



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

09/30/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 008-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, October 14, 2013

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

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

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

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

<paa> YA



FORM

2

DLCD

Notice of Adoption

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

☐ In person ☐ electronic ☐ mailed

DATE
ST
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DEPT OF

SEP 23 2013

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC-ZC13-03**

Date of Adoption: **9/17/2013**

Date Mailed: **9/19/2013**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 7/30/2013

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

To change the Salem Area Comprehensive Plan (SACP) Map designation from "Parks and Open Space" to "Single Family Residential" and change the zone district from PA (Public Amusement) to RA (Residential Agriculture) on property approximately 18.93 acres in size, and located at 1221 & 1250 Maple Glen Lane S - 97302 (Marion County Assessor Map and Tax Lot numbers: 073W33CA00400 & 073W33CA00500).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Parks & Open Space**

to: **Single Family Residential**

Zone Map Changed from: **PA (Public Amusement)**

to: **RA (Residential Agriculture)**

Location: **1221 & 1250 Maple Glen Lane S**

Acres Involved: **18**

Specify Density: Previous: **NA**

New: **NA**

Applicable statewide planning goals:

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

Was an Exception Adopted? ☐ YES ☐ NO

Did DLCD receive a Notice of Proposed Amendment...

35-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. _____

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

Local Contact: **Bryan Colbourne, Planner III**

Phone: (503) 540-2363 Extension:

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

Fax Number: **503-588-6005**

City: **Salem**

Zip: **97301-**

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

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

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

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

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

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC13-03

APPLICATION NO. : 13-111533-ZO & 13-111536-ZO

NOTICE OF DECISION DATE: SEPTEMBER 18, 2013

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Parks and Open Space to Single Family Residential and change the zone district from PA (Public Amusement) to RA (Residential Agriculture) on property approximately 18.93 acres in size, and located at 1221 & 1250 Maple Glen Lane S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 073W33CA00400 & 073W33CA00500).

APPLICANT: SALEM GOLF CLUB INC

LOCATION: 1221 & 1250 MAPLE GLEN LN S

CRITERIA: Salem Revised Code Chapters 64 and 265

FINDINGS: The Planning Commission adopted as Facts and Findings the staff report dated September, 2013.

DECISION: The Planning Commission **GRANTED** Comprehensive Plan Change/Zone Change Case No. CPC-ZC13-03 as follows, subject to the condition of approval:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Parks and Open Space" to "Single Family Residential" be GRANTED.
- B. That the zone change request for the subject property from PA (Public Amusement) to RA (Residential Agriculture) be GRANTED subject to the following condition of approval:

Condition 1. Future land uses on the subject property shall be limited to two single family dwellings, related residential accessory structures and uses such as barns, and the agricultural uses permitted in the RA zone. This condition shall not apply in the event that approval is obtained for an ODOT Rail Division Crossing Order that allows a public crossing for additional residential development on the subject property and does not require the closure of any existing rail crossings.

VOTE:

Yes 6 No 0 Absent 1 (Fry)

Jim Lewis, President
Salem Planning Commission

A copy of the decision is attached.

Application Deemed Complete: July 30, 2013
Public Hearing Date: September 17, 2013
Notice of Decision Mailing Date: September 18, 2013
Decision Effective Date: October 4, 2013

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

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., October 3, 2013**. Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 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.

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

FOR MEETING OF: September 17, 2013
AGENDA ITEM NO.: 6.1

TO: Planning Commission

FROM: Jason Richling, AIC Urban Planning Administrator 

STAFF: Bryan Colbourne, Planner III

HEARING DATE: September 17, 2013

APPLICATION: Comprehensive Plan Change/Zone Change 13-03

LOCATION: 1221 & 1250 Maple Glen Lane S

SIZE: 18.93 acres

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Parks and Open Space to Single Family Residential and change the zone district from PA (Public Amusement) to RA (Residential Agriculture) on property approximately 18.93 acres in size, and located at 1221 & 1250 Maple Glen Lane S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 073W33CA00400 & 073W33CA00500).

APPLICANT: Salem Golf Club Inc., represented by Jeff Tross

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

RECOMMENDATION: APPROVE subject to the following condition:

Condition 1. Future land uses on the subject property shall be limited to two single family dwellings, related residential accessory structures and uses such as barns, and the agricultural uses permitted in the RA zone

APPLICATION PROCESSING

Subject Application

On July 11, 2013, Jeff Tross, on behalf of the applicant, Salem Golf Club Inc, filed an application for a Comprehensive Plan Change and Zone Change on the subject property. The application was deemed complete for processing on July 30, 2013. The public hearing for the application is scheduled for September 17, 2013.

120-Day Requirement

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

Public Notice

1. Notice was mailed to property owners within 250 feet of the subject property on August 21, 2013 (Attachment 1).
2. The property was posted in accordance with the posting provision outlined in SRC 300.620.
3. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 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 delivered notice of this proposal to DLCD on July 30, 2013.

BACKGROUND INFORMATION

The subject property consists of two units of land identified as taxlots 073W33CA00400 & 073W33CA00500, and totals approximately 18.93 acres in size. The property is owned by Salem Golf Club Inc, and is adjacent to the golf course. Each taxlot has a house on it, and both houses are occupied, as they have been continuously since prior to the property's annexation into the city. Taxlot 073W33CA00500 is the larger west lot. There is an existing single family dwelling on this lot that was built in 1960 to replace an original house that had been built in the 1930's. In addition to the dwelling, this parcel has been used as a horse pasture, and includes various accessory structures such as barns and sheds. There is also a single family dwelling on taxlot 073W33CA00400, the smaller lot. That structure dates from 1920.

In 1989, the City of Salem initiated an enclave annexation of the entire Salem Golf Club property, which involved a contiguous area of 138 acres (Case No. C-371), including the subject property. Upon annexation, City PA (Public Amusement) zoning was applied to all of the 138-acre contiguous area of annexation C-371, which was consistent with the land's "Parks, Open Space, and Outdoor Recreation" comprehensive plan map designation at that time. City records show that the golf course property, including the subject property, was designated "Parks, Open Space, and Outdoor Recreation" on the Salem Area Comprehensive Plan map since 1975, with the exception of the 1982 version of the Plan map, which is somewhat ambiguous along a small strip of the subject property's southeast property line (adjacent to the rail road), and may have designated that small strip for "Industrial".

The subject property was zoned Marion County RA (Residential Agriculture) and Marion County MI (Light Industrial) at the time of the annexation in 1989. However, in the case of a conflict between the comprehensive plan and zoning designations, the Comprehensive Plan map designation takes priority. Therefore, the PA zoning assigned to the property at the time of the 1989 annexation was appropriate based on the site's "Parks, Open Space, and Outdoor Recreation" Plan map designation. However, the zone change to PA at the time of annexation did cause the two existing dwellings to become non-conforming uses because single family dwellings are not a permitted use in the PA zone. As Non-Conforming Uses, the houses cannot be repaired or replaced in the event they are damaged or destroyed to 60 percent of their value or greater (SRC Chapter 112).

In November, 2006, the property owner submitted a claim under Measure 37 for a waiver of the land use regulations back to December 19, 1972, at which time the property was zoned RA. Measure 37 was later repealed and replaced by Measure 49. In 2008 the owners filed a Measure 49 claim. The claim was denied by the City, but remains under appeal.

In March 2012, the property owner met with City staff to discuss the possibility of a quasi-judicial comprehensive plan change and zone change request to a single family residential zone to make the existing dwellings permitted uses on the property and to potentially accommodate a 10-lot subdivision at some point in the future. A UGA Preliminary Declaration was (UGA12-02) was issued on July 6, 2012, as a pre-requisite for the comprehensive plan change and zone change application. During the public comment period for the UGA, the railroad company and Oregon Department of Transportation

(ODOT) Rail Division both submitted comments indicating the need for their approval in order to further develop the subject property which takes its sole vehicular access via the underdeveloped private rail crossing at Maple Glen Lane.

Submittal of this application followed on July 11, 2013.

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 of the property "Parks and Open Space" to "Single Family Residential" and the zone district from PA (Public Amusement) to RA (Residential Agriculture).

Neighborhood Association Comments

SRC 300.620(b)(2)(B)(iii) requires public notice be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." The subject property is not within a neighborhood association, but is adjacent to the Southwest Association of Neighborhoods (SWAN). SWAN submitted a letter (Attachment 5), which expresses concerns about the assumptions used in the applicant's transportation planning rule analysis. The letter continues to state concerns about the impact of traffic on the intersection of Maple Glen Lane and River Road from a new residential development on the site. The letter also expresses concern over emergency services access in the event of a train blocking the railroad crossing at Maple Glen Lane.

Staff Response: The applicant submitted a transportation planning rule analysis, which addressed the question of whether traffic generated by development of the site under the proposed RA zone would create a significant effect on the surrounding transportation infrastructure, when compared to the amount traffic that could be generated under the existing Public Amusement zoning. Staff's recommended condition to limit the use of the site to two single family dwellings renders this analysis and the neighborhood's concern over emergency service access moot, because the impact of the two existing dwellings will not create any new impacts on the surrounding transportation infrastructure.

Public Comments

At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment 4).

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

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

Public and Private Agency Comments

Salem-Keizer Public Schools – The Salem-Keizer School District reviewed the proposal and submitted comments that are included as Attachment 6.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan Map designates the subject property as "Parks and Open Space". The Comprehensive Plan designations of all surrounding properties are as follows:

North: "Parks, Open Space, and Outdoor Recreation"
West: "Parks, Open Space, and Outdoor Recreation"
Southeast: Across railroad, "Industrial Commercial"

Neighborhood Plan: The property is not located within the boundaries of a neighborhood association and is therefore not part of any neighborhood plan.

Applicable Detail Plans

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

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 at the end of Maple Glen Lane S, a local public street. Maple Glen Lane connects the property to River Road S further to the east. At this location, River Road S is designated a 'Minor Arterial' street.

Zoning

The subject property is currently zoned PA (Public Amusement). Zoning of surrounding properties includes:

North: PA (Public Amusement)
West: PA (Public Amusement)
Southeast: Across railroad, IC (Industrial Commercial) and IG (General Industrial)

Existing Site Conditions

The subject property consists of two units of land identified as taxlots 073W33CA00400 & 073W33CA00500, and totals approximately 18.93 acres in size. The property is owned by Salem Golf Club, Inc, and is adjacent to the golf course. Two long-standing single family dwellings are located on this property. No part of the golf course development is located on this property. Croisan Creek meanders generally south-north through the eastern end of taxlot 073W33CA00500. The north part of parcel 073W33CA00500 is within a floodway, and the south part is within the regulatory floodplain. A railroad runs along the southeast property line of the site. The site is accessed via a gravel railroad crossing at the west end of Maple Glen Lane S. Maple Glen Lane provides access to River Road S farther to the east.

Minto-Brown Island Park borders the north side of both parcels. A slough separates the site from the park, and there is no access between the subject property and the public park. Industrial land occupied by a self-storage facility is located to the south across the railroad. A 36-inch City sewer main runs through the entire south end of the property, parallel to the railroad.

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

According to the Salem Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the subject property. Pursuant to SRC Chapter 126, the City sent a Wetland Land Use Notification to the

Oregon Department of State Lands (DSL) notifying DSL of this application. DSL will determine whether further permits or approvals are required and work directly with the property owner.

Applicant Submittal Information

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

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

Salem Revised Code (SRC) 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 response and/or finding relative to the amendment requested. The applicant provided a statement addressing all applicable criteria (Attachment 2).

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 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.

Applicant's Statement: This proposal is justified based on (ii). The proposed Single-family Residential designation is better suited for the property than the existing Parks, Open Space, and Outdoor Recreation designation because it identifies the past and current private ownership and residential use of the property, which the existing designation does not. Neither parcel is in public ownership, used as a park or as public open space, or for outdoor recreation that is open to or used by

the public. The existing residential use is not provided for by the existing Plan designation or its implementing PA zone, and the property is not used for any purpose intended by the existing designation. This causes the existing residential uses to be classified as Non-Conforming. In addition, the existing designation is not consistent with the stated Intent of the Plan Map to recognize existing uses, economic impact, and the rights of the individual. There has been no demand for this property to be used for any type of land use other than residential. There have been no changes in the conditions or use of the property since prior to its annexation in 1989. Because the property is in private ownership, because it is not used for a purpose included under the existing designation, because the existing residential use is non conforming under the existing designation, because the existing designation is inconsistent with the Intent of the Plan Map, and because the proposed designation is consistent with the past and current private ownership and residential use of the property, the proposed designation is better suited for the property than the existing designation. These factors and circumstances satisfy this criterion.

Staff Finding: The site's existing Comprehensive Plan map designation is Parks and Open Space. The site has been designated Parks and Open Space since 1975. Parks and Open Space is an appropriate designation for this site because the surrounding uses to the north and west are a park and golf course. The site and surrounding areas have historically included agricultural uses with farmhouses, such as the two dwellings that currently exist at the site. Therefore, continued agricultural use with farmhouses could also be an appropriate use of the site. The existence of floodplains, floodway, and a railroad crossing present significant obstacles to any higher intensity types of uses.

