



Oregon
Theodore R. Kubongoski, Governor

Department of Land Conservation and Development
635 Capitol Street, Suite 150
Salem, OR 97301-2540
(503) 373-0050
Fax (503) 378-5518
www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

12/16/2013

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

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 013-13

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

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Monday, December 30, 2013

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

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

*NOTE: The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.

Cc: Lisa Anderson Ogilive, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative

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

FOR DLCD USE

File No.: 013-13 (20026)
Received: [17702]
12/9/2013

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

Jurisdiction: City of Salem

Local file no.: **CPC13-05**

Date of adoption: 12/03/ 2013

Date sent: 12/9/2013

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

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 10/03/2013

No

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

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

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

Phone: 503-540-2313 E-mail: lmanderson@cityofsalem.net

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

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

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

For a change to a comprehensive plan map:

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

Change from Single Family Residential to Community Services-Education. 2.65 acres. A goal exception was required for this change.

Change from Public Ed & Public Amusement to Parks, Open Space & Outdoor Rec. 0.94 acres. A goal exception was required for this change.

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

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

Location of affected property (T, R, Sec., TL and address): 073W23BC/ 5300 and 5400), 725 Market & 1390 Cottage Sts NE .

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

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

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

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

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

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

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

For a change to a zoning map:

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

Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:
Change from	to	. Acres:

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

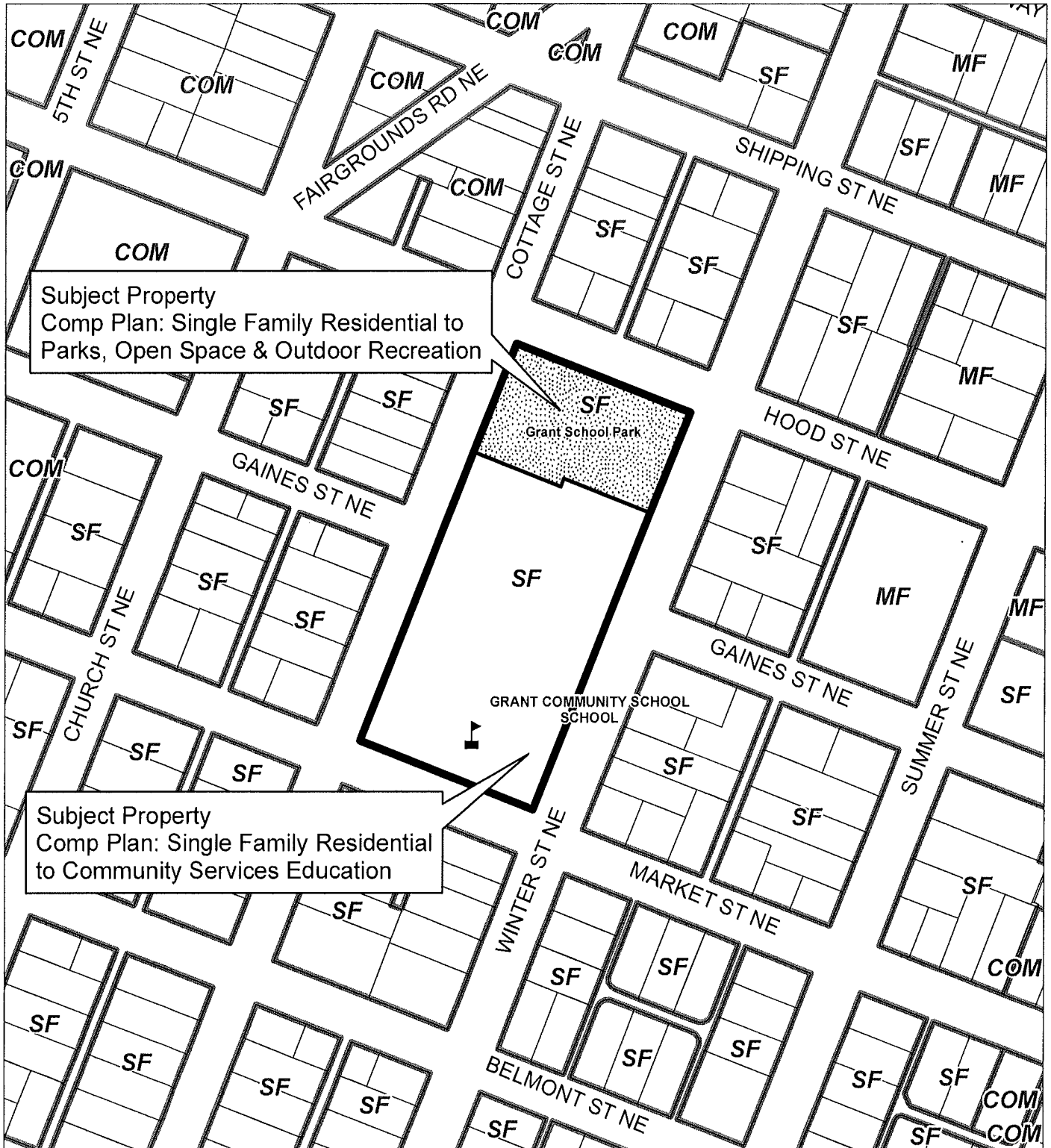
Overlay zone designation: . Acres added: . Acres removed:

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

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

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

Comprehensive Plan Change 13-05

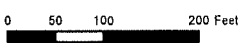


Subject Property
 Comp Plan: Single Family Residential to
 Parks, Open Space & Outdoor Recreation

Subject Property
 Comp Plan: Single Family Residential to
 Community Services Education

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

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

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING COMMISSION

CITY-INITIATED COMPREHENSIVE PLAN CHANGE CASE NO. CPC13-05

APPLICATION NO. : 13-115408-ZO

NOTICE OF DECISION DATE: DECEMBER 4, 2013

REQUEST: A Comprehensive Plan Map change from Single-Family Residential to Community Services - Education for 725 Market Street NE and Parks, Open Space and Outdoor Recreation for 1390 Cottage Street NE for property zoned PE (Public Education) and PA (Public Amusement) and developed with an elementary school and park (Marion County Tax Assessor's Map and Tax Lot Number 073W23BC/5300 and 5400).

