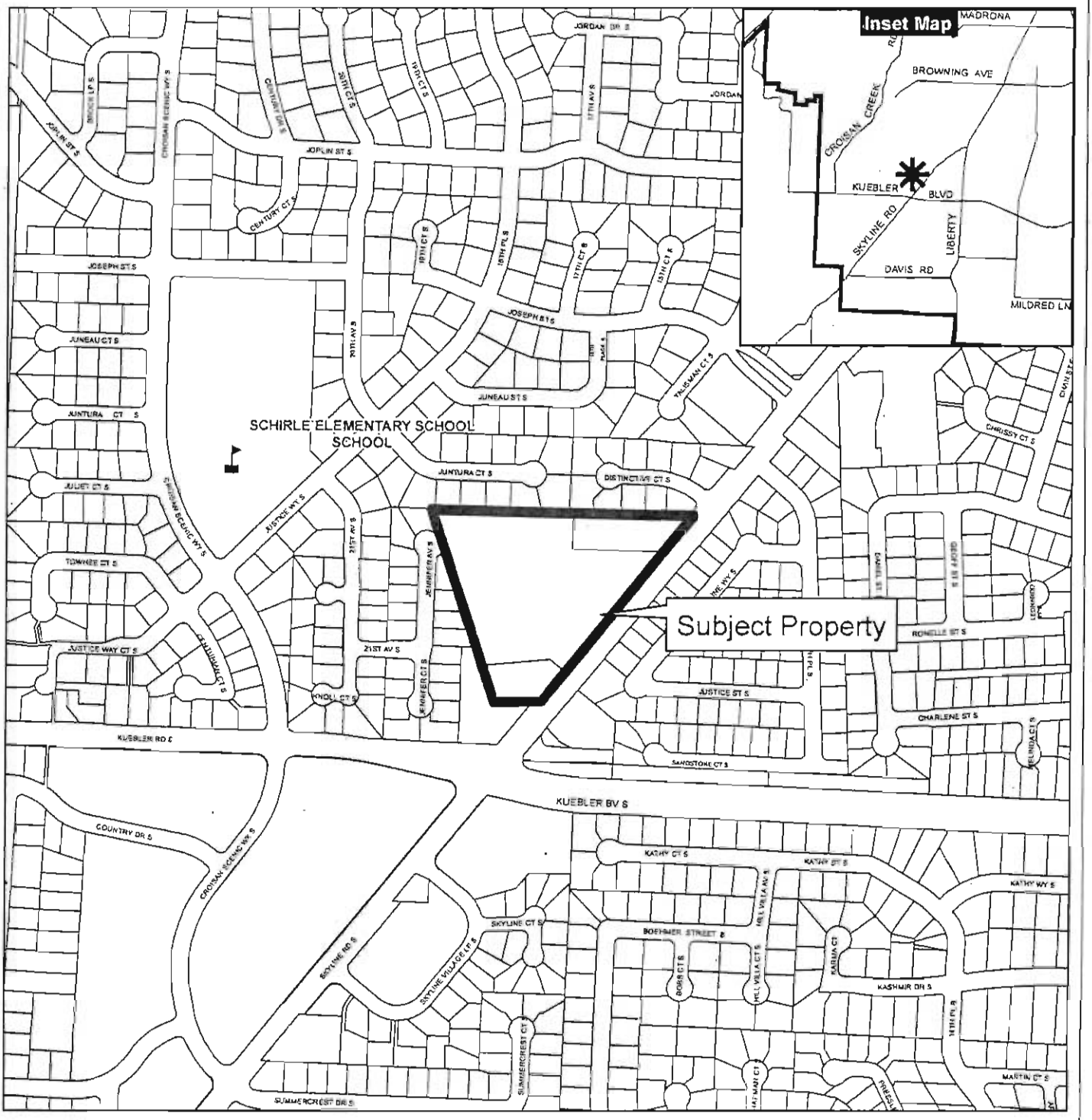
Vicinity Map
4857, 4895, & 4951 Skyline Road S



Legend

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

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CITY OF Salem AT YOUR SERVICE
Community Development Dept.

ATTACHMENT 2

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Tross Consulting, Inc. Jeffrey R. Tross Land Planning and Development Consultant
1720 Liberty St. S.E., Salem, Oregon 97302
Phone (503) 370-8704 email jefftross@msn.com

Contents revised on 4/19/13 and resubmitted by Jeff T.

APPLICANT'S STATEMENT FOR OAK GROVE LAND COMPANY LLC - SKYLINE ROAD COMPREHENSIVE PLAN AMENDMENT AND ZONE CHANGE

ATTACHMENT 3

BACKGROUND

Property Location and Characteristics

Oak Grove Land Co. LLC, a business entity of Dr. E. Lloyd Hiebert of Salem, owns a tract of land ("the property") in the 4800 block of Skyline Road South. The property is situated along the west side of Skyline Road S, just north of Kuebler Blvd. The Liberty Road S - Skyline Road intersection is about a half-mile to the north. The tract is composed of three contiguous parcels, identified as Tax Lots 5700, 5701, and 5800 on Assessor's Map T8S R3W Section 9CC. The three parcels total approximately 7.82 acres. Tax Lot 5700 is .71 acre, 5701 is 6.11 acre, and 5800 is 1 acre.

The property is currently designated *Multifamily Residential* on the Salem Area Comprehensive Plan (SACP) map, and it is zoned RM1. The property was rezoned by the City from RA to RM1 as part of the 1998 SMFRLS multifamily residential land inventory process, which was conducted to increase the inventory of land designated for additional multifamily housing. However, the property has yet to develop for residential purposes and most of it remains vacant. The small southern parcel, Tax Lot 5700, was improved for use as a parking lot to serve as additional parking for the medical office building on adjacent Tax Lot 5600. That use may remain, or it may be redeveloped in the future in conjunction with the rest of the property.

Prior to its current ownership the property had been used as an auto salvage and wrecking yard. That use was incompatible with the surrounding residential neighborhood, and was a blight and a hazard at this location. The wrecking yard was removed as a condition of sale, and Dr. Hiebert restored the property to its current attractive condition.

Neighborhood Character and Land Use Pattern

The Skyline Road frontage between Liberty Road S and Kuebler Blvd. includes a variety of zones and a mix of land uses. These include commercial retail and service activities, business offices, medical and veterinary care, single and multifamily residential, senior and assisted living, churches, and child pre-school/day care. The intersections at Liberty and at Kuebler, in particular, are centers of large-scale commercial and office-based activities, as indicated by the

extensive CR and CO zones. The variety of activities, and their proximity to one another, creates a "mixed-use" character along this section of the Skyline Road corridor.

The area around the Liberty and Skyline intersection is a location for community-level retail and service activities zoned CR. This area includes the Sunnyslope retail center, and a Walgreens pharmacy, among other uses. Office uses in the CO zone extend along both sides of Skyline to the south of the retail area. The area around the Kuebler and Skyline intersection is the location for regional-level medical and office uses that are zoned CO and CR. These include the Kaiser-Permanente medical facility, the Country Companies Insurance office, and the Doctor's Clinic. Another medical office is in the CO zone in the northwest corner of the intersection, adjacent to the subject property; and a pre-school is in the CO zone at the northeast corner of the intersection. In between these two retail and office centers, the west side of the Skyline frontage is occupied by the RM2 and RM1 multifamily residential zones, while the east side of the frontage is occupied mostly by RM2 and RS zoning. An area of RA zoning is occupied by a church. All of the RS and RM2 zoning along the frontage is developed, while the RM1 land remains vacant.

Skyline Road is the primary route through the residential and commercial centers in the south-western part of the urban area, and it extends into the rural area beyond the UGB. It is classified as a Major Arterial on the Salem Transportation System Plan (STSP). Its intersection with Kuebler Blvd. provides a major link to other parts of south Salem located to the east and west, as well as a direct route to I-5. By connecting with Liberty Road S., Skyline is a part of a link to the central city to the north.

The Proposal

Oak Grove Land Company proposes to designate the property for a combination of multifamily residential and office uses. The office use area is proposed for the southern part of the property, adjoining the existing CO property to the south and including most of the Skyline Road frontage. The residential area will remain in the interior of the site and along the northern part of the street frontage, where it adjoins the multifamily area to the north, as at present. This arrangement is

similar to the existing land use pattern along this section of Skyline Road.

Half of the property's area is proposed for each of the two uses. The intent of the proposal is to maintain a similar number of residential units as could be provided on the property under the RM1 zone, by rezoning the residential portion to RM2. Under the current RM1 zone, the property could provide for up to 109 multifamily units (7.82 acres x 14 units/acre = 109.48). With RM2 zoning, the ~3.91 acre residential area could potentially provide the same number of units (3.91 acres x 28 units/acre = 109.48). However, a lower density is a better fit, and 88 units are proposed, for an average density of 22.6 units/acre. Since the site is already designated *Multifamily Residential* on the Comp Plan, this involves only a change in zone from RM1 to RM2.

The proposed office portion of the site will require a Comprehensive Plan Map Amendment from *Multifamily Residential* to *Commercial*, and a corresponding Zone Change from RM1 to CO.

The property is within the boundaries of the Sunnyslope Neighborhood Association. This neighborhood has an adopted Neighborhood Plan. The Neighborhood Plan was adopted in March 1979, revised in 1983, and adopted by the City Council in August, 1983. The Plan' Land Use map appears to designate the property as Multifamily Residential, consistent with the SACP. As a result, a Neighborhood Plan Change (NPC) to "Commercial Office" is required for the proposed office portion of the property.
A Pre-Application Conference to discuss this proposal was held on March 22, 2012; Pre-App No. 12-08.

Overall, the proposal will continue the multifamily residential and office pattern that exists along the west side of the arterial frontage, while integrating these two types of uses in a coordinated development plan, as discussed below.

Site Plan Concept

A preliminary site plan has been prepared to provide a concept of how the residential and office uses can be arranged and coordinated on the property. The site plan is not a final development plan. Site Plan Review will be required prior to the development of the site.

As shown on the concept plan, there are twelve apartment buildings providing for 88 units on the residential portion of the site. Two buildings are along the street frontage, four are in the interior of the driveway loop, four are along the west property boundary, and two are along the north boundary. The buildings along the west property line are set back 30' to reduce impact on the single-family homes on adjoining parcels. A recreation building and a pool are also provided in the interior building cluster.

Primary street access for the residential area is provided by a curb cut at the northeast corner of the property, and the internal driveway system provides circulation throughout the residential area. A total of 146 residential parking spaces are shown, for a ratio of 1.66 spaces per unit (1.5 spaces/unit are required). These include 16 spaces in two garages, which are located along the north property line and provide additional screening and buffering to the adjacent properties along Juntura Court.

Eight office buildings are shown, providing a total of 43,800 s.f. of office space. Three of the buildings are along the street frontage, two are in the interior building cluster, and three are along the west property boundary. Two of those buildings adjoin the existing CO property. The individual buildings range from 2,200 to 10,000 s.f. The primary street access to the offices is a curb cut between buildings 2 and 3. This access connects to the internal driveway system, and is also available to the residential part of the site. The separation between the two curb cuts is approximately 550'. A total of 126 office parking spaces are shown, which satisfies the requirement for 1 sp/350 s.f. of building area.

Jennifer Avenue serves the neighborhood to the west of the property, and ends in a cul-de-sac that also stubs into the west property line. The street stub indicates that a future extension through this property is anticipated. However, this proposal includes no provision or intention

for vehicular access to Jennifer Avenue. If required, a bicycle/pedestrian access could be considered to provide connectivity between the site and the residential neighborhood to the west.

The height limit for apartment buildings in the RM2 zone is 50', SRC 148.380(a). The apartment buildings along the west line of the site will be limited to two stories and not to exceed 35' height, which is the height limit of the adjacent RS zone.

The concept site plan demonstrates a coordinated residential-office development that integrates the two uses to make efficient use of the site. The CO zone will create a location for additional professional services and office-based businesses, and creates the potential for live-work opportunities on this property. The change to CO will be consistent with the neighborhood considering the extent of the property's frontage along the arterial, which is approximately 808'; and the adjacent office property to the south. The proposal is similar to the land use pattern in the southeast quarter of the Skyline-Kuebler intersection, where extensive CO zoning extends along the arterial frontage, and is bordered by residential neighborhoods in the RM2 and RS zones.

CRITERIA

Comprehensive Plan Amendment for the Office Use

The entire subject property is currently designated *MultiFamily Residential* on the Comprehensive Plan Map. In order to allow the proposed CO zone, a Plan Map Amendment to *Commercial* is proposed for the half the property, bordering the arterial frontage. 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 (1)(A) and (B):

(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 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 a combined and coordinated office-residential development on a site totaling approximately eight acres. The size of the site allows for approx. 44,000 s.f. of office space in a variety of individual building sizes, and a moderate multifamily housing density. This combination creates the opportunity for on-site living and working. The location of the site along the Skyline Road arterial frontage, in between the two major intersections of Liberty Road and Kuebler Blvd., is appropriate for its similarity to and compatibility with the existing land use pattern. The proposed CO zone, and office uses, are already present along this section of Skyline Road.

The vicinity for alternative sites can be described as the City Limits on the south and west, Lone Oak Road on the east, and Browning Avenue on the north. This area encompasses several neighborhoods, is heavily developed at an urban density, and is densely populated. CO zoning requires a location along a street classified as an arterial or a collector, and the defined vicinity includes several arterials, and Browning Avenue and Lone Oak Road are both classified as Collectors.

Within the described vicinity there is one undeveloped site along an arterial or a collector that is appropriately designated for the office uses. That site is a property of 4.24 acres located in between Kuebler Rd. and Country Dr., west of Croisan Scenic Way; map 8-3W-17AA Tax Lot 500. The site is designated *Commercial* and zoned CO. The property is owned by Country Mutual Insurance Co, which also owns and occupies the developed office property immediately across Country Dr. to the south (Tax Lot 700). Based on this ownership it must be assumed that the property is held for future use by the insurance company, and it is not an alternative site for the proposed mix of uses, based on its location.

There are other undeveloped lands within the vicinity area, mainly at the southern and western edges of the vicinity area, which are zoned RA. The RA zone does not provide for multifamily housing or for office uses.

Because there are no appropriately designated alternative sites for the proposed use within the vicinity of similar size, and because there are no appropriately designated alternative sites for the proposed use based on their location, the proposal satisfies this criterion.

(3) *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 the Neighborhood Association, to property owners within the notice area, 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 under the applicable goals and policies of the Plan, and criteria for a Comp Plan Change and a Zone Change. 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.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The property is in a fully developed part of the city. The site is currently designated for multi-

family residential use. It is proposed for a combination of multi-family residential and office uses. Neither use creates significant impacts to air quality. The major impact to air quality in the vicinity is vehicle traffic along the nearby arterial streets. The volume of traffic from the proposed use will be a small part of the overall traffic in this highly developed area.