The applicant requests a change in Plan map designation to Single Family Residential. The site's location within a floodplain and partially within the floodway, together with the existence of a railroad, which limits safe access to the site, present significant challenges to future residential development. Staff's recommendation to approve the comprehensive plan map amendment to Single Family Residential is intended to only allow for the continued use of the site as two single family dwellings with related agricultural uses. This is demonstrated in the recommended condition of approval of the consolidated zone change request. The Single Family Residential designation, with the use limitation included in the recommended condition, is equally well suited as the existing Parks designation. As conditioned, criterion 64.025(e)(2)(A)(ii) is met.

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's Statement: The uses allowed by the proposed Single-family Residential designation include the proposed single-family homes. The proposed use is the two existing single family homes, and nine additional single-family home sites on Tax Lot 500. The public facilities and services necessary to serve these uses have been determined and reported by the Public Works Department in the UGA Permit and in the Pre-Application Conference Summary. The City has determined that all necessary facilities and services including water, sewage, and storm drainage can be provided at levels adequate to support the proposed number of single-family homes on the subject property. Maple Glen Lane is a public street, and improvements will be required. The railroad crossing will also require improvements. Police and fire protection are available to the property. Considering these factors, the property is currently served or is capable of being served with public facilities and services necessary to support the use allowed by the proposed Plan map designation.

Staff Finding: The subject property did receive UGA preliminary approval in 2012 (UGA12-02). The purpose of the UGA preliminary declaration is to determine what public facilities and services would be necessary to serve the development of land located outside the City's Urban Service Area (USA). UGA12-02 identified the necessary improvements needed to link the site to the City's existing infrastructure, such as improvements to Maple Glen Lane, water, and sewer. Several significant challenges were identified during the UGA process which called into question whether the site is indeed reasonably capable of being served for all the uses allowed by the RA zone. A 10-lot subdivision concept was included with the UGA application and has been included with this rezoning

request (Attachment 7). The subdivision concept would require an upgrade of the existing private railroad crossing at Maple Glen Lane. During the UGA process, Oregon Department of Transportation (ODOT), Rail Division, indicated that the improvement of the rail crossing to accommodate a subdivision on the site would require a new public rail crossing permit because it would be inviting the public to cross the rail line at what is now a private crossing serving only two dwellings. A Rail Crossing Order would be needed to allow this new public crossing. ODOT Rail, the City of Salem, Burlington Northern Santa Fe (owners of the rail line), and Portland and Western Railroad (operators of the rail line) would all need to agree to the Rail Crossing Order. The developers would first need to demonstrate that no other access to the site is available. Assuming that the public crossing at Maple Glen is determined to be the only way to reasonably access the site, then significant improvements would be required for such a rail crossing, including road paving, signs, and active warning devices such as lights and crossing arms. The total cost to the developer would be approximately \$300,000 to \$500,000 according to an estimate by ODOT rail staff. The location of the Minto-Brown Island Park crossing within close proximity to Maple Glen Lane makes this not an ideal location for such a new crossing.

Therefore, Staff concludes that given the significant limitations to development that exist at the site, the site is not reasonably capable of being served with public facilities for all uses allowed within a Single Family Residential designation, but is well suited and capable of being served for either uses allowed under the existing Parks and Open Space designation or for the continued use of the site as two single family dwellings with related agricultural uses, which would be permitted under Staff's recommended condition of approval. As conditioned, this criterion is met.

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

Applicant's Statement: The subject property is private land in residential use. All necessary public facilities and services are available to support the planned use and development of the property, as detailed in the UGA permit. Development as planned will not have a significant impact on the transportation system. The site has convenient access to River Road S, an arterial, which provides direct access to the central city. The site is physically suitable for the planned subdivision with dedicated open space. These factors make the site logical for urbanization of the land.

Staff Finding: The site's location within a floodplain and partially within the floodway, together with the existence of a railroad, which limits safe access to the site, present significant challenges to future development. Staff's recommendation to approve the comprehensive plan map amendment to Single Family Residential is intended to only allow for the continued use of the site as two single family dwellings with related agricultural uses. This is demonstrated in the recommended condition of approval of the consolidated zone change request. Further urbanization of the land for residential development is not logical given the significant limitations to development that exist at the site. Allowing the continued use of the site for this limited residential use under the Single Family Residential designation will provide a logical alternative to the existing Parks and Open Space designation. As conditioned, 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

Applicant's Statement: The applicable Goals and Policies of the Comp Plan are addressed as follows:

SACP Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. As discussed above, 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'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, and to avoid assuming knowledge of market conditions for the twenty year planning period. The approach chosen for the Plan to operate by is to phase annexation and rezonings over time, based on plans, policies, and implementation mechanisms that are responsive to changing land demands yet recognizing the legitimacy of the existing zoning. The Plan recognizes that land use and zoning are expected to change as conditions change.

The subject property is designated for Parks, Open Space and Outdoor Recreation, but that designation does not indicate the actual use of the land. As a result, it effectively diminishes the economic value of the existing use. The current Plan designation is not related to the public good or an identified public need. The proposed Single Family Residential designation recognizes the private ownership and the actual residential use. As a result, the proposal is consistent with the intent of the Plan to provide maximum flexibility, and to recognize the use of land. The reasons, factors, and circumstances that form the basis for this proposal are consistent with the Plan's methodology for designating land within the urban area.

IV. Salem Urban Area Goals and Policies

The SACP Goals and Policies for General Development, Open Space, Parks and Recreation, Scenic and Historic Areas, Natural Resources and Hazards, and Residential Development, apply to this proposal, and are addressed as follows:

B. General Development

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

The relationship of the proposed Comp Plan Change to the State Land Use Goals is described below. The description shows that the proposal satisfies the applicable Goals.

Policies:

6. Carrying Capacity: Any new development will be required to meet all applicable local, state and federal standards for the type and scale of development that is proposed, at the time of development. As described in the Public Works Dept. comments, all necessary public services are available at adequate levels to serve the proposed use.

7. Optimal Use of the Land: The subject property is proposed for use as a limited single family residential subdivision. The scale and density of the proposed use is consistent with the character of the site and the surrounding public and recreational uses. The proposal is appropriate for the site, and considers its relationship to the bordering open space uses. The development design considers topographic features and flood designations. The type of use and the density is appropriate for the location. These factors serve to optimize the use of the land.

10. Street Improvements: The relationship of the proposal to the public street access has been reviewed by Public Works and in the TPR report. Maple Glen Lane does not currently meet City design standards and will need to be improved at the time of development. The railroad crossing will also require improvements. As detailed in the TPR report, the traffic volume generated by the proposed use will not have a significant impact on the street system.

12. Development compatibility: The development will conform to the standards that apply to single-family residential use. The location and orientation of the proposed residential lots, and the preservation of an open space reserve, are intended to maintain compatibility with the adjoining public park. The residential use will not interfere with the industrial use to the south, which is a low-impact self-storage activity. The home sites will not affect the adjacent golf course.

K. Open Space, Parks and Recreation

The Open Space, Parks and Recreation Goal is: To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities. The subject property borders Minto Park, which covers approximately 800 acres. The City has not indicated an interest in acquiring the subject property as an addition to the park. The subject property is private land, and it is not accessible from the park or available for public use. Based on these factors, the property is not needed to provide for the recreation needs of the Salem urban area, and the proposal does not conflict with this Goal.

Policies 1 to 4 are guidelines for the City to use in the acquisition and development of park lands and facilities. These Policies do not apply to the proposal. Policy 5 requires that identified natural open space areas be protected through public acquisition and/or land use regulation. The subject property has not been identified as a natural open space area or as necessary for protection. It has been in use as private residential land and pasture. There is no identified basis for requiring the property to be protected through land use regulation as a natural open space area. Policy 6 recommends measures to protect heritage and significant trees. No trees meeting the definition are present in the area of the proposed subdivision lots.

Policy 7 encourages the development of uses related to recreation and scenic enjoyment along the Willamette River and area streams. This policy does not apply to private lands. Because the property is private land in residential use, with no identified natural features that require protection, the proposal does not conflict with the policies for Open Space, Parks and Recreation.

N. Scenic and Historic Areas, Natural Resources and Hazards

Goal: To conserve open space, protect natural, historic, cultural and scenic resources, and to protect life and property from natural disasters and hazards. The subject property is currently designated as open space; however, it is private land in residential-agricultural use. It has not been identified as a natural, historic, cultural or scenic resource. The current Open Space designation impairs the existing residential use and diminishes its economic value, by causing it to be classified as a Non-Conforming Use. The current designation conflicts with the past and existing use of the property. No factors have been cited to support the current designation. Considering the lack of any of the identified factors on which to base the current designation, the proposal does not conflict with this Goal.

Policy 1 encourages agricultural uses within the UGB to continue until development occurs, which has been the case on this property. Policy 3 requires protection of specified, identified significant resources, but this property is none of the specified resources. Policy 5 requires protection and maintenance of waterways. Croisan Creek flows through the property and will be within proposed Lot 1. No changes to the creek are proposed. With regards to Policy 6., the site is not identified as wildlife habitat. With regards to Policy 7, the development site is within the floodplain, and a floodplain development permit will be required prior to development. With regards to Policy 11, wetlands on the site have been identified, inventoried and documented. The wetlands are along Croisan Creek and northern boundary of the property. There are no wetlands within the development area. The identified wetlands will not be disturbed or altered by the proposal. Because the site is not an identified resource, and because it will not affect an identified resource, the proposal does not conflict with this

Goal and Policies

E. Residential Development

Goal: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. The proposal will add to the choices of single-family housing in the urban area, due to its special characteristics which are not typically found in existing single-family residential neighborhoods. To maintain the open space character of the location the lot sizes will range from 0.5 acre to 1 acre (not including the existing dwellings), and average .69 acre

(30,000 square feet). The development will include an undeveloped open space reserve of 5.6 acres to separate the lots from the northern boundary adjoining the park. The west side of the property adjoins the golf course. These features create an additional variety of housing opportunity in the urban area, as directed by this Goal.

The area of the proposed residential use is developable land and the design make efficient use of that land, consistent with sub-a. The features of the proposed development will create an additional housing opportunity, as directed by sub-b. Public services are available to the site and the proposal will increase the efficient use of the available public services, in particular the sanitary sewer line that is already located on the property, as directed in sub c. Considering the various features, the proposal promotes another opportunity for housing in the urban area, consistent with this Goal.

With regards to Residential Development Policy 1, Establishing Residential Uses: a. Single family homes are required to meet the housing needs of the population with the urban area, and the location at the edge of a neighborhood and along an arterial corridor is appropriate for the small number of home sites proposed.

b. The capacity of the land resource has been considered. Future development will require a floodplain development permit, but there are no wetlands, slopes, or identified geologic hazards in the development area. There are no obstacles to development presented by the site that cannot be addressed through the required permitting process.

c. The necessary public utilities, facilities and services can be made available to serve development at the proposed density, as described in the UGA and Pre-Application reports.

d. The site is within the South River Road residential corridor. Other neighborhoods along this corridor include Golf Club Estates, Cottonwood Lakes, Bailey Ridge and Illahe. The shopping, employment, and entertainment opportunities that serve this area are located in the central city, which includes the CBD, and along Commercial and Liberty Streets SE. The site is approximately one and a half-miles from the central city where these services are available, which is an acceptable distance considering the arterial access. Schools and religious institutions are also located in the nearby central city neighborhoods. Based on the close proximity to services including shopping, employment, and schools, the site is appropriate for the residential use.

e. The proposed development density is appropriate for the location adjacent to public and private open space and recreation areas. The low density maintains the spacious appearance of the area and avoids intrusion into the nearby open space uses. Other single-family residential developments in area, also located north of River Road, have developed at greater densities, and higher density multifamily housing is located east of River Road.

f. (does not apply)

g. Although the project density is lower than the goal for the overall urban area, this location includes unique characteristics that warrant consideration. The small number of new home sites will not have a significant impact on the achievement of the overall density standard.

With regards to Policy 2, Facilities and Services Location:

a. River Road is an arterial route between the central city and the outlying neighborhoods to the southwest, and is also a bike and pedestrian route. Access to the site is direct and efficient along this route.

b. Public facilities are available to serve population growth at this location.

c. The major service lines needed for the proposed development are in place, including a sewer line on the property and a water line in River Road. Service to support the proposed development can be extended onto the property without duplication.

d. The site is located near the BNSF rail line. Other single-family developments along River Road are also near the railroad, including Cottonwood Lakes, Golf Course Estates, and a new section of Illahee Estates. No significant adverse impacts have prevented the successful development of those projects.