APPLICANT: CITY OF SALEM - COMMUNITY DEVELOPMENT DEPARTMENT

LOCATION: 725 MARKET ST NE & 1390 COTTAGE ST NE

CRITERIA: Salem Revised Code Chapter 64

DECISION:

The Planning Commission **GRANTED** Comprehensive Plan Change Case No. CPC13-05 as follows:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change from "Single Family Residential" to "Community Services - Education" for 725 Market Street NE be GRANTED.
- B. That the Salem Area Comprehensive Plan (SACP) map designation change from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 1390 Cottage Street NE be GRANTED.

VOTE:

Yes 6 No 0 Absent 1 (Guyer)

Jim Lewis, President
Salem Planning Commission

A copy of the decision is attached.

Application Deemed Complete: October 3, 2013
Public Hearing Date: December 3, 2013
Notice of Decision Mailing Date: December 4, 2013
Decision Effective Date: December 20, 2013

Case Manager: Lisa Anderson-Ogilvie, Case Manager, lmanderson@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., December 19, 2013**. Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 64. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

For more planning information, go to our website at <http://www.cityofsalem.net/planning>.

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2013\3 - Case Processing Documents\CPC13-05 - 725 Market St NE & 1390 Cottage St NE (Lisa)\CPC13-05 Notice of Decision.doc

FOR MEETING OF: December 3, 2013
AGENDA ITEM NO.: 6.3

TO: Planning Commission LAO
FROM: Lisa Anderson-Ogilvie, AIC Urban Planning Administrator
STAFF: Lisa Anderson-Ogilvie, Planner III
HEARING DATE: December 3, 2013
APPLICATION: Comprehensive Plan Change 13-05
LOCATION: 725 Market Street NE and 1390 Cottage Street NE
SIZE: 3.6 acres
REQUEST: A Comprehensive Plan Map change from Single-Family Residential to Community Services - Education for 725 Market Street NE and Parks, Open Space and Outdoor Recreation for 1390 Cottage Street NE for property zoned PE (Public Education) and PA (Public Amusement) and developed with an elementary school and park (Marion County Tax Assessor's Map and Tax Lot Number 073W23BC/ 5300 and 5400).
APPLICANT: City-initiated
APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Chapter 64

RECOMMENDATION: APPROVE

APPLICATION PROCESSING

Subject Application

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

120-Day Requirement

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

Public Notice

1. The affected property owners (Salem-Keizer School District and City of Salem – Public Works Department) were mailed letters describing the need for a Comprehensive Plan Map change for their property on October 3, 2012. The letter let them know of the identified issue and the City's proposal to initiate the needed Comprehensive Plan Map change. Staff followed up with phone conversations discussing the proposal after the letter was mailed.

2. Notice was mailed to the property owners and property owners within 250 feet of the subject property on November 22, 2013 (Attachment 1).
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City delivered notice of this proposal to DLCD on October 3, 2013.

BACKGROUND INFORMATION

The subject property includes Grant Elementary School (725 Market Street NE) and Grant School Park (1390 Cottage Street NE). They are both currently designated Single Family Residential on the Comprehensive Plan Map and zoned PE (Public Education) and PA (Public Amusement), respectively.

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

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

Summary of Requested Action

The City is initiating a Comprehensive Plan Map change for 725 Market Street NE from Single-Family Residential to Community Services – Education and a change for 1390 Cottage Street NE from Single-Family Residential to Parks, Open Space and Outdoor Recreation. These designations will match the zoning of the subject property.

Neighborhood Association Comments

The subject property is located within the Grant neighborhood Association boundaries. They submitted comments that they voted unanimously to support the change.

Public Comments

At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments that the proposed change to the Comprehensive Plan Map designation for the subject property will not cause traffic or operational issues that would be inconsistent with the Transportation Planning Rule.

Police Department – The Police Department reviewed the proposal and indicated that they have no comments.

Fire Department – The Fire Department reviewed the proposal and indicated that they have no comments.

Public and Private Agency Comments

Salem-Keizer Public Schools – The Salem-Keizer School District reviewed the proposal and stated that they have no comment. In a phone conversation with a school district representative they stated that the school district is supportive of the change.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan Map designates the subject property as “Single Family Residential”. The Comprehensive Plan designations of all surrounding properties are as follows:

North: “Single Family Residential”
Northwest: “Commercial”
South: “Single Family Residential”
East: “Single Family Residential”
West: “Single Family Residential”

Neighborhood Plan: The property is located within the boundaries of Grant Neighborhood Association. Their adopted neighborhood plan designates 725 Market Street NE as ‘school’ and 1390 Cottage Street NE as ‘park’. The proposed Comprehensive Plan designations are in line with the neighborhood plan designations of ‘school’ and ‘park’. Therefore, a neighborhood plan change isn’t required.

Applicable Detail Plans

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. The subject property is on one full block that is bounded by Market Street NE (minor arterial) on the south, Hood Street NE (local street) on the north, Cottage Street NE (local street) on the west and Winter Street NE (local street) on the east.

