



Oregon
Theodore R. Kubongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
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Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

02/18/2014

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 012-13

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: Monday, March 03, 2014

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
Angela Lazarean, DLCD Regional Representative

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

FOR DLCD USE
File No.: 012-13 (20024)
[17756]
Received: 2/10/2014

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

Jurisdiction: City of Salem

Local file no.: **CPC13-04**

Date of adoption: 02/04/2014 Date sent: 2/6/2014

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

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/02/2013
 No

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

Local contact (name and title): Lisa Anderson-Ogilvie, Planner III

Phone: 503-540-2381 E-mail: lmanderson@cityofsalem.net

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

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

- Change from Commercial to Single Family Residential. 0.35 acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.
Change from to . acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): 073W22DA 6700, 6800 & 6999 - 552 & 590 Willow St NE.

- The subject property is entirely within an urban growth boundary
 The subject property is partially within an urban growth boundary

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

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

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

Exclusive Farm Use – Acres:

Non-resource – Acres:

Forest – Acres:

Marginal Lands – Acres:

Rural Residential – Acres:

Natural Resource/Coastal/Open Space – Acres:

Rural Commercial or Industrial – Acres:

Other: – Acres:

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

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

For a change to a zoning map:

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

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

Change from to . Acres:

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

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

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

List affected state or federal agencies, local governments and special districts: None






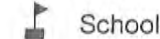
Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a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

Comprehensive Plan Change 13-04



Subject Property
Comp Plan: Commercial to
Single Family Residential

Legend

-  Comprehensive Plan
-  Urban Growth Boundary
-  Outside Salem City Limits
-  Taxlots
-  Parks
-  Schools

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

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

CITY-INITIATED COMPREHENSIVE PLAN CHANGE CASE NO. CPC13-04

APPLICATION NO. : 13-115908-ZO

NOTICE OF DECISION DATE: FEBRUARY 5, 2014

REQUEST: A Comprehensive Plan Map change from Commercial to Single-Family Residential for 552 and 590 Willow Street NE and unaddressed adjacent parcel identified as Marion County Tax Assessor's Map and Tax Lot Number 073W22DA06999, for property zoned RS (Single Family Residential) and located within the Broadway/High Street Compact Development Overlay zone.

APPLICANT: CITY OF SALEM - COMMUNITY DEVELOPMENT DEPARTMENT

LOCATION: 552 & 590 WILLOW ST NE

CRITERIA: Salem Revised Code Chapter 64

FINDINGS: The Planning Commission adopted as Facts and Findings in the staff reports dated December 3, 2013 and February 4, 2014.

DECISION:

The Planning Commission **GRANTED** Comprehensive Plan Change Case No. CPC13-04 to change the Salem Area Comprehensive Plan (SACP) Map designation from "Commercial" to "Single Family Residential."

VOTE:

Yes 5 **No 0** **Absent 1 (Fry)**


David Fox, Vice President
Salem Planning Commission

A copy of the decision is attached.

Application Deemed Complete: October 2, 2013
Public Hearing Dates: December 3, 2013 & February 4, 2014
Notice of Decision Mailing Date: February 5, 2014
Decision Effective Date: February 21, 2014

Case Manager: Lisa Anderson-Ogilvie, Planner III, lmanderson@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. February 20, 2014**. 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 Chapter 64. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

For more planning information, go to our website at <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\CPC13-04 - 552 & 590 Willow St NE city-initiated (Lisa)\CPC13-04 Notice of Decision.doc

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AIC Urban Planning Administrator ^{LA}

STAFF: Lisa Anderson-Ogilvie, Planner III

HEARING DATE: December 3, 2013

APPLICATION: Comprehensive Plan Change 13-04

LOCATION: 552 and 590 Willow Street NE and Marion County Tax Assessor's Map and Tax Lot Number 073W22DA06999

SIZE: 0.35 acres

REQUEST: A Comprehensive Plan Map change from Commercial to Single-Family Residential for 552 and 590 Willow Street NE and unaddressed adjacent parcel identified as Marion County Tax Assessor's Map and Tax Lot Number 073W22DA06999, for property zoned RS (Single Family Residential) and located within the Broadway/High Street Compact Development Overlay zone.