With regards to Policy 3, Infill Development, the site represents underutilized land as it is private residential land, with available services, but in a zone district that does not allow for any residential use. A low-density development will be in keeping with the open space and recreational uses of adjoining land, while allowing an appropriate level of infill on the property. Policy 7, Circulation Systems and Through Traffic, requires residential neighborhoods to be served by a transportation system that provides access for pedestrians, bicycles and vehicles, while recognizing the neighborhoods' physical constraints and transportation service needs:

a. The subject property is served by Maple Glen Lane, a short, local street that extends between the property and River Road. River Road is an arterial that provides for all modes of transportation.

b. The site is served by the existing road network and no new streets will be required. Maple Glen Lane will need to be improved to City standards. The low volumes of traffic generated by the proposed development will not adversely affect the function or level of service of a street or intersection.

c. All streets needed to serve the use are in place, and no changes to the street network are necessary.

Policy 8 requires residential areas to be protected from more intensive land uses in abutting zones. The property to the south of the railroad is in an industrial zone, and is used for self storage warehousing. This is a low-impact activity that creates little if any off-site impact.

It does not create smoke, dust, odors, or noticeable noise. The subject property is separated from the industrial land by the railroad, and the existing sewer easement is parallel to the railroad. No conflicts are expected between these two uses.

With regards to Policy 9, the proposal represents an alternative housing pattern consisting of larger lots than are typical, in a recreational setting that includes on-site open space, the golf course, and the park. The small number and larger size of the lots is appropriate for the location and its relationship to the adjacent land uses. With regards to sub-a., the site is accessible by all modes of transportation along the arterial. Of interest, the site will also be uniquely accessible by pedestrians and bicyclists through Minto Park, when the bridge connecting Riverfront Park is built. This feature also addresses sub b. because the connection through the parks will allow access to downtown and the central city without the use of a motor vehicle. With regards to sub-c., public services are available and can be provided efficiently to serve the site, as detailed in the Public Works comments.

Policy 10 refers to rezoning from a lower to a higher residential density, which does not apply in this case. The design standards referenced in Policy 11 also do not apply in this case.

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

The applicable Statewide Planning Goals are addressed as follows:

GOAL 1 - CITIZEN INVOLVEMENT

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the Neighborhood Association, to property

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

GOAL 2 - LAND USE PLANNING

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

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

The property is currently designated as "open space", but in fact it is private land in long-term use as acreage residences. It is not open to or accessible by the public. It is not designated or identified as any possessing of the other resources included in this goal (b.-l.) except for wetlands (g.). An on-site wetlands delineation has identified wetlands along the slough on the northern boundary of the property and along Croisan Creek. These wetlands will remain, and there are no wetlands within in any of the proposed new subdivision lots (Lots 2-10). As a result the proposal does not conflict with this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The property is in a developed part of the city, and currently includes two homes. It is at the edge of an extensive residential area and adjacent to a low-impact industrial use. It is proposed for nine additional single family home sites. Residential use does not create significant impacts to air quality. The major impact to air quality in the vicinity is vehicle traffic along River Road S, which is a minor arterial. The projected volume of traffic from the proposed use will be a very small part of the overall traffic along that arterial street.

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

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

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

A portion of the site is in a floodway. That part of the site will remain as open space, as at present. The proposed subdivision is in the floodplain. A floodplain development permit will be required prior to development. No other natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

GOAL 9 - ECONOMIC DEVELOPMENT

The proposed residential use will have a positive effect on the economy at the time of development by creating demand for materials and providing employment in the construction sector. This will help to support the economy of the city and the region.

GOAL 10 - HOUSING

There are two single-family homes on the subject property, but the site is not currently designated for housing. The proposal will recognize the existing private residential use and provide for a limited additional housing opportunity. Nine additional sites for single-family homes are proposed. The low density of the development is appropriate considering the property's location between the golf course and the public park, which is a unique setting.

There are a variety of other housing opportunities present in the surrounding area, including single family homes, multi-family apartments, and condominiums. The proposal will contribute a housing opportunity with characteristics that are not typically found within the urban area.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

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

GOAL 12 - TRANSPORTATION

The property has access to Maple Glen Lane, a public street that provides a short and direct connection to River Road S. River Road S. is classified as a Minor Arterial by the STSP, and is the major link between south-west Salem and the central city. It also serves the outlying rural areas, and it is the major route between central and south Salem and the city of Independence. River Road is also a major bicycle route.

A TPR analysis for this proposal has been prepared by Project Delivery Group (PDG), Karl Birky, P.E., Transportation Engineer. This report is included as a part of the application. The TPR report estimates the average daily traffic and the p.m. peak hour traffic that would be generated by the proposed use, and compares those traffic volumes to the volumes that would be expected from reasonably likely uses allowed by the present zone. The TPR concludes that the volume of traffic from the proposed subdivision is less than both the p.m. peak hour and daily average from uses currently allowed. Therefore, the TPR shows that there will be no significant impact to the transportation system as a result of the property use. Maple Glen Lane will require improvements to serve the proposed use, but no new streets are needed as a result of the proposal. No transportation facilities or intersections will be adversely affected by the proposal. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an operating standard at an intersection to fall to an unacceptable level. Access to the property requires crossing the railroad, and improvements to the railroad crossing, which may include a signal and gates, will also be necessary. As noted, when the new bridge connecting Riverfront Park and Minto Park is completed, it will offer a unique transportation alternative to the location of the subject property for pedestrian and bicycle traffic. Because the site is accessible by a variety of transportation alternatives, and the proposed use will not have a significant adverse impact on the transportation system, the requirements of this Goal and the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

The property is located within a developed part of the city. The transportation system serving the property makes access to it direct, efficient and convenient. Its location along the major street through the neighborhood helps to minimize the vehicle miles traveled to obtain the services and employment opportunities of the central city. These factors serve to conserve energy. Access to the site will also be convenient for pedestrians and bicycles.

New construction will be built to current energy efficiency codes. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

GOAL 14 - URBANIZATION

The site is within the city. All necessary public services are available to the site. The proposal does not affect the Urban Growth Boundary. Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

Staff Finding: Staff concurs with the applicant's statement addressing the statewide goals and applicable rules insofar as they support a change to a Single Family Residential designation with RA zoning with the recommended condition that the site be used for just two farmhouses. As conditioned, this criterion is met.

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

Applicant's Statement: The amendment is in the public interest and would be of general benefit because it will allow the property to be used in a manner that is in accord with its private ownership and its existing residential use, and that is in keeping with the use that was allowed prior to its annexation. The existing designation does not reflect those factors, which is contrary to the stated intent of the Plan map. The restrictions imposed on the use of the property by the current designation are not consistent with the intent of the property owner, which is a factor that the Plan states will be respected. The proposed amendment is consistent with the Intent of the Plan map, and applying Plan map designations in a manner that is consistent with the stated intent is in the public interest for land use planning in the community. Providing for the property to be used in a productive manner that is consistent with its ownership and long term use will be of general benefit to the community.

Staff Finding: Staff concurs with the applicant's statement that the amendment to Single Family Residential is in the public interest and would be of general benefit because it will allow the property to be used in a manner that is in accord with its private ownership and its existing residential use. Allowing a Single Family Residential designation will make the existing farmhouses legal and conforming structures, and will therefore facilitate future investment in those properties to be maintained as dwellings. A permitted use status will allow for easier financing for potential future buyers of those properties. A well maintained existing housing stock within the City is in the public interest and of general benefit. The recommended condition will not allow further residential development of the site. Further development of the site would present significant challenges with regard to the floodplain and floodway on the property and access across the railroad, and would not be in the public interest. As conditioned, this criterion is met.

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

The following analysis addresses the re-zoning of the subject property from PA (Public Amusement) to RA (Residential Agriculture).

SRC Chapter 265.005(e) provides the criteria for approval for Zone Map amendments. In order to approve a quasi-judicial Zone Map amendment request, the administrative body shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the nature and circumstances of each individual case. Unless any of the factors are deemed irrelevant, something more than an unsupported conclusion is required, but the degree of detail in the treatment of relevant factors depends on the degree of proposed change or deviation, and the scale and intensity of the proposed use or development. The requisite degree of consideration is directly related to the impact of the proposal: the greater the impact of a proposal in an area, the greater is the burden on the proponent.

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

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

- (1) A mistake in the application of a land use designation to the property.
- (2) 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.
- (3) 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.

Staff Finding: The request satisfies (2), as described below. The site is currently zoned PA (Public Amusement). The site has been zoned PA since 1989, when the site was annexed to the City of Salem. Public Amusement zoning is an appropriate designation for this site because the surrounding uses to the north and west are a park and golf course, and the existence of floodplains, floodway, and a railroad crossing present significant obstacles to higher intensity types of uses.

The applicant's request is for a change to RA (Residential Agriculture) zoning. The site's location within a floodplain and partially within the floodway, together with the existence of a railroad, which limits safe access to the site and present significant challenges to future residential development. Staff's recommends approval of the zone change to RA with the following condition, to only allow for the continued use of the two single family dwellings with related agricultural uses already on the site:

Condition 1. Future land uses on the subject property shall be limited to two single family dwellings, related residential accessory structures and uses such as barns, and the agricultural uses permitted in the RA zone

Therefore, the RA zone with this use limitation in this case is equally well suited as the existing Parks designation.

SRC 265.005(e)(1)(B): If the zone change is City-initiated, and the change is for other than City owned property, the zone change is in the public interest and would be of general benefit.

Staff Finding: This zone change request is applicant initiated, not City initiated, therefore this criterion is not applicable.

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

SRC 265.005(e)(1)(D): The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Staff Finding: The applicant's statement addressing Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, addresses 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. Staff concurs with the applicant's statement addressing the statewide goals and applicable rules insofar as they support a

change to a Single Family Residential designation with RA zoning, provided that the use of the land is limited to the existing use of the site as two farmhouses. As conditioned, this criterion is met.

SRC 265.005(e)(1)(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.

Staff Finding: The requested zone change does not require 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. Therefore, this criterion does not apply.

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.

Staff Finding: The applicant submitted a transportation planning rule analysis, which addressed the question of whether traffic generated by development of the site under the proposed RA zone would create a significant affect on the surrounding transportation infrastructure, when compared to the amount traffic that could be generated under the existing Public Amusement zoning. The TPR analysis concluded that a "trip-cap" of no more than 428 average weekday trips to future uses at the property subject to the rezone would not create any significant affect to the transportation system. Staff's recommended condition to limit the use of the site to two single family dwellings renders this analysis moot, because the impact of the existing two dwellings will not create any new impacts on the surrounding transportation infrastructure.

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.

Staff Finding: The subject property did receive UGA preliminary approval in 2012 (UGA12-02). The purpose of the UGA preliminary declaration is to determine what public facilities and services would be necessary to serve development of land located outside the City's Urban Service Area (USA). UGA12-02 identified the necessary improvements needed to link the site to the City's existing infrastructure, such as improvements to Maple Glen Lane, water, and sewer. Several significant challenges were identified during the UGA process which called into question whether the site is indeed reasonably capable of being served for all the uses allowed by the RA zone. A 10-lot subdivision concept was included with the UGA application and has been included with this rezone request (Attachment 7). The subdivision concept would require an upgrade of the existing private railroad crossing at Maple Glen Lane. During the UGA process, Oregon Department of Transportation (ODOT), Rail Division, indicated that the improvement of the rail crossing to accommodate a subdivision on the site would require a new public rail crossing permit because it would be inviting the public to cross the rail line at what is now a private crossing serving only two dwellings. A rail crossing order would be needed to allow this new public crossing. ODOT Rail, the City of Salem, Burlington Northern Santa Fe (owners of the rail line), and Portland and Western Railroad (operators of the rail line) would all need to agree to the rail crossing order. The developers would first need to demonstrate that no other access to the site is available. Assuming that the public crossing at Maple Glen is determined to be the only way to reasonably access the site, then significant improvements would be required for such a rail crossing, including road paving, signs, and active warning devices such as lights and crossing arms. The total cost to the developer would be approximately \$300,000 to \$500,000 according to an estimate by ODOT rail staff. The location of the Minto-Brown Island Park crossing within close proximity to Maple Glen Lane makes this not an ideal location for such a new crossing.