Zoning

The current zoning designation for 725 Market Street NE is PE (Public Education) and PA (Public Amusement) for 1390 Cottage Street NE. Zoning and uses of surrounding properties includes:

North: RS (Single Family Residential); single family dwellings
Northwest: RS (Single Family Residential); parking lot
South: RS (Single Family Residential); single family dwellings
East: RS (Single Family Residential); single family dwellings
West: RS (Single Family Residential); single family dwellings

Existing Site Conditions

The subject property is one full block bounded by 4 streets and approximately 3.6 acres in size. The parcels are developed with an elementary school and City park.

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

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

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

- (i) *Alteration in Circumstances.* Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.**

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

- (iii) *Conflict Between Comprehensive Plan Map Designation and Zone Designation.* A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) Whether there was a mistake in the application of a land use designation to the property;**

 - (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**

 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**

 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.****

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

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

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

Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation

The parcels are better suited to the proposed designations of 'Community Services – Education' and 'Parks, Open Space and Outdoor Recreation' as they are developed as an elementary school and city park. The likelihood of the parcels being developed as single family dwellings is low given their current uses. The uses allowed in the PA (Public Amusement) zone and the PE (Public Education) zones are limited and align with how the property is currently being used.

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

The parcels are better suited to the proposed designations of 'Community Services – Education' and 'Parks, Open Space and Outdoor Recreation' as they are developed with an elementary school and city park. The likelihood of the parcels being developed as single family dwellings is low given their current uses. Schools and parks are permitted uses in the 'Single Family Residential' designation and are, therefore, not incompatible with the current designation. However, the current zoning does not implement the current designation and since the parcels have been developed as their current uses for well over 40 years it does not make sense to designate the parcels for 'Single Family Residential' development.

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

The proposed designations will be different than the surrounding 'Single Family Residential' designations but will still be compatible. The Comprehensive Policies regarding the locations of schools and parks encourages them to be located within neighborhoods so as to serve the surrounding residential areas. The parcels are already developed and have been serving the surrounding neighborhood for years without any issue regarding compatibility.

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

Finding: The subject property is developed with an elementary school and a city park. They are both currently served with public facilities and will continue to be served in the future. This criterion is met.

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

Finding: The proposed designations will better allow for the existing elementary school and city park at this location. The proposed designations provide logical urbanization of land because the uses are in existence and are compatible with the surrounding residential neighborhood. The proposed change will ensure that the school, which was built in 1955, and the park, which was constructed in the late 1960's, will continue to serve the surrounding neighborhood.

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

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

K. Open Space, Parks and Recreation

The Open Space, Parks and Recreation Goal is: *To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities.*

The Comprehensive Plan specifically speaks to locating city parks next to schools as a complementary public facility. As previously mentioned the school was built in 1955 and the park was added in the late

1960's to complement the existing school and serve the surrounding neighborhood. Policies addressing parks acquisition and development are not relevant because the park exists and no new park land is being proposed.

L. School Location and Development

The Open Space, Parks and Recreation Goal is: *To insure that the coordination of planning, siting, development of schools is consistent with the Salem Area Comprehensive Plan.*

The school, which was built in 1955, was planned to serve the surrounding residential neighborhood and has continued to do so for almost 60 years. Policies regarding locating schools are not relevant because the school already exists and no new school is proposed.

The applicable Statewide Planning Goals are addressed as follows:

Goal 1 – Citizen Involvement

The affected property owners (Salem-Keizer School District and City of Salem – Public Works Department) were mailed letters describing the need for a Comprehensive Plan Map change for their property on October 3, 2012. The letter let them know of the identified issue and the City's proposal to initiate the needed Comprehensive Plan Map change. Staff followed up with phone conversations discussing the proposal after the letter was mailed.

A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the neighborhood association. This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

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

Goal 3 – Agricultural Lands

There are no known agricultural lands on the affected parcels.

Goal 4 – Forest Lands

There are no known forest lands on the affected parcels.

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

There are no known scenic, historic, natural, or cultural resources on the affected parcels. The City's tree preservation ordinance, historic preservation ordinance and any applicable wetland standards will continue to apply to the affected parcels as applicable.

Goal 6 – Air, Water and Land Resources Quality

The affected parcels are developed to City standards for water, sewer, and storm drainage. The proposed change has no significant impacts to the quality of the air, water or land.

Goal 7 – Areas Subject to Natural Disasters and Hazards

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

Goal 8 – Recreational Needs

One parcel is developed as a city park and as such is providing recreational opportunities for the City. The park will continue to provide recreational opportunities for the community. The proposed change will not remove lands from our recreational needs supply.

Goal 9 – Economic Development

The subject parcels are already developed as a school and park. Therefore, the proposed changes will not affect the City's Commercial or Industrial land supply.

Goal 10 - Housing

The subject parcels are already developed as a school and park. Therefore, the proposed changes will not affect the City's housing land supply.

Goal 11 – Public Facilities and Services

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

Goal 12 – Transportation

The proposed change of the Comprehensive Plan Map designation for the subject property will not cause traffic or operational issues that would be inconsistent with the Transportation Planning Rule. Both of the parcels are fully developed as an elementary school and city park. The changes to the Comprehensive Plan Map will not have a significant effect on the transportation system because it will reduce future potential for additional traffic created by new development in the existing zones.

Goal 13 – Energy Conservation

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

Goal 14 – Urbanization

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

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

Finding: The City has a responsibility to correct the error it created when it changed the Comprehensive Plan map designations for the subject properties in 1998. It is in the public interest that the existing zoning implements the appropriate Comprehensive Plan Map designations. The subject property has been developed with a school and park for over 40 years and ensuring their ability to continue to serve the surrounding community is a benefit to the public.

