



Oregon

Theodore R. Kulbowski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

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Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/10/2008

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 017-08[A]

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, December 26, 2008

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

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

***NOTE:** THE 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 THAT IT WAS MAILED TO DLCD. AS A RESULT, YOUR APPEAL DEADLINE MAY BE EARLIER THAN THE ABOVE DATE SPECIFIED.

Cc: Lisa Anderson-Ogilvie, City of Salem
Gloria Gardiner, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Thomas Hogue, DLCD Regional Representative
Bill Holmstrom, DLCD Regional Representative

<paa> YA

Re-adoption

NOTICE OF ADOPTION

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



Jurisdiction: City of Salem

Local File Number: CPC/ZC 08-10

Date of Adoption: November 24, 2008

Date Mailed: December 3, 2008

Date the Notice of Proposed Amendment was Mailed to DLCD: June 24, 2008

Is this a **REVISED** Proposal previously submitted to DLCD: X YES NO Date Submitted: August 21, 2008

Comprehensive Plan Text Amendment

X Comprehensive Plan Map Amendment

Land Use Regulation Amendment

X Zoning Map Amendment

New Land Use Regulation

Other:

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

Changed the Salem Area Comprehensive Plan map designation from "Industrial" to "Multi-Family Residential" and the zone district from IBC (Industrial Business Campus) to RM1 and RM2 (Multiple Family Residential) for property approximately 8.16 acres in size and located in the 5200 Block of Caplinger Road SE (Marion County Assessor's map and tax lot number 072W32D 01000).

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

Original amendment was for RM2 zone – adopted amendment is for RM1 (less density) and RM2 zone. Adopted amendment includes 5 conditions of approval regarding setbacks, open space and parking.

Plan Map changed from: Industrial

To: Multi Family Residential

Zone Map Changed from: IBC (Industrial Business Campus)

To: RM1 and RM2 (Multiple Family Residential)

Location: 5200 Block of Caplinger Road SE

Acres Involved: 8.16 acres

Specify Density: Previous:

New:

Applicable Statewide Planning Goals:

Was an Exception Proposed: YES x NO

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

Forty-five (45) days prior to first evidentiary hearing? x 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: Lisa Anderson-Ogilvie, Associate Planner Phone: (503) 588-6173 Extension: 7581

Address: 555 Liberty Street SE, Room 305 City: Salem Zip: 97301

Fax Number: (503) 588-6005 E-Mail Address: lmanderson@cityofsalem.net

DLCD File No: 017-08A(16967)

BEFORE THE CITY COUNCIL OF THE CITY OF SALEM

IN THE MATTER OF AFFIRMING)	ORDER NO. 2008-39-CPC/ZC
THE DECISION OF THE PLANNING)	
COMMISSION IN COMPREHENSIVE)	
PLAN CHANGE / ZONE CHANGE)	CPC/ZC CASE NO. 08-10
08-10 FOR PROPERTY LOCATED)	
IN THE 5200 BLOCK OF CAPLINGER)	
ROAD SE)	

This matter coming regularly for hearing before the City Council, at its November 10, 2008 meeting, and the City Council, having received evidence and heard testimony, makes the following findings, and adopts the following order, affirming the decision of the Planning Commission in Comprehensive Plan Change/ Zone Change Case No. 08-10.

FINDINGS:

- (a) On August 19, 2008 the Planning Commission approved the application for the Comprehensive Plan Change/ Zone Change of property located in the 5200 Block of Caplinger Road SE.
- (b) At the September 5, 2008 City Council meeting, the City Council moved to review the decision of the Planning Commission for Comprehensive Plan Change/Zone Change 08-10 and a public hearing before City Council was held on October 13, 2008. The City Council voted 7 to 1 to rescind the decision of the Planning Commission for Comprehensive Plan Change/Zone Change 08-10.
- (c) At the October 27, 2008 City Council meeting, the City Council moved to reconsider the decision for Comprehensive Plan Change/Zone Change 08-10 and scheduled a public hearing before City Council for November 10, 2008.
- (d) On November 10, 2008 the City Council held a hearing, received evidence and heard testimony and voted to affirm the Planning Commission's decision, as amended herein.

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

Section 1. The Planning Commission's decision approving Comprehensive Plan Change/Zone Change 08-10 is hereby affirmed and amended to include the following conditions of approval: Condition 1: Future development along Caplinger Road SE shall provide setbacks as shown on the applicant's site plan. Condition 2: Future development of the property shall contain no less than the amount of open space shown on the applicant's revised site plan but in no case shall the development provide less than 30 percent open space. Condition 3: Future development of the property shall provide at least a twenty-foot buffer which is identified as "Nature Buffer" along property lines as shown on the applicant's site plan. Condition 4: The applicant shall provide at least 1.66 parking spaces per dwelling unit. Condition 5: At the time of building permit application,

the applicant shall provide separate legal descriptions for the property zoned RM1 (Multiple Family Residential) and RM2 (Multiple Family Residential), respectively.

Section 2. The staff report, dated November 10, 2008, together with the Planning Administrator's Facts and Findings, dated August 19, 2008 are incorporated hereto by this reference in "Exhibit 1."

Section 3. This order constitutes the final land use decision and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to appeal.

ADOPTED by the City Council this 24th day of November, 2008.

ATTEST:



City Recorder

Checked by: L. Anderson-Ogilvie

G:\Group\LEGAL1\Council\112408 Order 2008-39-CPC ZC.doc

TO: MAYOR AND CITY COUNCIL

THROUGH: *See O.S. by AR*
LINDA NORRIS, CITY MANAGER

FROM: VICKIE HARDIN WOODS, DIRECTOR *VHW*
COMMUNITY DEVELOPMENT DEPARTMENT

SUBJECT: REOPENING OF THE HEARING FOR COMPREHENSIVE PLAN CHANGE/
ZONE CHANGE 08-10 FOR PROPERTY LOCATED IN THE 5200 BLOCK
OF CAPLINGER ROAD SE

ISSUE:

City Council reconsideration of the decision for Comprehensive Plan Change/Zone Change 08-10 for property located in the 5200 Block of Caplinger Road SE.

RECOMMENDATION:

Staff recommends that the City Council approve the revised request to change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Multi-Family Residential" and to change the zone district from IBC (Industrial Business Campus) to RM1 and RM2 (Multiple Family Residential) for property approximately 8.16 acres in size located in the 5200 Block of Caplinger Road SE (Marion County Assessor's map and tax lot number 072W32D 01000) with the following conditions of approval:

- Condition 1: Future development along Caplinger Road SE shall provide setbacks as shown on the applicant's site plan.
- Condition 2: Future development of the property shall contain no less than the amount of open space shown on the applicant's revised site plan but in no case shall the development provide less than 30 percent open space.
- Condition 3: Future development of the property shall provide at least a twenty-foot buffer which is identified as "Nature Buffer" along property lines as shown on the applicant's site plan.
- Condition 4: The applicant shall provide at least 1.66 parking spaces per dwelling unit.
- Condition 5: At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned RM1 (Multiple Family Residential) and RM2 (Multiple Family Residential), respectively.

BACKGROUND:

On April 29, 2008, Jeff Tross, on behalf of the applicants Jack and Lois Thornton, submitted a Comprehensive Plan Change/Zone Change application to the Community Development Department. A Planning Commission public hearing was held August 19, 2008, to consider the application and receive testimony and additional comments from interested parties. The Planning Commission approved the request which is reflected on PC Resolution 08-12.

At the September 5, 2008 City Council meeting, the City Council moved to review the decision of the Planning Commission for Comprehensive Plan Change/Zone Change 08-10 and a public hearing before City Council was held on October 13, 2008. The City Council voted 7 to 1 to rescind the decision of the Planning Commission for Comprehensive Plan Change/Zone Change 08-10.

On October 22, 2008, Jeff Tross, on behalf of the applicant, submitted a revised request and a site plan and requested that City Council reopen the public hearing to consider the revisions. At the October 27, 2008 City Council meeting, the City Council moved to reconsider the decision for Comprehensive Plan Change/Zone Change 08-10 and scheduled a public hearing before City Council for November 10, 2008.

On November 4, 2008, the applicant submitted a revised proposal.

FACTS AND FINDINGS:

1. The revised site plan submitted by the applicant for reconsideration now includes RM1 (Multiple Family Residential) zoned property adjacent to Caplinger Road SE (Attachment B). The RM1 (Multiple Family Residential) zone requires a minimum of 8 dwelling units per acre with a maximum of 14 dwelling units per acre. This is less than the maximum density of the RM2 (Multiple Family Residential) zone which allows a maximum 28 dwelling units per acre.
2. The revised site plan shows six townhouse units along Caplinger Road SE, located in the RM1 portion of the property. It also indicates less overall dwelling units than previously proposed. The site plan shows 150 units on seven acres or a density of 22 units per acre. The proposed RM2 zoning would permit a total of 196 units on seven acres. The proposed RM1 zoning would permit a total of 14 units on one acre.

In order to approve a zone change, the following factor must be addressed in the final decision: the effect of the proposal on the neighborhood; the physical characteristics of the subject property; and public facilities and services (SRC 114.160(c)(4)). In order to ensure that the future development of the subject property is compatible with the existing surrounding single family neighborhood, the applicant proposes townhouses along Caplinger Road SE. In addition, the site plan provided by the applicant indicates a greater setback than what is required for multi-family development. The proposed setback is similar to setbacks for single family dwellings. Additionally, providing private driveways and garages with direct access to Caplinger Road SE would be similar to single family developments. In order to ensure that the future development of the site will be compatible with the surrounding neighborhood, the following condition of approval shall apply:

Condition 1: Future development along Caplinger Road SE shall provide setbacks as shown on the applicant's site plan.

If this condition conflicts with any other multi-family development standards, then this condition shall supersede those standards.

3. The revised proposed site plan identifies 41,987 square feet of open space within the subject property. The applicant is required to designate and permanently reserve as common open space a minimum of 30 percent of the gross site area. Based on the proposed number of units, the development would need to provide approximately 2,750 square feet of common open space; 2,700 square feet of children's play/adult recreation area; 96 square feet of private open space, per unit,

for ground floor units; and 48 square feet of private open space per unit for all other units as required by the *Development Design Handbook*, Design Review standards.

The subject property is located adjacent to single family dwellings to the north, east, and west, and vacant land to the south. Providing common open space for the residents of the development improves the quality of life for the residents and limits the impacts to the neighborhood. Access to parks and playgrounds is limited in the vicinity. Providing open space and play areas on the site will provide a safe option for children and adults living in the development. In order to ensure that the future development of the site will be compatible with the surrounding neighborhood the following condition of approval shall apply:

Condition 2: Future development of the property shall contain no less than the amount of open space shown on the applicant's revised site plan but in no case shall the development provide less than 30 percent open space.

The site plan includes a 20-foot buffer along the property lines of the subject property. The site plan identifies this as a nature buffer due to its proximity to the West Middle Fork Little Pudding River which runs through the property to the south. This buffer will provide an amenity to the future development in addition to providing common open space that exceeds minimum requirements for open space. Providing this amenity will not only improve the overall quality of the development but will further make the development compatible with the surrounding neighborhood.

The number of parking spaces shown on the applicant's revised site plan exceeds Code requirements. The Salem Revised Code requires 1.5 spaces per unit while the applicant proposes to provide approximately 1.66 spaces per dwelling unit. Providing more parking spaces than required decreases on-street parking concerns of adjacent property owners.

In order to ensure that the future development of the site will be compatible with the surrounding neighborhood, the following conditions of approval shall apply:

Condition 3: Future development of the property shall provide at least a twenty-foot buffer which is identified as "nature Buffer" along property lines as shown on the applicant's site plan.

Condition 4: The applicant shall provide at least 1.66 parking spaces per dwelling unit.

4. The applicant's revised site plan does not provide staff with enough detail to review it for Multi-Family Design Review requirements. If the Comprehensive Plan Change/Zone Change is approved, the applicant is required to attend a Design Review Pre-Application Conference in order for staff to review the proposed development for compliance with Design Review standards prior to submitting building permits.
5. The applicant's revised proposal states that the RM1 (Multiple Family Residential) area will consist of approximately 1.25 acres. The remaining acreage will consist of approximately 6.91 acres. In order to ensure city mapping correctly reflects the acreage for each proposed zone, the following condition of approval shall apply:

Condition 5: At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned RM1 (Multiple Family Residential) and RM2 (Multiple Family Residential), respectively.

6. Staff recommends that the City Council approve the revised request to change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Multi-Family Residential" and to change the zone district from IBC (Industrial Business Campus) to RM1 and RM2 (Multiple Family Residential) for property approximately 8.16 acres in size located in the 5200 Block of Caplinger Road SE (Marion County Assessor's map and tax lot number 072W32D 01000) with the following conditions of approval:

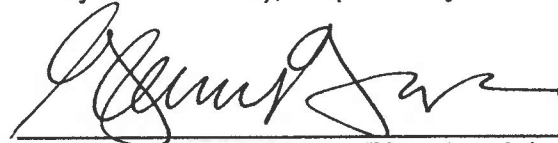
Condition 1: Future development along Caplinger Road SE shall provide setbacks as shown on the applicant's site plan.

Condition 2: Future development of the property shall contain no less than the amount of open space shown on the applicant's revised site plan but in no case shall the development provide less than 30 percent open space.

Condition 3: Future development of the property shall provide at least a twenty-foot buffer which is identified as "nature Buffer" along property lines as shown on the applicant's site plan.

Condition 4: The applicant shall provide at least 1.66 parking spaces per dwelling unit.

Condition 5: At the time of building permit, the applicant shall provide separate legal descriptions for the property zoned RM1 (Multiple Family Residential) and RM2 (Multiple Family Residential), respectively.



Glenn W. Gross, Urban Planning Administrator

- Attachments:
- A. Applicant's Request to Reopen the Public Hearing with Revised Site Plan
 - B. Staff Report for CPC/ZC 08-10, dated August 19, 2008
 - C. Revised request

Prepared by Lisa Anderson-Ogilvie, Associate Planner

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October 22, 2008

Mayor Janet Taylor and City Council
c/o Vicki Woods, Community Development Director
City Hall, Room 305
Salem, Oregon 97301

RECEIVED

OCT 22 2008

COMMUNITY DEVELOPMENT

RE: REQUEST TO REOPEN THE PUBLIC HEARING FOR CPC/ZC 08-10,
JACK AND LOIS THORNTON, 5200 BLK CAPLINGER ROAD SE

Dear Mayor Taylor and Council Members:

In response to the comments and concerns expressed by the Council at the public hearing on October 13, and in particular those of Councilor Tesler, the Applicant proposes to modify and revise the application, and requests that you reopen the public hearing to consider these changes, or remand the matter to the Planning Commission for a new hearing..

A preliminary site plan prepared by Slayden Construction, who will build and own the development, accompanies this letter. The site plan demonstrates the proposed uses and development features of the site.

1. Zoning and Building Arrangement

Chief among the proposed changes is to zone the front of the parcel, approximately one acre bordering the entire Caplinger Road frontage, to RM1 instead of RM2. Development on this part of the property would consist of six town homes in three buildings, and an open space of approximately 4,751 sq. ft. The RM1 zone limits the development density, and the low density of structures along the street frontage will provide a compatible transition between the single-family housing across Caplinger to the north, and the multifamily residential buildings to be located in the interior of the property. The RM1 area includes yard space around all sides of each building, and results in substantial separation between the single-family homes across Caplinger and the multifamily dwellings.

2. Setbacks and Open Space

The preliminary plan provides for 41,987 sq. ft., or nearly an acre, of designated open space within the property. This includes the open spaces in the northeast corner along the road and in the central area, a playground/sport court, and a 20' wide open buffer along the south boundary that corresponds to a City utility easement.

