



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

09/17/2012

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 006-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. 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: Friday, October 05, 2012

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: Lisa Anderson-Ogilvie, City of Salem
Gordon Howard, DLCD Urban Planning Specialist

<paa>



FORM 2

DLCD

Notice of Adoption

In person electronic mailed

DATE
STAMP

DEPT OF

SEP 14 2012

LAND CONSERVATION
AND DEVELOPMENT

For Office Use Only

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

Jurisdiction: **City of Salem**

Local file number: **CPC-ZC12-05**

Date of Adoption: **8/27/2012**

Date Mailed: **9/13/2012**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 3/27/2012

Comprehensive Plan Text Amendment

Comprehensive Plan Map Amendment

Land Use Regulation Amendment

Zoning Map Amendment

New Land Use Regulation

Other:

A City-initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General) to CR (Commercial Retail) for property approximately 4.66 acres in size and located at 1313 Mill St SE (Marion County Assessor's map 073W26BC / 4000, 4100, 4200, 4400).

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

Does the Adoption differ from proposal? Please select one

No.

Plan Map Changed from: **IND, CSE**

to: **COM**

Zone Map Changed from: **IC, IG & CG**

to: **CR**

Location: **1313 Mill St SE**

Acres Involved: **4**

Specify Density: Previous:

New:

Applicable statewide planning goals:

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

Was an Exception Adopted? YES NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes No

If no, do the statewide planning goals apply?

Yes No

If no, did Emergency Circumstances require immediate adoption?

Yes No

DLCD file No. _____

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

Local Contact: **Lisa Anderson-Ogilvie, Planner III**

Phone: **(503) 540-2381** Extension:

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

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

City: **Salem**

Zip: **97301-**

E-mail Address: **lmanderson@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.



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

September 12, 2012


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

NOTICE OF FINAL LAND USE DECISION: ORDER NO. 2012-18-CPC-ZC
City-Initiated Comprehensive Plan Change/Zone Change
Case No. CPC-ZC12-05 for property located at 1313 Mill
Street SE

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Order No. 2012-18-CPC-ZC at the August 27, 2012 session. A copy of the ordinance is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals **not later than 21 days** after September 12, 2012. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file, including findings, conclusions, modifications, and conditions of approval, if any is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.


Glenn W. Gross
Urban Planning Administrator

cc: Mission Mill Museum, 1313 Mill St SE, Salem OR 97301
Leah McMillan, Chair, SESNA Land Use Committee, 498 - 23rd St SE, Salem OR 97302
Eleanor Miller, Land Use Chair, Northeast Neighbors, 1440 Chemeketa Street NE,
Salem OR 97301
Willamette Heritage Center at the Mill, ATTN: Peter Booth, 1313 Mill St SE, Salem OR 97301
Muriel Steiber, 415 Lincoln St S, Salem OR 97302

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF THE)	ORDER NO. 2012-18-CPC-ZC
DECISION OF THE CITY COUNCIL)	COMPREHENSIVE PLAN
FOR PROPERTY LOCATED AT)	CHANGE AND ZONE CHANGE
1313 MILL STREET SE)	CASE NO. 12-05

This matter coming regularly for hearing before the City Council, at its August 27, 2012 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order approving the Comprehensive Plan Change and Zone Change, for property located at 1313 Mill Street SE.

(I) PROCEDURAL FINDINGS:

- (a) On March 20, 2012, the Salem Planning Commission adopted Resolution No. 11-09 to initiate the proposed changes to the Salem Area Comprehensive Plan and Zoning District designation for the property.
- (b) On May 15, 2012, the Salem Planning Commission held a public hearing, considered evidence and testimony and voted to recommend approval of the proposal to the City Council.
- (c) On August 27, 2012, the Salem City Council held a public hearing, considered evidence and testimony and voted to approve the proposal.

(II) SUBSTANTIVE FINDINGS:

- (a) The Staff Report, dated August 27, 2012, including its attachments, attached hereto as "Exhibit 1," is hereby adopted as findings in support of this decision, and by this reference incorporated hereto.

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

Section 1. Case No. CPC-ZC 12-05, a city-initiated proposal to change the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from Industrial Commercial, Industrial General and Commercial General to Commercial Retail for the property located at 1313 Mill St SE is hereby approved.

Section 2. This order constitutes the final land use decision and any appeal must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the City Council this 10th day of September, 2012.

ATTEST:

A handwritten signature in cursive script that reads "Kathy Hall".



City Recorder

Checked by: L. Anderson-Ogilvie

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FOR COUNCIL MEETING OF:
AGENDA ITEM NO.:

August 27, 2012
4 (b)

TO: MAYOR AND CITY COUNCIL
 THROUGH:  LINDA NORRIS, CITY MANAGER
 FROM: VICKIE HARDIN WOODS, DIRECTOR 
 COMMUNITY DEVELOPMENT DEPARTMENT
 SUBJECT: COMPREHENSIVE PLAN CHANGE AND ZONE CHANGE 12-05 FOR 1313
 MILL STREET SE (THE WILLAMETTE HERITAGE CENTER AT THE MILL)

ISSUE:

Should the City Council approve a City-Initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from Industrial-Commercial, Industrial General and Commercial General to Commercial Retail for the Willamette Heritage Center at the Mill located at 1313 Mill St SE?

RECOMMENDATION:

Staff recommends that the City Council approve a City-Initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from Industrial-Commercial, Industrial General and Commercial General to Commercial Retail for the Willamette Heritage Center at the Mill located at 1313 Mill St SE.

SUMMARY:

Due to a revision to the Salem Revised Code (SRC) the Willamette Heritage Center at the Mill (Attachment 1) has been a legal non-conforming use since 1983. The proposed Comprehensive Plan Change and zone change will change the existing designation to Commercial and the zoning to Commercial Retail and will result in all of the uses on the site being legal conforming uses.

