



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: February 26, 2015

Jurisdiction: City of Salem

Local file no.: CPC-ZC-14-08

DLCD file no.: 001-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 02/25/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 36 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.:

Received:

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: **CPC-ZC14-08**

Date of adoption: 02/24/2015 Date sent: 2/25/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

☒ Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/05/2015☐ No

Is the adopted change different from what was described in the Notice of Proposed Change? ☐ Yes ☒ No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Chris Green, Planner II *CSG*

Phone: 503-540-2326 E-mail: cgreen@cityofsalem.net

Street address: 555 Liberty St SE, Rm 305 City: Salem Zip: 97301-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from MultiFamily Residential to Commercial. 0.92 acres. ☐ A goal exception was required for this change.

Change from _____ to _____ acres. ☐ A goal exception was required for this change.

Change from _____ to _____ acres. ☐ A goal exception was required for this change.

Change from _____ to _____ acres. ☐ A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____

☒ The subject property is entirely within an urban growth boundary☐ The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from RM2 (Multiple Family Residen) to CR (Retail Commercial). Acres: 0.92

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: . Acres added: . Acres removed:

Location of affected property (T, R, Sec., TL and address): (MC 083W03BD 03900, 4000, 4100, 4200 - 471 Madrona Ave SE

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Order No. CPC-ZC14-08

Public hearing staff report dated February 10, 2015

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



NOTICE OF DECISION

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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP CHANGE / ZONE CHANGE NO. CPC-ZC14-08

APPLICATION NOS.: 14-120120-ZO & 14-120121-LD

NOTICE OF DECISION DATE: February 25, 2015

REQUEST: A consolidated Comprehensive Plan Map Amendment and Zone Change for four abutting lots on the north side of Madrona Avenue SE, just west of the intersection with Commercial Street SE. The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Multi-Family Residential to Commercial and change the zoning from RM2 (Multiple Family Residential) to CR (Retail Commercial). The property is currently developed with single family dwellings and a multifamily cottage complex.

The subject property is approximately 0.92 acres in size and is zoned RM2 (Multiple Family Residential). The subject property is located at 471-477, 495, and 525 Madrona Avenue SE (Marion County Assessor's Map and Tax Lot numbers: 083W03BD03900, 4000, 4100, and 4200).

APPLICANT: OREGON FARM BUREAU FEDERATION

LOCATION: 471-477, 495 and 525 MADRONA AVE SE

CRITERIA: SRC 64.025(e)(2) and SRC 265.005(e)

DECISION: The Planning Commission **GRANTED** Comprehensive Plan Map Change/Zone Change Case No. CPC-ZC14-08, subject to the following conditions of approval:

Condition 1: In addition to the uses prohibited in the underlying zone, the following uses and activities shall be prohibited on the site:

- Heavy Vehicle and Trailer Sales
- Heavy Vehicle and Trailer Service and Storage
- Major Event Entertainment
- Industrial Services
- Waste-Related Facilities

Condition 2: In addition to the landscaping and screening requirements established in SRC 807.015, a Type C buffer provided along the west property line shall include a row of evergreen trees, no less than 6 feet in height at planting, and spaced no more than 15 feet apart on center.

VOTE:

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

Application Deemed Complete: January 13, 2015
Public Hearing Date: February 10, 2015
Notice of Decision Mailing Date: February 25, 2015
Decision Effective Date: March 13, 2015
State Mandate Date: April 9, 2015

Case Manager: Chris Green, cgreen@cityofsalem.net *CSG*

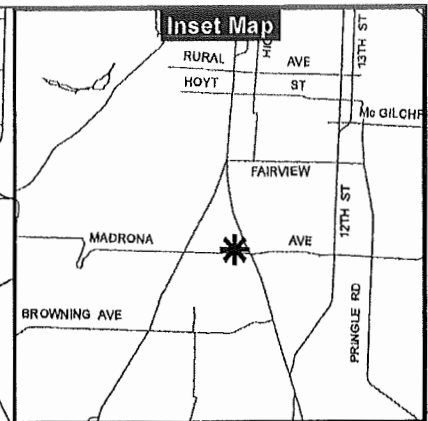
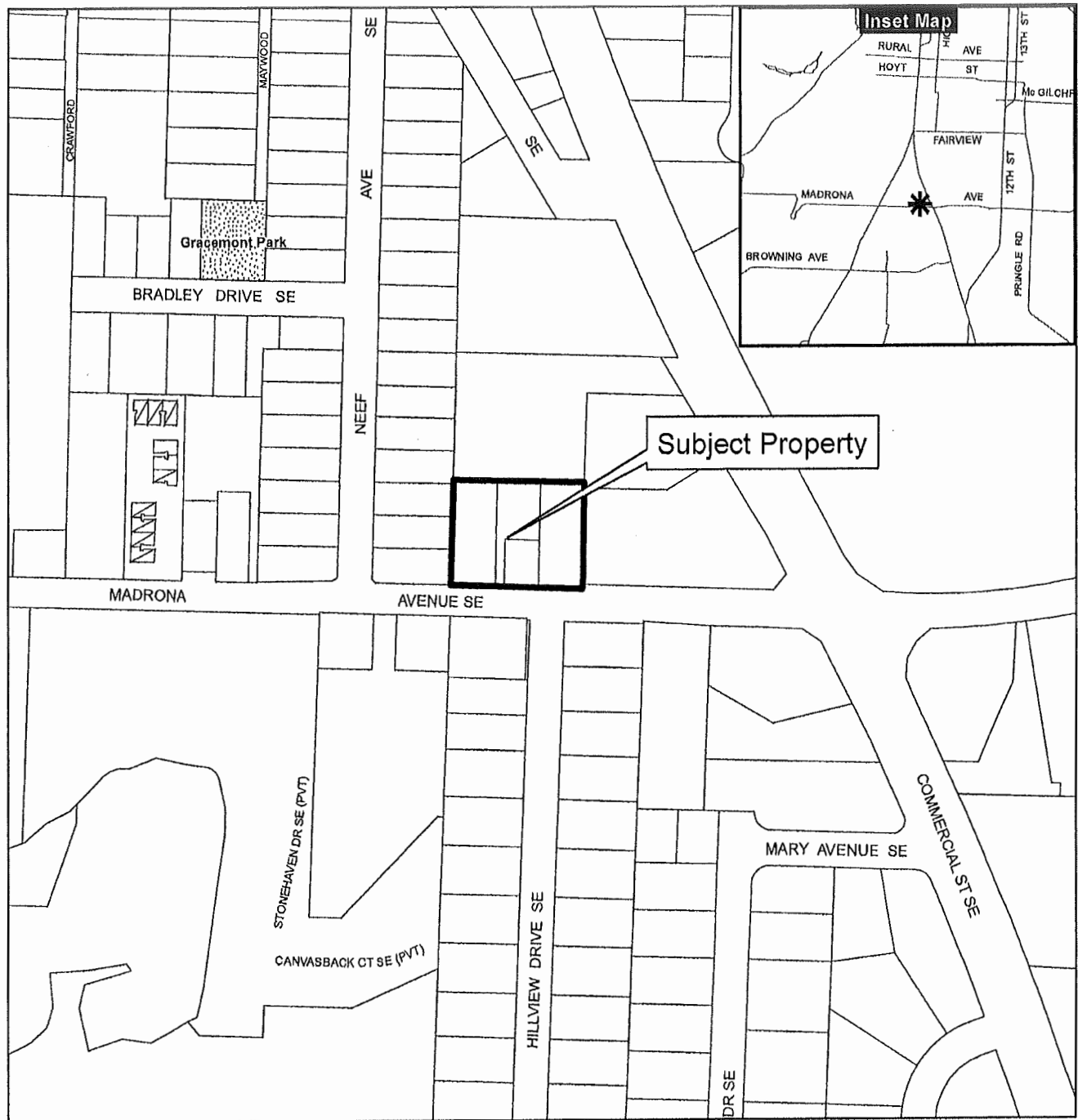
This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., March 12, 2015**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

For more information about Planning in Salem:
<http://www.cityofsalem.net/planning>

Vicinity Map

471-477, 495, & 525 Madrona Avenue SE



Legend

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

Parks

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

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BEFORE THE PLANNING COMMISSION OF THE CITY OF SALEM

IN THE MATTER OF APPROVING	) ORDER NO. CPC-ZC14-08
THE APPLICATION FOR A	)
COMPREHENSIVE PLAN CHANGE	)
& ZONE CHANGE, CASE NO. CPC-	) COMPREHENSIVE PLAN
ZC14-08 FOR PROPERTY LOCATED	) CHANGE/ZONE CHANGE CASE
AT 471-477, 495, AND 525 MADRONA	) NO. 14-08
AVENUE SE	)

This matter coming regularly for hearing before the Planning Commission at its February 10, 2015 meeting, and the Planning Commission, having received evidence and heard testimony, makes the following findings and adopts the following order approving the application for a comprehensive plan change and zone change in case No. CPC-ZC14-08.

(I) PROCEDURAL FINDINGS:

- (a) On December 10, 2014 the applicant filed the application, which was deemed complete as filed on December 23, 2014.
- (b) On February 10, 2015, upon proper notice being provided by the City, the Salem Planning Commission conducted a hearing on the application, and received testimony and evidence regarding the application. The Planning Commission then conducted deliberations and voted on the application. The Planning Commission voted 4-2 to approve the application, subject to conditions of approval.
- (c) The Facts and Findings attached hereto as "Exhibit 1," are incorporated herein by this reference.

(II) SUBSTANTIVE FINDINGS:

- (a) The applicable criteria for this application are: SRC 64.090 and SRC 265.005(e).
- (b) Testimony was received by the Planning Commission that the subject property has been shown as CR (Commercial Retail) zoning since the 1990s. Applicant Oregon Farm Bureau (OFB) purchased the subject property in 2000 and contends that at the time of that purchase, OFB understood the property to be zoned CR based on maps provided by the City. The Comprehensive Plan Map designation of the subject property has remained "Multi-Family Residential" throughout the period in question, and no records have been found indicating that any previous land use action changed the zoning of the property to CR; City staff considers the CR zoning to be a mapping error. The applicant's testimony to the Planning Commission described the impact on OFB's plans for the subject property upon discovering the mapping error.
- (c) Testimony and evidence was received by the Planning Commission that the subject property forms an integral part of the commercial cluster centered on the intersection of Madrona Avenue SE and Commercial Street SE, which includes the abutting property to the north, also owned by OFB. Utilities and services are available to support commercial development on the subject property, and the site's frontage along Madrona Avenue SE, a

minor arterial, conforms to access requirements for the types of uses allowed in the CR zone. The Assistant City Traffic Engineer reviewed the Transportation Planning Rule analysis submitted by the applicant and concurs with applicant's finding that the proposed Comprehensive Plan Map Amendment and Zone Change will not have a significant effect on the transportation system.

(d) The Planning Commission finds that although the subject property is well-suited for the Multi-Family Residential designation, and the proposal would reduce the overall inventory of land designated for multi-family housing within the Salem Urban Growth Boundary, these impacts are offset by the relatively small size of the subject property (0.87 acres after presumed right-of-way dedications) and potential challenges in redeveloping the site with a large number of multi-family units. Therefore, the Planning Commission finds that the Commercial designation and CR zoning proposed by the applicant is equally suited to the subject property as the existing designation.

(e) The property abuts residentially-zoned properties to the west. These lots have been developed with one and two-family dwellings since the 1940s, and that the rear lot line of those existing residences forms the west boundary of the subject property. In addition, an existing single family neighborhood fronts on the opposite side of Madrona Avenue SE from the subject property.

The Planning Commission finds that potential adverse impacts to adjacent residences from certain allowed uses in the CR (Commercial Retail) zone can be mitigated by the imposition of the following conditions of approval:

Condition 1: In addition to the uses prohibited in the underlying zone, the following uses and activities shall be prohibited on the site:

- Heavy Vehicle and Trailer Sales
- Heavy Vehicle and Trailer Service and Storage
- Major Event Entertainment
- Industrial Services
- Waste Related Facilities

Condition 2: In addition to the landscaping and screening requirements established in SRC 807.015, a Type C buffer provided along the west property line shall include a row of evergreen trees, no less than 6 feet in height at planting, and spaced no more than 15 feet apart on center.

The Planning Commission finds that the application, as conditioned, meets the applicable criteria for a Comprehensive Plan Map Amendment and Zone Change.