City sewer and water services are available to the property. There will be no withdrawals of groundwater, or discharges of waste water into the ground. Wastewater from development will be collected in City treatment facilities, which are required to meet the applicable standards for environmental quality. Storm water runoff will be collected and removed by the City storm drains. Through the use of these public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

There are no identified constraints due to factors of air, water or land resources quality that would prevent the proposed use of the site. Based on the type of use, the location,

and the surrounding land uses, the proposal will have no significant impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No significant natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

GOAL 9 - ECONOMIC DEVELOPMENT

The proposed combination of multi-family residential and office uses will have a positive effect on the economy by renewing the use of the property, by providing an additional location for small office-based businesses and services, and by creating a unique live-work opportunity. These factors help to improve the economy of the city and the region.

GOAL 10 - HOUSING

The site is currently designated for multi-family housing at a density of 8-14 units/acre. The site

is currently vacant. The proposal reduces the residential acreage but increases the allowed density to 12-28 units/acre, thereby preserving the potential housing density. There are a variety of housing opportunities present in the neighborhood, including single family homes, duplexes, multi-family apartments, and senior living/adult care housing. The housing component of the proposal is consistent with the type and density of housing that is present in the neighborhood. Preserving the potential density of multifamily residential units means there is no decrease in the potential number of housing units that could be established on the property, which maintains housing opportunities.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

As described in the Pre-Application Summary report, all necessary public facilities and services are available and can provided to this property at levels that are adequate for the proposed uses, including sewer, storm drainage, and water services.

GOAL 12 - TRANSPORTATION

The parcel fronts on Skyline Road, classified as a Major Arterial by the STSP. Skyline Road is the access to the property. The concept site plan shows two driveways to Skyline. The number and location of allowed access points will be determined by the City at the time a development site plan is submitted for approval.

A TPR analysis for this proposal has been prepared by Associate Transportation Engineering & Planning, Inc, (ATEP), Richard Woelk, P.E., Transportation Engineer. This report is included as a part of the application. The TPR report estimates the average daily traffic that would be generated by the proposed office uses, which is the subject of the Comp Plan Amendment. The report analyzes the traffic impact for the a.m. and p.m. peak hours. The TPR analysis establishes a "trip cap" for the office uses that results in no significant adverse effect on the transportation system. No permanent off-site improvements are required for the project to meet the requirements of the TPR.

Public transit service is available along Salem-Keizer Transit Route 8 (Liberty Road South), which travels on Skyline Road between Liberty and Kuebler, along the property frontage.

Skyline Road is not currently improved to arterial standards. The City has an improvement project for Skyline scheduled for construction in 2015, which will include sidewalks and bike lanes. Currently, bike lanes and sidewalks are located along Liberty Rd. to the north and Kuebler Blvd. to the south. When the Skyline Road improvement is completed, all transportation options including pedestrian, bicycle, and transit modes will be available.

No new streets are needed to serve the site as a result of the proposal. No transportation facilities or intersections will be adversely affected by the proposal. The proposed change in the land use designation will not cause a change in the functional classification

of any street, and it will not cause an operating standard at an intersection to fall to an unacceptable level.

Because the site will be accessible by a variety of transportation alternatives, and the proposed use will not have a significant adverse impact on the transportation system, the requirements of this Goal and the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

The property is located within a developed part of the city. The transportation system serving the property makes access to it direct, efficient and convenient. Its location along the major street through the neighborhood helps to minimize the vehicle miles traveled to obtain the services to be offered by future office uses, which conserves energy. The site is near other commercial services along Liberty and Kuebler, which minimizes travel distances for future residents of the property. Access will also be convenient for pedestrians and bicycles. New construction will be built to current energy efficiency codes. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

GOAL 14 - URBANIZATION

The site is within the city. All necessary public services are available to the site. The proposed uses will contribute to the efficient use of a site along an arterial street. This will help to maintain 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.

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

The "greater area" in this case consists of the Skyline Road corridor between Liberty Road S and Kuebler Blvd., including the commercial centers around the Skyline-Liberty and Skyline-Kuebler intersections. This is the greater area because of the similarity in the types and pattern of land uses to those proposed for the subject property, and because of the distinct boundaries created by the two major intersections and the land use pattern around them. As shown on the Plan map, the land use pattern of this area consists of a mix of commercial and residential land uses along the Skyline Road frontage bordered by residential lands in the interior neighborhoods, and larger-scale commercial retail and office centers around the two intersections. The variety of land uses on lands bordering the arterial, and their proximity to one another, results in a "mixed-use" character along Skyline between Liberty Road and Kuebler Blvd. The land use pattern is represented by Comprehensive Plan map designations that include *Commercial, Multifamily Residential, and Single-family Residential.*

The proposed Plan change to *Commercial* is logical with the land use pattern because it borders the arterial frontage, and it is adjacent to the existing CO zone to the south. The proposed office uses are the same type of use as those that already exist in this area. Existing uses along the Skyline frontage include offices zoned CO, multifamily residential zoned RM2, and single family residential zoned RS. The west side of Skyline is occupied entirely by lands designated *Commercial* and *Multifamily Residential* on the Plan map. It is logical to continue this pattern

along the arterial frontage.

The proposed change to *Commercial* is harmonious with the land use pattern because the office area will be along the arterial frontage, and adjacent to the existing office property. The residential area will remain in the interior of the property, which is already designated *Multifamily Residential*. There will be no change in that Comp Plan designation. No vehicular access is planned between the subject property and the single-family residential neighborhood to the west, which also makes the proposal harmonious with the adjacent residential land use pattern.

Because the subject site is located along the frontage of the major arterial, borders office uses to the south and multifamily residential to the north, proposes the same types of uses as those that already exist in the area, does not change the Plan designation in the interior of the property, and therefore maintains the pattern and relationship between land uses as currently exists in the area, the proposed change is logical and harmonious with the land use pattern for the greater area as shown on the Plan map. The proposed change to *Commercial* will also be harmonious with the land use pattern because it is along a transit route, and it will not significantly affect the transportation system. For these reasons the proposed change to *Commercial* is logical and harmonious with the land use pattern for the greater area as shown on the Plan map, and this criterion is satisfied.

(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

1. 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 subject site's current Comp Plan Map designation indicates the proposed use of the entire property for multi-family residential. In this proposal, part of the property will remain designated for that use, and part is proposed to change to allow office use. Office use along the arterial frontage is consistent with the existing land use pattern in the area. The result of the proposal will be to create a consistent and appropriate pattern of land use along the arterial frontage. The proposal is consistent with the stated intent of the Plan to provide maximum flexibility, and to recognize that land use and zoning are expected to change over time. The reasons, factors, and circumstances that form the basis for this proposal are consistent with the Plan's methodology for determining the appropriate use of land within the urban area.

II.A.3. Plan Map Designations

A portion of the site is proposed to be designated *Commercial*. The intent of the *Commercial* designation is described in part II.A.3.b. This designation provides for "Commercial Offices" which "accommodates office space and non-retail services". This designation is implemented by the CO zone. The proposal is consistent with the intent of this designation.

IV. Salem Urban Area Goals and Policies

B. General Development

Goal: *To insure that land use decisions are consistent with the State Land Use Goals.*

The relationship of the proposed Comp Plan Change to the State Land Use Goals has been described earlier in this report. Based on the description provided, the proposal satisfies the applicable Goals.

Policies:

6. *Carrying Capacity*: Any new development 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. As described in the Public Works Dept. comments, all necessary public services are available at adequate levels to serve the proposed uses.

7. *Optimal Use of the Land:* The subject property is proposed to be developed for a combination of office and multifamily residential uses. The scale and density of the proposed commercial use is consistent with the existing uses in the surrounding area. The proposal will make efficient use of the site, within the constraints imposed by the dimensions of the lot and the applicable development standards such as preservation of significant Oregon White Oak trees. The site has no topographic features or watercourses that impose obstacles or constraints to the proposed use. The type and scale of the intended structures is typical of the development pattern in the area, and the proposed density is appropriate for the types of uses proposed. These factors serve to optimize the use of land at this location.

10. *Street Improvements:* The relationship of the proposal to the access street has been reviewed by Public Works and in the TPR report. Skyline does not currently meet arterial standards, but the City has scheduled a project to improve the street. The project is to be constructed in 2015, at which time the street will meet the standards for a major arterial.

12. *Development compatibility:* The land use regulations that apply to this proposal include those for setbacks, screening, landscaping, building height, parking, etc., as detailed in the applicable zone code sections. As noted the residential component of the proposal is established by the existing *Multifamily Residential* Comp Plan designation. The orientation of the residential structures and the limitations on their height and setbacks are intended to maintain compatibility with the surrounding uses. The compatibility of the proposed development will be further determined at the time of Site Plan Review and Development Design Review.

14. *Screening of Storage:* Office uses typically do not involve outdoor storage of materials or merchandise.

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 will provide for general-purpose office uses along a major arterial corridor in south Salem. Office uses at this location can provide services for the surrounding community, as well as provide local employment opportunities. By providing for office-based services in proximity to surrounding residential neighborhoods the proposal will help to maintain and promote commercial services in the southern part of the urban area, which is consistent with the Goal of maintaining and promoting commercial services in the urban area.

Policies:

2. *Development of Shopping and Service Facilities:* A development plan will be submitted at the time development is proposed. The information included in this policy is required by the Site Plan Review process. No development can occur until Site Plan Review is complete and approved. In this manner, all of the required information will be provided prior to development, in keeping with this policy.

3. *Redevelopment:* The site is not an existing shopping or service facility and this policy does not apply.

5. *Neighborhood and Community Shopping and Service Facilities:* The office component of the proposal can be expected to serve both the immediate neighborhood as well as an area composed

of several neighborhoods, and therefore constitute a "neighborhood and community" service facility. The site is located along a major arterial. The existing development pattern along the arterial includes commercial office and residential uses. The proposed office development will front on the arterial, and it is adjacent to an existing office development to the south. The development design creates an office cluster on the subject property, and does not result in "strip development" along the arterial frontage. The office cluster will be served by one driveway to the arterial. All parking and service areas required for the offices will be provided within the part of the site that is designated for office uses. No vehicular access is planned to Jennifer Court, which serves the bordering residential area to the west. Based on these factors, the proposal is consistent with the directives of this policy.

6. *Commercial Office Uses:* This policy requires office uses to have convenient access to collector and arterial streets. The site has frontage on Skyline Road, a Major Arterial, which is the access to the site. The proposal satisfies this requirement.

8. *Buffer strips:* The office area borders two residential lots to the west. The buffer yard standards of Chapter 132 will provide for the appropriate levels of setbacks, screening and landscaping between the office uses and the residential uses on adjoining lands, as required by this policy.

Considering the relationship of the proposal to the existing development pattern in the area, the location of the proposed commercial office area along the arterial frontage, and the limited extent of the border between office and existing residential uses to the west, the proposal conforms to the Commercial Development Goal and Policies.

The residential part of the property is already designated *Multifamily Residential,* and that part of the proposal does not involve a change to the Comp Plan designation. However, 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 entire site is currently designated for multifamily housing, and zoned RM1. The site is vacant and currently provides no housing opportunities. The RM1 zone density standards would allow for up to 109 housing units on this 7.82 acre site. Half of the property is proposed to be redesignated to provide for office uses, leaving half (3.91 acres) in the current *Multifamily Residential* Plan designation. To accommodate the decrease in residential acreage, the remaining residential acreage is proposed to be rezoned to RM2. The RM2 zone density standards would allow for 109 housing units on the 3.91 acres. In order to preserve the significant Oregon White Oak trees on the property, as required, 88 multifamily units are proposed. In addition, there is an extensive variety of single- and multi-family housing available in this area, which includes duplexes, apartment complexes, and senior care residences. As a result, there is a wide variety of existing housing opportunities in this area.

The proposal to increase the allowable density on half of the site is consistent with sub-a., which encourages the efficient use of developable residential land. Increasing the density also maximizes the efficient use of the available public services, as directed in sub-c. In addition, the number of housing units proposed is consistent with the Salem-Keizer Housing Needs Analysis 2012-2032, which shows a deficit of multifamily housing within the city of Salem.

By providing for the proposed number of allowable multifamily residential units on the property the opportunities for housing in this area will be maintained, and the proposal satisfies this Goal.

The proposed change in density is consistent with Residential Development Policy 1. because there are no obstacles to development presented by the site, the necessary public services are available to serve development at the proposed density, the site is in close proximity to services including shopping, employment, and schools, and the density is consistent with existing development in the neighborhood. The proposal is consistent with Policy 3. because it represents efficient infill of a vacant site in an otherwise fully developed neighborhood. The proposal is consistent with Policy 6. because the site is adjacent to a transportation corridor that includes transit, and it is close to facilities including employment centers, shopping, and schools. The

scheduled Skyline Road project will improve the opportunities for pedestrian and bicycle access between the site

and those facilities. Those factors also address Policy 7, and in addition, there will be no access for vehicular traffic between the subject property and bordering residential property.

With regards to Policy 8., office uses are generally regarded as compatible with residential areas, as evidenced by the relationship between office and residential uses throughout this area, and office uses do not represent a "more intensive" land use activity abutting the residential area of this site. With regards to Policy 9., the proposed development pattern combining RM2 and CO zoning represents an alternative housing pattern which can help to decrease vehicle usage, increase the efficient use of public services, and reduce development costs. The proposal is consistent with Policy 10. because the residential part of the site is already appropriately designated on the Comp Plan map, adequate public services are available, the site's physical characteristics can support the proposed density, and the proposal satisfies Policy 7.

For the reasons and factors cited, the proposal satisfies the Residential Development Goal and Policies.

(6) *The proposed change benefits the public:*

The proposed change to *Commercial* will allow for the appropriate and productive use of a vacant property that is located along the major arterial frontage. The proposed office use is the same type of use that is present along the street frontage in the vicinity, and will therefore be consistent with the existing land use pattern. Office uses will be compatible with the residential uses located in the interior of the site. Future office uses of the site can provide services to the immediate neighborhood as well as to the surrounding community, and can also provide employment opportunities for area residents. The site is along a transit route and is in close proximity to other type of commercial and public facilities and services. The land use and transportation pattern in this area make the site an appropriate location for office uses. The combination of office and multi-family

residential represents an alternative housing pattern that can provide live-work opportunities at this location.

