



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: 503-373-0050

Fax: 503-378-5518

www.oregon.gov/LCD



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

Date: March 18, 2016

Jurisdiction: City of Salem

Local file no.: CPC-ZC 16-01

DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 03/17/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 35 days prior to the first evidentiary hearing.

Appeal Procedures

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

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

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

DLCD Contact

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



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

FOR DLCD USE
File No.: 001-16 {24240}
Received: 3/17/2016

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.: **CPC-ZC16-01**

Date of adoption: 03-15-2016 Date sent: 3/17/2016

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 01/26/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

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

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

Street address: 555 Liberty St SE, Room 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 Developing Residential to Commercial. 31.96 acres. A goal exception was required for this change.

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

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

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

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

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

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

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

For a change to a zoning map:

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

Change from Residential Agriculture to Commercial Retail. Acres: 31.96

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): 083W12C 0301, 0400, 0500, and 02200 - 4700 Blk 27th Ave SE

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

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

Notice of Decision for CPC-ZC16-01
Staff Report dated March 1, 2016

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 información, por favor llame
503-588-6173.*

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN MAP CHANGE / ZONE CHANGE NO. CPC-ZC16-01

APPLICATION NOS.: 15-122309-ZO & 15-122310-ZO

NOTICE OF DECISION DATE: MARCH 16, 2016

REQUEST: A consolidated application to change the Comprehensive Plan Map designation and zoning of property located at the northwest quadrant of the I-5 / Kuebler Boulevard interchange to allow commercial development.

The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Developing Residential to Commercial and change the zoning from RA (Residential Agriculture) to CR (Retail Commercial). The subject property is approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located at the 4700 Block of 27th Avenue SE (Marion County Assessor's map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200).

APPLICANT: ALAN ROODHOUSE, KUEBLER EQUITIES NORTH LLC (ALAN M. ROODHOUSE & MICHAEL S. HEERMAN)

LOCATION: 4700 BLOCK OF 27TH AVE SE / 97302

CRITERIA: Salem Revised Code 64.025(e)(2) & 265.005(e)

FINDINGS: The adopted findings are in the attached Order No. CPC-ZC16-01.

DECISION: The Planning Commission **GRANTED** Comprehensive Plan Map Amendment and Zone Change Case No. CPC-ZC16-01 for property located at the 4700 Block of 27th Avenue SE as follows:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Developing Residential to Commercial be **GRANTED**.
- B. That the zone change request for the subject property from RA (Residential Agriculture) to CR (Commercial Retail) be **GRANTED**, subject to the following conditions of approval including modification of Condition No. 8:

Condition 1: All outdoor storage areas, loading spaces, docks, doors, and bays shall be screened from residentially-zoned properties and public streets by a minimum 6-foot-high sight-obscuring fence, wall, hedge, or berm.

Condition 2: Provide articulation for any building façade that exceeds 70 feet in length. For purposes of this condition, "articulation" means a minimum 2-foot deep vertical or horizontal offset within the building façade.

Alternatively, where a building façade exceeds 70 feet in length without articulation, the applicant may satisfy this condition by providing vertical landscaping as follows:

- a. Vertical landscaping shall be provided in the minimum amount of 10 plant units for every 70 linear feet of non-articulated building façade.
- b. A minimum of 75 percent of the vertical landscaping shall consist of shade, conifer, evergreen, or ornamental trees.
- c. Vertical landscaping shall be located abutting, and centered within, the non-articulated portion of the building façade.
- d. Vertical landscaping provided in compliance with this condition may be counted towards other applicable minimum landscaping requirements as established in the UDC.

Condition 3: Developments on the subject property shall include two or more of the following project enhancements:

- a. Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building façade adjacent to sidewalks or pedestrian connections;
- b. Pedestrian connections that are:
 - i. Constructed with pavers, scored or colored cement, and/or stamped asphalt; or
 - ii. Elevated above the parking area and driveway; or
 - iii. Defined with landscaping or building features such as canopies, awnings, or arcades
- c. A minimum of 7 percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of 10 percent interior landscaping within parking areas greater than 50,000 square feet in size;
- d. Construction of planter bays, each a minimum of 50 square feet in size, to meet minimum interior parking area landscaping requirements;
- e. Use of native plant materials to meet minimum landscaping requirements.

Condition 4: Construct dual eastbound left turn lanes from Kuebler Boulevard SE to northbound 27th Avenue SE.

Condition 5: Construct dual northbound receiving lanes on 27th Avenue from eastbound Kuebler Boulevard SE.

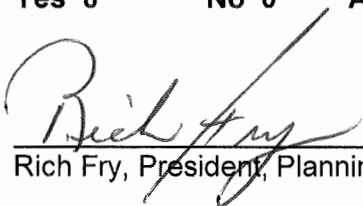
Condition 6: Construct dual southbound left turn lanes from 27th Avenue to eastbound Kuebler Boulevard SE; an additional receiving lane is required on Kuebler if only one eastbound lane exists at the time of development.

Condition 7: Construct an exclusive southbound right turn lane on 27th Avenue SE to westbound Kuebler Boulevard SE.

Condition 8: ~~Construct~~ In mitigation of the traffic impacts, pursuant to OAR 660-012-0060(2)(e), the approximately 2,700-foot extension of Fabry Road between Reed Lane and Battle Creek Road to Minor Arterial standards, as identified in the City of Salem TSP as Project No. 188 ("Fabry Rd. Improvement"), shall be constructed. The right of way necessary for the Fabry Rd. Improvement is not currently owned by the applicant. The applicant may refer acquisition of the right of way to the City, including the use of the City's power of eminent domain, pursuant to ORS 35.205, et.seq. and SRC 200.050, upon the applicant providing sufficient evidence of good faith attempts to acquire the right of way.

VOTE:

Yes 8 No 0 Absent 1 (Griggs)



Rich Fry, President, Planning Commission

Application Deemed Complete: January 22, 2016
Public Hearing Date: March 1, 2016
Notice of Decision Mailing Date: March 16, 2016
Decision Effective Date: April 1, 2016
State Mandate Date: May 21, 2016

Case Manager: Chris Green, cgreen@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., Thursday, March 31, 2016**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code sections in SRC Chapters 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, AICP, Planning Administrator

STAFF: Christopher Green, AICP, Planner II

HEARING DATE: March 1, 2016

APPLICATION: Comprehensive Plan Change / Zone Change 16-01

LOCATION: 4700 Block of 27th Avenue SE

SIZE: Approximately 31.96 acres – see Attachment A

REQUEST: A consolidated application to change the Comprehensive Plan Map designation and zoning of property located at the northwest quadrant of the I-5/Kuebler Boulevard interchange to allow commercial development.

The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Developing Residential to Commercial and change the zoning from RA (Residential Agriculture) to CR (Retail Commercial). The subject property is approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located at the 4700 Block of 27th Avenue SE (Marion County Assessor map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200).

APPLICANT: Kuebler Equities North, LLC

REPRESENTATIVE: Reid Stapleton, AICP, DOWL

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

RECOMMENDATION: **APPROVE** Comprehensive Plan Map Change & Zone Change, Case No. 16-01 subject to the following conditions:

- Condition 1:** All outdoor storage areas, loading spaces, docks, doors, and bays shall be screened from residentially-zoned properties and public streets by a minimum 6-foot-high sight-obscuring fence, wall, hedge, or berm.
- Condition 2:** Provide articulation for any building façade that exceeds 70 feet in length. For purposes of this condition, "articulation" means a minimum 2-foot deep vertical or horizontal offset within the building façade.

Alternatively, where a building façade exceeds 70 feet in length without articulation, the applicant may satisfy this condition by providing vertical

landscaping as follows:

- a. Vertical landscaping shall be provided in the minimum amount of 10 plant units for every 70 linear feet of non-articulated building façade.
- b. A minimum of 75 percent of the vertical landscaping shall consist of shade, conifer, evergreen, or ornamental trees.
- c. Vertical landscaping shall be located abutting, and centered within, the non-articulated portion of the building façade.
- d. Vertical landscaping provided in compliance with this condition shall be counted towards other applicable minimum landscaping requirements as established in the UDC.

Condition 3: Developments on the subject property shall include two or more of the following project enhancements:

- a. Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building façade adjacent to sidewalks or pedestrian connections;
- b. Pedestrian connections that are:
 - i. Constructed with pavers, scored or colored cement, and/or stamped asphalt; or
 - ii. Elevated above the parking area and driveway; or
 - iii. Defined with landscaping or building features such as canopies, awnings, or arcades
- c. A minimum of 7 percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of 10 percent interior landscaping within parking areas greater than 50,000 square feet in size;
- d. Construction of planter bays, each a minimum of 50 square feet in size, to meet minimum interior parking area landscaping requirements;
- e. Use of native plant materials to meet minimum landscaping requirements.

Condition 4: Construct dual eastbound left turn lanes from Kuebler Boulevard SE to northbound 27th Avenue SE.

- Condition 5:** Construct dual northbound receiving lanes on 27th Avenue from eastbound Kuebler Boulevard SE.
- Condition 6:** Construct dual southbound left turn lanes from 27th Avenue to eastbound Kuebler Boulevard SE; an additional receiving lane is required on Kuebler if only one eastbound lane exists at the time of development.
- Condition 7:** Construct an exclusive southbound right turn lane on 27th Avenue SE to westbound Kuebler Boulevard SE.
- Condition 8:** Construct the approximately 2,700-foot extension of Fabry Road between Reed Lane and Battle Creek Road to Minor Arterial standards, as identified in the City of Salem TSP as Project No. 188.

APPLICATION PROCESSING

Subject Application

On December 24, 2015, Read Stapleton of DOWL, on behalf of Kuebler Equities North, LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from Developing Residential to Commercial and to change the zoning from RA (Residential Agriculture) to CR (Retail Commercial). The application was deemed complete for processing on January 22, 2016. The public hearing on the application is scheduled for March 1, 2016.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for the Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-day deadline to issue a final local decision in this case is May 21, 2016.

Public Notice

1. Notice of the proposed Comprehensive Plan Change and Zone Change was distributed to City departments and public and private service providers on January 29, 2016 (Attachment A).
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on February 10, 2016 (Attachment A).
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. 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 sent notice of this proposal to DLCD on January 26, 2016.

BACKGROUND INFORMATION

The subject site consists of four adjoining lots totaling approximately 31.96 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W12C 02200, 083W12C 00301, 083W12C 00400 and 083W12C 00500). The applicant, Kuebler Equities North LLC, holds a long term purchase and sale contract on the subject property. In 2015, an Urban Growth Preliminary Declaration was approved to determine the public facilities necessary to serve a shopping center on the full extent of the subject property. The current RA zoning limits the use of the site to primarily single family residential and agricultural uses, and does not permit retail sales or other forms of commercial development as a primary use.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from Developing Residential to Commercial and the zone district of the property from RA (Residential Agriculture) to CR (Retail Commercial). The proposed Plan Map and Zone Change would allow development of the site as a shopping center, but no specific development proposal has been submitted at this time. The applicant's statement summarizing the request and addressing compliance with the required Comprehensive Plan Map amendment and zone change approval criteria is included as Attachment B.

Neighborhood Association Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association. In addition, the subject property is adjacent to the South Gateway Neighborhood Association (across Kuebler Boulevard SE). Notification was sent to the Morningside and South Gateway Neighborhood Associations on January 29, 2016. The Morningside Neighborhood Association submitted comments indicating general support for the proposal as consistent with the zoning vision presented in the Morningside Neighborhood Plan Opportunities Area Map. The comments requested further efforts to mitigate and traffic impacts in the vicinity, and expressed concern regarding the following issues:

- Improvements to Marietta Street SE: "We believe ... that the impact on Kuebler Boulevard SE will still be substantial, and that other measures, including additional improvements to Marietta Street SE should be included to mitigate this impact."

Staff Response: Pursuant to SRC 803.040, future development on the subject property will be required to construct boundary street improvements along the abutting underdeveloped boundary streets. Marietta Street SE is a boundary street to the subject property, and additional right-of-way dedication and improvement of this street will be required at site plan review.

- "Pedestrian friendly: MNA recommends pedestrianized shopping streets (like

Bridgeport Village) and the maximum connectivity of a pedestrian walkway system.”

Staff Response: Future development of a shopping center on the subject property would require a Site Plan Review pursuant to SRC Chapter 220. The applicable criteria for a site plan review include requirements for a transportation system providing “safe, orderly, and efficient circulation,” for site users, including pedestrians. Parking areas and driveways must also be designed to “facilitate safe and efficient movement of vehicles, bicycles, and pedestrians.” Staff has also recommended a condition of approval (Condition 3), which allows enhanced pedestrian pathways as a qualifying “project enhancement.”

- “Gateway to South Salem: The development should be designed to present an attractive ‘Gateway’ to South Salem, from the freeway interchange access.”

Staff Response: Staff has reviewed development and design standards adopted through overlay zones at other similar “gateway” locations throughout Salem, including the West Salem Gateway Overlay Zone (SRC Chapter 607) and the Chemawa-I-5 Northeast Quadrant Gateway Overlay Zone (SRC Chapter 618). Staff recommends that certain requirements similar to these overlay zones, relating to screening, landscaping, site design, and compatibility with adjacent properties, be adopted as conditions of approval (Conditions 1-3).

- “Connection to ODOT Wetlands and Pringle Creek: Morningside is planning a continuation of the Wetland Nature Trail from Fairview Industrial Park, south along Pringle Creek, through the proposed Marietta Commerce Park, and through the ODOT wetlands at the I-5 interchange, where Pringle Creek has been relocated into an attractive meandering alignment with adjacent wetlands. This trail might extend to the east line of this proposed Kuebler Station and connect to the pedestrian circulation system. MNA recommends that this development be connected to the proposed Pringle Creek nature trail master plan.”

Staff Response: As understood by staff, the Pringle Creek/wetlands trail described in the comments would primarily cross public property owned by ODOT. At this time, the trail is not identified in the Pedestrian System Element of the Salem Transportation System Plan. Staff encourages the applicant to coordinate with the Morningside Neighborhood Association and neighboring property owners during future planning processes for the suggested trail.

At the time of writing this staff report, no comments have been received from the South Gateway Neighborhood Association.

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

City Department Comments

Salem Public Works Department (Development Services and City Traffic Engineer) - The Public Works Department, Development Services Section, reviewed the proposal and

submitted comments (see Attachment C)

Salem Fire Department – reviewed the proposal and indicated that they have no specific comments on this case. Comments from the Fire Department indicate that proposed development will be reviewed for compliance with fire safety requirements at the time of site plan review.

Salem Building and Safety Division – reviewed the proposal and indicated that they have no specific comments on this case.

Public and Private Service Provider Comments

- Portland General Electric (PGE) reviewed the proposal and indicated that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) shall be required on all front street lots.
- Oregon Department of Transportation (ODOT) provided comments on the applicant's Traffic Impact Study, seeking to clarify information reported in modeling. The comments indicate that the proposed commercial use is generally consistent with assumptions made by ODOT in the I-5/Kuebler Interchange Area Management Plan, and that ODOT has no objections to the proposal as a land use matter.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Developing Residential."

The Comprehensive Plan designations of surrounding properties include:

North: (Across Marietta Street SE) "Developing Residential"

South: (Across Kuebler Boulevard SE) "Developing Residential"

East: "Developing Residential" and right-of-way for Interstate 5

West: (Across 27th Avenue SE) "Developing Residential"

Relationship to the Urban Service Area

The subject property is located outside of the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration (Case No. UGA15-02) was granted on December 7, 2015. UGA15-02 identifies those public facilities that must be constructed in order to fully serve a shopping center on the subject property consistent with the City's adopted Master Plans and Area Facilities Plans.

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted by designated collector streets to the north (Marietta Street SE) and west (27th Avenue SE). Kuebler Boulevard SE, a designated parkway, runs along the south property boundary. Right-of-way for the Interstate 5 freeway and interchange ramps form part of the eastern boundary of the site.

Morningside Neighborhood Plan: The subject property is within the Morningside Neighborhood Association. The City Council approved the updated Morningside Neighborhood Plan in 2014. Only the Goals, Policies and Generalized Land Use Map of a neighborhood plan may be considered for adoption by the City Council as a component of the Comprehensive Plan. In addition, other portions of a neighborhood plan may be adopted as support documents. Components and support documents that are adopted must be consistent with the Comprehensive Plan and statewide land use planning goals, and together provide detailed policy direction for land use decisions affecting the neighborhood. Specific recommendations as to land use or public improvements, including any suggested changes to the Comprehensive Plan Map or zoning map, shall not be adopted, but may be considered in making future legislative land use decisions affecting the neighborhood.

The Opportunity Areas Map included in the plan describes the subject property as "commercial retail center" at the southwest corner and "less intensive commercial" along the northern boundary. Therefore, the proposed zone change is consistent with the zoning vision as identified in the Opportunity Areas Map.

The subject property is also across Kuebler Boulevard SE from the boundary of the Southgate Neighborhood Association (SGNA), which does not have an adopted neighborhood plan.

Zoning

The subject property is zoned RA (Residential Agriculture). Surrounding properties are zoned as follows:

- North: (Across Marietta Street SE) RA (Residential Agriculture)
- South: (Across Kuebler Boulevard SE) RA (Residential Agriculture)
- East: RA (Residential Agriculture) and right-of-way for Interstate 5
- West: (Across 27th Avenue SE) RA (Residential Agriculture)

Existing Site Conditions

The subject site consists of four adjoining rectangular lots totaling 31.96 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W12C 0301, 0400, 0500, and 02200). The subject property is primarily undeveloped with the exception of single family residences on Tax Lots 400 and 500, fronting on Marietta Street SE. The subject property slopes downward from a high point of approximately 340 feet above mean sea level (AMSL) at its southwest corner to approximately 255 feet AMSL at the northeast corner. Just beyond the south property boundary, terrain slopes sharply upward to the finished grade of Kuebler Boulevard SE.