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. The Salem Planning Commission approves the application in case No. CPC-ZC14-08, subject to the following conditions of approval:

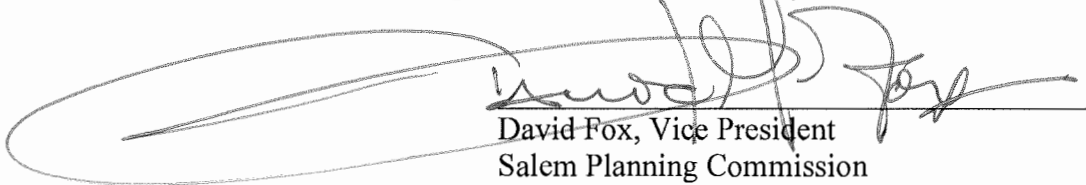
Condition 1: In addition to the uses prohibited in the underlying zone, the following uses and activities shall be prohibited on the site:

- Heavy Vehicle and Trailer Sales
- Heavy Vehicle and Trailer Service and Storage
- Major Event Entertainment
- Industrial Services
- Waste Related Facilities

Condition 2: In addition to the landscaping and screening requirements established in SRC 807.015, a Type C buffer provided along the west property line shall include a row of evergreen trees, no less than 6 feet in height at planting, and spaced no more than 15 feet apart on center.

Section 2. This decision is effective on March 13, 2015.

ADOPTED by the Salem Planning Commission this 24th day of February, 2015.



David Fox, Vice President
Salem Planning Commission

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., March 12, 2015.** 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 64 and 205. 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.

Case Manager: Christopher Green, Planner II, cgreen@cityofsalem.net

Checked by: C. Green

- APPLICATION:** Comprehensive Plan/Change Zone Change 14-08
- LOCATION:** 471-477, 495, and 525 Madrona Avenue SE (Marion County Assessor's Map and Tax Lot Numbers 083W03BD03900, 4000, 4100, and 4200)
- SIZE:** 0.93 acres
- REQUEST:** A consolidated application for four abutting lots on Madrona Avenue SE that contains the following requests:
- (1) Comprehensive Plan Change to change the site's Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial";
 - (2) Zone Change request to change zone district for the site from RM2 (Multiple Family Residential) to CR (Retail Commercial).
- APPLICANT:** Oregon Farm Bureau
- APPROVAL CRITERIA:** Comprehensive Plan Amendment: Salem Revised Code, Chapter 64
Zoning Map Amendment: Salem Revised Code, Chapter 265
- RECOMMENDATION:** APPROVE, subject to the following zone change conditions:
1. In addition to the uses prohibited in the underlying zone, the following uses and activities shall be prohibited on the site:
 - Heavy Vehicle and Trailer Sales
 - Heavy Vehicle and Trailer Service and Storage
 - Major Event Entertainment
 - Industrial Services
 - Waste Related Facilities
 2. In addition to the landscaping and screening requirements established in SRC 807.015, a Type C buffer provided along the west property line shall include a row of evergreen trees, no less than 6 feet in height at planting, and spaced no more than 15 feet apart on center.

APPLICATION PROCESSING:

Subject Application

On December 10, 2014, Oregon Farm Bureau filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation for the subject property from Multi-Family Residential to Commercial, and to change the zoning of same from RM2 (Multiple Family Residential) to CR (Retail Commercial). On December 23, 2014, the application was deemed complete as filed.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule set forth in ORS 227.178). The request for the Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is April 9, 2015.

Public Notice

1. Notice of the proposed Comprehensive Plan Change and Zone Change was distributed to City departments and public and private service providers on January 13, 2015 (Attachment 1).
2. Notice of the February 10, 2015 public hearing was mailed to the owners of all property within 250 feet of the subject property on January 21, 2015 (Attachment 1).
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. ORS 197.610 and Salem Revised Code (SRC) 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on January 15, 2015.

Background Information

The subject site consists of four adjoining lots totaling 0.93 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W03BD03900, 4000, 4100, and 4200). The subject property was developed with two single family residences and four multifamily cottages in the 1940s and 1950s. Oregon Farm Bureau (OFB), a non-profit organization representing farm and ranching interests, purchased the subject property and an office building on the abutting property to the north in 2000. OFB used the office building, known as the Natural Resources Center, as its headquarters until 2014. As part of its move to a new headquarters on Capitol Street NE, OFB intends to sell the contiguous property including the Natural Resources Center property and the subject property.

In the process of preparing disclosure information for the sale, OFB representatives learned from discussions with City staff that zoning maps which showed the zoning of the subject property as CR (Retail Commercial) reflected a mapping error. While zoning maps from the 1990s forward showed CR zoning on the property, the Comprehensive Plan Map has shown the property as designated as Multi-Family Residential. CR zoning would have been inconsistent with this designation, and no documentation has been found to indicate that any changes to the Comprehensive Plan Map or zoning of the subject property took place during the time in question.

OFB states that zoning maps at the time of their purchase of the property in 2000 showed the property as zoned CR, and that the move to the new location assumed sale proceeds for the subject property based on uses allowed in the CR zone. Nevertheless, the Comprehensive Plan Map

designation and zoning must be enacted through the processes established in Chapters 64 and 265 of the Unified Development Code, and the burden of proof for justifying the changes remains with the applicant.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation for the subject properties from Multi-Family Residential to Commercial and a Zone Change request to change the zone district from RM2 (Multiple Family Residential) to CR (Retail Commercial). The applicant has not submitted a specific development proposal at this time.

Neighborhood Association Comments

The subject property is located within the Faye Wright Neighborhood Association. Notification was sent to the Neighborhood Association on January 21, 2015. The applicant also made a presentation to the Neighborhood Association at its December 1, 2014 meeting. The Faye Wright Neighborhood Association submitted comments in support of the proposed zone change. The comments in support stated that an abutting neighbor would prefer to have a commercially zoned property along the rear lot line than a multi-family zoned property.

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed Comprehensive Plan map and zone change. As of the date of this staff report, none of the property owners receiving the notice have submitted written comments on this application.

City Department Comments

Public Works Department (Development Services and City Traffic Engineer) - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments the attached comments (see Attachment 3).

Salem Fire Department – The Salem Fire Department reviewed the proposal and indicated that it has no specific comments on this case.

Salem Police Department – The Salem Police Department reviewed the proposal and indicated that it has no specific comments on this case.

Public and Private Service Provider Comments

Portland General Electric reviewed the proposal and submitted standard comments indicating that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement is required on all front street lots.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the majority of the subject property as "Multi-Family Residential." The Salem Comprehensive Policies Plan describes the Multi-Family Residential designation as "characterized by a mixture of housing types," with housing types in residential areas including "single family detached, single family attached, manufactured homes, garden apartments, and row houses."

The subject property consists of four adjoining lots, all of which are designated as "Multi-Family Residential" on the SACP map.

The Comprehensive Plan designations of surrounding properties include:

North: Commercial
South: (Across Madrona Avenue SE) Single Family Residential
East: Commercial
West: Multi-Family Residential

Relationship to the Urban Service Area

The subject property is located within the City's Urban Service Area; therefore, an Urban Growth Area (UGA) Preliminary Declaration is not required prior to development of the site.

Components of the Comprehensive Plan

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is located on Madrona Avenue SE, which is designated as a Minor Arterial.

Neighborhood Plan: The proposed project is located within the boundaries of the Faye Wright Neighborhood Association. The Neighborhood Association does not have an adopted neighborhood plan.

Zoning and Land Use

The zoning and existing land uses of the surrounding properties is described as follows:

North: CR (Retail Commercial); office building
South: (Across Madrona Avenue SE) RS (Single Family Residential); single family residences
East: CR (Retail Commercial); retail bank branch with drive-through window
West: RM2 (Multiple Family Residential); duplex and single family residences

Existing Site Conditions

The subject site consists of four adjoining lots totaling 0.93 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W03BD03900, 4000, 4100, and 4200). The property consists of three rectangular lots created from Lot 23 of Ewald Fruit Farms, with the center of the three lots divided into a flag lot (Tax Lot 4100) and smaller remainder (Tax Lot 4000). The combined lots form a rectangular site approximately 225 feet wide and 203 feet deep. Applicant Oregon Farm Bureau also owns the abutting property to the north, which is developed with a two story office building and parking lot. The abutting property to the east sits at the corner of Madrona Avenue and Commercial Avenue SE, and is developed with a bank branch office with drive-through window.

The easternmost lot (Tax Lot 3900) is developed with a single family house constructed in 1955, and a single family house, also constructed in 1955, occupies portions of both Tax Lot 4000 and 4100. Both residences have a driveway onto Madrona Avenue. A complex of four detached cottages is situated on the westernmost lot (Tax Lot 4200). The cottages are arranged in a row fronting a gravel driveway which runs north-south along the western edge of the lot. The adjacent property to the west is developed with a duplex on a corner lot with a driveway onto Madrona Avenue SE and a driveway onto Neef Avenue SE.

Circulation and Access: All of the lots making up the subject property take access from Madrona Avenue SE, designated as a Minor Arterial. Madrona Avenue intersects with Commercial Street SE, a major arterial, approximately 500 feet east of the subject property. Madrona Avenue intersects with Liberty Road S, also a major arterial, approximately 1,500 feet west of the subject property. Any additional necessary street improvement or right-of-way requirements will be addressed at such time that new development is proposed on the site through the Site Plan Review Process.

Trees: The City's tree preservation ordinance protects heritage trees, significant trees (*including Oregon White Oaks with a diameter-at-breast-height of 24 inches or greater*), trees and vegetation within riparian corridors, and trees on lots or parcels greater than 20,000 square feet. There are no waterways on the subject property.

Any development of the subject property must comply with the tree preservation requirements of SRC Chapter 808 (Preservation of Trees and Vegetation). Pursuant to the City's tree preservation requirements, no heritage trees, significant trees, or riparian corridor trees or riparian corridor native vegetation shall be removed.

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

Floodplain: The subject property is not within a mapped floodplain or floodway.

Landslide Hazards: The site is relatively flat, ranging from approximately 300 to 304 feet in elevation. According to the City's adopted landslide hazard susceptibility maps, there are areas of mapped landslide hazard susceptibility points located on portions of each lot making up the subject property. Based on the point value associated with the land, a geologic assessment will may be required if a regulated development activity is proposed in the mapped landslide hazard area.

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

SRC 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested. The applicant provided justification for all applicable criteria.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be

considered:

- (aa) Whether there was a mistake in the application of a land use designation to the property;
- (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
- (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
- (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

Applicant Statement: The proposal is justified based on (II). The proposed Commercial designation is equally or better suited for the subject property than the existing Multifamily Residential designation because it is adjacent to existing commercial uses and commercial zoning on two sides, its one border with residential land makes up only 25% of its total perimeter, and the property's frontage and access is along Madrona Avenue, which is classified as a Minor Arterial by the Salem Transportation System Plan (STSP). An arterial street provides appropriate access for commercial uses, while residential use can be served by local residential streets. The property has no access to a local street or through any residential property. Considering these factors the subject property is equally or better suited for the proposed designation than its current designation.

Finding: Shared boundaries with Commercially-designated properties to the north and east, direct access to a minor arterial (Madrona Avenue), and proximity to the cluster of commercial development at the corner of Commercial Street and Madrona Avenue support the suitability of the subject property for Commercial designation. Testimony and evidence was received by the Planning Commission that the subject property forms an integral part of the commercial cluster centered on the intersection of Madrona Avenue SE and Commercial Street SE, which includes the abutting property to the north, also owned by the applicant. Utilities and services are available to support commercial development on the subject property, and the site's frontage along a minor arterial conforms to access requirements for the types of uses allowed in the CR zone. Therefore, the Planning Commission finds that the Commercial designation and CR zoning proposed by the applicant is equally suited to the subject property as the existing designation.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Applicant Statement: All public facilities and services necessary and required to support development of future commercial uses are available to the property. The property is in a highly developed part of the city. It is currently served by public facilities. The commercial properties to the north and east are developed and provided with public facilities and services. In its Findings attached to the Pre-Application Summary report, the Public Works Dept. found that the water, sewer, and storm infrastructure are available within the surrounding streets and area and appear adequate to serve existing and future tenants. Site-specific requirements will be addressed in the Site Plan Review process. Based on the existing conditions and the findings of the Public Works Dept., this criterion is satisfied.

Finding: The Planning Commission concurs that the necessary public facilities and services are available at the subject property. The Planning Commission finds that this criterion is met.