Therefore, Staff concludes that given the significant limitations to development that exist at the site. The site is not reasonably capable of being served with public facilities for all uses allowed within a Single Family Residential designation, but is well suited and capable of being served for either the uses allowed under the existing Public Amusement designation, or for the continued use of the site as just two single family dwellings with related agricultural uses, which would be permitted under Staff's recommended condition of approval.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE**, by resolution, the following actions for Comprehensive Plan Change / Zone Change 13-03 on property approximately 18.93 acres in size, and located at 1221 & 1250 Maple Glen Lane S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 073W33CA00400 & 073W33CA00500):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Parks and Open Space" to "Single Family Residential" be GRANTED.
- B. That the zone change request for the subject property from PA (Public Amusement) to RA (Residential Agriculture) be GRANTED subject to the following condition of approval:

Condition 1. Future land uses on the subject property shall be limited to two single family dwellings, related residential accessory structures and uses such as barns, and the agricultural uses permitted in the RA zone

- Attachments:**
- 1. Public Hearing Notice and Map
 - 2. Applicant's Statement Addressing Approval Criteria
 - 3. Applicant's Transportation Planning Rule Analysis
 - 4. Public Works Department Comments
 - 5. Letter submitted by the Southwest Association of Neighborhoods (SWAN)
 - 6. Letter submitted by the Salem-Keizer School District
 - 7. Subdivision Concept Plan

Prepared by: Bryan Colbourne, Planner III



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HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

****RESCHEDULED****

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change/Zone Change Case No.CPC-ZC13-03
AMANDA APPLICATION NO:	13-111533-ZO & 13-111536-ZO
HEARING INFORMATION:	SALEM PLANNING COMMISSION, TUESDAY, SEPTEMBER 3 <u>SEPTEMBER 17</u>, 2013, AT 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	1221 & 1250 MAPLE GLEN LN S, SALEM OR 97302
OWNER / APPLICANT:	SALEM GOLF CLUB, INC
AGENT:	JEFF TROSS
DESCRIPTION OF REQUEST:	To change the Salem Area Comprehensive Plan (SACP) Map designation from Parks, Open Space, & Outdoor Recreation to Single Family Residential and change the zone district from PA (Public Amusement) to RA (Residential Agriculture) on property approximately 18.93 acres in size, and located at 1221 & 1250 Maple Glen Lane S - 97302 (Marion County Assessor Map and Tax Lot numbers: 073W33CA00400 & 073W33CA00500).
CRITERIA TO BE CONSIDERED:	COMPREHENSIVE PLAN CHANGE Pursuant to SRC 64.025(e)(2), the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria: (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), the testimony and evidence for the zone change must be directed toward the following criteria:

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:
 - (1) A mistake in the application of a land use designation to the property.
 - (2) 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.
 - (3) 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.
 - 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 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.
 - 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.
 - 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.

HEARING PROCEDURE:

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.

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.

	Fa' to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court. Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.
CASE MANAGER:	Bryan Colbourne, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2363; E-mail: bcolbourne@cityofsalem.net 
NEIGHBORHOOD ORGANIZATION:	Adjacent the South West Association of Neighbors, Land Use Co-Chairs: Linda Haglund, Phone: 503-378-7621 or ralh503@yahoo.com and Leonard Nelson, Phone: 503-581-5195.
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:	August 21, 2013

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

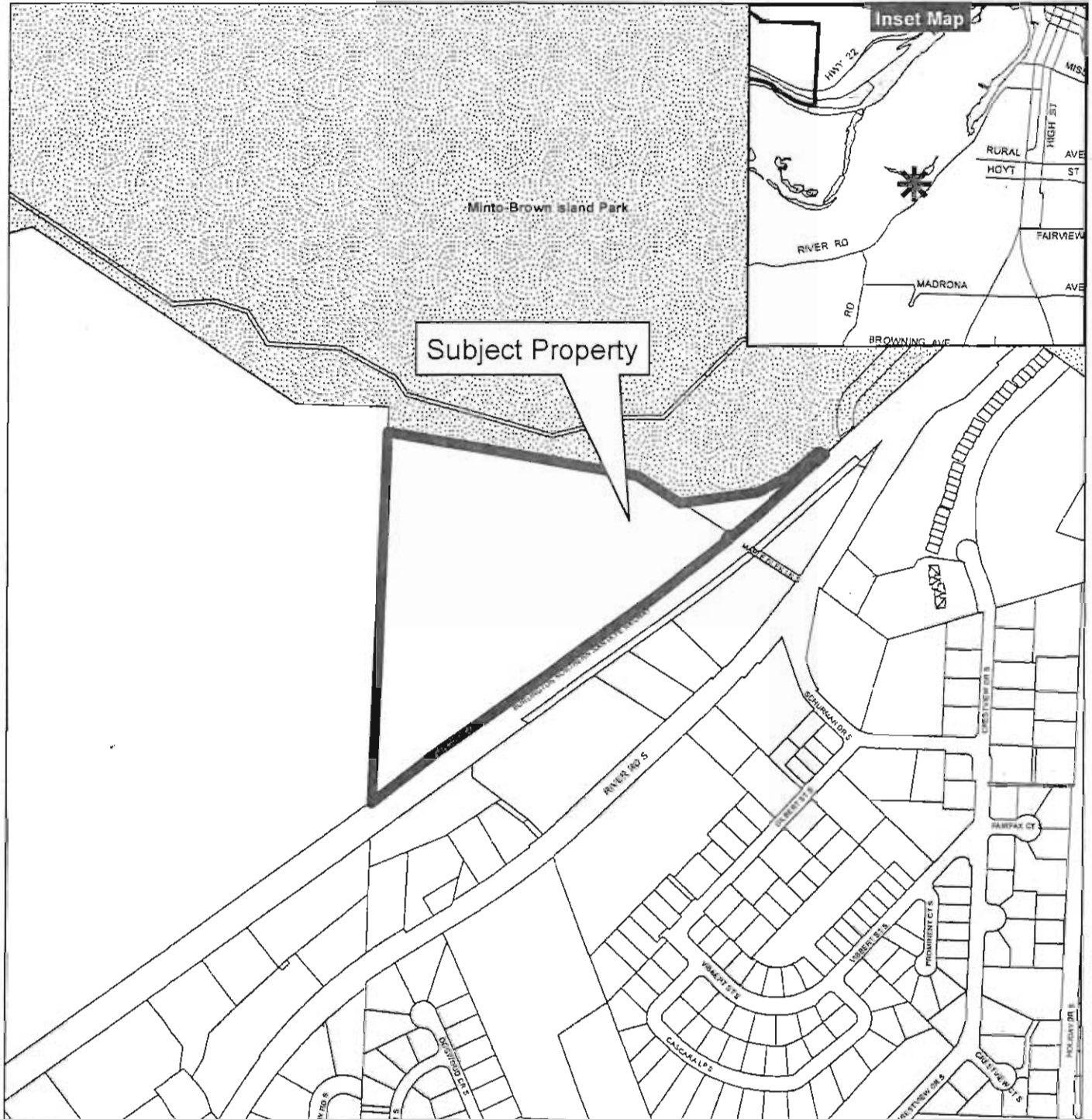
<http://www.cityofsalem.net/planning>

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2013\3 - Case Processing Documents\CPC-ZC13-03 1221 & 1250 Maple Glen Ln S (Bryan)\CPC-ZC13-03 RESCHEDULED 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

1221 & 1250 Maple Glen Lane S



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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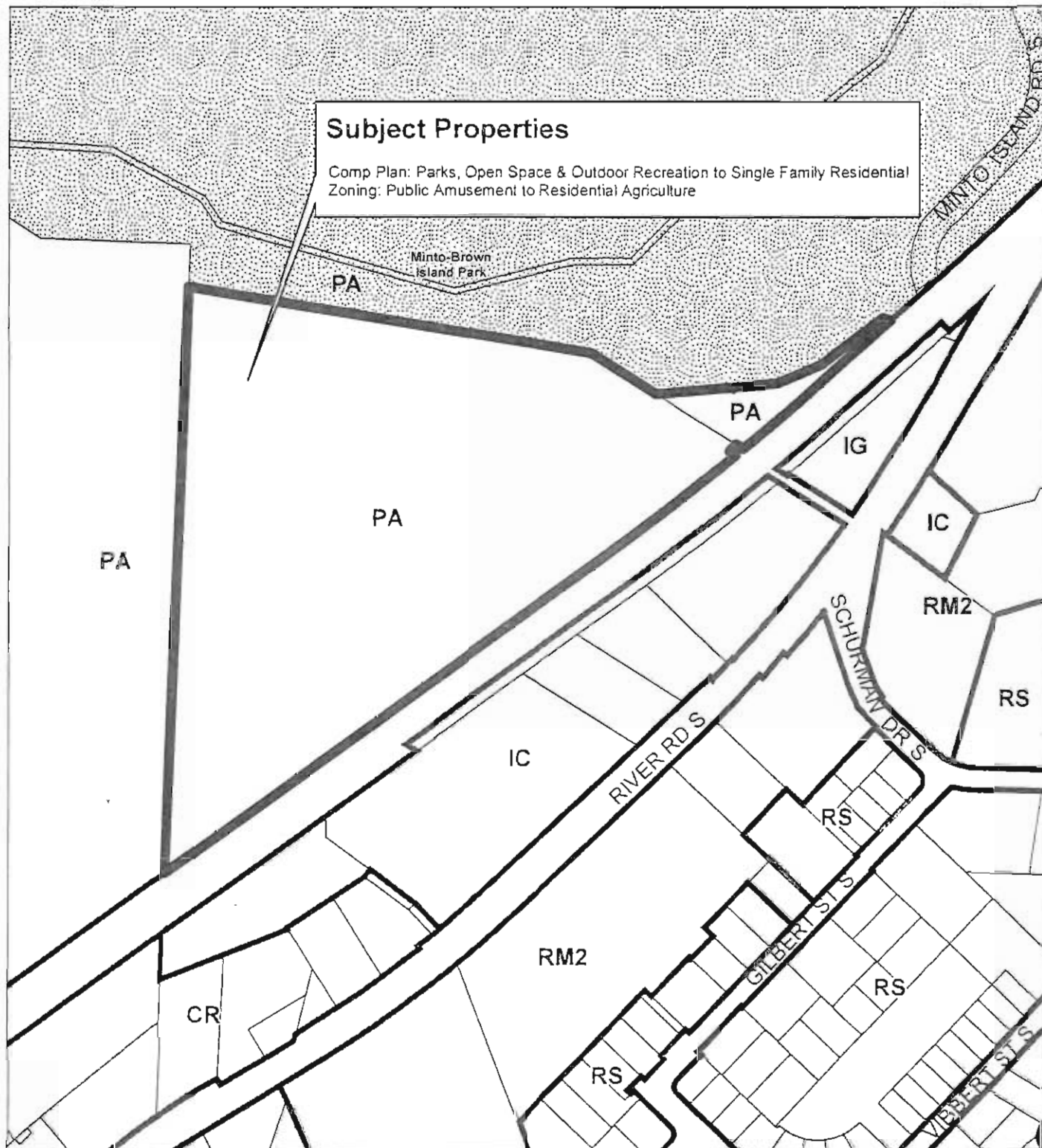
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Comprehensive Plan Change / Zone Change 13-03

Subject Properties

Comp Plan: Parks, Open Space & Outdoor Recreation to Single Family Residential
Zoning: Public Amusement to Residential Agriculture



Legend

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

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

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

RECEIVED

JUL 11 2013

COMMUNITY DEVELOPMENT

***APPLICANT'S STATEMENT
FOR
SALEM GOLF CLUB -
MAPLE GLEN LANE COMPREHENSIVE PLAN AMENDMENT
AND ZONE CHANGE***

ATTACHMENT 2

SUMMARY OF THE PROPOSAL

Salem Golf Club requests a Comprehensive Plan Map Amendment and Zone Changes for two contiguous parcels it owns at 1250 and 1221 Maple Glen Lane S. The parcel at 1250 Maple Glen Lane is currently designated *Parks, Open Space, and Outdoor Recreation* on the Comp Plan Map. The parcel at 1221 Maple Glen Lane appears to be designated the same, or possibly *Industrial*.¹ In any case, both parcels are currently zoned PA (Public Amusement).

The City zoned the two parcels PA when they were annexed in 1989 through a City-initiated “enclave” annexation.² Before annexation, 1250 Maple Glen Lane was zoned RA (Residential Agriculture), and 1221 Maple Glen Lane was zoned MI (Light Industrial). However, the two parcels had been in continuous use as privately owned, residential acreage homesites since long before being annexed to the city. There is no public ownership, and no public use, of either parcel. The current Plan designations and PA zone do not recognize the past use, or allow the current use, of the properties. In addition, applying the PA zone to the properties upon annexation was inconsistent with the stated intent of the Comp Plan, and contrary to the City’s practice for zoning of enclaved areas.

As a result, the two existing houses are now Non-Conforming Uses, which means they could not be rebuilt or replaced if either was substantially damaged or destroyed. This places them in jeopardy, and has a severe negative effect on the value of the property.

In order to recognize their current and continuing use, and to remove the burden of the Non-Conforming Use status, the owner requests to redesignate both parcels to *Single-family Residential* on the Comp Plan Map, and to change the zone to RA. The request is made to correct the zoning error made at the time of annexation, to restore the property to the designations that provide for its actual use, and to be consistent with the stated intent of the Comp Plan.

¹ The scale of the Comp Plan map makes the actual designation uncertain at this location.

² The annexation staff report erroneously stated the Marion County zoning as PA, instead of RA and MI. Perhaps the ownership by Salem Golf Club, and location adjacent to the Salem Golf Course, led to a mistaken belief the property was part of that recreation facility. In fact, the parcels have never been part of the golf course, and at the time of annexation they were in use as residential acreage homesites, as they are today.

BACKGROUND

Property Location and Characteristics

The two parcels are identified as Tax Lots 400 and 500 on Marion County Assessor's map T7S R3W Section 33CA. A copy of the Assessor's map is attached (Attachment 1). Tax Lot 400 is .65 acre, and Tax Lot 500 is 18.28 acres. As shown on the Assessor's map, the western part of Tax Lot 500 is platted as part of the Maple Glen Addition subdivision.