The CO zone implements the *Commercial* Plan designation, and the purpose of the CO zone is specific, and limited, to provide for office use. It does not permit retail commercial uses, or services such as free-standing restaurants, auto related businesses, etc. Because the uses in the CO zone are almost entirely restricted to office activities, the zone serves a special purpose with regards to its relationship to the surrounding residential neighborhood. Office activities are fully-enclosed, non-intrusive, low-intensity, and generally weekday businesses. There is little direct impact on adjacent residential areas such as may occur from retail-type activity, such as noise, lighting, outdoor storage of materials, heavy vehicles, etc.

Although the residential part of the proposal does not require a Plan change, and therefore is not subject to these criteria, it is worth noting that the Salem-Keizer Housing Needs Analysis 2012-2032 projects a deficit of 3,283 multifamily housing units, and a deficit of 228 gross acres of residential land, within the city of Salem during the study period. The proposal benefits the public by maintaining the capability for an appropriate number of multifamily units on the site. Providing adequate housing to serve the needs of the residents of the city is in the public interest.

By providing for a combination of uses that is consistent with the existing land use pattern, which is compatible with development on surrounding lands, and which makes efficient use of vacant, serviced land, the proposed change benefits the public.

Based on the conditions, circumstances, and reasons provided, the proposed change in the Comp Plan map designation to *Commercial* is consistent with the policy requirements, guidelines, and directives of the Comp Plan.

Sunnyslope Neighborhood Plan Change

The subject property is located within the Sunnyslope Neighborhood Association area. The Sunnyslope Neighborhood has a Neighborhood Plan that was adopted in March, 1979, and revised in 1983. It was adopted by the City Council in August, 1983.

The Sunnyslope Plan includes a Land Use Plan Map. This map is very generalized and not specific to property lines, but appears to designate the property frontage as Multi- Family. That designation is consistent with the SACP map. Therefore, the application includes a request to amend the Sunnyslope Land Use Plan Map for the portion of the property to be designated "Commercial Office".

The Sunnyslope Plan presents Intent Statements for its various land use categories. For Commercial Office, *The intent is to provide locations for commercial offices at sites adjoining major streets, transit service, and other commercial establishments that reduce the need for vehicular traffic in the neighborhood.* The proposal is consistent with this Intent statement, as the site is along a major street, it is along a transit route, and it adjoins another office facility to the south. The site has direct access to the arterial, and there will be no vehicular connection to the adjacent residential neighborhood.

The Plan's Land Use Goals are:

1. *To preserve the residential character and environmental quality of the present neighborhood.* The proposal combines residential and office uses. The proposed office area does not intrude on the residential character of the neighborhood. It is located along the arterial street frontage, and it is adjacent to an existing office facility. The residential use will occupy the interior of the site, adjacent to the residential area to the west and north. The environmental quality of the neighborhood was improved by the removal and remediation of the former auto wrecking yard on this site. By providing the same types of uses that are currently present, the current character of the neighborhood will be preserved.

2. *To encourage future development which will be consistent with the existing residential character of the neighborhood and which will enhance the social, economic and environmental*

quality of the overall planning area. The property is located along the west side of the Skyline frontage, which is occupied by multifamily and office uses. The proposed development is consistent with this existing land use pattern. The commercial office development is oriented to the arterial. It will not intrude on or affect the overall residential character of the interior neighborhoods. The office development will provide economic activity, and employment, in the neighborhood. That will improve the social and economic quality of the overall planning area. New development will be subject to Site Plan Review, and will be subject to development standards, which will enhance the environmental quality of the planning area.

Overall Policy 3. Neighborhood Character, is *The predominantly single-family residential character of the neighborhood shall be maintained. The immediate shopping needs of Sunnyslope residents should be provided for in designated locations.* The site is currently designated for multifamily residential, not single-family residential. The proposal does not change the overall single family residential character of the neighborhood. The site will provide for office-based services in the neighborhood, and it will not affect the location of shopping in the neighborhood.

Overall Policy 4. Major Intersections, directs multifamily units and office complexes to major intersections to provide exposure, and to reduce the amount of traffic through the neighborhood. The office site is close to the Skyline-Kuebler intersection, and adjacent to an office facility that is at the intersection. There will be no vehicular access between the site and the residential neighborhood to the west, and the proposed use will not affect the amount of traffic through the neighborhood.

Multifamily Policy 9. suggests the multifamily dwelling density should vary from seven units per acre in difficult terrain to fifteen units per acre along arterials or at major intersections. However, these density suggestions date from 1983, which pre-dates the guidelines and standards for residential density currently found in the SACP and the Zone Code. They also pre-date the SMFRLS process, which was conducted to assure there would be an adequate amount of multifamily housing in the city. As a result, these density suggestions are inconsistent with

current Plan provisions for efficient use and infill on serviced urban land, do not reflect current development standards, and do not adequately reflect the need to provide adequate levels of multifamily housing. The density suggestions are out of date and this proposal must be viewed in relation to current Comp Plan density policies and Zone Code development standards.

Multifamily Policy 10. directs multifamily housing to locate in concentrations along arterials or collectors and within one-fourth mile of a bus route. The subject site fulfills those recommendations. The site already designated for multifamily housing, it is along an arterial, and there is a transit route along the frontage.

Multifamily Policy 11. recommends the principal access to multifamily development be along arterial and collector streets. The site has frontage and access on Skyline Road, a Major Arterial, which satisfies this recommendation.

Commercial Office Policy 19. states, *Commercial office developments shall be located in concentrated locations on arterials and collectors and will be encouraged to locate adjacent to neighborhood shopping centers and major intersections.* The proposed office development is on an arterial, and is adjacent to an existing office to the south, which is adjacent to the major intersection. Major office development is located on the south side of the intersection. Taken together, the office development around the intersection forms a concentrated located based on the arterial and the major intersection.

Commercial Office Policy 20. states, *Commercial office developments should be designed to provide ready access by neighborhood residents for professional services. Location of these shall take advantage of transit routes.* The proposed office development is located on Skyline Road, a major street route through the neighborhood, which provides convenient access to all parts of the surrounding residential area. Skyline Road is also a transit route.

Considering its location on the arterial, available transit service, location adjacent to an existing office, proximity to a major intersection, and compatibility with the residential neighborhood, the

proposed office development conforms to the Goals and Policies of the Sunnyslope Neighborhood Plan.

Zone Change Criteria

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 land use pattern along the west side of the Skyline Road arterial frontage between Liberty Road and Kuebler is composed of multifamily residential and commercial office uses. The subject property is currently zoned RM1 for multifamily residential development. The proposal requests a change to CO for part of the property to allow office uses, and a change to RM2 for an increase in the allowed density on the remaining multifamily part, to maintain the current housing capability. The proposal would result in a combination of residential and office use on the site, which is a development concept that creates the opportunity for living and working at the same location. The proposal adapts the zones and land uses that are already present in the area to a change in the development pattern. Based on these considerations proposed zone changes are 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, and the neighborhood plan. The relationship of this proposal to the Comp Plan and the Neighborhood Plan has been addressed, and the proposal has been shown to conform to the applicable goals and policies. In addition, the zone change criteria are addressed, as follows:

(1) *The existence of a mistake in the compilation of any 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, and it is zoned RM1. The zone is consistent with the Plan designation. The current designations were applied through the City's SMFRLS process. A mistake in the map or in the application of the land use designation to the property is not claimed as a reason for this request, and this criterion is not applicable to the proposal.

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

Skyline Road is long established as a multi-use arterial corridor between its major intersections with Liberty Road S and Kuebler Blvd. Major concentrations of commercial activities are located around those intersections, and office uses are located along Skyline along with multiple types of residential uses. As the scale of the commercial activities increased, in particular the major office activities around the Kuebler intersection, residential development expanded and the residential population in the vicinity increased. The proposed uses are consistent with the existing uses and zone categories along this corridor. The zone changes to CO and to RM2 are consistent with the land use pattern that has developed in this area. The proposed combination of uses is consistent for the economic and demographic patterns of the neighborhood. Further, as the City's housing needs analysis points out, additional multi-family housing is needed in the community to accommodate the housing needs of the projected population. Maintaining the housing capability of the site in a compact form, with provisions to

maintain compatibility with adjacent residential uses, is consistent with meeting the projected housing requirement..

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

As discussed in (2), the conditions in the character of the neighborhood have continued to evolve as a result of the major office based activities that have located in this area. The Kaiser-Permanente medical offices, and Country Companies insurance offices, are both regional-level economic and employment centers. The Doctor's Clinic is another major medical services

provider at this location. These activities have changed the character of the neighborhood from an outlying residential district to one of the major business, service, and employment centers in south Salem. As a result, Skyline Road has changed from primarily serving the residential traffic, to a major commuter corridor for employees, clients and patients of these major businesses. The proposed residential and commercial zone changes are consistent and compatible with these changes to the types and patterns of activities that compose the character of the neighborhood.

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

Since the property is currently designated for multi-family housing, the effect of the proposal on the neighborhood will primarily be the establishment of an additional office location. CO zoning is appropriate for the arterial frontage, and access to it will be from the arterial. There will be no direct vehicular access to an interior, local residential street. Office uses in general have little impact on nearby residential neighborhoods. The property is already designated for multifamily residential use, and the allowed number of residential units will not increase as a result of the zone change. As shown by the TPR report, the traffic impact of the proposed uses will not cause an adverse impact on the transportation system. With provisions to maintain compatibility with adjacent residential uses, the proposal will be consistent with the existing character of the neighborhood.

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

The subject property is essentially flat and level, and it has no distinct topographic features. The major physical feature on the property is the presence of significant Oregon White Oak trees. The precise location of these significant trees has been identified by a property survey, which allows a development to be designed for their preservation. All required public facilities are available and can be made available to the property at adequate levels to serve the proposed uses. By accounting for the preservation of the significant trees on the site, the physical characteristics of the property are considered in 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.*

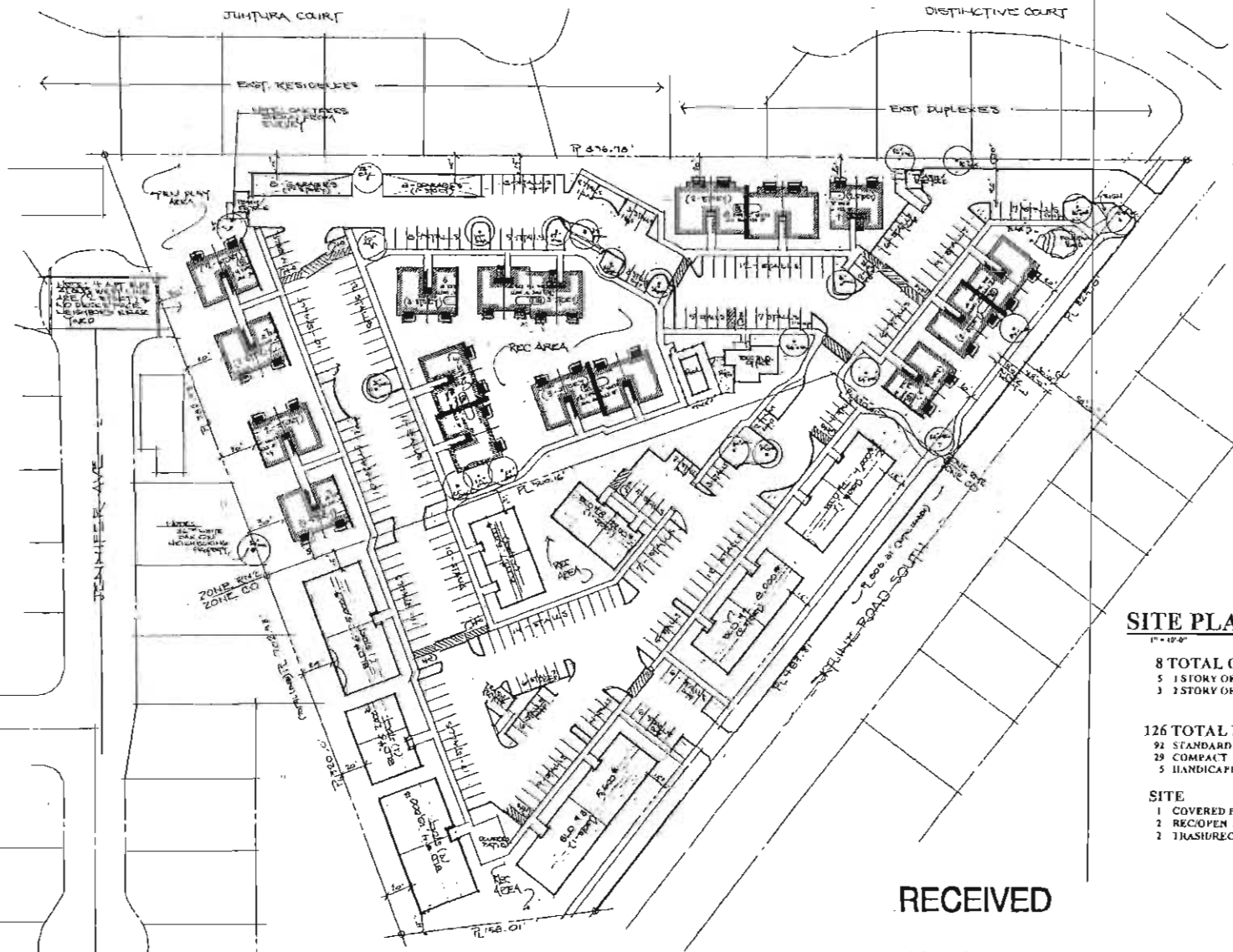
The TPR analysis shows the projected traffic impact from the proposed uses will not cause a significant impact on the street system. No new streets are required as a result of the proposed use. All required public facilities can be provided to the site at adequate levels to support the proposed uses. The significant trees have been identified and located for preservation. The proposed uses will not create smoke, dust, or odors. The concept site plan includes provisions for building placement, height limits, and setbacks that maintain compatibility with the adjacent residential uses. These factors provide for the public health, safety and general welfare that pertain to this proposal.

Summary

The proposed CO zone is appropriate for the location, the characteristics of the site, the existing land use pattern along the arterial frontage, and the transportation system. The proposal is consistent with the economic and demographic character of the neighborhood, and in keeping with the evolution of this neighborhood into a major center of business, employmen,t and services for the community and the region. The proposed CO zone will be consistent with the land uses and the land use pattern along the arterial frontage. Similarly, the proposed RM2 zone changes the development density, but not the use, allowed on the subject property. Based on the facts and evidence presented, and the conditions and circumstances that apply, the proposal addresses and satisfies the zone change criteria.