The subject property is surrounded to the north, south, and west by other land designated "Developing Residential" and zoned RA. Marietta Street SE forms the north boundary of the subject property, and is designated as a collector but underimproved along the abutting portion. Morningstar Church is located directly across 27th Avenue SE from the subject property, and is served by two driveways to that street. The abutting portion of 27th Avenue SE is designated as a collector, but the abutting portion narrows considerably to the north of the church frontage. The site is bordered on the south by Kuebler Boulevard SE, a designated parkway with limited access along the abutting frontage. Right-of-way for the Kuebler/Interstate 5 interchange abuts the southeastern portion of the property. Access ramps at this interchange, and the accompanying right-of-way, were recently expanded in the direction of the subject property.

Any additional necessary street improvement or right-of-way requirements will be addressed at such time that new development is proposed on the site through the Site Plan Review Process.

Site Plan

A site plan is not required as part of a Comprehensive Plan Map Amendment/Zone Change application. The applicant's Traffic Impact Study submittal includes preliminary site plans for a 257,000-267,000 square foot shopping center contained in several buildings on the subject property, with off-street parking areas and vehicle circulation within the site. Although the site plan illustrates how the site could be developed under the proposed Comprehensive Plan Map designation and zoning, the applicant has not requested development approval as part of the subject application.

Applicant Submittal Information:

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

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

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:

- (ii) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (iii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iv) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) **Whether there was a mistake in the application of a land use designation to the property;**
 - (bb) **Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
 - (cc) **Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
 - (dd) **Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.**

Applicant Statement: As noted on Page 4 of the Comprehensive Policies Plan, the Developing Residential comprehensive plan designation “represents the area inside the Urban Growth Boundary which is presently unserved but necessary to accommodate development in the next twenty years.” The plan further notes that the intent of this designation “is to hold the properties needed to accommodate future urban development in the next 20 years.” Therefore, the plan acknowledges that lands designated Developing

Residential are reserved for future development, such as the proposed site.

As previously noted, the subject property has been identified in the adopted Morningside Neighborhood Plan as a site for future commercial development. Although the City Council adopted this neighborhood plan, the city-wide comprehensive plan has not been amended to reflect this change in intended land use. Because the current Developing Residential plan designation would not allow the implementation of this adopted plan, a plan amendment to Commercial is appropriate and is better suited to the property consistent with this approval criterion.

Finding: The proposal is justified based on (iii); the proposed designation is equally or better suited for the property than the existing designation. The applicant does not assert that a mistake has been made in the application of the Developing Residential designation to the subject property. Staff concurs with the applicant's characterization of the Developing Residential designation as appropriate for holding areas for future development not currently served by urban levels of infrastructure. The Urban Growth Preliminary Declaration issued for the subject property (UGA15-02) specifies the infrastructure improvements needed to develop the subject property as a 32-acre shopping center. Construction of the facilities described in UGA15-02 would prepare the site for retail commercial development, and a "holding zone" designation would no longer be appropriate. The subject property provides a site for higher intensity retail development that would maximize investment in public services in the vicinity, especially the existing arterial street network and the master-planned utilities identified in UGA15-02.

In 2015, the City completed an Economic Opportunities Analysis (EOA) for areas within the Salem Urban Growth Boundary for the years 2015 to 2035. The study indicated a shortage of approximately 100 gross acres of retail commercial land within the Salem UGB. Conversely, the accompanying Housing Needs Analysis (HNA) indicated a large surplus of available land for single family detached housing, primarily consisting of lands within the "Single Family Residential" and "Developing Residential" designations.

Several factors make the subject property especially well-suited for the Commercial designation. The subject property has direct access to two collectors (27th Avenue SE, Marietta Street SE, and Strong Road SE), frontage on a designated parkway (Kuebler Boulevard SE), and close proximity to a major freeway interchange at Kuebler Boulevard and I-5. The site is located diagonally across the 27th Avenue and Kuebler Boulevard intersection from a 32-acre site in which a Plan Map and zone change from Developing Residential with RA zoning to a Commercial designation with CR zoning was approved in 2006 (CPC-ZC06-06).

The higher classification streets in the vicinity provide sufficient access for commercial uses, particularly those with a regional customer base. Further, the majority of surplus developable acreage identified in the HNA is not benefitted by the confluence of freeway, parkway, and arterial network access that help make the subject property especially well-suited to commercial development. The property has no access to a local street or through any residential property. Considering these factors the subject property is equally or better suited for the proposed designation than its current designation. Further, the majority of surplus developable acreage in the Developing Residential and Single Family Residential

designations is not benefitted by the confluence of freeway, parkway, and arterial network access that help make the subject property especially well-suited to commercial development.

Although the Morningside Neighborhood Plan Opportunities Area Map cited by the applicant was not adopted as a component of the Comprehensive Plan, staff concurs that the inclusion of the subject property as a "retail commercial center" indicates support amongst neighborhood stakeholders for development at the site consistent with the "Commercial" designation proposed by the applicant. Comments from the Morningside Neighborhood Association affirm that the proposed Plan Map change is consistent with the vision expressed in the Opportunities Area Map.

The proposal meets this criterion.

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

Applicant Statement: With its approval of the UGA preliminary declaration on December 7, 2015, the City confirmed that public facilities are available to serve the site, or can reasonably be made available with the implementation of prescribed conditions of approval. The UGA preliminary declaration is included [with] this application package and includes detailed conditions of approval that will be implemented with site development to ensure project access to necessary public facilities.

Finding: Staff concurs with the findings included within the applicant's written statement. Urban Growth Preliminary Declaration UGA15-02 identifies those public facilities that must be constructed in order to fully serve a shopping center on the subject property consistent with the City's adopted Master Plans and Area Facilities Plans. As indicated in the comments from the Public Works Department (Attachment C), streets, water, sewer, and storm water facilities are available to serve the subject property. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The proposal meets this criterion.

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

Applicant Statement: The Development Residential plan designation is intended as a holding zone until services are available to allow urban development. In the case of the subject property, a recent community plan, the Morningside Neighborhood Plan, has been adopted by the City that reflects a community desire for commercial land use on the subject site. With the December 7, 2015 City approval of a UGA preliminary declaration, the City has acknowledged that adequate public facilities are in place, with some improvements, to support a retail shopping center development on the site. Therefore, the proposed comprehensive plan amendment is a logical change that will allow for the implementation of the Morningside Neighborhood Plan at a time when adequate public facilities are available to implement the community vision for the subject property.

Finding: While existing development in the immediate vicinity of the subject property is primarily rural residential in character, these lands are within the Urban Growth Area and City limits and expected to develop at an urban intensity in the future. The subject property sits near the center of a large area of existing and future residential development, with relatively few accompanying commercial areas. The Urban Growth Preliminary Declaration for the subject property (UGA15-02) ensures orderly provision of master-planned urban infrastructure to the development site and surrounding vicinity.

The proposed Plan Map change is also consistent with aspirational goals contained in the Morningside Neighborhood Plan Opportunities Area Map, which envisions the subject property as a commercial retail center, with less intensive development along the northern boundary of the site. The Plan Map change would help solidify the vision expressed by the Morningside neighborhood in the Opportunities Area Map.

Staff finds that the proposal meets this criterion.

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

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

Salem Urban Area Goals and Policies, Growth Management Goal (Page 28, Salem Comprehensive Policies Plan):

To manage the 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 to preserve adjacent farm land.

Response: The public facilities and service needs for the subject property would be provided at the time of development of the site. All public services and utilities are available in the vicinity of the subject property including water, sewer, storm drainage, streets, sidewalks, fire and police protection, electricity, telecommunications, and solid waste disposal. The proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with these policies. Master-planned facilities necessary to support development of a shopping center on the subject property were determined through Urban Growth Preliminary Declaration Case No. 15-02.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 35, Salem Comprehensive Policies Plan):

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

Response: The proposed commercial designation of the subject property would allow development of a shopping center serving the southeastern portion of the Marion-Polk

County metropolitan area. Existing commercial concentrations elsewhere in the region, such as downtown Salem, the Commercial Street SE corridor, and Lancaster Drive are a considerable distance from existing and future development in the southeastern portion of the metropolitan area. Transportation access to the subject property would promote use of a site within the Salem urban area as the commercial center for underserved areas inside and outside of the City limits.

Policy G.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.

Applicant Statement: The proposed shopping center is located on Kuebler Boulevard, which the Salem TSP Street Plan defines as a "parkway," a classification above a major arterial. The site is also bordered to the west and north by 27th Avenue SE and Marietta Street SE, both collectors. As noted on Figure 9 of the TIS, only approximately five percent of vehicular trips generated by the proposed project will occur on Strong Road, a road that serves lands plan designated "Developing Residential." The remainder of trips will utilize surrounding collectors, parkways and arterials that are intended to serve regional traffic. As a consequence, it is not anticipated that traffic generated by the proposed project would filter through neighborhood streets.

Response: Staff concurs with the applicant's statement. The subject property is well-served by the street network in the vicinity, which includes collectors, Kuebler Boulevard, and the adjacent I-5 freeway interchange. As surrounding properties develop, the existing network of higher-classification streets will allow regional traffic to access the site without filtering through neighborhood residential streets.

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

Applicant Statement: The proposed comprehensive plan amendment and zone change is proposed to allow the development of a shopping center on the site. This shopping center will [be] reviewed during a subsequent Site Plan Review, which will ensure that it will be developed with cluster buildings and common parking fields that will allow for the sale of convenience goods and services for residents within the community and from a broader market area with convenient access to the site. Specific site designs will be provided and reviewed with a future Site Plan Review application that would be submitted after successful completion of the comprehensive plan amendment and zone change request.

Response: Staff concurs with the applicant's statement. The proposed Commercial designation of the site would facilitate clustered retail development at one quadrant of the I-

5/Kuebler Boulevard interchange, allowing a wide variety of goods and services to be provided in a location where existing transportation facilities provide access from several different neighborhoods.

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

Response: Commercial uses on the subject property would be subject to zone-to-zone setback requirements under SRC Chapter 521, Table 521-4. Buildings, accessory structures, and vehicle use areas in commercial use would be subject to a 15-foot setback from abutting residential property lines, with Type C landscaping and screening. In addition, staff has recommended conditions of approval in findings on SRC 265.005(e)(1)(A) that require additional landscape, screening, and design features to ensure compatibility with existing and future residential development adjacent to the subject property. Therefore, the proposal conforms to this policy.

Finding: The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning Goal 1 – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

Staff Response: A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property, to the Morningside Neighborhood Association and to the adjacent South Gateway Neighborhood Association. This satisfies Citizen Involvement described in Goal 1.

Statewide Planning Goal 2 – Land Use Planning: *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

Staff Response: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan to be in compliance with the Statewide Planning Goals.

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Staff Response: There are no known scenic, historic, or cultural resources on the subject property. According to the Salem Keizer Local Wetland Inventory (LWI) there are linear wetland channels mapped on the subject property. The applicant is required to contact the Oregon Department of State Lands (DSL) to verify if any permits are required for future development on the site. The applicant is required to verify mapped wetland area(s).

The application will be reviewed for compliance with the City's tree preservation ordinance and any applicable wetland standards at the time of development. Staff finds that the

proposal is consistent with Goal 5.

Statewide Planning Goal 9 – Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Applicant Statement: The proposed comprehensive plan and zoning map amendment will convert approximately 32 acres of primarily vacant residentially-zoned land to a commercial designation. Consistent with the City's obligations to provide economic opportunities under Goal 9, per OAR 660-009-0015, an Economic Opportunity Analysis (EOA) was conducted by ECONorthwest and adopted by City Council in October 2014. Consistent with economic development protections of Goal 9 and the objectives of understanding the opportunities for the next 20 years, the report compared the supply of suitable buildable commercial land (298 acres) to the projected demand (569 acres) and concluded that there is a deficiency of 271 acres of commercial land to meet the 20-year growth demand. The EOA further concluded that roughly 40 percent of the commercial land deficiency, or approximately 100 acres, are needed for retail services, as detailed by the "Land Sufficiency" section in the EOA (pages 27-28).

The proposed comprehensive plan and zoning map amendment will help fill this projected deficit of available commercial land by adding approximately 32 acres of commercial land to the City's vacant commercial land inventory, thereby improving the City's available commercial development capacity. By converting the subject property to a commercial designation, the proposed shopping center can be leased and sold to businesses that will generate property taxes from the newly created development and increase the number of retail service jobs, further advancing the City's economic stability.

Staff Response: Staff concurs with the applicant's statement. As a residentially-designated property, the site's economic development potential is currently limited as compared to regional shopping facilities, community and neighborhood shopping and service facilities, and other uses envisioned by the "Commercial" SACP designation and supported by the accessibility and visibility of the site. The proposed change of designation to "Commercial" will increase the number of permitted uses at the site and better takes into account the location of the subject property, thereby open up additional opportunities for economic development, consistent with the intent of the goal. The proposal meets the requirements of Goal 9.

Statewide Planning Goal 10 – Housing: *To provide for the housing needs of citizens of the state.*

Applicant Statement: In compliance with Goal 10, Housing, the City underwent a Housing Needs Analysis (HNA) to project the City's housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECONorthwest, found that the City of Salem has a surplus of approximately 1,975 acres of land designated for single-family detached housing. Of the total residential and mixed-use comprehensive plan designations, eighty three percent of this area is land within the Developing Residential and Single Family Residential designations. Through these recent HNA and EOA studies, adequate recent analysis has been conducted to confirm that the applicant's proposal to convert 32 acres of residential

agriculture land to retail commercial will improve the balance of residential and commercial land within the City. In addition, as previously noted, the applicant's proposal will also implement the vision of the Morningside Neighborhood Plan for a commercial retail center on the site.

Staff Response: The proposal will remove approximately 31.96 acres from the existing inventory of land that is designated for single family housing. The existing surplus of land designated for single family detached housing, as identified in the Housing Needs Analysis and cited in the applicant's written statement, includes more than enough remaining acreage to accommodate demand for single family residential development after deducting the roughly 32 acres that would be removed from the Developing Residential designation under the applicant's proposal. The HNA also indicates a shortage of available land for multifamily housing for the 2015 to 2035 time period. Multiple family housing is not permitted in the existing RA zone, and is listed as a conditional (rather than permitted) use in the CR (Retail Commercial) zone requested by the applicant.

Based on the current available supply of land for residential development shown in the Housing Needs Analysis, the proposal would not have an impact on the ability of the City to provide for its projected housing needs, even if no new housing units were added in future development of the site. Therefore, the proposal to change the designation of the subject property to Commercial would not have an impact on the ability of the City to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

Statewide Planning Goal 11 – Public Facilities and Services: *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

Applicant Statement: In order to verify the feasibility of connections to existing public facilities and to determine the requirements for water, sanitary sewer and transportation service of a future retail development on the site, the applicant filed a UGA preliminary declaration request in September 2015. This preliminary declaration decision is included in [this application] and provided the general terms under which future retail development can be implemented, consistent with a COM comp plan designation and the CR zone. As evidenced in this UGA preliminary declaration decision, adequate public facilities exist to serve the site, with the implementation of service improvements.

In addition, the applicant has provided a Transportation Impact Statement (TIS), dated December 21, 2015, prepared by DKS Associates. This TIS is included in [this] application package and includes findings and evidence demonstrating that the proposed comprehensive plan amendment, zone change and future site development comply with the requirements of the Transportation Planning Rule (TPR), per Oregon Administrative Rule (OAR) 660-012. The summary of the DKS Associates findings is provided in the response to *Goal 12 - Transportation* below.

Staff Response: Staff concurs with the applicant's statement and finds that the proposal meets the requirements of Goal 11.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe,*

convenient and economic transportation system.

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above.

The applicant submitted a Traffic Impact Analysis (TIA) in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The conditions of approval are based on recommended mitigation measures in the TIA. The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system, and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval. The Assistant City Traffic Engineer concurs that the conditions of approval ensure that the proposed Comprehensive Plan and Zone Change will mitigate the effects of the proposed Comprehensive Plan and Zone Change on the transportation system.

The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system, and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval. The proposal complies with Goal 12.

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Staff Response: The subject property was annexed into the City of Salem in 1990 and is located within the Urban Growth Boundary (UGB). The proposal does not include extension of services to properties outside of the UGB. The proposed Comprehensive Plan and Zone Change is consistent with an orderly and efficient transition from rural to urban use for incorporated land adjacent to major transportation facilities. The proposal complies with Goal 14.

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

Applicant Statement: The proposed amendment is in the public interest as demonstrated by the following:

1. An adopted City document, the Morningside Neighborhood Plan, indicates a community desire for commercial development at this specific location.
2. An analysis of city-wide demand for buildable commercial land over the next 20 years was completed in the October 2014 EOA and determined that an additional 271 acres of commercial land is needed to meet demand the commercial land needs of the City over this period. Of this deficiency, roughly 100 acres are needed to accommodate retail commercial services. The conversion of the site to a Commercial plan designation and a Retail Commercial zoning designation will reduce this current deficit of commercial retail land.
3. The City has recently completed a Housing Needs Analysis (HNA) that evaluated the City's housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECONorthwest, found that the City has a surplus of approximately 1,975 acres of land designated for single-family detached housing. Of the total residential and mixed-use comprehensive plan designations, eighty three percent of this area is land within the Developing Residential and Single Family Residential designations. The applicant's proposal to convert 32 acres of residential agriculture land to retail commercial will reduce this residential land surplus and improve the balance of residential and commercial land within the City.
4. By converting the subject property to a commercial designation, the City will allow the development of a retail shopping center that will create construction and permanent jobs and sustained property tax revenues further advancing City efforts to stimulate economic growth.

Finding: The proposed Comprehensive Plan Map amendment from Developing Residential to Commercial is in the public interest and would be of general benefit because it would facilitate the provision of goods and services to a developing part of the City with relatively few commercial areas. As described in the applicant's written statement, the Plan Map amendment would help address a deficit of approximately 100 acres of retail commercial services identified in the Economic Opportunities Analysis.

The proposed change in land use designation is consistent with the location and character of the property, with Comprehensive Plan policies for siting commercial facilities, and with the transportation facilities available to serve the property. The proposal satisfies this criterion.