The creek to the south does not run on or through the property. The creek channel varies in distance from the property line, but the distance between the creek and the nearest building will be 90'.

The Bufferyard setbacks as required by SRC Chapter 132 will be provided along the interior side and rear yards. The basic Bufferyard setback for multifamily buildings is 10' from adjacent, vacant residential land, such as the RA land to the west; and 15' from adjacent, vacant industrial land, such as the IBC land to the south. Any additional setbacks required by the Development Design Handbook will increase this distance.

3. Streets and Access

Development of the site will provide the required half-street improvement along the Caplinger frontage. This will include a sidewalk where none currently exists. In addition, the Developer will agree to complete the sidewalk along the north side of Caplinger, from its current western end to Macleay Road, if public right of way can be obtained and provided for this purpose (the Developer has already contacted two of the property owners in this area). If right of way is not available, as an alternative the Developer is willing to provide an alternate form of pedestrian access, such as a paved pathway along the south side of the Caplinger right of way, from the west end of the property to Macleay Road.

4. Effect of the Zone Change on the Industrial Land Inventory

The acreage of vacant industrial land in the city has been obtained from SEDCOR. The SEDCOR Inventory statement is attached. According to SEDCOR, there are currently 2,064.75 acres of vacant industrial land (zoned IG, IBC, IP).

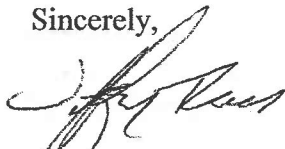
The City has used an average annual absorption rate of 50 acres per year to determine a 20-year inventory. At that rate, the existing vacant industrial land results in a 41 year inventory. The subject site, at 8.16 acres, is just .39% of the existing inventory.

In a separate letter, also attached, SEDCOR has commented on the value of affordable housing in proximity to employment areas.

These revisions enhance the compatibility of the proposal with the nearby single-family residential areas. With the features shown on the preliminary site plan the proposal will both appear and function in a manner that is more compatible with the surrounding area. We would look forward to the opportunity to present these proposals and discuss them with you at a new public hearing.

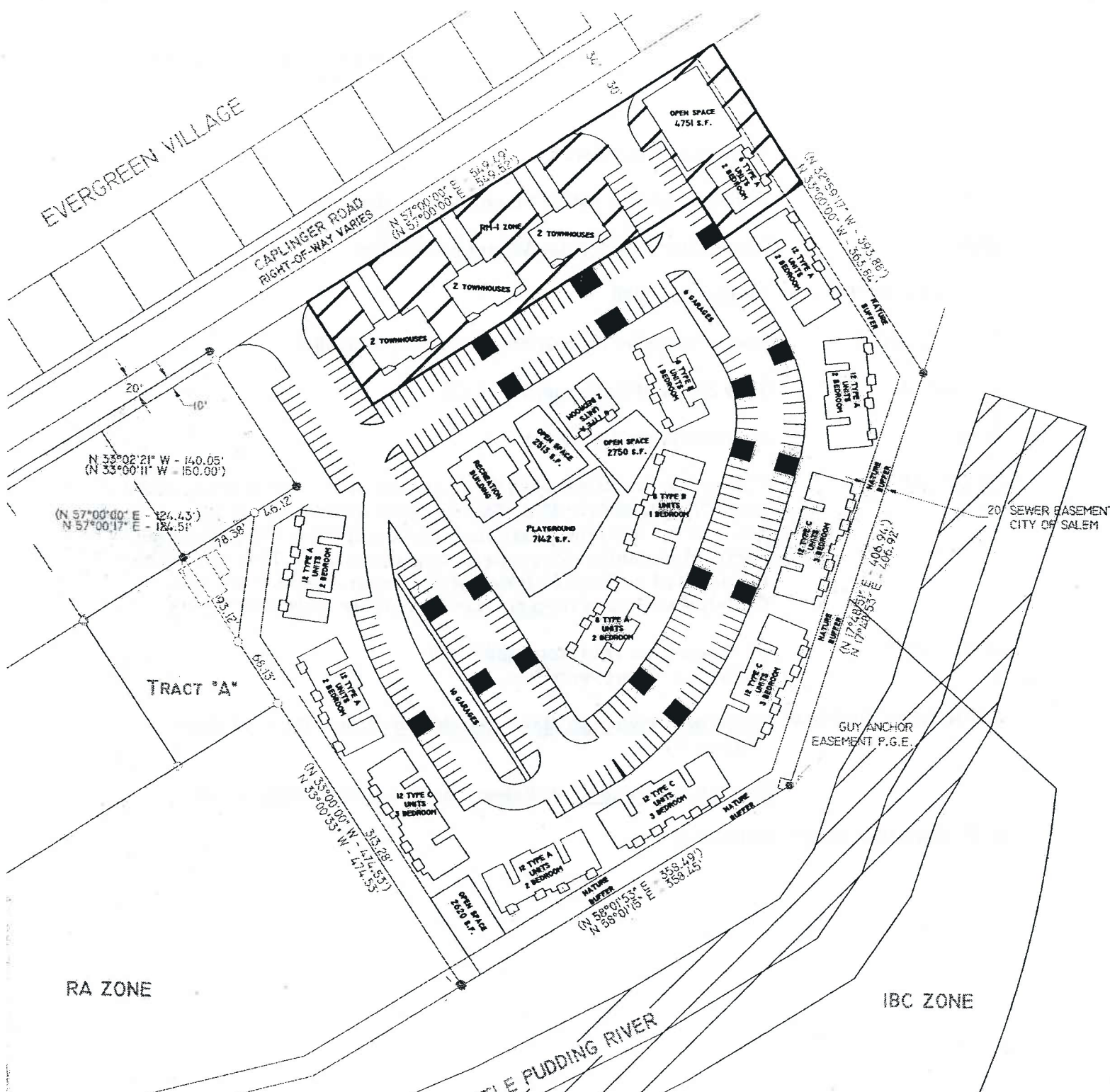
Thank you for your consideration.

Sincerely,



Jeffrey R. Tross

cc: Jack and Lois Thornton
encl.



SQUARE FEET OF OPEN SPACE: 12634
 SQUARE FEET OF PLAYGROUND: 7142
 SQUARE FEET OF PROPERTY NATURE BARRIER: 22211
 SHORTEST DISTANCE FROM CREEK TO A BUILDING: 110 FEET
 RM-1 ZONE SQUARE FEET: 54562

1 BEDROOM UNITS: 16	PARKING STALLS REQUIRED: 225
2 BEDROOM UNITS: 80	PARKING STALLS PROVIDED: 247
3 BEDROOM UNITS: 48	HANDICAP STALLS PROVIDED: 6
3 BEDROOM DUPLEXS: 6	GARAGES PROVIDED: 16
TOTAL UNIT COUNT: 150	

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator

STAFF: Lisa Anderson-Ogilvie, Associate Planner

HEARING DATE: August 19, 2008

APPLICATION: Comprehensive Plan Change/Zone Change 08-10

LOCATION: 5200 Block of Caplinger Road SE

SIZE: Approximately 8.16 acres

REQUEST: To change the Salem Area Comprehensive Plan map designation from "Industrial" to "Multi-Family Residential" and the zone district from IBC (Industrial Business Campus) to RM2 (Multiple Family Residential) for property approximately 8.16 acres in size and located in the 5200 Block of Caplinger Road SE (Marion County Assessor's map and tax lot number 072W32D 01000).

APPLICANT: Jack and Lois Thornton, Applicant
Jeff Tross, Representative

APPROVALCRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Chapter 64
Zone Map Amendment: Salem Revised Code, Chapter 114

RECOMMENDATION: APPROVE

APPLICATION PROCESSING

Subject Application:

On April 29, 2008, Jeff Tross, on behalf of the applicant Jack and Lois Thornton, filed a Comprehensive Plan Change/Zone Change application to change the Comprehensive Plan Map designation of the property from "Industrial" to "Multi-Family Residential" and the zone designation of the property from IBC (Industrial Business Campus) to RM2 (Multiple Family Residential). The application was deemed complete for processing on June 23, 2008.

Notice must be given in accordance with Section 114.050 to 114.070 of the Salem Revised Code. An approval by the Planning Commission (Commission) shall not be construed to have granted a variance from the provisions of any City ordinance unless the approval clearly states that a variance has been granted.

The quasi-judicial decision by the Planning Commission requires a decision be filed with the Planning Administrator and entered into the record of the proceedings within 30 days following the public hearing, unless the applicant consents to an extension for specific additional time. The Planning Administrator must record the date of the decision upon receipt of the decision. The Planning Administrator must also mail a copy of the decision to the applicant and to everyone who submitted verbal or written testimony during the process.

The public hearing on the proposed Comprehensive Plan Change/Zone Change is scheduled for August 19, 2008.

Appeals:

Appeal of a Planning Commission decision is to the Salem City Council (Council), as set forth in Section 114.200 of the Salem Revised Code (SRC). Written notice of an appeal and the applicable fee shall be filed with the Planning Administrator within fifteen days after the record date of the decision. Salem Revised Code 114.210 states that whether or not an appeal is filed, the Council may, by majority vote, initiate review of a Planning Commission decision by resolution filed with the City Recorder. Such a review shall be initiated prior to the adjournment of the first regular Council meeting following Council notification of the Planning Commission decision. Review shall proceed according to SRC Section 114.200.

120-Day Requirement:

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

Public Notice:

1. Notice was mailed to property owners within 250 feet of the subject property on July 30, 2008 (Attachment 1).
2. The property was posted in accordance with the posting provision outlined in SRC 114.070. The property was posted on August 7, 2008, as documented by the affidavit of posting returned on August 12, 2008 by the applicant.
3. State law (ORS 197.610) requires the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 45-day notice when an applicant or the City proposes an amendment to an acknowledged comprehensive plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on June 24, 2008.

BACKGROUND INFORMATION

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan designation of the 8.16 acre property from "Industrial" to "Multi-Family Residential" and a concurrent zone map amendment to change the zoning of the property from IBC (Industrial Business Campus) to RM2 (Multiple Family Residential).

Neighborhood Association Comments

The subject property is within the Southeast Mill Creek Association. As of the date of this staff report, comments were not provided from the Neighborhood Association.

Public Comments

No comments have been received from adjoining property owners.

City Department Comments

Public Works (Development Services) - Reviewed the proposal and indicated they have no comments.

Public Works (City Engineer) - The City Traffic Engineer has reviewed the Transportation Planning Rule Analysis (TPR), dated April 25, 2008, that was submitted by the applicant and agrees with the findings of the TPR.

Community Development (Building and Safety) - Reviewed the proposal and indicated they have no comments.

Parks, Recreation, and Community Services - Reviewed the proposal and indicated they have no comments.

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

Public and State Agency Comments

Salem-Keizer School District - The Salem-Keizer School District reviewed the proposal and provided comments. In summary, the School District indicates that the subject property is served by Eyre Elementary School, Houck Middle School, and North High School. Students are eligible for transportation to all three schools. The School District estimates that the proposed development will result in the addition of approximately 46 students. The District would also like to see paved walking route(s) to allow pedestrian and bicycle access from the subject property to schools.

Department of Land Conservation and Development (DLCD) – DLCD was provided notification of the proposal and commented that the site is on the edge of the city, not located close enough to services or schools, and will not serve to reduce automobile trips.

Staff Response: The subject property is served by public transportation Route 16/16a, Four Corners/Macleay Weekdays, on Macleay Road SE. An elementary school is located 0.34 miles away and a middle school 0.74 miles away from the subject property. There is a large shopping center that includes Shop-Ko, WinCo, The Dollar Store, Shari's restaurant, and numerous other retail outlets located less than one mile away, on Macleay Road SE, along the bus route. The developer will be required to provide sidewalks adjacent to the development, which will connect to existing public sidewalks. There are sidewalks along a portion of Caplinger Road SE and on Macleay Road SE. There are bicycle lanes on Caplinger Road SE and Macleay Road SE.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan, effective November 2000, designates the subject property as "Industrial."

The Comprehensive Plan designations of surrounding properties include:

North: Across Caplinger Road SE, "Developing Residential"
South: "Industrial"
East: "Developing Residential"
West: "Developing Residential"

Neighborhood Plan: The subject property is located within the Southeast Mill Creek Association. The Southeast Mill Creek Association does not have an approved neighborhood plan. Therefore, there is no intended use or zoning designation specified for the subject property.

Applicable Detail Plans:

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. There is one street within the vicinity of the subject property, Caplinger Road SE, which is designated as a 'local' street within the TSP.

Zoning & Uses:

The subject property is currently zoned IBC (Industrial Business Campus). Zoning and land uses of surrounding properties include:

North: Across Caplinger Road SE, RS (Single Family Residential); manufactured dwelling park
South: IBC (Industrial Business Campus); vacant City owned parcels (wetlands)
East: RA (Residential Agriculture); single family dwelling on acreage parcel
West: RA (Residential Agriculture); single family dwellings

Existing Site Conditions:

Craig Clarambeau and Calvin Marshall, dba Calram Development LLC, are the applicant's for this case. The property is located along the south side of Caplinger Road SE, between Cordon Road and Macleay Road SE. The parcel, identified as tax lot 1000 on Assessor's Map T7S R2W Section 32D, totals approximately 8.16 acres. The parcel is designated *Industrial* on the Salem Area Comprehensive Plan (SACP) Map and it is zoned IBC. The parcel is vacant.

The parcel is the north end of the intended industrial district located along Cordon Road, but it has no frontage on Cordon Road. Caplinger Road is defined as a "local" street by the Salem Transportation System Plan (STSP), and the parcel is bordered by residential development to the north and west. A small parcel zoned RA borders on the east. In addition, the City owns the bordering parcel to the south, for wetlands mitigation, which separates it from other industrial lands to the south.

Calram Development proposes to use the property for multi-family residential development. In order for that use to occur, a Comprehensive Plan Amendment from *Industrial* to *Multifamily*

Residential, and a corresponding Zone Change from IBC to RM2 is required. Based on allowable density in the RM2 zone, the site could be expected to provide approximately 180 to 220 residential units. However, the actual layout and design of the project will depend on City Design Review approval.

Trees: Under the City's tree preservation ordinance, SRC Chapter 68.100(a) requires tree conservation plans only for development proposals involving the creation of lots or parcels to be used for the construction of single family or duplex dwelling units. Because the proposal does not involve the creation of lots or parcels for single family or duplex dwelling unit construction, a tree conservation plan was not required. Pursuant to SRC Chapter 68 "Preservation of Trees and Vegetation," a Tree Removal Permit is required for removal of any significant trees and any removal of trees within a riparian corridor. Furthermore, no heritage tree shall be removed. Exceptions can include the removal of Oregon white oaks where the removal is necessary in connection with construction of a commercial or industrial facility (SRC68.080(m)). The applicant should contact City staff before removing any trees on the subject property.

Wetlands: Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. The Salem-Keizer Local Wetland Inventory (LWI) identifies wetlands and waterways as being present on the property, along the southern border. The applicant is required to contact DSL to determine whether or not any permits are required prior to development of the site. Any wetland impact, creek crossing, or outlet/disturbance below ordinary high water will require a permit from Department of State Lands and U.S. Army Corps of Engineers.

Landslide Hazards: SRC Chapter 69 "Landslide Hazards" sets forth the mitigation requirements that may be imposed if landslide hazards are present on a property. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure a safe and healthful development. The subject property features zero mapped landslide hazard points and a Comprehensive Plan and zone change request does not incur any "activity" points. (A multi-family building permit incurs 3 activity points). The cumulative total of zero landslide hazard susceptibility points indicates a "low landslide hazard," therefore a geological assessment is not required. There is no evidence that the site is geologically or geotechnically unsuitable for development. There is no evidence that development of the property will have a negative geological or geotechnical impact on adjacent properties. The site will be reviewed for development requirements related to landslide hazards at the time of redevelopment.