Public street access is provided by Maple Glen Lane, which extends between South River Road and the Burlington-Northern Santa Fe (BNSF) railroad line, west of Minto Island Road. The two parcels are north-west of the railroad, which runs along their southern boundary.

The Salem Golf Course borders parcel 500 on the west. Neither parcel is a part of the golf course. Minto-Brown Park borders the north side of both parcels. A slough separates the parcels from the park, and there is no access between either parcel and the public park. Industrial land occupied by a self-storage facility is located to the south across the railroad. A 36" City sewer main runs through the entire south end of the property, parallel to the railroad. Croisan Creek meanders generally south-north through the eastern end of parcel 500. The north part of parcel 500 is within a floodway, and the south part is within the floodplain. A site-specific wetlands delineation shows the location of wetlands on the property, along the slough on the northern boundary of the property and along Croisan Creek. (Attachment 2).

Each parcel has a house on it, and both houses are occupied, as they have been continuously since prior to the property's annexation into the city. Shirley Kay occupies the house on parcel 500. The existing house was built in 1960 to replace an original house that had been built in the 1930's. This parcel has been used as horse pasture by the Kay family, and includes various accessory structures such as barns and sheds. The house on parcel 400, the smaller parcel, is rented. That structure dates from 1920.

1989 Enclave Annexation

In 1989 the City of Salem initiated a series of nine “enclave” annexations around the urban area, totaling approximately 734 acres (Attachment 3). The Salem Golf Club property was part of Annexation Case No. C-371, which involved a contiguous area of 138 acres (Attachment 4). Case C-371 involved property owned the Salem Golf Club, including the golf course. A Planning Division Staff Report provided to the Planning Commission on June 6, 1989, stated that the SACP map designated the area as “Parks, Open Space, and Outdoor Recreation”, that the area was zoned PA by Marion County, and that the comparable City zoning was PA (Attachment 5). (In its Background section, that Staff Report notes that the City’s practice for zoning enclaved areas is to recommend the closest corresponding City zone, to maintain equilibrium until individual owners apply for a different zone.) However, the Marion County Zoning Map prior to annexation shows the property to be zoned RA and MI, not PA (Attachment 6).

Upon annexation the City PA zone was applied to all of the 138-acre contiguous area of annexation C-371. The PA zone was appropriate for the golf course, which is an allowed recreation use in the PA zone. However, it was not appropriate for the two subject parcels, which at that time were residential acreage homesites in private ownership, as they are today. Private residential use is not a permitted use in the PA zone, causing the two houses to instantly become Non-Conforming Uses upon annexation. As Non-Conforming Uses, the houses cannot be repaired or replaced in the event they are damaged or destroyed to 60% of their value or greater (SRC Chapter 112). As a result, the continued existence and value of each of these houses has been and remains in jeopardy, should either be significantly damaged or destroyed. Restoring the ability to repair, replace, and maintain the houses is a matter of basic fairness to the property owner.

Measures 37 and 49

In November, 2006, the property owner submitted a claim under Measure 37 for a waiver of the land use regulations back to December 19, 1972, at which time the property was zoned

RA. Measure 37 was repealed and replaced by Measure 49. In 2008 the owners filed a Measure 49 claim. The claim was denied by the City, but remains under Appeal.

Planning Commission Resolution

On February 5, 2008, the Planning Commission adopted Resolution 08-1 to initiate a Comprehensive Plan Amendment and Zone Change to *Developing Residential* and RA for Tax Lot 500, based on Planning Staff research that found that due to a mapping error the property has the incorrect Comp Plan map designation and Zone (Attachment 7). According to the Resolution, Staff found no record of a Comp Plan Change or Zone Change to create the P/OS/OR Comp Plan designation, or PA zoning, for the property.

However, it is apparent that the City re-zoned the property to PA at the time it was annexed in 1989, based on the (mistaken) belief that it was zoned PA at that time. Because annexed property was to be zoned as closely as possible to the existing County zone (which was RA and MI), zoning the property PA at the time of annexation was in error.

Planning Commission Resolution 08-1 did not advance through the review process.

Intent of the Comp Plan Map

The intent of the Comp Plan land use plan map is explained in Part II., section A.1., of the Plan text. The Plan map is intended to "...demonstrate a commitment that land for a wide variety of uses will be available at appropriate locations as needed." Two approaches to achieving that commitment are discussed. One is "... the rezoning of land in quantities sufficient to accommodate land use demands identified for the planning period." The other approach is "...through the phased provision of land over time, through annexation and rezoning in response to demand for specific land uses."

As the Plan describes, the first approach means pre-zoning land for the 20-year planning period. Doing so assumes knowledge of market conditions twenty years in the future, and involves several risks, among them "...diminishing the economic life of the present use...."

The other approach, which is the one chosen for the Plan to operate by, is to phase annexation and rezonings over time, based on plans, policies, and implementation mechanisms, that are responsive to changing land demands yet recognizing the legitimacy of the existing zoning.

In Part II. Section G., Implementation of the Comprehensive Plan, it states, “In implementing the Plan, consideration should be given to the economic impact on employment patterns, community needs, and the individual. The property rights of individuals are not contrary to the purposes of the Comprehensive Plan. Such rights are worthy of protection unless clearly contrary to the common good.”

The annexation of the property was consistent with the “phased provision of land over time”, but changing the zoning from RA and MI to PA effectively diminished the economic life of the residential use by causing it to become Non-Conforming. Rezoning the property from RA and MI to PA did not recognize the legitimacy of the existing zoning, and it was not done in response to an identified demand for a specific land use. It did not consider the rights of the individual to maintain the property in residential use, and maintaining RA zoning to recognize the established residential use would not have been contrary to the purposes of the Comprehensive Plan or the common good. For these reasons, re-zoning the property to PA at the time of annexation was not in keeping with the intent of the Plan.

Summary

At the time of annexation the property was zoned RA and MI. The zoning was erroneously reported as PA in the Planning Division Staff Report of June 6, 1989. Placing the property in PA zoning at the time of annexation was inconsistent with the methodology and practice for zoning of annexed territory, and inconsistent with how the Plan map is intended to represent land use in the urban area.

As a result of those prior errors and inconsistencies, the property owner requests a Plan Map Amendment and Zone Changes for both parcels, to restore the RA zone and recognize the

long-term and existing use of the property. The two parcels were not, never have been, and are not now, owned by a public agency or a non-profit organization, or used for a recreational or public purpose. The PA zone is not consistent with the use of the property. The use was and remains residential. The land use designation that was applied by the City at the time of annexation does not recognize the private ownership or residential use of the land, and it damages or eliminates the ability of the property owner to replace, restore, or rebuild either of the existing dwellings, which places their occupancy and value in jeopardy. As a matter of fairness this situation needs to be corrected. Considering these unique circumstances, a Plan and Zone Change to *Single-family Residential* and RA is appropriate. Upon completion of these changes, the property owner will withdraw the Measure 49 claim.

General Development Feasibility

The property owner has engaged in multiple steps to determine the general feasibility of creating a limited residential development on parcel 500, consisting of ten homesite parcels with dedicated open space on the 18.28 acre property (the existing homesite and nine new lots). These steps, to date, have included a meeting with the South Salem Neighborhood Association, two meetings with the Croisan-Illahé Neighborhood Association, a formal pre-application conference (Pre-App12-13) held on March 26, 2012; a UGA Permit application (UGA 12-02) issued on July 6, 2012; a site-specific wetlands delineation, and confirming the crossing rights with the BNSF railroad. No obstacles to the future residential use of the property that cannot be addressed have been identified.

Preliminary Subdivision Plan for Parcel 500 - Attachment 8

A preliminary plan for a limited subdivision on parcel 500 has been prepared. This plan was reviewed as part of the Pre-Application Conference. The preliminary plan creates a total of ten residential lots from the 18.28 acre parcel, consisting of the existing homesite and nine new homesites. Lot 1 is proposed as a four acre parcel that includes the existing house. Lot 2 is a half acre, and lots 3-9 are .68 acre, and lot 10 is one acre. New lots 2-10 are located along the southern edge of the property, paralleling the railroad line. The proposed lots are in the floodplain and a floodplain development permit will be required at the time of

development. The north-western 5.6 acres of the property will remain as a single tract, as an open-space reserve. This is appropriate due to its border with the public park, and necessary as a practical matter as it lies within the designated floodway.

Access to the new lots will be provided by a 26' wide private drive extending from the railroad crossing at Maple Glen Lane, along the south property line parallel to the railroad. The driveway is within a 60' wide easement that includes the City 36" sewer line. The easement also serves as a setback between the lots and the railroad. A secondary, emergency exit from the subdivision will be provided by an extension of an existing golf cart path from the 18th tee of the golf course to the west end of the private drive. Maple Glen Lane will need to be improved to City requirements, and improvements to the railroad crossing will also be required.

The projected traffic volume from the subdivision, as estimated in the TPR Report included with the application, is 14 total trips/day (of which 9.5 are from the existing homesite, for 105 net new trips), with 12 trips in the p.m. peak hour. This is a low volume that the TPR determined will not create adverse impacts on the public street system.

Sewer service is available from the 36' sewer main on the property. Water service is available by providing an 8' line along Maple Glen Lane from the 20" main in River Road.

CRITERIA

Proposals for a Minor Comp Plan Map Amendment must address the criteria in SRC 64.025(c)(2) (as amended May, 2013). 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 *Single-family Residential* designation is better suited for the property than the existing *Parks, Open Space, and Outdoor Recreation* designation because it identifies the past and current private ownership and residential use of the property, which the existing designation does not. Neither parcel is in public ownership, used as a park or as public open space, or for outdoor recreation that is open to or used by the public. The existing residential use is not provided for by the existing Plan designation or its implementing PA zone, and the property is not used for any purpose intended by the existing designation. This causes the existing residential uses to be classified as Non-Conforming. In addition, the existing designation is not consistent with the stated Intent of the Plan Map to recognize existing uses, economic impact, and the rights of the individual. There has been no demand for this property to be used for any type of land use other than residential. There have been no changes in the conditions or use of the property since prior to its annexation in 1989. Because the property is in private ownership, because it is not used for a purpose included under the existing designation, because the existing residential use is Non-Conforming under the existing designation, because the existing designation is inconsistent with the Intent of the Plan Map, and because the proposed designation is consistent with the past and current private ownership and residential use of the property, the proposed designation is better suited for the property than the existing designation. These factors and circumstances satisfy this criterion.

(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.

The uses allowed by the proposed *Single-family Residential* designation include the proposed single-family homes. The proposed use is the two existing single family homes, and nine additional single-family homesites on Tax Lot 500. The public facilities and services necessary to serve these uses have been determined and reported by the Public Works Department in the UGA Permit and in the Pre-Application Conference Summary. The City has determined that all necessary facilities and services including water, sewage, and storm drainage can be provided at levels adequate to support the proposed number of

single-family homes on the subject property. Maple Glen Lane is a public street, and improvements will be required. The railroad crossing will also require improvements. Police and fire protection are available to the property. Considering these factors, the property is currently served or is capable of being served with public facilities and services necessary to support the use allowed by the proposed Plan map designation.

(C) The proposed plan map designation provides for the logical urbanization of the land;
The subject property is private land in residential use. All necessary public facilities and services are available to support the planned use and development of the property, as detailed in the UGA permit. Development as planned will not have a significant impact on the transportation system. The site has convenient access to River Road S, an arterial, which provides direct access to the central city. The site is physically suitable for the planned subdivision with dedicated open space. These factors make the site logical for urbanization of the 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;

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

SACP Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. As discussed above, 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'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, and to avoid assuming knowledge of market conditions for the twenty year planning period. The approach chosen for the Plan to operate by is to phase annexation and rezonings over time, based on plans, policies, and implementation mechanisms, that are responsive to changing

land demands yet recognizing the legitimacy of the existing zoning. The Plan recognizes that land use and zoning are expected to change as conditions change.

The subject property is designated for Parks, Open Space and Outdoor Recreation, but that designation does not indicate the actual use of the land. As a result, it effectively diminishes the economic value of the existing use. The current Plan designation is not related to the public good or an identified public need. The proposed Single Family Residential designation recognizes the private ownership and the actual residential use. As a result, the proposal is consistent with the intent of the Plan to provide maximum flexibility, and to recognize the use of land. The reasons, factors, and circumstances that form the basis for this proposal are consistent with the Plan's methodology for designating land within the urban area.

IV. Salem Urban Area Goals and Policies

The SACP Goals and Policies for General Development, Open Space, Parks and Recreation, Scenic and Historic Areas, Natural Resources and Hazards, and Residential Development, apply to this proposal, and are addressed as follows:

B. General Development

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

The relationship of the proposed Comp Plan Change to the State Land Use Goals is described below. The description shows that the proposal satisfies the applicable Goals.