APPLICANT: City-initiated

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

RECOMMENDATION: APPROVE

APPLICATION PROCESSING

Subject Application

This is a city- initiated application. The public hearing for the application is scheduled for December 3, 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 November 13, 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 October 2, 2013.

BACKGROUND INFORMATION

The subject property includes three parcels which are all under the same ownership (Marvin E. Reese). There is one single family dwelling (590 Willow Street NE); one parcel that appears to be used as a yard for the dwelling (552 Willow Street NE); the third parcel is long and narrow and consists of Mill Creek frontage. They are all currently designated Commercial on the Comprehensive Plan Map and zoned RS (Single Family Residential) and located within the Broadway/High Street Compact Development Overlay zone.

In 1998 the Comprehensive Plan designation and zoning of the subject property was changed by the City Council as part of the implementation efforts of the North Downtown Plan. Although the Council made those changes in 1998 they were not accurately mapped until last year, when City staff discovered the mapping error.

After the map errors were rectified the changes Council had approved in 1998 left the subject property with a Comprehensive Plan Map designation and zoning designation that do not match. Oregon state law requires these designations to match and that the zoning implements the Comprehensive Plan designation. Although the subject property was included in the 1998 changes it appears the changes were inadvertent.

Summary of Requested Action

The City is initiating a Comprehensive Plan Map change from Commercial to Single-Family Residential. This designation will match the zoning of the subject property.

Neighborhood Association Comments

The subject property is located within the Central Area Neighborhood Development Organization (CAN-DO) neighborhood association boundaries. As of the date of this staff report they have not submitted comments.

Public Comments

As of the date of this staff report, no comments have been received from the property owner, 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 that the proposed change of the Comprehensive Plan Map designation for the subject property will not cause traffic or operational issues that would be inconsistent with the Transportation Planning Rule.

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 stated that they have no comment.

Salem Area Comprehensive Plan (SACP) Designation

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

North: Across Willow Street NE, "Single Family Residential" and "Commercial"
South: "Commercial"
East: "Commercial"
West: Across Mill Creek, "Central Business District"

Neighborhood Plan: The subject property is located within the boundaries of the Central Area Neighborhood Development Organization (CAN-DO) neighborhood association. Their adopted neighborhood plan designates the subject property as Central Business. The plan explains that it developed its policies in light of the fact that the neighborhood is significant to the whole city as the center of commerce. It also states that the North Downtown area is the only logical place for the downtown to expand and that was the reasoning behind the Central Business designation in this area.

Their housing goal is to "*develop new housing and maintain existing housing... where it is economically feasible...particularly in the peripheral of CAN-DO.*" One of the stated housing policies is that "*housing in the Central Area Neighborhood shall take into consideration the scale, character and compatibility of surrounding land use designations and convenient access to business establishments that can provide for the day-to-day goods and services of residential living.*" The subject property is well situated on a local street that dead ends at Mill Cree. It is close to Broadway Street NE, a minor arterial, which is developed with a combination of retail, office and housing. Surrounding uses include single family residential, multi-family residential, retail and offices which is in line with the above stated policy of considering surrounding uses and access to goods and services.

Another stated housing policy is that "*a compatible mixture of housing densities and types should be encouraged and a specific emphasis on higher density housing.*" As previously stated the subject property is zoned RS (Single Family Residential) and is located within the Broadway/High Street Compact Development Overlay Zone which allows for increased residential density which is in line with the stated policy of emphasizing higher density housing. The plan also designates the subject property as an area (Area 2) that is recommended for market-rate housing development, which is implemented by the existing overlay zone.

The adopted plan does not define the 'Central Business' designation that was given to the subject property but does state the Central Business District should "*remain the dominate commercial area for the region*" and "*continue to be the center for government, shopping, business, cultural, and economic activity for the Salem Urban Area.*"

In light of the stated housing and Central Business policies the proposed Comprehensive Plan Map designation change does not require a neighborhood plan change.

