



Oregon

Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED AMENDMENT

March 6, 2008

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

FROM: Mara Ulloa, Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 013-07 R



The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. A copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: March 21, 2008

This amendment was submitted to DLCD for review 45 days prior to adoption. Pursuant to ORS 197.830 (2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

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

***NOTE: THE APPEAL DEADLINE IS BASED UPON THE DATE THE DECISION WAS MAILED BY LOCAL GOVERNMENT. A DECISION MAY HAVE BEEN MAILED TO YOU ON A DIFFERENT DATE THAN IT WAS MAILED TO DLCD. AS A RESULT YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.**

Cc: Gloria Gardiner, DLCD Urban Planning Specialist
Jason Locke, DLCD Regional Representative
Bob Cortright, DLCD Transportation Planning Coordinator
Klaus Schilde, City of Salem

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NOTICE OF ADOPTION

THIS FORM **MUST BE MAILED** BY DLCD
WITHIN 5 WORKING DAYS AFTER THE FINAL DECISION
PER ORS 197.610, OAR CHAPTER 660 - DIVISION 18

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DEPT OF

FEB 29 2008

LAND CONSERVATION
AND DEVELOPMENT
For DLCD Use Only

Jurisdiction: City of Salem Local File Number: CPC/NPC 07-5

Date of Adoption: February 11, 2008 Date Mailed: February 27, 2008

Date this Notice of Proposed Amendment was mailed to DLCD: September 13, 2007

- Comprehensive Plan Text Amendment Comprehensive Plan Map Amendment
- Land Use Regulation Amendment Zoning Map Amendment
- New Land Use Regulation Other: Neighborhood Plan Amendment

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

Changed the Salem Area Comprehensive Plan map designation from "Single Family Residential" to "Multi-Family Residential" and changed the East Lancaster Neighborhood Plan map designation from "Single Family" to "Multifamily" for property located at 1850 45th Avenue NE.

Describe how the adopted amendment differs from the proposed amendment. If it is the same, write "SAME." If you did not give notice for the Proposed Amendment, write "N/A."

Same

Plan Map Changed from: Single Family Residential to: Multi-Family Residential

Zone Map Changed from: NA to: NA

Location: 1850 45th Avenue NE Acres Involved:

Specify Density: Previous: New:

Applicable Statewide Planning Goals:

Was an Exception Proposed: YES NO

Did the Department of Land Conservation and Development receive a Notice of Proposed Amendment.....

Forty-five (45) days prior to first evidentiary hearing? Yes No

If no, do the statewide planning goals apply? Yes No

If no, did Emergency Circumstances require immediate adoption? Yes No

Affected State of Federal Agencies, Local Governments or Special Districts:

Local Contact: Klaus Schilde, Senior Planner Phone: (503) 588-6173 Extension: 7574