Policies:

6. *Carrying Capacity:* Any new development will be required to meet all applicable local, state and federal standards for the type and scale of development that is proposed, at the time of development. As described in the Public Works Dept. comments, all necessary public services are available at adequate levels to serve the proposed use.

7. *Optimal Use of the Land:* The subject property is proposed for use as a limited single-family residential subdivision. The scale and density of the proposed use is consistent with the character of the site and the surrounding public and recreational uses. The proposal is appropriate for the site, and considers its relationship to the bordering open space uses. The development design considers topographic features and flood designations. The type of use and the density is appropriate for the location. These factors serve to optimize the use of the land.

10. *Street Improvements:* The relationship of the proposal to the public street access has been reviewed by Public Works and in the TPR report. Maple Glen Lane does not currently meet City design standards and will need to be improved at the time of development. The railroad crossing will also require improvements. As detailed in the TPR report, the traffic volume generated by the proposed use will not have a significant impact on the street system.

12. *Development compatibility:* The development will conform to the standards that apply to single-family residential use. The location and orientation of the proposed residential lots, and the preservation of an open space reserve, are intended to maintain compatibility with the adjoining public park. The residential use will not interfere with the industrial use to the south, which is a low-impact self-storage activity. The homesites will not affect the adjacent golf course.

K. Open Space, Parks and Recreation

The Open Space, Parks and Recreation Goal is: *To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities.* The subject property borders Minto Park, which covers approximately 800 acres. The City has not indicated an interest in acquiring the subject property as an addition to the park. The subject property is private land, and it is not accessible from the park or available for public use. Based on these factors, the property is not needed to provide for the recreation needs of the Salem urban area, and the proposal does not conflict with this Goal.

Policies 1.- 4. are guidelines for the City to use in the acquisition and development of park lands and facilities. These Policies do not apply to the proposal. Policy 5. requires that identified natural open space areas be protected through public acquisition and/or land use regulation. The subject property has not been identified as a natural open space area or as necessary for protection. It has been in use as private residential land and pasture. There is no identified basis for requiring the property to be protected through land use regulation as a natural open space area. Policy 6. recommends measures to protect heritage and significant trees. No trees meeting the definition are present in the area of the proposed subdivision lots.

Policy 7. encourages the development of uses related to recreation and scenic enjoyment along the Willamette River and area streams. This policy does not apply to private lands.

Because the property is private land in residential use, with no identified natural features that require protection, the proposal does not conflict with the policies for Open Space, Parks and Recreation.

N. Scenic and Historic Areas, Natural Resources and Hazards

Goal: To conserve open space, protect natural, historic, cultural and scenic resources, and to protect life and property from natural disasters and hazards.

The subject property is currently designated as open space, however, it is private land in residential-agricultural use. It has not been identified as a natural, historic, cultural or scenic resource. The current Open Space designation impairs the existing residential use and diminishes its economic value, by causing it to be classified as a Non-Conforming Use. The current designation conflicts with the past and existing use of the property. No factors have been cited to support the current designation. Considering the lack of any of the identified factors on which to base the current designation, the proposal does not conflict with this Goal.

Policy 1. encourages agricultural uses within the UGB to continue until development occurs, which has been the case on this property. Policy 3. requires protection of specified,

identified significant resources, but this property is none of the specified resources. Policy 5. requires protection and maintenance of waterways. Croisan Creek flows through the property and will be within proposed Lot 1. No changes to the creek are proposed. With regards to Policy 6., the site is not identified as wildlife habitat. With regards to Policy 7., the development site is within the floodplain, and a floodplain development permit will be required prior to development. With regards to Policy 11., wetlands on the site have been identified, inventoried and documented. The wetlands are along Croisan Creek and northern boundary of the property. There are no wetlands within the development area. The identified wetlands will not be disturbed or altered by the proposal.

Because the site is not an identified resource, and because it will not affect an identified resource, the proposal does not conflict with this Goal and Policies.

E. Residential Development

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

The proposal will add to the choices of single-family housing in the urban area, due to its special characteristics which are not typically found in existing single-family residential neighborhoods. To maintain the open space character of the location the lot sizes will range from .5 acre to 1 acre (not including the existing dwellings), and average .69 acre (30,000 s.f.). The development will include an undeveloped open space reserve of 5.6 acres to separate the lots from the northern boundary adjoining the park. The west side of the property adjoins the golf course. These features create an additional variety of housing opportunity in the urban area, as directed by this Goal.

The area of the proposed residential use is developable land and the design make efficient use of that land, consistent with sub-a. The features of the proposed development will create an additional housing opportunity, as directed by sub-b. Public services are available to the site and the proposal will increase the efficient use of the available public services, in particular the sanitary sewer line that is already located on the property, as directed in sub-c.

Considering the various features, the proposal promotes another opportunity for housing in the urban area, consistent with this Goal.

With regards to Residential Development Policy 1., Establishing Residential Uses:

- a. Single family homes are required to meet the housing needs of the population with the urban area, and the location at the edge of a neighborhood and along an arterial corridor is appropriate for the small number of homesites proposed.
- b. The capacity of the land resource has been considered. Future development will require a floodplain development permit, but there are no wetlands, slopes, or identified geologic hazards in the development area. There are no obstacles to development presented by the site that cannot be addressed through the required permitting process.
- c. The necessary public utilities, facilities and services can be made available to serve development at the proposed density, as described in the UGA and Pre-Application reports.
- d. The site is within the South River Road residential corridor. Other neighborhoods along this corridor include Golf Club Estates, Cottonwood Lakes, Bailey Ridge and Illahe. The shopping, employment, and entertainment opportunities that serve this area are located in the central city, which includes the CBD, and along Commercial and Liberty Streets SE. The site is approximately one and a half-miles from the central city where these services are available, which is an acceptable distance considering the arterial access. Schools and religious institutions are also located in the nearby central city neighborhoods. Based on the close proximity to services including shopping, employment, and schools, the site is appropriate for the residential use.
- e. The proposed development density is appropriate for the location adjacent to public and private open space and recreation areas. The low density maintains the spacious appearance of the area and avoids intrusion into the nearby open space uses. Other single-family residential developments in area, also located north of River Road, have developed at greater densities, and higher density multifamily housing is located east of River Road.
- f. does not apply
- g. Although the project density is lower than the goal for the overall urban area, this location includes unique characteristics that warrant consideration. The small number of new

homesites will not have a significant impact on the achievement of the overall density standard.

With regards to Policy 2., Facilities and Services Location:

- a. River Road is an arterial route between the central city and the outlying neighborhoods to the southwest, and is also a bike and pedestrian route. Access to the site is direct and efficient along this route.
- b. Public facilities are available to serve population growth at this location.
- c. The major service lines needed for the proposed development are in place, including a sewer line on the property and a water line in River Road. Service to support the proposed development can be extended onto the property without duplication.
- d. The site is located near the BNSF rail line. Other single-family developments along River Road are also near the railroad, including Cottonwood Lakes, Golf Course Estates, and a new section of Illahee Estates. No significant adverse impacts have prevented the successful development of those projects.

With regards to Policy 3, Infill Development, the site represents underutilized land as it is private residential land, with available services, but in a zone district that does not allow for any residential use. A low-density development will be in keeping with the open space and recreational uses of adjoining land, while allowing an appropriate level of infill on the property.

Policy 7., Circulation Systems and Through Traffic, requires residential neighborhoods to be served by a transportation system that provides access for pedestrians, bicycles and vehicles, while recognizing the neighborhoods' physical constraints and transportation service needs:

- a. The subject property is served by Maple Glen Lane, a short, local street that extends between the property and River Road. River Road is an arterial that provides for all modes of transportation.
- b. The site is served by the existing road network and no new streets will be required. Maple Glen Lane will need to be improved to City standards. The low volumes of traffic generated

by the proposed development will not adversely affect the function or level of service of a street or intersection.

c. All streets needed to serve the use are in place, and no changes to the street network are necessary.

Policy 8. requires residential areas to be protected from more intensive land uses in abutting zones. The property to the south of the railroad is in an industrial zone, and is used for self-storage warehousing. This is a low-impact activity that creates little if any off-site impact. It does not create smoke, dust, odors, or noticeable noise. The subject property is separated from the industrial land by the railroad, and the existing sewer easement is parallel to the railroad. No conflicts are expected between these two uses.

With regards to Policy 9., the proposal represents an alternative housing pattern consisting of larger lots than are typical, in a recreational setting that includes on-site open space, the golf course, and the park. The small number and larger size of the lots is appropriate for the location and its relationship to the adjacent land uses. With regards to sub-a., the site is accessible by all modes of transportation along the arterial. Of interest, the site will also be uniquely accessible by pedestrians and bicyclists through Minto Park, when the bridge connecting Riverfront Park is built. This feature also addresses sub-b. because the connection through the parks will allow access to downtown and the central city without the use of a motor vehicle. With regards to sub-c., public services are available and can be provided efficiently to serve the site, as detailed in the Public Works comments.

Policy 10. refers to rezoning from a lower to a higher residential density, which does not apply in this case. The design standards referenced in Policy 11. also do not apply in this case.

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

The applicable Statewide Planning Goals are addressed as follows:

GOAL 1 - CITIZEN INVOLVEMENT

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

GOAL 2 - LAND USE PLANNING

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

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

The property is currently designated as "open space", but in fact it is private land in long-term use as acreage residences. It is not open to or accessible by the public. It is not designated or identified as any possessing of the other resources included in this goal (b.-l.) except for wetlands (g.). An on-site wetlands delineation has identified wetlands along the slough on the northern boundary of the property and along Croisan Creek. These wetlands

will remain, and there are no wetlands within in any of the proposed new subdivision lots (Lots 2-10). As a result the proposal does not conflict with this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The property is in a developed part of the city, and currently includes two homes. It is at the edge of an extensive residential area and adjacent to a low-impact industrial use. It is proposed for nine additional single family homeistes. Residential use does not create significant impacts to air quality. The major impact to air quality in the vicinity is vehicle traffic along River Road S, which is a minor arterial. The projected volume of traffic from the proposed use will be a very small part of the overall traffic along that arterial street.

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

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

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

A portion of the site is in a floodway. That part of the site will remain as open space, as at present. The proposed subdivision is in the floodplain. A floodplain development permit will be required prior to development. No other natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

GOAL 9 - ECONOMIC DEVELOPMENT

The proposed residential use will have a positive effect on the economy at the time of development by creating demand for materials and providing employment in the construction sector. This will help to support the economy of the city and the region.

GOAL 10 - HOUSING

There are two single-family homes on the subject property, but the site is not currently designated for housing. The proposal will recognize the existing private residential use and provide for a limited additional housing opportunity. Nine additional sites for single-family homes are proposed. The low density of the development is appropriate considering the property's location between the golf course and the public park, which is a unique setting. There are a variety of other housing opportunities present in the surrounding area, including single family homes, multi-family apartments, and condominiums. The proposal will contribute a housing opportunity with characteristics that are not typically found within the urban area..

GOAL 11 - PUBLIC FACILITIES AND SERVICES

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

GOAL 12 - TRANSPORTATION

The property has access to Maple Glen Lane, a public street that provides a short and direct connection to River Road S. River Road S. is classified as a Minor Arterial by the STSP, and is the major link between south-west Salem and the central city. It also serves the outlying rural areas, and it is the major route between central and south Salem and the city of Independence. River Road is also a major bicycle route.

A TPR analysis for this proposal has been prepared by Project Delivery Group (PDG), Karl Birky, P.E., Transportation Engineer. This report is included as a part of the application. The TPR report estimates the average daily traffic and the p.m. peak hour traffic that would be generated by the proposed use, and compares those traffic volumes to the volumes that would be expected from reasonably likely uses allowed by the present zone. The TPR concludes that the volume of traffic from the proposed subdivision is less than both the p.m. peak hour and daily average from uses currently allowed. Therefore, the TPR shows that there will be no significant impact to the transportation system as a result of the property use.

Maple Glen Lane will require improvements to serve the proposed use, but no new streets are needed as a result of the proposal. No transportation facilities or intersections will be adversely affected by the proposal. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an operating standard at an intersection to fall to an unacceptable level. Access to the property requires crossing the railroad, and improvements to the railroad crossing, which may include a signal and gates, will also be necessary.

As noted, when the new bridge connecting Riverfront Park and Minto Park is completed, it will offer a unique transportation alternative to the location of the subject property for pedestrian and bicycle traffic..

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

GOAL 13 - ENERGY CONSERVATION

The property is located within a developed part of the city. The transportation system serving the property makes access to it direct, efficient and convenient. Its location along the major street through the neighborhood helps to minimize the vehicle miles traveled to obtain the services and employment opportunities of the central city. These factors serve to

conserve energy. Access to the site will also be convenient for pedestrians and bicycles. New construction will be built to current energy efficiency codes. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

GOAL 14 - URBANIZATION

The site is within the city. All necessary public services are available to the site. The proposal does not affect the Urban Growth Boundary.

