



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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

Date: 08/26/2014
Jurisdiction: City of Salem
Local file no.: CPC-ZC-14-01
DLCD file no.: 001-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 08/21/2014. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

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

Appeal Procedures

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

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

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

DLCD Contact

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



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

FOR DLCD USE	
File No.:	001-14 {19807}
Received:	8/21/2014

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

Jurisdiction: City of Salem

Local file no.: **CPC-ZC14-01**

Date of adoption: 08/19/2014 Date sent: 08/21/2014

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

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): 07/25 /2014
 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): Bryan Colbourne, Planner III

Phone: 503-540-2363 E-mail: bcolbourne@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 Industrial to Parks, Open Space, Outdoor Rec. 324 acres. A goal exception was required for this change.

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

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

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

Location of affected property (T, R, Sec., TL and address): 073W27 / 00100 & 00200.

- 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 IG (General Industrial) to PA (Public Amusement). Acres: 297

Change from RA (Residential Agriculture) to PA (Public Amusement). Acres: 27

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): 073W27 / 00100 & 00200

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 Map change from Industrial to Parks, Open Space and Outdoor Recreation for the Boise Island property and the Salem Audubon Society property, zone change from IG (General Industrial) to PA (Public Amusement) for the Boise Island property, and zone change from RA (Residential Agricultural) to PA (Public Amusement) for the Salem Audubon Society property (Marion County Tax Assessor's Map and Tax Lot Numbers 073W27/ 00100 and 00200).

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 COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC14-01

APPLICATION NO. : 14-102020-ZO

NOTICE OF DECISION DATE: AUGUST 20, 2014

REQUEST: Comprehensive Plan Map change from Industrial to Parks, Open Space and Outdoor Recreation for the Boise Island property and the Salem Audubon Society property, zone change from IG (General Industrial) to PA (Public Amusement) for the Boise Island property, and zone change from RA (Residential Agricultural) to PA (Public Amusement) for the Salem Audubon Society property (Marion County Tax Assessor's Map and Tax Lot Numbers 073W27 / 00100 and 00200).

APPLICANT: CITY INITIATED

LOCATION: BOISE ISLAND PROPERTY & AUDUBON SOCIETY PROPERTY

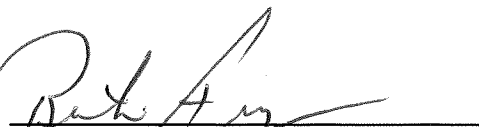
CRITERIA: SALEM REVISED CODE 64.025(e)(2) & 265.005(e)

DECISION: The Planning Commission adopted the facts and findings of the staff report and **APPROVED** the following actions for Comprehensive Plan Change/Zone Change Case No.14-01 on property approximately 324 acres in size, and located at Minto Brown Island (Marion County Tax Assessor's Map and Tax Lot Numbers 073W27 / 00100 and 00200):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change from "Industrial" to "Parks, Open Space and Outdoor Recreation" for the entire subject property be GRANTED.
- B. That the Zone Change proposal to change the zone district from IG (General Industrial) to PA (Public Amusement) on the Boise Island property be GRANTED.
- C. That the Zone Change proposal to change the zone district from RA (Residential Agriculture) to PA (Public Amusement) on the Salem Audubon Society property be GRANTED.

VOTE:

Yes 6 No 0 Absent 1 (Blasi)


Rich Fry, President
Salem Planning Commission

A copy of the decision is attached.

Application Deemed Complete: July 30, 2014
Public Hearing Date: August 19, 2014
Notice of Decision Mailing Date: August 20, 2014
Decision Effective Date: September 5, 2014

Case Manager: Bryan Colbourne, bcolbourne@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., September 4, 2014**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 64.025(e)(2) & 265.005(e). The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2014\Case Processing Docs\CPC-ZC14-01 - Audubon Society property (Bryan)\CPC-ZC14-01 Notice of Decision.doc

FOR MEETING OF: August 19, 2014
AGENDA ITEM NO.: 6.2

TO: Planning Commission *Lisa Anderson-Ogilvie*
FROM: Lisa Anderson-Ogilvie, Urban Planning Administrator
STAFF: Bryan Colbourne, Planner III
HEARING DATE: August 19, 2014
APPLICATION: Comprehensive Plan Change/Zone Change 14-01
LOCATION: Minto-Brown Island (Boise Island Property & Salem Audubon Society Property)
SIZE: Approximately 324 acres
REQUEST: Comprehensive Plan Map change from Industrial to Parks, Open Space and Outdoor Recreation for the Boise Island property and the Salem Audubon Society property, zone change from IG (General Industrial) to PA (Public Amusement) for the Boise Island property, and zone change from RA (Residential Agriculture) to PA (Public Amusement) for the Salem Audubon Society property (Marion County Tax Assessor's Map and Tax Lot Numbers 073W27 I 00100 and 00200).
APPLICANT: City-initiated
APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Chapter 64
Zoning Map Amendment: Salem Revised Code, Chapter 265
RECOMMENDATION: APPROVE