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

Applicant Statement: The property is in the northwest quadrant of the Madrona-Commercial intersection, which is a major center for commercial services. All four quadrants of this intersection are occupied by commercial activities and are designated Commercial and zoned CR. In this northwest quadrant the western boundary of the Commercial designation extends to the back of residential lots that front on Neef Avenue, which are designated Multifamily Residential. This north-south boundary line creates a consistent demarcation and unambiguous division between the two land use categories. The uniformity of the north-south boundary, and the relationship between commercial and residential areas, is interrupted only by the subject property. The subject property is the only designated residential land north of Madrona and between Commercial and Neef, that fronts on Madrona and not on Neef. The property is situated in the southwest corner of the designated commercial area, and most of the property is bordered by existing commercial development. All necessary public facilities and services are available to support future commercial use of the property, and a traffic study has shown that commercial use of the site will not create a significant impact. Because it would correspond to the existing land use pattern, result in a consistent and uninterrupted boundary between commercial and residential designations north of Madrona, and will not adversely impact public facilities, services, or streets, the proposed plan map designation provides for the logical urbanization of land, consistent with this criterion.

Finding: Although the applicant describes the north-south boundary between commercial and residential uses as "interrupted only by the subject property," the boundary does not continue south of the subject property; the boundary actually terminates at the north boundary of the subject property, with properties to the south designated for Single Family Residential uses. The proposal would create a uniform north-south line between residential and commercial uses for properties north of Madrona Avenue. Testimony and evidence was received by the Planning Commission that the subject property forms an integral part of the commercial cluster centered on the intersection of Madrona Avenue SE and Commercial Street SE. The adjoining property to the north is under common ownership, and a Commercial designation may allow for future development to provide connectivity with other properties near the corner of Commercial Street and Madrona Avenue. Under the proposed Commercial designation, that subject property would provide a logical continuation of the existing commercial services and office development in the northwest quadrant of Madrona-Commercial center. The Planning Commission finds that this criterion is met.

SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Consistency with the Salem Area Comprehensive Plan (SACP)

This proposal to change the Comprehensive Plan map designation from "Multi Family Residential" to "Commercial" is evaluated for consistency with applicable goals and policies of the Salem Area Comprehensive Plan as follows:

Salem Urban Area Goals and Policies, Residential Development Goal (Page 32, Salem Comprehensive Policies Plan):

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

In meeting this goal, residential development shall:

a. Encourage the efficient use of developable residential land;

- b. *Provide housing opportunities for Salem's diverse population; and*
- c. *Encourage residential development that maximizes investment in public services.*

Finding: Existing single and multi-family housing units on the site amount to a density of approximately 6.4 units per acre, well below the minimum density allowed in the zones which implement the Multi-Family Residential designation. Although the subject property is well-suited for the Multi-Family Residential designation, and the proposal would reduce the overall inventory of land designated for multi-family housing within the Salem Urban Growth Boundary, these impacts are offset by the relatively small size of the subject property (0.87 acres after presumed right-of-way dedications) and potential challenges in redeveloping the site with a large number of multi-family units. The Planning Commission finds that the proposal is consistent with the Residential Development goal.

Salem Urban Area Goals and Policies, Policy E.8 (Page 34, *Salem Comprehensive Policies Plan*):

Protection of Residential Areas

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

Finding: Section II.A.3.a of the SACP provides intent statements for the residential designations of the Comprehensive Plan Map. By providing a buffer between the more intensive uses along the Commercial Street corridor and the single-family residences to the west and south, the existing Multi-Family Residential designation of the subject property is consistent with item (d) of the intent statement: "To ensure a compatible transition between various types of housing."¹

The abutting properties to the west are designated Multi-Family Residential and developed with mostly single family residences. This edge between commercial uses and the rear yards of single family residences continues northward from the subject property, parallel to Neef Avenue. Under the proposed Commercial designation, landscaping and screening along the western edge of the subject property may be effective in mitigating some of the potential impacts of intensive commercial uses on the site, in particular where it directly abuts the back yards of these residences.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 36, *Salem Comprehensive Policies Plan*):

To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.

Finding: The Planning Commission concurs that the proposal is consistent with the Commercial Development Goal. The proposal would provide additional land for commercial development at the edge of a significant commercial service center serving the South Salem area.

The applicant has not proposed a specific use or site plan for commercial redevelopment of the subject property. The adequacy of parking and service areas would be evaluated as part of the Site Plan Review process for any future redevelopment project.

The Planning Commission finds that this criterion is met.

Salem Urban Area Goals and Policies, Policy G.8 (Page 34, *Salem Comprehensive Policies Plan*):

- 8. *Buffer strips from residential uses shall be provided for all commercial*

¹ Salem Area Comprehensive Policies Plan, pg. 5.
Exhibit 1

development.

Finding: The property abuts residentially-zoned properties to the west. These lots have been developed with one and two-family dwellings since the 1940s, and that the rear lot line of those existing residences forms the west boundary of the subject property. In addition, an existing single family neighborhood fronts on the opposite side of Madrona Avenue SE from the subject property. Findings addressing consistency with SACP policy E.8, included earlier in this exhibit, describe how the proposal would eliminate the buffer provided by existing uses the subject property between more intensive commercial uses on Commercial Street SE and existing residential areas to the west and south.

The Planning Commission finds that potential adverse impacts to adjacent residences from certain allowed uses in the CR (Commercial Retail) zone can be mitigated by the Imposition of the following conditions of approval:

Condition 1: In addition to the uses prohibited in the underlying zone, the following uses and activities shall be prohibited on the site:

- Heavy Vehicle and Trailer Sales
- Heavy Vehicle and Trailer Service and Storage
- Major Event Entertainment
- Industrial Services
- Waste Related Facilities

Condition 2: In addition to the landscaping and screening requirements established in SRC 807.015, a Type C buffer provided along the west property line shall include a row of evergreen trees, no less than 6 feet in height at planting, and spaced no more than 15 feet apart on center.

The Planning Commission finds that the proposal meets this criterion as conditioned.

Consistency with the applicable Statewide Planning Goals

The proposal to change the Comprehensive Plan map designation from "Multi-Family Residential" to "Commercial" has been evaluated for consistency with the applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development as follows:

Goal 1 – Citizen Involvement

Finding: A Minor Plan Change is processed as a quasi-judicial land use action. Public notice is required and a public hearing will be held giving interested citizens an opportunity to be involved in the process. The City, through the Salem Revised Code, has created proper procedures to ensure citizens the opportunity to have input in zoning changes. Opportunities for public input will be available in the hearings process prior to action on this proposal.

A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and the neighborhood association. The City has therefore met its obligation of providing for citizen involvement under Statewide Planning Goal 1, as defined through the City's adopted procedures.

This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

Finding: The Salem Area Comprehensive Plan is adopted by the City and acknowledged by the Land

Conservation and Development Commission (LCDC) as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

Finding: No resources have been identified or designated on the subject property under Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Applicant Statement: The redesignation of the property will have no significant affects on air, water or land resource quality. The subject property is within a highly developed part of the city. It is along or near arterial streets. All adjacent property is developed, including property developed and used for commercial purposes. All required public services and utilities are available to the property. Water is and will be supplied to the site by the City water system. There will be no withdrawal of subsurface groundwater resources. Waste water from the property is and will be discharged into the City sewer system. Storm water runoff will be collected and removed by the City storm drainage system. The proposed designation will increase traffic over existing uses, but will create no significant changes in air quality in the area.

Finding: The Planning Commission concurs with the applicant's statement and finds that the proposal is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Applicant Statement: No natural hazards have been identified that are specific to this site.

Finding: There are no known natural hazards existing on the subject property. In the event that a hazard is identified, the City's tree protection, landslide, and floodplain development standards will be applied during the Site Plan Review process. The Planning Commission finds that the proposal is consistent with Goal 7.

Goal 8 – Recreational Needs

Applicant Statement: The site is not designated for recreational use and this Goal does not apply.

Finding: The Planning Commission concurs with the applicant's statement and finds that the proposal is consistent with Goal 8.

Goal 9 – Economic Development

Applicant Statement: The subject property is part of a contiguous ownership that includes property designated and developed for commercial use. The property is part of a center of commercial activity that surrounds a major south Salem arterial intersection. The proposed designation is consistent and compatible with adjacent commercial uses and designation, and will improve the value and economic contribution of the property to the city. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

Finding: The Planning Commission concurs with the applicant's statement and finds that the proposal is consistent with Goal 9.

Goal 10 – Housing

Finding: Existing single and multi-family housing units on the site amount to a density of approximately 6.4 units per acre, well below the minimum density allowed in the existing RM2 zoning.

At the same time, the relatively small size of the subject property (0.92 gross acres, or 0.87 acres after right-of-way dedication along the Madrona Avenue frontage) reduce the chances of a feasible multifamily redevelopment providing significantly more than the six housing units that currently occupy the site. Findings addressing the SACP Residential Development Goal, included earlier in this exhibit, describe the inherent challenges in redeveloping the subject property with between 10 and 24 multifamily units as required under the existing RM2 zoning.² The Planning Commission finds that the proposal is consistent with Goal 10.

Goal 11 – Public Facilities and Services

Finding: The subject property is located within the City of Salem's Urban Service Area. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity, telephone, and solid waste disposal, are currently available. The provision of public facilities and services are adequate for potential commercial uses on the subject property. The Planning Commission finds that the proposal meets the requirements of Goal 11.

Goal 12 – Transportation

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 finds that the increase trips estimated to be generated by a maximum worst case scenario use would not result in a significant effect on the transportation system. The Assistant City Traffic Engineer concurs that the proposal will not have a significant effect on the transportation system. The proposal meets the requirements of Goal 12.

Goal 13 – Energy Conservation

Applicant Statement: The property is located within a highly developed part of the urban area. The transportation system in the area is fully established and makes access to the property direct, efficient, and convenient by private and public, motorized and non-motorized forms of transportation. The property's location along a major street route serves to reduce travel time and distance needed to reach the site, which conserves energy. In addition, new structures will be required to meet the energy

² This calculation applies the 12 units per acre minimum density and 28 units per acre maximum density allowed in the RM2 zone. A site area of 0.87 acres is assumed after right-of-way.

efficiency code at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

Finding: The Planning Commission concurs with the applicant's statement and finds that the proposal is consistent with Goal 13.

Goal 14 – Urbanization

Applicant Statement: The subject property is inside the city. The proposal does not affect the size or location of the city limits or the Urban Growth Boundary. The proposal contributes to maintaining services within a compact and efficient urban area. These factors are consistent with the directives of this Goal.

Finding: The Planning Commission concurs with the applicant's statement and finds that the proposal is consistent with Goal 14.

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

Applicant Statement: The amendment is in the public interest and would be of general benefit because it will consolidate the land use designation in this commercial quadrant along am [sic] appropriate and logical boundary. In addition, it will resolve the dissimilar uses within the contiguous ownership, and will allow for future development in a manner that is consistent with the adjacent commercial cluster. For these reasons the amendment is in the public interest and would be of general benefit.

Finding: The Planning Commission concurs with the applicant's statement and finds that the proposal meets this criterion.

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

The following analysis addresses the proposed zone change the subject property from RM2 (Multiple Family Residential) to CR (Retail Commercial). SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 2).

SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:

- (i) **A mistake in the application of a land use designation to the property**
- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) **A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited**

than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Finding: The applicant contends that the request satisfies SRC 265.005(e)(1)(A)(iii).

The subject property is rectangular, with minimal grade changes or no known natural hazards. Existing development on two abutting CR-zoned properties is consistent with the uses allowed in that zone. The subject property has frontage on a minor arterial. The Planning Commission finds that the physical characteristics of the property are appropriate for the proposed zone.

SRC 522.001 states that the CR (Retail Commercial) zone proposed by the applicant "generally allows a wide array of retail sales and office uses." Many of the allowed uses, such as residential and nursing care, retail sales, personal services, offices, religious assembly, and recreational and cultural services can provide a logical transition between intensive commercial uses and residential neighborhoods.

The Planning Commission finds that the proposal meets this criterion.

(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan and applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change request. The Planning Commission finds that the proposal meets this criterion.

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

Finding: The proposed zone change is from RM2 (Multiple Family Residential) to CR (Retail Commercial). No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. The existing designation is not a commercial or employment designation. Therefore, this criterion does not apply.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be

adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The applicant submitted a Transportation Planning Rule (TPR) analysis, which addressed the question of whether traffic generated by development of the site under the proposed CR zone would significantly affect the surrounding transportation infrastructure, when compared to the amount of traffic that could be generated under the existing RM2 zoning.