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

The following analysis addresses the proposed zone change for the subject property from RA

(Residential Agriculture) to CR (Retail Commercial).

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

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

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

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

Applicant Statement: As previously noted, the property has been identified in the adopted Morningside Neighborhood Plan as a site for future commercial development. Although the City Council adopted this neighborhood plan, the city-wide comprehensive plan and zoning map have not been amended to reflect this change in intended land use. Because the current Residential Agriculture zoning designation does not implement the neighborhood plan, a zone change to Retail Commercial is appropriate and is better suited for the site than the Residential Agriculture designation.

In addition, the physical characteristics of the site are consistent with the proposed Retail Commercial designation. The site is conveniently located to Interstate 5 and is located at the intersection of a designated parkway and collector and has excellent access to the surrounding road network. The City has recognized this location as being an appropriate site for commercial development through its adoption of a CR designation for an approximately 32-acre site located at the southwest corner of the 27th Avenue SE / Kuebler Boulevard intersection.

Additionally, Commercial Street, which is a commercial corridor comprised of retail commercial, general commercial and neighborhood commercial zoning designations, is located west of the subject site along Kuebler Boulevard, approximately 1.5 miles from the site. As the surrounding area develops, the proposed site will offer more convenient access

to retail goods for surrounding residential properties and will eliminate the need for residents of these properties to travel to Commercial Street SE for retail goods. For these reasons, the site of the proposed zone change is appropriate for the proposed CR designation.

Finding: The request satisfies (iii); the proposed zone change is equally or better suited for the property than the existing zone. As noted in the applicant's written statement, the transportation facilities serving the site are consistent with the physical characteristics necessary to support uses allowed in the CR (Commercial Retail) zone.

It must be noted that a zone change is not an approval of a specific development proposal, but instead is approval of a permanent change in a property's zoning district. The proposed Plan Map amendment would change of the land use designation of the subject properties to "Commercial," which can be implemented by multiple zoning districts contained in the Unified Development Code. In evaluating the proposed zone change, the suitability of the specific zone (Commercial Retail) proposed by the applicant must be considered. For this reason, an additional measure of the suitability of this request is consideration of the nature of the potential future uses allowed by the CR zone when compared to the uses allowed under the existing RA zone, and the character of the existing land uses in the neighborhood. As stated previously, the subject property is located within an area largely characterized by holding uses consistent with the "Development Residential" designation. At the same time, this area is within the City limits and Urban Growth Boundary, is well served by transportation infrastructure, and is expected to transition in the future to a wider range of urban-intensity residential and commercial uses.

As pointed out in comments from the Morningside Neighborhood Association, the proximity of the subject property to the I-5/Kuebler Boulevard interchange makes this a high-profile "gateway" location that will be frequently seen by both users of the site and visitors to other parts of the City. In addition, as one of the earliest properties in the vicinity to develop at an urban intensity, development on the site will have a significant impact and influence on surrounding properties. In the short term, a shopping center will represent a noticeable contrast in development intensity alongside adjacent rural residential properties. In the long term, redevelopment of these surrounding properties at an urban intensity will be heavily influenced by compatibility with commercial development on the subject property.

Staff has reviewed development and design review standards contained in various "gateway" locations throughout the City, including the West Salem Gateway Overlay Zone (SRC Chapter 607) and the Chemawa-I-5 Northeast Quadrant Gateway Overlay Zone (SRC Chapter 618). Staff has identified requirements most likely to ensure both long and short-term compatibility between commercial development on the site and surrounding properties and recommends that certain requirements similar to these overlay zones, relating to screening, landscaping, site design, and building articulation be adopted as conditions of the subject zone change. Such conditions, if adopted, would apply to future development on the property at the time of site plan review.

In order to ensure that the uses allowed by the proposed zone are developed in a manner that is logical with existing and future land uses, the following conditions of approval shall apply:

Condition 1: All outdoor storage areas, loading spaces, docks, doors, and bays shall be screened from residentially-zoned properties and public streets by a minimum 6-foot-high sight-obscuring fence, wall, hedge, or berm.

Condition 2: Provide articulation for any building façade that exceeds 70 feet in length. For purposes of this condition “articulation” means a minimum 2-foot deep vertical or horizontal offset within the building façade.

Alternatively, where a building façade exceeds 70 feet in length without articulation, the applicant may satisfy this condition by providing vertical landscaping as follows:

- a. Vertical landscaping shall be provided in the minimum amount of 10 plant units for every 70 linear feet of non-articulated building façade.
- b. A minimum of 75 percent of the vertical landscaping shall consist of shade, conifer, evergreen, or ornamental trees.
- c. Vertical landscaping shall be located abutting, and centered within, the non-articulated portion of the building façade.
- d. Vertical landscaping provided in compliance with this condition shall be counted towards other applicable minimum landscaping requirements as established in the UDC.

Condition 3: Developments on the subject property shall include two or more of the following project enhancements:

- a. Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building façade adjacent to sidewalks or pedestrian connections;
- b. Pedestrian connections that are:
 - i. Constructed with pavers, scored or colored cement, and/or stamped asphalt; or
 - ii. Elevated above the parking area and driveway; or
 - iii. Defined with landscaping or building features such as canopies, awnings, or arcades
- c. A minimum of 7 percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of 10 percent interior landscaping within parking areas greater than 50,000 square feet in size;

- d. Construction of planter bays, each a minimum of 50 square feet in size, to meet minimum interior parking area landscaping requirements;
- e. Use of native plant materials to meet minimum landscaping requirements.

As conditioned, the proposal meets this criterion.

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

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

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

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

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

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

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

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

Finding: The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The TPR analysis demonstrates that the proposed Comprehensive Plan Change and Zone Change will have a significant effect on the transportation system, and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval.

The Assistant City Traffic Engineer concurs with the findings of the TIA and recommends the developer construct transportation system improvements identified in the TIA to mitigate their impacts and conform to the Transportation Planning Rule. In order to ensure that significant effects on the transportation system are mitigated, staff recommends the following conditions of approval, to be completed at the time of development:

- Condition 4:** Construct dual eastbound left turn lanes from Kuebler Boulevard SE to northbound 27th Avenue SE.
- Condition 5:** Construct dual northbound receiving lanes on 27th Avenue from eastbound Kuebler Boulevard SE.
- Condition 6:** Construct dual southbound left turn lanes from 27th Avenue to eastbound Kuebler Boulevard SE; an additional receiving lane is required on Kuebler if only one eastbound lane exists at the time of development.
- Condition 7:** Construct an exclusive southbound right turn lane on 27th Avenue SE to westbound Kuebler Boulevard SE.
- Condition 8:** Construct the approximately 2,700-foot extension of Fabry Road between Reed Lane and Battle Creek Road to Minor Arterial standards, as identified in the City of Salem TSP as Project No. 188.

As conditioned, the proposal meets this criterion.

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

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

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

Applicant Statement: This narrative and the attached materials are provided to fulfill the applicant's responsibility and burden of proof to demonstrate compliance with the applicable criteria and requirements for this land use application. As noted in this narrative, the proposed comprehensive plan amendment and zone change is supported by the Morningside Neighborhood Plan, a document that was completed in collaborative effort that included property owners, residents, business owners, and the applicant and community stakeholders. Because the site was already identified as a location for commercial retail development in this plan, it is not anticipated that the proposed change represents a significant impact to the community.

Finding: Staff concurs with the applicant's statement and finds that the level of information provided in applicant's statement addressing the factors listed under SRC Chapter 265.005(e) corresponds to the anticipated impact of the zone change proposal.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for Comprehensive Plan Change / Zone Change 16-01, on property approximately 31.96 acres in size, designated Developing Residential on the Plan Map, zoned RA (Residential Agriculture), and located at the 4700 Block of 27th Avenue SE (Marion County Assessor map and tax lot numbers: 083W12C 00301; 083W12C 00400; 083W12C 00500; 083W12C 02200).

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Developing Residential to Commercial be GRANTED.
- B. That the zone change request for the subject property from RA (Residential Agriculture) to CR (Commercial Retail) be GRANTED, subject to the following conditions of approval:

Condition 1: All outdoor storage areas, loading spaces, docks, doors, and bays shall be screened from residentially-zoned properties and public streets by a minimum 6-foot-high sight-obscuring fence, wall, hedge, or berm.

Condition 2: Provide articulation for any building façade that exceeds 70 feet in length. For purposes of this condition, "articulation" means a minimum 2-foot deep vertical or horizontal offset within the building façade.

Alternatively, where a building façade exceeds 70 feet in length without articulation, the applicant may satisfy this condition by providing vertical landscaping as follows:

- a. Vertical landscaping shall be provided in the minimum amount of 10 plant units for every 70 linear feet of non-articulated

building façade.

- b. A minimum of 75 percent of the vertical landscaping shall consist of shade, conifer, evergreen, or ornamental trees.
- c. Vertical landscaping shall be located abutting, and centered within, the non-articulated portion of the building façade.
- d. Vertical landscaping provided in compliance with this condition may be counted towards other applicable minimum landscaping requirements as established in the UDC.

Condition 3: Developments on the subject property shall include two or more of the following project enhancements:

- a. Weather protection, in the form of awnings or canopies, along more than 50 percent of the length of the ground floor building façade adjacent to sidewalks or pedestrian connections;
- b. Pedestrian connections that are:
 - i. Constructed with pavers, scored or colored cement, and/or stamped asphalt; or
 - ii. Elevated above the parking area and driveway; or
 - iii. Defined with landscaping or building features such as canopies, awnings, or arcades
- c. A minimum of 7 percent interior landscaping within parking areas not more than 50,000 square feet in size; or a minimum of 10 percent interior landscaping within parking areas greater than 50,000 square feet in size;
- d. Construction of planter bays, each a minimum of 50 square feet in size, to meet minimum interior parking area landscaping requirements;
- e. Use of native plant materials to meet minimum landscaping requirements.

Condition 4: Construct dual eastbound left turn lanes from Kuebler Boulevard SE to northbound 27th Avenue SE.

Condition 5: Construct dual northbound receiving lanes on 27th Avenue from eastbound Kuebler Boulevard SE.

Condition 6: Construct dual southbound left turn lanes from 27th Avenue to

eastbound Kuebler Boulevard SE; an additional receiving lane is required on Kuebler if only one eastbound lane exists at the time of development.

Condition 7: Construct an exclusive southbound right turn lane on 27th Avenue SE to westbound Kuebler Boulevard SE.

Condition 8: Construct the approximately 2,700-foot extension of Fabry Road between Reed Lane and Battle Creek Road to Minor Arterial standards, as identified in the City of Salem TSP as Project No. 188.

- Attachments:
- A. Public Hearing Notice & Vicinity Map
 - B. Applicant's Statement Addressing Approval Criteria
 - C. Public Works Department Comments
 - D. Morningside Neighborhood Association comments
 - E. Decision Approving Urban Growth Preliminary Declaration UGA15-02

Prepared by Christopher Green, AICP, Planner II 



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Map Change/Zone Change Case No. CPC-ZC16-01
AMANDA APPLICATION NO:	15-122309-ZO & 15-122310-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, MARCH 1, 2016, AT 5:30 P.M. Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	4700 BLOCK OF 27TH AVE SE, SALEM OR 97302
OWNER:	KATHY CLARK, CAROL D. PLAIN, AND KENNETH W. CLARK
APPLICANT / AGENT:	KUEBLER EQUITIES NORTH LLC / READ STAPLETON, DOWL
DESCRIPTION OF REQUEST:	<p>A consolidated application to change the Comprehensive Plan Map designation and zoning of property located at the northwest quadrant of the I-5/Kuebler Boulevard interchange to allow commercial development.</p> <p>The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Developing Residential to Commercial and change the zoning from RA (Residential Agriculture) to CR (Retail Commercial). The subject property is approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located at the 4700 Block of 27th Avenue SE (Marion County Assessor's map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200).</p>
CRITERIA TO BE CONSIDERED:	<p><u>COMPREHENSIVE PLAN CHANGE</u></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</p>

- designation;
- (C) The proposed plan map designation provides for the logical urbanization of land;
 - (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
 - (E) The amendment is in the public interest and would be of general benefit.

ZONE CHANGE

Pursuant to SRC 265.005(e), a QUASI-JUDICIAL ZONE CHANGE shall be granted if the following criteria are met:

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

HOW TO PROVIDE TESTIMONY:

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


HEARING PROCEDURE:

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

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

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

CASE MANAGER:

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

NEIGHBORHOOD ORGANIZATION:

Morningside Neighborhood Association, Geoffrey James, Land Use Chair; Phone: 503-931-4120; Email: geoffreyjames@comcast.net

DOCUMENTATION AND STAFF REPORT:

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

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

ACCESS:

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


NOTICE MAILING DATE:

February 10, 2016

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

For more information about Planning in Salem:

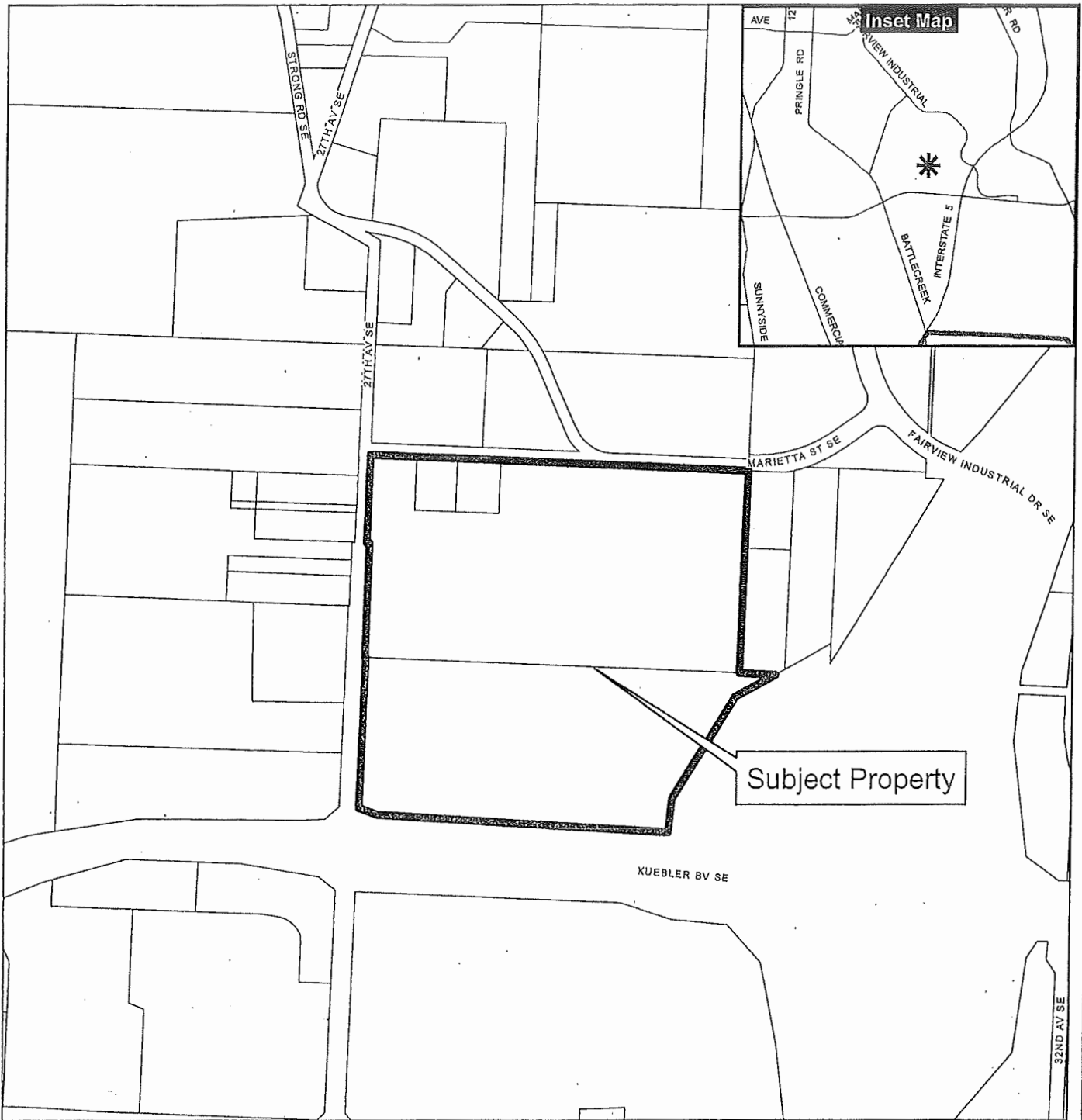
<http://www.cityofsalem.net/planning>

 [@Salem Planning](#)

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, Americans with Disabilities Act of 1990, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least two business days before this meeting or event.