APPLICATION PROCESSING

Subject Application

This is a city-initiated application. The public hearing for the application is scheduled for August 19, 2014. The Planning Commission initiated the Comprehensive Plan Change and Zone Change on December 17, 2013 (Planning Commission Resolution 13-03).

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 Comprehensive Plan Change and Zone Change proposal was initiated by resolution of the Planning Commission on December 17, 2013.
2. Notice was mailed to the property owners and property owners within 250 feet of the subject property on July 30, 2014 (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 sent notice of this proposal to DLCD on January 7, 2014, and again on July 25, 2014.

BACKGROUND INFORMATION

The subject property is the northern 324 acres of Minto Brown Island. This land includes approximately 27 acres owned by the Salem Audubon Society at the far north end (Salem Audubon Society Property), and the remainder is land that was previously owned by the Boise Cascade company and recently purchased by the City of Salem (Boise Island Property). The Boise Island Property abuts the north boundary of the existing Minto Brown Island Park. The Salem Parks Master Plan has designated the Boise Island Property as an extension of the park, to be developed with an extension of the shared use paths through the site to a proposed bridge to be built over the Willamette Slough to connect to Riverfront Park. Much of the new parkland will be left as a natural area. This proposed re-zone will change the comprehensive plan map and zoning map designations of the subject property so that parks and park trails are clearly permitted, thereby helping facilitate the planned expansion of the park and trail system.

Neighborhood Association Comments

The subject property is not located within a neighborhood association, but it is located across the Willamette Slough from the Central Area Neighborhood Development Organization (CANDO), and South Central Association of Neighbors (SCAN). CAN-DO submitted comments in favor of the proposal.

Public Comments

A citizens group called Friends of Historic Salem submitted comments in favor of the proposal.

City Department Comments

Public Works (City Traffic Engineer) – The Public Works Department, Traffic Section, reviewed the proposal and submitted comments stating 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.

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

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

Building and Safety Division – The Building and Safety Division reviewed the proposal and indicated that they have no comments.

Public and Private Agency Comments

Portland General Electric (PGE) – PGE reviewed the proposal and submitted standard comments stating “Development cost per current tariff and service requirements”.

Salem Area Comprehensive Plan (SACP) Designation

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

Northwest: (across Willamette River) "Commercial" and "Parks, Open Space and Outdoor Recreation"
South: "Parks, Open Space and Outdoor Recreation"
East: (across Willamette Slough) "Parks, Open Space and Outdoor Recreation", "Multi-Family Residential", and "River Oriented Mixed-Use"

Neighborhood Plan: The property is not located within a neighborhood association.

Urban Service Area: Portions of the subject property are located outside of the Urban Service Area (USA). If the applicant proposes to develop the property as defined in SRC 200.005(e) in the future, an Urban Growth Area Development (UGA) Permit is required. A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200. The proposed trails and Willamette Slough bridge will not require a UGA permit because they are a City project and therefore exempt from UGA permit requirements, pursuant to SRC 200.020(a) and SRC 200.005(e)(4)(B).

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 set back from public streets and takes street access via the park roads running through Minto Brown Island Park, which connects to the main park entrance at River Road S, which is classified as a minor arterial street.

Zoning

The Subject property is zoned IG (General Industrial) and RA (Residential Agriculture)

Northwest: (across Willamette River) "Commercial" and "Parks, Open Space and Outdoor Recreation"
South: "Parks, Open Space and Outdoor Recreation"
East: (across Willamette Slough) "Parks, Open Space and Outdoor Recreation", "Multi-Family Residential", and "River Oriented Mixed-Use"

Existing Site Conditions

The subject property is mostly undeveloped and heavily vegetated land located within a floodway, bounded by the Willamette River on the west, Willamette Slough on the east, and Minto Brown Island Park to the south. There are several artificial ponds located in the center of the property.