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 13-05 on property approximately 3.6 acres in size, and located at 725 Market Street NE (Marion County Tax Assessors Map and Tax Lot Number 073W23BC/ 5400) and 1390 Cottage Street NE (Marion County Tax Assessors Map and Tax Lot Number 073W23BC/ 5300):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change from "Single Family Residential" to "Community Services - Education" for 725 Market Street NE be GRANTED.
- B. That the Salem Area Comprehensive Plan (SACP) map designation change from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 1390 Cottage Street NE be GRANTED.

Attachment: 1. Public Hearing Notice and Map

Prepared by: Lisa Anderson-Ogilvie, Planner III

LA-O

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2013\1 - Staff Reports\CPC-ZC13-05.lma-o.docx



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change Case No.CPC13-05
AMANDA APPLICATION NO:	13-115408-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, DECEMBER 3, 2013, AT 5:30 P.M. , Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	725 MARKET ST NE & 1390 COTTAGE ST NE, SALEM OR 97301
OWNERS:	CITY OF SALEM & SALEM KEIZER SCHOOL DISTRICT 24J
APPLICANT:	CITY OF SALEM - COMMUNITY DEVELOPMENT DEPARTMENT
DESCRIPTION OF REQUEST:	A Comprehensive Plan Map change from Single-Family Residential to Community Services - Education for 725 Market Street NE and Parks, Open Space and Outdoor Recreation for 1390 Cottage Street NE for property zoned PE (Public Education) and PA (Public Amusement) and developed with an elementary school and park (Marion County Tax Assessor's Map and Tax Lot Numbers 073W23BC/ 5300 and 5400).
CRITERIA TO BE CONSIDERED:	<p>COMPREHENSIVE PLAN CHANGE</p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ul style="list-style-type: none">(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:<ul style="list-style-type: none">(aa) Whether there was a mistake in the application of a land use designation to the property;(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and(dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations. <p>(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;</p> <p>(C) The proposed plan map designation provides for the logical urbanization of land;</p> <p>(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and</p>

(E) The amendment is in the public interest and would be of general benefit.

HOW TO PROVIDE TESTIMONY:

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

HEARING PROCEDURE:

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

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

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

CASE MANAGER:

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

NEIGHBORHOOD ORGANIZATION:

Grant Neighborhood Association, Sam Skillern, Co-Chair; Phone: (503) 315-8924; Email: sam@salem1f.org or Eric Bradfield, Co-Chair, Phone: (503) 508-7576; Email: ebradfield@gmail.com

DOCUMENTATION AND STAFF REPORT:

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

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

ACCESS:

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

NOTICE MAILING DATE:

November 13, 2013

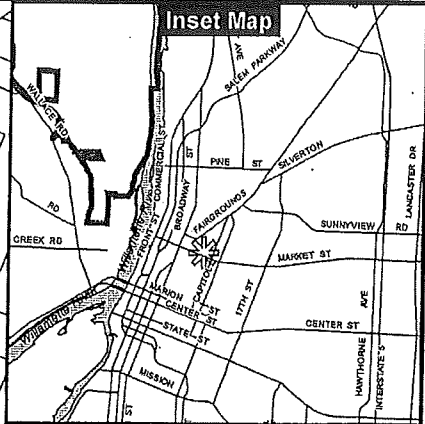
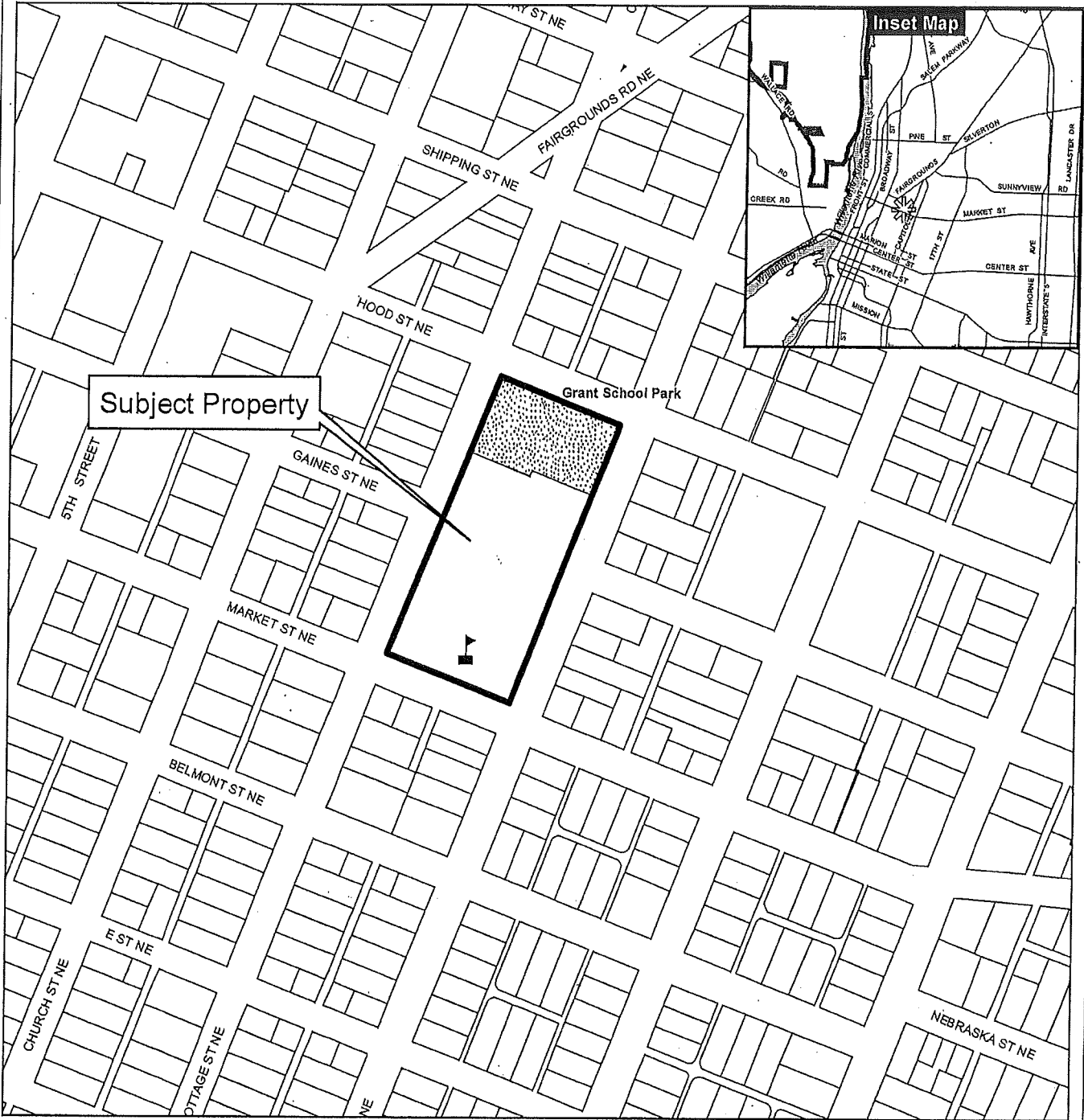
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<http://www.cityofsalem.net/planning>

