



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



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

Date: 10/13/2014
Jurisdiction: City of Salem
Local file no.: CPC-ZC14-05
DLCD file no.: 015-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 10/10/2014. 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 39 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.: 015-14 {22453}

Received: 10/10/2014

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 OR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: CPC-ZC14-05

Date of adoption: 10/07/2014 Date sent: 10/10/2014

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): 08/29/2014
- 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): Chris Green, Planner II

Phone: 503-540-2326 E-mail: cgreen@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 Commercial . 0.29 acres. A goal exception was required for this change.

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

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

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

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

- The subject property is entirely within an urban growth boundary
- The subject property is partially within an urban growth boundary

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

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

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

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

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

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

For a change to a zoning map:

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

Change from Public Amusement to Commercial Office. Acres: 0.11

Change from Single Family Residential to Commercial Office. Acres: 0.18

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): 073W34DA 01000

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

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

NOTICE OF DECISION

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-ZC14-05

APPLICATION NO.: 14-114860-ZO & 14-114861-ZO

NOTICE OF DECISION DATE: OCTOBER 9, 2014

REQUEST: A consolidated Comprehensive Plan Map Amendment and Zone Change for portions of a property located near the intersection of 12th Street SE and McGilchrist Street SE.

The applicant proposes to change the Salem Area Comprehensive Plan (SACP) Map designation from Single Family Residential to Commercial, and to change the zone district from PA (Public Amusement) to CO (Commercial Office) for a strip of land approximately 4,758 square feet in size at the northern perimeter of the property. The applicant also proposes to change the SACP Map designation from Single Family Residential to Commercial and the zone district from RS (Single Family Residential) to CO for a strip of land approximately 7,986 square feet in size at the western perimeter of the property. The subject property is approximately 1.31 acres in size and located at 1130 McGilchrist Street SE (Marion County Assessor's Map and Tax Lot number: 073W34DA0100).

APPLICANT: BOULDER CREEK LLC

LOCATION: 1130 MCGILCHRIST ST SE

CRITERIA: Salem Revised Code Chapters 64 and 265

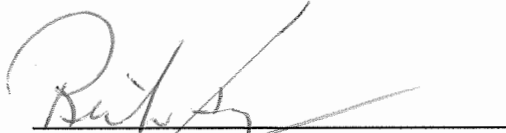
DECISION:

The Planning Commission adopted the facts and findings of the staff report and APPROVED, by resolution, the following actions for Comprehensive Plan Change / Zone Change 14-05 on property consisting of the previously-vacated rights-of-way at the north and west perimeters of the property, and zone change for same from PA (Public Amusement) and RS (Residential Single Family) to CO (Commercial Office) for a property located at 1130 McGilchrist Street SE (Marion County Assessor's map and tax lot number 073W34DA0100).

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject portions of the property from Single Family Residential to Commercial be GRANTED.
- B. That the zone change request for the subject portions of the property from RS (Single Family Residential) to CO (Commercial Office) and from PA (Public Amusement) to CO be GRANTED.

VOTE:

Yes 5 No 0 Absent 2 (Guyer, Palmateer)



Rich Fry, President, Planning Commission

A copy of the decision is attached.

Application Deemed Complete: September 2, 2014
Public Hearing Date: October 7, 2014
Notice of Decision Mailing Date: October 9, 2014
Decision Effective Date: October 25, 2014
State Mandate Date: December 31, 2014


Case Manager: Chris Green, cgreen@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., October 24, 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 Chapters 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, Urban Planning Administrator 

STAFF: Christopher Green, Planner II

HEARING DATE: October 7, 2014

APPLICATION: Comprehensive Plan/Change Zone Change 14-05

LOCATION: 1130 McGilchrist Street SE

SIZE: Affected areas are 4,758 square feet and 7,986 square feet within a lot totaling 1.31 acres in size

REQUEST: Comprehensive Plan Map change from Single Family Residential to Commercial for portions of previously-vacated rights-of-way at the north and west perimeters of the property, and zone change for same from PA (Public Amusement) and RS (Residential Single Family) to CO (Commercial Office) for a property located at 1130 McGilchrist Street SE (Marion County Assessor map and tax lot number 073W34DA0100).

APPLICANT: Boulder Creek, LLC

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

RECOMMENDATION: APPROVE

APPLICATION PROCESSING:

Subject Application

On August 27, 2014 Boulder Creek, LLC filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of portions of the subject property from Single Family Residential to Commercial, and to change the zoning of same from PA (Public Amusement) and RS (Single Family Residential) to CO (Commercial Office). The application was deemed complete for processing on September 2, 2014.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128)

Public Notice

1. Notice of the proposed Comprehensive Plan Change and Zone Change was distributed to City departments and public and private service providers on September 2, 2014 (Attachment 1).
2. Notice of the public hearing was mailed to the owners of all property within 250 feet of the subject property on September 2, 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 August 29, 2014.