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: The proposal satisfies criterion (A)(ii), *Equally or Better Suited Designation*. The proposed 'Parks, Open Space, & Outdoor Recreation' designation is better suited for the subject property than the existing 'Industrial' designation because the site is no longer owned by industrial users nor is the site well suited for most of today's potential industrial uses. The site's current industrial designation is the result of the Salem waterfront's historic role as a center of water-related industry such as the former Boise Cascade lumber mill. River transportation for raw materials and access to the water for use in industrial processes previously made the waterfront a logical location for industrial lands in Salem. In recent times water transportation (i.e. barges, floating logs) for industrial purposes have been largely replaced by rail and highway transportation modes. Economic trends away from water-related heavy manufacturing to high technology, distribution, warehousing, office, and service uses located in areas with greater highway and rail access is evident in the fact that most other industrial lands near downtown Salem waterfront have been changed from industrial to commercial, parks, or mixed use designations in recent years. This leaves the subject property as an isolated area of industrial designation not connected to any other industrial lands or uses. The proposed 'Parks, Open

Space, & Outdoor Recreation' designation is a better suited designation for the site because it acknowledges the site's planned use as a public park and Audubon natural area.

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 proposed 'Parks, Open Space, and Outdoor Recreation' designation at this site is intended to facilitate the use of the site as a public park natural area with only minimal improvements such as pedestrian and bicycle trails. The Salem Audubon Society property will remain an undeveloped nature reserve. These low intensity recreational and passive land uses will have a minimal need for public facilities and services. The property is capable of being served with the facilities necessary to serve these low intensity uses.

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

Finding: The site's location within the Willamette River floodway, with limited access options, make the Boise Island site well suited to use as a public park and makes the Salem Audubon Society site well suited for continued use as a nature reserve. The Salem Parks Master Plan designates the site as a public park natural area with proposed shared use path. The proposed plan map change is intended to help implement the parks plan. The logical urbanization of this site is to develop the site consistent with the Salem Parks Master Plan.

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 Comprehensive 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 Parks Acquisition and Development Policy acknowledges the role of the Salem Parks Master Plan in identifying park sites to be acquired and developed throughout the city. The subject property is identified as a public park 'Natural Area' with shared use paths in the Salem Parks Master Plan. The site was recently acquired by the City of Salem to be developed for this purpose. The intent of this proposed comprehensive plan change is to facilitate the development of this site as a park consistent with the parks plan.

The applicable Statewide Planning Goals are addressed as follows:

Goal 1 – Citizen Involvement

The affected property owners were notified of the proposed change.

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

The site heavily wooded, but is not intended for commercial timber harvest. The proposal will help ensure that the future public park nature area and existing Audubon land can be maintained in their current vegetated state.

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

The site is a large riverfront open space within City limits, and the proposed change will facilitate the development of a public park natural area with path network, and help ensure the continued use of the site as an open space. There are no designated historic resources or districts on the property. The City's tree preservation ordinance, Willamette Greenway ordinance, and any applicable wetland and floodplain standards will continue to apply to the affected parcels as applicable.

Goal 6 – Air, Water and Land Resources Quality

The affected land is mostly undeveloped and heavily vegetated land. The proposed plan map change from 'Industrial' to 'Parks, Open Space, and Outdoor Recreation' will ensure that industrial land uses that could be detrimental to air, water, and land are not developed at the site, consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

The site is within the Willamette River floodway. The proposed plan map change from 'Industrial' to 'Parks, Open Space, and Outdoor Recreation' will enable the expansion of park and open space uses on the property, which are desirable uses within an area prone to flooding.

Goal 8 – Recreational Needs

The purpose of the proposed plan map change is to enable the expansion of a public park and trail system that will greatly enhance the recreational opportunities within the City of Salem by opening up the northern portion of Minto Brown Island to the general public for recreation purposes. The shared use path designated through the site on the Salem Parks Master Plan will connect to a proposed pedestrian and bicycle bridge over the Willamette Slough connecting Minto Brown Island Park to Riverfront Park. The proposal is consistent with Goal 8.

Goal 9 – Economic Development

The subject property is currently designated Industrial on the Plan Map. The proposal is to change the plan map to 'Parks, Open Space, & Outdoor Recreation' designated land. A regional Economic Opportunities Analysis (EOA) which was completed in 2011 for the Salem-Keizer area demonstrates a surplus of industrial land in Salem. The EOA has not been adopted by the City Council, however, and may not be relied upon as substantial evidence of compliance with the applicable criteria. The City is currently working on completing a new EOA intended to be adopted by the City Council to fully comply with Goal 9 requirements. The subject property is not well suited for industrial development due to

poor access and its location within the floodway. Therefore, the loss of this industrial land is not anticipated to have a negative effect on economic development opportunities in the City.