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 on Willow Street NE, which is a local street.

Zoning

Current zoning designation for the subject property is RS (Single Family Residential) and Broadway/High Street Compact Development Overlay zone. Zoning and uses of surrounding properties includes:

North: RS (Single Family Residential) with Broadway/High Street Compact Development Overlay zone and CR (Commercial Retail); cottage housing, single family dwellings and restaurant
South: CR (Commercial Retail); dental office
East: RM2 (Multiple Family Residential); apartments and single family dwelling
West: CR (Commercial Retail); vacant parcel

Existing Site Conditions

The subject property includes three parcels which are all under the same ownership (Marvin E. Reese). There is one single family dwelling (590 Willow Street NE) with one parcel that appears to be used as a yard for the dwelling (552 Willow Street NE) and the third parcel is long and narrow and consists of Mill Creek frontage.

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 finding relative to the amendment requested.

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

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

Finding: There is a conflict between the Comprehensive Plan Map designation and zone designation on the subject property. The proposal is to change the Comprehensive Plan Map designation to align with the existing zoning. The following factors must be considered when determining if the zoning designation is a more appropriate designation:

Whether there was a mistake in the application of a land use designation to the property

While the 1998 ordinance that applied a 'Commercial' designation to the subject property clearly re-designated the subject property there is no justification in the record for why these parcels designations were changed. The ordinance described large tracks by referencing boundary streets and the parcels were included in this general description. However, as the change resulted in a conflict between the Comprehensive Plan Map designation and the zoning designation it appears that the subject property was not purposefully included in the ordinance.

We came to this conclusion because the parcels are developed as single family residential and the Broadway/High Street Compact Development Overlay zone was applied to the property at the same time. The Compact Development Overlay zone has only ever been applied to residential property as its purpose is to allow greater density in existing single family residential areas. The other abutting parcels that are located within the overlay zone are designated as 'Single Family Residential.' In addition, the changes made in 1998 did not affect the RS (Single Family Residential) zoning of the property. The fact that the City left the RS (Single Family Residential) zoning in place, applied an overlay that only applies to single family residential properties, the parcels are developed as residential, and are located on a local street across from other residential development led to the conclusion that the subject property was never meant to be changed to a Commercial designation.

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

The subject property is better suited to the proposed designation of 'Single Family Residential' as it is developed and used together as one residential property. In addition, it is located on a small local street adjacent to Mill Creek, across from single family and multi-family residential developments and located within an overlay zone that encourages increased residential density.

Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation

The parcels are have long been developed and used together as a single family residential development. Due to the location on a small local street adjacent to Mill Creek, across from single family and multi-family residential developments and located within an overlay zone that encourages increased residential density, commercial development would be incompatible at this location.

Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations

The proposed designations will be in line with the surrounding designations which include 'Commercial', 'Single Family Residential' and 'Central Business District'. The 'Commercial' designations are generally located along the Broadway/High Street Corridor and are also located within the Broadway/High Street Overlay zone which encourages a mixture of retail, office and residential uses, specifically within mixed use buildings.

The 'Single Family Residential' designations include the parcels to the north including all of the other parcels located within the Broadway/High Street Compact Development Overlay zone. The 'Central Business District' designated parcels are located across Mill Creek to the east and include parcels developed as single family and multi-family residential.

The parcels are partially developed with one being a single family dwelling, one vacant but utilized as a yard and one located adjacent to the creek and undevelopable due to its size, lot dimensions, and location. There have been no issues regarding compatibility with the surrounding neighborhood.

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;

Finding: Water and sewer service is provided in Willow Street NE and is stubbed to both 590 Willow Street NE for the existing house and to 552 Willow Street NE which previously had a dwelling. There is no service stubbed to the parcel adjacent to Mill Creek as it is undevelopable due to its size, lot dimensions, and location on the creek bank. This criterion has been met.

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

Finding: The proposed designations provide logical urbanization of land because the uses are in existence and are compatible with the surrounding residential neighborhood. The proposed designations will better allow for the existing residential use and future residential use that may consist of a higher density residential development as envisioned in the existing overlay zone on the property.