BACKGROUND:

The Center, which includes the Thomas Kay Woolen Mill, the Jason Lee house, the Methodist Parsonage, the John D. Boone house, the Pleasant Grove Church, a museum gift shop, a bookbinder, a yarn supply vendor, an antiques vendor and a café, was granted a Conditional Zone Change from a Public Park zone to Industrial Commercial (IC) zone in 1981.

In 1983, a major overhaul of the zoning code took place. Prior to 1983 museums were a permitted use as part of the broad category of amusement and recreation in the IC zone. In the 1983 revision to the Zoning Code, the Standard Industrial Classification (SIC) manual was introduced as a way to classify uses. In the SIC manual Museum, Art Galleries, and Botanical and Zoological Gardens (SIC 84) are classified separately from Amusement and Recreation Services (SIC 79). It appears that an inadvertent error was made during the revision of the Zoning Code and Amusement and Recreation Services (SIC 79) was included in the list of

permitted uses in the IC zone but Museum, Art Galleries, and Botanical and Zoological Gardens (SIC 84) was omitted.

Therefore, the museum and related uses on the Center property have been legal non-conforming uses since 1983. The proposed amendment to the comprehensive plan designation and zoning designation conforms to the existing uses on the site, and will allow the Center to move forward with their stated goal of building a new structure on the site.

FACTS AND FINDINGS:

1. A type IV application can be initiated by resolution of the City Council, Planning Commission, or Historic Landmarks Commission. On March 20, 2012 the Planning Commission approved Resolution No. 11-09 initiating the Comprehensive Plan Change and zone change.
2. The Planning Commission conducted a hearing on the application on May 15, 2012 and recommended approval (Attachment 2) based on the facts and findings contained in the staff report (Attachment 3).
3. Pursuant to SRC 300.700, a public hearing before the City Council is required for a type IV application to receive additional evidence and testimony and the recommendations of the Planning Commission and staff, and to make a final decision on the application.
4. **Comprehensive Plan Change**

Salem Revised Code Section 64.090(b) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in bold print. Following each criterion is a finding relative to the amendment. The proposal must satisfy either Criterion 1A or 1B, or 2A or 2B.

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

(A) **Size:** Suitability of the size of the alternative sites to accommodate the proposed use; or

(B) **Location:** Suitability of the location of the alternative sites to permit the proposed use; or

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

(A) The construction of a major capital improvement (e.g., an arterial or major collector, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan or elements of the Comprehensive Plan were adopted or last amended; or

(B) Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.

Finding: The proposal meets criterion 1(B); a lack of appropriately suitable alternative sites, because the property and structures have site-specific historical significance and cannot be located elsewhere. The subject property houses site specific buildings and uses that cannot be located on other properties. The Thomas Kay Woolen Mill was built on the site in 1889 and serves as the main component of the Willamette Heritage Center. Numerous restored historic structures have been moved to the site. Coupled with the mill, restaurant, gift shop and craft tradesman they make up the museum complex. The complex, which is a major tourist attraction in the city, cannot be replicated on another appropriately designated parcel within the city. Staff finds that this criterion has been met.

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

Goal 1 – Citizen Involvement

The property owners have been consulted on the City-initiated proposal. All property owners within 250 feet have been provided notice of the public hearing as have the affected neighborhood associations. This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals.

Goal 3 – Agricultural Lands

There are no known agricultural lands on the affected parcels.

Goal 4 – Forest Lands

There are no known forest lands on the affected parcels.

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

The known historic resources on the parcel are protected subject to SRC 230. The City's tree preservation ordinance, historic preservation ordinance and any applicable wetland standards will continue to apply to the affected parcels as applicable.

Goal 6 – Air, Water and Land Resources Quality

The parcels are developed to City standards for water, sewer, and storm drainage. Any new development will be required to meet City standards. This case has no significant impacts to the quality of the air, water or land.

Goal 7 – Areas Subject to Natural Disasters and Hazards

There are no known natural hazards existing on the affected parcels. In the event a hazard is identified, the City's tree protection, landslide, and floodplain development standards will be applied and will ensure compliance with Goal 7.

Goal 8 – Recreational Needs

The site is used for a museum that also provides classes, exhibits, tours, and meetings. It is a major tourist attraction in the Willamette Valley. The proposed Comprehensive Plan

change will allow for the current use of the property to continue as a legal permitted use and to build new facilities as necessary.

Goal 9 – Economic Development

One parcel will no longer be designated Industrial. However, this parcel is already developed and does not provide land for industrial use. Therefore, this change will not be reducing the City's Industrial land supply.

Two parcels are currently designated as Community Services-Education and will be redesignated as Commercial. The Mill currently provides local jobs through the museum and provides space for local business in the form of a restaurant and craft tradesman/vendor space.

Goal 10 - Housing

The subject property is not currently designated for housing and does not provide housing. This proposal will not reduce the City's inventory of residential lands.

Goal 11 – Public Facilities and Services

The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. The subject property is already developed and served by public facilities.

Goal 12 – Transportation

The proposal will change of the Comprehensive Plan Designation from Industrial to Commercial on 0.94 acres, and from Community Service- Education to Commercial on 4.79 acres. The proposal will also change the zoning designation from General Industrial to General Commercial on 0.94 acres, and from Industrial Commercial to General Commercial on 4.79 acres. The change in the Comprehensive Plan and zoning is required to allow the existing nonconforming uses to be conforming. These changes in the Comprehensive Plan and zoning will not have a significant effect on the transportation system because the site is already fully developed, and the changes would increase the peak hour traffic by less than 30 vehicles per hour.

Goal 13 – Energy Conservation

The subject property is located along developed streets within the City's transportation system. This results in the property being consistent with the energy conservation requirements of this Goal.

Goal 14 – Urbanization

The proposal does not affect the Urban Growth Boundary and is consistent with the goal to maintain a compact and efficient urban area. This proposal complies with Goal 14.