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








725 Market Street NE and 1390 Cottage Street NE (Grant Elementary School and Park)



Subject Property

Grant School Park

Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.






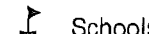
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Comprehensive Plan Change 13-05



Legend

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

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

FOR MEETING OF: December 3, 2013
AGENDA ITEM NO.: 6.3

TO: Planning Commission LAO
FROM: Lisa Anderson-Ogilvie, AIC Urban Planning Administrator
STAFF: Lisa Anderson-Ogilvie, Planner III
HEARING DATE: December 3, 2013
APPLICATION: Comprehensive Plan Change 13-05
LOCATION: 725 Market Street NE and 1390 Cottage Street NE
SIZE: 3.6 acres
REQUEST: A Comprehensive Plan Map change from Single-Family Residential to Community Services - Education for 725 Market Street NE and Parks, Open Space and Outdoor Recreation for 1390 Cottage Street NE for property zoned PE (Public Education) and PA (Public Amusement) and developed with an elementary school and park (Marion County Tax Assessor's Map and Tax Lot Number 073W23BC/ 5300 and 5400).
APPLICANT: City-initiated
APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Chapter 64

RECOMMENDATION: APPROVE

APPLICATION PROCESSING

Subject Application

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

120-Day Requirement

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

Public Notice

1. The affected property owners (Salem-Keizer School District and City of Salem – Public Works Department) were mailed letters describing the need for a Comprehensive Plan Map change for their property on October 3, 2012. The letter let them know of the identified issue and the City's proposal to initiate the needed Comprehensive Plan Map change. Staff followed up with phone conversations discussing the proposal after the letter was mailed.

2. Notice was mailed to the property owners and property owners within 250 feet of the subject property on November 22, 2013 (Attachment 1).
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City delivered notice of this proposal to DLCD on October 3, 2013.

BACKGROUND INFORMATION

The subject property includes Grant Elementary School (725 Market Street NE) and Grant School Park (1390 Cottage Street NE). They are both currently designated Single Family Residential on the Comprehensive Plan Map and zoned PE (Public Education) and PA (Public Amusement), respectively.

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

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

Summary of Requested Action

The City is initiating a Comprehensive Plan Map change for 725 Market Street NE from Single-Family Residential to Community Services – Education and a change for 1390 Cottage Street NE from Single-Family Residential to Parks, Open Space and Outdoor Recreation. These designations will match the zoning of the subject property.

Neighborhood Association Comments

The subject property is located within the Grant neighborhood Association boundaries. They submitted comments that they voted unanimously to support the change.

Public Comments

At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments that the proposed change to the Comprehensive Plan Map designation for the subject property will not cause traffic or operational issues that would be inconsistent with the Transportation Planning Rule.

Police Department – The Police Department reviewed the proposal and indicated that they have no comments.

Fire Department – The Fire Department reviewed the proposal and indicated that they have no comments.

Public and Private Agency Comments

Salem-Keizer Public Schools – The Salem-Keizer School District reviewed the proposal and stated that they have no comment. In a phone conversation with a school district representative they stated that the school district is supportive of the change.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan Map designates the subject property as “Single Family Residential”. The Comprehensive Plan designations of all surrounding properties are as follows:

North: “Single Family Residential”
Northwest: “Commercial”
South: “Single Family Residential”
East: “Single Family Residential”
West: “Single Family Residential”

Neighborhood Plan: The property is located within the boundaries of Grant Neighborhood Association. Their adopted neighborhood plan designates 725 Market Street NE as ‘school’ and 1390 Cottage Street NE as ‘park’. The proposed Comprehensive Plan designations are in line with the neighborhood plan designations of ‘school’ and ‘park’. Therefore, a neighborhood plan change isn’t required.

Applicable Detail Plans

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. The subject property is on one full block that is bounded by Market Street NE (minor arterial) on the south, Hood Street NE (local street) on the north, Cottage Street NE (local street) on the west and Winter Street NE (local street) on the east.