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

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

C. URBAN GROWTH

The Urban Growth Goal is to: *ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.*

This goal is implemented through the following applicable policy:

Infill 4: *Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.*

Finding: The subject property consists of 3 parcels, one of which is developed with a single family dwelling, one is vacant and one is undevelopable. The parcels are zoned for single family development with an overlay that promotes increased residential density by allowing up to three units per lot and townhouse development. Therefore, the existing zoning, which will be stabilized by the proposed Comprehensive Plan Map designation change, encourages the development of existing land with existing urban services so as to minimize the need to convert undeveloped lands to urban uses.

D. GROWTH MANAGEMENT

The Growth Management Goal is to: *manage growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to insure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm lands by:*

- a. Establishing and periodically reviewing an urban growth boundary to identify and separate urbanizable land from rural land while insuring sufficient amounts of urbanizable land to accommodate population needs.*

b. Planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

This goal is implemented through the following applicable policies:

Infill Development 6: *New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.*

Infill on Facilities 9: *New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.*

Finding: The subject property consists of 3 parcels, one of which is developed with a single family dwelling, one is vacant and one is undevelopable. The parcels are zoned for single family development with an overlay that promotes increased residential density by allowing up to three units per lot and townhouse development. The subject property is located within central Salem in an area that is developed but envisioned to redevelopment into a dense urban area. Therefore, any new development on these parcels will be maximizing the available resources and minimizing the need to extend public facilities by utilizing the existing water and sewer service, transportation facilities, schools and parks.

E. RESIDENTIAL DEVELOPMENT

The Residential Development Goal is to: *promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:*

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

This goal is implemented through the following applicable policies:

Establishing Residential Uses 1: *The location and density of residential uses shall be determined after consideration of the following factors;*

- a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.*
- b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.*
- c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.*
- d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.*
- e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*

f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.

g. The density goal of General Development Policy 7.

Infill Development 3: *City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.*

Multi-Family Housing 6: *Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:*

a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;

b. Development regulations shall promote a range of densities that encourage a variety of housing types;

c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:

- (1) Employment centers;*
- (2) Shopping areas;*
- (3) Transit service;*
- (4) Parks;*
- (5) Public buildings.*

Finding: The subject property consists of 3 parcels, one of which is developed with a single family dwelling, one is vacant and one is undevelopable. The parcels are zoned for single family development with an overlay that promotes increased residential density by allowing up to three units per lot and townhouse development. The subject property is located within central Salem in an area that is developed but envisioned to redevelopment into a dense urban area. Any redevelopment of the subject property will encourage the efficient use of developable residential land by encouraging increased residential density. The potential redevelopment would provide housing opportunities for Salem's diverse population as multi-family or townhouse development is usually more affordable than purchasing a single family dwelling. The proposed change will allow the current zoning and overlay zone to encourage residential development in a way that maximizes public investment due to its location in an area that is served with water, sewer, storm water, a built-out transportation system and existing schools and parks.

The applicable Statewide Planning Goals are addressed as follows:

Goal 1 – Citizen Involvement

The affected property owner (Marvin E. Reese) was mailed a letter describing the need for a Comprehensive Plan map change for his property on October 17, 2012. The letter let him know of the identified issue and the City's proposal to initiate the needed Comprehensive Plan Map change. An additional letter was mailed on October 7, 2013 to let the owner know the City would be beginning the Comprehensive Plan Map change process.

A public hearing notice was mailed to the affected property owner, all property owners within 250 feet of the subject property and to the neighborhood association. 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

There are no known scenic, historic, natural, or cultural resources on the affected parcels. 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

One of the affected parcels is developed to City standards for water, sewer, and storm drainage. Any new proposed developed will be reviewed for compliance with applicable City standards for water, sewer and storm drainage at that time. The proposed change 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 subject property is not used for recreational needs and is not proposed to be used for that in the future. The proposed change will not remove lands from our recreational needs supply.