Goal 10 - Housing

The subject parcels are mostly undeveloped lands, and contain no residential uses, and the site is poorly suited to residential development due to poor access and its location in the floodway. 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 proposed Parks, Open Space, and Outdoor Recreation designation at this site is intended to facilitate the use of the site as a public park natural area with only minimal improvements such as pedestrian and bicycle trails. The Salem Audubon Society property will remain an undeveloped natural area. These low intensity land uses will have a minimal need for public facilities and services. The property is capable of being served with the facilities necessary to serve these low intensity uses, consistent with Goal 11.

Goal 12 – Transportation

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

The proposed changes of both the Comprehensive Plan Map and Zoning will not cause a traffic or operational issue. There is no significant affect and the proposal is consistent with the Transportation Planning Rule.

Salem Audubon Society Property: This 25 plus acre site is currently underdeveloped. The current Comprehensive Plan Designation is Industrial and its current zoning is RA (Residential Agriculture). The property is located entirely within the Willamette River Floodway, as designated on the FEMA flood insurance rate maps. SRC Chapter 601(Floodplain Overlay Zone) prohibits structures within a floodway.

The proposed change to the Comprehensive Plan Designation and Zoning will not add any additional traffic to the transportation system and will not have a significant effect on the transportation system. It is consistent with the Transportation Planning Rule.

Boise Island Property: This 300 plus acre site is currently undeveloped. Its current Comprehensive Plan Designation is Industrial and the current zoning is IG (General Industrial). The property is located

entirely within the Willamette River Floodway, as designated on the FEMA flood insurance rate maps. SRC Chapter 601(Floodplain Overlay Zone) prohibits structures within a floodway.

The proposed change to the Comprehensive Plan Designation and Zoning will not add any additional traffic to the transportation system and will not have a significant effect on the transportation system. It is consistent with the Transportation Planning Rule.

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.

Goal 15 – Willamette Greenway

The subject property is within the Willamette Greenway overlay zone. The proposed plan map change from 'Industrial' to 'Parks, Open Space, and Outdoor Recreation' will enable the expansion of park and open space uses on the property, consistent with the broad purpose of Goal 15, Willamette Greenway, to protect open space, vegetation, and water-related uses along the Willamette River.

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

Finding: The proposed change to the plan map will make the comprehensive plan map consistent with the vision of the Salem Parks Master Plan to expand the Minto Brown Island Park and trail network, thereby providing greater access to public lands at the riverfront and increasing the recreational opportunities for the general public in Salem.

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 IG (General Industrial) and RA (Residential Agriculture) to PA (Public Amusement).

Salem Revised Code (SRC) Chapter 265.005(e) 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 is required, but the degree of detail in the treatment of relevant factors depends 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 are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested.

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

- (1) A mistake in the application of a land use designation to the property.**

(2) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.

(3) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Finding: SRC 265.005(e)(1)(A)(3) supports the proposal to change the designation on the Comprehensive Plan Map. The proposed PA (Public Amusement) zoning is better suited for the Boise Island property than the existing IG (General Industrial) and RA (Residential Agriculture) zoning designations because the site is no longer owned by industrial users nor is the site well suited for modern industrial users. The site's current industrial designation is the result of the Salem waterfront's historic role as a center of water-related industry such as the former Boise Cascade lumber mill. River transportation for raw materials and access to the water for use in industrial processes previously made the waterfront a logical location for industrial lands in Salem. In recent times, water transportation (i.e. barges, floating logs) for industrial purposes have been largely replaced by rail and highway transportation modes. Economic trends away from water-related heavy manufacturing to high technology, distribution, warehousing, office, and service uses located in areas with greater highway and rail access is evident in the fact that most other industrial lands near the downtown Salem waterfront have been changed from industrial to parks, commercial, or mixed use designations in recent years. This leaves the subject property as an isolated area of industrial zoning not connected to any other industrial lands or uses. The proposed PA zoning is a better suited designation for the Boise Island site because it acknowledges the site's planned use as a public park.

The Salem Audubon Society property is currently zoned RA (Residential Agriculture), which is a zone intended to hold residential lands currently developed with low density rural residential uses for future development as more intense residential development such as subdivisions. The Audubon site is not developed with residential use now and is not well suited for residential development in the future because it lacks adequate access and is within the Willamette River floodway. Therefore, the RA zone is not an appropriate district for the Audubon site. The proposed 'Parks, Open Space, & Outdoor Recreation' designation is a better suited designation for the Audubon site because it acknowledges the site's use as a natural area.