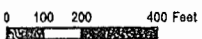
TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 4700 Block of 27th Avenue SE



Legend

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



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**Kuebler Blvd. NWQ -
Specialty Retail
Salem, Oregon**

**An Application For:
Comprehensive Plan Map Amendment
Quasi-Judicial Zoning Map Amendment**

Submitted December 24, 2015

Applicant:
Kuebler Equities North LLC
2653 High Heaven Road
McMinnville, OR 97128
Contact: Alan Roodhouse
Phone: 503-435-4907

Prepared by:
DOWL
720 SW Washington Street, Suite 750
Portland, Oregon 97205
Contact: Read Stapleton, AICP
Email: rstapleton@dowl.com
Phone: 971-280-8641

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EXHIBITS

- A. Land Use Application
- B. Recorded Deed/Land and Sale Contract with Legal Description
- C. Comprehensive Plan Map
- D. Zoning Map
- E. Pre-Application Written Summary
- F. Preliminary Declaration Decision (UGA15-02)
- G. Trip Generation Estimate Form
- H. Transportation Impact Study
- I. Existing Conditions Plan

I. INTRODUCTION

GENERAL INFORMATION

Applicant: **Kuebler Equities North LLC**
2653 High Heaven Road
McMinnville, OR 97128
Phone: 503-435-4907
Contact: Alan Roodhouse
amr@rpsdevco.com

Applicant's Representative **DOWL**
720 SW Washington Street; Suite 750
Portland, Oregon 97205
Phone: 971-280-8641
Contact: Read Stapleton, AICP
rstapleton@dowl.com

Tax Lot Information: Map Tax Lots
08W12C 0301, 0400, 0500,
02200

Location: 4700 Block of 27th Avenue SE

Current Plan Designation / Zoning District: Developing Residential / Residential Agriculture

Proposed Plan Designation/ Zoning District Change: Commercial / Retail Commercial

Project Site Area: Approximately 32-acres

SUMMARY OF PROPOSAL

The applicant is requesting a minor comprehensive plan amendment and zoning map change for an approximately 32-acre site located on Kuebler Boulevard (See Exhibit A. Application Form). The site is composed of four tax lots—083W12C 02200, 083W12C 00301, 083W12C 00400 and 083W12C 00500—under a long term purchase and sale contract held by the applicant as documented in the property deed documents included in Exhibit B. The site is currently designated Developing Residential (DA) in the City's Comprehensive Plan and has a zoning designation of Residential Agriculture (RA). The applicant proposes to change the plan designation of the site to Commercial (COM) and the zoning designation to Commercial Retail (CR).

On April 14, 2014, the Salem City Council adopted the Morningside Neighborhood Plan. The subject property comprised a large portion of "Opportunity Area 3" found on the Opportunity Areas Map included in Figure 9.6 of the plan document. As noted in the figure below and identified in the adopted Morningside Neighborhood Plan, the site has been identified for future commercial development. Therefore, the proposed comprehensive plan amendment and zone change request will be implementing this adopted plan consistent with the neighborhood's and the City's vision for the site.

Figure 1. Morningside Neighborhood Plan and Proposed Plan Amendment / Zone Change Site



EXISTING CONDITIONS

The site is surrounded to the west and north by other land zoned RA. Land immediately south of the site and south of Kuebler Boulevard is also zoned RA. This site is plan-designated Commercial with zoning designations of Retail Commercial (CR) and Commercial Office (CO). (See Exhibits C and D, Comprehensive Plan Map and Zoning Map)

The proposed project site is predominately undeveloped with single family residences located at the northwest corner of the site. A single family residence is located directly east of the site. The site is bordered by Marietta Street SE, a collector, to the north, 27th Avenue SE, a collector, to the west and Kuebler Boulevard, a parkway, to the south. The site is bordered to the east by Interstate-5.

PUBLIC FACILITIES AND INFRASTRUCTURE

A pre-application conference was held for the project on July 2, 2015 (See Exhibit C. Pre-application Conference Notes). At that conference, the applicant and development services staff from the City of Salem (City) discussed the availability of public facilities and infrastructure to serve the site. Following the pre-application conference, in September 2015 the Applicant prepared and submitted a request for an Urban Growth Agreement (UGA) Development Permit. A final Preliminary Declaration Decision was issued by the City on December 7, 2015. The permit verifies that adequate public facilities exist to serve the site when it develops at intensities permitted by the CR zone, and lists the anticipated requirements to serve the property. A copy of this decision is attached to this application in Exhibit D.

As noted in the Preliminary Declaration Decision, the following public facility improvements are anticipated with site development and will ensure adequate public facilities to serve the anticipated commercial use of the site.

Streets

The UGA preliminary declaration found that the following public improvements would be necessary to serve the site:

- Right of way along Marietta Street SE and 27th Street SE must be dedicated to ensure a minimum half-width of 30 feet from the centerline. Additional right-of-way may be required from the subject property or adjacent properties to accommodate intersection improvements as specified in the Traffic Impact Analysis.
- Half-street improvements must be constructed along the property frontage equal to the following minimum half-widths from centerline:
 - 17 feet for Marietta Street SE and 27th Street SE
 - Improvements may be required on the opposite side of the centerline where the total pavement width is less than 34 feet.

Sanitary Sewer

The preliminary declaration indicates that an 8-inch sanitary sewer main must be constructed in Marietta Street SE from the east line of the property to the eastern edge of Tax Lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection. In addition, an 8-inch sewer main is required within the property between Marietta Street SE and the southern property line, terminating at Kuebler Boulevard.

Water

Long-term capital improvements plans include the construction of a new "S-1 Coburn Reservoir", a pump station on Boone Road and new water mains connecting to these facilities. In lieu of completing these substantial regional improvements, the UGA Preliminary Declaration Decision allows the applicant to access the existing water system through a temporary access fee payment of \$320,000. In addition, the UGA preliminary declaration requires the construction of 18-inch water mains in Marietta Street SE and 27th Avenue SE along the property frontages of these roads.

Storm Drainage

No public stormwater system improvements are required by the UGA Preliminary Declaration Decision. Details of the onsite stormwater drainage system will be addressed at the time of Site Plan Review for the proposed development. However, there are no known stormwater drainage condition constraints that would preclude commercial retail development of the site as intended by the applicant.

PROJECT LIMITS AND SURROUNDING USES

The following table describes the project site's zoning designation and land uses on surrounding properties. Exhibits C and D included with this application package further illustrate the comprehensive plan and zoning designations in the vicinity of the site.

Table A: SURROUNDING LAND USE

Location	Zoning Designation	Land Use
North	RA – Residential Agriculture	Vacant and single family residential
West	RA – Residential Agriculture	Morning Star Community Church
East	RA – Residential Agriculture	Single family residential
South	RA – Residential Agriculture	Vacant

APPLICABLE POLICIES AND REGULATIONS

The approval criteria for a minor comprehensive plan map amendment and for a zone change require compliance with Statewide Planning Goals, as well as the local comprehensive policies plan. The following sections identify the applicable state and local statutes and how the project complies with them.

STATEWIDE PLANNING GOALS

The following findings demonstrate how the proposed plan amendment and zone change request will ensure consistency with the applicable Statewide Planning Goals.

Goal 1 – Citizen Involvement

To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.

Response: Consistent with Goal 1, a Minor Comprehensive Plan Map Amendment and a Zone Change are processed as a consolidated application under a Type III procedure. As required by the SRC 300, notice of the proposal will be provided via mail to all affected groups as required by the City and the site will be posted. Through the notice and public hearing process all interested parties will be given the opportunity to review the application, comment on the proposal, and participate in the decision.

Prior to the adoption of the Morningside Neighborhood Plan, the applicant participated in several work sessions with the Morningside Neighborhood Association. Public hearings before the Planning Commission and City Council are required as part of a Type III review required for the proposed project and will provide a public forum for neighborhood members and project stakeholders to comment on the proposed action

The applicant presented the current plan at a joint meeting of the Morningside and South Gateway Neighborhood Associations on December 9, 2015.

Goal 2 – Land Use Planning

To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.

Response: The proposed project will follow the Type III review procedures established in the City of Salem Revised Code, and the final decision will be supported by findings of fact and an evidentiary basis, consistent with Goal 2 and the provisions in the Salem Urban Area

Goal 3 – Agricultural Lands

To preserve and maintain agricultural lands.

Response: Goal 3 does not apply within an urban growth boundary, so it is not applicable to this property. The subject property is zoned RA within the Developing Residential plan designation, a single-family designation, of the Salem Area Comprehensive Plan. Per SRC Chapter 510, the zone generally allows for single family residential and agricultural uses. Although, general agricultural practices are permitted, the Salem Comprehensive Policies Plan states *“the intent of the designation is to hold the properties needed to accommodate future urban development during the next 20 years.”* The plan further recognizes that areas within the urban growth boundary, including the subject site, *“will be considered as available over time for urban development”* As the intent of the designation of residential agricultural over the subject site was not to accommodate future agriculture uses consistent with the protections intended with Goal 3, but to allow agricultural uses that will eventually transition to urban development, this goal is not directly applicable to the property or proposal.

Goal 9 – Economic Development

To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon’s citizens.

Response: The proposed comprehensive plan and zoning map amendment will convert approximately 32 acres of primarily vacant residentially-zoned land to a commercial designation. Consistent with the City’s obligations to provide economic opportunities under Goal 9, per OAR 660-009-0015, an Economic Opportunity Analysis (EOA) was conducted by ECONorthwest and adopted by City Council in October 2014. Consistent with economic development protections of Goal 9 and the objectives of understanding the opportunities for the next 20 years, the report compared the supply of suitable buildable commercial land (298 acres) to the projected demand (569 acres) and concluded that that there is a deficiency of 271 acres of commercial land to meet the 20-year growth demand. The EOA further concluded that roughly 40 percent of the commercial land deficiency, or approximately 100 acres, are needed for retail services, as detailed by the “Land Sufficiency” section in the EOA (pages 27-28).

The proposed comprehensive plan and zoning map amendment will help fill this projected deficit of available commercial land by adding approximately 32 acres of commercial land to the City’s vacant commercial land inventory, thereby improving the City’s available commercial development capacity. By converting the subject property to a commercial designation, the proposed shopping center can be leased and sold to businesses that will generate property taxes from the newly created development and increase the number of retail service jobs, further advancing the City’s economic stability.

GOAL 10 – HOUSING

To provide for the housing needs of citizens of the state. Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

Response: In compliance with Goal 10, Housing, the City underwent a Housing Needs Analysis (HNA) to project the City’s housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECONorthwest, found that the City of Salem has a surplus of approximately 1,975 acres of land designated for single-family detached housing. Of the total residential and mixed-use comprehensive plan designations, eighty three percent of this area is land within the Developing Residential and Single Family Residential

designations. Through these recent HNA and EOA studies, adequate recent analysis has been conducted to confirm that the applicant's proposal to convert 32 acres of residential agriculture land to retail commercial will improve the balance of residential and commercial land within the City. In addition, as previously noted, the applicant's proposal will also implement the vision of the Morningside Neighborhood Plan for a commercial retail center on the site.

Goal 11 – Public Facilities and Services

To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.

Response: In order to verify the feasibility of connections to existing public facilities and to determine the requirements for water, sanitary sewer and transportation service of a future retail development on the site, the applicant filed a UGA preliminary declaration request in September 2015. This preliminary declaration decision is included in Exhibit F and provided the general terms under which future retail development can be implemented, consistent with a COM comp plan designation and the CR zone. As evidenced in this UGA preliminary declaration decision, adequate public facilities exist to serve the site, with the implementation of service improvements.

In addition, the applicant has provided a Transportation Impact Statement (TIS), dated December 21, 2015, prepared by DKS Associates. This TIS is included in Exhibit H of this application package and includes findings and evidence demonstrating that the proposed comprehensive plan amendment, zone change and future site development comply with the requirements of the Transportation Planning Rule (TPR), per Oregon Administrative Rule (OAR) 660-012. The summary of the DKS Associates findings is provided in the response to *Goal 12 - Transportation* below.

Goal 12 – Transportation

To provide and encourage a safe, convenient and economic transportation system.

Response: As summarized on Pages 41-42 of the TIS provided in Exhibit H, a series of transportation improvements are recommended that will mitigate any significant effects that could result from the proposed change in land use on the subject property. As noted in the study, these measures will reduce the expected transportation impacts resulting from the development to levels that will ensure compliance with the TPR requirements of OAR 660-012.

The transportation impact analysis documented in the TIS indicates that three study intersections will be significantly impacted by the proposed development as defined by the TPR Guidelines. These intersections are listed below:

- Kuebler Boulevard/27th Avenue
- Kuebler Boulevard/Battle Creek Road
- Kuebler Boulevard/Commercial Street

The following mitigations are recommended to mitigate the impacts from the proposed zone change:

Kuebler Boulevard/27th Avenue

- Dual eastbound left turn lanes: The City's planned improvements along Kuebler Boulevard are accounting for this future need. The design will include sufficient width and signal equipment so the turn lane can be easily added.
- Dual receiving lanes on the north leg (27th Avenue): Dual receiving lanes will be necessary to accommodate the dual eastbound turn lanes. The outside lane would become a right-turn only lane at the project access.

- Dual southbound left turn lanes: There is currently a single turn lane, but dual turn lanes would be needed based on the high traffic volumes. This widening will take place as part of the site frontage improvements.
- Exclusive southbound right turn lane: There is currently a shared through/right-turn lane, but a separate right turn lane will be needed to support the project traffic volumes. This additional widening will take place as part of the site frontage improvements.

Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street

- The City has projects planned at these intersections that will increase long-term capacity and improve operations. These intersection improvements include:
 - Kuebler Boulevard/Battle Creek Road: A second eastbound travel lane and an additional right-turn lane are planned along Kuebler Boulevard that will improve operating conditions.
 - Kuebler Boulevard/Commercial Street: A project is planned by the City of Salem that will construct dual left-turn lanes on all approaches as well as a dedicated right turn lane on all approaches.
- As noted in the TIS, in spite of the City's scheduled long-term improvements to these intersections, the intersections are projected to fail by the year 2035 and the proposed project will create additional delay at the intersections. In order to mitigate for these project effects, system improvements will be implemented as allowed under OAR 660-12-0060(2)(e). Specifically, Project #188 in the TSP will be constructed. This improvement calls for an approximately 2,700 foot extension of Fabry Road between Reed Lane SE and Battle Creek Road and the TSP has identified this project as a high priority project. Fabry Road is located approximately ½ mile south of Kuebler Boulevard and provides key east-west connectivity. According to modeling provided by the Mid-Willamette Valley Council of Governments this extension would remove traffic from Kuebler Boulevard and would carry approximately 800 vehicles during the p.m. peak period. In addition, transit officials from Cherriots have indicated that the Fabry improvements would provide enhanced bus routing and service in the area as well as making a key bicycle and pedestrian connection between Commercial Street and Battle Creek Road.

With the implementation of these improvements, the applicant can demonstrate that the proposed comprehensive plan amendment and zone change will continue to allow a safe, convenient and economic transportation system within the project vicinity and in the region.

OAR CHAPTER 660, DIVISION 12—TRANSPORTATION PLANNING

OAR 660-012-0060 Plan and Land Use Regulation Amendments

- (1) **If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would...:**

Response: As summarized on Pages 41-42 of the TIS provided in Exhibit H, a series of transportation improvements are recommended that will mitigate any significant effects that could result from the proposed change in land use on the subject property. These measures will reduce the expected transportation impacts resulting from the development to levels that will ensure compliance with the TPR requirements of OAR 660-012.

The transportation impact analysis documented in the TIS indicates that three study intersections will be significantly impacted by the proposed development as defined by the TPR Guidelines. These intersections are listed below:

- Kuebler Boulevard/27th Avenue
- Kuebler Boulevard/Battle Creek Road
- Kuebler Boulevard/Commercial Street

The following mitigations are recommended to mitigate the impacts from the proposed zone change:

Kuebler Boulevard/27th Avenue

- Dual eastbound left turn lanes: The City's planned improvements along Kuebler Boulevard are accounting for this future need. The design will include sufficient width and signal equipment so the turn lane can be easily added.
- Dual receiving lanes on the north leg (27th Avenue): Dual receiving lanes will be necessary to accommodate the dual eastbound turn lanes. The outside lane would become a right-turn only lane at the project access.
- Dual southbound left turn lanes: There is currently a single turn lane, but dual turn lanes would be needed based on the high traffic volumes. This widening will take place as part of the site frontage improvements.
- Exclusive southbound right turn lane: There is currently a shared through/right-turn lane, but a separate right turn lane will be needed to support the project traffic volumes. This additional widening will take place as part of the site frontage improvements.

Kuebler Boulevard/Battle Creek Road and Kuebler Boulevard/Commercial Street

- The City has projects planned at these intersections that will increase long-term capacity and improve operations. These intersection improvements include:
 - Kuebler Boulevard/Battle Creek Road: A second eastbound travel lane and an additional right turn lane are planned along Kuebler Boulevard that will improve operating conditions.
 - Kuebler Boulevard/Commercial Street: A project is planned by the City of Salem that will construct dual left-turn lanes on all approaches as well as a dedicated right turn lane on all approaches.
- As noted in the TIS, in spite of the City's scheduled long-term improvements to these intersections, the intersections are projected to fail by the year 2035 and the proposed project will create additional delay at the intersections. In order to mitigate for these project effects, system improvements will be implemented as allowed under OAR 660-12-0060(2)(e). Specifically, Project #188 in the TSP will be constructed. This improvement calls for an approximately 2,700 foot extension of Fabry Road between Reed Lane SE and Battle Creek Road and the TSP has identified this project as a high priority project. Fabry Road is located approximately ½ mile south of Kuebler Boulevard and provides key east-west connectivity. According to modeling provided by the Mid-Willamette Valley Council of Governments this extension would remove traffic from Kuebler Boulevard and would carry approximately 800 vehicles during the p.m. peak period. In addition, transit officials from Cherriots have indicated that the Fabry improvements would provide enhanced bus routing and service in the area as well as making a key bicycle and pedestrian connection between Commercial Street and Battle Creek Road.

With the implementation of these improvements, the applicant can demonstrate that the proposed comprehensive plan amendment and zone change will comply with the improvement requirements of OAR 660-012-0060.

COMPREHENSIVE PLAN

The applicable Salem Comprehensive Plan Goals and Policies are set forth below along with findings demonstrating the project's consistency with these provisions.

B. GENERAL DEVELOPMENT

Goal: To insure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Citizen Involvement

- 1. Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.**

Response: A Minor Comprehensive Plan Map Amendment and a Zone Change are processed as a consolidated application under a Type III procedure. As required by the Salem Revised Code (SRC) Section 300, notice of the proposal will be provided via mail to all affected groups as required by the City and the site will be posted. Through the notice and public hearing process all interested parties will be given the opportunity to review the application, comment on the proposal, and participate in the decision. In addition, public hearings before the Planning Commission and City Council are required as part of a Type III review required for the proposed project. In addition, prior to the adoption of the Morningside Neighborhood Plan, the applicant participated in several work sessions with the Morningside Neighborhood Association. The applicant also presented the current plan at a joint meeting of the Morningside and South Gateway Neighborhood Associations on December 9, 2015.