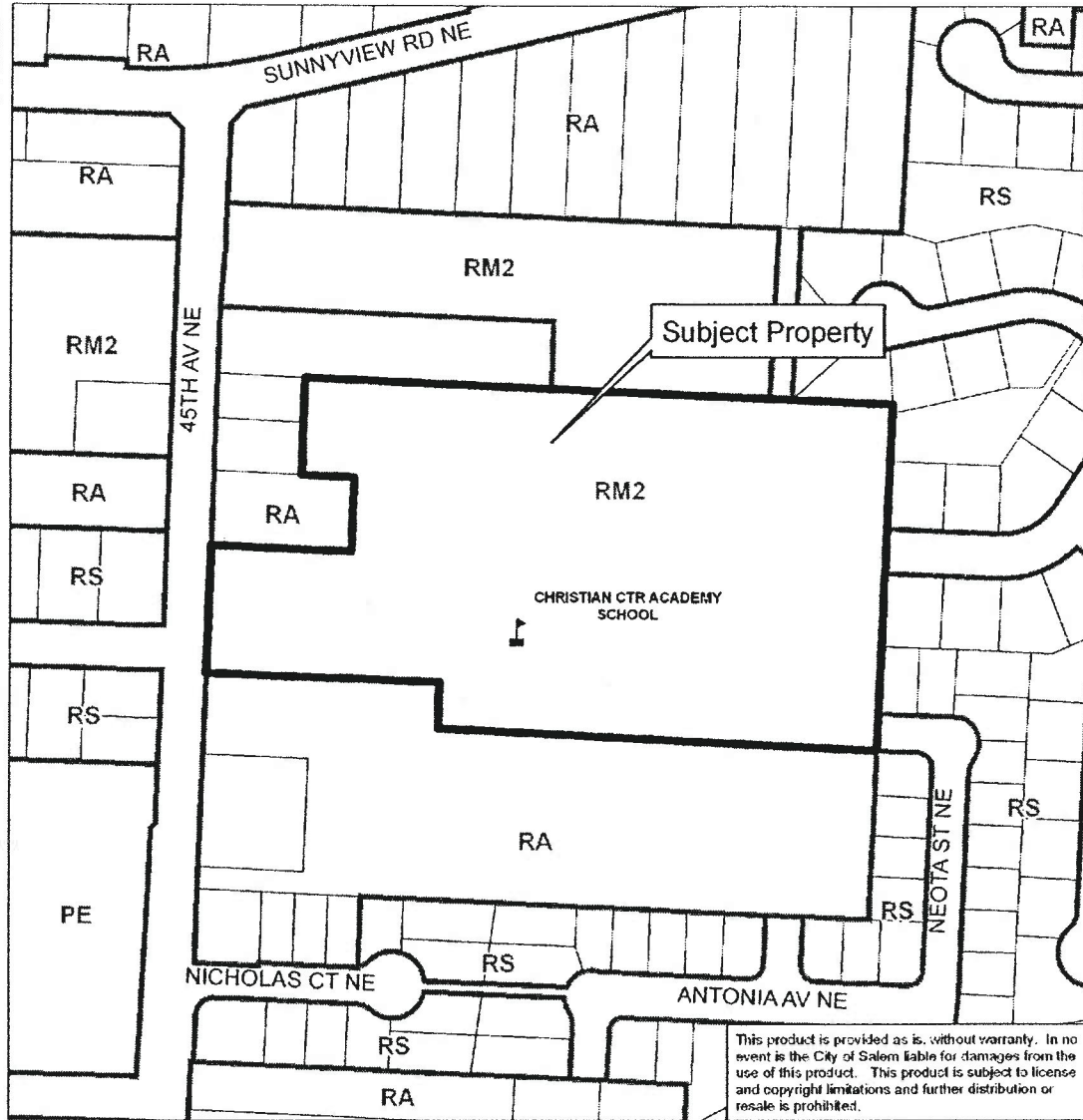
Address: 555 Liberty Street SE, Room 305 City: Salem

Zip: 97301 E-Mail Address: kschilde@cityofsalem.net

DLCD File No: 013-07R (16393) [14628] submitted 11/9/07

Vicinity Map

Commission Initiated Comprehensive Plan Change/Neighborhood Plan Change 07-5



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Legend

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

0 50 100 200 Feet



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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FOR INFORMATION ONLY

EXHIBIT A

ISSUE: Commission-Initiated Comprehensive Plan Change/Neighborhood Plan Change No. 07-5

DATE OF DECISION: November 6, 2007

APPLICANT: City of Salem

PURPOSE OF REQUEST:

Should the Planning Commission recommend to the City Council the adoption of an ordinance to change the Salem Area Comprehensive Plan (SACP) designation from Single Family Residential to Multi-Family Residential and a concurrent change in the East Lancaster Neighborhood Plan from Single Family to Multifamily for the property located at 1850 45th Ave NE?

ACTION:

The Planning Commission moved to recommend to City Council adoption of an ordinance to change the Salem Area Comprehensive Plan designation from Single Family Residential to Multi-Family Residential and a concurrent change in the East Lancaster Neighborhood Plan from Single Family to Multifamily for the property located at 1850 45th Ave NE.