ATTACHMENT 4

ATTACHMENT 4



SITE PLAN

88 TOTAL APT UNITS
- 64 TYPE (A) 2 BED/2 BATH (923 sqft)
- 16 TYPE (B) 1 BED/1 BATH (725 sqft)
- 8 TYPE (C) 3 BED/2 BATH (1,156 sqft)

146 TOTAL PARKING STALLS
- 95 STANDARD STALLS
- 30 COMPACT
- 5 HANDICAPPED STALLS
- 16 GARAGES

SITE
- 1 REC BLD/MGR OFFICE
- 1 POOL
- 2 REC/PLAY AREAS
- 1 US MAIL BOX AREA
- 2 TRASH/RECYCLE

SITE PLAN

8 TOTAL OFFICE BLDS
- 5 1 STORY OFFICE BLDS 19,800 sqft
- 3 2 STORY OFFICE BLD 24,000 sqft
- TOTAL: 43,800 sqft

126 TOTAL PARKING STALLS
- 92 STANDARD STALLS
- 29 COMPACT
- 5 HANDICAPPED STALLS

SITE
- 1 COVERED PATIO
- 2 REC/OPEN SPACES
- 2 TRASH/RECYCLE

PROPOSED:
OFFICE/RESIDENTIAL PARK
SKYLINE ROAD
SALEM, OR

RECEIVED

APR 17 2013

COMMUNITY DEVELOPMENT

Associated Transportation Engineering and Planning, Inc

Skyline Road TPR/TIA

Traffic Impact Analysis

3/26/2013

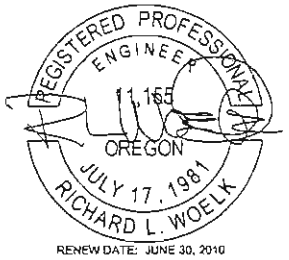
ATTACHMENT 5

Revised TPR Analysis

Skyline Road Zone Change

Salem, Oregon

Prepared for:
Oak Grove Land Company
Salem, OR



Prepared by:
Associated Transportation Engineering & Planning, Inc. (ATEP)
PO Box 3047
Salem, OR 97302

10-246 April 9, 2013

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APPENDIX

TRANSPORTATION ANALYSIS
SKYLINE ROAD ZONE CHANGE TPR

LOCATED IN
SALEM, OREGON

INTRODUCTION

The intent of this analysis is to address the traffic related criteria that may be associated with changing the comprehensive plan map designation of tax lots 5700, 5701, 5800 of tax map 8-3w-9cc in Salem, Oregon. The property is vacant. The properties are currently designated RM 1 in the Salem comprehensive plan map. The owners are requesting the City of Salem to change the comprehensive plan map designation to split the property with 50% RM 2 and 50 % CO

The tax lots are zoned RM 1 under the Salem, Revised Code (SRC Chapter 148.220). The functional classification of the surrounding traffic facilities was based on the anticipated impact of the property's residential use consistent with its Comprehensive Plan as described in the Salem Transportation System Plan. The amended Oregon land use law indicates that the Transportation Planning Rule (TPR) analysis is not required if a proposed rezoning is consistent with the existing comprehensive plan map designation, and the consistent with the acknowledged transportation system plan, then it can be approved without considering the effect on the transportation system. The intent of this analysis is to establish parameters so that the proposed land uses actions will not significantly affect a transportation facility. Under the amended TPR a change from RM-1 to RM-2 could be allowed without a review.

There are two methods to assure that there is minimal "significant affect" as a result of a comprehensive land use plan map change. The first method is to limit the amount of anticipated traffic from future allowed uses. The amount would be limited to the same or less than anticipated amounts of traffic from allowed uses under the existing comprehensive plan map designation, in this case, "RM-2." This analysis will determine the number of trips that could be generated from the site in the existing comprehensive plan map designation ("Multifamily).

The analysis will recommend that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal or less than currently could be generated by allowed uses. The trip generation will be measured as Average Daily Traffic (ADT) and as determined by the current ITE Trip Generation Manual for the existing and new uses.

Traffic generated on this site in the existing comprehensive plan map designation ("Multi Family Residential") is intended to be traffic from Multi-Family RM-2. Using the Institute of Transportation Engineer's, Trip Generation Manual (9th Edition), it is estimated the site could reasonably generate 739 Average Daily Trips (ADT) under the existing "RM-2" comprehensive plan map designation.

This establishes a reasonable limit to the number of trips (ADT) that can be generated by development under the proposed CO zone under the "Commercial Office" comprehensive plan designation. The intent is to develop a

trip cap for the site with uses that generate equal to or less traffic than the 739 trips per day (ADT) that could be generated under the existing allowed RM-2 zone in the "Multi-Family Residential" plan map designation.

This report was prepared using the latest land use and transportation data available from the City of Salem, (hereafter referred to as City).

REPORT METHODOLOGY

Morning and evening peak period turning movement traffic counts were conducted for this analysis on September 15, 2010 and were used as a basis for this report. These traffic counts indicated that the morning peak hour was between 7:00 to 8:00 a.m. and the evening peak hour was from 4:25 to 5:25 p.m. Upon review of these peak hour counts, the a.m. peak period was determined to be the most critical time in terms of traffic impacts at the intersections in the study area.

The operating characteristics at each of the key signalized and unsignalized intersections during the peak periods were examined using the methods outlined in the ***2000 Highway Capacity Manual*** utilizing the Traffix computer software. The operating characteristics examined included the average vehicle delay, volume to capacity (v/c) ratio, level of service, and estimated queue length.

The criteria used for the intersection analysis included the guidelines set forth by the City of Salem, 0.90 for signalized and Level of Service D for unsignalized intersections.

ASSUMPTIONS

Site Access Points

Access to the site will be from the intersection site driveways on Skyline Road. No access will be made to the surrounding neighborhood street system. See Figure # 1

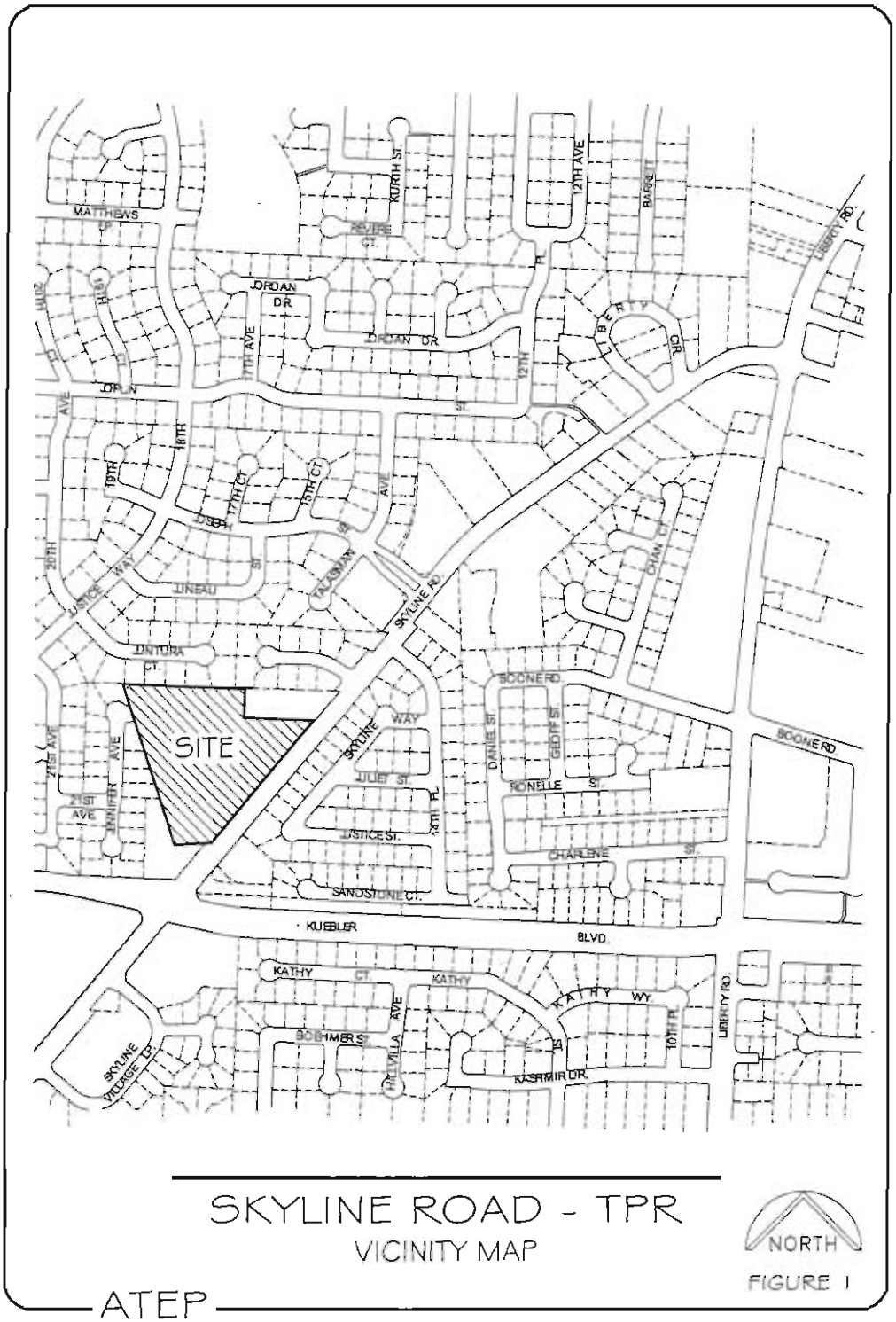


Figure 1 - Vicinity Map

INTERSECTION ANALYSIS ASSUMPTIONS

In order to analyze each intersection, there were certain common assumptions made. These assumptions, in general, are as follows:

1. Existing traffic signal timings were used where the intersection level of service determined was V/C ratio of 0.90 or better.
2. Peak hour factors used based on existing traffic counts were 0.9 to 0.97 for the p.m. peak and 0.81 to 0.90 for the a.m. peak.
3. Truck percentages used in the analysis were based on the truck counts performed during turning movement counts.
4. Each intersection operates as an isolated intersection.

INTERSECTION ANALYSIS PROCEDURE

The analysis of the key intersections included four different traffic scenarios for the a.m. and p.m. peak periods. These three scenarios include:

- Existing Conditions with the existing land use designations
- Year of opening 2014 conditions.

SUMMARY OF FINDINGS

Based on the analysis found later in this report, the following findings are made:

1. The maximum trip cap for the RM-2 was established at 739 trips per day. Based on this TPR assessment the CO zone should be limited to a total of 739 trips per day.

2. The Comprehensive Plan Change and Zone Change should be conditioned to limit the development to not exceed 90 apartment units and 50,000 sq ft of office.

3. The intersections in this study are currently functioning with levels of service within generally accepted standards with or without the proposed development.

4. Install a northbound left turn lane on Skyline Road at the new site entrance as a temporary until such time as the City of Salem Improvement is complete.

5. The development provide two separate exit lanes a right turn lane and a left turn lane at the main commercial driveway.

SCENARIO 1 – EXISTING TRAFFIC

EXISTING ROADWAYS

Skyline Road and Liberty Road are listed in the Salem Transportation Plan as a Major Arterial and Kuebler Blvd is listed as a Parkway in the vicinity of the site.

Skyline Road in the vicinity of the site is a rural two lane roadway with gravel shoulders and no sidewalks. Liberty Road is a 2 lane roadway with left turn pockets at all intersections and sidewalks on both sides of the street. Kuebler Blvd is a 2 lane parkway with limited access at major intersections only. Table 1 provides a summary of key transportation facilities within the site

Table 1 - Existing Roadway Characteristics

Street	Classification	Lanes	Posted Speed (mph)	Sidewalks	Bicycle Lanes	On-Street Parking
Skyline Road	Major Arterial	2	35	No	No	Yes
Liberty Road	Major Arterial	2	35	Yes	Yes	No
Kuebler Blvd	Parkway	2	45	No	Yes	No

PEAK HOUR TRAFFIC VOLUMES AND OPERATIONS

Morning and evening peak hour turning movement traffic counts were conducted at the key intersections for the preparation of this report. These counts indicate the morning peak hour to be 7:00 to 8:00 a.m. and the evening peak hour from 4:25 to 5:25 p.m. Upon review of these peak hour traffic counts, the p.m. peak period was determined to be the most critical time in terms of traffic impacts at the intersections in the study area.

LEVEL OF SERVICE

All level-of-service (LOS) analyses described in this report were performed in accordance with the procedures stated in the *2000 Highway Capacity Manual.* The appendix also indicates how level-of-service is measured and what is generally considered to be the acceptable range of level-of-service.

As stated previously the jurisdictional ownership of the study area roadways is the City of Salem which requires a V/C of 0.90 and a Level of Service (LOS) of D.

To ensure that this analysis was based on a worst-case scenario, the peak 15-minute flow rate during each of the

study periods was used in the evaluation of all intersection levels of service. For this reason, the analyses reflect conditions that are only likely to occur for 15 minutes out of each average peak hour. Traffic conditions during all other weekday time periods and throughout the weekend will likely operate under better conditions than described in this report.

In order to analyze the opening year of the development the 2010 volumes were increase 1.5 percent per year to 2014 to conform to the City of Salem Transportation plan.

Figures 2 and 3 illustrate trip distribution and the 2014 volumes at the study intersections during the weekday a.m. and p.m. peak hours. As Tables 2 and 3 show during the peak seasonal periods all intersections operate at acceptable levels of service and v/c ratios.

Table 2 - 2014 AM Peak Level of Service

Generated with PTV VISTRO
Version 1.10-00

ATEP
3/26/2013

Vistro File:
Report File: F:\...\2014 Existing AM Volumes.pdf

Scenario 1: 1: Base AM
3/26/2013

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Skyline at Kuebler Blvd	Signalized	HCM2010	NEBL	0.634	15.8	B
2	Liberty Road at Kuebler	Signalized	HCM2010	SBL	0.625	3.6	A
3	Liberty Road at Skyline Rd	Signalized	HCM2010	EBL	1.103	31.1	C
4	Site Driveway	Two-way stop	HCM2010	SEBL	0.000	15.9	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value; for all other control types, they are taken for the whole intersection.

Table 3 - 2014 PM Peak Level of Service

Generated with PTV VISTRO
Version 1.10-00

ATEP
3/26/2013

Vistro File:
Report File: F:\...\2014 Existing PM Volumes.pdf

Scenario 2: 2: Base PM
3/26/2013

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Skyline at Kuebler Blvd	Signalized	HCM2010	WBT	0.391	7.8	A
2	Liberty Road at Kuebler	Signalized	HCM2010	NBR	0.542	2.9	A
3	Liberty Road at Skyline Rd	Signalized	HCM2010	EBL	0.855	19.7	B
4	New Intersection	Two-way stop	HCM2010	SEBL	0.000	12.8	B

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value; for all other control types, they are taken for the whole intersection.