Economic Growth

- 3. Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.**

Response: As concluded in the EOA conducted by ECONorthwest and adopted by City Council in October 2015, there is a deficit of 271 acres of commercial land to meet the demand of the 20-year growth projections. The proposal, if approved, would help fill this projected deficit of available commercial land by adding approximately 32 acres of commercial land to the City's vacant commercial land inventory, thereby improving the City's available commercial development capacity. By converting the subject property to a commercial designation, the City will allow the development of a retail shopping center that will create construction and permanent jobs and sustained property tax revenues further advancing City efforts to stimulate economic growth.

Carrying Capacity

- 6. All public and private development shall meet the requirements of applicable local, state and federal standards.**

Response: Evidence of project compliance with applicable regulations and statutes governing the requested plan amendment and zone change is provided herein and within the application package. City approval of the UGA preliminary declaration provides substantial evidence regarding the capacity of the water, sewer and transportation systems to accommodate the proposed comp plan designation, zoning and project.

In addition, DKS Associates has prepared a TIS, dated December 21, 2015 that describes how the proposed project ensures adequate off-site traffic operations both at the anticipated project buildout in 2018 and at the 20-year TPR analysis horizon date of 2035. As evidenced by these documents and the responses herein, the applicant has demonstrated that the proposed project meets the regulatory requirements governing adequacy of public facilities to serve the proposed retail commercial land use on the site.

Street Improvements

10. Improvements of streets in addition to those in or abutting a development may be required as a condition of approval of subdivisions and other intensifications of land use.

Response: As noted in the UGA Preliminary Declaration decision, the following improvements are anticipated with future development of the property.

- Right-of-way along Marietta Street SE and 27th Street SE must be dedicated to ensure a minimum half-width of 30 feet from the centerline. Additional right-of-way may be required from the subject property or adjacent properties to accommodate intersection improvements as specified in the Traffic Impact Analysis.
- Half-street improvements must be constructed along the property frontage equal to the following minimum half-widths from centerline:
 - 17 feet from Marietta Street SE and 27th Street SE
 - Improvements may be required on the opposite side of the centerline where the total pavement width is less than 34 feet.

D. GROWTH MANAGEMENT

Goal 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.**

Development Guided by Growth Management

1. **Unless the City of Salem finds that existing water and sewer facilities have adequate capacity to accommodate new growth, the conversion of urbanizable land within the Salem urban area to urban uses shall be guided by a growth management program which provides for the orderly and economically efficient extension of public facilities and services, while taking into consideration the need for an adequate supply of land to meet future development requirements. The growth management program shall encourage the development of vacant lands that have urban services before the extension of services beyond presently served areas.**

Response: Consistent with this provision, the applicant filed a UGA preliminary declaration request in September 2015 that was approved by the City on December 7, 2015. This approval identified the improvements that the City will require as a condition of the urbanization of the proposed property. With these improvements, the existing and required water and sewer facilities have adequate capacity to accommodate new growth on the site that is consistent with the COM comp plan designation and CR zoning. Specifically, the

following water and sewer service provisions were made conditions of the UGA preliminary declaration approval.

Sanitary Sewer

The preliminary declaration indicates that an 8-inch sanitary sewer main must be constructed in Marietta Street SE from the east line of the property to the eastern edge of Tax Lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection. In addition, an 8-inch sewer main is required within the property between Marietta Street SE and the southern property line, terminating at Kuebler Boulevard.

Water

Long-term capital improvements plans include the construction of a new "S-1 Coburn Reservoir", a pump station on Boone Road and new water mains connecting to these facilities. In lieu of completing these substantial regional improvements, the UGA preliminary declaration allows the applicant to access the existing water system through a temporary access fee payment of \$320,000. In addition, the UGA preliminary declaration requires the construction of 18-inch water mains in Marietta Street SE and 27th Avenue SE along the property frontages of these roads.

Sizing Facility Extensions

- 4. The extension of sewer, water, storm drainage, and transportation facilities within the Salem urban area shall be in conformity with the adopted growth management program. Public water and sewer facilities shall be sized and constructed to serve the areas within the urban growth boundary.**

Response: Salem Revised Code Section 200 implements plan policies regarding orderly management of urban growth. Consistent with the provisions of SRC 200.025, the applicant obtained a UGA preliminary declaration to determine the service requirements for water, sewer, stormwater drainage and transportation with site development. In its December 7, 2015 staff report and decision, the City identified the anticipated improvements necessary for water, sewer and transportation facilities to serve the property when developed consistent with the COM comp plan designation and CR zoning. With the implementation of these conditions of approval, the proposed project will be developed in a manner consistent with Salem's growth management program.

Development Requiring Water and Sewer

- 7. Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City and the appropriate County.**

Response: As noted in the UGA preliminary declaration approval, dated December 7, 2015, public facilities are available to serve the proposed development consistent with this provision.

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.**

Response: Existing facilities are in place to serve the proposed development, with some commensurate off-site upgrades that would be completed by the applicant. These off-site improvements are listed in the UGA preliminary declaration decision and are discussed in detail in this narrative. By permitting the requested comp plan and map amendment, and implementing site development to connect to the existing water system on an interim basis, the City will allow private contributions towards the completion of the ultimate water

system improvements that will benefit the southeast Salem region and reduce public costs toward regional water system improvements.

G. COMMERCIAL DEVELOPMENT

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

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.**

Response: Subsequent to this comprehensive plan amendment and zone change approval, the applicant will submit a Site Plan Review request that will include detailed development plans that include the above information.

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.**

Response: The proposed shopping center is located on Kuebler Boulevard, which the Salem TSP Street Plan defines as a "parkway," a classification above a major arterial. The site is also bordered to the west and north by 27th Avenue SE and Marietta Street SE, both collectors. As noted on Figure 9 of the TIS, only approximately five percent of vehicular trips generated by the proposed project will occur on Strong Road, a road that serves lands plan designated "Developing Residential." The remainder of trips will utilize surrounding collectors, parkways and arterials that are intended to serve regional traffic. As a consequence, it is not anticipated that traffic generated by the proposed project would filter through neighborhood streets.

Neighborhood and Community Shopping and Service Facilities

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

Response: The proposed comprehensive plan amendment and zone change is proposed to allow the development of a shopping center on the site. This shopping center will be reviewed during a subsequent Site Plan Review, which will ensure that it will be developed with cluster buildings and common parking fields that will allow for the sale of convenience goods and services for residents within the community and from a broader market area with convenient access to the site. Specific site designs will be provided and reviewed

with a future Site Plan Review application that would be submitted after successful completion of the comprehensive plan amendment and zone change request.

CITY OF SALEM REVISED CODE

TITLE V. COMMUNITY DEVELOPMENT STANDARDS

CHAPTER 64 COMPREHENSIVE PLANNING

64.020. Comprehensive Plan Amendments.

- (b) **Major Comprehensive Plan Amendment. A Major Comprehensive Plan Amendment is any amendment to the Comprehensive Plan that involves the creation, revision, or implementation of broad public policy generally affecting more than one property owner or affecting a large number of individual properties. (Ord No. 6-13)**

Response: The proposed plan amendment and zone change request does not involve a more than one property owner and does not affect a large number of individual properties. Therefore, the applicant's request does not meet the criteria for a Major Comprehensive Plan Amendment.

- (c) **Minor Comprehensive Plan Amendment. A Minor Comprehensive Plan Amendment is:**

- (1) **Any amendment other than a Major Comprehensive Plan Amendment; and**

Response: As noted above, the applicant's request does not meet the criteria for a Major Comprehensive Plan Amendment and is therefore a Minor Comprehensive Plan Amendment.

- (f) **Criteria.**

- (2) **A Minor Comprehensive Plan Amendment may be made if:**

- (A) **The amendment does not significantly change or amend key principles or policies in the Comprehensive Plan;**

Response: As evident in the responses to the applicable goals and policies of the Salem Comprehensive Policies Plan, the proposal does not significantly change or amend key principles or policies. The request is consistent with the adopted Morningside Neighborhood Plan. The proposal will help bring the City closer to the meeting the deficit of 271 acres of commercial land determined in the October 2014 EOA and encourages economic development by converting the 32 acres of land for retail commercial use. The proposal is consistent with policies that seek to provide shopping and service facilities that showcase the Salem urban areas as a commercial center. The proposed use will be sited next to the Interstate 5 interchange and can be accessed without adding congestion to the surrounding residential streets. Future anchor stores, retail and restaurant pads will encourage economic activity and job creation within the area. Additionally, as detailed in the findings for the UGA preliminary declaration decision, the site can be adequately served with public services with defined off-site improvements.

- (B) **The amendment does not require substantial changes to plan language to maintain internal plan consistency;**

Response: The applicant is proposing a plan map amendment and no changes to plan language are proposed or are necessary to maintain internal plan consistency.

(C) The amendment does not require significant factual or policy analysis;

Response: The comprehensive plan amendment and zone change is supported by the conclusions of both the EOA and the HNA for projected growth from 2015 to 2035, is consistent with the Morningside Neighborhood Plan, and does not require any significant new factual or policy analysis. The EOA and HNA studies and Morningside Neighborhood Plan have been adopted by the Salem City Council.

(D) The amendment is in the public interest of the public health, safety, and welfare of the City; and

Response: As concluded in the October 2015 EOA, an additional 271 acres of buildable commercial land is necessary in the City of Salem to meet the 20-year projected demand. Of these 271 acres, roughly 100 acres are needed to accommodate demand for retail commercial services. The addition of the 32 acres of commercial land into the City inventory as proposed with this project will help close the gap between the existing commercial land inventory and the demand. By converting the land designation to permit retail uses, the proposed shopping center will generate construction jobs, permanent jobs and property taxes, which will help increase the tax base of the City which will allow for improved local revenues for public services including fire and police services. The request also implements the community's interest because it is consistent with the Morningside Neighborhood Plan.

(E) The amendment conforms to the applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development. (Ord No. 6-13)

Response: As evident in the responses provided within this narrative, the requested amendment complies with the applicable Statewide Planning Goals and administrative rules.

64.025. *Plan Map Amendments.*

(e) Criteria.

(2) Minor Plan Map Amendment. The greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:

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

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

Response: As noted on Page 4 of the Comprehensive Policies Plan, the Developing Residential comprehensive plan designation "represents the area inside the Urban Growth Boundary which is presently unserved but necessary to accommodate development in the next twenty years." The plan further notes that the intent of this designation "is to hold the properties needed to accommodate future urban development in the next 20 years." Therefore, the plan acknowledges that lands designated Developing Residential are reserved for future development, such as the proposed site.

As previously noted, the subject property has been identified in the adopted Morningside Neighborhood Plan as a site for future commercial development. Although the City Council adopted this neighborhood plan, the city-wide comprehensive plan has not been amended to reflect this change in intended land use. Because the current Developing Residential plan designation would not allow the implementation of this adopted plan, a

plan amendment to Commercial is appropriate and is better suited to the property consistent with this approval criterion.

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

Response: With its approval of the UGA preliminary declaration on December 7, 2015, the City confirmed that public facilities are available to serve the site, or can reasonably be made available with the implementation of prescribed conditions of approval. The UGA preliminary declaration is included in Exhibit F of this application package and includes detailed conditions of approval that will be implemented with site development to ensure project access to necessary public facilities.

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

Response: The Development Residential plan designation is intended as a holding zone until services are available to allow urban development. In the case of the subject property, a recent community plan, the Morningside Neighborhood Plan, has been adopted by the City that reflects a community desire for commercial land use on the subject site. With the December 7, 2015 City approval of a UGA preliminary declaration, the City has acknowledged that adequate public facilities are in place, with some improvements, to support a retail shopping center development on the site. Therefore, the proposed comprehensive plan amendment is a logical change that will allow for the implementation of the Morningside Neighborhood Plan at a time when adequate public facilities are available to implement the community vision for the subject property.

(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

Response: Responses to the applicable goals and policies of the Salem Comprehensive Policies Plan and to the applicable Statewide Planning Goals are provided in the previous section of this narrative and demonstrate compliance with this criterion.

(E) The amendment is in the public interest and would be of general benefit. (Ord No. 6-13)

Response: The proposed amendment is in the public interest as demonstrated by the following:

1. An adopted City document, the Morningside Neighborhood Plan, indicates a community desire for commercial development at this specific location.
2. An analysis of city-wide demand for buildable commercial land over the next 20 years was completed in the October 2014 EOA and determined that an additional 271 acres of commercial land is needed to meet demand the commercial land needs of the City over this period. Of this deficiency, roughly 100 acres are needed to accommodate retail commercial services. The conversion of the site to a Commercial plan designation and a Retail Commercial zoning designation will reduce this current deficit of commercial retail land.
3. The City has recently completed a Housing Needs Analysis (HNA) that evaluated the City's housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECONorthwest, found that the City has a surplus of approximately 1,975 acres of land designated for single-family detached housing. Of the total residential and mixed-use comprehensive plan designations, eighty three percent of this area is land within the Developing Residential and Single Family Residential designations. The applicant's proposal to convert 32 acres of residential agriculture

land to retail commercial will reduce this residential land surplus and improve the balance of residential and commercial land within the City.

4. By converting the subject property to a commercial designation, the City will allow the development of a retail shopping center that will create construction and permanent jobs and sustained property tax revenues further advancing City efforts to stimulate economic growth.

CHAPTER 200 URBAN GROWTH MANAGEMENT

200.060. Standards for Sewer Improvements.

The proposed development shall be linked to existing adequate facilities, by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities. Specific location, size and capacity of such facilities will be determined with reference to any one or combination of the following: 1) Sewer Master Plan or, 2) specific engineering capacity studies approved by the Director of Public Works. With respect to facilities not shown in the master plan but necessary to link to adequate facilities, the location, size and capacity of such facilities to be constructed or linked to shall be determined by the Director of Public Works. Temporary sewer facilities, including pumping stations, will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities, and are approved by the Director of Public Works. Design, construction, and material standards shall be as specified by the Public Works Design Standards for the construction of all such public sewer facilities in the City. (Ord No. 31-13)

Response: As noted in the preliminary declaration decision included in Exhibit F, an 8-inch sanitary sewer main must be constructed in Marietta Street SE from the east line of the property to the eastern edge of Tax Lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection. In addition, an 8-inch sewer main is required within the property between Marietta Street SE and the southern property line, terminating at Kuebler Boulevard. With the completion of these improvements, the project location is linked to existing public facilities that are adequate to serve the needs of a future retail shopping center on the site.

200.065. Standards for Storm Drainage Improvements.

The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities which are necessary to connect to such existing drainage facilities. Specific location, size, and capacity of such facilities will be determined with reference to any one or a combination of the following: (1) the Stormwater Management Plan or, upon adoption, a superseding Stormwater Master Plan or (2) specific engineering capacity studies approved by the Director of Public Works. With respect to facilities not shown in the applicable Management or Master Plan, but necessary to link to Chapter 200 page 11 5/2014 adequate facilities, the location, size, and capacity of such facilities to be constructed or linked to shall be determined by the Director of Public Works. Temporary storm drainage facilities will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities and are approved by the Director of Public Works. Design, construction, and material standards shall be as specified by the Public Works Design Standards for the construction of all such public storm drainage facilities in the City. (Ord No. 31-13)

Response: No public stormwater system improvements are required by the UGA preliminary declaration aside from stormwater conveyance that would occur with the required street frontage improvements, which include the improvement of a 17-foot half-width section from the centerline on Marietta Street SE and on 27th Street SE.

In addition, on-site stormwater management facilities will be constructed with site development to ensure project compliance with local stormwater management requirements.

200.070. Standards for Water Improvements.

The proposed development shall be linked to existing adequate facilities by the construction of water distribution lines, reservoirs and pumping stations which connect to such existing water service facilities. Specific location, size and capacity of such facilities will be determined with reference to any one or combination of the following: (1) the Water Master Plan or (2) specific engineering capacity studies approved by the Director of Public Works. With respect to facilities not shown in the master plan but necessary to link to adequate facilities, the location, size and capacity of such facilities to be constructed or linked to shall be determined by the Director of Public Works. Temporary water facilities, including pumping stations and reservoirs, will be permitted only if the temporary facilities include all facilities necessary for transition to permanent facilities, and are approved by the Director of Public Works. Design, construction and material standards shall be as specified by the Public Works Design Standards for the construction of all such public water facilities in the City. (Ord No. 31-13)

Response: The City's long-term capital improvement plans include the construction of a new "S-1 Coburn Reservoir", a pump station on Boone Road and new water mains connecting to these facilities. In lieu of completing these substantial regional improvements, the UGA preliminary declaration allows the applicant to access the existing water system through a temporary access fee payment. In addition, the UGA preliminary declaration requires the construction of 18-inch water mains in Marietta Street SE and 27th Avenue SE along the property frontages of these roads. With the completion of these improvements adequate facilities will be in place to serve future commercial development of the subject site.

CHAPTER 265 ZONE CHANGES

265.005 *Quasi-Judicial Zone Changes.*

(e) Criteria.

- (1) A quasi-judicial zone change shall be granted if all of the following criteria are met:**
 - (A) The zone change is justified based on the existence of one or more of the following:**
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Response: As previously noted, the property has been identified in the adopted Morningside Neighborhood Plan as a site for future commercial development. Although the City Council adopted this neighborhood plan, the city-wide comprehensive plan and zoning map have not been amended to reflect this change in intended land use. Because the current Residential Agriculture zoning designation does not implement the neighborhood plan, a zone change to Retail Commercial is appropriate and is better suited for the site than the Residential Agriculture designation.

In addition, the physical characteristics of the site are consistent with the proposed Retail Commercial designation. The site is conveniently located to Interstate 5 and is located at the intersection of a designated parkway and collector and has excellent access to the surrounding road network. The City has recognized this location as being an appropriate site for commercial development through its adoption of an RC designation for an approximately 32-acre site located at the southwest corner of the 27th Avenue SE / Kuebler Boulevard intersection.