Goal 9 – Economic Development

The subject property consists of 3 parcels, one of which is developed with a single family dwelling, one is vacant and one is undevelopable. Therefore the proposed changes will not affect the City's Commercial or Industrial land supply.

Goal 10 - Housing

The subject property consists of 3 parcels, one of which is developed with a single family dwelling, one is vacant and one is undevelopable. The parcels are zoned for single family development with an overlay that promotes increased residential density by allowing up to three units per lot and townhouse development. The proposed changes will increase the City's housing land supply.

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 served by public facilities.

Goal 12 – Transportation

The proposed change of the Comprehensive Plan Designation for the subject property will not cause traffic or operational issues that would be inconsistent with the Transportation Planning Rule. The changes in the Comprehensive Plan will not have a significant effect on the transportation system because it will reduce future potential for additional traffic created by development in a commercial zone.

Goal 13 – Energy Conservation

The parcels are located on a developed local street within the City's transportation system. This results in the parcels 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.

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

Finding: The City has a responsibility to correct the error it created when it changed the Comprehensive Plan map designations for the subject property in 1998. It is in the public interest that the existing zoning implements the appropriate Comprehensive Plan map designations. It would be of a general benefit to the public if the subject property has the appropriate designation that will allow for the future development or development of the property in accordance with the overlay zone.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE**, by resolution, the following action for Comprehensive Plan Map Change 13-04 on property approximately 0.35 acres in size, and located at 552 and 590 Willow Street NE and unaddressed adjacent parcel identified as Marion County Tax Assessor's Map and Tax Lot Number 073W22DA06999:

- A. That the Salem Area Comprehensive Plan (SACP) Map designation change from "Commercial" to "Single Family Residential" be GRANTED.

Attachment: 1. Public Hearing Notice and Map

Prepared by: Lisa Anderson-Ogilvie, Planner III

LAO

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HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change Case No.CPC13-04
AMANDA APPLICATION NO:	13-115908-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, DECEMBER 3, 2013, 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	552 & 590 WILLOW ST NE, SALEM OR 97301
OWNERS:	MARVIN E REESE & CAROLINE E REESE
APPLICANT:	CITY OF SALEM - COMMUNITY DEVELOPMENT DEPARTMENT
DESCRIPTION OF REQUEST:	A Comprehensive Plan Map change from Commercial to Single-Family Residential for 552 and 590 Willow Street NE and unaddressed adjacent parcel identified as Marion County Tax Assessor's Map and Tax Lot Number 073W22DA06999, for property zoned RS (Single Family Residential) and located within the Broadway/High Street Compact Development Overlay zone.
CRITERIA TO BE CONSIDERED:	<p>COMPREHENSIVE PLAN CHANGE</p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ul style="list-style-type: none">(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:<ul style="list-style-type: none">(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. <p>(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;</p> <p>(C) The proposed plan map designation provides for the logical urbanization of land;</p> <p>(D) The proposed land use designation is consistent with the Salem Area</p>

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.

HOW TO PROVIDE TESTIMONY:

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


HEARING PROCEDURE:

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

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

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

CASE MANAGER:

Lisa Anderson-Ogilvie, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2381; E-mail: lmanderson@cityofsalem.net 

NEIGHBORHOOD ORGANIZATION:

Central Area Neighborhood Development Organization (CAN-DO), Rebekah Engle, Chair; Phone: (503) 871-2193; Email: rebekahengle@yahoo.com

DOCUMENTATION AND STAFF REPORT:

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

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

ACCESS:

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

NOTICE MAILING DATE:

November 13, 2013

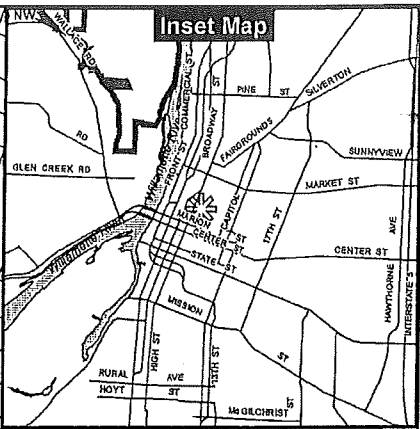
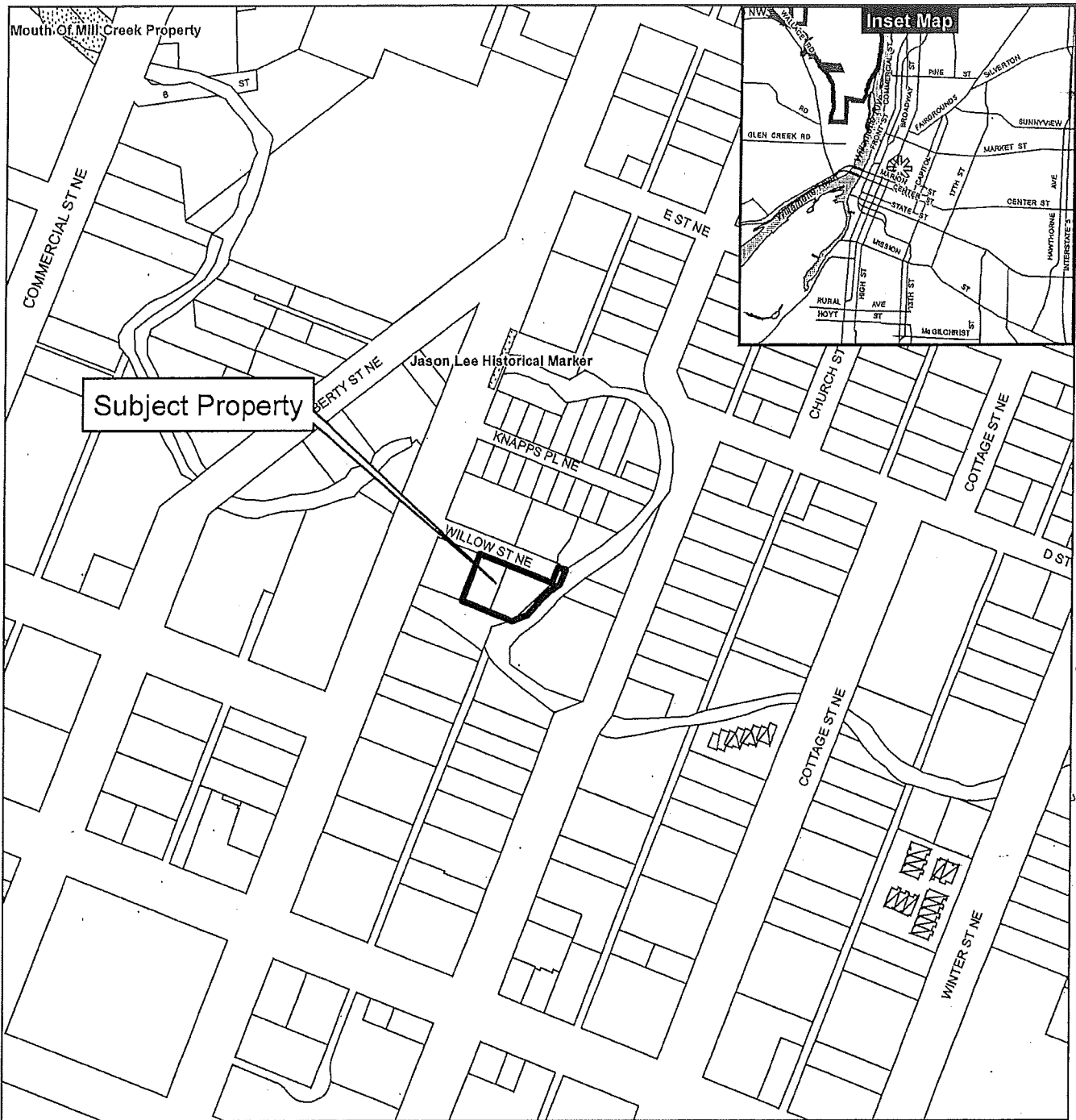
PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