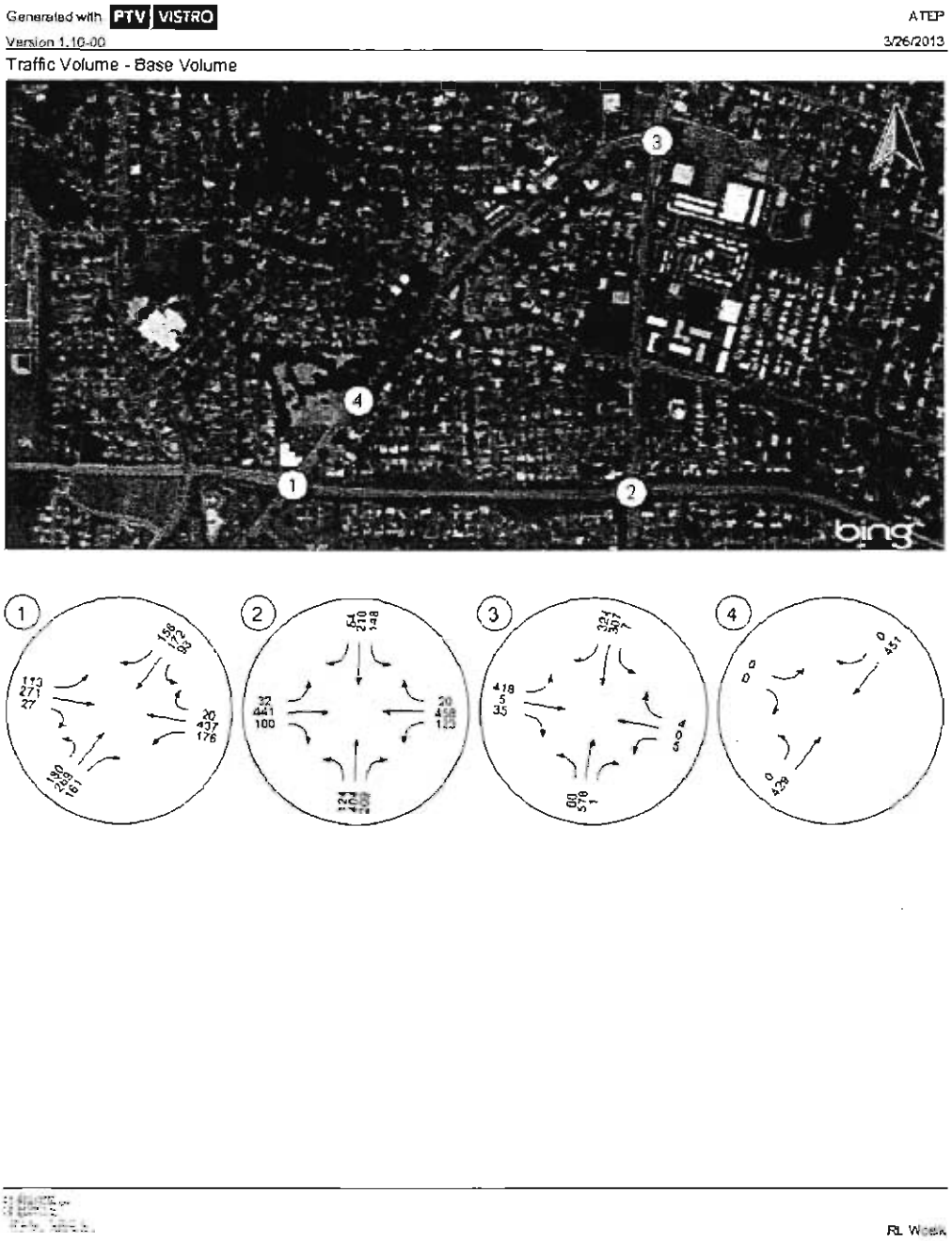


Figure 2 - 2014 AM Peak Hour Volumes

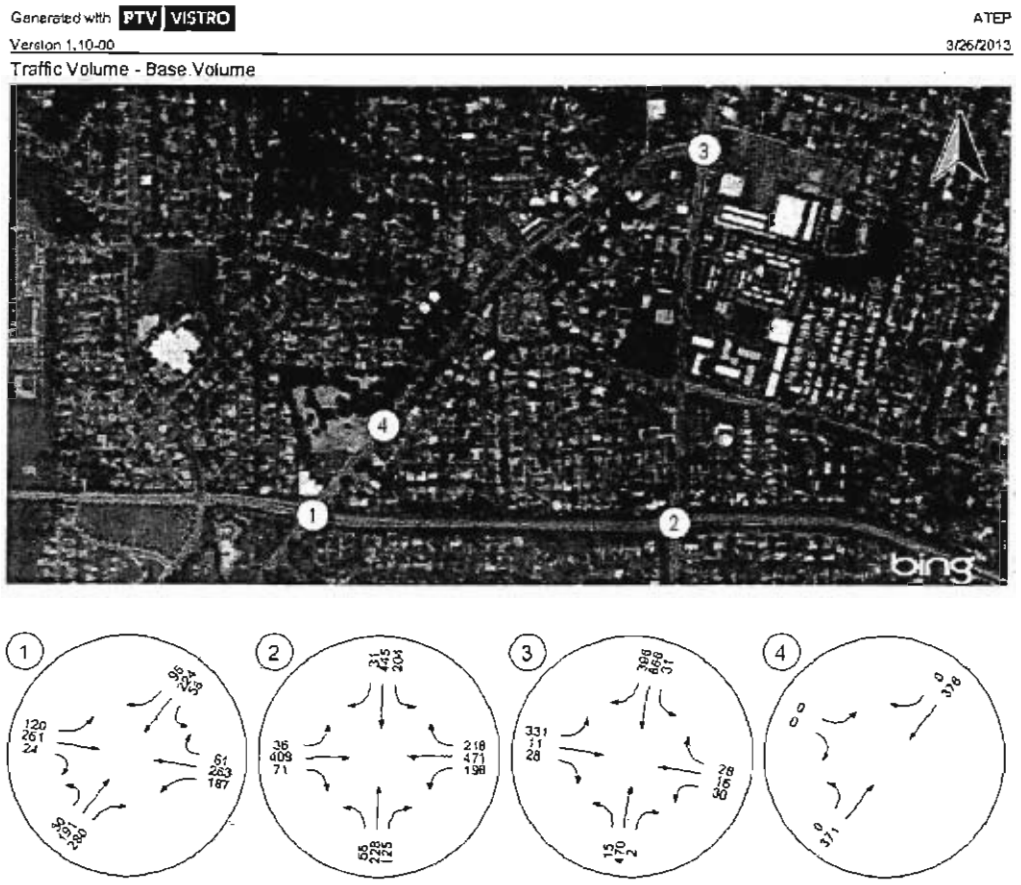


Figure 3 – 2014 PM Peak Hour Volumes

SCENARIO 2 – PROPOSED LAND USE TIA

Scenario two analyzes the impact of the proposed development that will have 90 apartment units and 50,000 sq ft of Commercial Office.

TRIP GENERATION

Estimates of total daily a.m. and p.m. peak hour driveway volumes for the existing uses were developed from empirical observations at many similar-sized facilities located throughout the United States. These empirical observations are summarized in a standard reference manual published by the Institute of Transportation Engineers (ITE) *Trip Generation, 9th Edition* and the procedures and data provided in the ITE *Trip Generation Handbook.*

Estimating the number of vehicle trip ends that will be generated by the proposed development is of prime importance in order to accurately assess the impacts of development on the road network.

Table 4 shows the expected number of vehicle trip ends to be generated by the development on a daily a.m. and p.m. peak hour basis. This is based on the mathematical regression equations developed based on trip generation rates at similar sites throughout the United States and found in Sections 220 (Apartments) and 710 (General Office) from the *Trip Generation Manual* (9th Edition).

For the purposes of this analysis, it is assumed that none of the home related person trips will be made by mass transit, assuming no transit ridership results in a worst-case scenario for traffic impacts to the street system.

The square footage developed for Table 4 are provided by the developers planning consultant.

Table 4 - Trip Generation RM-1 Zone

Allowed uses	ITE #	No. Units	AM Peak		Total Trips	PM Peak		Total Trips
			In	Out		In	Out	
Apartments	220	90	9	37	46	36	20	56
Office	710	50K	70	9	79	13	61	74

TRIP DISTRIBUTION

The distribution of generated trips onto the roadway system within the site area is based on the existing study area distributions. This distribution was determined by field observation and review of the existing traffic movements within the study area. See Figure 4

Figures 6 and 7 show the estimated site-generated traffic distributed to the surrounding road system. The site-generated traffic shown in Figures 6 and 7 were combined with the 2014 traffic volumes shown in Figures 2 and 3 to arrive at the total traffic for the existing use for the a.m. peak and the p.m. peak periods shown in Figures 8 and 9.