Additionally, Commercial Street, which is a commercial corridor comprised of retail commercial, general commercial and neighborhood commercial zoning designations, is located west of the subject site along Kuebler Boulevard, approximately 1.5 miles from the site. As the surrounding area develops, the proposed site will offer more convenient access to retail goods for surrounding residential properties and will eliminate the need for residents of these properties to travel to Commercial Street SE for retail goods. For these reasons, the site of the proposed zone change is appropriate for the proposed RC designation.

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

Response: The zone change is not a City-initiated process; therefore, this standard does not apply.

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

Response: Responses are provided in this narrative that address all applicable comprehensive plan policies.

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

Response: As provided in the responses of this narrative, the proposal is in compliance with all applicable Statewide Planning Goals and applicable administrative rules.

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

Response: The requested zone change does not involve a change from an industrial designation to a non-industrial designation or a plan change from a commercial designation or employment designation to another designation. Therefore, this standard is not applicable.

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

Response: As described in the response to OAR 660-012-0060 in this narrative and in detail in the TIS provided in Exhibit H, planned City and applicant-initiated off-site system improvements will be implemented to ensure that the proposed project will mitigate any significant effects to off-site transportation facilities.

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

Response: As detailed in the findings for the UGA Development Permit, onsite sanitary sewer and storm drainage system can connect directly to the existing facilities located on Marietta

Street SE. Required half-street improvements and water capacity will be addressed concurrently with the Site Review Plan for the future development.

- (2) **The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied. (Ord No. 12-12; Ord No. 31-13)**

Response: This narrative and the attached materials are provided to fulfill the applicant's responsibility and burden of proof to demonstrate compliance with the applicable criteria and requirements for this land use application. As noted in this narrative, the proposed comprehensive plan amendment and zone change is supported by the Morningside Neighborhood Plan, a document that was completed in collaborative effort that included property owners, residents, business owners, the applicant and community stakeholders. Because the site was already identified as a location for commercial retail development in this plan, it is not anticipated that the proposed change represents a significant impact to the community.

CONCLUSION

As evidenced throughout this project narrative and associated documents, the applicant's Comprehensive Plan and Zoning Map Amendment requests are consistent with the applicable state, regional and local policies and regulations governing the allowance of the requested actions. Based on the evidence provided within this narrative and attached materials, the applicant respectfully requests City approval of these applications.

RECEIVED

FEB 19 2016



MEMO

TO: Christopher Green, Planner II
Community Development Department

FROM: ^{for} Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department *CP Green*

DATE: February 19, 2016

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO.16-01(15-122309-ZO)
4700 BLOCK OF 27th AVENUE SE
A CHANGE TO THE COMPREHENSIVE PLAN MAP TO ALLOW
COMMERCIAL DEVELOPMENT**

PROPOSAL

A consolidated application to change the Comprehensive Plan Map designation and zoning of property located at the northwest quadrant of the Interstate 5 / Kuebler Boulevard SE interchange to allow commercial development.

The applicant proposes to change the Comprehensive Plan Map designation of the subject property from Developing Residential to Commercial and change the zoning from RA (Residential Agriculture) to CR (Retail Commercial). The subject property is approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located in the 4700 Block of 27th Avenue SE (Marion County Assessor map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200).

RECOMMENDED CONDITIONS

At the time of development, construct the following transportation system improvements.

1. Construct dual eastbound left turn lanes from Kuebler Boulevard SE (Kuebler) to northbound 27th Avenue SE (27th).
2. Construct dual northbound receiving lanes on 27th from eastbound Kuebler.
3. Construct dual southbound left turn lanes from 27th to eastbound Kuebler; an additional receiving lane is required on Kuebler if only one eastbound lane exists at the time of development.
4. Construct an exclusive southbound right turn lane on 27th to westbound Kuebler.

5. Construct the approximately 2,700-foot extension of Fabry Road SE between Reed Lane SE and Battle Creek Road SE to Minor Arterial standards, as identified in the Salem TSP as Project No. 188.

FACTS

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

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (*Oregon Administrative Rule 660-012-0060*). The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by *Oregon Administrative Rule 660-012-0060*. The Assistant City Traffic Engineer concurs with the Traffic Impact Analysis findings and recommends the developer construct transportation system improvements identified in the recommended conditions of approval to mitigate their impacts and conform to the TPR.

CRITERIA AND FINDINGS

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

Finding—The applicant has submitted a TPR analysis that is required to address the TPR (*Oregon Administrative Rule 660-012-0060*). The TPR analysis demonstrates that the proposed CPC/ZC will have a significant effect on the transportation system as defined by *Oregon Administrative Rule 660-012-0060* and as such must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval.

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

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

Prepared by: Curt Pellatz, Project Coordinator
cc: File

Morningside Neighborhood Association

**CASE: ZC-CPC-01 4700 BLOCK OF 27TH.AVE. S.E.
PROPOSED ZONE CHANGE FOR "KUEBLER STATION" retail center.**

Morningside Neighborhood Association (MNA) appreciates the proposed efforts to mitigate the impact of increased traffic resulting from this development. We believe, however, that the impact on Kuebler Boulevard SE will still be substantial and that other measures, including **additional** improvements to Marietta Street SE should be included to help mitigate this impact. **In addition all efforts should be made to minimized and mitigate semi-truck, car, and pedestrians interaction surrounding the site and internally within the site.**

PREVIOUS COMMENTS from MNA were submitted to Planning & to the City Recorder in October 2015 in response to the invitation to comment on the application for issuance of a UGA Urban Growth Area Development Permit. This was to identify infrastructure and transportation required improvements. Please refer to that document, and add those MNA recommendations to the Record of the Hearing on this ZC/CPC application.

The following are the MNA Comments on this ZC/CPC application that MNA received this month

1. MORNINGSIDE 360 NEIGHBORHOOD PLAN: This zone change is consistent with the Opportunities Area Map in the adopted neighborhood plan. That map indicates that the most intensive retail uses should occur closest to the freeway, and less intensive retail be located closest to the church and 27th.
2. SITE PLAN: MNA notes the absence of a Site Plan that is not a requirement of this zone change application and comes later during the administrative Site Plan review. However, the applicant has, per our request, provided MNA with two color plans.
- 3.
- 4.
5. PEDESTRIAN FRIENDLY: MNA recommends pedestrianized shopping streets (like Bridgeport Village) and the maximum connectivity of a pedestrian walkway system.
- 6.
- 7.

Morningside Neighborhood Association

8. GATEWAY TO SOUTH SALEM: The development should be designed to present an attractive "Gateway" to South Salem, from the freeway interchange access.
9. CONNECTION TO ODOT WETLANDS & PRINGLE CREEK:
Morningside is planning a continuation of the Wetland Nature Trail from Fairview Industrial Park, south along Pringle Creek, through the proposed Marietta Commerce Park, and through the ODOT wetlands at the I-5 interchange, where Pringle Creek has been relocated into an attractive meandering alignment with adjacent wetlands. This trail might extend to the east line of this proposed Kuebler Station and connect to the pedestrian circulation system. MNA recommends that this development be connected to the proposed Pringle Creek nature trail master plan.

Respectfully submitted,

Pamela Schmidling, MNA Neighborhood Chair

Voted on and approved by Morningside Executive Board.

February 10, 2016

PROPOSED KUEBLER & I-5 RETAIL & THE MORNINGSIDE 360 NEIGHBORHOOD PLAN

Adopted by the Salem City Council on August 2014 as an element of the Salem Area Comprehensive Plan

MORNINGSIDE N.A. RECOMMENDATIONS REGARDING THE PROPOSED RETAIL CENTER AT KUEBLER BOULEVARD S.E. & INTERSTATE 5 INTERCHANGE (27TH. & KUEBLER).

To: City of Salem Planning Division & Public Works Department
From: Morningside Neighborhood Association Executive Board

INTRODUCTION:

This report was produced by a sub-committee of the Morningside N.A. Executive Board and then approved by the full board.

It has been prepared in response to an invitation for comments received from the City of Salem in connection with an application that is being considered for an Urban Development Permit for the possible development of a 350,000 sq.ft. retail center at the NE corner of the intersection of 27th. Ave. and Kuebler Boulevard SE, and this permit determines City requirements for urban services.

This area is currently undeveloped, is zoned RA Residential Agriculture, and there is no master plan for future development. However, developer Chuck Sides visited Morningside at the time that the neighborhood plan (update) was being prepared. Morningside 360 therefore includes an Opportunities Area Map showing appropriate land uses for this overall undeveloped area near the Kuebler / I-5 Interchange. Morningside is actually a pro-development neighborhood, but expects quality development and design, that complies with the policies in the Plan. All the land uses that are depicted or designated on the Map are based on what the actual land owners stated was their intent for future development. There is a large single family subdivision planned for the area between Battlecreek, Kuebler, Reed, and 27th. There is a commerce park planned for the area between Marietta and the T Mobile center. So, when the developer announced he intended a regional shopping center at the NW Quadrant of I-5/Kuebler Interchange, the Morningside committee decided to show that as a red designation on the neighborhood plan map. Nowhere else in the city is this shown as a future potential plan and zone change. But Morningside is proactive and pro-development, so long as it is carefully designed and mitigated. Because it is evident that a detailed Plan has already been prepared by the applicant, and submitted for this proposed shopping center, the MNA Board is evaluating this proposal for its conformance with the relevant Morningside 360 Plan that was adopted by the Salem City Council, as an element of the Salem Area Comprehensive Plan.

It should be noted that the applicant has not yet contacted either neighborhood association to present these proposals. These comments are just based on what city staff forwarded to Morningside N.A. and the neighborhood board's evaluation of its compliance with plan policies.

Members of the Sub-Committee were the following MNA Board Members:

Chap Milbank
McKenzie Farrell
Alan Meyer
Geoffrey James
Al Tocchini
Muriel Meyer

This analysis of the compatibility of this particular design with the adopted MNA 360 Plan was prepared by this sub-committee.

This Report was first submitted by the Sub-Committee to the MNA Executive Board for its approval, edited per comments received, and then submitted to the City by the requested deadline of October 8, 2015

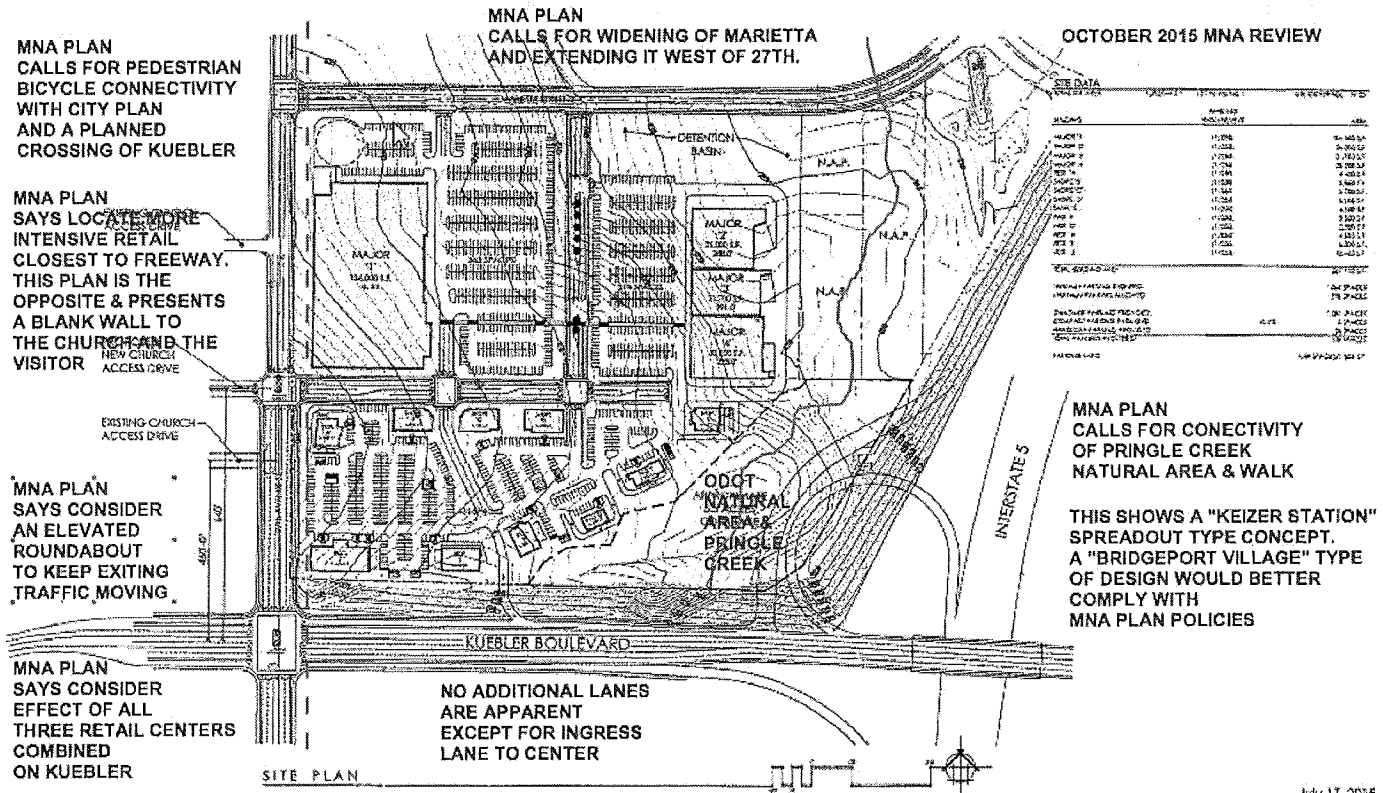
PROPOSED KUEBLER & I-5 RETAIL & THE MORNINGSIDE 360 NEIGHBORHOOD PLAN

Adopted by the Salem City Council on August 2014 as an element of the Salem Area Comprehensive Plan

The proposal is for 350,000 sq.ft. of retail stores, surface parking to code, (normally 5+ spaces per 1000) and vehicular ingress and egress. The issue of Traffic is the most significant, and is addressed in a specific Traffic section of this report.

Morningside considers the cumulative effect of the potential three retail centers around this 27th. & Kuebler intersection, and the adopted neighborhood Plan already has specific adopted City policies for addressing these cumulative traffic issues.

Here is an annotated version of this submitted map with MNA Board comments added in RED.



RP5 Development Company, Inc.
 Developer
 2533 High-Resolution Road
 McMinnville, OR 97129
 Phone: 503 435 4507
 Fax: 503 435 4907

South Salem Retail Center
 Salem, Oregon

REVIEWED BY MORNINGSIDE 360
 FOR CONFORMANCE WITH THE
 MORNINGSIDE 360 ADOPTED PLAN

July 17, 2015

BSAA
 BSAA
 BSAA

PROPOSED KUEBLER & I-5 RETAIL & THE MORNINGSIDE 360 NEIGHBORHOOD PLAN

Adopted by the Salem City Council on August 2014 as an element of the Salem Area Comprehensive Plan

TRAFFIC

The Morningside Neighborhood Association is concerned about the traffic impact of a new shopping center as proposed. The existing traffic flow between Battle Creek Road SE and Interstate 5 on Kuebler Boulevard SE is already marginal with traffic backing up on Battle Creek Road SE and I-5 trying to get onto and off of Kuebler Boulevard SE. The expansion of the I-5 Interchange should alleviate some of existing problems, but the new demand created by the proposed shopping center may offset that and will definitely create a negative impact on 27th Avenue SE, Battle Creek Road SE, and Kuebler Boulevard. SE

When assessing the traffic impact, the City should take into consideration the multiple housing developments along Battle Creek Road SE north of Kuebler Boulevard, the existing shopping center at the SE corner of Kuebler Boulevard SE and Battle Creek Road SE which has not yet been fully developed, and a possible future shopping center at the SW corner of I-5 and Kuebler Boulevard SE. The combination of all of these will create a significant volume of new traffic in the immediate area.

It may be that Marietta Street SE and 32nd Avenue SE can be developed to handle additional traffic volume and alleviate some of the load on 27th Street SE and Kuebler Boulevard SE. It may also be that Kuebler Boulevard SE would require additional expansion and/or that a more efficient interchange (e.g. a roundabout) will need to be developed at 27th Street SE and Kuebler Boulevard SE.

We are not traffic engineers, so we are not proposing a specific solution. We do, however, want to clearly express our concern about the negative impact of impeded traffic flow in the immediate area and throughout the neighborhood.

The following Goal from the Morningside Neighborhood Plan, adopted on May 24, 2014, Contains our general thoughts about traffic issues associated with the development of this area and some proposed actions.

GOAL 25

Protect the community's investment in Kuebler Blvd. SE as the primary east-west arterial in South Salem through effective access management and mobility planning for all modes of transportation.

POLICIES:

25.1 Traffic impacts resulting from development in the Kuebler/I-5 Interchange Area Northwest Quadrant shall be mitigated to protect the functionality of, and maximize the public investment in, Kuebler Blvd SE and Interstate Highway 5.

25.2 New two-way or signalized driveways should not be permitted onto Kuebler Blvd between 27th Ave SE and the Interstate 5 right-of-way.

25.3 The Morningside Neighborhood supports transportation infrastructure improvements in vicinity of the Kuebler/I-5 interchange that improve the flow of vehicle traffic, and provide for functional and safe passage of nonmotorized transportation and pedestrians.

25.4 Future development patterns between 27th Ave SE and Battle Creek/Reed Road SE should provide the following:

- a) A high degree of street connectivity, with particular emphasis on through-connections to Reed Road SE;
- b) Walkable block lengths;
- c) Adequate intersection density to promote the use of non-motorized transportation.

25.5 Holistic consideration should be given to the cumulative transportation impacts of development within the

PROPOSED KUEBLER & I-5 RETAIL & THE MORNINGSIDE 360 NEIGHBORHOOD PLAN

Adopted by the Salem City Council on August 2014 as an element of the Salem Area Comprehensive Plan

four quadrants of the Kuebler/I-5 Interchange Area.