Site Plan: A site plan is not required as part of a Comprehensive Plan Change/Zone Change application and was not submitted. The subject property is currently vacant. The applicant proposes to use the property for a multi-family residential development. Review of future development plans for conformance with applicable development standards contained in the Salem Revised Code is completed at the time of Multi-family Development Design Review and building permit.

Applicant Submittal Information:

An application for a Minor Comprehensive Plan Change must include a thorough statement addressing the approval criteria. Similarly, requests for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted such statements and proof, which are included in their entirety as Attachment 2 to this staff report. Staff utilized the information from the applicant's statements to 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) Section 64.040(g) defines a minor plan change as a single proceeding for amendment to the Comprehensive Plan affecting less than five (5) privately and separately owned tax lots. This request is a Category 4 minor plan change, which is a quasi-judicial act. The burden of proof in meeting the approval criteria rests with the proponent of the change (SRC 64.090(a)). Salem Revised Code Section 64.090(b) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold print**. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 3).

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

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

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

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

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

The applicant is required to address one of the previous criteria and has chosen to address 2B.

Applicant's Statement for 2(B):

Previously approved Plan amendments have affected a significant number of properties in the vicinity of the subject property, and have changed the character of the lands along and in the vicinity of Caplinger Road from an intended industrial corridor to predominantly residential development. This change in circumstances has been furthered by a variety of development approvals for a PUD and subdivisions. The present pattern of land use results from the development of residential activity. In contrast, the industrial lands have remained vacant. The subject property is the only site along Caplinger Road that is designated for industrial use. Residential traffic is the major use of Caplinger Road. As a result of these circumstances the parcel is now situated in an area that is predominantly residential, with natural resource use along Fruitland Creek.

There have been two Plan Amendments in this area that have changed designated industrial land to residential land. CPC/ZC 96-1, off the south end of Seattle Slew Dr., and CPC/ZC 05-4, south of

Macleay Road and east of 49th, both redesignated industrial parcels located in interior neighborhoods, and which did not front on the Cordon Road corridor. These Comprehensive Plan changes recognized that those sites were more closely related to residential neighborhoods than the Cordon Road industrial lands. CPC/ZC 05-4, in particular, extended the contiguous residential area from west of 49th, eastward to Macleay Road. That action significantly changed the character of the area by removing the industrial designation from land that did not front along Cordon Road. An additional Plan amendment, CPC/ZC 05-14, changed a remaining parcel along Macleay to residential use.

In addition to these Plan amendments, various development approvals in this area resulted in major residential developments that now make up the predominant components of the land use pattern. These include PUD 01-01 for the Evergreen Village Mobile Home Park, 138 lots; Subdivision 00-8, 53 lots; and Subdivision 05-21 for Santiam Village, 94 lots. PUD 01-01 and Subdivision 00-8 are across Caplinger to the north of the subject property.

The previously approved Plan amendments resulted in a major change in circumstances that affected a significant number of properties in the vicinity of the subject property, such that the existing Industrial designation for the subject property is no longer appropriate. The development of this area is now predominantly residential, to the extent that industrial development on the subject parcel would no longer be consistent with the neighborhood pattern. These factors satisfy part (2)(B).

Finding: Staff concurs with the applicant. The previously approved plan amendments in the area have changed the character of the area so that an "Industrial" designation is no longer appropriate. The cited Comprehensive Plan and Zone Changes have contributed to the residential nature of the area by changing industrial land to residential. Specifically, the previous plan amendments have changed land that did not front onto Cordon Road SE from an Industrial designation to Residential. The result is Industrial land along Cordon Road SE and single family and multiple family developments with access from Macleay Road SE and Caplinger Road SE. The subject property, unlike all of the other Industrial designated property in the area, does not have access to Cordon Road SE or Macleay Road SE. Caplinger Road SE is designated as a 'local' street in the Salem Transportation System Plan (STSP) and serves a residential neighborhood and the subject property.

The property directly to the south of the subject property is owned by the City of Salem, contains wetlands and a creek, and will not be developed in conjunction with the subject property nor will it provide access from Cordon Road SE or Macleay Road SE. Marion County, in conjunction with the City, is proposing to install an earthen levy system in order to prevent flooding downstream. The West Middle Fork of the Little Pudding River, as well as two small tributaries joining the West Fork, runs through the adjacent property. These waterways are part of the headwaters of the Little Pudding river system. Therefore, the subject property is essentially an island of Industrial land located on a local street which serves residential uses.

Staff finds that previously approved plan amendments in that area have significantly changed the character of the area to the extent that the existing Industrial designation is no longer appropriate. The applicant has met criteria 2(B).

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

GOAL 1 - CITIZEN INVOLVEMENT

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

opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Finding: As outlined in this staff report the proposal was appropriately noticed and satisfies Citizen Involvement described in Goal 1.

GOAL 2 - LAND USE PLANNING

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

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

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

The property has not been identified in the Comprehensive Plan as a scenic or historic resource, as public open space, or as a recreation site. There are no identified natural resources on the site.

Finding: Staff concurs; there are no known scenic, historic, natural, or cultural resources on the subject site. The City's tree preservation ordinance and any applicable wetland standards will apply at the time of development.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposed Plan change will allow for residential use. The site is currently designated IBC, which allows for industrial uses. Residential use in general does not create significant impacts to air quality. The major impacts to the air at this location would be from the existing vehicle traffic on area streets. The traffic generated by the proposed development will contribute to the total traffic load in the area but will not result in a significant impact on air quality.

Sewer service to the property will be provided by the City. Waste water from the development will be discharged into the sewer system for treatment at the City of Salem treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff will be collected and removed by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

The land within the site has no other special or unique natural features or characteristics. Based on these factors and considerations the proposed project will have no significant impacts to the quality of the air, water or land.

Finding: Staff concurs with the applicant. The Salem-Keizer Local Wetland Inventory (LWI) identifies wetlands and waterways as being present on the property, along the southern border. The applicant is required to contact DSL to determine whether or not any permits are required prior to development of the site. Any wetland impact, creek crossing, or outlet/disturbance below Ordinary High Water will require a permit from Department of State Lands and U.S. Army Corps of Engineers. The proposed project will have no significant impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No significant natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

Finding: There are no known natural hazards exist on the subject property. In the event a hazard is identified, the City's tree protection, landslide, and floodplain development standards will be applied at the time of development of the subject property and will ensure compliance with Goal 7.

GOAL 9 - ECONOMIC DEVELOPMENT

An analysis of the national, state, and local/regional economic trends affecting the city was presented in the SREC EOA. According to that analysis, the traditional components of the local and regional economy, which are natural resource based industries, will experience job loss. By contrast, jobs in wholesale and retail trade, and supporting industries of transportation and warehousing, are expected to grow. Services industries will also experience growth, based on changes in demographics (EOA p. 9).

The EOA describes current industrial site requirements for the various industries likely to locate in Salem. Regional distribution centers "typically seek sites of 40 acres or more." A general industrial park requires at least 10 acres (p. 11). As reported in the EOA, firms today are more likely to cluster in centers, parks or campuses, that in isolated or small sites, in order to achieve the advantage of visibility, shared infrastructure, and parking (EOA p. 9-10). This places individual parcels at a competitive disadvantage to sites such as the Mill Creek project that are more appropriately located, and planned and prepared in advance of development.

The subject parcel is part of the industrial lands identified in the 1980-81 Project 90 study, and included in the subsequent CEDD. The collection of properties that make up the CEDD are individually owned parcels that have not been master planned as an industrial park, a center, or a campus. Although the CEDD lands have been designated for industrial use for 25 years, there has been no attempt to consolidate them into a master-planned industrial center, and none has developed for an industrial use.

The subject parcel is not suitable for a transportation and warehouse facility due to its location. It is not likely to attract a general industrial park because of its size, it is not part of a planned industrial development, infrastructure and environmental mitigation have not been provided, and its major access is along a local street. In addition, the IBC zone restricts land divisions, which affects the type of use that could be suitable for the property.

For these reasons, removing the subject property from the industrial land inventory will not have a significant affect on the ability of the city to attract the industries that are likely to locate here. The ability of the city to provide adequate opportunities for the variety of economic activities that can be expected will not be significantly affected by this proposal. Because the economic conditions affecting the state and local economies have changed, and the property does not fit the site requirements for the industries most likely to locate in Salem, removing this site from the industrial lands inventory will not have a significant impact on the economy of the city, the region or the State, and the proposed change does not conflict with this Goal.

Finding: The proposed change to the Comprehensive Plan Map is to redesignate 8.16 acres from Industrial to Multi-Family Residential. Data required by this Goal to address the proposed change, as required by OAR 660-009-0015, is available in the *Salem Regional Employment Center Economic Opportunities Analysis* (EOA) report of October 2004, prepared for the Salem Regional Employment Center-Mill Creek Industrial Park Project. Mill Creek Industrial Park is now called Mill Creek Corporate Center. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial and commercial land within the urban area for the 20-year planning period. The applicant references the EOA document, which was prepared by the Planning Division of the City's Community Development Department. This document is available for review at the Planning Division.

The EOA presents data regarding national, state, regional and local employment trends. The national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services, to increase. The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase. The increase in job growth in these sectors is tied to the projected increases and changes in the population. Job growth specific to Marion and Polk Counties is shown in Table 4, page 6 of the EOA. This table shows an increase of 18,198 jobs from 2002 to 2012, with a large percentage of the new jobs occurring in the retail and service sections.

The subject property meets portions of the definition of 'prime industrial land' as defined by the state's Industrial Conversion Study Committee in their report "Promoting Prosperity" adopted November 4, 2004 by DLCDC. The property is well located in the south Salem area with access to Interstate-5. Its preservation could provide the city with additional inventory of industrial land. However, the property can be easily replicated elsewhere within the Salem urban area; most specifically within the Mill Creek Industrial Park or the Gaffin Road property (79 acre future industrial business park), both of which are located one mile away. These properties have had significant public investments from the City and the State of Oregon.

In contrast, the subject property, which has had an Industrial designation for 25 years, has not received any public investment. There is no data available that the city plans any public investment or subsidy to reduce holding costs of the subject property. The property to the south, which is under separate ownership, will not be developed for industrial uses. It is owned by the City of Salem, contains wetlands and a creek, and will not be developed in conjunction with the subject property nor will it provide access from Cordon Road SE. Marion County, in conjunction with the City, is proposing to install an earthen levy system in order to prevent flooding downstream. The West Middle Fork of the Little Pudding River, as well as two small tributaries joining the West Fork, runs through the adjacent property. These waterways are part of the headwaters of the Little Pudding river system. Therefore, the subject property is essentially an island of Industrial land located on a local street which serves residential uses.

Accordingly, given the proximity of Mill Creek Corporate Center, and the Gaffin Road property, the lack of public money to fund infrastructure costs of this property, the unlikelihood of the adjacent industrial property being developed, and lack of access onto a major street, it is highly unlikely that the subject property will be used for industrial purposes.

GOAL 10 - HOUSING

The site is currently designated for industrial use. There is no housing on the site. The proposed use is multifamily housing. The site may provide for 180-220 housing units at densities allowed by the RM2 multifamily zone. This will create additional housing opportunities on the east side of the urban area, which will contribute to the goal of providing adequate housing at price ranges that are in keeping with the financial capabilities of the community.

The proposal will help fulfill the housing needs forecast for the urban area. According to the City of Salem 1999 Data Report, the most recent year available, between 1990 and 1999 there was a need for 7,145 additional multifamily units (Table 5). During that same period 4,504 multifamily units were built (Table 13), 2,641 short of the projected need. Between the years 2000 and 2015 an additional 4,570 multifamily units are projected to be needed in the urban area (Table 5). The proposed project is consistent with providing the forecast number of multifamily housing units during the planning period.

By providing multifamily housing that will help to fulfill the projected housing needs of the community the proposal fulfills the requirements of this Goal.

Finding: Staff concurs with the applicant. The site is currently vacant. The proposed RM2 (Multiple Family Residential) zoning will require a minimum of 12 dwelling units per gross acre and will permit a maximum of 28 dwelling units per gross acre.

The decrease in vacant land inventory will enhance the City's ability to provide needed housing opportunities. The latest study of RM zoned land within the UGB was concluded in 2001. The Salem Multiple Family Residential Land Study (SMFRLS) was an extensive effort which determined the supply and demand of RM land and designated selected properties to "Multiple Family Residential" zone. This work was required as part of the Periodic Review Work Program. SMFRLS took into consideration balancing the distribution of the new multiple family land throughout the City with the largest new areas being allocated to parts of the city with the lowest existing amount of multiple family land (West and South Salem). During the SMFRLS process the city was broken down in geographic regions. The subject property is located in Region 5 (East Salem).

Based on the supply of RM zoned land at the end of the SMFRLS process and the current 2008 supply there has been a reduction in the amount of multiple family land in Region 5. The proposal will create additional housing opportunities and help meet the projected housing needs which fulfill the requirements of this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

The public facility and service needs of the proposed development will be determined by the City and specified during the site development process. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

Finding: The required public facilities and services to serve the proposed future use of the property will be determined by the City when development permits are requested. The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development.

GOAL 12 – TRANSPORTATION

The subject site is located along Caplinger Road, which is defined as a local street (STSP). Caplinger connects with Macleay Road and Cordon Road, which are arterials that provide links to the urban street network.

A Transportation Planning Rule (TPR) report for this proposal has been prepared by Karl Birky, P.E., Transportation Engineer. The TPR report is included as a part of the application. The TPR report estimates the traffic that would be generated by reasonably likely uses under the existing IBC zone, and by the density of multifamily residential use that could occur under the proposed RM2 zone. As the TPR report shows, development under the proposed RM2 zone would generate less than half of the traffic than would be reasonably likely by uses in the IBC zone.

The site is adequately served by the existing street system, and no new streets are needed to serve the site as a result of the proposal. No transportation facilities or intersections would be adversely affected by the proposal. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an LOS to fall to an unacceptable level. Because the proposed use will not have a significant impact on the existing transportation system the requirements of this Goal and the TPR are satisfied.

Finding: Staff concurs with the applicant. The City Traffic Engineer has reviewed the Transportation Planning Rule (TPR) Analysis, dated April 25, 2008, that was submitted by the applicant and agrees with the findings of the TPR Analysis. The proposed change to 'Multi-Family Residential' will not generate more traffic than what is currently allowed under the 'Industrial'

designation. The subject property can be served by the existing local street, Caplinger Road SE, without any adverse impacts to the existing transportation network.

The subject property is served by public transportation Route 16/16a, Four Corners/Macleay Weekdays, on Macleay Road SE. The closest stop is 0.4 miles away. There are bicycle lanes on Caplinger Road SE and Macleay Road SE. There are sidewalks along a portion of Caplinger Road SE and on Macleay Road SE. Future development of the subject property will require the installation of sidewalks along Caplinger Road SE. In addition, all multi-family development within the City of Salem is required to obtain Design Review approval before the issuance of building permits. The *Development Design Handbook* requires multiple family developments to provide pedestrian paths and connections between units, open space, parking areas, and the adjacent public sidewalk system. The proposed development will be required to provide safe and convenient sidewalk connections to Caplinger Road SE.

GOAL 13 - ENERGY CONSERVATION

New residential construction will comply with the energy efficiency requirements in effect at the time of construction. This will achieve compliance with this Goal.