Background Information

The subject property is approximately 1.31 acres in size and is currently vacant. The immediate vicinity includes a wide variety of uses, including retail, office, and auto services buildings along the commercial corridor formed by 12th Street and 13th Street to the east, Salem-Keizer School District athletic fields to the north at Gilmore Field, multifamily housing to the south, and a wooded hillside providing a buffer from single family housing to the west. Immediately to the northeast, the applicant is in the process of constructing a 14,300 square foot office building at 2485 12th Street SE, called Boulder Creek North.

The statement submitted by the applicant includes a detailed discussion of the various transactions, land use changes, and development plans that have necessitated the subject proposal. The present applicant, Boulder Creek, LLC, has owned two adjoining properties just west of the intersection of McGilchrist Street SE and 12th Street SE for a number of years. The two properties are map 07-3W-34DA Tax Lot 900 and 1000, addressed as 1130 McGilchrist Street SE and 2500 12th Street SE, respectively. Portions of Tax Lot 1000 are the subject of the present Comprehensive Plan Map Amendment/Zone Change request.

For the purposes of this report, the basic sequence of events is summarized as follows:

- 1) In October 2006, Boulder Creek, LLC, received approvals for a Comprehensive Plan Map Amendment and two zone changes for Tax Lots 900 and 1000 (CPC-ZC06-09). In part, the approval changed the Comprehensive Plan Map designation for Tax Lot 1000 from Multiple Family Residential to Commercial and changed the zoning from RM2 to CO.
- 2) At the same time, Boulder Creek, LLC petitioned the City to vacate unopened sections of McGilchrist Street and Bluff Avenue adjacent to Tax Lots 900 and 1000 in order to use the additional land for access driveways and parking for a proposed office

building. The vacations were granted in 2007, and the applicant paid an "assessment of special benefit" for each vacated portion.

- 3) Consistent with the procedure for vacation of public rights-of-way, the vacated sections were split into two halves, with each half accruing to the adjacent property. The accrued halves also assume the Comprehensive Plan designations and zoning of the bordering properties.
- 4) In addition to the halves of the rights-of-way which accrued to Tax Lots 900 and 1000, Boulder Creek, LLC purchased the opposite halves, which had accrued to the adjacent properties as part of the right-of-way vacation process. Boulder Creek replatted several commonly-owned properties to incorporate these opposite halves (REP13-05), but those portions retained the Comprehensive Plan designation and zoning of the adjacent properties.

As a result, Tax Lot 1000 is designated as "Commercial" and zoned CO, except for the right-of-way halves which accrued to adjacent properties. The current zoning of the remnant strips of land, PA on the north and RS on the west, would preclude the applicant from including them in a commercial development on the property.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation for portions of previously-vacated right-of-way at the north and west perimeters of the property from Single Family Residential to Commercial and the zone district of the same portions of the property from RS (Single Family Residential) and PA (Public Amusement) to CO (Commercial Office). The change would allow contiguous development of a commercial office building on commonly-owned Tax Lots 900 and 1000. The applicant's statement summarizing the request and addressing compliance with the required Comprehensive Plan Map amendment and zone change approval criteria is included as Attachment 2.

Neighborhood Association Comments

The subject property is located within the South Central Association of Neighbors (SCAN) and adjacent to the Southeast Salem Neighborhood Association (SESNA) and the Morningside Neighborhood Association. Notification was sent to the neighborhood associations on September 17, 2014. As of the date of this staff report, neighborhood associations had not submitted written comments.

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed partition. Two nearby property owners submitted comments on the proposal.

Tree Removal: One comment expressed concern that an Oregon White Oak was removed

from the site in the summer of 2014.

Staff Response: Oregon White Oaks are included in the definition of significant trees (SRC 808.030) and may only be removed pursuant to a Tree and Vegetation Removal Permit. The applicant submitted an arborist report indicating the hazardous condition of the tree. Planning staff and the Urban Forester reviewed the report and issued a Tree and Vegetation Removal Permit (Case No. TRP14-05) for the subject tree in June 2014.

Sidewalks: One comment expressed concern that no sidewalks had been installed along the 12th Street frontage of an office building developed just to the north of the subject property (Boulder Creek North). The comment stated that a sidewalk along the frontage of the property to the north would be relevant to the subject application because of its contribution to the overall sidewalk network in the vicinity of the site.

Staff Response: The portion of right-of-way referenced in the comment is not adjacent to the subject portions of Tax Lot 1000 or the contiguous site of the applicant's conceptual development plan for Tax Lots 900 and 1000. The developer of Boulder Creek North paid a fee in-lieu to mitigate for impacts to the transportation system, including funding for a portion of the costs of proposed improvements on 12th Street SE. A project to reconstruct McGilchrist Street SE to a 3-lane standard beginning at its intersection at 12th Street SE and revise signals at the intersection identified as a committed street improvement project within the Salem Transportation System Plan.¹ Pursuant to SRC 66.595, the Director of Public Works found that the fee-in-lieu of construction was appropriate because if the developer constructed their portion of the improvement it would have impeded the construction of the remaining portions of the full public improvement on 12th Street, which extend beyond the property frontage and include a traffic signal.

City Department Comments

Public Works Department (Development Services and City Traffic Engineer) - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment 5)

Salem Police Department – reviewed the proposal and indicated that they have no specific comments on this case.