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

Finding: The surrounding properties are a mixture of Commercial, Public and Multiple Family Residential designated lands. The abutting property to the north is a State of Oregon

office building and to the east is single family and multi-family residential development. Across Mill Street SE to the south is the Amtrak station and Tokyo International University. Across 12th Street SE is Willamette University. The properties along 12th Street SE are a mixture of State buildings, Willamette University buildings, and private office buildings. To the east is residential development and Bush elementary school. The mixture of uses and designations in the area attest to the unique and historical nature of the property. Its proximity to the State Capitol, Willamette University and close in residential uses are unique and is not replicated in other areas of the City. Changing the subject property's designation to Commercial will be logical in that it will allow the long standing use of the subject property to be a permitted use. The change will be harmonious in that the surrounding properties are not one designation but a mixture of designations that reflect the historic uses of the properties and the vibrant nature of the central Salem area.

Criterion 5: The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The intent of the SACP is to ensure that the anticipated urban land needs are met. The Plan's approach to this is to phase urbanization and rezonings over time which allows the City and property owners to be responsive to changing and evolving land demands while recognizing existing zoning.

SACP II.A.1. states that, *the land use pattern that is shown on the map recognizes the zoning that has developed over time, with general designations of the land uses that are expected to be developed, as a result of: (1) demand, (2) the plan policies and intent statements, and (3) implementing regulations and processes. This Plan recognizes that the land use and zoning are expected to change during the time span of the Plan as conditions change.*

The current designations do not reflect the predominant use of land in the general area of the subject property, nor does it project a goal of the desirable pattern of land use for this location. The predominant use of land in the area is commercial, residential, and public. Redesignating the site as proposed will reflect the predominant type of land uses in the area, and will be consistent with the desirable pattern of land use in this part of the urban area. For these reasons, the proposal is consistent with the intent of the Plan and its stated methodology to rezone land over time in response to changing needs and conditions.

Part IV. Salem Urban Area Goals and Policies

G. Commercial Development

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

The following policies apply to this proposal:

Shopping and Service Facilities

2. *Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:*

a. site plan; b. layout of all off-street parking and loading facilities; c. landscaping plan, d. surface stormwater plan; e. vehicular and pedestrian circulation plan; f. utility plans, g. impact on adjacent neighborhoods; h. impact on adjacent street networks; i. proposed use(s); j. transit service; and k. other information that may be required.

Redevelopment

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

Community Shopping and Service Facilities

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

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

In addition to the museum itself, the Willamette Heritage Center provides some small commercial services in the form of a restaurant, gift shop and vendor stalls. The site is developed in conformance with the applicable Commercial goals and policies. Retaining the museum in this location will continue to promote central Salem as a commercial center for the area.

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 following policies apply to this proposal:

Natural, Ecological, Historic and Scenic Areas

3. Identified areas of significant architectural, archeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate governing body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified, resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.

Historic Sites and Structures

10. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to Salem Revised Code Chapter 56 shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. SRC Chapter 56, the implementing ordinance, provides the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.

The site and the structures within are listed on the National Register of Historic Places and are subject to SRC Chapter 230. The historic nature of the site, and the structures, is being preserved and the proposed change in designation will allow the uses to continue as permitted uses.

Criterion 6: The proposed change benefits the public.

Finding: The proposed change will allow the existing museum and associated commercial uses to be outright permitted uses. This will remove the uncertainty that is associated with have non-conforming uses and will allow new buildings to be placed on the site in the future. This benefits the public as the Willamette Heritage Center and Mission Mill site preserves Salem history and provides educational opportunities for the public.

5. Zone Change

The applicable criteria and factors for a zone change are listed in SRC 113.150(b) and stated below in bold print. Following each criterion is a response and/or finding relative to the amendment requested.

The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the comprehensive plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the comprehensive plan; and any standards imposed by state land use law. In addition, the following factors should be evaluated by the Review Authority, and shall be addressed in the decision:

Factor 1: The existence of a mistake in the compilation of any map, or in the application of a particular land use designation to any property in this zoning code or the comprehensive plan;

Finding: There is no mistake in the zoning map. The property was appropriately zoned when the zoning was changed from Public Park to Industrial Commercial in 1981. The subsequent revisions to the Salem zoning code removed museums as a permitted use. This action resulted in a legal non-conforming status for the subject property. The proposed zone change to Commercial Retail will allow the existing uses as legal permitted uses.

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

Not applicable.

Factor 3: A change of conditions in the character of the neighborhood in which the use or development is proposed;

Finding: The surrounding area is no longer zoned for, nor used for, industrial purposes. The subject property itself, while once a manufacturing operation, has been used as a museum for decades. The subject property and surrounding areas are located in central Salem where a mix of commercial and residential zones and uses exist. The proposed zone change will allow the existing long term use of the subject property to be permitted uses. This criterion has been met.

Factor 4: The effect of the proposal on the neighborhood, the physical characteristics of the subject property, and public facilities and services;

Finding: The proposal will not have an effect on public services or the physical characteristics of the subject property, as the property is already developed. This criterion is met.

Factor 5: All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant.

Finding: Any additional needed public facilities can be provided to the subject property. Any future development will be reviewed for compliance with all applicable local, state, and federal guidelines.

6. The proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria. Based on the facts and findings presented in this report, the proposed amendment meets the criteria for approval for a Comprehensive Plan change and zone change. Therefore, staff recommends the Council approve the proposed Comprehensive Plan change and zone change so the long standing use of the property can be continued as a conforming use in the zone and can be expanded in the future.