Finding: Staff concurs. This will result in the proposal being consistent with the energy conservation requirements of this Goal.

GOAL 14 – URBANIZATION

The site is within the city. The proposal is to redesignate vacant industrial land. All necessary public services can be provided to the site. The proposed use will contribute to the efficient use of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

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

Finding: Staff concurs with the facts provided by the applicant and concludes this proposal complies with Goal 14.

The proposed Comprehensive Plan Change complies with all applicable Statewide Planning Goals.

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

The site is currently designated for industrial use. However, residential activity is the major influence on the land use pattern in the vicinity. The other industrial lands in the area, located to the south, front on Cordon Road, the major north-south arterial along the eastern edge of the urban area. The subject site does not front on Cordon Road. It fronts on Caplinger Road, which is a local residential street.

The proposed change is logical with the land use pattern because it conforms to the residential land use pattern along Caplinger Road, which is the site's only street frontage. Development of the site will result in additional improvements along the Caplinger frontage, which will benefit the existing residential neighborhood. The site does not front on Cordon Road, as do the other designated industrial lands to the south. For these reasons, the proposed change to residential use will be logical with the land use pattern of the area.

For similar reasons the proposed change will be harmonious with the land use pattern of the area. The land to the north and west is in residential use. A City wetland mitigation parcel is to the south. The neighborhoods to the west and north will be the areas most impacted by industrial development of this site, and heavy traffic from future industrial activity will impact the local street and filter through the adjacent residential neighborhoods. This is contrary to Comp Plan policies to protect

residential areas from conflicting land uses and traffic. In addition, the other industrial lands in the area front on Cordon Road, an arterial. The subject site does not. The proposed residential use of the site will be more consistent with the existing residential land use pattern than would industrial development. For these reasons, the proposed change to residential uses will be harmonious with the land use pattern of the area.

Because the sole access to subject site is Caplinger, a local street; because it does not front on Cordon Road, and because future industrial development would generate higher traffic volumes on the local street than residential use, 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, and this criterion is satisfied.

Finding: Staff concurs with the applicant. The proposed change to residential use will be logical with the land use pattern of the area. To the north, across Caplinger Road, is a manufactured dwelling subdivision. Directly to the east and west are single family dwellings. Further to the west, across Macleay Road SE, is a combination of single family and multi-family housing. The character of the area along Caplinger Road SE and Macleay Road SE, for properties without frontage on Cordon Road SE, is residential in nature.

The site does not front on Cordon Road SE unlike the other industrial properties in the area. Caplinger Road SE provides the only access to the site. Besides the subject property, Caplinger Road SE only serves residential neighborhoods. Therefore, having industrial traffic on Caplinger Rod SE would be inconsistent with its current use and would be in conflict with the Comprehensive Plan policies protecting residential areas from industrial traffic.

The subject property is surrounded on three sides by property that has a residential designation and is developed with single family and manufactured dwellings. The property to the south has an "Industrial" designation but is owned by the City of Salem, contains a creek and wetlands and it is proposed that the property will be used for flood control. It will not be developed in an industrial manner. Therefore, the proposed change would be logical and harmonious with the land use pattern for the area. This criterion has been met.

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

Applicant's Statement: The following elements of the SACP are applicable to this request:

Part II. Definitions and Intent Statement

Statement A. Comprehensive Land Use Plan

1. Intent: The stated intent of the Comprehensive Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land over time in response to changing conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan states that the map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use, and that the Plan recognizes that land use and zoning are expected to change as conditions change.

This proposal is made in response to the changes in the factors that determine the appropriate use of property in this area. One factor is the length of time this site, and the other industrial lands along the Cordon Road corridor, have remained vacant. Another factor is the changes to the local, regional and state economy, and the changes in the projected industrial makeup of the community, that have occurred since the site was designated for industrial use. A third factor is the creation of the Mill Creek Corporate Center project, which significantly increases the overall inventory of

industrial land in the urban area, and which is designed and planned specifically to attract the types of industries that are identified in the EOA as most likely to locate in Salem.

The overall increase in industrial land allows re-evaluation of existing, vacant industrial sites with regards to their relationship to their surroundings. The predominant land use around the subject property is residential. Major residential development has occurred to the north and to the west. The proposed Plan change is in keeping with these changes in the surrounding area since the time the site was designated for industrial use. The proposal is consistent with the Plan's methodology to rezone land over time in response to changing conditions.

The proposal follows the framework of the plan methodology, and contributes to a desirable land use pattern at this location, because it corresponds to the residential neighborhoods to the west and north. For these reasons, the proposal is consistent with the Intent statement of the Plan.

Part IV. Salem Urban Area Goals and Policies

E. Residential Development

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

In meeting this goal, residential development shall:

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

Future residential development of the site is proposed under the RM2 zone. Development at an RM2 density will allow for an efficient use of the land area and of public facilities and infrastructure provided to the site. The proposal will increase the number and range of housing opportunities for the population of the urban area, and for those choosing to live in the eastern part of the city. For these reasons, the proposal is consistent with the Residential Development Goal.

Residential Development Policies

1. Establishing Residential Uses

The City forecasts that an additional 4,570 multifamily units will be needed between 2000 and 2015 (1999 Data Report). The proposed multifamily housing will contribute to meeting this forecasted housing need. The site is essentially level and presents no physical obstacles to residential development. The creek channel along the south end of the property will not interfere with the development of the site. It will serve as a buffer to the lands to the south. All necessary public facilities and services can be provided at adequate levels for the type and density of housing that can locate on the site. The property is near schools, churches, and commercial services, and is close to future employment opportunities. The site is accessible from Macleay Road and Cordon Road. These streets are arterials, an appropriate classification for connecting residential neighborhoods with public and commercial services and employment. The employment opportunities in the area should increase with the development of the nearby industrial lands and the Mill Creek Corporate Center. The RM2 zone requires a density of 14-28 units per acre. At these densities the proposed residential development will help to fulfill the density Goal of General Development Policy 7, which is an overall average of 6.5 units per acre.

Based on these factors, the location and density of the proposed residential project is consistent with this policy.

2. Facilities and Services Location

Development of the site will include street improvements along its frontage on Caplinger Road, as specified by the City. This will provide for improved pedestrian and bicycle access in the area. Macleay Road is identified as a bike route on the STSP Bicycle System Plan Map, and this will provide for access to the schools and commercial areas to the west, and to Lancaster Drive. The proposal will accommodate population growth by providing for increased density housing in a compact and efficient manner, on serviceable land within the city. The provision of utilities and services will be planned for maximum efficiency on the site. Residential development on the site, compared to industrial development, will correspond to the residential pattern that is established to the west and north, and this type of development will avoid creating a nuisance or a hazard to the residents of the area. For these reasons, the proposal is consistent with this policy.

3. Infill Development

The subject property has been designated for industrial use for approximately 25 years, but remains vacant. During this period other industrial lands in the city have experienced intensive development for a variety of industrial activities. The subject property is underutilized and must be considered to be passed-over in terms of its attraction for industrial development. However, the property is an appropriate site for residential development in terms of its relationship to the existing neighborhood, and the street pattern that serves the area. For these reasons, the proposed use of this site for infill residential development should be encouraged, in keeping with this policy.

6. Multi-Family Housing

The subject property is located in proximity to two arterial streets which provide direct routes to major commercial and employment centers. Macleay Road becomes Rickey Street, which is a direct route to the extensive commercial services along Lancaster Drive. Cordon Road is a direct route to major planned industrial centers. Two grade schools, and the Houck Middle School at Rickey and Connecticut Streets, are in proximity to the property. The multifamily density of the RM2 zone is 14-28 units per acre. This will provide for a variety of housing types in this area. The property is close to the future employment opportunities represented by the new and pre-existing industrial lands in the area to the south, including the new Mill Creek Corporate Center. Outdoor recreation space is provided at the schools that serve this area, which include Mary Eyre and Miller grade schools and the Houck Middle School.

For these reasons, the subject property is consistent with the factors stated in this policy for siting new multifamily housing.

7. Circulation System and Through Traffic

The main access to the subject property is Caplinger Road, a local residential street. Caplinger connects with Cordon Road and Macleay Road, which are arterials, but does not traverse any other, existing residential developments. Macleay Road is an arterial and a designated bike route, which also provides access to Cordon Road. The street frontage will be improved with a sidewalk, to provide pedestrian access. The existing street system in this area provides circulation and access to the site and to the surrounding area.

8. Protection of Residential Areas

Redesignating this site from industrial to residential use is consistent with this policy directive, with regards to the existing residential areas to the north. The subject site will provide an interface between the existing residential development to the north, and the

industrial lands to the south. The creek and wetland mitigation area to the south will help protect residential development on the subject property from future industrial development to the south. With these factors, the proposal is consistent with this policy.

9. Alternative Housing Patterns

The proposal will increase the housing density at this location. This will help to reduce the development costs per unit on the property, while increasing the efficiency of providing public services. The site is within proximity to schools, and commercial services are located within a convenient distance to the west along Macleay Road/Rickey Street. These factors are consistent with this policy.

10. Requests for Rezonings

The site is proposed to be designated *Multifamily Residential*, and zoned RM2. The RM2 zone provides for a density of 14-28 units/acre. Adequate public services are available to serve development in that density range. The site is essentially flat and level, and poses no obstacles or barriers to development within the density range of the zone. Residential Development Policy 7 has been addressed and is satisfied. By satisfying these factors the proposal is to be deemed appropriate.

11. Urban Design

The City has adopted design standards for multifamily development. Design Review approval will be required prior to development of the site.

H. Industrial Development

Industrial Development Goal: To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.

The types of industries that are likely to locate in Salem and thereby strengthen the economic base of the community, have been identified in the SREC EOA. The new Mill Creek Corporate Center is specifically intended to encourage and promote industrial development in the community. The Mill Creek project will add approximately 507 acres of land to the industrial land inventory of the city. The subject property has remained vacant although it has been designated for industrial use for 35 years. Due to the changing economic conditions during that period, the Plan change will not have a significant impact on the ability of the community to attract and maintain new industrial activity, and it will not conflict with this Goal.

Industrial Lands Policies - The following Policies may apply to this proposal:

Policy 1. Industrial Land Inventory: Maintain a long-term industrial land inventory which provides a full range of small, medium and large parcel sizes and locations to sustain a competitive market for industrial sites.

As noted, the new Mill Creek industrial facility is specifically intended to attract industrial development to the community. The Mill Creek project is a major addition to the industrial land inventory of the urban area, in terms of its size and its preparation for development. It will add 507 acres of developable industrial land to the urban area. By contrast, the subject property is not competitive as a contemporary industrial site because of its location, access, and the surrounding land uses. As a result, the proposed change of the subject property to residential use will not have a significant impact on the ability of the city to maintain a long-term industrial land inventory and to sustain a competitive market for industrial sites, and the proposal does not conflict with this policy.

Redesignation of the land to or from industrial may be allowed providing:

a. It serves the community's interests and does not impact the long-term continuity of the industrial inventory; and

The proposal serves the community's interests by providing an additional site for multifamily housing, which will create additional housing choices in the multifamily housing market. As has been previously described, the proposed redesignation from industrial to multifamily residential will not impact the long-term continuity of the industrial inventory of the community due to the change in industrial land requirements, and the addition of the Mill Creek Corporate Center project. For these reasons, the proposal satisfies a.

b. It is preferably a boundary adjustment which results from expansion of an existing, adjacent use; and

The proposal does not involve a boundary adjustment, and b. does not apply.

c. There is a demonstrated need to expand the industrial or non-industrial use inventory. Or

The proposed land use designation adds land for multifamily housing. Increasing the supply of land for multifamily housing has been a specific goal of the City. City data projected a need for additional multifamily housing units. By contrast, the industrial land inventory has been greatly expanded with the addition of the Mill Creek project, and removing this parcel from the industrial designation will have no significant effect on the industrial land inventory.

d. It is contingent on a specific, verifiable development project; and

If the Plan change is approved the property will be developed for multifamily housing. There is no specific design plan at this time however, a specific site design will require design approval prior to construction.

e. The specific site requirements of the project cannot be accommodated within the existing inventories; and

There is no inventory of vacant multifamily residential land in the vicinity. All of the existing multifamily land is committed to specific projects. The relationship of the proposal to the residential and industrial land in the vicinity has been described. The proposed use of the subject property will complete the residential development and street pattern in this area, and serve as an interface between the existing residential neighborhood to the north and the designated industrial lands to the south.

f. Public facilities, services, and utilities necessary for development of the specific project are incorporated into the development proposal.

All necessary public facilities and services are available for the proposed use of the site.

Policy 2. Public Facilities, Services, and Utilities: Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.

The site is proposed for residential rather than industrial development. The site remains vacant although it has been designated for industrial use for 25 years.

Policy 4. Interface with Other Uses: Industrial land shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land uses.

The subject property is proposed for redesignation from industrial to residential use, and this policy does not apply in this case. The proposed redesignation will be compatible with the existing residential land use pattern in the area, and it will serve as a transition between single family residential use to the north and industrial use to the south. Due to the creek corridor that borders on the south, the multifamily housing on the site will be buffered from future industrial activity to the south.

Policy 7. Traffic: Traffic generated by industrial uses should be diverted away from residential areas when feasible and should have convenient access to arterial or collector streets.

If the site developed under the current zone, industrial traffic will necessarily impact a local residential street, as that is the only access to the property. The existing residential area to the north would be especially impacted by the use of the street by industrial traffic. Redesignating the site for residential use will result in substantially lower traffic volumes from the site, and be compatible with the residential pattern and predominant use of the access street. The proposal to redesignate the site will serve to avoid future conflicts between industrial traffic and residential activities on the adjoining lands.

Policy 9. Non-Supporting Uses Discouraged: Non-industrial land uses should be discouraged from districts that have been designated for industrial use, except when a non-industrial use is primarily in support of industry or industrial employees.

The Project 90 study, the basis for which the subject property received its current industrial designation, anticipated that certain non-industrial activities such as residential uses would be part of the proposed industrial corridors. This policy appears at odds with the intent of that former study; however, the proximity of the proposed residential use to the industrial lands to the south means that the additional housing could support the employees of the industrial areas, which is consistent with this policy.

Policy 13. Diverse Interests: Land development regulations should provide for a variety of industrial development opportunities.

Even with the proposed redesignation of this property, there will be a variety of industrial development opportunities in the vicinity and throughout the urban area. These opportunities include the existing, vacant industrial lands along Cordon Road and Gaffin Road, as well as the new Mill Creek project south of Highway 22. These industrial lands provide a variety of industrial development opportunities. The redesignation of the subject property will not significantly affect industrial development opportunities in this area or within the urban area.

Because the subject property will provide a needed housing resource, and will not have an adverse affect on the industrial land inventory or on industrial development opportunities in the urban area, the applicable Goals and Policies of the Comprehensive Plan are satisfied.

Staff Findings: Staff concurs that the proposal complies with the applicable goals and policies of the Salem Area Comprehensive Plan. The Plan recognizes the need to remain responsive to changing and evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant's statements above, the proposal is consistent with the Goals and Policies of the SACP. Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Map change from "Industrial" to "Multi-Family Residential" conforms to all applicable Statewide Planning Goals.

Criterion 6: The proposed change benefits the public:

The proposed change in the land use designation is appropriate for the site, and for the neighborhood, considering the change in the character of the area that has occurred as a result of other residential development, and the Mill Creek project. As an industrial property, the site is not well located with regards to its access and relationship to the land use pattern. Residential development will make use of a vacant parcel in a manner that is more consistent with the surrounding residential land use pattern. This will avoid potential conflicts arising from industrial activity and traffic. By providing additional multifamily housing opportunities, located close to future employment sites, and contributing to an efficient land use and transportation pattern, the proposed change will benefit the public.