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

(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 allow the property to be used in a manner that is in accord with its private ownership and its existing residential use, and that is in keeping with the use that was allowed prior to its annexation. The existing designation does not reflect those factors, which is contrary to the stated intent of the Plan map. The restrictions imposed on the use of the property by the current designation are not consistent with the intent of the property owner, which is a factor that the Plan states is to be respected. The proposed amendment is consistent with the Intent of the Plan map, and applying Plan map designations in a manner that is consistent with the stated Intent is in the public interest for land use planning in the community. Providing for the property to be used in a productive manner that is consistent with its ownership and long term use will be of general benefit to the community.

Because the proposed Plan map designation is better suited to the property than the existing designation, because the property is capable of being served with public facilities and services adequate to support the proposed use, because the proposed designation provides for the logical urbanization of the land, because the proposed designation is consistent with the applicable goals and policies of the Plan and the Statewide Planning Goals, and because the

amendment is in the public interest and would be of general benefit, the criteria for a Minor Plan Map Amendment are satisfied.

Zone Change Criteria

Proposals for a Zone Change must address the criteria of SRC 113.150(b). The Goals and Policies of the Comp Plan have been addressed, and the proposed change is shown to be consistent with that factor. There is no adopted neighborhood plan that applies to this case.

The zone change criteria are addressed as follows:

(1) The existence of a mistake in the compilation of any map, or in the application of a land use designation to the property;

Prior to annexation the property was zoned RA. The City changed the zone to PA when it was annexed in 1989. This was contrary to the guidelines for zoning newly annexed property, which were (and are) to place newly annexed property in the zone that most closely corresponds to the County zoning (this practice is also noted in Section 113.150(a)).

Changing the zone from RA to PA at the time of annexation was a mistake in the application of land use designation to the property.

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

The property was private land in residential use at the time of annexation. It was a component of the social and demographic pattern of the neighborhood. Upon annexation it was to have been zoned in a manner that most closely corresponded to the County zoning, which was RA. That would have been the City RA zone. The PA zone changed the relationship of the property to the social and demographic pattern of the neighborhood. The property remains today in the same private ownership and residential use as at the time of annexation. The zone change is needed to restore the zoning to the category that reflects its actual ownership and use, and therefore to restore the relationship of the property to the social and demographic pattern of the neighborhood.

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

The conditions in the character of the neighborhood have not changed since prior to the time of annexation. The land use pattern has been stable and, with the exception of the subject property, remains the same as it was at that time. The change in zoning of the subject property from RA to PA was the only change that resulted from the annexation action. The proposed zone change will restore the property to the land use pattern as it was prior to annexation. It will have little affect on the conditions in the character of the neighborhood.

(4) The effect of the proposal on the neighborhood;

The effect of the proposal on the neighborhood will be to allow nine new homesites north of the railroad, in between the golf course, the industrial use, and the park. The homesite lots will be separated from the park by an open space reserve of 5.6 acres. There will be no access or other impact on the park. Traffic volumes from the new homesites will be substantially less that what would result from a use permitted in the current PA zone, such as a golf driving range or soccer fields. Overall the proposed homesites will have minimal impact on the neighborhood.

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

The area to be subdivided is flat and there are no wetlands or other significant features within the area. The subdivision area is within the floodplain and a floodplain development permit will be required at the time of development. The part of the property that is in the floodway will remain as open space. Overall, the physical characteristics of the property are suitable for the proposed use. The public facilities and services needed to support the development are available at adequate levels.

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

No factors relating to the public health, safety, or general welfare, other than those related to the normal permit requirements for development that apply to this location, have been identified. Public facilities and services will be provided to support the proposed use, and

improvements to the street system including Maple Glen Lane and the railroad crossing will be specified, as is typical. There are no significant natural features that will be altered or displaced. The adjacent parkland will not be altered or affected.

Based on the error in the zone category that was applied at the time of annexation, the relationship of the proposal to the social and demographic patterns of the neighborhood, the consistent conditions in the character of the neighborhood, the minimal effect of the proposal on the neighborhood and the physical characteristics of the property, and the ability to provide adequate public facilities and services to the property, the zone change criteria are satisfied.

SUBDIVISION REVIEW

Parcel 500 is proposed to be subdivided as shown on the submitted preliminary plan.

Subdivisions are reviewed according to the requirements of SRC 63.046(b), which are addressed as follows:

(1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder of any adjoining land or access thereto;

The preliminary plan accounts for the use of the entire subject parcel, Tax Lot 500. The use will consist of 10 homesite parcels, and an adjoining open space parcel of 5.8 acres.

Adjoining land in the same ownership includes Tax Lot 400, to the northeast; and the Salem Golf Club to the west. There is a single-family house on Tax Lot 400. No changes are proposed to the development on that parcel. The subject parcel and Tax Lot 400 currently share an access across the railroad to Maple Glen Lane. No changes are proposed that would impede the use of the access by Tax Lot 400.

The proposed subdivision will not affect the use of the adjoining golf course. No changes to the course are required or planned as a result of the subdivision. The subdivision access will be from Maple Glen Lane. A golf cart path will be extended from the golf course into the subdivision, as an enhancement for the residents of the subdivision, and as an emergency access. The subdivision will not impede the use of the golf course.

Adjoining land to the north of the subject parcel is Minto Park, a public open space. The nine new proposed homesites will not border the park land. The existing home on the parcel will at its present location. There will be no access between the subdivision and the public park. No vegetation bordering the park land will be disturbed by the subdivision. The safe and healthful development of the adjoining public land will not be adversely affected.

(2) Provisions for public water, sewer, streets, and storm drainage facilities comply with the city's public facilities plan;

The provisions for public water, sewer, streets, and storm drainage facilities to serve the

proposed subdivision are described in the UGA decision and in the Public Works comments that are a part of the Pre-Application Summary letter. The required provisions for those facilities comply with the city's public facilities plans.

(3) The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter;

The preliminary (tentative) plan has been designed for conformance with all applicable provisions of the Code, including the zoning ordinance. No variances to any development standards or requirements are requested.

(4) The proposed subdivision provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development.

There are no residential areas or transit stops adjacent to the subdivision. The nearest residential areas are across River Road. Those areas are within close proximity to the subdivision, by crossing River Road at Maple Glen Lane. The only neighborhood activity center within one-half mile of the subdivision is Candalaria School, located on Hanson Street at Shuirman Drive. Shuirman Drive intersects River Road across from Maple Glen Lane. There is a continuous sidewalk along Shuirman between River Road and Hanson, which makes pedestrian access safe and convenient. Due to the slope of the grade between River Road and Hanson, bicycle access is possible, but challenging, in either direction.

Based on the proposed preliminary plan, the location, and the lack of impacts on adjoining lands, the planning administrator can make affirmative findings for approval.

RECEIVED

JUL 11 2013

April 30, 2013

COMMUNITY DEVELOPMENT

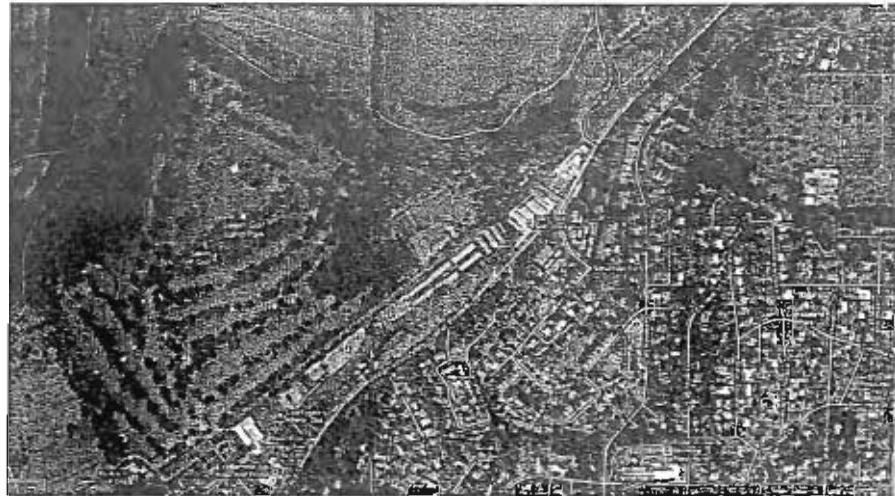


Comprehensive Plan Map Amendment &
Zone Change – Transportation Planning Rule Analysis
Kay Parcels – Maple Glen Lane, Salem, OR

Mr. Jeff Tross:

I thank you for asking Project Delivery Group, LLC to provide the Transportation Planning Rule (TPR) analysis for the Comprehensive Plan Map Amendment and Zone Change you are requesting for tax lots 400 and 500 of tax map 7S3W33CA in Salem. The two parcels have been zoned PA (Public Amusement) since 1989 when the City annexed the parcels at the same time the parcels that now include the Salem Golf Club and Minto Park were annexed. They are designated Parks and Open Space on the comprehensive plan map. The parcels have never been used for Public Amusement uses and a single family home has been on each parcel for many years. My understanding is that this TPR analysis is part of your client's request to change the Comprehensive Plan Map designation and zoning to match historical and current uses; residential single family housing.

Access to the parcels, which lie west of the railroad tracks, is by Maple Glen Lane. Maple Glen Lane connects the site to South River Road and is a public street. It is noted that there is a waterway between these parcels and Minto Park. They cannot be easily accessed from Minto Park. While owned by the same family that



owns the Salem Golf Club, the parcels have not been used by the golf course. Tax lot 400 is 0.65 acres and tax lot 500 is 18.39 acres in area with a combined area of 19.04 acres.

Oregon land use law requires that the TPR be met whenever a comprehensive plan map amendment is undertaken. Goal 12 of the TPR requires that the land use action not "significantly affect an existing or planned transportation facility" without specific remedies. It is the intent of this analysis to establish parameters so the proposed comprehensive plan map amendment and the concurrent zone change do not significantly affect an existing or planned transportation facility. Transportation facilities convey traffic and "significant affect" is measured by the volume of traffic using the system. This analysis will compare the amount of traffic that could be generated if the parcels were developed with allowed uses under the current comprehensive plan designation to the amount of traffic that could be generated if the parcels were developed with the proposed designation. It is the conclusion of this study that the requested

comprehensive plan map amendment will have no significant effect on an existing or planned transportation facility if the approved uses generate less than 428 trips each day.

Traffic engineers use the ITE (Institute of Transportation Engineers) Trip Generation Manual to estimate the trip generation for a wide variety of uses. Trip generation is estimated for weekdays and PM Peak Hours for the various uses. Generally the important volume is the PM Peak Hour volume, since that is when the volume of traffic is normally greatest and is the volume the transportation system is designed to serve.

In this instance your request for single family housing in an RS zone would allow one home per lot and the lots must be between 4,000 and 5,500 sq. ft. On 19.04 acres if one assumes the streets take 30% of the site and that the lots are 5,500 sq. ft. in area a developer could theoretically build 105 single family home lots. Of course the sketches you have shown me are for twelve single family home lots on the site. I will recommend that the City limit the number of trips from the site to those that could be generated by allowed uses on the site under the current zoning, consistent with the Transportation Planning Rule.

The City of Salem Revised Code lists permitted uses in the PA (Public Amusement) District. Article 160.030 identifies commercial sports, public golf courses, amusement parks, museums, art galleries, botanical and zoological gardens, marinas, ball parks, parks, playgrounds and houseboats. I will consider two uses in this list to provide guidance and an estimate of trip generation. The 19.04 acres could be developed as a golf course driving range. One can imagine the neighboring golf course wanting to relocate their driving range and using the site to relocate the present driving range. I will assume there would be 25 tee boxes in the driving range to estimate the trips that might be generated. The second use I will consider is to develop the site with soccer fields. Each field is about 2 acre in size and if 2/3 of the site were developed with playing fields and 1/3 is developed for parking, concessions, sidelines etc.; one can imagine six soccer fields on the site. Table 1 summarizes the data collected by the ITE from trip generation studies across the United States and applied in this analysis.

ITE #	Use	Units	PM Peak Rate	Weekday Rate
210	Single Family Homes	105 Homes	1.00 trips/home	9.52 trips/home
210	Single Family Homes	12 Homes	1.00 trips/home	9.52 trips/home
432	Golf Driving Range	25 Tees	1.25 trips/tee	13.65 trips/tee
488	Soccer Fields	6 Fields	17.70 trips/field	71.33 trips/field

Table 1 – Trip Generation Rates for Studied Uses

Table 2 estimates the trips that would be generated on the site under the different development scenarios in Table 1.

ITE #	Use	Units	PM Peak Trips	Weekday Trips
210	Single Family Homes	105 Homes	105 trips	999 trips
210	Single Family Homes	12 Homes	12 trips	114 trips
432	Golf Driving Range	25 Tees	31 trips	341 trips
488	Soccer Fields	6 Fields	106 trips	428 trips

Table 2 –Total Generated Trips for Studied Uses

Several things strike me from the information presented in the tables. A developer should not be allowed to build 105 homes on the site, because 105 homes generate 999 trips each day and the six soccer fields in the study only generate 428 trips per day. The 428 trips per day then becomes a limit on number of weekday trips generated by the site if the comprehensive plan map is amended and the zoning is changed. Since each home generates 9.52 trips per day, the site could be developed with 45 single family homes.