The TPR Analysis concludes that the subject property could generate up to 162 average daily trips (ADT) if developed at the maximum density allowed under the existing RM2 zoning (24 apartments). In order to evaluate a maximum worst case scenario for a permitted use in the CR zone that would fit on the relatively small site, the applicant prepared an estimate assuming an 8-pump gasoline station on the subject property. The TPR Analysis finds that a gas station would result in a net increase of approximately 620 net new trips. The applicant's analysis concludes that the estimated net increase would not have a significant effect on the surrounding transportation infrastructure. The Assistant City Traffic Engineer has reviewed the analysis and concurs that the proposal will not have a significant effect on the transportation system.

The Planning Commission finds that the proposal meets this criterion.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

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

Conclusion: Based on the findings and conditions of approval contained above, the Applicant has satisfactorily addressed the applicable criteria for granting approval of an application to re-designate the subject property from "Multi-Family Residential" to "Commercial"; and to change the zoning of the subject property from RM2 (Multiple Family Residential) to CR (Retail Commercial).

TO: Planning Commission

FROM:  Lisa Anderson-Ogilvie, Urban Planning Administrator

STAFF: Christopher Green, Planner II

HEARING DATE: February 10, 2015

APPLICATION: Comprehensive Plan Change/Zone Change 14-08

LOCATION: 471-477, 495, and 525 Madrona Avenue SE (Marion County Assessor's Map and Tax Lot Numbers 083W03BD03900, 4000, 4100, and 4200)

SIZE: 0.93 acres

REQUEST: A consolidated application for four abutting lots on Madrona Avenue SE that contains the following requests:

- (1) Comprehensive Plan Change to change the site's Salem Area Comprehensive Plan Map designation from "Multi-Family Residential" to "Commercial";
- (2) Zone Change request to change zone district for the site from RM2 (Multiple Family Residential) to CR (Retail Commercial).

APPLICANT: Oregon Farm Bureau

APPROVAL CRITERIA: Comprehensive Plan Amendment: Salem Revised Code, Chapter 64
Zoning Map Amendment: Salem Revised Code, Chapter 265

RECOMMENDATION: DENY

APPLICATION PROCESSING:

Subject Application

On December 10, 2014, Oregon Farm Bureau filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation for the subject property from Multi-Family Residential to Commercial, and to change the zoning of same from RM2 (Multiple Family Residential) to CR (Retail Commercial). On December 23, 2014, the application was deemed complete as filed.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule set forth in ORS 227.178). The request for the Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is April 9, 2015.

Public Notice

1. Notice of the proposed Comprehensive Plan Change and Zone Change was distributed to City departments and public and private service providers on January 13, 2015 (Attachment A).
2. Notice of the February 10, 2015 public hearing was mailed to the owners of all property within 250 feet of the subject property on January 21, 2015 (Attachment A).
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. ORS 197.610 and Salem Revised Code (SRC) 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on January 15, 2015.

Background Information

The subject site consists of four adjoining lots totaling 0.93 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W03BD03900, 4000, 4100, and 4200). The subject property was developed with two single family residences and four multifamily cottages in the 1940s and 1950s. Oregon Farm Bureau (OFB), a non-profit organization representing farm and ranching interests, purchased the subject property and an office building on the abutting property to the north in 2000. OFB used the office building, known as the Natural Resources Center, as its headquarters until 2014. As part of its move to a new headquarters on Capitol Street NE, OFB intends to sell the contiguous property including the Natural Resources Center property and the subject property.

In the process of preparing disclosure information for the sale, OFB representatives learned from discussions with City staff that zoning maps which showed the zoning of the subject property as CR (Retail Commercial) reflected a mapping error. While zoning maps from the 1990s forward showed CR zoning on the property, the Comprehensive Plan Map has shown the property as designated as Multi-Family Residential. CR zoning would have been inconsistent with this designation, and no documentation has been found to indicate that any changes to the Comprehensive Plan Map or zoning of the subject property took place during the time in question.

OFB states that zoning maps at the time of their purchase of the property in 2000 showed the property as zoned CR, and that the move to the new location assumed sale proceeds for the subject property based on uses allowed in the CR zone. Nevertheless, the Comprehensive Plan Map designation and zoning must be enacted through the processes established in Chapters 64 and 265 of the Unified Development Code, and the burden of proof for justifying the changes remains with the applicant.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation for the subject properties from Multi-Family Residential to Commercial and a Zone Change request to change the zone district from RM2 (Multiple Family Residential) to CR (Retail Commercial). The applicant has not submitted a specific development proposal at this time.

Neighborhood Association Comments

The subject property is located within the Faye Wright Neighborhood Association. Notification was sent to the Neighborhood Association on January 21, 2015. The applicant also made a presentation to the Neighborhood Association at its December 1, 2014 meeting. The Faye Wright Neighborhood Association submitted comments in support of the proposed zone change. The comments in support stated that an abutting neighbor would prefer to have a commercially zoned property along the rear lot line than a multi-family zoned property.

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed Comprehensive Plan map and zone change. As of the date of this staff report, none of the property owners receiving the notice have submitted written comments on this application.

City Department Comments

Public Works Department (Development Services and City Traffic Engineer) - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments the attached comments (see Attachment C).

Salem Fire Department – The Salem Fire Department reviewed the proposal and indicated that it has no specific comments on this case.

Salem Police Department – The Salem Police Department reviewed the proposal and indicated that it has no specific comments on this case.

Public and Private Service Provider Comments

Portland General Electric reviewed the proposal and submitted standard comments indicating that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement is required on all front street lots.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the majority of the subject property as "Multi-Family Residential." The Salem Comprehensive Policies Plan describes the Multi-Family Residential designation as "characterized by a mixture of housing types," with housing types in residential areas including "single family detached, single family attached, manufactured homes, garden apartments, and row houses."

The subject property consists of four adjoining lots, all of which are designated as "Multi-Family Residential" on the SACP map.

The Comprehensive Plan designations of surrounding properties include:

North:	Commercial
South:	(Across Madrona Avenue SE) Single Family Residential
East:	Commercial
West:	Multi-Family Residential

Relationship to the Urban Service Area

The subject property is located within the City's Urban Service Area; therefore, an Urban Growth Area (UGA) Preliminary Declaration is not required prior to development of the site.

Components of the Comprehensive Plan

The Salem Area Comprehensive Plan is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meets the needs of present and future residents of the Salem urban area. Many different documents and maps, when taken together, comprise the Salem Area Comprehensive Plan.

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is located on Madrona Avenue SE, which is designated as a Minor Arterial.

Neighborhood Plan: The proposed project is located within the boundaries of the Faye

Wright Neighborhood Association. The Neighborhood Association does not have an adopted neighborhood plan.

Zoning and Land Use

The zoning and existing land uses of the surrounding properties is described as follows:

North: CR (Retail Commercial); office building
South: (Across Madrona Avenue SE) RS (Single Family Residential); single family residences
East: CR (Retail Commercial); retail bank branch with drive-through window
West: RM2 (Multiple Family Residential); duplex and single family residences

Existing Site Conditions

The subject site consists of four adjoining lots totaling 0.93 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W03BD03900, 4000, 4100, and 4200). The property consists of three rectangular lots created from Lot 23 of Ewald Fruit Farms, with the center of the three lots divided into a flag lot (Tax Lot 4100) and smaller remainder (Tax Lot 4000). The combined lots form a rectangular site approximately 225 feet wide and 203 feet deep. Applicant Oregon Farm Bureau also owns the abutting property to the north, which is developed with a two story office building and parking lot. The abutting property to the east sits at the corner of Madrona Avenue and Commercial Avenue SE, and is developed with a bank branch office with drive-through window.

The easternmost lot (Tax Lot 3900) is developed with a single family house constructed in 1955, and a single family house, also constructed in 1955, occupies portions of both Tax Lot 4000 and 4100. Both residences have a driveway onto Madrona Avenue. A complex of four detached cottages is situated on the westernmost lot (Tax Lot 4200). The cottages are arranged in a row fronting a gravel driveway which runs north-south along the western edge of the lot. The adjacent property to the west is developed with a duplex on a corner lot with a driveway onto Madrona Avenue SE and a driveway onto Neef Avenue SE.

Circulation and Access: All of the lots making up the subject property take access from Madrona Avenue SE, designated as a Minor Arterial. Madrona Avenue intersects with Commercial Street SE, a major arterial, approximately 500 feet east of the subject property. Madrona Avenue intersects with Liberty Road S, also a major arterial, approximately 1,500 feet west of the subject property. Any additional necessary street improvement or right-of-way requirements will be addressed at such time that new development is proposed on the site through the Site Plan Review Process.

Trees: The City's tree preservation ordinance protects heritage trees, significant trees (*including Oregon White Oaks with a diameter-at-breast-height of 24 inches or greater*), trees and vegetation within riparian corridors, and trees on lots or parcels greater than 20,000 square feet. There are no waterways on the subject property.

Any development of the subject property must comply with the tree preservation requirements of SRC Chapter 808 (Preservation of Trees and Vegetation). Pursuant to the City's tree preservation requirements, no heritage trees, significant trees, or riparian corridor trees or riparian corridor native vegetation shall be removed.

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

Floodplain: The subject property is not within a mapped floodplain or floodway.

Landslide Hazards: The site is relatively flat, ranging from approximately 300 to 304 feet in elevation. According to the City's adopted landslide hazard susceptibility maps, there are areas of mapped landslide hazard susceptibility points located on portions of each lot making up the subject property. Based on the point value associated with the land, a geologic assessment will may be required if a regulated development activity is proposed in the mapped landslide hazard area.

Applicant Submittal Information:

Requests for Minor Comprehensive Plan Changes and Zone Changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as Attachment B to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

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

SRC 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is

conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

- (aa) Whether there was a mistake in the application of a land use designation to the property;**
- (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
- (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
- (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.**

Applicant Statement: The proposal is justified based on (ii). The proposed Commercial designation is equally or better suited for the subject property than the existing Multifamily Residential designation because it is adjacent to existing commercial uses and commercial zoning on two sides, its one border with residential land makes up only 25% of its total perimeter, and the property's frontage and access is along Madrona Avenue, which is classified as a Minor Arterial by the Salem Transportation System Plan (STSP). An arterial street provides appropriate access for commercial uses, while residential use can be served by local residential streets. The property has no access to a local street or through any residential property. Considering these factors the subject property is equally or better suited for the proposed designation than its current designation.

Finding: The proposed Commercial designation is not equally or better suited for the subject property than the existing Multifamily Residential designation; therefore, the proposal is not justified based on SRC 64.025(e)(2)(A)(ii). Shared boundaries with Commercially-designated properties to the north and east, direct access to a minor arterial (Madrona Avenue), and proximity to the cluster of commercial development at the corner of Commercial Street and Madrona Avenue support the suitability of the subject property for Commercial designation. However, the site is also adjacent to properties developed with one and two-family residences (to the south across Madrona Avenue, and to the west). Beyond the immediate vicinity of intersections with major arterials at Commercial Street SE and Liberty Road S, Madrona Avenue is lined by residential developments on the north and south frontages.

In 2011, the consulting firm ECONorthwest completed a Housing Needs Analysis (HNA) for areas within the Salem and Keizer Urban Growth Boundaries for the years 2012 to 2032. While this was not adopted by the City of Salem, the study indicated a shortage of approximately 228 gross acres of multifamily residential land within the Salem UGB. The City

has recently completed a Salem-specific HNA for the 2015-2035 period and it concludes similar findings in terms of a shortage of multifamily residential land. At the same time, several factors make the subject property especially well-suited for the Multifamily Residential designation. Although the applicant's statement seems to contend that local street (rather than arterial) access is appropriate for Multifamily land, the location of the subject property on the north side of Madrona Avenue is consistent with Comprehensive Plan policies encouraging location of Multifamily housing in close proximity to transportation corridors.¹ In addition, the subject property is within ¼ mile or less of employment centers, shopping areas, and commercial services clustered at the corner of Commercial and Madrona. Cherriots Route #8 has a designated stop along the site's Madrona Avenue frontage, and Routes #1 and #6 stop less than 500 feet of the subject property.

The Commercial designation proposed by the applicant would make multi-family residential redevelopment of the property significantly more difficult. In addition, redevelopment of the subject property for commercial uses would eliminate the four existing multi-family residences and two existing single family residences.