Zoning

The current zoning designation for 725 Market Street NE is PE (Public Education) and PA (Public Amusement) for 1390 Cottage Street NE. Zoning and uses of surrounding properties includes:

North: RS (Single Family Residential); single family dwellings
Northwest: RS (Single Family Residential); parking lot
South: RS (Single Family Residential); single family dwellings
East: RS (Single Family Residential); single family dwellings
West: RS (Single Family Residential); single family dwellings

Existing Site Conditions

The subject property is one full block bounded by 4 streets and approximately 3.6 acres in size. The parcels are developed with an elementary school and City park.

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

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

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

- (i) *Alteration in Circumstances.* Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.**

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

- (iii) *Conflict Between Comprehensive Plan Map Designation and Zone Designation.* A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) Whether there was a mistake in the application of a land use designation to the property;**

 - (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**

 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**

 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.****

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

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

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

Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation

The parcels are better suited to the proposed designations of 'Community Services – Education' and 'Parks, Open Space and Outdoor Recreation' as they are developed as an elementary school and city park. The likelihood of the parcels being developed as single family dwellings is low given their current uses. The uses allowed in the PA (Public Amusement) zone and the PE (Public Education) zones are limited and align with how the property is currently being used.

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

The parcels are better suited to the proposed designations of 'Community Services – Education' and 'Parks, Open Space and Outdoor Recreation' as they are developed with an elementary school and city park. The likelihood of the parcels being developed as single family dwellings is low given their current uses. Schools and parks are permitted uses in the 'Single Family Residential' designation and are, therefore, not incompatible with the current designation. However, the current zoning does not implement the current designation and since the parcels have been developed as their current uses for well over 40 years it does not make sense to designate the parcels for 'Single Family Residential' development.

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

The proposed designations will be different than the surrounding 'Single Family Residential' designations but will still be compatible. The Comprehensive Policies regarding the locations of schools and parks encourages them to be located within neighborhoods so as to serve the surrounding residential areas. The parcels are already developed and have been serving the surrounding neighborhood for years without any issue regarding compatibility.

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

Finding: The subject property is developed with an elementary school and a city park. They are both currently served with public facilities and will continue to be served in the future. This criterion is met.

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

Finding: The proposed designations will better allow for the existing elementary school and city park at this location. The proposed designations provide logical urbanization of land because the uses are in existence and are compatible with the surrounding residential neighborhood. The proposed change will ensure that the school, which was built in 1955, and the park, which was constructed in the late 1960's, will continue to serve the surrounding neighborhood.

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

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

K. Open Space, Parks and Recreation

The Open Space, Parks and Recreation Goal is: *To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities.*

The Comprehensive Plan specifically speaks to locating city parks next to schools as a complementary public facility. As previously mentioned the school was built in 1955 and the park was added in the late

1960's to complement the existing school and serve the surrounding neighborhood. Policies addressing parks acquisition and development are not relevant because the park exists and no new park land is being proposed.

L. School Location and Development

The Open Space, Parks and Recreation Goal is: *To insure that the coordination of planning, siting, development of schools is consistent with the Salem Area Comprehensive Plan.*

The school, which was built in 1955, was planned to serve the surrounding residential neighborhood and has continued to do so for almost 60 years. Policies regarding locating schools are not relevant because the school already exists and no new school is proposed.

The applicable Statewide Planning Goals are addressed as follows:

Goal 1 – Citizen Involvement

The affected property owners (Salem-Keizer School District and City of Salem – Public Works Department) were mailed letters describing the need for a Comprehensive Plan Map change for their property on October 3, 2012. The letter let them know of the identified issue and the City's proposal to initiate the needed Comprehensive Plan Map change. Staff followed up with phone conversations discussing the proposal after the letter was mailed.

A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the neighborhood association. This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

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

Goal 3 – Agricultural Lands

There are no known agricultural lands on the affected parcels.

Goal 4 – Forest Lands

There are no known forest lands on the affected parcels.

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

There are no known scenic, historic, natural, or cultural resources on the affected parcels. The City's tree preservation ordinance, historic preservation ordinance and any applicable wetland standards will continue to apply to the affected parcels as applicable.

Goal 6 – Air, Water and Land Resources Quality

The affected parcels are developed to City standards for water, sewer, and storm drainage. The proposed change has no significant impacts to the quality of the air, water or land.

Goal 7 – Areas Subject to Natural Disasters and Hazards

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

Goal 8 – Recreational Needs

One parcel is developed as a city park and as such is providing recreational opportunities for the City. The park will continue to provide recreational opportunities for the community. The proposed change will not remove lands from our recreational needs supply.

Goal 9 – Economic Development

The subject parcels are already developed as a school and park. Therefore, the proposed changes will not affect the City's Commercial or Industrial land supply.

Goal 10 - Housing

The subject parcels are already developed as a school and park. Therefore, the proposed changes will not affect the City's housing land supply.

Goal 11 – Public Facilities and Services

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

Goal 12 – Transportation

The proposed change of the Comprehensive Plan Map designation for the subject property will not cause traffic or operational issues that would be inconsistent with the Transportation Planning Rule. Both of the parcels are fully developed as an elementary school and city park. The changes to the Comprehensive Plan Map will not have a significant effect on the transportation system because it will reduce future potential for additional traffic created by new development in the existing zones.

Goal 13 – Energy Conservation

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

Goal 14 – Urbanization

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

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

Finding: The City has a responsibility to correct the error it created when it changed the Comprehensive Plan map designations for the subject properties in 1998. It is in the public interest that the existing zoning implements the appropriate Comprehensive Plan Map designations. The subject property has been developed with a school and park for over 40 years and ensuring their ability to continue to serve the surrounding community is a benefit to the public.