The Planning Commission's decision is based upon the following Facts and Findings:

FINDINGS APPLYING THE APPLICABLE CRITERIA OF THE SALEM REVISED CODE FOR COMPREHENSIVE PLAN AMENDMENTS

SRC 64.040(g) defines a minor plan change as a single proceeding for amendment to the SACP affecting less than five privately and separately owned tax lots. This request is a Category 2 minor plan change, which is a quasi-judicial act. The burden of proof in meeting the approval criteria rests with the City of Salem, the proponent of the change (SRC 64.090(a)). SRC 64.090(b) establishes the approval criteria for SACP Map amendments. In order to approve a quasi-judicial SACP Map amendment request, the decision-making authority must make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

The proposal must satisfy either Criterion 1A, 1B, 2A, or 2B; and 3, 4, 5, and 6. The proposal will be reviewed under Criteria 2B, 3, 4, 5, and 6 as shown in **bold** below.

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

- B. Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate (SRC 64.090(b)(2)(B)).**

In 1998, the City approved a change to the SACP Map and the Neighborhood Plan Map from "Single Family Residential" to "Multi-Family Residential" and a zone change from RA to RM2 on the site immediately north of the subject property. The "Springs at Sunnyview" retirement community has since been constructed on the site. The City's findings in support of the change included a need for additional multiple family developments within the City.

A second change from the previous "Single Family Residential" to the "Multi-Family Residential" plan designation occurred in 1998 on a 2.79 acre site across the street from the subject property on the west

EXHIBIT B

side of 45th Avenue NE. City findings in support of the request included the fact that there were no multiple family residential sites in the vicinity. The Field Stone Apartments have since been constructed on the site.

Developments on these sites since 1998 have changed the character of the area to the extent that a "Multi-Family" residential designation on the subject property can be supported on the SACP Map and neighborhood plan map.

Criterion 3: The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals (SRC 4.090(b)(3))

The following Statewide Planning Goals apply to this proposal for the Comprehensive Plan Change and the Neighborhood Plan Change:

GOAL 1 - CITIZEN INVOLVEMENT

This application will be reviewed according to the public review process established by the City of Salem. Notice of the proposal will be provided to property owners and public agencies, published in the newspaper, and posted on the property. The published notice will describe the nature of the request and the applicable criteria to be addressed. Public hearings to consider the request will be held by the Planning Commission and the City Council. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearings, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

GOAL 2 - LAND USE PLANNING

The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinances, as well as the Statewide Planning Goals. A description of the proposal in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, and the Statewide Planning Goals, is a part of this report. Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposal does not change the existing zoning of RM2 on the subject property. No additional uses are proposed as part of this Comprehensive Plan change. No manufacturing or processing activities are proposed. There will be no emissions to the air from on-site activities other than vehicle exhaust. City utility services for water supply, sewage disposal, and storm water drainage are already provided to the site, and the use of public facilities prevents significant impact to water or land resources quality.

The site consists of flat, level ground, and the only apparent or identified features that require consideration with regard to the quality of water is the West Fork of the Pudding River. Any potential future impacts to this water resource will be typical of new infill development within the urban area and will be further analyzed and regulated in any subsequent land use application that will be necessary prior to any development or construction on this site.

Considering the location along a collector street, connections to existing local streets, and the use of public utilities to supply water and dispose of wastewater discharges, any development proposed in the future will create no significant adverse impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards have been identified that are specific to this site, or which would prevent any uses that may be proposed in the future under the proposed "Multi-family Residential" designation and existing RM2 zone.

GOAL 10 - HOUSING

The subject site consists of 8.83 acres zoned RM2. It consists of church buildings and vacant land. The proposed "Multi-family Residential" designation will make the SACP Map designation and the Neighborhood Plan Map designation consistent with the existing RM2 zone on the subject property. Therefore, the proposal will help ensure that there will be no significant adverse effect on providing housing in compliance with the requirements of this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

All necessary public facilities and services including water, sewer, and storm water drainage, are provided to the subject property and the existing uses. The proposed plan change will not require additional water or sewage disposal service. Any additional requirements for storm drainage will be reviewed by the City when subsequent applications for land development are submitted in the future. The necessary facilities will be specified at that time. Services will be provided at levels that are determined to be adequate by the City's standard engineering and design methods. By providing the necessary public service facilities for the proposed uses, the requirements of this Goal will be met.

GOAL 12 - TRANSPORTATION

The site is located along 45th Avenue NE, which is designated as a Collector Street. Two streets (Dutchman Street NE and Geneva Avenue NE) stub into the property on the east side. These streets could be extended into the site to provide access to the eastern portion of the site. Existing access to the uses on the site is from 45th Avenue NE.