The applicant does not contend that the proposal is justified under SRC 64.025(e)(2)(A)(i) or (iii), and staff finds that these factors do not apply to the proposal.

The proposal does not meet this criterion.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Applicant Statement: All public facilities and services necessary and required to support development of future commercial uses are available to the property. The property is in a highly developed part of the city. It is currently served by public facilities. The commercial properties to the north and east are developed and provided with public facilities and services. In its Findings attached to the Pre-Application Summary report, the Public Works Dept. found that the water, sewer, and storm infrastructure are available within the surrounding streets and area and appear adequate to serve existing and future tenants. Site-specific requirements will be addressed in the Site Plan Review process. Based on the existing conditions and the findings of the Public Works Dept., this criterion is satisfied.

Finding: Staff concurs that the necessary public facilities and services are available at the subject property. Staff finds that this criterion is met.

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

Finding: The adjoining property to the north is under common ownership, and a Commercial designation may allow for future development to provide connectivity with other properties

¹ See Salem Area Comprehensive Policies Plan, Policies E.6.a and E.6.c, pg. 33.

near the corner of Commercial Street and Madrona Avenue. However, the subject property has its sole frontage along Madrona Avenue, and future development would likely take access from Madrona. Therefore, the proposal affects the logical urbanization of the Madrona Avenue corridor as much, if not more, than the Commercial Street corridor. Whereas Commercial Street is a major arterial lined for miles with commercially-designated properties on both sides, Madrona is a minor arterial fronted predominantly by residential uses, with small clusters of commercial and institutional uses at intersections with Commercial Street SE and Liberty Road S.

Although the applicant describes the north-south boundary between commercial and residential uses as "interrupted only by the subject property," the boundary does not continue south of the subject property; the boundary actually terminates at the north boundary of the subject property, with properties to the south designated for Single Family Residential uses. While designated for Multi-Family Residential development, the abutting properties to the east were subdivided and developed with one and two-family residences in the late 1940s and early 1950s. This existing lot pattern and building arrangement makes adjacent single-family residences unlikely to redevelop to more intensive uses in the near future.

Staff finds that the proposal does not meet this criterion.

SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Consistency with the Salem Area Comprehensive Plan (SACP)

This proposal to change the Comprehensive Plan map designation from "Multi Family Residential" to "Commercial" is evaluated for consistency with applicable goals and policies of the Salem Area Comprehensive Plan as follows:

Salem Urban Area Goals and Policies, Residential Development Goal (Page 32, Salem Comprehensive Policies Plan):

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

In meeting this goal, residential development shall:

- a. Encourage the efficient use of developable residential land;*
- b. Provide housing opportunities for Salem's diverse population; and*
- c. Encourage residential development that maximizes investment in public services.*

Finding: The subject property provides a site for higher density residential development that would maximize investment in public services in the vicinity, including the arterial street network, transit services, and utilities. Existing single and multi-family housing units on the

site amount to a density of approximately 6.4 units per acre, well below the minimum density allowed in the zones which implement the Multi-Family Residential designation. The proposal to change the designation of the subject property to Commercial would substantially reduce the likelihood of the site being redeveloped for residential purposes at a density afforded by the multiple family residential zones and available services and infrastructure. The proposal would instead facilitate redevelopment of the existing single and multi-family residential units on the site for non-residential land uses, eliminating six units which currently provide a diverse range of housing opportunities.

Staff finds that the proposal is inconsistent with the Residential Development goal.

Salem Urban Area Goals and Policies, Policy E.1, E.2, and E.6 (Pages 32-33, *Salem Comprehensive Policies Plan*):

Establishing Residential Uses

1. *The location and density of residential uses shall be determined after consideration of the following factors;*
 - a. *The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
 - b. *The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards, and soil characteristics.*
 - c. *The capacity of public facilities, utilities, and services. Public facilities, utilities, and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
 - d. *Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.*
 - e. *The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*
 - f. *Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*
 - g. *The density goal of General Development Policy 7.*

Facilities and Services Location

2. *Residential uses and neighborhood facilities and services shall be located to:*

- a. Accommodate pedestrian, bicycle, and vehicle access;*
- b. Accommodate population growth;*
- c. Avoid unnecessary duplication of utilities, facilities, and services; and*
- d. Avoid existing nuisances and hazards to residents.*

Multi-Family Housing

- 6. Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities, and services:*
 - a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;*
 - b. Development regulations shall promote a range of densities that encourage a variety of housing types;*
 - c. Multiple family developments should be located in areas that provide walking, auto, or transit connections to:*
 - (1) Employment centers;*
 - (2) Shopping areas;*
 - (3) Transit service;*
 - (4) Parks;*
 - (5) Public buildings.*

Finding: Based on the criteria established in policies E.1, E.2, and E.6, the subject property is especially well-suited to its existing Multi-Family Residential designation. In summary:

- The site is relatively free of topographic or other natural constraints to safe and efficient siting of high density housing.
- The site is served by existing infrastructure, located on a minor arterial, and served by transit, water, sewer, and storm facilities.
- The site is within walking distance to a wide range of commercial services (including a grocery store, hardware store, restaurants, and banks), public buildings (U.S. Post Office, Salem Heights Elementary School), transit stops (for Cherriots lines #1, #6, and #8), and recreational facilities (Gracemont and Hillview Parks).

The proposal would remove the subject property from the inventory of residentially-designated land within the Salem UGB. Due to the shortage of land designated for multifamily housing, the residential capacity provided by the site under its current designation would have to be obtained elsewhere, in a less suitable location than the subject property. Therefore, staff finds that the proposal is not consistent with this policy.

Salem Urban Area Goals and Policies, Policy E.8 (Page 34, Salem Comprehensive Policies Plan):

Protection of Residential Areas

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

Finding: Section II.A.3.a of the SACP provides intent statements for the residential designations of the Comprehensive Plan Map. By providing a buffer between the more intensive uses along the Commercial Street corridor and the single-family residences to the east and south, the existing Multi-Family Residential designation of the subject property is consistent with item (d) of the intent statement: "To ensure a compatible transition between various types of housing."²

The abutting properties to the east are designated Multi-Family Residential and developed with mostly single family residences. Under the proposed Commercial designation, landscaping and screening along the eastern edge of the subject property may be effective in mitigating some of the potential impacts of intensive commercial uses on the site, in particular where it directly abuts the back yards of these residences. These traditional methods of buffering between uses are less suited for conflicting land uses which abut each other across public streets. The open space provided by the Madrona right-of-way, space reserved for functional elements like utility lines and driveways, vision clearance issues, and the need for commercial establishments to be visible from the street all conflict with the usual methods of providing buffering through tall, opaque vegetation and screening. Land use and development patterns surrounding the subject property appear likely to remain in place for the foreseeable future, leaving unbuffered edges between single-family residential and larger-scale commercial uses allowed under the proposal to remain in place years or decades into the future.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 36, Salem Comprehensive Policies Plan):

To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.

Finding: Staff concurs that the proposal is consistent with the Commercial Development Goal. The proposal would provide additional land for commercial development at the edge of a significant commercial service center serving the South Salem area.

Salem Urban Area Goals and Policies, Policy G.4 (Page 36, Salem Comprehensive Policies Plan):

Community Shopping and Service Facilities

² Salem Area Comprehensive Policies Plan, pg. 5.

4. *Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.*

Neighborhood and Community Shopping and Service Facilities

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

Finding: Community and Neighborhood Shopping and Service Facilities consist of “community-scale facilities” which provide “shopping goods for a market area consisting of several neighborhoods,” and smaller “neighborhood-scale facilities” providing “convenience goods for neighborhood residents.”³ The vicinity of the subject property has generally developed in accordance with these policies, as the largest shopping and service facilities are concentrated along major arterials (Commercial Street SE and Liberty Road S), with the collectors (Salem Heights Avenue SE, Browning Avenue SE, and Idylwood Drive SE) and minor arterial (Madrona Avenue) that run east-west between them fronted by residential uses and a few smaller commercial developments. The subject property is approximately 500 feet east of Commercial Street SE, and the existing development pattern along Madrona consists primarily of single and multi-family residential uses that do not commit the area to strip development. The proposed change to a Commercial designation would extend the corridor of more intensive Community Shopping and Service Facilities from the major arterial onto a secondary, primarily residential corridor.

The applicant has not proposed a specific use or site plan for commercial redevelopment of the subject property. The adequacy of parking and service areas would be evaluated as part of the Site Plan Review process for any future redevelopment project. Although the subject property has direct access to a minor arterial, Hillview Drive SE, a nearby residential street, may see increased customer traffic filter through due to the relatively direct and uncongested access it would provide to future commercial development on the site.

Staff finds that the proposal is not consistent with this policy.

Salem Urban Area Goals and Policies, Policy G.8 (Page 34, Salem Comprehensive Policies Plan):

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

³ Salem Area Comprehensive Policies Plan, Section II.A.3.c, pages 8-9.

Finding: Findings addressing consistency with SACP policy E.8, included earlier in this report, describe how the proposal would effectively remove the existing buffer between more intensive commercial uses on Commercial Street SE and existing residential areas to the east and south. The proposal does not satisfy this criterion.

Consistency with the applicable Statewide Planning Goals

The proposal to change the Comprehensive Plan map designation from "Multi-Family Residential" to "Commercial" has been evaluated for consistency with the applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development as follows:

Goal 1 – Citizen Involvement

Finding: A Minor Plan Change is processed as a quasi-judicial land use action. Public notice is required and a public hearing will be held giving interested citizens an opportunity to be involved in the process. The City, through the Salem Revised Code, has created proper procedures to ensure citizens the opportunity to have input in zoning changes. Opportunities for public input will be available in the hearings process prior to action on this proposal.

A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and the neighborhood association. The City has therefore met its obligation of providing for citizen involvement under Statewide Planning Goal 1, as defined through the City's adopted procedures.

This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

Finding: The Salem Area Comprehensive Plan is adopted by the City and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules. The City has established a land use planning process and policy framework as a basis for all decisions and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources

Finding: No resources have been identified or designated on the subject property under Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Applicant Statement: The redesignation of the property will have no significant affects on air, water or land resource quality. The subject property is within a highly developed part of the city. It is along or near arterial streets. All adjacent property is developed, including property developed and used for commercial purposes. All required public services and

utilities are available to the property. Water is and will be supplied to the site by the City water system. There will be no withdrawal of subsurface groundwater resources. Waste water from the property is and will be discharged into the City sewer system. Storm water runoff will be collected and removed by the City storm drainage system. The proposed designation will increase traffic over existing uses, but will create no significant changes in air quality in the area.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Applicant Statement: No natural hazards have been identified that are specific to this site.

Finding: There are no known natural hazards existing on the subject property. In the event that a hazard is identified, the City's tree protection, landslide, and floodplain development standards will be applied during the Site Plan Review process. Staff finds that the proposal is consistent with Goal 7.

Goal 8 – Recreational Needs

Applicant Statement: The site is not designated for recreational use and this Goal does not apply.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 8.

Goal 9 – Economic Development

Applicant Statement: The subject property is part of a contiguous ownership that includes property designated and developed for commercial use. The property is part of a center of commercial activity that surrounds a major south Salem arterial intersection. The proposed designation is consistent and compatible with adjacent commercial uses and designation, and will improve the value and economic contribution of the property to the city. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 9.

Goal 10 – Housing

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(A), included earlier in this report, describe two recent Housing Needs Analyses, completed in 2011 and 2014. Both HNAs found a deficit of land available for multi-family housing within the Salem Urban Growth Boundary. Under the density requirements of its existing Multi-Family Residential designation and RM2 zoning, between 10 and 24 multi-

family housing units would be allowed on the subject property.⁴ While the CR (Retail Commercial) zoning proposed by the applicant would allow multiple family housing as a conditional use, the likelihood of the site being redeveloped with multi-family housing would be significantly reduced with a Commercial designation and CR zoning.

In addition, redevelopment of the subject property for commercial uses would eliminate the four existing multi-family residences and two existing single family residences.

Staff finds that the proposal is inconsistent with Goal 10.

Goal 11 – Public Facilities and Services

Finding: The subject property is located within the City of Salem's Urban Service Area. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity, telephone, and solid waste disposal, are currently available. The provision of public facilities and services are adequate for potential commercial uses on the subject property. Staff finds that the proposal meets the requirements of Goal 11.