Finding: Staff concurs with the applicant. The site is not well located with regards to its access and relationship to the land use patterns of the area, specifically, it only has access on Caplinger Road SE, which is a local street that exclusively serves residential uses. The proposed change will allow the development of a vacant parcel in a manner that is consistent with the surrounding residential uses.

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

The following analysis addresses the re-zoning of the subject property from IBC (Industrial Business Campus) to RM2 (Multiple Family Residential).

SRC Chapter 114.160 provides the criteria for approval for Zone Map amendments. In order to approve a quasi-judicial Zone Map amendment request, the administrative body shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the nature and circumstances of each individual case. Unless any of the factors are deemed irrelevant, something more than an unsupported conclusion will be required, but the degree of detail in the treatment of relevant factors will depend on the degree of proposed change or deviation, and the scale and intensity of the proposed use or development. The requisite degree of consideration is directly related to the impact of the proposal – the greater the impact of a proposal in an area, the greater is the burden on the proponent.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 3).

Criterion (a): The applicant for any quasi-judicial land use action under this zoning code, other than classification of zoning for newly annexed areas that most closely corresponds to the county zoning, shall have the burden of proving justification for the proposal. The greater the impact of the proposal in an area, the greater is the burden on the proponent.

Criterion (b): The proposal must be supported by proof that it conforms to all applicable criteria imposed in this zoning code; that it conforms to all standards imposed by applicable goals and policies of the comprehensive plan in light of its intent statements, including adopted neighborhood plans; and that it conforms with all applicable land use standards imposed by state law or administrative regulation. The burden rests ultimately on the proponent to bring forward testimony or other evidence sufficient to prove compliance with these standards. At a minimum, the proponent's case should identify and evaluate the proposal in the context of all applicable standards.

Applicant's Statement: SRC 113.100(a) recognizes that due to a variety of factors including changing development patterns, concepts, and community needs, and other factors which cannot

be specifically anticipated, the zoning pattern cannot remain static. This zone change is proposed in response to the changes in the land use and development pattern in the area since the time the property was designated for industrial use. Those changes include Plan Amendments, Zone Changes, and development approvals for major residential developments, and the addition of 507 acres of land for industrial use south of Santiam Highway. This Zone Change request will correspond to the surrounding residential area to the west and north. The proposed zone change to RM2 will correspond to the proposed change in the Comprehensive Plan designation.

SRC 114.160(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comprehensive Plan. The relationship of the proposal to the Plan has been examined, and the proposal has been shown to conform to the requirements of the Plan.

Criterion (c): In addition to the proof under (a) or (b), the following factors should be evaluated by the proponent of a zone change and shall, where relevant, be addressed by the administrative body in its final decision:

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

Applicant's Statement: The property is currently designated *Industrial* on the Plan map and zoned IBC. These designations were the result of recommendations from the Project 90 industrial lands study, which took place in 1980-81. A mistake in a map or the application of a land use designation to the property is not claimed, and this consideration is not relevant to the proposal. However, the subject property and the other designated industrial lands in this area remain vacant. The economic and urban land conditions that warranted the industrial designation at the time of the Project 90 study have changed. The subject property in particular is not highly suitable for industrial use due to its location on a local street, and its proximity to residential neighborhoods. The proposed zone is better suited to the current conditions than the existing.

Finding: There is no mistake or mistake alleged by the applicant in the compilation of the zoning map.

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

Applicant's Statement: The social and demographic patterns of the neighborhood have changed as a result of large-scale residential development since the time the property was designated for industrial use. These changes are evidenced by the variety of Comprehensive Plan and Zone Changes, and development approvals for a PUD and subdivisions, in the immediate vicinity. As a result of these land use actions the residential population of the area has substantially increased, and the land use pattern is predominantly residential. In addition, the economic pattern of the neighborhood and the community has changed as a result of the Mill Creek Corporate Center, which designated 507 acres for industrial use. That was a major change from the previous designation, which was Public use, and created a new location for future economic activity in this area. These changes in the social, economic and demographic patterns of the area warrant the reconsideration of this vacant industrial site for alternative uses that are compatible with the neighborhood. These factors make it appropriate for rezoning for residential use, as proposed.

Finding: Staff concurs with the applicant. There has been a change in the social and demographic patterns of the neighborhood. There has been a shift from vacant, industrially zoned land and agricultural uses to a developed residential area that includes multiple family and single family residential dwellings. This has inevitably changed the social and demographic patterns of the area. In addition, the parcel to the south, which is also industrially zoned, has been purchased by the City with plans to use it for flood control. It will not be developed as an industrial parcel. This has cut off access to Cordon Road SE or Macleay Road SE for the subject property and eliminated its ability to

be master planned with the surrounding industrial property. Therefore, the parcel is only accessible by Caplinger Road SE, which is solely developed with residential uses. The change in the uses along Caplinger Road SE and the change in status of the parcel to the south have changed the immediate neighborhood and render this parcel out of place with the surrounding area.

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

Applicant's Statement: The conditions in the character of the neighborhood have changed as a result of the substantial residential development that has occurred since the time the property was zoned IBC. The PUD and subdivision directly north across Caplinger and the subdivision to the west along the south side of Macleay Road, have changed the conditions in the character of the neighborhood from an outlying area of acreage parcels and vacant industrial land, to a substantial urban-density neighborhood with over 285 residential lots. As a result of this change in the character of the neighborhood, the proposed zone change will create a transition between the industrial corridor along Cordon Road and the residential neighborhoods in the surrounding interior area.

Finding: Staff concurs with the applicant. There have been substantial changes to the character of the neighborhood through a Planned Unit Development directly across the street, subdivision approvals and development and Comprehensive Plan and zone changes. The area is no longer characterized by acreage parcels with agricultural uses and vacant industrial land, which constitutes a change in the character of the neighborhood.

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

Applicant's Statement: The effect of the proposal on the neighborhood will be to infill vacant industrial land with multifamily housing. The proposal will exchange the potential for industrial development for residential development. The residential density of the neighborhood will increase, but the traffic impact will be less than if the property developed for industrial use. The effect on the physical characteristics of the property will be to develop vacant land. This is expected on serviceable land within the urban area. The site has no identified physical features or characteristics that require special consideration. All required public services can be provided at adequate levels to support development under the proposed zone. Development at a multifamily density will make efficient use of the services provided in this area. Overall, the effect of the proposal will be to provide a transition in the residential development pattern between the single family subdivisions to the north and the industrial lands to the south.

Finding: Staff concurs with the applicant. The effect on the subject property will be to develop a vacant parcel in a manner that is consistent with the surrounding residential neighborhood. Public facilities and services can be provided to the property without affecting the surrounding neighborhood. The proposal will provide a transition in the residential development pattern between the single family subdivisions to the north and the industrial lands to the south. This criterion has been met.

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

Applicant's Statement: The proposed development will be provided with all public services and facilities that are necessary for the public health, safety and welfare. Sewage disposal, water supply, and storm drainage services will be provided. Street and sidewalk improvements will be designed and built to City standards along the property frontage. The appropriate points of access from the internal driveways to Caplinger Road will be specified by the City. The traffic impact of multifamily housing will be significantly less than that of industrial development, and can be

accommodated by the existing street system. The proposal will improve the public welfare by providing additional housing choices for the residents of the urban area.

Based on the facts and evidence presented and the circumstances that apply, the proposal considers the relevant review factors and qualifies for the proposed Zone Change.

Finding: Staff concurs with the applicant. All public facilities can be provided to the subject property as needed. Street and sidewalk improvements will be required as will pedestrian connection from within the development to the street. Any future development will be reviewed for compliance with all applicable local, state, and federal guidelines.

Applicant's Conclusion: The proposal will make productive use of vacant land that never fulfilled the purpose anticipated by its current designation. The Project 90 study was to guide economic development to 1990, and identify a 20 year supply of industrial land. That time frame is now far exceeded. In the meantime, economic conditions, the local industrial land inventory, and the location of industrial activity in the urban area, have changed substantially. The subject property is now more closely related to residential neighborhoods than industrial activity. The proposed change will not have an adverse impact on the industrial lands inventory and it does not conflict with the industrial lands policies in the Comprehensive Plan. The proposal conforms to the policies for residential development. The proposed use of the site will result in efficient use of the land and public utilities and services. The proposed designation will provide for a transition between the industrial land uses and the residential uses in the vicinity. For these reasons, the proposal is appropriate for the property, the neighborhood, and the location.

CONCLUSIONS

Staff concurs with the statements submitted by the applicant's representative as set forth above and concludes that each of the factors have been addressed. Therefore, the proposed zone change conforms to Criterion C as defined under SRC 114.160(c).

The proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan and the Statewide Planning Goals, and satisfies all applicable criteria.

Based on the facts and findings presented by the applicant, staff concludes that the proposed amendment, CPC/ZC 08-10, meets the criteria for approval. The applicant met their burden of proof in satisfying the Statewide Planning Goals, and the evaluation of factors for zone change defined under SRC 114.160, thereby meeting the approval criteria for zone change.

RECOMMENDATION

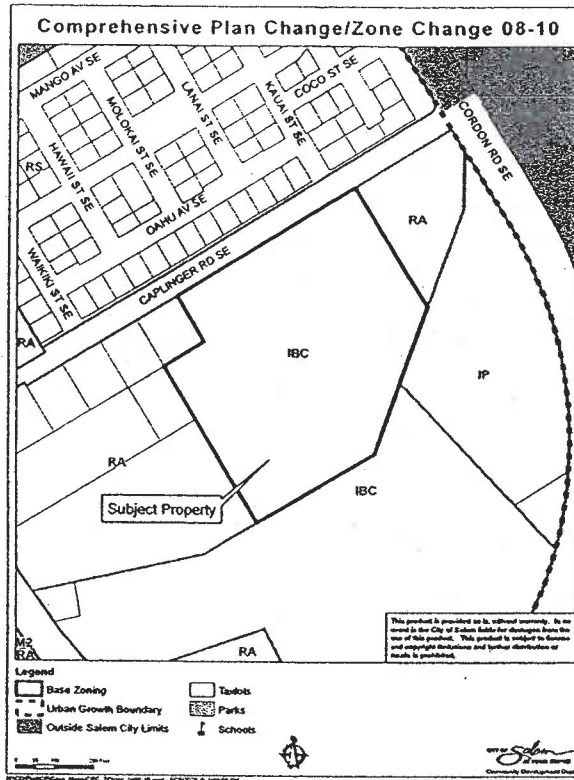
Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** by resolution, the following actions for Comprehensive Plan Change/Zone Change 08-10, for property approximately 8.16 acres in size and located in the 5200 Block of Caplinger Road SE (Marion County Assessor's map and tax lot number 072W32D 01000):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change for the subject property from "Industrial" to "Multi-Family Residential" be GRANTED.
- B. That the zone change for the subject property from IBC (Industrial Business Campus) to RM2 (Multiple Family Residential) be GRANTED.

- Attachments:
1. Public Hearing Notice and Map
 2. Applicant's Statement Addressing Comprehensive Plan Change/Zone Change Approval Criteria
 3. Transportation Planning Rule Analysis, dated April 25, 2008

NOTICE

PUBLIC HEARING AFFECTING THIS AREA



<p>TIME OF HEARING: 5:30 P.M. HEARD BY: PLANNING COMMISSION DATE OF HEARING: AUGUST 19, 2008</p>	<p>LOCATION OF HEARING: City Council Chambers Civic Center/Room 240 555 Liberty Street SE Salem, OR 97301</p>
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CASE NO. COMPREHENSIVE PLAN CHANGE/ZONE CHANGE 08-10

ADDRESS: 5200 Block of Caplinger Road SE
PROPERTY OWNERS: Jack and Lois Thornton
FILER: Jeff Tross

PROPOSAL

COMPREHENSIVE PLAN CHANGE: To change the Salem Area Comprehensive Plan map designation from "Industrial" to "Multi-Family Residential."
ZONE CHANGE: To change the zone district from IBC (Industrial Business Campus) to RM2 (Multiple Family Residential) for property approximately 8.16 acres in size and located in the 5200 Block of Caplinger Road SE (Marion County Assessor's map and tax lot number 072W32D 01000).

NOTICE MAILING DATE: July 30, 2008

CONTINUED ON THE REVERSE SIDE

ATTACHMENT 1

CRITERIA

The testimony and evidence for the public hearing must be directed toward the following criteria:

- A. Comprehensive Plan Change:
1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or
 2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and
 3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and
 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; and
 5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and
 6. The proposed change benefits the public.
- B. Zone Change conforms to the Comprehensive Plan and Zone Code considering the following factors as may be relevant:
1. The existence of a mistake in the compilation of any map, or in the application of a particular land use designation to any property in this zoning code or the comprehensive plan;
 2. A change in the social, economic, or demographic patterns of the neighborhood or of the community;
 3. A change of conditions in the character of the neighborhood in which the use or development is proposed;
 4. The effect of the proposal on the neighborhood, the physical characteristics of the subject property, and public facilities and services;
 5. All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant.

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 Commission, 555 Liberty Street SE, Room 305, Salem, Oregon 97301.

The hearing will be conducted with the staff presentation first, followed by the proponent's case, neighborhood organizations, testimony of persons in favor, opposing testimony, and rebuttal. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicants 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. The hearing body will then continue the public hearing or leave the record open for additional written evidence or 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 Planning Commission 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.

DOCUMENTATION AND STAFF REPORT

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost and copies will be available at a reasonable cost.
A copy of the staff report will be available for inspection at no cost on August 12, 2008.

ACCESS

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

FOR ADDITIONAL INFORMATION CONTACT

STAFF: Lisa Anderson-Ogilvie, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: (503) 588-6173, Ext. 7581, E-mail: lmanderson@cityofsalem.net.
NEIGHBORHOOD: Cory Poole, SEMCA Chairperson. Telephone: (503) 363-7717.

CITY OF *Salem*
AT YOUR SERVICE

The City of Salem values all persons without regard to race, color, religion, national origin, sex, age, marital status, domestic partnership, disability, familial status, sexual orientation, gender identity and source of income.

Individuals needing special accommodations such as sign or other language interpreters to participate in the meeting, must request such services at least two working days (48 hours) in advance by calling the Community Development Department at

(503) 588-6173 (Text Telephone: (503) 588-6353)
Equipment for the hearing impaired is available upon request.

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

***APPLICANTS' STATEMENT
FOR
JACK AND LOIS THORNTON AND CALRAM DEVELOPMENT
CAPLINGER ROAD COMPREHENSIVE PLAN AMENDMENT
AND ZONE CHANGE***

ATTACHMENT 2

This report remains the property of the Author and cannot be used for any purpose other than the application for which it was filed without the written consent and approval of the Author.

Assertion of Copyright on Work Product: The services of Jeffrey R. Tross are considered the final product, and all project materials and documents, copies, and electronic data are the copyrighted property of Jeffrey R. Tross. No unauthorized duplication or dissemination of these materials is permitted without the express written permission of Jeffrey R. Tross. All rights reserved.

SUMMARY OF THE PROPOSAL

Craig Clarambeau and Calvin Marshall, dba Calram Development LLC, of Turner, are purchasing a parcel owned by Jack and Lois Thornton, located along the south side of Caplinger Road SE between Cordon Road and MaCley Road SE. The parcel, identified as Tax Lot 1000 on Assessor's Map T7S R2W Section 32D, totals approximately 8.26 acres. The parcel is designated *Industrial* on the Salem Area Comprehensive Plan (SACP) map and it is zoned IBC. The parcel is vacant.