The PM Peak Hour trip generation by the six soccer fields (106 trips) is greater than the trip generation of the 105 single family homes (105 trips). A golf driving range does not generate nearly as much traffic as a soccer field, but it would generate more traffic each weekday and during the PM Peak Hour than the 12 single family homes I believe your client wants to build.

Of course much of this analysis is theoretical, because that is the basis of the TPR. Six (or perhaps eight) soccer fields could be put on the site from a theoretical perspective and 45 homes could theoretically be put on the site.

Summary: It is my engineering judgment that the requested comprehensive plan map amendment and zone change should be approved with the condition that any development that occurs on the site be limited to uses generating less than 106 PM Peak Hour trips and 428 Average Weekday trips, based on the estimates provided in the ITE Trip Generation Manual. There may be other reasons to limit the development to fewer than 45 single family homes, but I do not find any limitations below the 428 trips per day that would be generated by six soccer fields.

I thank you again for asking Project Delivery Group, LLC to provide this analysis. If there is any additional information you might find helpful or if you have questions, I would be pleased to respond.

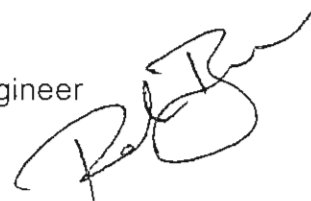
Project Delivery Group, LLC
Karl Birky, PE, TE, PTOE
Senior Engineer

TO: Bryan Colbourne, Planner III
Community Development Department

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

DATE: August 26, 2013

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 13-03 (13-111533)
1221 MAPLE GLEN LANE S
COMP PLAN/ZONE CHANGE



PROPOSAL

To change the Salem Area Comprehensive Plan (SACP) Map designation from Parks, Open Space, and Outdoor Recreation to Single Family Residential and change the zone district from PA (Public Amusement) to RA (Residential Agriculture) on property approximately 18.93 acres in size, and located at 1221 and 1250 Maple Glen Lane S.

RECOMMENDED CONDITION

The use on the property shall be limited to the existing use of two single family dwellings.

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. An Urban Growth Area Development (UGA) Permit is required prior to development. Future development requires the site to connect to existing facilities that are defined as adequate under SRC 66.020(a).

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/IZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Public Works Department recommends limiting the use on the property to the existing use of two single family dwellings.

CRITERIA AND FINDINGS

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

Finding—Driveway access for the subject property is provided by an existing private rail crossing to serve the existing use on the site. The application is not changing the existing use, which is adequately served by the existing driveway.

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

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

The application materials suggest that a potential subdivision may be proposed in the future on the subject property. Such a development would be subject to applicable criteria for an Urban Growth Area Development Permit per SRC Chapter 66 and a subdivision per SRC Chapter 63.

SRC 117.030(b)(1) Conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements.

Finding—The proposal conforms to goals and policies related to public works infrastructure.

RESPONSE TO APPLICANT'S CONCEPT PLAN

The applicant submitted a concept plan in conjunction with the CPC/ZC. A subdivision on the subject property may not meet the approval criteria as described below:

1. An Urban Growth Area Development (UGA) Permit will be required because the subject property is located outside of the Urban Service Area (USA). A UGA permit requires an applicant to provide linking facilities to their property under the standards and requirements of SRC Chapter 66 as follows:
 - a. The nearest adequate linking street is River Road S (River Road) at the intersection of Maple Glen Lane S (Maple Glen). SRC 66.100(a) requires that Maple Glen be improved to a minimum 30-foot pavement width from the south line of the subject property to River Road, including the railroad crossing. Additional right-of-way acquisition from neighboring property owners may be required to accommodate the additional improvement.
 - b. The nearest adequate water main is located in River Road. A minimum

8-inch water main shall be extended along Maple Glen and across the railroad right-of-way.

- c. Intensification of use, and street and water improvements within railroad right-of-way require a permit from Portland & Western Railroad and Oregon Department of Transportation Rail Division. Generally, railroad right-of-way permits require additional City participation and approval apart from the typical development application and permit process. The City would not likely support intensification of the existing rail crossing because the request could cause restrictions to the existing access to Minto Brown Island.
2. The standard for a public or private cul-de-sac street is a 30-foot-wide street within a 50-foot-wide right-of-way.
3. The subject property is located within the regulatory floodplain. Development within the floodplain requires a floodplain development permit and compliance with SRC Chapter 140. The proposed street crosses Croisan Creek. Per SRC 140.090(b)(6)(D), the bridge must have minimum one foot of clearance above the base flood elevation.
4. The proposed subdivision is subject to the requirements of SRC Chapter 126 because wetlands are located on the subject property.

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

August 19, 2013

To: Salem Planning Commission
Bryan Colbourne, Case Manager

From: SouthWest Association of Neighbors (SWAN)
Linda Haglund, Land Use Co-Chair
Len Nelson, Land Use Co-Chair

Re: Case Number CPC-ZC13-03
1221 & 1250 Maple Glen Lane S

Note: Our understanding is this request is specific to a Comprehensive Plan and zone district change request. The information regarding preliminary plans for a limited subdivision on Parcel 500 are included as a tool to assist in the evaluation of criteria required for this Plan and zone change.

The SWAN (the newly combined South Salem NA and Croisan Illahe NA) has concerns with the potential for impact to the transportation facility by this change request.

The TPR included in the review material makes trip calculations based on the size of the parcel. The resulting analysis brings a recommendation that the zone change should be approved with the condition that any development that occurs on the site be limited to the 106 PM Peak Hour trips and 428 Average Weekday trips that would be generated by six soccer fields.

The TPR's recommendation for trip limitation appears to be based on 19.04 acres, the full area of tax lots 400 and 500, with no adjustments for actual useable acreage. Other sections of the submittal indicate 5.6 acres of Parcel 500 are floodway and flood plain. Parcel 500 also has wetlands and Croisan Creek crossing the site. The assumptions in the TPR do not seem to be consistent with the site's actual characteristics. Adjustments for these limitations may yield different trip counts.

Additionally, the off-set alignment of Maple Glen Lane and Schurman Drive, the alignment of Maple Glen Lane's access to River Road occurring directly "into" the necessary left turn lane from River Road S to Schurman Drive, the congestion of vehicle/pedestrian/bicycle traffic for the access to Minto Brown Park within a very short distance, and the arc of River Road at Maple Glen Lane limiting sight distance are all concerning realities of this site and its interface with River Road. The submittal suggests easy access to River Road.

We encourage a careful analysis of the ultimate trip limit placed on this application so the City is able to properly manage the future development, and the resulting vehicle traffic, that is allowed on this site.

SWAN also has discussed general concerns with the possible future development of the site relative to accessibility of police and fire equipment to the site. We are including those comments here as they may be applicable to the evaluation of any criteria for the requested Plan or Zone change.

The preliminary subdivision plan indicates the 10 new lots would be served by a private lane connecting to an improved Maple Glen Lane. Emergency access is indicated to be provided by linking up with an extension of a golf cart path in the adjoining golf course.

Given the railroad crossing at Maple Glen Lane and the potential for a train to block crossing access, the need for adequate emergency access that is fully supportive of the height and weight of a fire truck or ambulance, in all various condition of the ground in the various seasons, seems especially important. Should the actual development be at the 45 home sites the TPR notes as a maximum limit allowable, the higher density of homes further increases the potential instances of a call for public safety response when Maple Glen Lane rail crossing is blocked by a train which would cause the alternate access route to be used.

We are not schooled enough to understand how these concerns fully work within the various processes. It would seem that in addition to daily trip limits derived from the TPR, there should also be consideration of these elements.

REQUEST FOR COMMENTS

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

CASE NO: CPC-ZC13-03

AMANDA APPLICATION NO.: 13-111533-ZO &
13-111536-ZO

ADDRESS: 1221 & 1250 MAPLE GLEN LN S

ZIP CODE: 97302

HEARD BY: Salem Planning Commission

CASE MANAGER: Bryan Colbourne

REQUEST: To change the Salem Area Comprehensive Plan (SACP) Map designation from Parks and Open Space to Single Family Residential and change the zone district from PA (Public Amusement) to RA (Residential Agriculture) on property approximately 18.93 acres in size, and located at 1221 & 1250 Maple Glen Lane S - 97302 (Marion County Assessor's Map and Tax Lot numbers: 073W33CA00400 & 073W33CA00500).

Attached is a copy of the proposal and any related maps for an upcoming case. A report with a recommendation relating to this property will be prepared by the planning staff from information available to the staff. You are invited to respond with information relating to this property and this request. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments of affected property owners, residents, and jurisdictional agencies.

COMMENTS NEED TO BE RECEIVED BY 5 P.M., AUGUST 20, 2013 to be included in the development of the Staff Report and its recommendations.

Send comments and any questions to: Bryan Colbourne, Case Manager
City of Salem Planning Division
555 Liberty St SE, Room 305
Salem, OR 97301
Phone: 503-540-2363; Fax: 503-588-6005
E-Mail: bcolbourne@cityofsalem.net
<http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

- ☐ 1. We have reviewed the proposal and have no comments.
☐ 2. We have reviewed the proposal and have the following comments:

☒ 3. Other: See attached.

Name: Salem-Keizer Public Schools
Address: Planning and Property Services
3630 State St., Salem OR 97301
Agency: David Fridenmaker - Manager
Phone No.: PH: 503-399-3335
Date: 8.19.13



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

Sandy Husk, Superintendent

August 19, 2013

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

FAX No. 503-588-6005

RE: Land Use Activity
Salem Case No. CPC-ZC13-03, 1221-1250 Maple Glen Ln S

SUMMARY OF COMMENTS

School Assignment: Subject property is located within the school attendance boundary of Candalaria Elementary, Leslie Middle and South Salem High School

School Capacity: To serve the proposed development, sufficient elementary school and middle school capacity current exists at the assigned schools. The high school school enrollment is estimated to be between 99% and 103% of the school capacity.

School Transportation Services: Students residing at the subject property location would be eligible for school transportation services.

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

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Candalaria Elementary School
2. Estimated change in student enrollment due to proposed development: 3
3. Current school capacity: 358
4. Estimate of school enrollment including new development: 340
5. Ratio of estimated school enrollment to total capacity including new development: 95%.
6. Walk Zone Review: Eligible for transportation to Elementary School.
7. Estimate of additional students due to previous 2012 land use applications: 0
8. Estimate of additional students due to previous 2013 land use applications: 0
9. Estimated cumulative impact of 2012-13 land use actions on school capacity: 95% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Leslie Middle School
2. Estimated change in student enrollment due to proposed development: 1
3. Current school capacity: 947
4. Estimate of school enrollment including new development: 774
5. Ratio of estimated school enrollment to total capacity including new development: 82%
6. Walk Zone Review: Eligible for transportation to Middle School.
7. Estimate of additional students due to previous 2012 land use applications: 60

8. Estimate of additional students due to previous 2013 land use applications: 9
9. Estimated cumulative impact of 2012-13 land use actions on school capacity: 89% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: South Salem High School
2. Estimated change in student enrollment due to proposed development: 2
3. Current school capacity: 1,981
4. Estimate of school enrollment including new development: 1,952
5. Ratio of estimated school enrollment to total capacity including new development: 99%
6. Walk Zone Review: Eligible for transportation to High School.
7. Estimate of additional students due to previous 2012 land use applications: 81
8. Estimate of additional students due to previous 2013 land use applications: 9
9. Estimated cumulative impact of 2012-13 land use actions on school capacity: 103% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

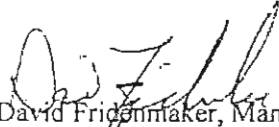
1. Total estimated change in student enrollment: 6
2. Total estimated student enrollment over capacity: 2
3. Estimated short-term cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: **\$ 10,848**
4. Total estimated additional income to District for new facilities due to change in student enrollment: **\$ 0**

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

ASSUMPTIONS:

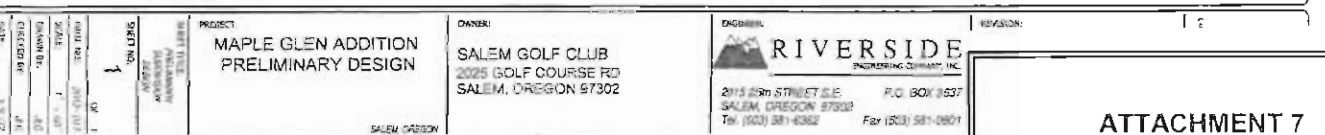
1. When land use request is granted, 9 new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2009-11 biennium facilities grant funding for the District was \$20,802.
7. General Fund Budget Amount for the 2011-12 school year is \$8,848 per student (ADM). The State School Fund Revenue for 2011-12 is estimated to be \$6,214 per student (ADM). ADM is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,


David Fridman, Manager
Planning and Property Services

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

ATTACHMENT 7



ATTACHMENT 7