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 13-05 on property approximately 3.6 acres in size, and located at 725 Market Street NE (Marion County Tax Assessors Map and Tax Lot Number 073W23BC/ 5400) and 1390 Cottage Street NE (Marion County Tax Assessors Map and Tax Lot Number 073W23BC/ 5300):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change from "Single Family Residential" to "Community Services - Education" for 725 Market Street NE be GRANTED.
- B. That the Salem Area Comprehensive Plan (SACP) map designation change from "Single Family Residential" to "Parks, Open Space and Outdoor Recreation" for 1390 Cottage Street NE be GRANTED.

Attachment: 1. Public Hearing Notice and Map

Prepared by: Lisa Anderson-Ogilvie, Planner III

LA-O

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HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change Case No.CPC13-05
AMANDA APPLICATION NO:	13-115408-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, DECEMBER 3, 2013, AT 5:30 P.M. , Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	725 MARKET ST NE & 1390 COTTAGE ST NE, SALEM OR 97301
OWNERS:	CITY OF SALEM & SALEM KEIZER SCHOOL DISTRICT 24J
APPLICANT:	CITY OF SALEM - COMMUNITY DEVELOPMENT DEPARTMENT
DESCRIPTION OF REQUEST:	A Comprehensive Plan Map change from Single-Family Residential to Community Services - Education for 725 Market Street NE and Parks, Open Space and Outdoor Recreation for 1390 Cottage Street NE for property zoned PE (Public Education) and PA (Public Amusement) and developed with an elementary school and park (Marion County Tax Assessor's Map and Tax Lot Numbers 073W23BC/ 5300 and 5400).
CRITERIA TO BE CONSIDERED:	<p>COMPREHENSIVE PLAN CHANGE</p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ul style="list-style-type: none">(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:<ul style="list-style-type: none">(aa) Whether there was a mistake in the application of a land use designation to the property;(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and(dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations. <p>(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;</p> <p>(C) The proposed plan map designation provides for the logical urbanization of land;</p> <p>(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and</p>

(E) The amendment is in the public interest and would be of general benefit.

HOW TO PROVIDE TESTIMONY:

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

HEARING PROCEDURE:

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

CASE MANAGER:

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

NEIGHBORHOOD ORGANIZATION:

Grant Neighborhood Association, Sam Skillern, Co-Chair; Phone: (503) 315-8924; Email: sam@salem1f.org or Eric Bradfield, Co-Chair, Phone: (503) 508-7576; Email: ebradfield@gmail.com

DOCUMENTATION AND STAFF REPORT:

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ACCESS:

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

NOTICE MAILING DATE:

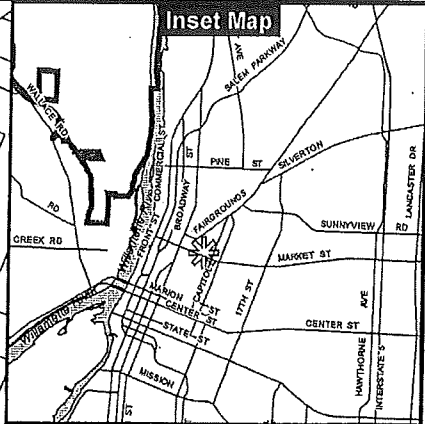
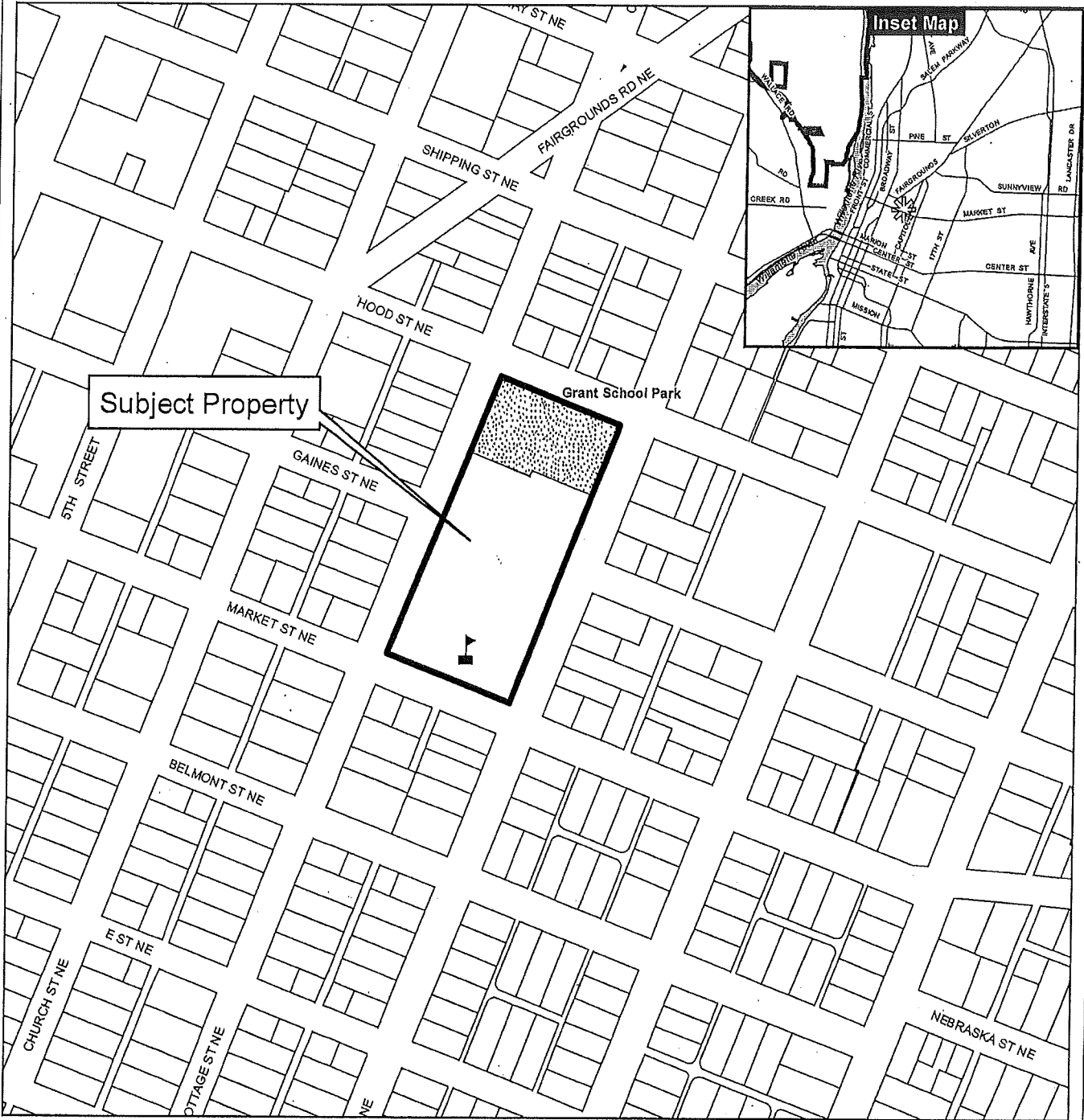
November 13, 2013