SRC 265.005(e)(1)(B): If the zone change is City-initiated, and the change is for other than City owned property, the zone change is in the public interest and would be of general benefit.

Finding: This zone change is City-initiated, on two properties: one City-owned and one owned by the Salem Audubon Society. The proposed zone change will make the comprehensive plan map consistent with the vision set forth in the Salem Parks Master Plan to expand the Minto Brown Island Park and trail network, to provide greater access to public lands at the riverfront and increasing the recreational opportunities for the general public in Salem.

SRC 265.005(e)(1)(C): The zone change conforms with the applicable provisions of the Salem Area Comprehensive Plan.

SRC 265.005(e)(1)(D): The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Finding: The findings addressing Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan and applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change proposal. This criterion is met.

SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The subject property is currently designated Industrial on the Plan Map. The proposal is to change the zoning from IG to PA and change the corresponding plan map designation from 'Industrial' to 'Parks, Open Space, & Outdoor Recreation'. A regional Economic Opportunities Analysis (EOA) was completed in 2011 for the Salem-Keizer area, and demonstrates a surplus of industrial land in Salem. The EOA has not been adopted by the City Council, however, and may not be relied upon as substantial evidence of compliance with the applicable criteria. The City is currently working on completing an EOA intended to be adopted by the City Council to fully comply with Goal 9 requirements. The subject property is not well suited for industrial development due to poor access and its location within the floodway. Therefore, the loss of this industrial land is not anticipated to have a negative effect of economic development opportunities in the City.

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

Finding: The proposed changes of both the Comprehensive Plan Map and Zoning Map will not cause a traffic or operational issue. There is no significant affect and the proposal is consistent with the Transportation Planning Rule.

Salem Audubon Society Property: This 25 plus acre site is currently underdeveloped. The current Comprehensive Plan Designation is Industrial and its current zoning is RA (Residential Agriculture). The property is located entirely within the Willamette River Floodway, as designated on the FEMA flood insurance rate maps. SRC Chapter 601(Floodplain Overlay Zone) prohibits structures within a floodway.

The proposed change to the Comprehensive Plan Designation and Zoning will not add any additional traffic to the transportation system and will not have a significant effect on the transportation system. It is consistent with the Transportation Planning Rule.

Boise Island Property: This 300 plus acre site is currently undeveloped. Its current Comprehensive Plan Designation is Industrial and the current zoning is IG (General Industrial). The property is located entirely within the Willamette River Floodway, as designated on the FEMA flood insurance rate maps. SRC Chapter 601(Floodplain Overlay Zone) prohibits structures within a floodway.

The proposed change to the Comprehensive Plan Designation and Zoning will not add any additional traffic to the transportation system and will not have a significant effect on the transportation system. It is consistent with the Transportation Planning Rule.

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

Finding: The proposed PA (Public Amusement) zoning designation at this site is intended to facilitate the use of the site as a public park natural area with minimal improvements such as pedestrian and bicycle trails. The Salem Audubon Society property will remain an undeveloped nature reserve. These low intensity recreational and passive land uses will have a minimal need for public facilities and services. The property is capable of being served with the facilities necessary to serve these low intensity uses.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for Comprehensive Plan Change/Zone Change Case No.14-01 on property approximately 324 acres in size, and located at Minto Brown Island (Marion County Tax Assessor's Map and Tax Lot Numbers 073W27 I 00100 and 00200):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change from "Industrial" to "Parks, Open Space and Outdoor Recreation" for the entire subject property be GRANTED.
- B. That the Zone Change proposal to change the zone district from IG (General Industrial) to PA (Public Amusement) on the Boise Island property be GRANTED.
- C. That the Zone Change proposal to change the zone district from RA (Residential Agriculture) to PA (Public Amusement) on the Salem Audubon Society property be GRANTED.