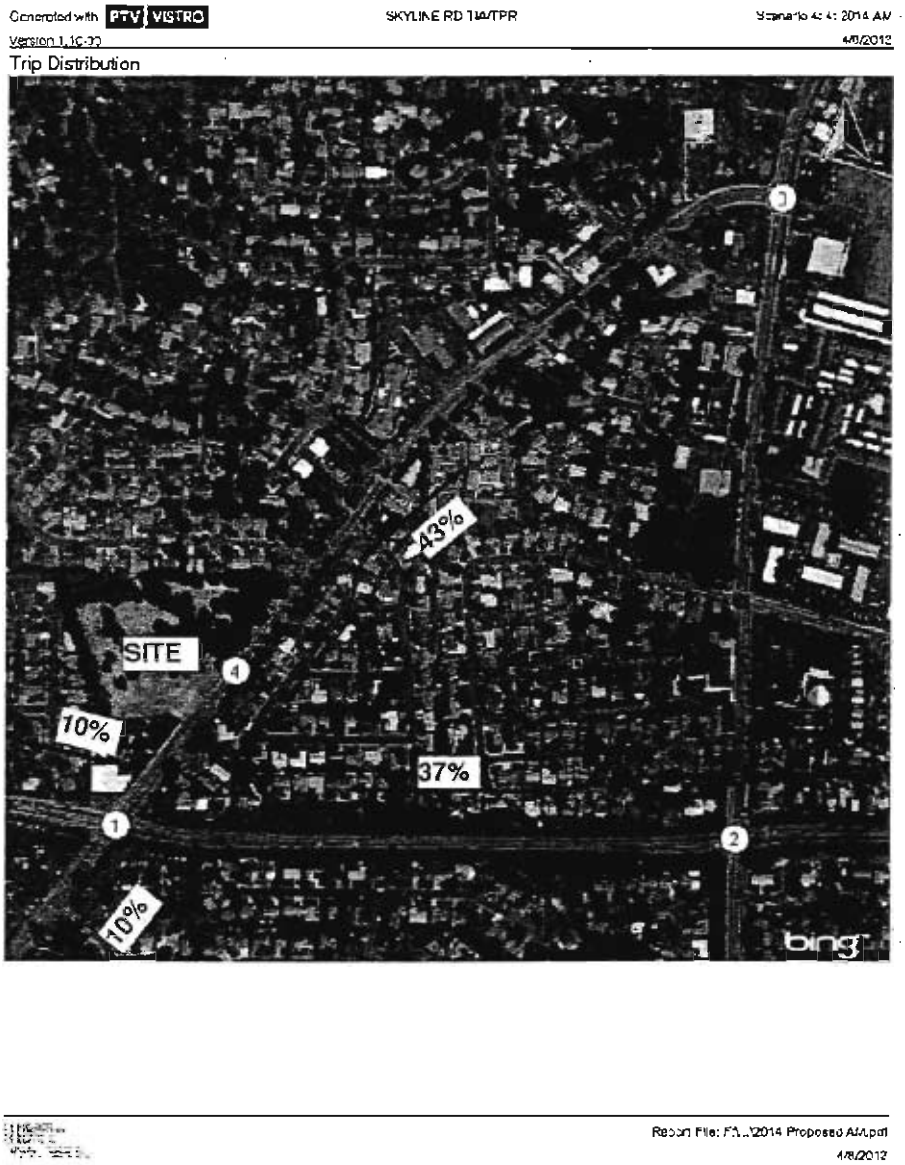


Figure 4 - Trip Distribution

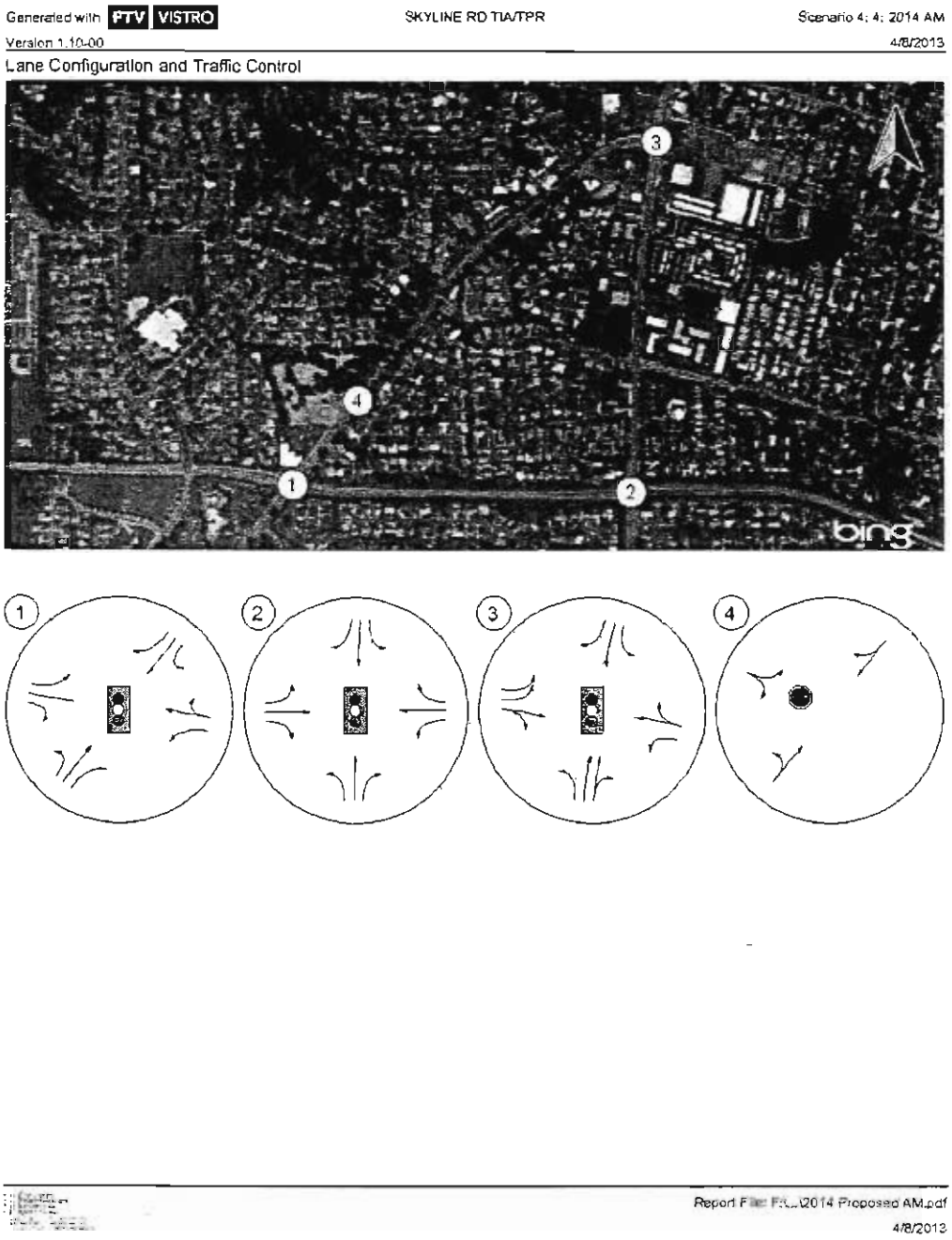


Figure 5 - Lane Configuration & Traffic Control

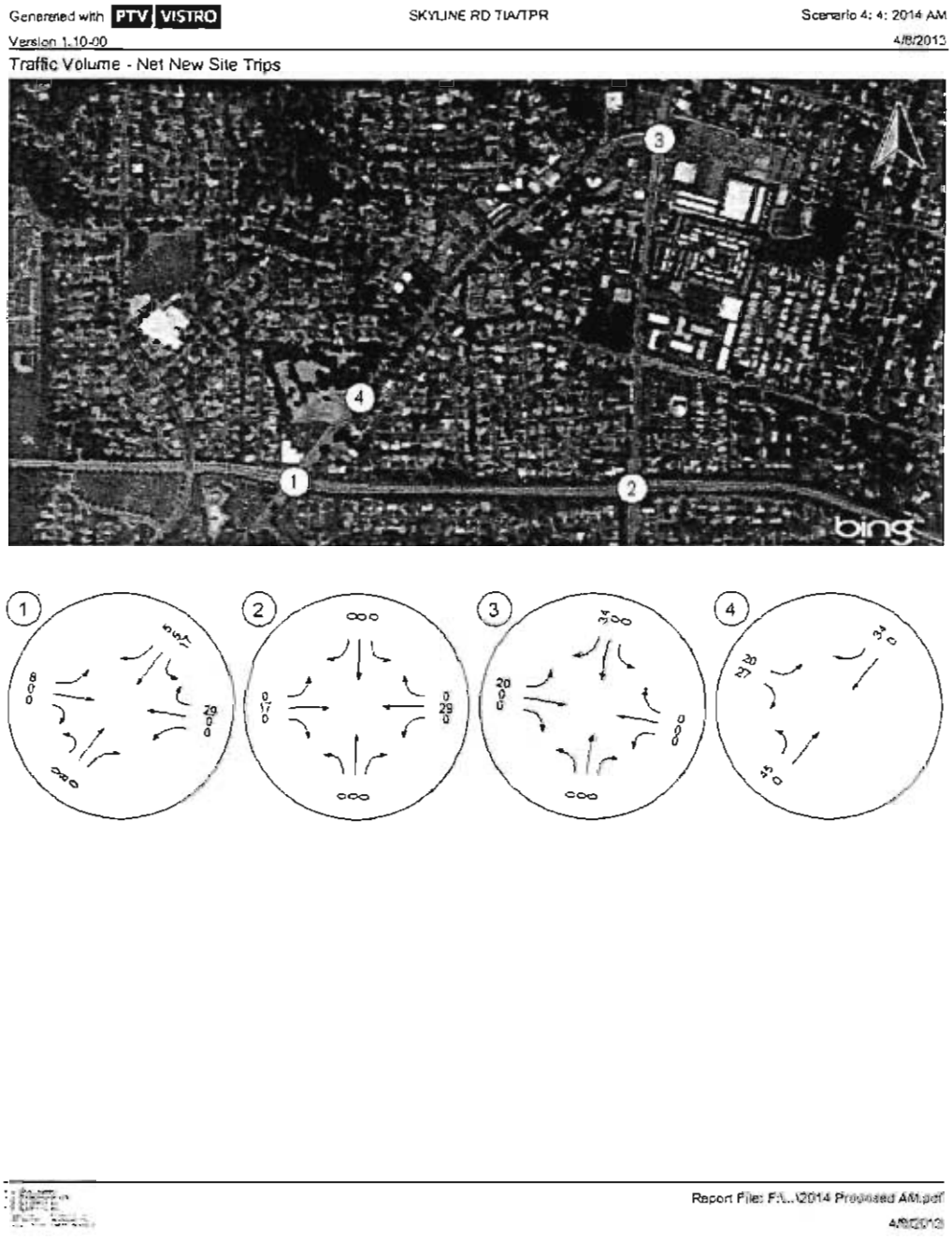


Figure 6 – Proposed Zone AM Site Generated Volumes

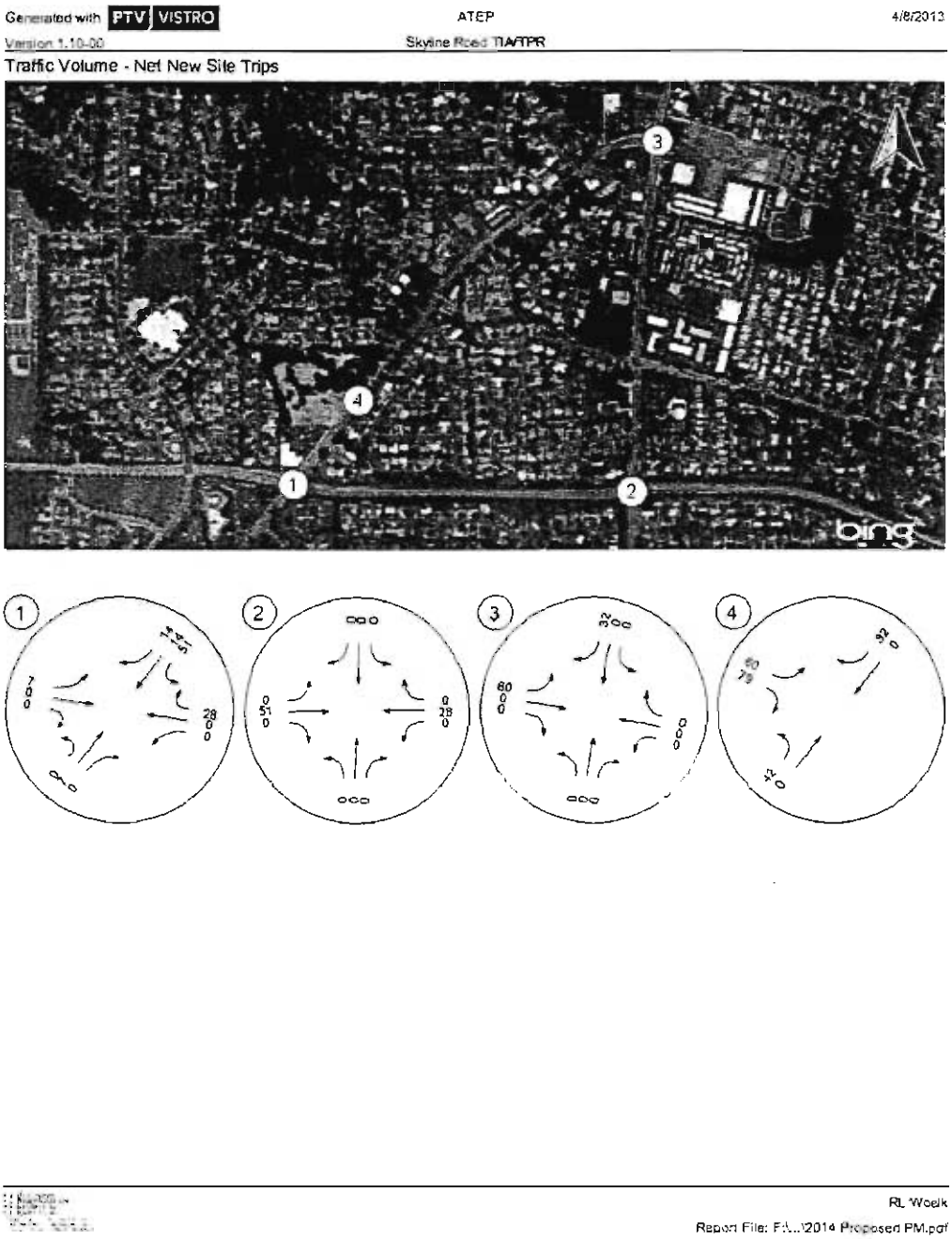


Figure 7 - Proposed Zone PM Site Generated Volumes

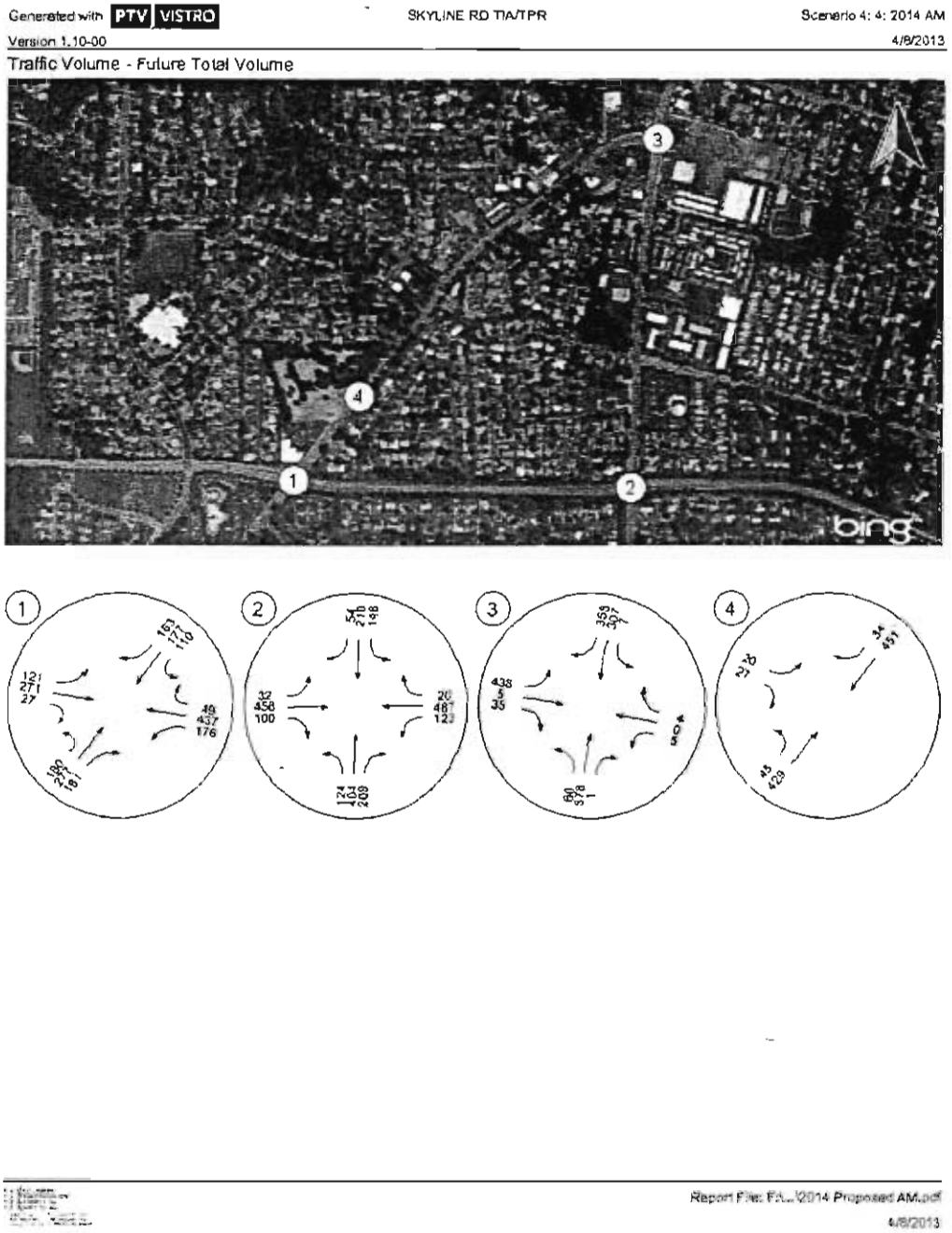


Figure 8 - 2014 Total AM Peak Hour Volumes

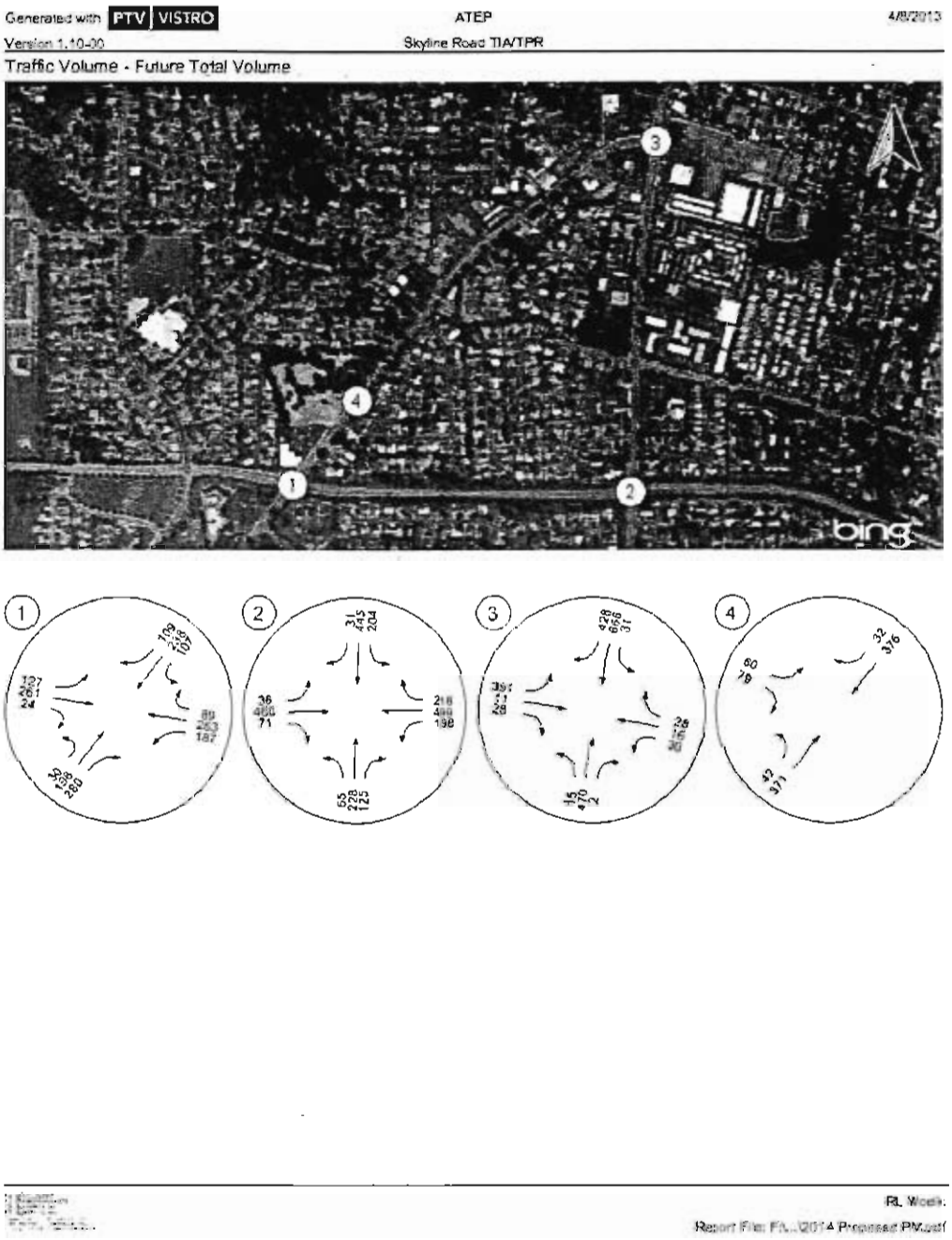


Figure 9 – 2014 Total PM Peak Hour Volumes

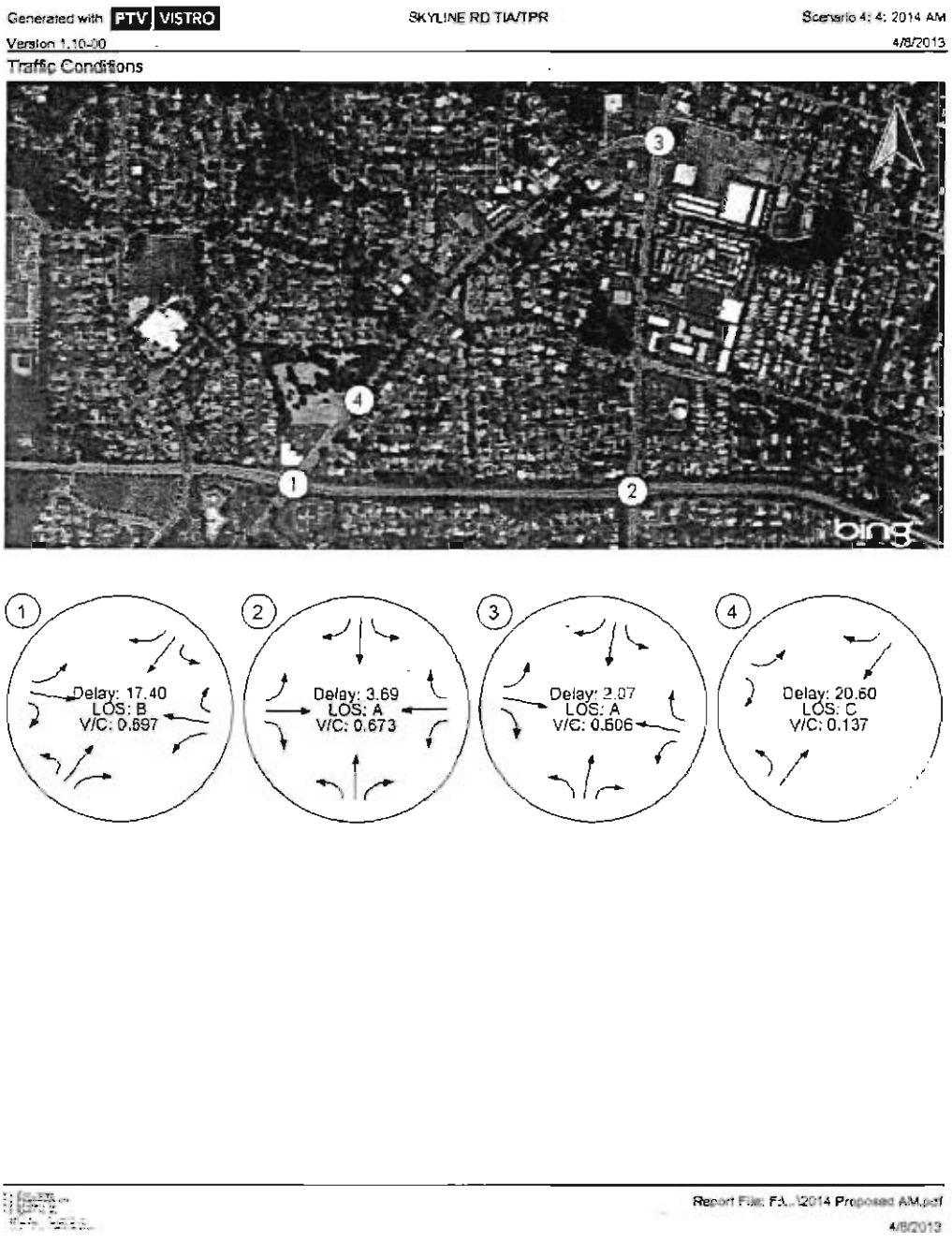


Figure 10 - Total AM Volumes Level of Service

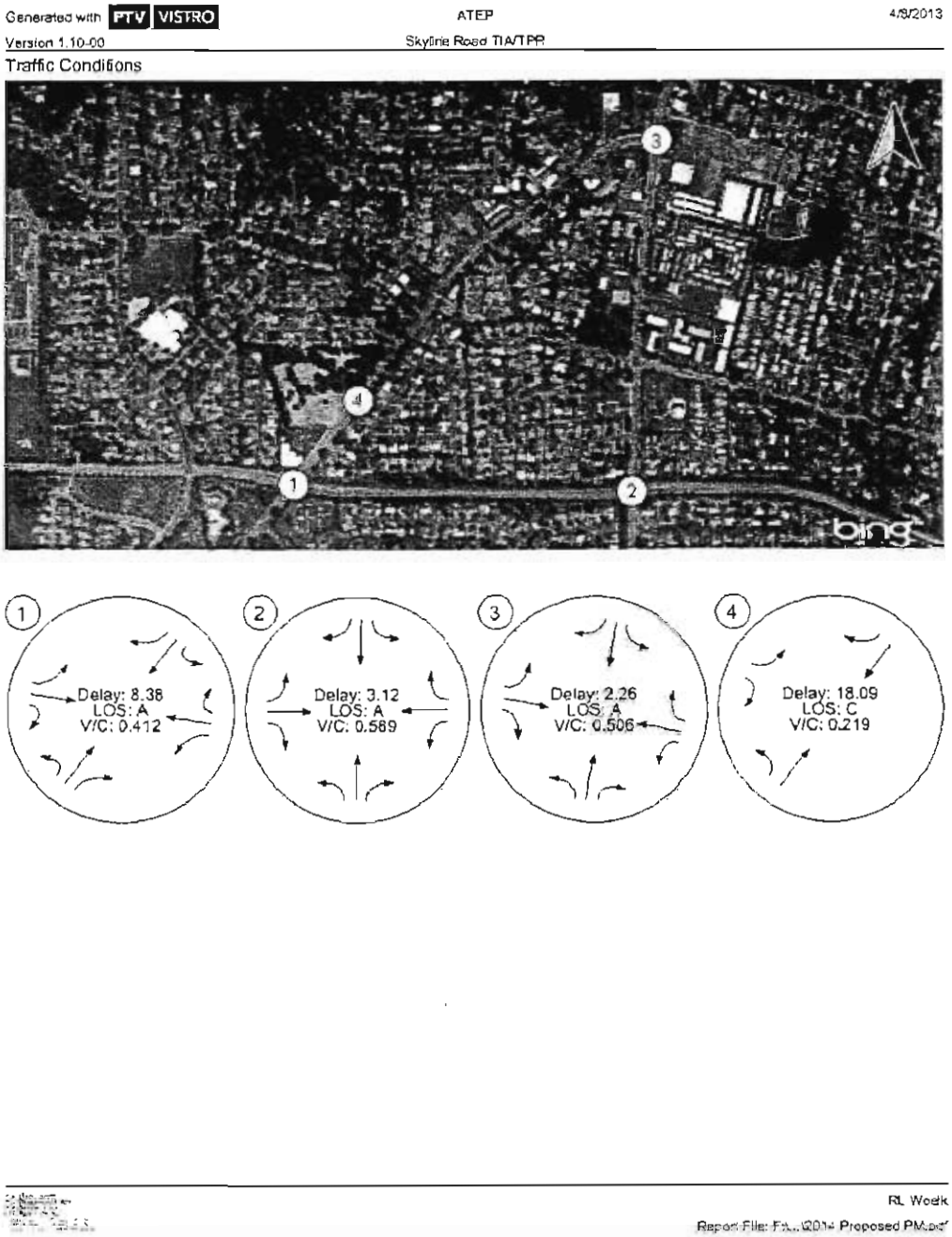


Figure 11 - Total PM Volumes Level of Service

Peak hour level of service was determined at the intersections within the study area for the development of the site under the existing land use plan designations.

Table 5 - AM Total Traffic Level of Service

Generated with PTV VISTRO | SKYLINE RD TIA/TPR | Scenario 4: 4: 2014 AM
Version 1.10-00 | 4/8/2013

SKYLINE RD TIA/TPR

Vistro File: | Scenario 4: 2014 AM
Report File: F:\...\2014 Proposed AM.pdf | 4/8/2013

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Skyline at Kuebler Blvd	Signalized	HCM2010	NEBL	0.697	17.4	B
2	Liberty Road at Kuebler	Signalized	HCM2010	SBL	0.673	3.7	A
3	Liberty Road at Skyline Rd	Signalized	HCM2010	SBL	0.606	2.1	A
4	Skyline at Site Drive	Two-way stop	HCM2010	SEBL	0.137	20.6	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value; for all other control types, they are taken for the whole intersection.

Table 6 - PM Total Traffic Level of Service

Generated with PTV VISTRO | ATEP | 4/8/2013
Version 1.10-00 | Skyline Road TIA/TPR

Skyline Road TIA/TPR

Vistro File: | Scenario 3: 3: 2014 PM
Report File: F:\...\2014 Proposed PM.pdf | 4/8/2013

Intersection Analysis Summary

ID	Intersection Name	Control Type	Method	Worst Mvmt	V/C	Delay (s/veh)	LOS
1	Skyline at Kuebler Blvd	Signalized	HCM2010	WBT	0.412	8.4	A
2	Liberty Road at Kuebler	Signalized	HCM2010	NBR	0.589	3.1	A
3	Liberty Road at Skyline Rd	Signalized	HCM2010	EBL	0.506	2.3	A
4	Site Driveway	Two-way stop	HCM2010	SEBL	0.219	18.1	C

V/C, Delay, LOS: For two-way stop, these values are taken from the movement with the worst (highest) delay value; for all other control types, they are taken for the whole intersection.

FINDINGS

The intersections in this study are currently functioning with levels of service within generally accepted standards during the am and pm peak hours. The City of Salem has a funded project for Skyline Road schedule for completion in 2014 that will widen Skyline Road in this area and provide a continuous left turn lane and lanes in each direction.

RECOMMENDATIONS

It is recommended that:

1. The maximum trip cap for the RM-2 was established at 739 trips per day. Based on this TPR assessment the CO zone should be limited to a total of 739 trips per day.

2. The Comprehensive Plan Change and Zone Change should be conditioned to limit the development to not exceed 90 apartment units and 50,000 sq ft of office.