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

725 Market Street NE and 1390 Cottage Street NE (Grant Elementary School and Park)



Subject Property

Grant School Park

Legend

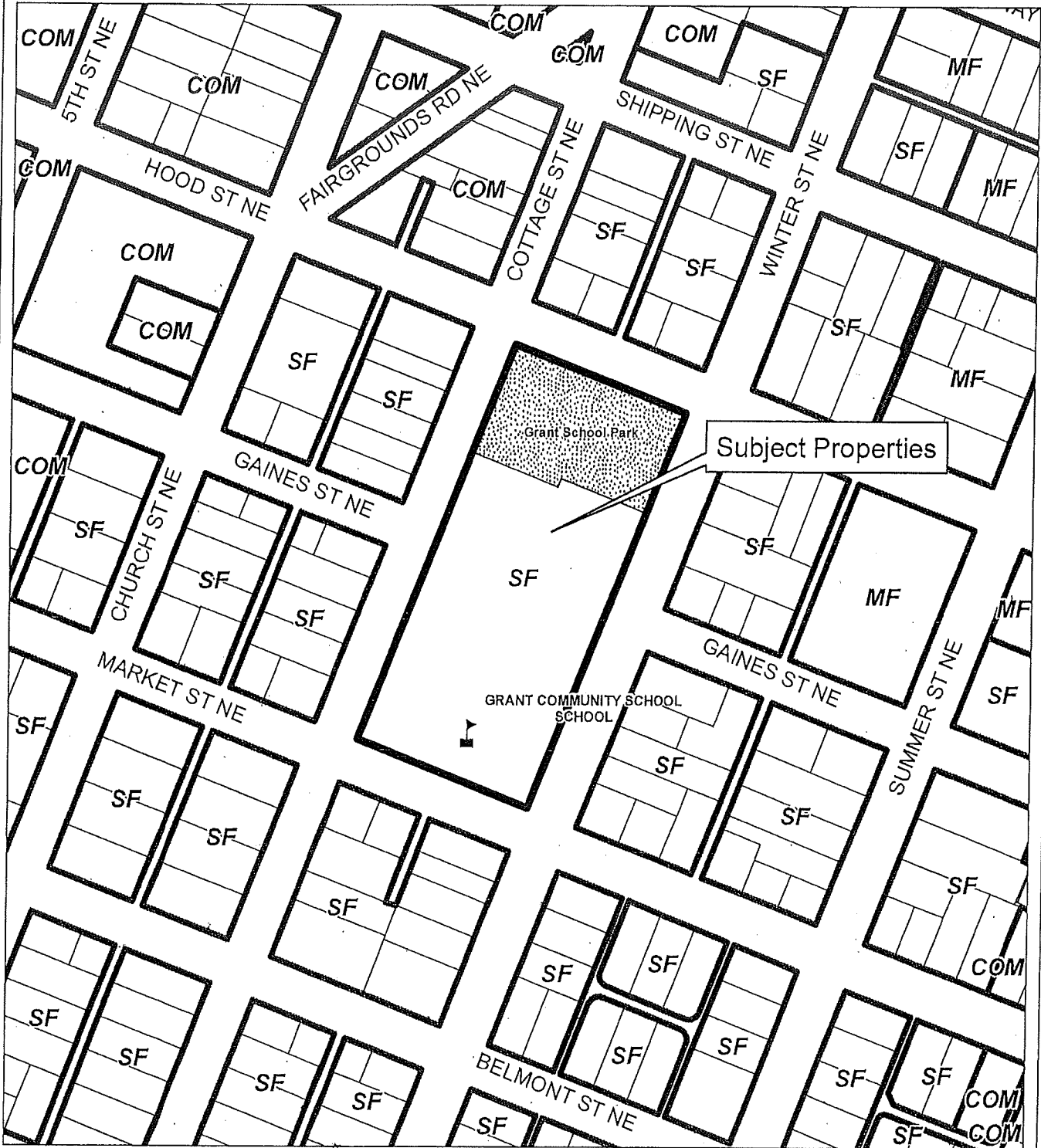
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CITY OF Salem
AT YOUR SERVICE
Community Development Dept.





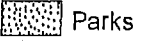
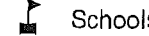
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Comprehensive Plan Change 13-05



Legend

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