Attachment: 1. Public Hearing Notice and Map

Prepared by: Bryan Colbourne, Planner III





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:	City-initiated Comprehensive Plan Change/Zone Change Case No.CPC-ZC14-01
AMANDA APPLICATION NO:	14-102020-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, AUGUST 19, 2014, 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	Boise Island property and Audubon Society property, SALEM OR 97302
OWNERS:	SALEM AUDUBON SOCIETY & CITY OF SALEM
DESCRIPTION OF REQUEST:	Comprehensive Plan Map change from Industrial to Parks, Open Space and Outdoor Recreation for the Boise Island property and the Salem Audubon Society property, zone change from IG (General Industrial) to PA (Public Amusement) for the Boise Island property, and zone change from RA (Residential Agriculture) to PA (Public Amusement) for the Salem Audubon Society property (Marion County Tax Assessor's Map and Tax Lot Numbers 073W27 I 00100 and 00200).
CRITERIA TO BE CONSIDERED:	<p><i>Comprehensive Plan Change</i></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> <ul style="list-style-type: none">(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:<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.(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;(C) The proposed plan map designation provides for the logical urbanization of land;(D) The proposed land use designation is consistent with the Salem Area

Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
(E) The amendment is in the public interest and would be of general benefit.

Zone Change

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

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

HOW TO PROVIDE TESTIMONY:

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

HEARING PROCEDURE:


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

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with

sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

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

CASE MANAGER:


Bryan Colbourne, Planner III, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2363; E-mail: bcolbourne@cityofsalem.net

NEIGHBORHOOD ORGANIZATION:

Central Area Neighborhood Development Organization (CAN-DO), Michael Livingston, Chair; Phone: 503-302-5839; Email: michaellivingston1@comcast.net

DOCUMENTATION AND STAFF REPORT:

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

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

ACCESS:

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

NOTICE MAILING DATE:

July 30, 2014

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

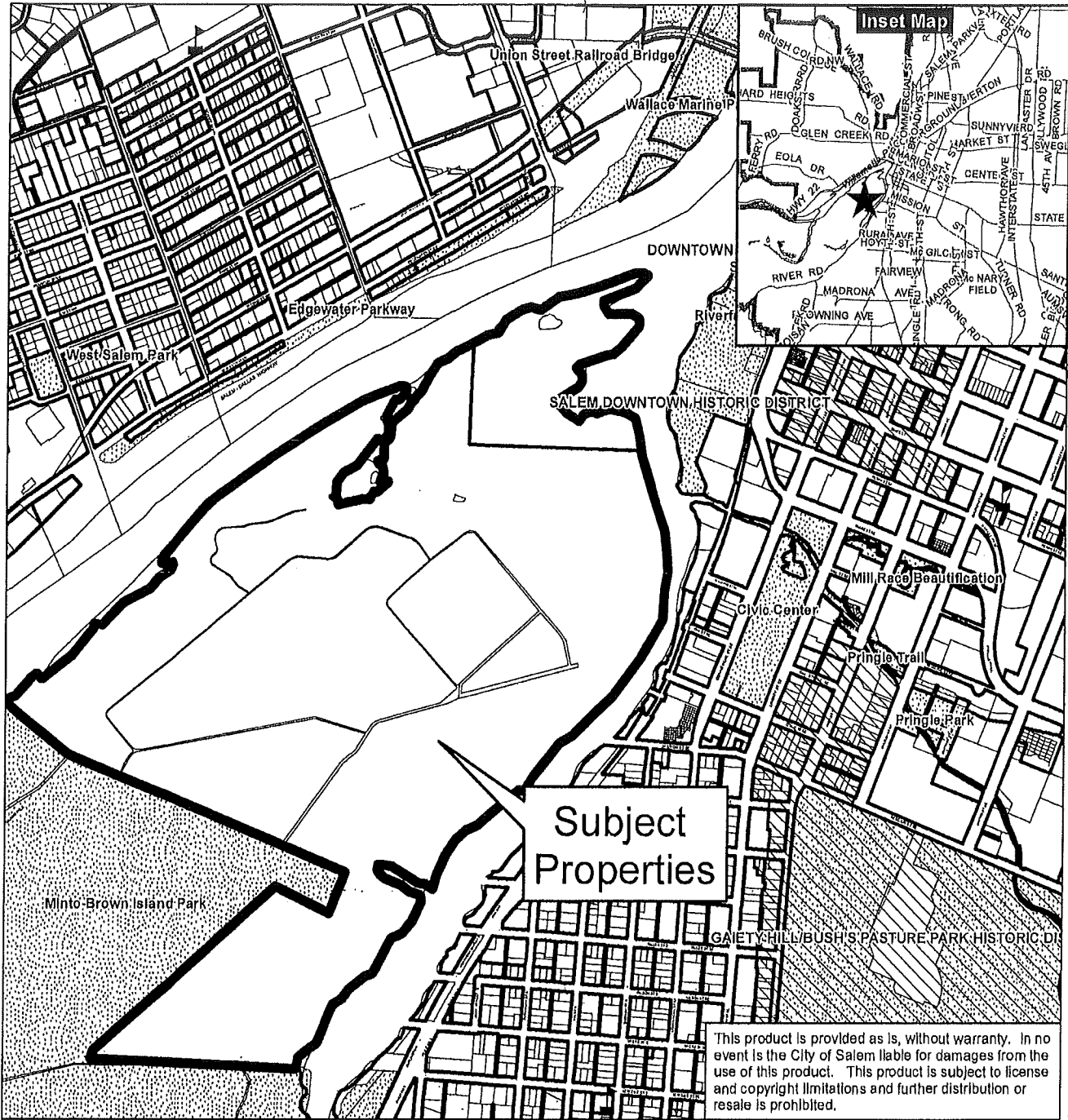
<http://www.cityofsalem.net/planning>

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It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, famllial status, national origin, age, mental or physical disabilty, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxllliary aids or services, in order to participate in this meetlng or event, are available upon request. Sign language and Interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least two business days before this meeting or event.

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

Vicinity Map CPC-ZC Case No. 14-01



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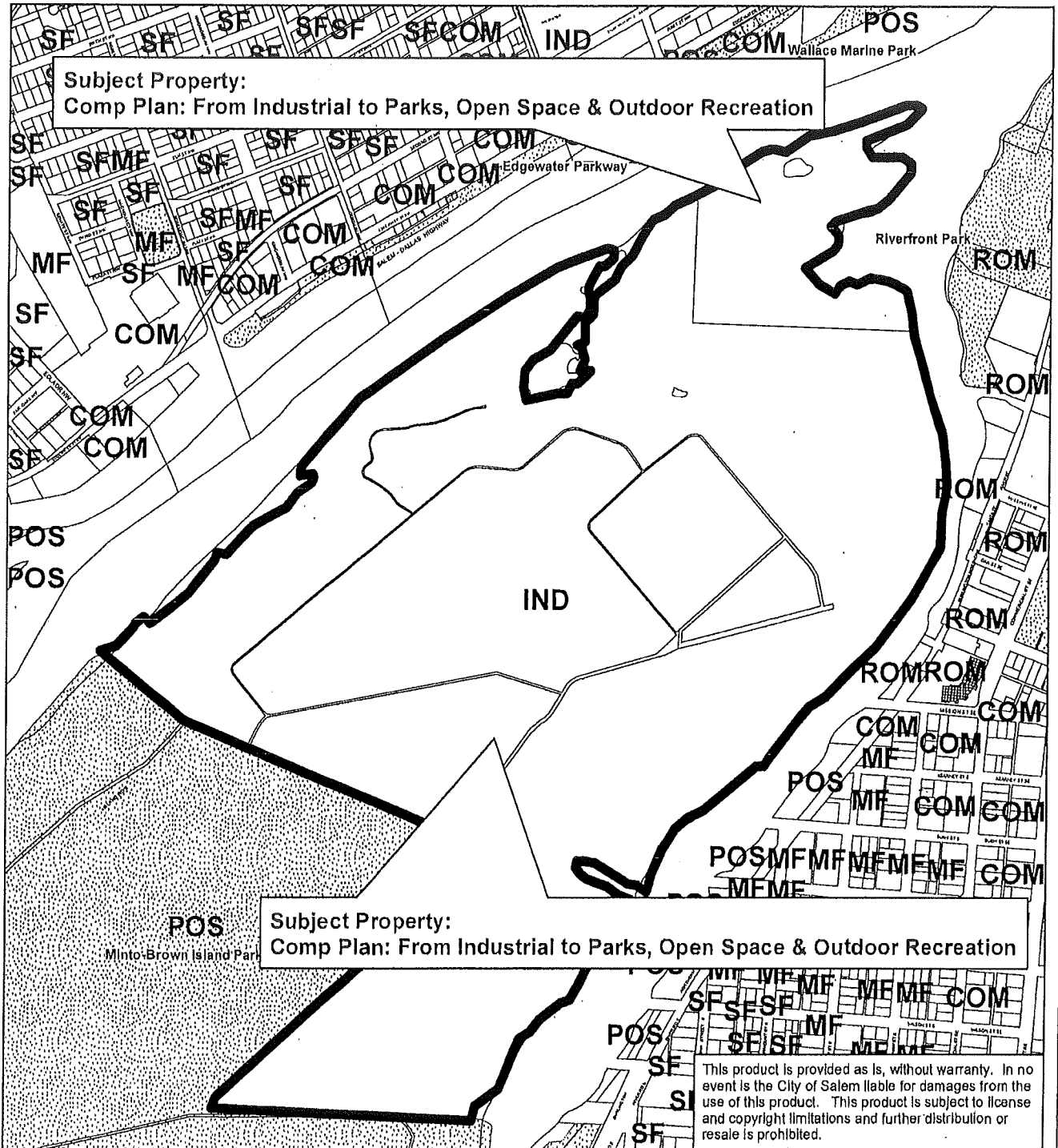
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- Urban Growth Boundary
- Taxlots
- Historic District
- Schools
- Parks