The parcel is the north end of the intended industrial district located along Cordon Road, but it has no frontage on Cordon Road. Caplinger Road is defined as a "local" street by the Salem Transportation System Plan (STSP), and the parcel is bordered by residential development to the north and west. A small parcel zoned RA borders on the east. In addition, the City owns the bordering parcel to the south, for wetlands mitigation, which separates it from other industrial lands to the south. Because of these factors it is no longer a highly appropriate parcel to consider for industrial use.

Calram Development proposes to use the property for multi-family residential development. In order for that use to occur, a Comprehensive Plan Amendment from *Industrial* to *Multifamily Residential*, and a corresponding Zone Changes from IBC to RM2, is required. Based on allowable density in the RM2 zone, the site could be expected to provide approximately 180-220 residential units. However, the actual layout and design of the project will depend on City Design Review approval.

The proposal was the subject of a preapplication conference, No. 08-18.

BACKGROUND

The parcel's current designation as industrial land is a result of the "Project 90" industrial study. From August of 1980 to September of 1981, a working group of seventy local citizens representing a variety of community interests worked in conjunction with the City to analyze the local economy and plan for future economic development opportunities. The purpose of

this effort was to provide the city with a guide to economic development through the year 1990, and as a result the study was titled "Project 90". The major product of this undertaking was the recognition that the city needed a larger inventory of sites for industrial development, and in particular sites that could attract large-scale industry such as high-technology electronics manufacturing.

To act upon this recommendation, the study proposed the concept of "industrial corridors" that would create concentrations of industrial activity. The industrial concentrations would be established through the formation of Economic Development Districts. These Districts were to be located in areas where new economic development would be most appropriate and would be most likely to occur during the twenty years following the study. Significantly, the Economic Development Districts were to include a mix of land uses, including high density residential, commercial, and industrial and office parks.

One of the areas recommended for such development was the "Southeast Salem Economic Development District" (later Cascade Economic Development District, or CEDD), which included an area centered on Cordon Road from Santiam Highway north to Macleay Road, and along Gaffin Road to the east of Cordon Road. This outlying area was composed of tracts of vacant land outside of the Urban Growth Boundary. In order for this area to become part of the city's industrial land inventory it was brought into the UGB and designated for industrial use.

As an additional means of implementing the recommended economic development strategy, the City devised and adopted the Industrial Business Campus (IBC) zone, and applied it to much of the land that was selected for future industrial development. The purpose of this zone was to provide a more modern format for industrial development, and to preserve large tracts of land for the types of industries that would be attracted to a higher-quality, "campus" style environment.

Industrial Development Since Project 90

Since the establishment of the Project 90 industrial land inventory, major industrial development has occurred in the Fairview Industrial Park, in the Salem Industrial Park, along Hawthorne Avenue between Santiam Highway and State Street, and around the airport. Although the lands in the CEDD have now been reserved for industrial use for over 25 years, they have never developed for that purpose. Those lands remain vacant, and the area has returned no value to the city. While it remains a priority for the City to provide a diverse inventory of industrial sites, since the time of Project 90 there have been important changes in the local, regional, and national economies, and to the industrial development patterns within the urban area. The assumptions on which the Project 90 industrial lands were based are now over twenty-five years old, and the changes to the economy and to the local industrial development pattern since that time warrant reconsideration of the need to retain all of the sites that were designated for industrial use as a result of Project 90.

Most recently and of great long-term significance, the City has entered into an agreement with the State to establish the new Salem Regional Employment Center (SREC) - Mill Creek Corporate Center, which is located south of Santiam Highway and east of Cordon Road. The intent and justification for this project was set out in the SREC "Economic Opportunities Analysis" (EOA) of October, 2004. As described in the EOA the Mill Creek project consists of approximately 646 acres, of which 507 acres are to be made available for industrial development. This will include 313 acres designated for large industrial parcels, 80 acres for general industrial uses, 104 acres for commercial-office uses, and 10 acres for accessory service and retail uses. The project is expected to be built out over a 20 year period (EOA pp.1-2.).

The agreement with the State includes the provision of financing for pre-development planning, environmental mitigation, and a plan to fund construction of infrastructure. This is to assure developers that infrastructure will be available when needed, and environmental mitigation will be provided. These measures are intended to position the development "to compete for developers and uses on a local, regional and national scale" (EOA p.1).

The intent of the Mill Creek project as stated in the EOA includes to “...*advance the State’s policy of developing sites with regionally significant economic potential through the use of a master planning process...*” (EOA p. 2), and to “...*distinguish the property from Salem’s existing inventory of industrial sites...*” (EOA p. 21). Through the provision of infrastructure, and the mitigation of environmental issues in advance of development, the site will be provided with a competitive advantage over existing, individual industrial parcels in the area. The size and scale of the project, the integration of complementary uses, and its advance preparation for development through master planning, will make it the focus of industrial development efforts in the urban area. Promoting its use is a priority for local and State economic development organizations in order to provide return on the investment in the site’s advance planning and improvements.

As a result, it is appropriate to reconsider the use of existing, vacant industrial parcels, that do not have the development advantages that have been provided to the Mill Creek project. The vacant industrial lands north of Santiam Highway that do not have frontage on Cordon Road or Gaffin Road in particular are less suitable for industrial use due to their close proximity to residential neighborhoods, and their frontage along local streets rather than an arterial. Such sites warrant re-evaluation of their likely and appropriate future use.

The Calram proposal to use the property for multifamily residential development is consistent with the intent of the Project 90 recommendation to include residential uses within the industrial districts. Considering its location and the surrounding residential uses, the conversion of the site to residential use remains consistent with the concept for the mixed-use of land within and around industrial development districts. The residential use of the parcel is appropriate for the land use and street pattern in this area, and could provide additional housing choices for future employees of the remaining industrial lands along Cordon Road and in the Mill Creek project.

Relationship to the Neighborhood

The subject property is within the primarily residential area located between Cordon Road and MacCleay Road. Urban-density residential development currently exists on the north side of Caplinger Road, and to the west of the parcel. As noted, the access to the property is from Caplinger. There are no other local streets that access the property.

The development on the north side of Caplinger is the 138 lot Evergreen Village manufactured home PUD. West of that is a 53 lot single-family subdivision. Seven residential lots zoned RA are along Caplinger to the west of the parcel, and a small acreage zone RA is to the east. A 94 lot subdivision, Santiam Village, is located south of MacCleay Road at the Caplinger intersection. The south end of the Santiam Village project is zoned RM2.

This area is served by two elementary schools and a middle school. Eyre Elementary is to the west on Macleay Road, and the new Miller Elementary is on 46th. Houck Middle School is located to the west, at Rickey and Connecticut Streets.

A tract of vacant land zone RA lies to the south, across Fruitland Creek, and is owned by the City for wetlands mitigation. The vacant industrial lands that border Cordon Road, zoned IP and IBC, are located to the south.

Overall, the location of the parcel is more closely related to the residential neighborhoods to the north and west than it is to the industrial lands that front on Cordon. Residential development was intended to be located in proximity to the industrial district in this area, and the subject parcel is appropriate for that purpose.

CRITERIA

Salem Area Comprehensive Plan

Proposals to amend the Comprehensive Plan Map designation are reviewed according to the criteria of SRC 64.090(b)(1-6). The application may address Part (1)(A) or (B), or (2)(A) or (B), and parts (3) - (6). This proposal addresses (2)(b) as follows:

(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.*

Previously approved Plan amendments have affected a significant number of properties in the vicinity of the subject property, and have changed the character of the lands along and in the vicinity of Caplinger Road from an intended industrial corridor to predominantly residential development. This change in circumstances has been furthered by a variety of development approvals for a PUD and subdivisions. The present pattern of land use results from the development of residential activity. In contrast, the industrial lands have remained vacant. The subject property is the only site along Caplinger Road that is designated for industrial use. Residential traffic is the major use of Caplinger Road. As a result of these circumstances the parcel is now situated in an area that is predominantly residential, with natural resource use along Fruitland Creek.

There have been two Plan Amendments in this area that have changed designated industrial land to residential land. CPC/ZC 96-1, off the south end of Seattle Slew Dr., and CPC/ZC 05-4, south of MacCleay Road and east of 49th, both redesignated industrial parcels located in interior neighborhoods, and which did not front on the Cordon Road corridor. These Comp Plan changes recognized that those sites were more closely related to residential neighborhoods than the Cordon Road industrial lands. CPC/ZC 05-4, in particular, extended the contiguous residential area from west of 49th, eastward to MacCleay Road. That action significantly changed the character of the area by removing the industrial designation from land that did not front along Cordon Road. An additional Plan amendment, CPC/ZC 05-14, changed a remaining parcel along MacCleay to residential use.

In addition to these Plan amendments, various development approvals in this area resulted in major residential developments that now make up the predominant components of the land use pattern. These include PUD 01-01 for the Evergreen Village Mobile Home Park, 138

lots; Subdivision 00-8, 53 lots; and Subdivision 05-21 for Santiam Village, 94 lots. PUD 01-01 and Subdivision 00-8 are across Caplinger to the north of the subject property.

The previously approved Plan amendments resulted in a major change in circumstances that affected a significant number of properties in the vicinity of the subject property, such that the existing Industrial designation for the subject property is no longer appropriate. The development of this area is now predominantly residential, to the extent that industrial development on the subject parcel would no longer be consistent with the neighborhood pattern. These factors satisfy part (2)(B).

(3) The proposed Plan change considers and accommodates as much as possible all applicable Statewide Planning Goals.

The following Statewide Goals apply to this proposal:

GOAL 1 - CITIZEN INVOLVEMENT

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

GOAL 2 - LAND USE PLANNING

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comp Plan Change criteria, and

the Zone Change considerations. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

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

The property has not been identified in the Comp Plan as a scenic or historic resource, as public open space, or as a recreation site. There are no identified natural resources on the site.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The proposed Plan change will allow for residential use. The site is currently designated IBC, which allows for industrial uses. Residential use in general does not create significant impacts to air quality. The major impacts to the air at this location would be from the existing vehicle traffic on area streets. The traffic generated by the proposed development will contribute to the total traffic load in the area but will not result in a significant impact on air quality.

Sewer service to the property will be provided by the City. Waste water from the development will be discharged into the sewer system for treatment at the City of Salem treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff will be collected and removed by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards.

The land within the site has not other special or unique natural features or characteristics.

Based on these factors and considerations the proposed project will have no significant impacts to the quality of the air, water or land.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No significant natural hazards are identified that are specific to this site that would prevent or interfere with the proposed use.

GOAL 9 - ECONOMIC DEVELOPMENT

An analysis of the national, state, and local/regional economic trends affecting the city was presented in the SREC EOA. According to that analysis, the traditional components of the local and regional economy, which are natural resource based industries, will experience job loss. By contrast, jobs in wholesale and retail trade, and supporting industries of transportation and warehousing, are expected to grow. Services industries will also experience growth, based on changes in demographics (EOA p. 9).

The EOA describes current industrial site requirements for the various industries likely to locate in Salem. Regional distribution centers “typically seek sites of 40 acres or more”. A general industrial park requires at least 10 acres (p. 11). As reported in the EOA, firms today are more likely to cluster in centers, parks or campuses, than in isolated or small sites, in order to achieve the advantage of visibility, shared infrastructure, and parking (EOA p. 9-10). This places individual parcels at a competitive disadvantage to sites such as the Mill Creek project that are more appropriately located, and planned and prepared in advance of development.

The subject parcel is part of the industrial lands identified in the 1980-81 Project 90 study, and included in the subsequent CEDD. The collection of properties that make up the CEDD are individually owned parcels that have not been master planned as an industrial park, a center, or a campus. Although the CEDD lands have been designated for industrial use for 25 years, there has been no attempt to consolidate them into a master-planned industrial center, and none has developed for an industrial use.

The subject parcel is not suitable for a transportation and warehouse facility due to its location. It is not likely to attract a general industrial park because of its size, it is not part of a planned industrial development, infrastructure and environmental mitigation have not been

provided, and its major access is along a local street. In addition, the IBC zone restricts land divisions, which affects the type of use that could be suitable for the property.

For these reasons, removing the subject property from the industrial land inventory will not have a significant affect on the ability of the city to attract the industries that are likely to locate here. The ability of the city to provide adequate opportunities for the variety of economic activities that can be expected will not be significantly affected by this proposal. Because the economic conditions affecting the state and local economies have changed, and the property does not fit the site requirements for the industries most likely to locate in Salem, removing this site from the industrial lands inventory will not have a significant impact on the economy of the city, the region or the State, and the proposed change does not conflict with this Goal.

GOAL 10 - HOUSING

The site is currently designated for industrial use. There is no housing on the site. The proposed use is multifamily housing. The site may provide for 180-220 housing units at densities allowed by the RM2 multifamily zone. This will create additional housing opportunities on the east side of the urban area, which will contribute to the goal of providing adequate housing at price ranges that are in keeping with the financial capabilities of the community.

The proposal will help fulfill the housing needs forecast for the urban area. According to the City of Salem 1999 Data Report, the most recent year available, between 1990 and 1999 there was a need for 7,145 additional multifamily units (Table 5). During that same period 4,504 multifamily units were built (Table 13), 2,641 short of the projected need. Between the years 2000 and 2015 an additional 4,570 multifamily units are projected to be needed in the urban area (Table 5). The proposed project is consistent with providing the forecast number of multifamily housing units during the planning period.

By providing multifamily housing that will help to fulfill the projected housing needs of the community the proposal fulfills the requirements of this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

The public facility and service needs of the proposed development will be determined by the City and specified during the site development process. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, electricity and telephone, and solid waste disposal, can be provided to the property. By maintaining an infrastructure of public facilities and private services to serve the site, the requirements of this Goal are met.

GOAL 12 - TRANSPORTATION

The subject site is located along Caplinger Road, which is defined as a local street (STSP). Caplinger connects with Macleay Road and Cordon Road, which are arterials that provide links to the urban street network.

A TPR report for this proposal has been prepared by Karl Birky, P.E., Transportation Engineer. The TPR report is included as a part of the application. The TPR report estimates the traffic that would be generated by reasonably likely uses under the existing IBC zone, and by the density of multifamily residential use that could occur under the proposed RM2 zone. As the TPR report shows, development under the proposed RM2 zone would generate less than half of the traffic than would be reasonably likely by uses in the IBC zone.

The site is adequately served by the existing street system, and no new streets are needed to serve the site as a result of the proposal. No transportation facilities or intersections would be adversely affected by the proposal. The proposed change in the land use designation will not cause a change in the functional classification of any street, and it will not cause an LOS to fall to an unacceptable level. Because the proposed use will not have a significant impact on the existing transportation system the requirements of this Goal and the TPR are satisfied.

GOAL 13 - ENERGY CONSERVATION

New residential construction will comply with the energy efficiency requirements in effect at the time of construction. This will achieve compliance with this Goal.

GOAL 14 - URBANIZATION

The site is within the city. The proposal is to redesignate vacant industrial land. All necessary public services can be provided to the site. The proposed use will contribute to the efficient use of a compact urban area, consistent with the intent of this Goal. The proposal does not affect the Urban Growth Boundary.

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

(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.

The site is currently designated for industrial use. However, residential activity is the major influence on the land use pattern in the vicinity. The other industrial lands in the area, located to the south, front on Cordon Road, the major north-south arterial along the eastern edge of the urban area. The subject site does not front on Cordon Road. It fronts on Caplinger Road, which is a local residential street.

The proposed change is logical with the land use pattern because it conforms to the residential land use pattern along Caplinger Road, which is the site's only street frontage. Development of the site will result in additional improvements along the Caplinger frontage, which will benefit the existing residential neighborhood. The site does not front on Cordon Road, as do the other designated industrial lands to the south. For these reasons, the proposed change to residential use will be logical with the land use pattern of the area.