Goal 12 – Transportation

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 finds that the increase trips

⁴ This calculation applies the 12 units per acre minimum density and 28 units per acre maximum density allowed in the RM2 zone. A site area of 0.87 acres is assumed after right-of-way dedication along the Madrona Avenue frontage.

estimated to be generated by a maximum worst case scenario use would not result in a significant effect on the transportation system. The Assistant City Traffic Engineer concurs that the proposal will not have a significant effect on the transportation system. The proposal meets the requirements of Goal 12.

Goal 13 – Energy Conservation

Applicant Statement: The property is located within a highly developed part of the urban area. The transportation system in the area is fully established and makes access to the property direct, efficient, and convenient by private and public, motorized and non-motorized forms of transportation. The property's location along a major street route serves to reduce travel time and distance needed to reach the site, which conserves energy. In addition, new structures will be required to meet the energy efficiency code at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 13.

Goal 14 – Urbanization

Applicant Statement: The subject property is inside the city. The proposal does not affect the size or location of the city limits or the Urban Growth Boundary. The proposal contributes to maintaining services within a compact and efficient urban area. These factors are consistent with the directives of this Goal.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 14.

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

Finding: As described in earlier findings, recent Housing Needs Analyses have shown a shortage of land available to meet multi-family housing needs within the Salem Urban Growth Boundary. The subject property is currently designated for Multifamily Residential, is developed below the allowed density in zoning districts implementing that designation, and is located in close proximity to transportation corridors, utility infrastructure, and a variety of public and private services. The site is currently developed with six housing units, four of which are multifamily cottage units. The applicant's proposal would further reduce the available capacity of multifamily land within the UGB, as well as facilitate the redevelopment of existing residential units on the site for commercial purposes. As a result, the existing dwelling units and multifamily development capacity that currently exists on the subject property would need to be reestablished elsewhere within the UGB. Land designated elsewhere for multi-family housing is unlikely to offer the same proximity to existing infrastructure and services as the subject property.

Staff finds that the proposal does not meet this criterion.

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

The following analysis addresses the proposed zone change the subject property from RM2 (Multiple Family Residential) to CR (Retail Commercial). SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment B).

SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:

- (i) A mistake in the application of a land use designation to the property**
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Finding: The applicant contends that the request satisfies SRC 265.005(e)(1)(A)(iii).

The subject property is rectangular, with minimal grade changes or no known natural hazards. Existing development on two abutting CR-zoned properties is consistent with the uses allowed in that zone. The subject property has frontage on a minor arterial. Staff finds that the physical characteristics of the property are appropriate for the proposed zone.

SRC 522.001 states that the CR (Retail Commercial) zone proposed by the applicant "generally allows a wide array of retail sales and office uses." Many of the allowed uses, such as residential and nursing care, retail sales, personal services, offices, religious assembly, and recreational and cultural services can provide a logical transition between intensive commercial uses and residential neighborhoods. However, the wide range of uses allowed in

the CR zone also includes uses that would result in impacts to adjacent residential areas from incompatible scale, noise, light, and automobile traffic. Examples of these higher-impact uses allowed in the CR zone include gasoline service stations, drive through restaurants, major event entertainment, and repair and maintenance of industrial machinery. Development standards in the CR zone are generally suited for properties within larger commercial districts, and allow for new structures and site layouts which differ significantly from the existing pattern of the residential districts adjacent to the subject property. The height limit in the CR zone extends to 50 feet in height, there is no maximum lot coverage requirement, and the approximate 227-foot frontage of the subject property would allow for a free-standing sign of up to 26 feet in height and 132 square feet in area. Staff finds that the uses allowed by the proposed zone are not logical with the surrounding land uses to the east and south.

The applicant does not contend that the proposal is justified under SRC 265.005(e)(1)(A)(i) or (ii), and staff finds that these factors do not apply to the proposal.

Staff finds that the proposal does not meet this criterion.

(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan and applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change request. The proposal does not satisfy this criterion.

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

or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The proposed zone change is from RM2 (Multiple Family Residential) to CR (Retail Commercial). No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. The existing designation is not a commercial or employment designation. Therefore, this criterion does not apply.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The applicant submitted a Transportation Planning Rule (TPR) analysis, which addressed the question of whether traffic generated by development of the site under the proposed CR zone would significantly affect the surrounding transportation infrastructure, when compared to the amount of traffic that could be generated under the existing RM2 zoning.

The TPR Analysis concludes that the subject property could generate up to 162 average daily trips (ADT) if developed at the maximum density allowed under the existing RM2 zoning (24 apartments). In order to evaluate a maximum worst case scenario for a permitted use in the CR zone that would fit on the relatively small site, the applicant prepared an estimate assuming an 8-pump gasoline station on the subject property. The TPR Analysis finds that a gas station would result in a net increase of approximately 620 net new trips. The applicant's analysis concludes that the estimated net increase would not have a significant effect on the surrounding transportation infrastructure. The Assistant City Traffic Engineer has reviewed the analysis and concurs that the proposal will not have a significant effect on the transportation system.

Staff finds that the proposal meets this criterion.

(G)The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

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

Conclusion: Based on the facts and findings contained in this staff report the recommendation is to DENY the application. In summary the land is well suited for multi-family development, there is a shortage of multi-family land in the city, the existing dwelling

units would be removed, and future development of commercial uses allowed in the CR zone would not be compatible with the surrounding area.

In the event that the Planning Commission elects to approve the requested Comprehensive Plan map designation change and zone change against staff recommendation, we recommend the following conditions of approval to mitigate impacts to adjacent residential properties that would be likely to occur as a result of certain allowed uses in the CR (Retail Commercial) zone:

Condition 1: In addition to the uses prohibited in the underlying zone, the following uses and activities shall be prohibited on the site:

- Motor Vehicle and Manufactured Dwelling and Trailer Sales
- Motor Vehicle Services
- Heavy Vehicle and Trailer Sales
- Heavy Vehicle and Trailer Service and Storage
- Major Event Entertainment
- Industrial Services
- Waste-Related Facilities
- Any use if developed with a drive-through

Condition 2: In addition to the landscaping and screening requirements established in SRC 807.015, a Type C buffer provided along the west property line shall include a row of evergreen trees, no less than 6 feet in height at planting, and spaced no more than 15 feet apart on center.

Should the Planning Commission elect to approve the proposal and adopt the conditions of approval recommended above, staff may be directed to draft findings in support of the adopted conditions.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and DENY, by resolution, the following actions for Comprehensive Plan Change / Zone Change 14-08 on property consisting of four lots and located at 471-477, 495, and 525 Madrona Avenue SE (Marion County Assessor's Map and Tax Lot Numbers 083W03BD03900, 4000, 4100, and 4200).

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

B. That the zone change request for the subject property from RM2 (Multiple Family Residential) to CR (Retail Commercial) be DENIED.

Attachments: A. Public Hearing Notice & Vicinity Map
B. Applicant's Statement Addressing Approval Criteria
C. Public Works Department Comments

Prepared by Christopher Green, Planner II 



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 Map Change / Zone Change Case No. CPC-ZC14-08
AMANDA APPLICATION NO:	14-120120-ZO & 14-120121-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, FEBRUARY 10, 2015, AT 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	471 – 477, 495 & 525 MADRONA AV SE, SALEM OR 97302
OWNER / APPLICANT:	OREGON FARM BUREAU FEDERATION
AGENT:	JEFF TROSS, TROSS CONSULTING, INC.
DESCRIPTION OF REQUEST:	A consolidated Comprehensive Plan Map Amendment and Zone Change for four abutting lots on the north side of Madrona Avenue SE, just west of the intersection with Commercial Street SE. The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Multi-Family Residential to Commercial and change the zoning from RM2 (Multiple Family Residential) to CR (Retail Commercial). The property is currently developed with single family dwellings and a multifamily cottage complex. The subject property is approximately 0.92 acres in size and is zoned RM2 (Multiple Family Residential). The subject property is located at 471-477, 495, and 525 Madrona Avenue SE (Marion County Assessor's Map and Tax Lot numbers: 083W03BD03900, 4000, 4100, and 4200).
CRITERIA TO BE CONSIDERED:	COMPREHENSIVE PLAN MAP CHANGE Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following: (A) The Minor Plan Map Amendment is justified based on the existence of one of the following: (i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate. (ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation. (iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered: (aa) Whether there was a mistake in the application of a land use designation to the property; (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation; (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and

- (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.
- (B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
- (C) The proposed plan map designation provides for the logical urbanization of land;
- (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
- (E) The amendment is in the public interest and would be of general benefit.

ZONE CHANGE

Pursuant to SRC 265.005(e), Criteria:

- (1) A quasi-judicial zone change shall be granted if all of the following criteria are met:
 - (A) The zone change is justified based on the existence of one or more of the following:
 - (i) A mistake in the application of a land use designation to the property;
 - (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.
 - (B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.
 - (C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.
 - (D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.
 - (E) If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.
 - (F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.
 - (G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.
- (2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

HOW TO PROVIDE TESTIMONY:

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

HEARING PROCEDURE:

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

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

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

CASE MANAGER:

Chris Green, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2326; E-mail: cgreen@cityofsalem.net 

NEIGHBORHOOD ORGANIZATION:

Faye Wright Neighborhood Association, Layla Pett, Chair; Email: l_pett@msn.com

DOCUMENTATION AND STAFF REPORT:

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

www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx

ACCESS:

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

NOTICE MAILING DATE:

January 21, 2015

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

For more information about Planning in Salem:

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

 **@Salem_Planning**

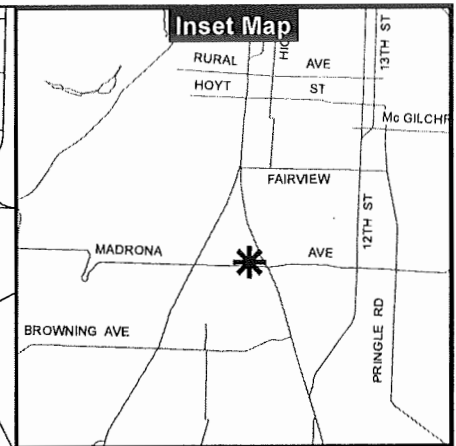
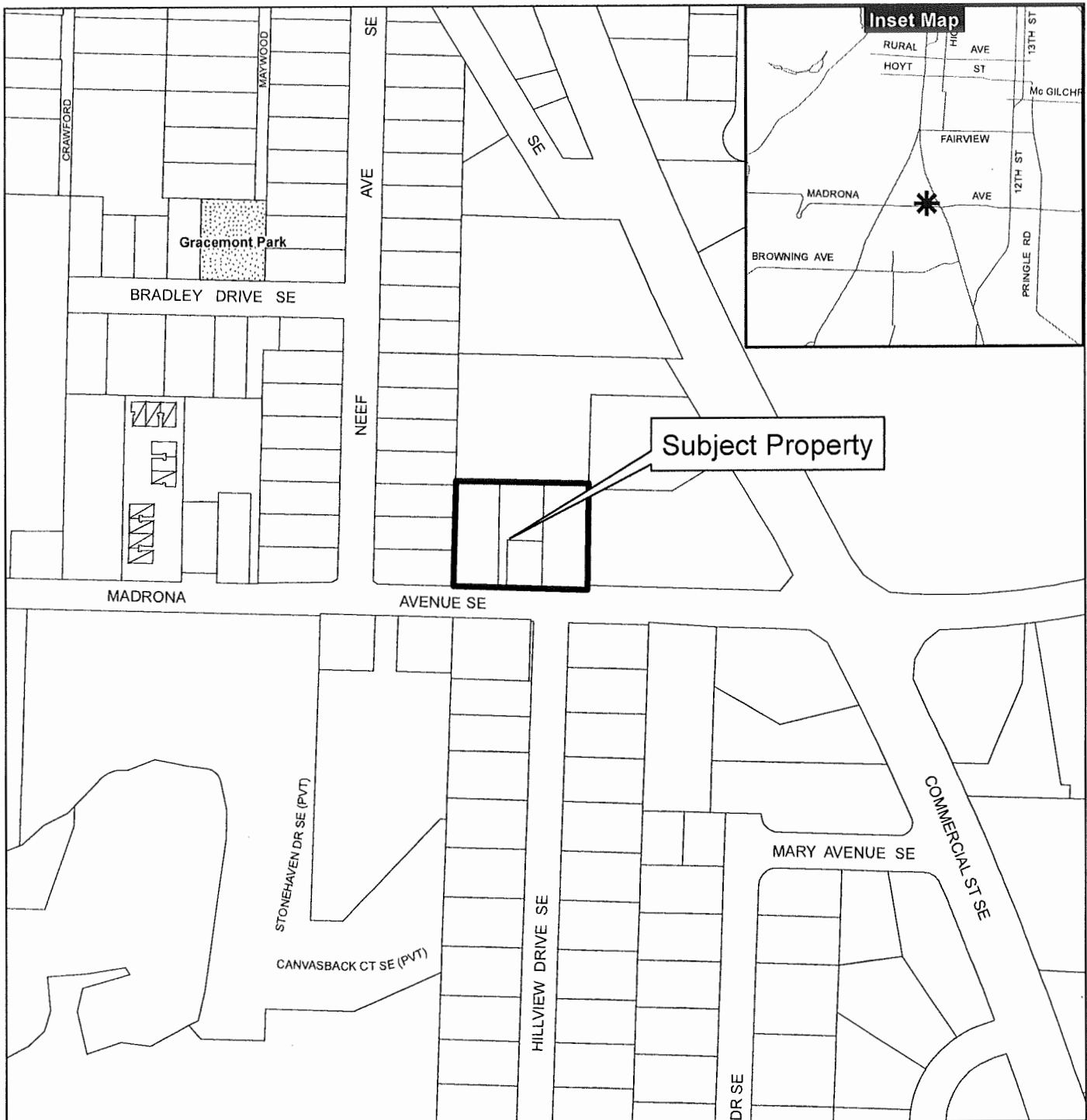
G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2014\Case Processing Docs\CPC-ZC14-08 - 471-477, 495 & 525 Madrona Ave SE (Chris)\CPC-ZC14-08 Hearing Notice.doc