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

Comprehensive Plan Change / Zone Change 14-01



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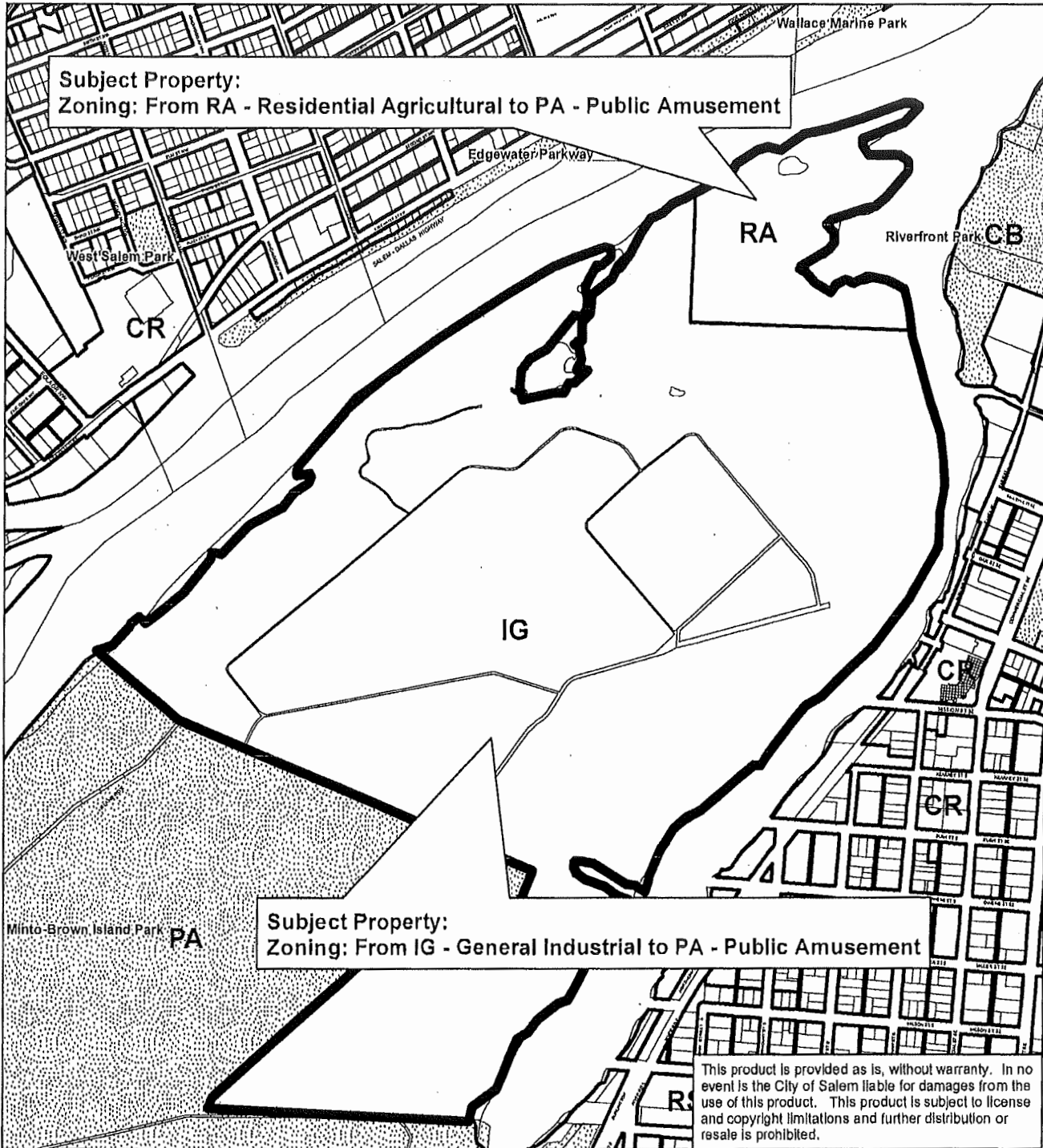
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