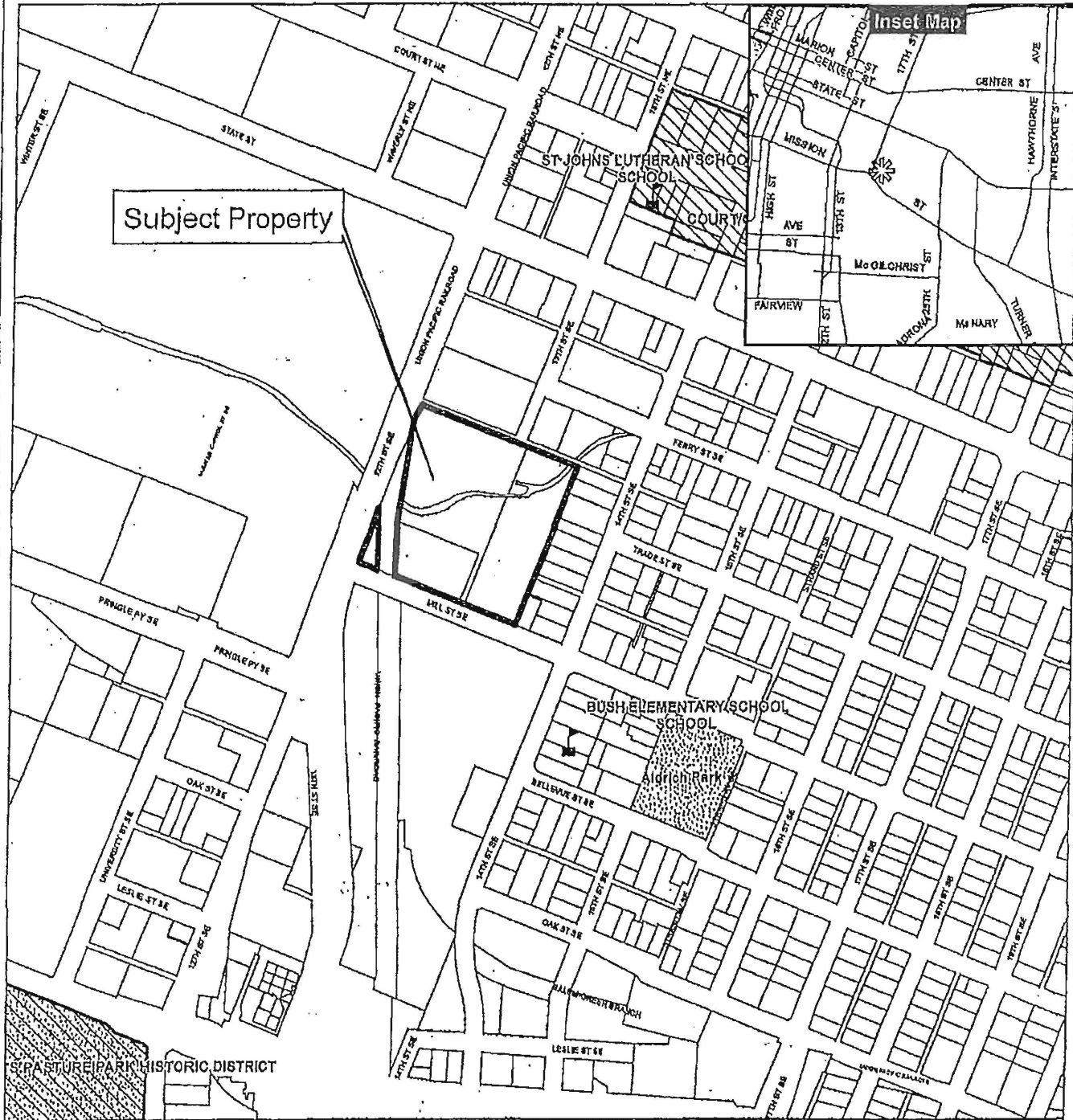
Glenn W. Gross, Urban Planning Administrator

Attachments: (1) Vicinity Map
(2) Planning Commission Recommendation
(3) Planning Commission staff report, dated May 15, 2012

Prepared by Lisa Anderson-Ogilvie, Planner III

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Vicinity Map 1313 Mill St SE



Legend

- Taxlots
- Urban Growth Boundary
- City Limits

- Outside Salem City Limits
- Historic District
- Schools

- Parks

City of *Salem*
AT YOUR SERVICE
Community Development Dept.

This product is provided as is, without warranty, in no way...



ATTACHMENT 1

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

RECOMMENDATION OF
SALEM PLANNING COMMISSION
COMPREHENSIVE PLAN CHANGE/ZONE CHANGE
CASE NO. CPC-ZC12-05
APPLICATION NO.: 12-105210-ZO

NOTICE OF RECOMMENDATION & MAILING DATE: MAY 16, 2012

REQUEST: A City-Initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General) to CR (Commercial Retail) for property approximately 4.68 acres in size and located at 1313 Mill St SE (Marion County Assessor's map 073W26BC / 4000, 4100, 4200, 4400).

APPLICANT: CITY OF SALEM - COMMUNITY DEVELOPMENT DEPARTMENT

LOCATION: 1313 Mill Street SE

CRITERIA: Salem Revised Code Chapter 165

FINDINGS: The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated May 15, 2012, herewith attached and by this reference incorporated herein.

DECISION: Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS to City Council to approve the City-Initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General) to CR (Commercial Retail) for the Williamette Heritage Center at the Mill which is approximately 4.68 acres in size and located at 1313 Mill St SE (Marion County Assessor's map 073W26BC / 4000, 4100, 4200, 4400).