The subject property is located along Salem-Keizer Transit Route 17 (Hayesville) which makes the site accessible by public transit from all parts of the community. Sidewalks are provided along 45th Avenue NE.

The location along the collector street, adjacent to a transit route, and with pedestrian access provides significant opportunities to reduce vehicle miles traveled. For these reasons, the proposal conforms to the requirements of Oregon's Transportation Planning Rule (TPR), and this Goal is satisfied.

GOAL 14 - URBANIZATION

The property is inside the city. The proposal will provide the appropriate SACP and Neighborhood Plan Map designations to a site that is already zoned RM2. The use of this site by an existing activity and any future development proposals will contribute to maintaining a compact urban area and to the efficient use of urban services, consistent with the directives of this Goal. The proposal does not affect the size or location of the Urban Growth Boundary, or the requirements of this Goal.

Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change and the Neighborhood Plan Change consider and accommodate as closely as possible the applicable Statewide Planning Goals, and this criterion is satisfied.

Criterion 4: The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps (SRC 64.090(b)(4)).

As shown on the SACP Map, the land use pattern surrounding the subject site is predominantly single and multiple family residential. The plan designations to the north and northwest are "Multi-Family Residential"; to the southwest the designations are "Single Family Residential" and "Community Services-Education"; and to the south and east the designations are "Single Family Residential."

The proposal to change the designation of the subject property to "Multi-Family Residential" will be harmonious with the land use pattern because it will not materially change the existing pattern of planned uses. The subject property is already zoned for multiple-family residential uses and is developed with church buildings. The proposed Plan Map change will be logical with the planned land use pattern because the property abuts the "Multi-Family Residential" designations to the north. Because the proposed change will be consistent with the type of zoning and uses that are present in the area, and because it will be comparable to the existing land use pattern, it is logical and harmonious with the land use pattern for the greater area as shown on the SACP and neighborhood plan maps.

Criterion 5: The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements (SRC 64.090(b)(5)).

The proposal addresses the following goals and policies of the SACP (in italic font)

- II. DEFINITION AND INTENT STATEMENTS
 - A. LAND USE PLAN MAP (Comprehensive Plan Map)
 - 1. Intent (SACP p. 3)

The intent of the SACP, as stated in this section, is to project the goal of the most desirable pattern of land use in the Salem area taking into account various factors such as the transportation system, location of public facilities, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment.

To ensure that the anticipated urban land use needs are met, the SACP Map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed. The chosen method of meeting this commitment is through the phased provision of land for various uses over time, through annexation and rezoning in response to demand for specific land uses. The intent of the SACP is to recognize the need to remain responsive to changing and evolving land demands within the context of plan policies and implementing measures. The intent of this approach is to retain flexibility in order to remain responsive to changing conditions, and to recognize the legitimacy of existing zoning and plan implementation. The Plan recognizes that land use and zoning are expected to change as conditions change.

The zoning on this site changed from a single family to a multiple family residential zone more than 25 years ago. The zone change was found to be in compliance with the SACP. The original zoning request represented the phased provision of land through rezoning, in response to a specific proposed use. Since then, two other sites in the immediate vicinity of the subject property were changed to a "Multi-Family Residential" plan designation.

The proposal is based on the land use pattern of the area and specific factors such as the transportation system, which is appropriate for the type of use proposed. The proposal is consistent with the Plan's intent to retain flexibility, and its methodology to consider such changes as conditions change.

3. Plan Map Designations
a. Residential (SACP p. 4)

The site is proposed to be designated "Multi-Family Residential." The intent of this and other residential designations is to provide for the systematic conversion of sites to more intensive residential uses, ensure a compatible transition between various types of housing, encourage housing where full urban services, public facilities, and routes of public transportation are available, permit multi-family housing developments which blend into the overall fabric of the Salem urban area, and to ensure opportunities for a variety of housing alternatives throughout the urban area.

The plan's residential intent statement also recognizes the need for certain support facilities and services, such as churches, schools, and parks located in proximity to living areas. Therefore, both the proposed plan change and existing uses on the subject property meet the intent statements of the SACP.