RECOMMENDED ACTIONS:

A25.1 The Morningside Neighborhood supports the use of innovative, alternative intersection designs in the Kuebler/I-5 Interchange Area to maximize safety and mobility for all modes of travel (Figure 9.7). Examples may include, but are not limited to:

- a) Displaced left-turn intersections;
- b) Median U-turn intersections;
- c) Through-about intersections; and
- d) Roundabouts.

A25.2 To provide for efficient pedestrian movement and safety, the City and ODOT should explore opportunities to construct a grade-separated pedestrian crossing over Kuebler Blvd connecting the Kuebler/I-5 Interchange Area northwest and southwest quadrants.

A25.3 The Morningside Neighborhood strongly supports the establishment of east/west transit service along Kuebler Blvd, and an eventual extension of Salem-Keizer Transit District Bus Line 7 to connect to such service.

A25.4 Development in this area should be well integrated with local mass transit service. Developers should work with the Salem-Keizer Transit District to support establishment of east/west transit along Kuebler Blvd, and cut-through service from Kuebler Blvd to the existing bus line along Fairview Industrial Drive SE.

A24.5 Private development interests are encouraged to should work closely with ODOT and City staff to find cost-effective solutions to northwest quadrant site constraints; including but not limited to interchange improvements, wetland management and public utility infrastructure placement.

PROPOSED KUEBLER & I-5 RETAIL & THE MORNINGSIDE 360 NEIGHBORHOOD PLAN

Adopted by the Salem City Council on August 2014 as an element of the Salem Area Comprehensive Plan

GOAL 24

Future development in the Kuebler/I-5 Interchange Area Northwest Quadrant should elevate the community to a new standard by creating a vibrant and distinct destination that incorporates thoughtful urban design and an integrated transportation system that accommodates and encourages all modes of travel. This experience should foster a built environment that connects employers, residents, workers, patrons and visitors; emphasizes sustainability; and minimizes impacts on surrounding communities.

This is a GATEWAY to Salem and is the entrance to the South Gateway Area, as well as Morningside. MNA plan expects "thoughtful urban design" and "an integrated transportation system".

POLICIES:

24.1 Multiple buildings within a project area should be arranged to foster a positive functional relationship with one another and a visually appealing urban form.

Comments: Large "big-box stores separated by parking lots and requiring vehicular travel between spread out buildings. Not visually appealing.

24.2 Development in this area should provide for a high degree of pedestrian connectivity between buildings, parking areas and the adjacent streetscape.

This plan model requires a shopper to drive rather than walk from store to store. A pedestrian layout would be more compatible with the Plan. A state of the art bioswale system with rain gardens would also enhance this 3 acres of paved impervious surfaces.

24.3 Adjacent developments should provide for internal vehicle and pedestrian cross access between project sites whenever possible.

Buildings are too widely spaced to allow for satisfactory pedestrian cross access.

The Pringle Creek Natural Area (owned by the State) is between this proposed center and the freeway. Morningside recommends that the Pringle Creek Trail be extended through this public open space, along the recently realigned and meandering Creek. The Trail should provide pedestrian shopper access to the east entrance to this proposed center and provide connectivity with the pedestrian system addressed in the Morningside 360 Plan. The most significant feature in this area is Pringle Creek that flows through the adjacent public open space, and these elements should be incorporated into the development plan and not fenced off.

24.10 Private development interests should engage the Morningside Neighborhood Association to achieve successful project outcomes that balance the needs of the neighborhood, the broader Salem community and the region.

The applicants have not, to date, presented these plans to either neighborhood association, but would be well advised to do so. The only information the neighborhoods have received is the emailed city staff report. On a project of this scale and significance the developer should discuss the proposals with the neighbors and work with them to ensure conformance with the Plan that has been adopted by the City Council.

24.11 Private developers should engage the Salem-Keizer Transit District before filing development applications with the City, and integrate existing and planned transit service into project designs.

Morningside sees no evidence that Transit has been integrated into the design.

PROPOSED KUEBLER & I-5 RETAIL & THE MORNINGSIDE 360 NEIGHBORHOOD PLAN

Adopted by the Salem City Council on August 2014 as an element of the Salem Area Comprehensive Plan

RECOMMENDED ACTIONS:

TRAFFIC:

Three large retail centers are being proposed, and one is already approved. There is a huge amount of new retail buildings being planned, and total close to 800,000 sq.ft., so far, which by code requires 4,000 parking spaces, and that requires 1,600,000 sq.ft. of paved parking lots, in addition to the 800,000 sq.ft. of buildings. Should all three centers, plus the large church, all decide to leave at about the same time, the traffic signal at 27th. & Kuebler would not handle it. A significantly better traffic engineering solution is needed to handle the cumulative effect.

LAND USE:

Pedestrian circulation with the Pringle Creek natural area and Trail should be incorporated into the Plan allowing a customer (shopper) entrance from the east. The applicant, the neighborhood and the City should work with ODOT to make this Pringle Creek area an open space asset and an amenity, that has connectivity with the Fairview nature trail system at Pringle Creek.

Morningside Neighborhood Association Executive Board thanks the City of Salem for this opportunity to comment on the first submission by the applicant, in regard to the City analysis of a proposed issuance of an Urban Development Permit.

The applicant has not yet visited either neighborhood board, or submitted anything, and the neighborhood plan policies are not yet addressed. But it is early in the process. There are other phases to these development approvals, including a zone change and an amendment to the Salem Area Comprehensive Plan. The analysis by MNA board members shows that there needs to be better cooperation and compliance with these relevant policies, and the applicant needs to demonstrate a good faith effort to produce a product that is of satisfactory quality, so MNA looks forward to a dialog so that the best possible solution can be developed.

Morningside Neighborhood Association Executive Board.

October 2015

*Si necesita ayuda para comprender esta inform
503-588-6173.*

DECISION OF THE PLANNING ADMINISTRATOR

URBAN GROWTH AREA PRELIMINARY DECLARATION NO. UGA15-02

APPLICATION NO.: 15-116724-LD

NOTICE OF DECISION DATE: DECEMBER 7, 2015

REQUEST: An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop a shopping center at the northwest quadrant of the I-5-Kuebler Boulevard interchange.

The subject property is approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located at the 4700 Block of 27th Avenue SE (Marion County Assessor's map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200).

APPLICANT: ALAN ROODHOUSE

LOCATION: 4700 BLOCK OF 27TH AV SE / 97302

CRITERIA: Salem Revised Code 200.025(d) & (e)

FINDINGS: The Findings and Order dated December 7, 2015 is attached.

DECISION: The Planning Administrator **GRANTED** Urban Growth Area Preliminary Declaration Case No. UGA15-02 subject to SRC Chapter 200 and the following conditions of approval:

- Condition 1:** Convey land for dedication of right-of-way along the property frontage of Marietta Street SE and 27th Street SE to equal a minimum half-width of 30 feet from centerline. Additional right-of-way may be required from the subject property or adjacent properties to accommodate intersection improvements as specified in the Traffic Impact Analysis.
- Condition 2:** Construct half-street improvements along the property frontage equal to the following minimum half-widths from centerline: 17 feet from Marietta Street SE and 27th Street SE. Improvements may be required on the opposite side of the centerline where the total pavement width is less than 34 feet.
- Condition 3:** Construct an 8-inch Master Plan sewer main in Marietta Street SE from the east line of the subject property to the eastern edge of Tax Lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection.

NOTICE OF DECISION

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

CITY OF Salem
AT YOUR SERVICE

Condition 4: Construct an 8-inch Master Plan sewer main within the subject property from Marietta Street SE to the south line of the subject property, terminating in the Kuebler Boulevard SE right-of-way.

Condition 5: As a condition of linking to the S-1 water system, either:

- a) Construct the S-1 Coburn Reservoir, S-1 Boone Road Pump Station, and water mains connecting those facilities; or
- b) Pursuant to SRC 200.080(a), connect to the existing S-1 water system as a temporary facility through payment of a temporary access fee of \$320,000 and completion of temporary facilities access agreement at the time of improvement.

Condition 6: Construct 18-inch water mains in Marietta Street SE and 27th Avenue SE along the entire frontage of the subject property.

The rights granted by the attached decision must be exercised, or an extension granted, by December 23, 2019, or this approval shall be null and void.

Application Deemed Complete: September 21, 2015
Notice of Decision Mailing Date: December 7, 2015
Decision Effective Date: December 23, 2015
State Mandate Date: January 19, 2016

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

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., Tuesday, December 22, 2015**. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section in SRC Chapter 200. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

**BEFORE THE PLANNING ADMINISTRATOR
OF THE CITY OF SALEM
(URBAN GROWTH PRELIMINARY DECLARATION NO. UGA15-02)**

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

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

IN THE MATTER OF THE APPROVAL OF URBAN GROWTH PRELIMINARY DECLARATION NO. UGA15-02; 4700 BLOCK OF 27 TH AVENUE SE)))))	FINDINGS AND ORDER DECEMBER 7, 2015
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REQUEST

An Urban Growth Preliminary Declaration request to determine the public facilities required to develop a shopping center at the northwest quadrant of the I-5 Kuebler Boulevard interchange. The subject property is approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located at the 4700 block of 27th Avenue SE (Marion County Assessor map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200).

DECISION

The Urban Growth Preliminary Declaration is **APPROVED** subject to the applicable standards of the Salem Revised Code, the findings contained herein, and the following conditions of approval:

- Condition 1:** Convey land for dedication of right-of-way along the property frontage of Marietta Street SE and 27th Street SE to equal a minimum half-width of 30 feet from centerline. Additional right-of-way may be required from the subject property or adjacent properties to accommodate intersection improvements as specified in the Traffic Impact Analysis.
- Condition 2:** Construct half-street improvements along the property frontage equal to the following minimum half-widths from centerline: 17 feet from Marietta Street SE and 27th Street SE. Improvements may be required on the opposite side of the centerline where the total pavement width is less than 34 feet.
- Condition 3:** Construct an 8-inch Master Plan sewer main in Marietta Street SE from the east line of the subject property to the eastern edge of Tax Lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection.
- Condition 4:** Construct an 8-inch Master Plan sewer main within the subject property from Marietta Street SE to the south line of the subject property, terminating in the Kuebler Boulevard SE right-of-way.
- Condition 5:** As a condition of linking to the S-1 water system, either:

- a) Construct the S-1 Coburn Reservoir, S-1 Boone Road Pump Station, and water mains connecting those facilities; or
- b) Pursuant to SRC 200.080(a), connect to the existing S-1 water system as a temporary facility through payment of a temporary access fee of \$320,000 and completion of temporary facilities access agreement at the time of improvement.

Condition 6: Construct 18-inch water mains in Marietta Street SE and 27th Avenue SE along the entire frontage of the subject property.

PROCEDURAL FINDINGS

On September 9, 2015, an application for an Urban Growth Preliminary Declaration was filed to determine the public facilities required to develop a shopping center on property approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located at the 4700 block of 27th Avenue SE (**Attachment A**). The application was deemed complete on September 21, 2015, and notice was mailed pursuant to Salem Revised Code (SRC) requirements, on September 24, 2015. The state-mandated local decision deadline is January 19, 2016.

SUBSTANTIVE FINDINGS

1. SRC Chapter 200 – Urban Growth Management

The subject property is located outside of the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is required prior to subdivision approval for a residential or commercial subdivision, or application for a building permit for any development where no subdivision is contemplated, if the development is within the Urban Growth Area (UGA), or is within the Urban Service Area (USA), but precedes city construction of required facilities shown in the adopted capital improvement plan, public facilities plan, or comparable plan for the area of the development.

2. Neighborhood Association Comments

The subject property is located within the boundaries of the Morningside Neighborhood Association. In addition, the subject property is adjacent to the South Gateway Neighborhood Association (across Kuebler Boulevard SE). The Morningside Neighborhood Association submitted comments in response to the conceptual site plan included in the Urban Growth Area Preliminary Declaration application. The comments focus primarily on consistency between the site plan and design and land use policies adopted in the Morningside 360 Neighborhood Plan, as well as mitigation of traffic impacts.

Staff Response: The applicant has provided a conceptual site plan illustrating a potential arrangement of the uses described in the UGA Preliminary Declaration application. Analysis related to the arrangement of specific land uses or development standards would take place at the time of Comprehensive Plan Map, zoning, or site plan review applications. As a requirement of an application for site plan review, the applicant will be required to provide a Transportation Impact Analysis (TIA) to identify the impacts of the proposed development on the transportation system in the area, and construct any necessary mitigation measures identified in that report. The City Traffic Engineer will determine the TIA requirements based on the development proposed for the site, and review and approve the TIA for conformance with City standards. Staff has forwarded the Morningside Neighborhood Association's comments to the applicant for consideration in future plans and applications for development of the site.

3. Citizen Comments

Property owners within 250 feet of the subject property were mailed notification of the proposed partition. No nearby property owners submitted written comments prior to the comment deadline.

4. City Department Comments

- A. The Fire Department reviewed the proposal and submitted comments indicating that approved secondary access will be required and shall be addressed if project phasing is approved. The comments note that fire code requirements, including access, fire flow, and hydrants will be reviewed at the time of building permit review.
- B. The Public Works Department reviewed the proposal and provided comments regarding existing and required public facilities necessary to serve the subject property. Comments from the Public Works Department are included as **Attachment B**.

5. Public and Private Agency Comments

Portland General Electric (PGE) reviewed the proposal and provided comments indicating that development costs will be determined by current tariff and service requirements and that a 10-foot-wide public utility easement (PUE) is required on all front street lots. The comments also recommend further discussion between PGE, the City, and the developer regarding overhead or underground relocation of existing distribution facilities in the right-of-way.

6. Criteria for Granting Urban Growth Preliminary Declaration

Salem Revised Code (SRC) 200.025(d) & (e) set forth the applicable criteria that must be met before approval can be granted to an Urban Growth Preliminary Declaration. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings identifying those public facilities that are currently in place and those that must be constructed as a condition of the Urban Growth Preliminary Declaration in order to fully serve the development in conformance with the City's adopted Master Plans and Area Facility Plans.

A. SRC 200.0025(d): *The Director shall review a completed application for an Urban Growth Preliminary Declaration in light of the applicable provisions of the Master Plans and the Area Facility Plans and determine:*

(1) *The required facilities necessary to fully serve the development;*

(2) *The extent to which the required facilities are in place or fully committed.*

B. SRC 200.025(e): *The Urban Growth Preliminary Declaration shall list all required facilities necessary to fully serve the development and their timing and phasing which the developer must construct as conditions of any subsequent land use approval for the development.*

Finding: The Public Works Department reviewed the proposed Urban Growth Preliminary Declaration to identify those public facilities that must be constructed in order to fully serve the proposed development consistent with the City's adopted Master Plans and Area Facilities Plans. Findings provided by the Public Works Department are included in **Attachment B**. The proposed development will be fully served by Public Facilities as required under SRC Chapter 200 as follows:

I. SRC 200.055 – Street Improvements.

SRC 200.055 requires development to be connected, through a linking street, to an adequate public street. An adequate public street is defined under SRC 200.055(b) as the nearest point on a collector or arterial street which has, at a minimum, a 34 foot wide turnpike improvement within a 60 foot wide right-of-way.

Linking streets are required be extended from the development to an adequate public street by the shortest pre-planned route available. Specific locations and classifications of linking streets shall be based upon the street network adopted in the TSP, and as further specified in any Transportation Impact Analysis (TIA) prepared by public works staff during the adoption of the Urban Service Area or its amendments.

Linking streets are required to be constructed as a minimum 30-foot-wide turnpike improvement within a 60-foot wide right-of-way when the linking street is designated as a local street; and a minimum 34-foot-wide turnpike improvement within a minimum 60-foot-wide right-of-way when the linking street is designated as a collector or arterial street.

All streets abutting the boundary of a property shall be designed and constructed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b).

The subject property is bounded by Kuebler Boulevard SE on the south, Marietta Street SE on the north, and 27th Avenue SE on the west.

Kuebler Boulevard is designated as a Parkway street in the Salem Transportation System Plan (TSP). The standard for this street classification is

an 80-foot-wide improvement within a 120-foot-wide right-of-way. The abutting portion of Kuebler Boulevard SE is fully improved.

Marietta Street SE and 27th Avenue SE are designated as Collector streets in the TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Marietta Street is currently improved to an approximate width of 15 feet within a 40-foot-wide right-of-way. The abutting portion of 27th Avenue SE is currently improved to an approximate width of 35 feet within a varied 68- to 40-foot-wide right-of-way. The applicant shall construct the Salem Transportation System Master Plan improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below:

Condition 1: Convey land for dedication of right-of-way along the property frontage of Marietta Street SE and 27th Street SE to equal a minimum half-width of 30 feet from centerline. Additional right-of-way may be required from the subject property or adjacent properties to accommodate intersection improvements as specified in the Traffic Impact Analysis.

Condition 2: Construct half-street improvements along the property frontage equal to the following minimum half-widths from centerline: 17 feet from Marietta Street SE and 27th Street SE. Improvements may be required on the opposite side of the centerline where the total pavement width is less than 34 feet.

II. SRC 200.060 – Sewer Improvements.

SRC 200.060 requires development to be linked to existing adequate sewer facilities through construction of sewer lines and pumping stations necessary to connect to such existing sewer facilities. The Public Works Department has identified the nearest available sewer facility as located in Marietta Street SE near the northeast corner of the subject property.

Comments from the Public Works Department indicate there is an existing 10-inch sewer line located in Marietta Street SE, and an existing 24-inch sewer line located in 27th Avenue SE. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below:

Condition 3: Construct an 8-inch Master Plan sewer main in Marietta Street SE from the east line of the subject property to the eastern edge of Tax Lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection.

Condition 4: Construct an 8-inch Master Plan sewer main within the subject property from Marietta Street SE to the south line of the subject property, terminating in the Kuebler Boulevard SE right-of-way.

III. SRC 200.065 – Storm Drainage Improvements.

SRC 200.065 requires development to be linked to existing adequate storm drainage facilities through the construction of storm drain lines, open channels, and detention facilities that are necessary to connect to such existing storm drainage facilities. The Public Works Department has identified the nearest available public storm system as an 18-inch storm line located in Marietta Street SE near the northeast corner of the subject property. This storm drainage facility is available to serve the proposed development. As such, no linking storm drainage facility improvements are required.