VOTE:

Yes 4 No 0 Absent 2 (Fry, Schmidtke)

Jim Lewis, President, Salem Planning Commission

The Salem City Council will hold a public hearing to receive additional evidence and testimony, and this recommendation of the Planning Commission and staff. After due deliberation, the City Council will make a final decision on the application. The appeal of the Council decision would be do the Oregon Land Use Board of Appeals. The appeal period is 21 days from the decision mailing date.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, 555 Liberty St SE, Salem during city business hours, 8:00 a.m. to 5:00 p.m. Contact Lisa Anderson-Ogilvie, Case Manager at 503-540-2381 or lmAnderson@cityofsalem.net to review the case file. *AK*

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...\CPC-ZO12-05 Notice of Recommendation to City Council.doc


ATTACHMENT 2

NOTICE OF
RECOMMENDATION

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



TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Lisa Anderson-Ogilvie, Planner III

HEARING DATE: May 15, 2012

APPLICATION: Comprehensive Plan Change/ Zone Change 12-05.

LOCATION: 1313 Mill Street SE (The Willamette Heritage Center at the Mill)

SIZE: Approximately 4.66 acres

REQUEST: A City-Initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General) to CR (Commercial Retail) for the Willamette Heritage Center at the Mill which is approximately 4.66 acres in size and located at 1313 Mill St SE (Marion County Assessor's map 073W26BC / 4000, 4100, 4200, 4400).

APPLICANT: City-Initiated

APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Chapter 64
Zone Map Amendment: Salem Revised Code, Chapter 113

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the facts and findings of this staff report and recommend that the City Council approve the City-initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General) to CR (Commercial Retail) for the Willamette Heritage Center at the Mill which is approximately 4.66 acres in size and located at 1313 Mill St SE (Marion County Assessor's map 073W26BC / 4000, 4100, 4200, 4400).

ATTACHMENT 3

APPLICATION PROCESSING

Subject Application:

On March 20, 2012 the Planning Commission approved Resolution No. 11-09 initiating the Comprehensive Plan Change and Zone Change.

Notice must be given in accordance with Section 300.720(b) of the Salem Revised Code. An approval by the Planning Commission shall not be construed to have granted a variance from the provisions of any City ordinance unless the approval clearly states that a variance has been granted.

The quasi-judicial case requires that an initial evidentiary public hearing be held before the Planning Commission. The purpose of the initial evidentiary public hearing is for the Commission to receive evidence and testimony on the application and to forward a recommendation to the City Council. A final public hearing shall be held before the City Council. The purpose of the final public hearing before the City Council is to receive additional evidence and testimony and the recommendations of the Commission and staff and to make a final decision on the application.

Appeals:

The decision of the City Council on a Type IV application shall become the City's final decision on the date when written notice of the decision is mailed to persons entitled to notice of the decision. Appeals of Type IV applications are to the Oregon Land Use Board of Appeals.

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 April 25, 2012.
2. The property was posted in accordance with the posting provision outlined in SRC 300.720.
3. State law (ORS 197.610) requires the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice and SRC 300.720(b) requires a minimum 45-day notice when an applicant or the City proposes an amendment to an acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on March 27, 2012.

BACKGROUND INFORMATION

The Willamette Heritage Center at the Mill includes the Thomas Kay Woolen Mill, founded in 1889 by Thomas Lister Kay. The Mill, which produced fine woolen blankets and fabric for more than seventy years, closed in 1962 and was subsequently purchased by the Mission Mill Museum Association, a private, non-profit organization formed in 1964.

In addition to the Mill, the Jason Lee house, the Methodist Parsonage, the John D. Boone house and the Pleasant Grove Church were moved to the site in the 1970's and 1980's. They have been restored and furnished with period pieces and are open to the public. The property also includes a museum gift shop, a bookbinder, a yarn supply vendor, an antiques vendor and a café. Additionally, facilities are used for open houses, exhibits, demonstrations, classes and are available for rental by the public.

In 1981, a Conditional Zone Change was approved on the property from a Public Park zone to IC (Industrial Commercial) zone. The zone change had a condition that the uses permitted were those submitted by the applicant and included museum functions such as tours, community functions such as exhibits, demonstrations, classes and meetings and retail functions such as the restaurant, gift shop, yarn vendor and rental of assembly space.

In 1983, a major overhaul of the zoning code took place. Prior to 1983 museums were a permitted use as part of the broad category of amusement and recreation in the IC (Industrial Commercial) zone. In the 1983 revision the Standard Industrial Classification (SIC) manual was introduced as a way to classify uses. In the SIC manual Museum, Art Galleries, and Botanical and Zoological Gardens (SIC 84) are classified separately from Amusement and Recreation Services (SIC 79). It appears that an inadvertent error was made during the revision and Amusement and Recreation Services (SIC 79) was included in the list of permitted uses but Museum, Art Galleries, and Botanical and Zoological Gardens (SIC 84) was not.

Therefore, the museum and related uses have been legal non-conforming uses since 1983. Their non-conforming status could present difficulties for the Willamette Heritage Center as they move forward with their stated goal of building a new structure on the site (Willamette Heritage Center, *Forging the Future*, 2010-2013 Strategic Plan, October 2010).

The Planning Commission approved Resolution No. 11-09 Initiating the Comprehensive Plan Change and Zone Change.

Summary of Requested Action

The request is to change the Salem Area Comprehensive Plan (SACP) Map designation of the property from "Industrial" and "Community Services-Education" to "Commercial" the zone district from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General) to CR (Commercial Retail) for property located at 1313 Mill Street SE (Attachment 1).

Neighborhood Association Comments

The subject property is within the Southeast Salem Neighborhood Association (SESNA). As of the date of this staff report, the Neighborhood Association has not submitted any comments.

Public Comments

No comments have been received.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The proposed change of the Comprehensive Plan Designation and the Zoning for this property will not cause traffic or operational issues that would be inconsistent with the Transportation Planning Rule.

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

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

Public and State Agency Comments

Salem-Keizer School District – Reviewed the proposal and indicated they have no comments.

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

Service Provider Comments

Portland General Electric (PGE) – Development cost per current tariff and service requirements. Ten foot public utility easement (PUE) required on all front street lots.