For similar reasons the proposed change will be harmonious with the land use pattern of the area. The land to the north and west is in residential use. A City wetland mitigation parcel is

to the south. The neighborhoods to the west and north will be the areas most impacted by industrial development of this site, and heavy traffic from future industrial activity will impact the local street and filter through the adjacent residential neighborhoods. This is contrary to Comp Plan policies to protect residential areas from conflicting land uses and traffic. In addition, the other industrial lands in the area front on Cordon Road, an arterial. The subject site does not. The proposed residential use of the site will be more consistent with the existing residential land use pattern than would industrial development. For these reasons, the proposed change to residential uses will be harmonious with the land use pattern of the area.

Because the sole access to subject site is Caplinger, a local street; because it does not front on Cordon Road, and because future industrial development would generate higher traffic volumes on the local street than residential use, 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, and this criterion is satisfied.

(5) The proposed change conforms to all criteria imposed by the applicable goals and policies of the Comp Plan in light of its intent statements:

The following elements of the SACP are applicable to this request:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The stated intent of the Comp Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land over time in response to changing conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan states that the map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use, and that the Plan recognizes that land use and zoning are expected to change as conditions change.

This proposal is made in response to the changes in the factors that determine the appropriate use of property in this area. One factor is the length of time this site, and the other industrial lands along the Cordon Road corridor, have remained vacant. Another factor is the changes to the local, regional and state economy, and the changes in the projected industrial makeup of the community, that have occurred since the site was designated for industrial use. A third factor is the creation of the Mill Creek Corporate Center project, which significantly increases the overall inventory of industrial land in the urban area, and which is designed and planned specifically to attract the types of industries that are identified in the EOA as most likely to locate in Salem.

The overall increase in industrial land allows re-evaluation of existing, vacant industrial sites with regards to their relationship to their surroundings. The predominant land use around the subject property is residential. Major residential development has occurred to the north and to the west. The proposed Plan change is in keeping with these changes in the surrounding area since the time the site was designated for industrial use. The proposal is consistent with the Plan's methodology to rezone land over time in response to changing conditions.

The proposal follows the framework of the plan methodology, and contributes to a desirable land use pattern at this location, because it corresponds to the residential neighborhoods to the west and north. For these reasons, the proposal is consistent with the Intent statement of the Plan.

Part IV. Salem Urban Area Goals and Policies

E. Residential Development

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

In meeting this goal, residential development shall:

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

Future residential development of the site is proposed under the RM2 zone. Development at an RM2 density will allow for an efficient use of the land area and of public facilities and infrastructure provided to the site. The proposal will increase the number and range of housing opportunities for the population of the urban area, and for those choosing to live in the eastern part of the city. For these reasons, the proposal is consistent with the Residential Development Goal.

Residential Development Policies

Establishing Residential Uses

1. The location and density of residential uses shall be determined after consideration of the following factors;

a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.

b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.

c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.

d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.

e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.

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

g. The density goal of General Development Policy 7.

The City forecasts that an additional 4,570 multifamily units will be needed between 2000 and 2015 (1999 Data Report). The proposed multifamily housing will contribute to meeting this forecasted housing need. The site is essentially level and presents no physical obstacles to

residential development. The creek channel along the south end of the property will not interfere with the development of the site. It will serve as a buffer to the lands to the south. All necessary public facilities and services can be provided at adequate levels for the type and density of housing that can locate on the site. The property is near schools, churches, and commercial services, and is close to future employment opportunities. The site is accessible from Macleay Road and Cordon Road. These streets are arterials, an appropriate classification for connecting residential neighborhoods with public and commercial services and employment. The employment opportunities in the area should increase with the development of the nearby industrial lands and the Mill Creek Corporate Center. The RM2 zone requires a density of 14-28 units per acre. At these densities the proposed residential development will help to fulfill the density Goal of General Development Policy 7, which is an overall average of 6.5 units per acre.

Based on these factors, the location and density of the proposed residential project is consistent with this policy.

Facilities and Services Location

2. Residential uses and neighborhood facilities and services shall be located to:

- a. Accommodate pedestrian, bicycle and vehicle access;*
- b. Accommodate population growth;*
- c. Avoid unnecessary duplication of utilities, facilities and services; and*
- d. Avoid existing nuisances and hazards to residents.*

Development of the site will include street improvements along its frontage on Caplinger Road, as specified by the City. This will provide for improved pedestrian and bicycle access in the area. Macleay Road is identified as a bike route on the STSP Bicycle System Plan Map, and this will provide for access to the schools and commercial areas to the west, and to Lancaster Drive. The proposal will accommodate population growth by providing for increased density housing in a compact and efficient manner, on serviceable land within the city. The provision of utilities and services will be planned for maximum efficiency on the site. Residential development on the site, compared to industrial development, will correspond to

the residential pattern that is established to the west and north, and this type of development will avoid creating a nuisance or a hazard to the residents of the area. For these reasons, the proposal is consistent with this policy.

Infill Development

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

The subject property has been designated for industrial use for approximately 25 years, but remains vacant. During this period other industrial lands in the city have experienced intensive development for a variety of industrial activities. The subject property is underutilized and must be considered to be passed-over in terms of its attraction for industrial development. However, the property is an appropriate site for residential development in terms of its relationship to the existing neighborhood, and the street pattern that serves the area. For these reasons, the proposed use of this site for infill residential development should be encouraged, in keeping with this policy.

Multi-Family Housing

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

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;*
- b. Development regulations shall promote a range of densities that encourage a variety of housing types;*
- c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:*
 - (1) Employment centers;*
 - (2) Shopping areas;*
 - (3) Transit service;*
 - (4) Parks;*

(5) Public buildings.

The subject property is located in proximity to two arterial streets street which provide direct routes to major commercial and employment centers. Macleay Road becomes Rickey Street, which is a direct route to the extensive commercial services along Lancaster Drive. Cordon Road is a direct route to major planned industrial centers. Two grade schools, and the Houck Middle School at Rickey and Connecticut Streets, are in proximity to the property. The multifamily density of the RM2 zone is 14-28 units per acre. This will provide for a variety of housing types in this area. The property is close to the future employment opportunities represented by the new and pre-existing industrial lands in the area to the south, including the new Mill Creek Corporate Center. Outdoor recreation space is provided at the schools that serve this area, which include Mary Eyre and Miller grade schools and the Houck Middle School.

For these reasons, the subject property is consistent with the factors stated in this policy for siting new multifamily housing.

Circulation System and Through Traffic

7. Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;

b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;

c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.

The main access to the subject property is Caplinger Road, a local residential street.

Caplinger connects with Cordon Road and Macleay Road, which are arterials, but does not traverse any other, existing residential developments. Macleay Road is an arterial and a designated bike route, which also provides access to Cordon Road. The street frontage will

be improved with a sidewalk, to provide pedestrian access. The existing street system in this area provides circulation and access to the site and to the surrounding area.

Protection of Residential Areas

8. *Residential areas shall be protected from more intensive land use activity in abutting zones.*

Redesignating this site from industrial to residential use is consistent with this policy directive, with regards to the existing residential areas to the north. The subject site will provide an interface between the existing residential development to the north, and the industrial lands to the south. The creek and wetland mitigation area to the south will help protect residential development on the subject property from future industrial development to the south. With these factors, the proposal is consistent with this policy.

Alternative Housing Patterns

9. Residential Development Patterns

Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:

- a. The use of all modes of transportation;*
- b. Reduction in vehicle miles traveled and length of auto trips; and*
- c. Efficiency in providing public services.*

The proposal will increase the housing density at this location. This will help to reduce the development costs per unit on the property, while increasing the efficiency of providing public services. The site is within proximity to schools, and commercial services are located within a convenient distance to the west along Macleay Road/Rickey Street. These factors are consistent with this policy.

Requests for Rezoning

10. *Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:*

- a. The site is so designated on the comprehensive plan map;*

- b. Adequate public services are planned to serve the site;*
- c. The site's physical characteristics support higher density development; and*
- d. Residential Development Policy 7 is met.*

The site is proposed to be designated *Multifamily Residential*, and zoned RM2. The RM2 zone provides for a density of 14-28 units/acre. Adequate public services are available to serve development in that density range. The site is essentially flat and level, and poses no obstacles or barriers to development within the density range of the zone. Residential development Policy 7. has been addressed and is satisfied. By satisfying these factors the proposal is to be deemed appropriate.

Urban Design

11. *Design Standards shall be implemented to improve the quality of life of Salem's residents and promote neighborhood stability and compatibility.*

The City has adopted design standards for multifamily development. Design Review approval will be required prior to development of the site.

H. Industrial Development

Industrial Development Goal: *To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.*

The types of industries that are likely to locate in Salem and thereby strengthen the economic base of the community, have been identified in the SREC EOA. The new Mill Creek Corporate Center is specifically intended to encourage and promote industrial development in the community. The Mill Creek project will add approximately 507 acres of land to the industrial land inventory of the city. The subject property has remained vacant although it has been designated for industrial use for 35 years. Due to the changing economic conditions during that period, the Plan change will not have a significant impact on the ability of the community to attract and maintain new industrial activity, and it will not conflict with this Goal.

Industrial Lands Policies - The following Policies may apply to this proposal:

1. Industrial Land Inventory: *Maintain a long-term industrial land inventory which provides a full range of small, medium and large parcel sizes and locations to sustain a competitive market for industrial sites.*

As noted, the new Mill Creek industrial facility is specifically intended to attract industrial development to the community. The Mill Creek project is a major addition to the industrial land inventory of the urban area, in terms of its size and its preparation for development. It will add 507 acres of developable industrial land to the urban area. By contrast, the subject property is not competitive as a contemporary industrial site because of its location, access, and the surrounding land uses. As a result, the proposed change of the subject property to residential use will not have a significant impact on the ability of the city to maintain a long-term industrial land inventory and to sustain a competitive market for industrial sites, and the proposal does not conflict with this policy.

Redesignation of the land to or from industrial may be allowed providing:

a. It serves the community's interests and does not impact the long-term continuity of the industrial inventory;

The proposal serves the community's interests by providing an additional site for multifamily housing, which will create additional housing choices in the multifamily housing market. As has been previously described, the proposed redesignation from industrial to multifamily residential will not impact the long-term continuity of the industrial inventory of the community due to the change in industrial land requirements, and the addition of the Mill Creek Corporate Center project. For these reasons, the proposal satisfies *a.*

and

b. It is preferably a boundary adjustment which results from expansion of an existing, adjacent use;

The proposal does not involve a boundary adjustment., and *b.* does not apply.

And

c. There is a demonstrated need to expand the industrial or non-industrial use inventory.

The proposed land use designation adds land for multifamily housing. Increasing the supply

of land for multifamily housing has been a specific goal of the City. City data projected a need for additional multifamily housing units. By contrast, the industrial land inventory has been greatly expanded with the addition of the Mill Creek project, and removing this parcel from the industrial designation will have no significant effect on the industrial land inventory.

Or

d. It is contingent on a specific, verifiable development project;

If the Plan change is approved the property will be developed for multifamily housing. There is no specific design plan at this time, however, a specific site design will require design approval prior to construction.

and

e. The specific site requirements of the project cannot be accommodated within the existing inventories;

There is no inventory of vacant multifamily residential land in the vicinity. All of the existing multifamily land is committed to specific projects. The relationship of the proposal to the residential and industrial land in the vicinity has been described. The proposed use of the subject property will complete the residential development and street pattern in the this area, and serve as an interface between the existing residential neighborhood to the north and the designated industrial lands to the south.

and

f. Public facilities, services, and utilities necessary for development of the specific project are incorporated into the development proposal.

All necessary public facilities and services are available for the proposed use of the site.

2. Public Facilities, Services, and Utilities: Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.

The site is proposed for residential rather than industrial development. The site remains vacant although it has been designated for industrial use for 25 years.

4. Interface with Other Uses: *Industrial land shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land uses.*

The subject property is proposed for redesignation from industrial to residential use, and this policy does not apply in this case. The proposed redesignation will be compatible with the existing residential land use pattern in the area, and it will serve as a transition between single family residential use to the north and industrial use to the south. Due to the creek corridor that borders on the south, the multifamily housing on the site will be buffered from future industrial activity to the south.

7. Traffic: *Traffic generated by industrial uses should be diverted away from residential areas when feasible and should have convenient access to arterial or collector streets.*

If the site developed under the current zone, industrial traffic will necessarily impact a local residential street, as that is the only access to the property. The existing residential area to the north would be especially impacted by the use of the street by industrial traffic. Redesignating the site for residential use will result in substantially lower traffic volumes from the site, and be compatible with the residential pattern and predominant use of the access street. The proposal to redesignate the site will serve to avoid future conflicts between industrial traffic and residential activities on the adjoining lands.

9. Non-Supporting Uses Discouraged: *Non-industrial land uses should be discouraged from districts that have been designated for industrial use, except when a non-industrial use is primarily in support of industry or industrial employees.*

The Project 90 study, the basis for which the subject property received its current industrial designation, anticipated that certain non-industrial activities such as residential uses would be part of the proposed industrial corridors. This policy appears at odds with the intent of that former study; however, the proximity of the proposed residential use to the industrial lands to

the south means that the additional housing could support the employees of the industrial areas, which is consistent with this policy.

13. Diverse Interests: *Land development regulations should provide for a variety of industrial development opportunities.*

Even with the proposed redesignation of this property, there will be a variety of industrial development opportunities in the vicinity and throughout the urban area. These opportunities include the existing, vacant industrial lands along Cordon Road and Gaffin Road, as well as the new Mill Creek project south of Highway 22. These industrial lands provide a variety of industrial development opportunities. The redesignation of the subject property will not significantly affect industrial development opportunities in this area or within the urban area.

Because the subject property will provide a needed housing resource, and will not have an adverse affect on the industrial land inventory or on industrial development opportunities in the urban area, the applicable Goals and Policies of the Comprehensive Plan are satisfied.

(6) The proposed change benefits the public:

The proposed change in the land use designation is appropriate for the site, and for the neighborhood, considering the change in the character of the area that has occurred as a result of other residential development, and the Mill Creek project. As an industrial property, the site is not well located with regards to its access and relationship to the land use pattern. Residential development will make use of a vacant parcel in a manner that is more consistent with the surrounding residential land use pattern. This will avoid potential conflicts arising from industrial activity and traffic. By providing additional multifamily housing opportunities, located close to future employment sites, and contributing to an efficient land use and transportation pattern, the proposed change will benefit the public.

Based on the reasons and factors that have been discussed, the proposal satisfies the criteria for a Comp Plan Change.

Zone Change Considerations

SRC 113.100(a) recognizes that due to a variety of factors including changing development patterns, concepts, and community needs, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. This zone change is proposed in response to the changes in the land use and development pattern in the area since the time the property was designated for industrial use. Those changes include Plan Amendments, Zone Changes, and development approvals for major residential developments, and the addition of 507 acres of land for industrial use south of Santiam Highway. This Zone Change request will correspond to the surrounding residential area to the west and north. The proposed zone change to RM2 will correspond to the proposed change in the Comp Plan designation.

SRC 114.160(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comp Plan. The relationship of the proposal to the Plan has been examined, and the proposal has been shown to conform with the requirements of the Plan.

SRC 114.160(c) provides the following factors to evaluate a zone change request, which are to be reviewed and addressed where relevant:

(1) Existence of a mistake in a map or in the application of a land use designation to the property.