3. The intersections in this study are currently functioning with levels of service within generally accepted standards with or without the proposed development.

4. Install a northbound left turn lane on Skyline Road at the new site entrance as a temporary until such time as the City of Salem Improvement is complete.

5. The development provide two separate exit lanes a right turn lane and a left turn lane at the main commercial driveway.

To Mr. Bryan Colbourne
Planning Division
City of Salem, Room 305
555 Liberty Street SE
Salem, OR 97301

April 21, 2013

RE: Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No. CPC-NPC-ZC 13-01
Oak Grove Land Company LLC, Amanda #13-102896-ZO

At its regularly scheduled meeting on April 18, 2013, the Board of the Sunnyslope Neighborhood Association voted unanimously to support this application, with the following conditions:

1)That any apartments adjacent to Jennifer Avenue be sited so that no decks or patios face West toward the homes on Jennifer Avenue, and that the height of the apartments not exceed the height permissible for single family homes.

2) That no apartments be constructed adjacent to the single family homes along Juntura Court and that any parking structures sited adjacent to Juntura Court be no higher than one story.

3) That any apartments adjacent to Distinctive Court not exceed the height permissible for single family homes.

4) That a minimum thirty foot setback from adjacent properties be maintained for all apartments along Jennifer Court constructed on this property.

5) That no residential buildings be constructed on the portion of the property to be re-zoned as Commercial Office. We understand that the owner does not intend to construct apartments at this location.

6) That all significant Oregon White Oaks be preserved in accordance with the City's tree ordinance, and that pervious pavement be used whenever possible to ensure the continued health of these mature trees.

7) That no vehicular access be constructed to connect with Jennifer Court

8) That an appropriately lighted pedestrian/bike pathway be constructed to connect the property with Jennifer Court.

Our understanding is that these conditions are agreeable to the property owner

Sincerely,

Evan White
Land Use Chair
Sunnyslope Neighborhood Association
4553 Brock Loop S.
Salem, OR 97302

ATTACHMENT 6

Bryan Colbourne - RE: Skyline Rd revised concept plan

From: "Ralph Bishop" <ralphbishop@comcast.net>
To: "'Bryan Colbourne'" <bcolbourne@cityofsalem.net>
Date: 4/22/2013 3:10 PM
Subject: RE: Skyline Rd revised concept plan

Hi Bryan,

The new proposal from Mr. Tross has some positive changes from the original plan. Here are my concerns about this new proposal:

"Freezing" the site plan as presented, except as I have noted below, is critical to prevent future significant changes. This will also insure the plan will "follow the land", regardless of current or future ownership and developers.