Century Link – Reviewed the proposal and indicated they have no comments.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan designates the subject property as "Industrial" and "Community Services-Education."

The Comprehensive Plan designations of surrounding properties include:

- North: "Community Services-Government"
- South: Across Mill Street SE, "Commercial" and "Community Services-Education"
- East: "Multiple-Family Residential"
- West: Across 12th Street SE, "Community Services-Education"

Neighborhood Plan: The proposed project is located within the boundaries of the Southeast Salem Neighborhood Association (SESNA). The Neighborhood Association does not have an adopted 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 intersection of Mill Street SE and 12th Street SE. Twelfth Street SE is designated as a 'Major Arterial' and Mill Street SE is a 'Collector.' The property has access to Mill Street SE from one driveway. The property can also be accessed from 14th Street SE (a 'Collector') via an alley.

Zoning & Uses:

The subject property is currently zoned from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General). Zoning and land uses of surrounding properties include:

- North: PS (Public Service District); State of Oregon Department of Administrative Services and Salem-Keizer School District offices.
- South: Across Mill Street SE, PE (Public Education); Amtrak station and Tokyo International University.
- East: RM2 (Multiple Family Residential); apartments, duplexes and single family dwellings.
- West: Across 12th Street SE, PE (Public Education); Willamette University.

Existing Site Conditions:

The property contains the Kay Woolen Mill, the Jason Lee house, the Methodist Parsonage, the John D. Boone house, the Pleasant Grove Church and various other buildings and parking lots associated with the museum.

Trees: Under the City's tree preservation ordinance, SRC Chapter 68, 100(a) requires tree conservation plans only for development proposals involving the creation of lots or parcels to be used for the construction of single-family or duplex dwelling units. Because the proposal does not involve the creation of lots or parcels for single-family or duplex dwelling unit construction, a tree conservation plan was not required. Pursuant to SRC Chapter 68, Preservation of Trees and Vegetation, a Tree Removal Permit is required for removal of any significant trees and any removal of trees within a riparian corridor. Furthermore, no heritage tree shall be removed. The property owner should contact City staff before removing any trees on the subject property.

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and Federal wetlands laws are also administered by DSL and the Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. The Salem-Kelzer Local Wetland Inventory (LWI) identifies wetlands and waterways (Mill Race) as being present on the property. This application does not involve any development proposal or any changes to the wetlands and waterways on the site. Notification of this proposal has been sent to DSL.

Landslide Hazards: SRC Chapter 69, Landslide Hazards, sets forth the mitigation requirements that may be imposed if landslide hazards are present on a property. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure a safe and healthful development. The subject property features two (2) mapped landslide hazard points and a Comprehensive Plan and zone change request does not incur any "activity" points. The cumulative total of two (2) landslide hazard susceptibility points indicates a "low landslide hazard," therefore, a geological assessment is not required at this time.

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

Salem Revised Code (SRC) Section 64.040(g) defines a minor plan change as a single proceeding for amendment to the Comprehensive Plan affecting less than five (5) privately and separately owned tax lots. This request is a Category 2 minor plan change, which is a quasi-judicial act. Salem Revised Code Section 64.090(b) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in bold print. Following each criterion is a finding relative to the amendment.

The proposal must satisfy either Criterion 1A or 1B, or 2A or 2B.

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

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

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

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

Finding: The subject property houses site specific buildings and uses that cannot be located on other properties. The Thomas Kay Woolen Mill was built on the site in 1889 and serves as the main component of the Willamette Heritage Center. Numerous restored historic structures have been moved to the site. Coupled with the mill, restaurant, gift shop and craft tradesman they make up the museum complex. The complex, which is a major tourist attraction in the city, cannot be replicated on another appropriately designated parcel within the city. Staff finds that this criterion has been met.

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

Goal 1--Citizen Involvement

The property owners have been consulted on the City-initiated proposal. All property owners within 250 feet have been provided notice of the public hearing as have the affected neighborhood associations. This satisfies Citizen Involvement described in Goal 1.

Goal 2--Land Use Planning

The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals.

Goal 3--Agricultural Lands

There are no known agricultural lands on the affected parcels.

Goal 4--Forest Lands

There are no known forest lands on the affected parcels.

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

The known historic resources on the parcel are protected subject to SRC 230. The City's tree preservation ordinance, historic preservation ordinance and any applicable wetland standards will continue to apply to the affected parcels as applicable.

Goal 6--Air, Water and Land Resources Quality

The parcels are developed to City standards for water, sewer, and storm drainage. Any new development will be required to meet City standards. This case has no significant impacts to the quality of the air, water or land.

Goal 7--Areas Subject to Natural Disasters and Hazards

There are no known natural hazards existing on the affected parcels. In the event a hazard is identified, the City's tree protection, landslide, and floodplain development standards will be applied and will ensure compliance with Goal 7.

Goal 8 -- Recreational Needs

The site is used for a museum that also provides classes, exhibits, tours, and meetings. It is a major tourist attraction in the Willamette Valley. The proposed Comprehensive Plan change will allow for the current use of the property to continue as a legal permitted use and to build new facilities as necessary.

Goal 9--Economic Development

One parcel will no longer be designated Industrial. However, this parcel is already developed and does not provide land for Industrial use. Therefore, this change will not be reducing the City's Industrial land supply.

Two parcels are currently designated as Community Services-Education and will be redesignated as Commercial. The Mill currently provides local jobs through the museum and provides space for local business in the form of a restaurant and craft tradesman/vendor space.

Goal 10 - Housing

The subject property is not currently designated for housing and does not provide housing. This proposal will not reduce the City's inventory of residential lands.

Goal 11--Public Facilities and Services

The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. The subject property is already developed and served by public facilities.