IV. SALEM URBAN AREA GOALS AND POLICIES
A. COORDINATION POLICIES
Plan and Code Coordination (SACP p. 25)

As described in the "Background Information" section of this report, the subject property was rezoned to RM in 1982. However, the concurrent change in the SACP Map was never pursued by the applicant or the City. The proposed SACP Map change to a "Multi-Family Residential" designation will now fulfill this Plan and code Coordination Policy in that it will make the Comprehensive Plan map, the Neighborhood Plan map, and the zoning regulations consistent.

B. GENERAL DEVELOPMENT
Goal: To insure that future decisions concerning the use of land within the Salem urban area are consistent with the State Land Use Goals (SACP p. 25).

The relationship of this proposal to the Statewide Planning Goals has been described in this report. Based on the facts and evidence provided, the proposal is consistent with the applicable goals.

Carrying Capacity (Policy 6, SACP p. 26)

Public facilities are available to the site as may be needed. The City's utility services are required to meet all applicable local, state and federal standards for the type and scale of development that may be proposed in the future. The proposed plan designation will not create a demand for additional services that would exceed the City's service capacities.

Optimal Use of the Land (Policy 7, SACP p. 26)

The proposal will optimize the use of the land by making the SACP Map designation and ELNA Neighborhood Plan Map designation consistent with the existing RM2 zone. This zone allows densities that can contribute to attaining the average 6.5 dwelling units per gross acre residential density envisioned by this policy. Development regulations contained in the City's Code will ensure that adverse alteration of the natural terrain and water-courses or the potential for erosion and adverse effects upon the existing topography and soil conditions will be minimized. The proposal is consistent with this policy.

Development Compatibility (Policy 12, SACP p. 27)

The land use regulations applicable to the "Multi-Family Residential" plan designation and the existing RM2 zone include requirements that will reduce development impacts on adjacent properties through screening, landscaping, setbacks, height, and mass regulations. These development requirements will ensure compatibility with adjacent properties.

E. RESIDENTIAL DEVELOPMENT

Goal: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing (SACP p. 37).

The proposal will designate land on the SACP Map that was added to the supply of multi-family residential land by way of a rezone to a multi-family residential zone more than 25 years ago. The rezone met this goal then and the proposed SACP Map change meets this goal now because the subject property has the potential for providing housing opportunities for Salem's diverse population.

The following Residential Development Policy applies to this proposal:

Multi-Family Housing (Policy 6, SACP p. 35)

The proposal and the already existing RM2 zone meet the Multi-Family Housing Policy by encouraging the efficient use of residential land and public facilities; promoting a range of densities and housing types; and being located in an area that provides walking, auto, or transit connections to employment centers, shopping areas, transit services, parks and public buildings.

Criterion 6: The proposed change benefits the public (SRC 64.090(b)(6)).

The proposal will benefit the public by making the SACP Map designation consistent with the existing RM2 zone that has been in place for more than 25 years. The "Multi-Family Residential" plan designation will remove any potential conflicts with the state-mandated consistency between the Comprehensive Plan and zoning. The proposed plan designation is compatible with its surroundings and is appropriate for the location. The site is served by a collector street and serviced by public transit. The characteristics of the subject property are consistent with the land use pattern of multi-family residential plan designations and zones in the immediate vicinity of the subject property. The use will be compatible with the adjacent residential lands to the east and south. Public facilities and services, as may be necessary, can be made available at the time of any future development. By eliminating an inconsistency between the plan and zoning, the proposed change will benefit the public.

Considering the facts and reasons provided, the proposal satisfies the criteria for an SACP Map and Neighborhood Plan changes.

CONCLUSIONS

The property is adjacent to a collector street, has access to public transit, and is located in a mostly developed part of the City. The existing RM2 zone has been in place for more than 25 years. The proposed SACP Plan Map change is consistent with the Plan methodology to consider changes to the use of land over time, as demands change. Any future uses will be consistent with the overall land use pattern in the area. The proposal addresses the applicable goals and policies of the SACP and the Statewide Planning Goals.

PLANNING COMMISSION VOTE

4 YES 0 NO 2 ABSENT (Goss, Levin)

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