The new orientation of apartments and the height reduction from 3 to 2 stories along Jennifer will be maintained as discussed above.

The moving and orientation of the parking garages will remain as proposed.

The original plan setback minimum of 33' will be maintained. At the meeting I asked Mr. Tross why he changed the original plan setback of 33' to the new plan of 30', but he said it was always 30'. The original Site Plan and the Applicant's Statement both clearly state a 33' setback. There is no apparent reason for this change. It is in the best interest of Jennifer residents to have as much setback as possible. A 33' setback also lends strength to my argument of not removing the small perimeter trees as shown below.

The apartment density will not be increased as shown in the new plan, and the highest interior lot apartments will not exceed 3 stories, even though an RM2 zone allows 50' apartments.

There are many small trees very close to the Jennifer property line perimeter. Although they may not qualify as Significant, they do not appear to interfere with the apartment construction. These trees are an important part of the canopy beauty formed for all of the entire Jennifer neighborhood. They also increase privacy for residents. Removal of these trees will leave large barren sections along the property lines, and removal does not appear to be justified. These trees are also are in harmony with the canopy policy of the City.

Prevent trimming on the lot side of the Significant white oak tree in my yard. The large overhanging limbs will not interfere with lot development. They form a very important part of the overall canopy. The long term effects on the tree health may also be affected.

Maintaining the closure of the vehicle stub will not be changed.

From: Bryan Colbourne [mailto:bcolbourne@cityofsalem.net
Sent: Friday, April 19, 2013 10:38 AM
To: ralphbishop@comcast.net

ATTACHMENT 7

Subject: Skyline Rd revised concept plan

Mr. Bishop,

Here's the revised "concept plan" that was presented last night, and the tree inventory.

Bryan

Bryan Colbourne
Planner III
Community Development Department
City of Salem
555 Liberty St SE / Room 305
Salem, OR 97301
503-540-2363
bcolbourne@cityofsalem.net

Bryan Colbourne - Sunnyslope Zoning change

From: Don Fensler <donfensler@gmail.com>
To: Bryan Colbourne <bcolbourne@cityofsalem.net>, Don Fensler <donfensler@ho...
Date: 4/23/2013 7:46 PM
Subject: Sunnyslope Zoning change

Dear Bryan,
I know I wrote earlier but I would like to submit another statement.
Dr. Hiebert's plan to build apartments and offices on Skyline does not meet the criteria for re-zoning to RM2. Dr. Hiebert has no criteria for changing our neighborhood in anyway, in fact. His sole goal is to make money, while we residents of Sunnyslope are merely trying to protect our neighborhood--to preserve our wonderful life here.
To changing the zoning one of the criteria is a change in the "social, economic, or demographic patterns" of our neighborhood. There has been no such changes..
Nor has their been any change in the "character of the neighborhood". Most of the same people that were here when my family and I moved here in 2004 are still here.
As for the criteria related to "the effect of the proposal on the neighborhood", it seems that the effect can only be negative. The population of the Sunnyslope area could increase by 300-400 people, an increase of 40-50% (there are currently about 800 people living here now). I don't know of anyone who thinks more crowded is good. It has been shown to lead to more noise, more trashiness, and more crime. The point is, Dr. Hiebert has to show that somehow this change will benefit Sunnyslope and Salem, and he cannot show that it will. Again, his only goal is to make money. Changing the zoning, without meeting any of the criteria I have mention, will be helping one person, Dr. Hiebert, at the expense of the 800 people now living in Sunnyslope. Please, for the sake of our neighborhood, especially our children, let us keep our neighborhood the way it is. I ask the zoning commission and Dr. Hiebert's sense of decency: Please don't let this zoning change go through.
Thank you.

Don and Kyoko Fensler (Children-Rick, Michelle, Marc)
4929 21st Ave. S
Salem, OR 97302
503-569-5901

ATTACHMENT 8

PUBLIC WORKS

CITY OF Salem AT YOUR SERVICE

TO: Bryan Colbourne, Planner III
Community Development Department

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

DATE: April 29, 2013

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
CPC-NPC-ZC13-01 (13-102895)
4895 SKYLINE ROAD S

PROPOSAL

To change the Salem Area Comprehensive Plan (SACP) Map designation from Multi-Family Residential to Commercial and Multi-Family Residential, change the zone district from RM1 (Multiple Family Residential) to CO (Commercial Office) and RM2 (Multiple Family Residential), and change the Sunnyslope Neighborhood Plan accordingly, on property approximately 7.8 acres in size and located at 4857, 4895, and 4951 Skyline Road S.

RECOMMENDED CONDITIONS:

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 CO (Commercial Office) designated property shall be limited to a maximum of 739 average daily trips generated by the proposed use or uses.

2. Convey land for dedication of right-of-way along the entire frontage of tax lot 083W09CC05700 to equal a half-width of 48 feet on the development side of Skyline Road SE.

3. As a condition of Site Plan Review approval, construct a pedestrian walkway within a minimum 10-foot-wide public easement through the subject property from Jennifer Court S to Skyline Road S, in an alignment approved by the Public Works Director.

ATTACHMENT 9

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

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 Transportation Planning Rule (*Oregon Administrative Rule* (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 Assistant City Traffic Engineer concurs with the TPR Analysis findings and recommends a condition to limit the development on the 3.9-acre CO-designated site to 739 vehicles per day. The change of zoning from RM1 to RM2 is not subject to Transportation Planning Rule.

CRITERIA AND FINDINGS

SRC 113.205(b)(5) Size, location, screening, drainage, and surfacing of driveways, parking and loading areas, and street access.

Finding A minimum of 200 feet on center is required between (collector or arterial) street intersections and driveways (PWDS Development Bulletin No. 34). The TPR analysis indicates the development should provide two separate exit lanes, a right-turn lane, and a left-turn lane at the main commercial driveway. Any changes to the existing driveway locations should be coordinated with the City of Salem Skyline Road S Capital Improvement Project. The driveways shown on the conceptual site plan do not meet City standards and will be addressed at the time of Site Plan Review.

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 Transportation Planning Rule (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.

Jennifer Court S terminates at the west line of the subject property. The Local Street Connectivity Element of the Salem TSP Policy 2.3 states, "The City may require pedestrian and bicycle accessways to connect to cul-de-sac streets, to pass through long blocks, and to provide for networks of public paths creating nonmotorized access to neighborhood activity centers." In order to provide pedestrian and bicycle connectivity from Jennifer Court S to Skyline Road S, a pedestrian walkway is warranted through the site.

Development on this site shall require the dedication of right-of-way along the property frontage to equal a half-width right-of-way of 48 feet on the development side of Skyline Road SE. The dedication along the frontage of tax lot 083W09CC05700 is required as

a condition of comprehensive plan change/zone change approval because the property is developed as a parking lot. The remainder of the property is vacant and can be dedicated as a condition of site plan review approval when the property develops.

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

Prepared by: Robin Bunse, C.F.M., Administrative Analyst II
cc: File

SALEM•KEIZER PUBLIC SCHOOLS

DAVID FRIDENMAKER, Manager
Facilities and Planning Department
Planning and Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301
503-399-3290 • Mobile: 503-932-4727 • FAX: 503-375-7847
E-mail: fridenmaker_david@salkeiz.k12.or.us

Sandy Husk, Superintendent

March 22, 2013

Bryan Colbourne, Planner III
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

FAX No. 503-588-6005

RE: Land Use Activity
Salem Case No. CPC-NPC-ZC13-01, 4895 Skyline Rd. S

SUMMARY OF COMMENTS
School Assignment: Subject property is located within the attendance boundary of Schirle Elementary, Crossler Middle and Sprague High Schools
School Capacity: Sufficient school capacity currently exists to serve the proposed development at the assigned schools.
School Tranportation Services: Students residing at the subject property location are within the walk zone for the assigned schools and are not eligible for school transportation services.

Below is data and the District's comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Schirle Elementary School
2. Estimated change in student enrollment due to proposed development: 12
3. Current school capacity: 592
4. Estimate of school enrollment including new development: 474
5. Ratio of estimated school enrollment to total capacity including new development: 80%.
6. Walk Zone Review: Within walk zone of Elementary School.
7. Estimate of additional students due to previous 2012 land use applications: 1
8. Estimate of additional students due to previous 2013 land use applications: 0
9. Estimated cumulative impact of 2012-13 land use actions on school capacity: 80% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Crossler Middle School
2. Estimated change in student enrollment due to proposed development: 5
3. Current school capacity: 946
4. Estimate of school enrollment including new development: 777
5. Ratio of estimated school enrollment to total capacity including new development: 82%
6. Walk Zone Review: Within walk zone of Middle School.
7. Estimate of additional students due to previous 2012 land use applications: 14
8. Estimate of additional students due to previous 2013 land use applications: 0

ATTACHMENT 10

9. Estimated cumulative impact of 2012-13 land use actions on school capacity: 84% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: Sprague High School
2. Estimated change in student enrollment due to proposed development: 4
3. Current school capacity: 2,111
4. Estimate of school enrollment including new development: 1,734
5. Ratio of estimated school enrollment to total capacity including new development: 82%
6. Walk Zone Review: Within walk zone of High School.
7. Estimate of additional students due to previous 2012 land use applications: 15
8. Estimate of additional students due to previous 2013 land use applications: 0
9. Estimated cumulative impact of 2012-13 land use actions on school capacity: 83% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

1. Total estimated change in student enrollment: 21
2. Total estimated student enrollment over capacity: 0
3. Estimated short-term cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: **$ 0**
4. Total estimated additional income to District for new facilities due to change in student enrollment: **$ 0**

Developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Salem where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

ASSUMPTIONS:

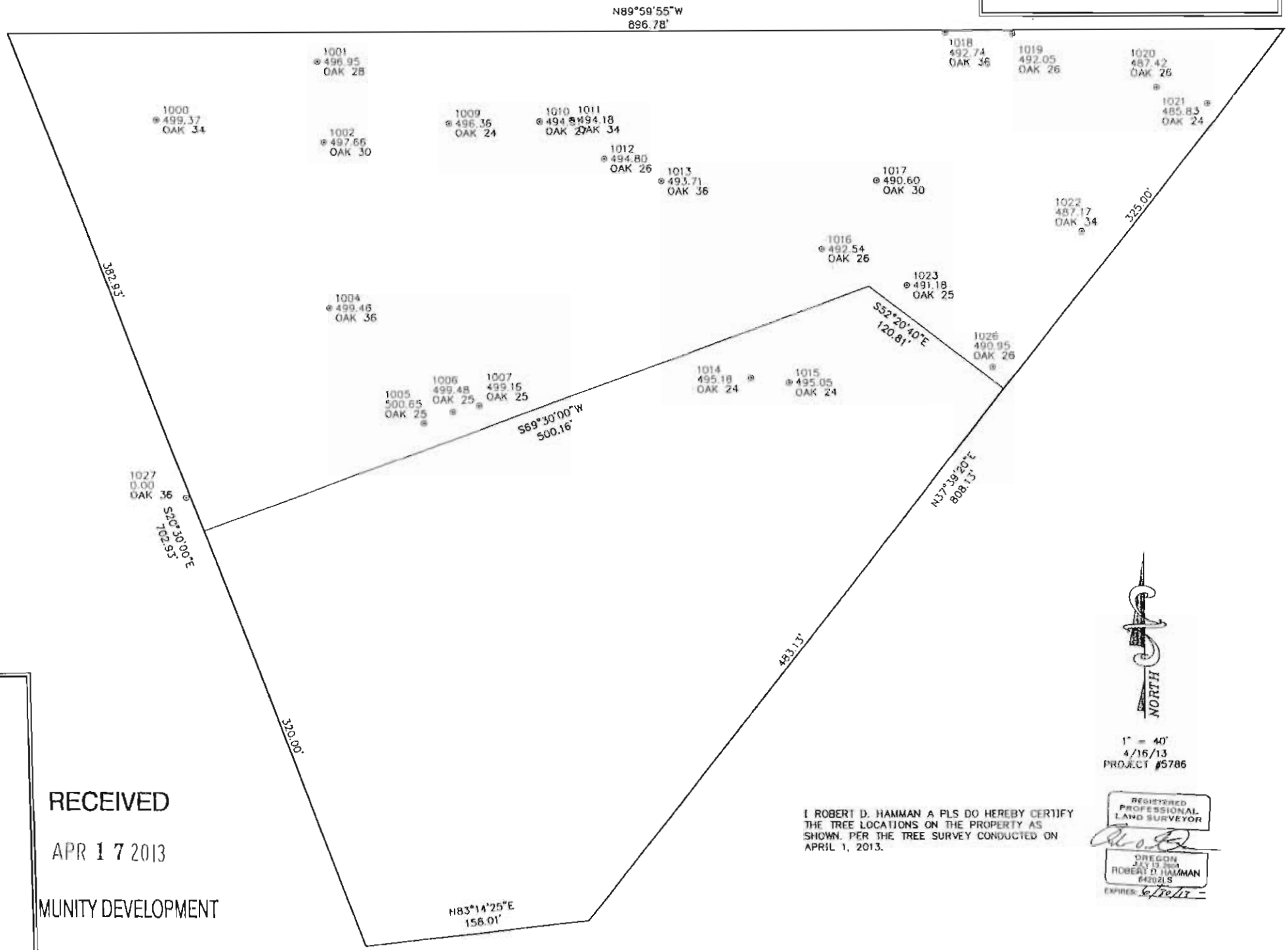
1. When land use request is granted, 90 new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2009-11 biennium facilities grant funding for the District was $20,802.
7. General Fund Budget Amount for the 2011-12 school year is $8,848 per student (ADM). The State School Fund Revenue for 2011-12 is estimated to be $6,214 per student (ADM). ADM is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,

David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer
Jim Jenney, Interim Director of Facilities and Planning Dept.
Kelly Carlisle, Director of Secondary Education
Melissa Cole, Director of Secondary Education
Sandra Price, Director of Elementary Education
Meera Kreitzer, Director of Elementary Education
Gene Bloom, Risk Management Dept.
Michael Shields, Director of Transportation

ATTACHMENT 11



I ROBERT D. HAMMAN A PLS DO HEREBY CERTIFY THE TREE LOCATIONS ON THE PROPERTY AS SHOWN. PER THE TREE SURVEY CONDUCTED ON APRIL 1, 2013.

REGISTERED PROFESSIONAL LAND SURVEYOR
OREGON
JULY 13, 1984
ROBERT D. HAMMAN
64202LS
EXPIRES: 6/30/13

ATTACHMENT 11

RECEIVED

APR 17 2013

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