Goal 12--Transportation

This is an upgrade of the Comprehensive Plan Designation from IND (Industrial) to COM (Commercial) on 0.94 acres, and from CSE (Community Service- Education) to (COM) Commercial on 4.79 acres. This will also upgrade the Zoning Designation from IG (General Industrial) to CG (General Commercial) on 0.94 acres, and from IC (Industrial Commercial) to CG (General Commercial) on 4.79 acres. The change in the Comprehensive Plan and Zoning is required to allow the existing nonconforming uses to be conforming. These changes in the Comprehensive Plan and Zoning will not have a significant effect on the transportation system because the site is already fully developed, and the changes would increase the peak hour traffic by less than 30 vehicles per hour.

Goal 13--Energy Conservation

The subject property is located along developed streets within the City's transportation system. This results in the property being consistent with the energy conservation requirements of this Goal.

Goal 14--Urbanization

The proposal does not affect the Urban Growth Boundary and is consistent with the goal to maintain a compact and efficient urban area. This proposal complies with Goal 14.

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

Finding: The surrounding properties are a mixture of Commercial, Public and Multiple Family Residential designated lands. The abutting property to the north is a State of Oregon office building and to the east is single family and multi-family residential development. Across Mill Street SE to the south is the Amtrak station and Tokyo International University. Across 12th Street SE is Willamette University. The properties along 12th Street SE are a mixture of State buildings, Willamette University buildings, and private office buildings. To the east is residential development and Bush elementary school. The mixture of uses and designations in the area attest to the unique and historical nature of the property. Its proximity to the State Capitol, Willamette University and close in residential uses are unique and is not replicated in other areas of the City. Changing the subject property's designation to Commercial will be logical in that it will allow the long standing use of the subject property to be a permitted use. The change will be harmonious in that the surrounding properties are not one designation but a mixture of designations that reflect the historic uses of the properties and the vibrant nature of the central Salem area.

Criterion 5: The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The Salem Area Comprehensive Plan (SACP) is the long-range plan for guiding development in the Salem urban area. The overall goal of the plan is to accommodate development in a timely, orderly, and efficient arrangement of land uses and public facilities and services that meet the needs of present and future residents of the Salem urban area.

The intent of the SACP is to ensure that the anticipated urban land needs are met. The Plan's approach to this is to phase urbanization and rezonings over time which allows the City and property owners to be responsive to changing and evolving land demands while recognizing existing zoning.

SACP II.A.1. states that, *the land use pattern that is shown on the map recognizes the zoning that has developed over time, with general designations of the land uses that are expected to be developed, as a result of: (1) demand, (2) the plan policies and intent statements, and (3) implementing regulations and processes. This Plan recognizes that the land use and zoning are expected to change during the time span of the Plan as conditions change.*

The current designations do not reflect the predominant use of land in the general area of the subject property, nor does it project a goal of the desirable pattern of land use for this location. The predominant use of land in the area is commercial, residential, and public. Redesignating the site as proposed will reflect the predominant type of land uses in the area, and will be consistent with the desirable pattern of land use in this part of the urban area. For these reasons, the proposal is consistent with the intent of the Plan and its stated methodology to rezone land over time in response to changing needs and conditions.

Part IV. Salem Urban Area Goals and Policies

G. Commercial Development

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

The following policies apply to this proposal:

Shopping and Service Facilities

2. Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:

- a. Site plan,
- b. Layout of all off-street parking and loading facilities,
- c. Landscaping plan,
- d. Surface stormwater plan,
- e. Vehicular and pedestrian circulation plan,
- f. Utility plans,
- g. Impact on adjacent neighborhoods,
- h. Impact on adjacent street networks,
- i. Proposed use(s),
- j. Transit service, and
- k. Other information that may be required.

Redevelopment

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

Community Shopping and Service Facilities

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

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

In addition to the museum itself, the Willamette Heritage Center provides some small commercial services in the form of a restaurant, gift shop and vendor stalls. The site is developed in conformance with the applicable Commercial goals and policies. Retaining the museum in this location will continue to promote central Salem as a commercial center for the area.

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 following policies apply to this proposal:

Natural, Ecological, Historic and Scenic Areas

3. Identified areas of significant architectural, archeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate governing body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified, resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.

Historic Sites and Structures

10. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to Salem Revised Code Chapter 56 shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. SRC Chapter 56, the implementing ordinance, provides the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.

The site and the structures within are listed on the National Register of Historic Places and are subject to SRC Chapter 230. The historic nature of the site, and the structures, is being preserved and the proposed change in designation will allow the uses to continue as permitted uses.

Criterion 6: The proposed change benefits the public.

Finding: The proposed change will allow the existing museum and associated commercial uses to be outright permitted uses. This will remove the uncertainty that is associated with have non-conforming uses and will allow new buildings to be placed on the site in the future. This benefits the public as the Willamette Heritage Center and Mission Mill site preserves Salem history and provides educational opportunities for the public.

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

The applicable criteria and factors are listed in SRC 113.150(b) and stated below in bold print. Following each criterion is a response and/or finding relative to the amendment requested.

The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the comprehensive plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the comprehensive plan; and any standards imposed by state land use law. In addition, the following factors should be evaluated by the Review Authority, and shall be addressed in the decision:

Factor 1: The existence of a mistake in the compilation of any map, or in the application of a particular land use designation to any property in this zoning code or the comprehensive plan;

Finding: There is no mistake in the zoning map. The property was appropriately zoned when the zoning was changed from Public Park to IC (Industrial Commercial) in 1981. The subsequent revisions to the Salem zoning code removed museums as a permitted use. This action resulted in a legal non-conforming status for the subject property. The proposed zone change to CR (Commercial Retail) will allow the existing uses as legal permitted uses.

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

Factor 3: A change of conditions in the character of the neighborhood in which the use or development is proposed;

Finding: The surrounding area is no longer zoned for, nor used for, industrial purposes. The subject property itself, while once a manufacturing operation, has been used as a museum for decades. The subject property and surrounding areas are located in central Salem where a mix of commercial and residential zones and uses exist. The proposed zone change will allow the existing long term use of the subject property to be permitted uses. This criterion has been met.