IV. SRC 200.070 – Water Improvements.

SRC 200.070 requires development to be linked to existing adequate water service facilities through the construction of water distribution lines, reservoirs, and pumping stations that are necessary to connect to such existing water service facilities.

Comments from the Public Works Department indicate the subject property is located within the S-1 water service level and that there is an 18-inch public water line located in Marietta Street SE. The S-1 system in this area is deficient in storage and pumping capacity based on the standards set forth in the Water System Master Plan. Storage capacity for this area is provided from the future S-1 Coburn Reservoir, and pumping capacity is provided from the future S-1 Boone Road Pump Station. At this time, temporary storage capacity is available from the S-1 Mill Creek Reservoir and S-1 Deer Park Pump Station.

Consistent with the conditions of approval, the applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a), as conditioned below:

Condition 5: As a condition of linking to the S-1 water system, either:

- a) Construct the S-1 Coburn Reservoir, S-1 Boone Road Pump Station, and water mains connecting those facilities; or
- b) Pursuant to SRC 200.080(a), connect to the existing S-1 water system as a temporary facility through payment of a temporary access fee of \$320,000 and completion of temporary facilities access agreement at the time of improvement.

Condition 6: Construct 18-inch water mains in Marietta Street SE and 27th Avenue SE along the entire frontage of the subject property.

V. SRC 200.075 – Park Sites.

SRC 200.075 requires development to be adequately served by, and linked to, parks through the dedication of necessary park land and/or uninterrupted access to parks as required under the Salem Comprehensive Park System Master Plan.

The applicant does not propose any residential development on the subject property. Therefore, no park site requirements apply to the Urban Growth Preliminary Declaration.

8. Conclusion

Based upon review of SRC Chapter 200, the findings contained herein, and due consideration of the comments received, the Urban Growth Preliminary Declaration complies with the requirements for an affirmative decision.

IT IS HEREBY ORDERED

The Urban Growth Preliminary Declaration request to determine the public facilities required to develop a shopping center at the northwest quadrant of the I-5 Kuebler Boulevard interchange, on property that is approximately 31.96 acres in size, zoned RA (Residential Agriculture), and located at the 4700 block of 27th Avenue SE (Marion County Assessor map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200) is hereby GRANTED subject to SRC Chapter 200 and the following conditions of approval:

- Condition 1:** Convey land for dedication of right-of-way along the property frontage of Marietta Street SE and 27th Street SE to equal a minimum half-width of 30 feet from centerline. Additional right-of-way may be required from the subject property or adjacent properties to accommodate intersection improvements as specified in the Traffic Impact Analysis.
- Condition 2:** Construct half-street improvements along the property frontage equal to the following minimum half-widths from centerline: 17 feet from Marietta Street SE and 27th Street SE. Improvements may be required on the opposite side of the centerline where the total pavement width is less than 34 feet.
- Condition 3:** Construct an 8-inch Master Plan sewer main in Marietta Street SE from the east line of the subject property to the eastern edge of Tax Lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection.
- Condition 4:** Construct an 8-inch Master Plan sewer main within the subject property from Marietta Street SE to the south line of the subject property, terminating in the Kuebler Boulevard SE right-of-way.
- Condition 5:** As a condition of linking to the S-1 water system, either:
- a) Construct the S-1 Coburn Reservoir, S-1 Boone Road Pump Station, and water mains connecting those facilities; or

- b) Pursuant to SRC 200.080(a), connect to the existing S-1 water system as a temporary facility through payment of a temporary access fee of \$320,000 and completion of temporary facilities access agreement at the time of improvement.

Condition 6: Construct 18-inch water mains in Marietta Street SE and 27th Avenue SE along the entire frontage of the subject property.



Christopher Green, Planning Administrator Designee

Attachments: A. Vicinity Map
B. Salem Public Works Department Comments

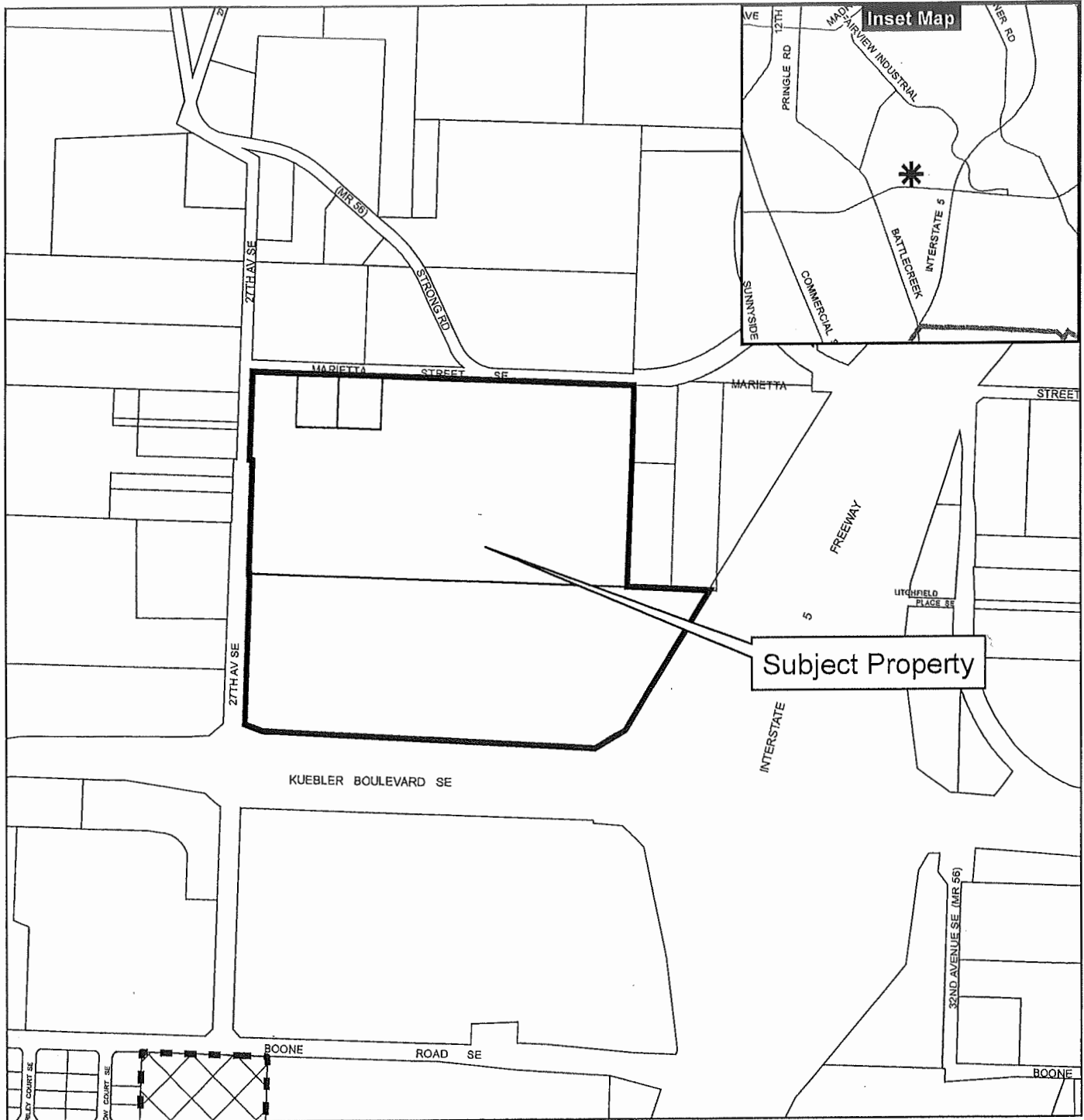
Application Deemed Complete: September 21, 2015
Notice of Decision Mailing Date: December 7, 2015
Decision Effective Date: December 23, 2015
State Mandated Decision Date: January 19, 2016

The rights granted by this decision must be exercised, or an extension granted, by **December 23, 2019** or this approval shall be null and void.








A copy of the complete Case File is available for review during regular business hours at the Planning Division office, 555 Liberty Street SE, Room 305, Salem OR 97301.

This decision is final unless written appeal from a party with standing to appeal, along with the appeal fee, is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem, Oregon 97301, no later than **Tuesday, December 22, 2015, 5:00 p.m.** The notice of appeal must contain the information required by SRC 300.1020. The notice of 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 notice of appeal is untimely and/or lacks the proper fee, the notice of appeal will be rejected. The Salem City Council will review the appeal at a public hearing. The City Council may amend, rescind, or affirm the action or refer the matter to staff for additional information.

Vicinity Map 4700 Block of 27th Avenue SE



Legend

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

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



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MEMO

TO: Christopher Green, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer
Public Works Department

DATE: December 2, 2015

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
UGA DEVELOPMENT PERMIT NO. 15-02 (15-116724)
4700 BLOCK OF 27th AVENUE SE
PROPOSED SHOPPING CENTER

RECEIVED

DEC - 3 2015

PROPOSAL

COMMUNITY DEVELOPMENT

An Urban Growth Preliminary Declaration request to determine the public facilities and infrastructure required to develop a shopping center at the northwest quadrant of the I-5/Kuebler Boulevard SE interchange. The subject property is approximately 31.96 acres, zoned RA (Residential Agriculture), and located in the 4700 block of 27th Avenue SE (Marion County Assessor map and tax lot numbers: 083W12C 0301, 0400, 0500, and 02200).

RECOMMENDED CONDITIONS

1. As a condition of linking to the S-1 water system, either:
 - a. Construct the S-1 Coburn Reservoir, S-1 Boone Road Pump Station, and water mains connecting those facilities; or
 - b. Pursuant to SRC 200.080(a), connect to the existing S-1 water system as a temporary facility through payment of a temporary access fee of \$320,000 and completion of a temporary facilities access agreement at the time of development.
2. Construct 18-inch water mains in Marietta Street SE and 27th Avenue SE along the entire frontage of the entire property.
3. Construct an 8-inch Master Plan sewer main in Marietta Street SE from the east line of the subject property to the eastern edge of tax lot 083W12C00300, approximately 330 feet west of the Strong Road SE intersection.

4. Construct an 8-inch Master Plan sewer main within the subject property from Marietta Street SE to the south line of the subject property, terminating in the Kuebler Boulevard SE right-of-way.
5. Convey land for dedication of right-of-way along the property frontage of Marietta Street SE and 27th Street SE to equal a minimum half-width of 30 feet from centerline. Additional right-of-way may be required from the subject property or adjacent properties to accommodate intersection improvements as specified in the Traffic Impact Analysis.
6. Construct half-street improvements along the property frontage to equal the following minimum half-widths from centerline: 17 feet on Marietta Street SE and 27th Street SE. Improvements may also be required on the opposite side of the centerline where the total pavement width is less than 34 feet.

FACTS AND FINDINGS

Transportation Impact Analysis—As a requirement of application for Site Plan Review, the applicant shall be required to provide a Transportation Impact Analysis (TIA) to identify the impacts of this proposed development on the public transportation system in the area, and construct any necessary mitigation measures identified in that report (SRC 803.015). The City Traffic Engineer will determine the TIA requirements based on the development proposed for the site, and review and approve the TIA for conformance with City Standards.

Water

1. Existing Conditions
 - a. The subject property is located within the S-1 water service level.
 - b. An 18-inch S-1 water line is located in Marietta Street SE. Mains of this size generally convey flows of 2,400 to 5,600 gallons per minute.
2. The S-1 system in this area is deficient in storage and pumping capacity based on the standards set forth in the Water System Master Plan. Storage capacity for this area is provided from the future S-1 Coburn Reservoir, and pumping capacity is provided from the future S-1 Boone Road Pump Station. At this time, temporary storage capacity is available from the S-1 Mill Creek Reservoir and S-1 Deer Park Pump Station.

Sanitary Sewer

1. Existing Conditions
 - a. An 10-inch sewer line is located in Marietta Street SE. Mains of this size generally convey flows of 700 to 1,700 gallons per minute.

- b. A 24-inch sewer line is located in 27th Avenue SE. Mains of this size generally convey flows of 4,200 to 9,900 gallons per minute.
2. The *Salem Wastewater Management Master Plan* specifies that sewer mains are required along Marietta Street SE and within the subject property extending to Kuebler Boulevard SE.

Storm Drainage

1. Existing Conditions—An 18-inch storm line is located in Marietta Street SE.
2. At the time of development, the applicant shall be required to design and construct a storm drainage system for areas of replaced and new impervious surfaces. The development proposal meets the definition of a large project, as defined in SRC 71.005(a) (11); therefore, the applicant shall provide a storm drainage system that provides treatment and flow control as required by the 2014 PWDS.
3. The applicant shall be required to provide a storm maintenance easement along the waterway located within the subject property at the time of development. The easement shall be 10 feet from top of bank or 15 feet from waterway centerline, whichever is greater.

Streets

1. Kuebler Boulevard SE
 - a. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
 - b. Improvements—Kuebler Boulevard SE is fully improved.
2. Marietta Street SE
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 15-foot improvement within a 40-foot-wide right-of-way abutting the subject property.
 - c. Right-of-Way—The applicant shall convey land for dedication to equal a half-width right-of-way of up to 30 feet on the development side (SRC 77.150) based on a rational nexus calculation.
 - d. Improvements—The applicant shall construct a minimum half-street improvement to Collector street standards as specified in the City Street

Design Standards, consistent with the provisions of SRC Chapter 200.
Additional width may be needed based on the findings of the TIA.

3. 27TH Avenue SE

- a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 35-foot improvement within a varied 68- to 40-foot-wide right-of-way abutting the subject property.
- c. Right-of-Way—The applicant shall convey land for dedication to equal a half-width right-of-way of 30 feet on the development side.
- d. Improvements—The applicant shall construct a minimum half-street improvement to Collector street standards as specified in the City Street Design Standards, consistent with the provisions of SRC Chapter 200. Additional width may be needed based on the findings of the TIA.

CRITERIA AND FINDINGS

SRC 200.055 Standards for Street Improvements

Findings—An adequate linking street is defined as the nearest point on a street that has a minimum 60-foot-wide right-of-way with a minimum 30-foot improvement for local streets or a minimum 34-foot improvement for major streets (SRC 200.055(b)). All streets abutting the property boundaries shall be designed to the greater of the standards of SRC Chapter 803 and the standards of linking streets in SRC 200.055(b). Marietta Avenue SE and 27th Avenue SE abutting the subject property do not meet the standard for collector streets.

The applicant shall convey land for dedication of right-of-way along the property frontage of Marietta Street SE and 27th Street SE to equal a minimum half-width of 30 feet from centerline. Additional right-of-way may be required to accommodate turn lanes as specified in the TIA.

The applicant shall construct half-street improvements along the property frontage to equal the following minimum half-widths from centerline: 17 feet on Marietta Street SE and 27th Street SE. Improvements may also be required on the opposite side of the centerline where the total pavement width is less than 34 feet.

SRC 200.060 Standards for Sewer Improvements

Findings—The proposed development shall be linked to adequate facilities by the construction of sewer lines and pumping stations, which are necessary to connect to such existing sewer facilities (SRC 200.060). The nearest available sewer facility appears to be located in Marietta Street SE near the northeast corner of the subject

property. The applicant shall construct the *Salem Wastewater Management Master Plan* improvements and link the site to existing facilities that are defined as adequate under SRC 200.005(a).

As a condition of sewer service, all developments will be required to provide public sewers to adjacent upstream parcels. This shall include the extension of sewer mains in easements or rights-of-way across the property to adjoining properties, and across the street frontage of the property to adjoining properties when the main is located in the street right-of-way. This shall include trunk sewers that are oversized to provide capacity for upstream development (PWDS Sewer Division 003).

The development will be required to construct an 8-inch master plan sewer main from the 10-inch main in Marietta Street SE, through the subject property, and terminate in the Kuebler Boulevard SE right-of-way at the southeastern corner of the property. The development will also be required to construct an 8-inch master plan sewer main extension along the Marietta Street SE frontage, terminating at the east line of the subject property to the eastern edge of tax lot 083W12C00300, approximately 330 west of the Strong Road SE intersection.

SRC 200.065 Standards for Storm Drainage Improvements

Findings—The proposed development shall be linked to existing adequate facilities by the construction of storm drain lines, open channels, and detention facilities, which are necessary to connect to such existing drainage facilities. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 200.005(a). The nearest available public storm system appears to be located in Marietta Street at the northeast corner of the subject property. No additional linking storm improvements are required to serve the proposed development.

SRC 200.070 Standards for Water Improvements

Findings—The proposed development shall be linked to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities (SRC 200.070). The applicant shall provide linking water mains consistent with the *Water System Master Plan* adequate to convey fire flows to serve the proposed development as specified in the Water Distribution Design Standards.

The S-1 system in this area is deficient in storage and pumping capacity based on the standards set forth in the Water System Master Plan. Storage capacity for this area is provided from the future S-1 Coburn Reservoir, and pumping capacity is provided from the future S-1 Boone Road Pump Station. At this time, temporary storage and pumping capacities are available from the S-1 Mill Creek Reservoir and S-1 Deer Park Pump Station.

As a condition of linking to the S-1 water system, the applicant shall be required to construct the S-1 Coburn Reservoir, S-1 Boone Road Pump Station, and water mains connecting those facilities. Because temporary capacity is available, the applicant has

the option to connect to the existing S-1 water system as a temporary facility through payment of a temporary access fee of \$320,000 and completion of a temporary facilities access agreement at the time of development pursuant to SRC 200.080(a). The fee is calculated based on an undeveloped S-1 service area of approximately 1,300 acres and a total infrastructure cost of \$13 million, equaling \$10,000 per acre. The project site is 32 acres, totaling \$320,000 in temporary access fee.

SRC 200.075 Standards for Park Sites

Findings—The subject property is not residential; therefore, no parks requirements apply to the proposed development.

cc: File