The property is currently designated *Industrial* on the Plan map and zoned IBC.. These designations were the result of recommendations from the Project 90 industrial lands study, which took place in 1980-81. A mistake in a map or the application of a land use designation to the property is not claimed, and this consideration is not relevant to the proposal. However, the subject property and the other designated industrial lands in this area remain vacant. The economic and urban land conditions that warranted the industrial designation at the time of the Project 90 study have changed. The subject property in particular is not highly suitable for industrial use due to its location on a local street, and its proximity to residential neighborhoods. The proposed zone is better suited to the current conditions than the existing.

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

The social and demographic patterns of the neighborhood have changed as a result of large-scale residential development since the time the property was designated for industrial use. These changes are evidenced by the variety of Comp Plan and Zone Changes, and development approvals for a PUD and subdivisions, in the immediate vicinity. As a result of these land use actions the residential population of the area has substantially increased, and the land use pattern is predominantly residential. In addition, the economic pattern of the neighborhood and the community have changed as a result of the Mill Creek Corporate Center, which designated 507 acres for industrial use. That was a major change from the previous designation, which was Public use, and created a new location for future economic activity in this area. These changes in the social, economic and demographic patterns of the area warrants the reconsideration of this vacant industrial site for alternative uses that are compatible with the neighborhood. These factors make it appropriate for rezoning for residential use, as proposed.

(3) A change of conditions in the character of the neighborhood in which the use or development is proposed.

The conditions in the character of the neighborhood have changed as a result of the substantial residential development that has occurred since the time the property was zoned IBC. The PUD and subdivision directly north across Caplinger, and the subdivision to the west along the south side of MaCley Road, have changed the conditions in the character of the neighborhood from an outlying area of acreage parcels and vacant industrial land, to a substantial urban-density neighborhood with over 285 residential lots. As a result of this change in the character of the neighborhood, the proposed zone change will create a transition between the industrial corridor along Cordon Road and the residential neighborhoods in the surrounding interior area.

(4) The effect on the proposal on the neighborhood, the physical characteristics of the property, and public facilities and services.

The effect of the proposal on the neighborhood will be to infill vacant industrial land with multifamily housing. The proposal will exchange the potential for industrial development for residential development. The residential density of the neighborhood will increase, but the traffic impact will be less than if the property developed for industrial use. The effect on the physical characteristics of the property will be to develop vacant land. This is expected on serviceable land within the urban area. The site has no identified physical features or characteristics that require special consideration. All required public services can be provided at adequate levels to support development under the proposed zone. Development at a multifamily density will make efficient use of the services provided in this area. Overall, the effect of the proposal will be to provide a transition in the residential development pattern between the single family subdivisions to the north and the industrial lands to the south.

(5) All other factors relating to the public health, safety and general welfare.

The proposed development will be provided with all public services and facilities that are necessary for the public health, safety and welfare. Sewage disposal, water supply, and storm drainage services will be provided. Street and sidewalk improvements will be designed and built to City standards along the property frontage. The appropriate points of access from the internal driveways to Caplinger Road will be specified by the City. The traffic impact of multifamily housing will be significantly less than that of industrial development, and can be accommodated by the existing street system. The proposal will improve the public welfare by providing additional housing choices for the residents of the urban area.

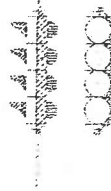
Based on the facts and evidence presented and the circumstances that apply, the proposal considers the relevant review factors and qualifies for the proposed Zone Change.

Summary

The proposal will make productive use of vacant land that never fulfilled the purpose anticipated by its current designation. The Project 90 study was to guide economic development to 1990, and identify a 20 year supply of industrial land. That time frame is now far exceeded. In the meantime, economic conditions, the local industrial land inventory, and the location of industrial activity in the urban area, have changed substantially. The subject property is now more closely related to residential neighborhoods than industrial activity. The proposed change will not have an adverse impact on the industrial lands inventory and it does not conflict with the industrial lands policies in the Comp Plan. The proposal conforms with the policies for residential development. The proposed use of the site will result in efficient use of the land and public utilities and services. The proposed designation will provide for a transition between the industrial land uses and the residential uses in the vicinity. For these reasons, the proposal is appropriate for the property, the neighborhood, and the location.

April 25, 2008

**Comprehensive Plan Change
Caplinger Road Site
Transportation Planning**



Mr. Tross:

This memo provides information about the traffic impacts of changing the comprehensive plan map designation for tax lot 1000 of tax map T7S R2W Sec32D in Salem, Oregon. The site is a vacant parcel on the southeast side of Caplinger Road between Cordon Road and Macleay Road. This analysis is part of the work you are doing to change the comprehensive plan map designation from Industrial to Multi-Family Residential and the zoning from Industrial Business Campus (IBC) to Residential Multi-Family (RM-2). Many land use actions in Oregon require addressing several different criteria to assure the change do not create unexpected problems for affected jurisdictions. The intent of this memo is to address the traffic related criteria.

The tax lot is zoned IBC (Industrial Business Campus) as defined in chapter 156 of the Salem Revised Code (SRC). In consultation with the professional staff at the City of Salem, the decision has been made to request a zone change from IBC to RM-2. The zone change will require a comprehensive plan map amendment changing the designation from Industrial to Multi-Family Residential. The requested change will facilitate the development of this vacant site in the City.

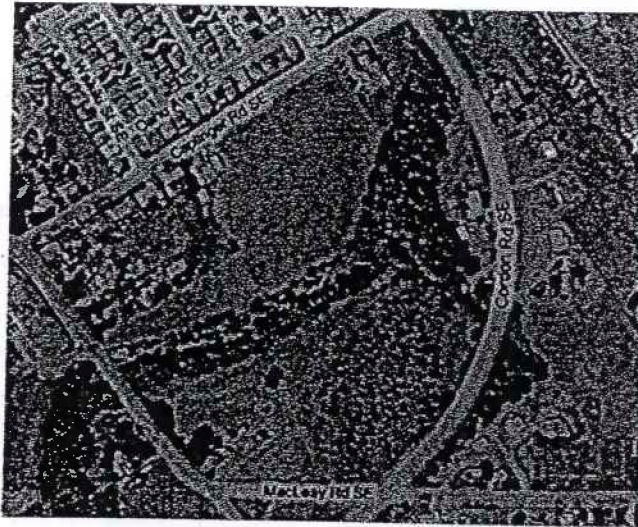


Oregon land use law requires that the Transportation Planning Rule (TPR) be met whenever a comprehensive plan map amendment is undertaken. Goal 12 of the TPR requires that the land use action, not “significantly affect an existing or planned transportation facility” without specific steps being taken. The intent of this analysis is to establish parameters so that the proposed comprehensive plan map amendment and concurrent zone changes do not significantly affect a transportation facility. There are two ways

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to make the assurance. The first is to limit the amount of anticipated traffic from future allowed uses. The amount would be limited to less than anticipated amounts of traffic from allowed uses under the existing comprehensive plan map designations. The second is to mitigate (fix) facilities that are significantly affected if there is a resulting increase in possible traffic. It has been determined that in this instance the best way to make the assurance is to use the first method. This analysis will determine the number of trips that could be generated from the site with the allowed zoning in the existing comprehensive plan map designation. It will then check to see if the trip generation in the proposed zone has the same or fewer trips than in the original (existing) zone.

The site is 8.26 acres (359,370 sq. ft.) in area and is zoned IBC. It is noted that there is a



waterway along the site. This analysis will assume that the same amount of the site area would be developed under the existing comprehensive plan map designation as would be developed under the proposed designation. The analysis will assume the entire site is developed under each designation with the understanding that if 90% the site is developable the trip generation under each designation would be reduced by

10% and remain comparable.

The IBC zone allows 10% or less of the site (35,937 sq. ft.) to be greater trip generating uses than some of the more traditional industrial uses. Using the Institute of Transportation Engineer's, Trip Generation Manual (7th Edition), I estimate the site could reasonably generate 3,621 Average Daily Trips (ADT) under the existing Industrial comprehensive plan map designation. It is true that one could develop 3 restaurants and 4 banks on the site with the existing comprehensive plan map designation and have developed less than 35,937 sq. ft. of the higher trip generating uses. These two uses would generate over 6,000 ADT. This does not seem reasonable. Instead, I have assumed a developer might develop 1 bank and 1 restaurant and 170k sq. ft. of general office space. The analysis assumes that 50% or less of the site is covered with building footprints.

ITE #	Land Use	Number of Units	ADT / Unit	SRC-zoning	Estimated Trips
ITE 710	General Office	170 ksf	11.01	IBC-f	1,872 trips/day
ITE 912	Drive In Bank (2)	4 ksf	246.49	IBC-j	986 trips/day
ITE 932	High Turnover Restaurant	6 ksf	10.92	IBC-j	763 trips/day
Totals		180 ksf			3621 trips/day

It is noted that 170,000 sq. ft. of buildings is about 50% coverage of the site if it is a one story building. If the building is a two or three story building the foot print is reduced proportionately. The IBC zone does allow regional or district office headquarters for finance, insurance and real estate companies.

This establishes a reasonable limit or cap to the number of trips (ADT) that can be generated by development under the proposed RM-2 (multiple family residential) zone allowed in the Multi-Family Residential designation of the comprehensive plan map. In the RM-2 zone, the maximum density allowed is 28 units per acre. On an 8.25 Ac site, the developer can construct 231 apartments. These apartments will generate 1,552 ADT. It is true that some other uses could be developed on the site, but it is clear from the trip generating potential of the allowed uses that none of them would generate traffic that would reach the 3,621 ADT total allowed using the existing comprehensive plan map designation. No special restrictions of allowed uses in the RM-2 designation should be imposed. Any reasonable trip generating potential uses of any and/all allowed uses in RM-2 would generate an ADT lower than the existing trip generating potential on the site.

The intent will be to develop the site with uses that generate less traffic than the 3,621 trips per day (ADT) that, using the ITE Trip Generation Manual, could be generated under the existing IBC zone in the Industrial comprehensive plan map designation. Table 2 outlines some reasonable uses that could be developed on the site using the RM-2 designation. Actual uses may vary. The intent of this analysis is to outline a way to limit the number of trips generated to less than 3,621 ADT. It is difficult to imagine allowed uses in the RM-2 zone that reasonable judgment would estimate the trip generation potential of allowed uses could exceed the 3,621 ADT cap.

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ITE #	Land Use	Number of Units	Estimated Trips
ITE 220	Apartments	231 apartment units	1,552 trips/day
Total		231 apartment units	1,552 trips / day

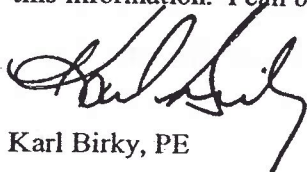
The number of units in Table 2 is nearly the highest number of trips generated under the proposed comprehensive plan map designation. There are some other uses allowed in the RM-2 zone, but none would generate the additional 2,069 trips that could be generated under the existing zoning.

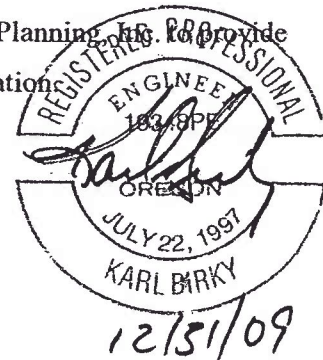
The total trips generated from the site should be limited to the estimated 3,621 ADT using the ITE Manual and the existing designation. It is true a significantly greater volume limit could be calculated; however this analysis attempts to use a reasonable trip generating mix of land uses on the site. Limiting total trip generation estimates anticipated from future uses allowed in the proposed RM-2 zoning to fewer trips than allowed under the existing Industrial designation (IBC zone) leads logically to the conclusion that development of the site under the proposed zoning will have no adverse traffic impacts as defined by Goal 12 (the Transportation Planning Rule) of the OARs.

It is the recommendation of this report that the City of Salem Planning Commission

- 1) Approve changing the comprehensive plan map designation from Industrial to Multi-Family Residential and the zoning from IBC to RM-2.
- 2) There is no need to limit the uses under the proposed zoning, since there is a significant reduction in the ADT estimates under the proposed comprehensive plan map and zoning map changes.

I thank you for asking Associated Transportation Engineering & Planning, Inc. to provide this information. I can be reached at 503-364-5066 for additional information.


Karl Birky, PE



RECEIVED

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MAY 04 2008

COMMUNITY DEVELOPMENT

**REVISED PROPOSAL FOR CPC/ZC 08-10, JACK AND LOIS THORNTON -
5200 BLK CAPLINGER ROAD SE**

SUMMARY OF THE PROPOSAL

Jack and Lois Thornton own a parcel located along the south side of Caplinger Road SE, between Cordon Road and MaCley Road SE. The parcel is identified as Tax Lot 1000 on Assessor's Map T7S R2W Section 32D, and totals approximately 8.26 acres. The parcel is designated *Industrial* on the Salem Area Comprehensive Plan (SACP) map, and it is zoned IBC. The parcel is vacant.

The parcel is the north end of the intended industrial district located along Cordon Road, but it has no frontage on Cordon Road. Caplinger Road is defined as a "local" street by the Transportation Plan (STSP), and the parcel is bordered by residential development to the north and west. Additional vacant land zoned RA borders on the west and the east. The City owns the parcel directly to the south for storm water and wetlands mitigation, which separates it from other industrial lands to the south. Because of these factors it is no longer a prime or highly appropriate parcel to consider for industrial development.

Craig Clarambeau and Calvin Marshall, dba Calram Development LLC, of Turner, propose to use the property for a multi-family residential development. The project is to be built and then owned by Slayden Construction, of Stayton. In order for this residential use to occur, the Thorntons propose a Comprehensive Plan Amendment from *Industrial* to *Multifamily Residential*, and corresponding Zone Changes from IBC to RM1 and RM2. Based on allowable density in the RM1 and RM2 zones, a preliminary site plan has been prepared to provide 150 residential units. The site plan is included as part of this application. The final layout and design of the project will be subject to Design Review.

PRELIMINARY SITE PLAN

The primary elements of the site plan are as follows:

- Most of the parcel frontage along Caplinger Road will be zoned RM1. This is the medium-density residential zone. Development on this part of the property would consist of six duplex town homes in three buildings, an open space in the north-east corner along the road, and a six unit apartment building south of the open space. The town homes are planned to be three-bedroom units. The RM1 area will be about 1.25 acres. Yard space will be provided around all sides of each building to maintain a spacious appearance along the street frontage.
- Apartment buildings will be located in the interior of the property and zoned RM2. There will be 138 apartments in the RM2 area, which are planned to include 16 one-bedroom, 74 two-bedroom, and 48 three bedroom units. An open space and a play area will be located in the center of the multifamily area.
- Parking will be provided adjacent to all residential units. City Code requires 1.5 spaces per unit, or a total of 225 spaces ($150 \text{ units} \times 1.5 = 225$). In this case, the site plan provides for 225 parking spaces, plus 6 ADA spaces, plus 16 garages, for a total of 247 parking spaces.
- The site plan provides for a total of 41,987 sq. ft., or nearly an acre, of open space within the property. This includes the open spaces in the northeast corner along the road and in the central area, the playground/sport court, and a 20' wide open buffer along the southern boundary of the property. There is a creek to the south of the property, but it does not run on or through the property. The creek channel varies in distance from the property line, but the distance between the creek and the nearest building will be approximately 110'.
- Development of the site will provide the required "half-street" improvement along Caplinger. This will include a sidewalk along the property frontage. In addition, the Developer will agree to complete the sidewalk along the north side of Caplinger, from its current western end to Macleay Road, if public right of way can be obtained for this purpose.

If right of way is not available, as an alternative the Developer is willing to provide an alternate form of pedestrian access, such as a paved pathway along the south side of the Caplinger right of way, from the west end of the property to Macleay Road.

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