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

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

552 and 590 Willow Street NE and 073W22DA06999



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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Comprehensive Plan Change 13-04



Legend

- | | |
|---------------------------|---------|
| Comprehensive Plan | Taxlots |
| Urban Growth Boundary | Parks |
| Outside Salem City Limits | Schools |

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

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE *Lisa Anderson-Ogilvie*
A.I.C. URBAN PLANNING ADMINISTRATOR

SUBJECT: CONTINUED PUBLIC HEARING ON PROPOSED COMPREHENSIVE PLAN MAP
CHANGE FOR 552 AND 590 WILLOW STREET NE (CPC 13-04)

ISSUE

Should the Planning Commission adopt the facts and findings of this staff report and approve a Comprehensive Plan Map change from Commercial to Single-Family Residential for 552 and 590 Willow Street NE and unaddressed adjacent parcel identified as Marion County Tax Assessor's Map and Tax Lot Number 073W22DA06999, for property zoned RS (Single Family Residential) and located within the Broadway/High Street Compact Development Overlay zone?

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of this staff report and approve a Comprehensive Plan Map change from Commercial to Single-Family Residential for 552 and 590 Willow Street NE and unaddressed adjacent parcel identified as Marion County Tax Assessor's Map and Tax Lot Number 073W22DA06999, for property zoned RS (Single Family Residential) and located within the Broadway/High Street Compact Development Overlay zone.

BACKGROUND

On December 3, 2013 the Planning Commission held a public hearing to receive evidence and testimony on a City-initiated Comprehensive Plan Map change from Commercial to Single-Family Residential. The proposed change would correct an error from 1998 when the Comprehensive Plan designation was changed.

At the December 3, 2013 hearing the property owner testified that he was in opposition of the proposed change. The hearing was continued and staff was directed to meet with the property owner to discuss his options. Staff met with the property owner to discuss the implications of the City-initiated Comprehensive Plan change and options for the property.

The City's recommendation has not changed from the December 3, 2013 public hearing.

FACTS AND FINDINGS

1. In 1998 the Comprehensive Plan Map designation and zoning of the subject property was changed by the City Council as part of the implementation efforts of the North Downtown Plan. As explained in the December 3, 2013 staff report, the approved changes were made in error.

The approved change resulted in a conflict between the Comprehensive Plan Map designation and the zoning designation. Since the City erred in the application of the Comprehensive Plan Map designation it has a responsibility to correct the error.

2. The property owner has expressed a desire to keep the Commercial Comprehensive Plan designation on the subject property and to apply for a zone change in the future to a commercial zone.

If the Planning Commission were to deny the City's request to change the Comprehensive Plan Map designation from Commercial to Single-Family Residential the mismatched designation and zoning would remain in place. The City has no way of knowing when the property owner would apply for a zone change and how long this mismatch would continue to exist.

Approving the proposed Comprehensive Plan Change from Commercial to Single-Family Residential does not preclude the property owner from applying for a Comprehensive Plan Map Change and Zone Change in the future for the subject property. The main difference for the property owner will be the higher burden of proof required of him for a Comprehensive Plan Map Change; if the Commercial designation is left in place the property owner would only need to seek a zone change in the future.

The fee difference between these two applications is minimal. A zone change application costs \$4,256.50 and a Comprehensive Plan Map Change with concurrent Zone Change costs \$1,084.50 with the actual hourly rate and processing costs charged in addition to this base fee. In general, Comprehensive Plan Map Changes with concurrent Zone Changes cost a total of \$4,000 - \$5,000, though they can cost less or more than that depending on how complicated they are and how many public hearings are required.

CONCLUSION

As provided in the facts and findings above, and the staff report dated December 3, 2013, staff recommends that the Planning Commission correct the City's error and change the Comprehensive Plan Map designation from Commercial to Single-Family Residential for the subject property. In conclusion, approving this change does not preclude the property owner from seeking a different designation and zone for his property in the future and will rectify the mismatch between the Comprehensive Plan Map designation and zoning, which was erroneously made.

Prepared by Lisa Anderson-Ogilvie, Planner III

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