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

471-477, 495, & 525 Madrona Avenue SE



Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



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

**APPLICANT'S STATEMENT
FOR
OERAGON FARM BUREAU -
MADRONA AVENUE COMPREHENSIVE PLAN MAP
AMENDMENT AND ZONE CHANGE**

BACKGROUND

The Oregon Farm Bureau (OFB) is a non-profit organization representing the interests of farm and ranch families and the agricultural industry in Oregon. The OFB's roots date back to 1919, and it was established as a statewide organization in 1932. The organization currently includes a total membership of over 60,000 Oregon families and is the state's largest general agriculture organization.

In 2000, OFB purchased an office building at 3415 Commercial Street SE for use as its headquarters office. The building, known as the Natural Resources Center, is on the west side of Commercial Street just north of Madrona Avenue. The purchase included adjacent property to the south, located along the north side of Madrona. At the time of the purchase the City of Salem Zoning Map showed all of the OFB property zoned as Commercial Retail (CR) (Zoning Map 8303N).

The Farm Bureau's property is shown on Marion County Assessor's map 8-3W-03BD. The office building is on Tax Lot 3400, a parcel of 1.27 acres. The adjacent property to the south, along the Madrona frontage, consists of four contiguous parcels identified as Tax Lots 3900, 4000, 4100, and 4200. These parcels range from .11 acre (4,792 s.f.) to .31 acre (13,503 s.f.), for a total of .93 acre. Parcel 3900, and 4000/4100, each have a single-family dwelling. Parcel 4200 is occupied by four small dwellings, arranged perpendicular to the street. The houses on parcels 3900 and 4000/4100 are each served by a driveway onto Madrona, and the four dwellings on parcel 4200 share a single driveway that runs along the west line of the parcel. This driveway extends from Madrona to the border with parcel 3400, and in the past it has been used as an additional access to the office building.

In February, 2014 OFB purchased a building on Capitol Street NE for use as a new headquarters facility. To facilitate the purchase of the new building the organization intends to place its Commercial Street building and the contiguous Madrona property on the market for sale. As part of the process of preparing the informational and disclosure materials for the sale offering, the Organization's real estate representative visited the City Planning Division to discuss possible uses

allowed by the CR zone. However, at that time and in subsequent review, City Planning determined that the property along the Madrona frontage was not zoned CR as shown on the Zoning Map, but instead determined it to be zoned RM2 (Multi-Family Residential-2). That determination results in a major change in the understanding and expectations of value and uses for that property, as well as its relationship to the office parcel.

Planning Staff based its opinion that the property is not CR, but is actually zoned RM2, first on the Comprehensive Plan Land Use Map. That map shows the property designated as Multi-Family Residential, and that designation is typically accompanied by RM zoning. Prior to 1993 the Zoning Map showed the parcels as RM. According to Planning Staff, the zoning of these parcels was shown on the City Zoning Map as CR beginning sometime between 1993 and 1999, but the Comp Plan Map was Multifamily Residential during that period. Secondly, Staff maintains that although the Zoning Map changed to show the parcels as CR, no documentation or evidence of a Zone Change or of a Comprehensive Plan Map Amendment can be found. Staff therefore regards the CR zone shown on the Zoning Map to be a mapping error, the long period of time that the map has shown the property to be CR notwithstanding.

The property owner and City Staff agree that the properties were shown as CR at least by 1999, and possibly as early as 1993. These dates precede the OFB acquisition. OFB acquired the property in 2000, based on the information provided by the City that it was zoned CR, and it has most recently formulated the purchase of its new facility on the sale of its Commercial-Madrona property as available for uses allowed in the CR zone.

The Proposal

City Planning maintains that the only available remedy for the apparent mapping error is for OFB to file an application for a Comprehensive Plan Map Amendment and concurrent Zone Change, to request that the property be changed to the CR zone. That process places the burden of proof, and the expense, for the Plan Amendment and Zone Change on OFB as the Applicant. As a result, in order to restore the property to the zoning category that has been shown on the City Zoning Map since at least 1999, the Oregon Farm Bureau requests a Comprehensive Plan Map Amendment

from Multifamily Residential to Commercial, and a corresponding Zone Change from RM2 to CR, for its four parcels along Madrona Avenue (the property). Considering the size of the parcels individually and in total, and the land use pattern and uses of the surrounding property in the area, this request is both reasonable and appropriate for this location.

A Pre-Application conference to discuss this matter was held on May 29, 2014; Pre-App 14-17.

The proposal was presented to the Faye Wright Neighborhood Association at its meeting on December 1, 2014.

Surrounding Land Use and Zoning Pattern

Commercial at Madrona is a major intersection in south Salem, and all four quadrants of the intersection are zoned CR and occupied by commercial activities. As shown on the Zoning Map, due to the NW-SE alignment of Commercial Street the commercial zoning in its northwest quadrant, extending between Madrona and Triangle Drive, forms a triangle. The OFB property occupies the southwestern, right-angle corner of the triangle. The commercial zoning and uses in this quadrant are the major influence on the Madrona property, as it is adjacent to commercial activities on two sides and to residential use only on one. That factor plus its location along the arterial street frontage make it a logical part of the commercial zoning pattern in the northwest quadrant of the intersection.

As noted, OFB's office building is adjacent to the property on the north, and a bank with a drive-through facility is adjacent in the CR zone to the east. The residential lots to the west front on Neef Avenue SE. This residential neighborhood is designated Multi-family Residential on the Plan Map, and it is zoned RM2, but it is composed of single family homes on individual lots. The neighborhood appears stable in character and appearance, and there are no indications of an impending change to a higher residential density as provided for by the RM2 zone.

The south-west corner of Madrona and Commercial is commercial property zoned CR, and it is also occupied by a bank. The commercial property borders the single family lots zoned RS that

front on the east side of Hillview Avenue. The RS neighborhood extends to the south of Madrona along Hillview. The Hidden Lakes retirement community is to the west of the single family neighborhood, and is zoned RM2.

Because of its location the Madrona property is more integral to the bordering commercial area than to the residential neighborhood to the west. Two sides of the property, which comprises two-thirds of its border excluding street frontage, adjoins existing CR zoning and commercial uses, while only side adjoins the residential area. Including this property with the commercial area results in a logical boundary between the commercial and residential areas.

CRITERIA

Salem Area Comprehensive Plan Map Amendment

The proposal is classified as a Minor Plan Map Amendment. A Minor Plan Map Amendment is reviewed according to the criteria in SRC 64.025(e)(2). The criteria are addressed as follows:

(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:

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

(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.

(iii) Conflict between Comprehensive Map Designation and Zone Designation...

This proposal is justified based on **(ii)**. The proposed Commercial designation is equally or better suited for the subject property than the existing Multifamily Residential designation because it is adjacent to existing commercial uses and commercial zoning on two sides, its one border with residential land makes up only 25% of its total perimeter, and the property's frontage and access is along Madrona Avenue, which is classified as a Minor Arterial by the Salem Transportation System Plan (STSP). An arterial street provides the appropriate access for commercial uses, while residential use can be served by local residential streets. The property has no access to a local street or through any residential property. Considering these factors the subject property is equally or better suited for the proposed designation than its current designation.

(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation.

All public facilities and services necessary and required to support development of future commercial uses are available to the property. The property is in a highly developed part of the city. It is currently served by public facilities. The commercial properties to the north and east are developed and provided with public facilities and services. In its Findings attached to the Pre-Application Summary report, the Public Works Dept. found that the water, sewer, and storm infrastructure are available within the surrounding streets and area and appear adequate to serve existing and future tenants. Site-specific requirements will be addressed in the Site Plan Review process. Based on the existing conditions and the findings of the Public Works Dept., this criterion is satisfied.

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

The property is in the northwest quadrant of the Madrona-Commercial intersection, which is a major center for commercial services. All four quadrants of this intersection are occupied by commercial activities and are designated Commercial and zoned CR. In this northwest quadrant the western boundary of the Commercial designation extends to the back of the residential lots that front on Neef Avenue, which are designated Multifamily Residential. This north-south boundary line creates a consistent demarcation and unambiguous division between the two land use categories. The uniformity of the north-south boundary, and the relationship between the commercial and residential areas, is interrupted only by the subject property. The subject property is the only designated residential land north of Madrona and between Commercial and Neef, that fronts on Madrona and not on Neef. The property is situated in the southwest corner of the designated commercial area, and most of the property is bordered by existing commercial development. All necessary public facilities and services are available to support future commercial use of the property, and a traffic study has shown that commercial use of the site will not create a significant impact. Because it would correspond to the existing land use pattern, result in a consistent and uninterrupted boundary between the commercial and residential designations north of Madrona, and will not adversely impact public facilities, services, or streets,

the proposed plan map designation provides for the logical urbanization of land, consistent with this criterion.

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

The following elements of the SACP are applicable to this request:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The 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 recognizes that land use and zoning are expected to change as conditions change.

The proposed designation will result in a desirable pattern of land use at this location by completing the commercial land use pattern on the north side of Madrona, west of Commercial. The property is part of a contiguous ownership with the commercial property to the north. It fronts on a minor arterial, and has no frontage or access on a local residential street. It is not within a residential neighborhood, and its characteristics are not consistent with the residential neighborhood to the west. The property's location, street frontage, and access characteristics are most similar to those of the adjacent commercial properties and are consistent with the requirements for the Commercial designation. The proposed Comp Plan designation is consistent with the Plan methodology to provide maximum flexibility within the guidelines provided by Plan policies, and to recognize the conditions that affect zoning. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Part IV. Salem Urban Area Goals and Policies

Part E. Residential Development: The Residential Development Goal is to promote a variety of housing opportunities and an adequate supply of developable land to support such housing. The subject property is currently occupied by six single family dwellings on the four contiguous parcels. There are large numbers of single family dwellings in the vicinity, and the proposed designation will not result in a significant impact on the ability to provide similar housing in the area, as there is extensive single family housing to the west and to the south. There are also a variety of multi-family housing opportunities in the nearby area, between Commercial Street and Liberty Road S. Although it is designated for multifamily housing, the property is not as well suited for that purpose as are other sites in the vicinity that are also designated for that purpose and which are located along the interior, local streets in the area. The potential of the site to accommodate desirable multifamily housing is decreased by its major exposure along the arterial street, and by the existing commercial development to the north and east. For these reasons, the site is not well suited for the type of residential use indicated by its current designation, and changing the designation as proposed will not have a significant impact on the intent and purpose of the Residential Development Goal and Policies.

Part G. Commercial Development: The Commercial Development Goal is to maintain and promote the Salem urban area as a commercial center for the metropolitan area. The lands around the Commercial-Madrona intersection form a major center of commercial services in south Salem, and the subject property is logically a part of the commercial land use pattern in the northwest quadrant of the intersection. The property is part of a contiguous commercial ownership, it is bordered on two sides by commercial uses, and its frontage and access is on a minor arterial, which is an appropriate location for commercial activity. The northwest quadrant of the intersection is an established focal point of commercial activity that includes office, retail, and service activities. Commercial use of the property will be consistent with the adjoining commercial land use pattern, and will contribute to maintaining a commercial center in this part of the city.