Factor 4: The effect of the proposal on the neighborhood, the physical characteristics of the subject property, and public facilities and services;

Finding: The proposal will not have an effect on public services or the physical characteristics of the subject property, as the property is already developed. This criterion is met.

Factor 5: All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant.

Finding: Any additional needed public facilities can be provided to the subject property. Any future development will be reviewed for compliance with all applicable local, state, and federal guidelines.

CONCLUSIONS

Finding: The proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan and the Statewide Planning Goals and satisfies all applicable criteria. Based on the facts and findings presented in this report, the proposed amendment meets the criteria for approval for a zone change.

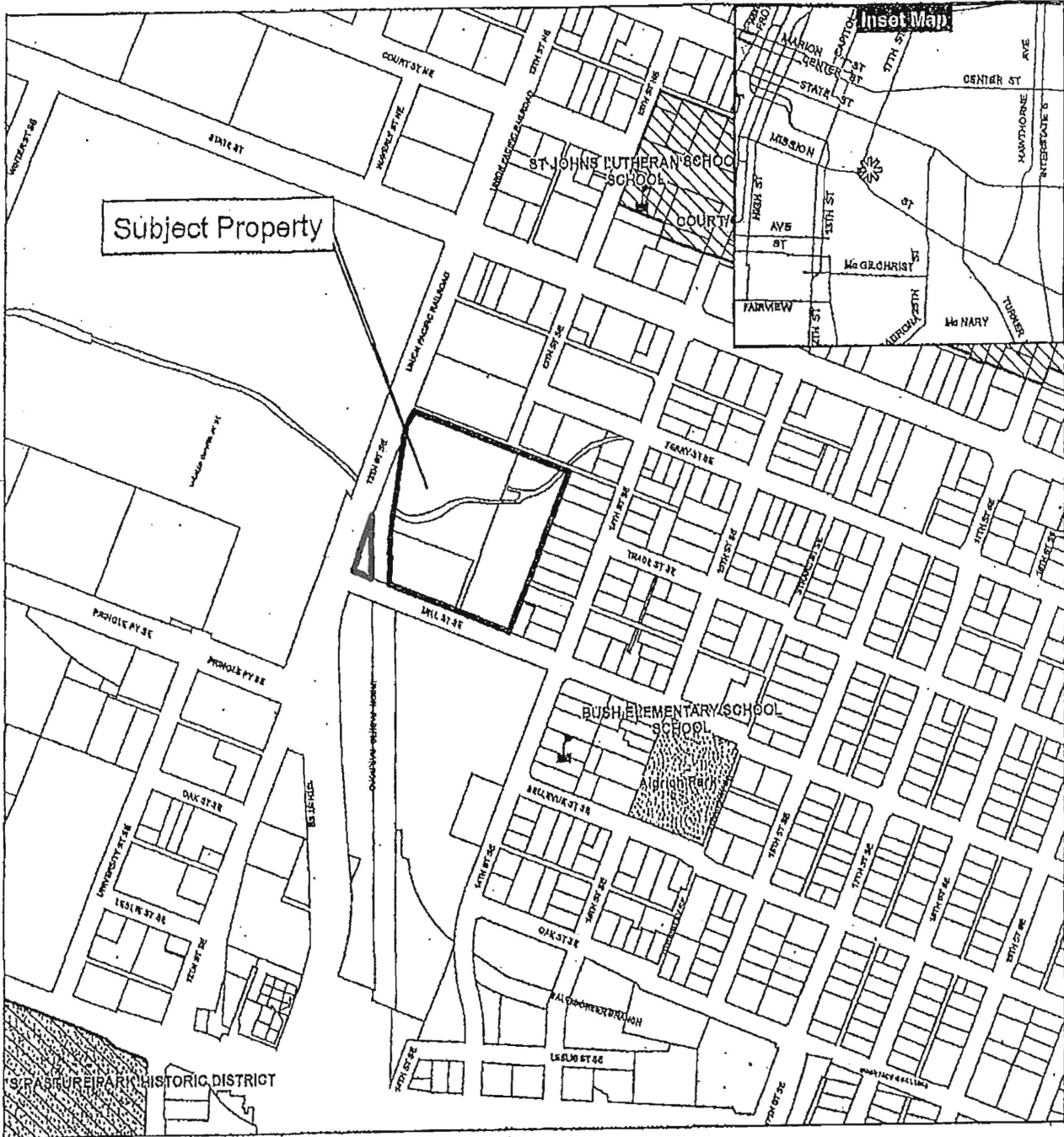
RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of this staff report and recommend that the City Council approve the City-initiated change to the Salem Area Comprehensive Plan Map designation from Industrial and Community Services-Education to Commercial and the zone district from IC (Industrial Commercial), IG (Industrial General) and CG (Commercial General) to CR (Commercial Retail) for the Willamette Heritage Center at the Mill which is approximately 4.66 acres in size and located at 1313 Mill St SE (Marion County Assessor's map 073W26BC / 4000, 4100, 4200, 4400).

Attachments: 1. Vicinity Map

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Vicinity Map 1313 Mill St SE



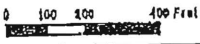
Subject Property

Inset Map

Legend

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

City of Salem
At Your Service
Community Development Dept.



This product is provided as is, without warranty. In no event shall the City of Salem be liable for damages from this product.

ATTACHMENT 1

CITY OF SALEM
COMMUNITY DEVELOPMENT DEPARTMENT
555 LIBERTY ST. S.E. - ROOM 305
SALEM, OR 97301

State

CITY OF SALEM
COMMUNITY DEVELOPMENT DEPARTMENT
555 LIBERTY ST. S.E. - ROOM 305
SALEM, OR 97301

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