With regards to Policy 1. Central Business District, the proposal does not affect the central business district. Policy 2. Shopping and Service Facilities, will be satisfied by the Site Plan

Review process that will be required prior to development permits. Policy 3. Redevelopment, does not apply because the property is not an existing shopping and service facility. With regards to Policy 4., Community Shopping and Service Facilities, the property is adjacent to Madrona, an arterial street, which links Commercial and Liberty Road, which are also arterials. Parking and service areas will be provided as required in accordance with the type of future commercial development that is proposed. The property has no access to a residential street, which prevents traffic from filtering through a neighborhood to reach the site. These factors conform to this policy.

With regards to Policy 5, Neighborhood and Community Shopping and Service Facilities, the site is along an arterial, and is also a logical part of the existing commercial cluster in the northwest quadrant of the Commercial-Madrona intersection. The site is in close proximity and within convenient pedestrian and bicycle access to the nearby residential neighborhoods to the west and south, and the arterial streets provide convenient access for surrounding neighborhoods.

Policy 6. Commercial Office Uses requires convenient access to collector and arterial streets, and the property has access to an arterial. Policy 7. requires Mixed Use Developments to be provided for in land use regulations, and this policy does not apply to this proposal. Policy 8. requires buffer strips from residential development, and the required buffer will be provided at the time of commercial development.

For these reasons, the proposal is consistent with the Commercial Development Goal and policies.

Statewide Planning Goals

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 surrounding 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 in relation to the methodology and intent of the Plan, its applicable goals and policies, the criteria for a Minor Comp Plan Map Amendment, and the criteria for 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 5 - OPEN SPACES, SCENIC AND HISTORIC AREAS, AND NATURAL RESOURCES

The subject property is not identified or designated as any type of resource under this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The redesignation of the property will have no significant affects on air, water or land resource quality. The subject property is within a highly developed part of the city. It is along or near arterial streets. All adjacent property is developed, including property developed and used for commercial purposes. All required public services and utilities are available to the property. Water is and will be supplied to the site by the City water system. There will be no withdrawal of subsurface groundwater resources. Waste water from the property is and will be discharged into the City sewer system. Storm water runoff will be collected and removed by the City storm drainage system. The proposed designation will increase traffic over existing uses, but will create no significant changes in air quality in the area.

The property is flat and no adverse impacts to the land have been identified. No significant adverse impacts to the quality of the air, water or land are identified as a result of the proposed change in designation, and for these reasons the proposal is consistent with this goal.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards have been identified that are specific to this site.

GOAL 8 - RECREATIONAL NEEDS

The site is not designated for recreational use and this Goal does not apply.

GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is part a contiguous ownership that includes property designated and developed for commercial use. The property is part of a center of commercial activity that surrounds a major south Salem arterial intersection. The proposed designation is consistent and compatible with the adjacent commercial uses and designation, and will improve the value and economic contribution of the property to the city. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

GOAL 10 - HOUSING

The subject property is designated for multiple-family housing, but it is occupied by single-family houses. It is a part of a contiguous ownership that includes an office building in the CR zone to the north. There are large numbers of single family houses in the vicinity, and the proposal will not result in a significant impact on the ability to provide that type of housing in this area. The property is .92 acre, which is not a significant area of land for development of new multifamily housing. There are a variety of existing multi-family housing opportunities nearby, including those located along Madrona between Commercial Street and Liberty Road S. In addition, the extensive, interior neighborhood to the west, which extends between Madrona and Salem Heights Avenue, and between Neef and Liberty Road S, is designated for high-density multifamily housing but has yet to redevelop for that purpose. Considering the small size of the property in relation to the extensive nearby area that is designated for high-density housing, and its locational characteristics, the proposed redesignation of the subject property will not have a significant

adverse impact on the ability to provide adequate multifamily housing in this neighborhood or in this part the city

GOAL 11 - PUBLIC FACILITIES AND SERVICES

Public facilities and services, including sewer, water, and storm drainage, are available to the site at adequate levels to support future commercial use. The small scale of the proposed change will not affect the availability or adequacy of the public services required to serve the property. By providing the necessary public services and facilities that are necessary for the proposed use, the requirements of this Goal are met.

GOAL 12 - TRANSPORTATION

The subject property has access on Madrona Avenue. Madrona is classified as a Minor Arterial. The property currently includes three driveways on Madrona. If the property is redeveloped, it may be possible to decrease the number of driveways, or locate a driveway across from Hillview Avenue, forming a four-way intersection. Madrona is a major east-west street and links Commercial Street and Liberty Road S, which are Major Arterials, and which provides this site with a direct link to three arterial streets. Both intersections are controlled by traffic signals. The street network connects the subject property to the major elements of the transportation system in this part of the city, and no new streets are needed to serve the proposed use.

A Transportation Planning Rule (TPR) analysis has been performed and is included as a part of this application (Kittelsohn & Associates, September, 2014). The analysis included the Commercial I-Madrona and Liberty-Madrona intersections. The TPR analysis found that the commercial use of the property will increase traffic but will not create a significant adverse impact on the transportation system, or create the need for mitigating measures.

Commercial Street, Liberty Road, and Madrona are identified as bike routes. Sidewalks are provided along both sides of Madrona. Transit service is provided on Commercial Street on Salem-Keizer Transit Route 1, and on Madrona and Liberty on Route 8. As a result of these

available transportation options, access to the subject property will be direct and convenient by means of private vehicles, public transit, and non-vehicular modes.

The proposal will not adversely affect the existing transportation system, cause a change in a functional classification, or significantly affect an existing level of service. The classifications of the streets serving the subject property are appropriate for the proposed land use designation. The subject property is adequately served by the existing street system, and no new streets are needed or proposed. Based on these factors, the proposal complies with the TPR and this goal.

GOAL 13 - ENERGY CONSERVATION

The property is located within the a highly developed part of the urban area. The transportation system in this area is fully established and makes access to the property direct, efficient and convenient by private and public, motorized and non-motorized forms of transportation. The property's location along a major street route serves to reduce the travel time and distance needed to reach the site, which conserves energy. In addition, new structures will be required to meet the energy efficiency codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

GOAL 14 - URBANIZATION

The subject property is inside the city. The proposal does not affect the size or location of the city limits or the Urban Growth Boundary. The proposal contributes to maintaining services within a compact and efficient urban area. These factors are consistent with the directives of this Goal.

Based on the reasons and factors presented, the proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development, and this criterion is satisfied.

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

The amendment is in the public interest and would be of general benefit because it will consolidate the land use designation in this commercial quadrant along an appropriate and logical boundary. In addition, it will resolve the dissimilar uses within the contiguous ownership, and it will allow for future redevelopment in an orderly manner that is consistent with the adjacent commercial cluster. For these reasons the amendment is in the public interest and would be of general benefit.

Summary

The proposed Plan map designation is equally or better suited to the property as the existing designation because of the characteristics of its location. The property is and can be served with public facilities and services that are adequate to support uses in the proposed designation. The proposed designation provides for the logical urbanization of the land, considering its location and the surrounding land use and zoning pattern. The proposed designation is consistent with the applicable goals and policies of the Comp Plan and the Statewide Planning Goals, and the amendment is in the public interest and would be of general benefit. For these reasons, the criteria for a Minor Plan Map Amendment are satisfied.

Zone Change Criteria, SRC Chapter 265

As stated in SRC 265.001, "Because of normal and anticipated growth of the city, changing development patterns, governmental policy decisions affecting land use, community needs, and other factors whose specific future application cannot be anticipated, the zoning pattern established by the Uniform Development Code cannot remain fixed in perpetuity, and the purpose of this chapter is to establish procedures and criteria to, when appropriate, change zoning designations."

This application involves property that has been shown on the City Zoning Map to be zoned for commercial use since at least 1999. The appearance of the property as commercial on the Zoning Map presents a logical and appropriate pattern for the commercial zoning in the northwest quadrant of the Commercial-Madrona intersection. There has been no dispute or disagreement about the property's commercial zoning as shown on the Zoning Map. As described above, the

property's location, arterial street frontage, and surrounding land use pattern make it an appropriate part of the commercial quadrant. Considering the development pattern of the area, and the long-standing assumed future use of the property, the proposed zone change is in keeping with the intent of this procedure.

Proposals for a Quasi-Judicial Zone Change must address the criteria of SRC 265.005(e), as follows:

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

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

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

The proposed zone change to CR is equally or better suited than the existing RM2 zone because the subject property is physically appropriate for the uses allowed in the CR zone; because its frontage and access is on an arterial street; because it is part of a contiguous ownership that includes property already zoned CR; and because it is adjacent on two sides to developed properties in the CR zone. The property borders developed property in the CR zone on two sides, and residential property on one. The property's physical characteristics are identical to those of the adjacent CR properties, and present no obstacles or obstructions to development. The adjoining commercial uses, along with the arterial street frontage, comprise three-quarters of the property's perimeter, and are the major influences on the property. These factors make the uses allowed by the proposed CR zone logical with the surrounding land uses. Because the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

(B) This criterion applies to City-initiated zone changes, and does not apply to this property-owner initiated change.

(C) The zone change conforms to the applicable provisions of the Salem Area Comprehensive Plan.

The applicable provisions of the Plan, including the provisions for Residential Development and for Commercial Development, have been examined in this report and the zone change conforms to those provisions.

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

The applicable Statewide Planning Goals have been examined in this report, and the proposed zone change complies with the applicable Goals.

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

The zone change is from RM2 to CR. No industrial Plan or zone designations are involved.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with or conditions imposed upon, the zone change.

The potential impacts of the zone change to CR on the transportation system was analyzed in the TPR report provided with this application. Based on its analysis, the TPR found that while traffic could increase as a result of the zone change it not have a significant adverse impact on the transportation system. Based on the results of the TPR analysis, this criterion is satisfied.

(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the proposed zone.

The property is or can be served with all necessary public facilities and services necessary for development in the CR zone. The property is in a highly developed and serviced part of the city, and services and facilities exist to support new development. The Public Works Dept. has reviewed the proposal and found that adequate services are available in this area. The availability of adequate public facilities that are needed to serve uses in the proposed zone satisfies this criterion.

Summary

The proposal represents an appropriate change for the property. The proposal is consistent with the location, and with the uses and land use pattern of the area. All necessary public services are available. The existing transportation system is adequate for the proposal, and includes multiple modes of transport and access. No factors have been identified that would make the zone change detrimental to the public health, safety or welfare. The public interest will be served by identifying the property for uses consistent with its long-term designation on the Zoning Map, and with its relationship to adjacent commercial properties. The zone change will promote efficient future use of the land. The proposal is consistent with the Comp Plan policies for commercial development, and has no significant impact on residential land. For the facts and reasons presented, the proposal satisfies the criteria for a Minor Comp Plan Amendment and Zone Change.



MEMO

TO: Chris Green, Planner II
Community Development Department

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

DATE: January 28, 2015

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 14-08 (14-120120-ZO & 14-120121-ZO)
471-477, 495, AND 525 MADRONA AVENUE SE

RECEIVED

JAN 28 2015

PROPOSAL

COMMUNITY DEVELOPMENT

A consolidated Comprehensive Plan Map Amendment and Zone Change for four abutting lots on the north side of Madrona Avenue SE, just west of the intersection with Commercial Street SE. The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Multi-Family Residential to Commercial and change the zoning from RM2 (Multiple Family Residential) to CR (Retail Commercial). The property is currently developed with single family dwellings and a multifamily cottage complex.

The subject property is approximately 0.92 acres in size and is zoned RM2 (Multiple Family Residential). The subject property is located at 471-477, 495, and 525 Madrona Avenue SE (Marion County Assessor Map and Tax Lot numbers: 083W03BD03900, 4000, 4100, and 4200).

FACTS

Public Infrastructure Plan—The *Water System Master Plan*, *Wastewater Management Master Plan*, and *Stormwater Master Plan* provide the outline for facilities adequate to serve the proposed zone.

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (*Oregon Administrative Rule* (OAR) 660-012-0060). The TPR analysis is required to demonstrate 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 has reviewed this analysis and determined the traffic does not have a significant effect on the transportation system.

CRITERIA AND FINDINGS

SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

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

SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding—The water, sewer, and storm infrastructure are available within surrounding streets / areas and appear to be adequate to serve the existing and future tenants. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Todd Klocke, Project Coordinator