Salem Urban Forester - reviewed the proposal and indicated that they have no specific comments on this case.

Public and Private Service Provider Comments

Portland General Electric (PGE) reviewed the proposal and submitted standard comments indicating that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement (PUE) is required on all front street lots.

¹ See *Salem Transportation System Plan*, project #116.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the majority of the subject property as "Commercial." The Salem Comprehensive Policies Plan describes the intent of the Commercial designation as providing for shopping and service opportunities, including "regional shopping facilities, community and neighborhood shopping and service facilities, convenience stores, commercial offices, and specialized shopping and service facilities."

The two portions of the property considered in the proposed Comprehensive Plan Map change are designated as "Single Family Residential" as a result of first accruing to abutting Single Family Residential properties through the right-of-way vacation process.

The Comprehensive Plan designations of surrounding properties include:

- North: (Gilmore Field) "Single Family Residential"
- South: (Across Cannon Street SE) "Multiple Family Residential"
- East: "Commercial"
- West: "Single Family Residential"

Relationship to the Urban Service Area

The subject property is located within the City's Urban Service Area (USA); therefore, an Urban Growth Area Development Permit is not required for development of the property.

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is located on Cannon Street SE, which is designated as a local street. Cannon Street SE intersects with 12th Street SE approximately 250 feet southeast of the subject property. At this location, 12th Street SE is designated as a Major Arterial. The abutting property to the east, under common ownership, has frontage on 12th Street SE.

SCAN Neighborhood Plan: The subject property is within the South Central Association of Neighbors (SCAN). In addition, the boundaries of the Morningside Neighborhood Association, the Southeast Salem Neighborhood Association (SESNA) and SCAN converge within a few feet of the northeast corner of the subject property.

SCAN, SESNA, and Morningside are City-recognized neighborhood associations. The Morningside Neighborhood Association has a neighborhood plan, which was adopted by the

Salem City Council in 2014. Although the subject property is located just outside of the boundary of the Morningside Neighborhood Association, Tax Lot 900, under common ownership and part of the applicant's preliminary site plan for a contiguous development, is within the neighborhood. The proposal is consistent with Morningside Neighborhood Plan Policy 5.3, which encourages commercial uses in several commercial zones throughout the neighborhood, including along 12th and 13th Streets. The proposal would consolidate the Plan Map designation and zoning of the subject property as Commercial/CO, consistent with Policy 5.3.

Zoning

The majority portion of the subject property is zoned CO (Commercial Office); the portions of land subject to the proposed zone change are zoned PA (Public Amusement) on the north perimeter and RS (Single Family Residential) on the western perimeter of the subject property. The zoning of surrounding properties is described as follows:

- North: (Gilmore Field) PA (Public Amusement)
- South: (Across Cannon Street SE) RM2 (Multiple Family Residential)
- East: CR (Retail Commercial)
- West: RS (Single Family Residential)

Existing Site Conditions

The subject property consists of a single, undeveloped lot approximately 1.31 acres in size. The lot slopes moderately downward from southwest to northeast with an elevation change of approximately 18 feet. Grass covers the majority of the site, with several evergreen and deciduous trees on the western and northern boundaries of the property.

Circulation and Access: A portion of the south boundary of the property has frontage on Cannon Street SE. The applicant also owns Tax Lot 900, situated between Tax Lot 1000 and 12th Street SE. The concept site plan submitted by the applicant shows an office building with parking lot and access driveways encompassing both lots, with on access to Cannon Street SE and primary access to 12th Street SE. The adjacent portion of Cannon Street SE is designated as a local street in the Salem Transportation System Plan (TSP). Cannon Street SE intersects with 12th Street SE approximately 250 feet southeast of the subject property. At this location and along the frontage of Tax Lot 900, 12th Street SE is designated as a Major Arterial. Any additional necessary street improvement or right-of-way requirements will be addressed at such time that new development is proposed on the site through the Site Plan Review Process.

Trees: The City's tree preservation ordinance protects heritage trees, significant trees (*including Oregon White Oaks with a diameter-at-breast-height of 24 inches or greater*), trees and vegetation within riparian corridors, and trees on lots or parcels greater than 20,000 square feet. Because Clark Creek abuts the subject property to the north, a riparian corridor

is present on the site. The riparian corridor is measured 50 feet horizontally from the top of bank on each side of the waterway.

Any development of the subject property must comply with the tree preservation requirements of SRC Chapter 808 (Preservation of Trees and Vegetation). Pursuant to the City's tree preservation requirements, no heritage trees, significant trees, or riparian corridor trees or riparian corridor native vegetation shall be removed.

Wetlands: According to the Salem Keizer Local Wetland Inventory (LWI) there are no mapped wetlands on the subject property.

Landslide Hazards: The lot slopes downward to the northeast of the property, with a hill rising just to the east of the property and the gully carved by Clark Creek running just beyond the north property line. According to the City's adopted landslide hazard susceptibility maps, there is an area of mapped landslide hazard susceptibility points located in the north-central portion of the property as well as the northwest and southwest corners. Based on the point value associated with the land, a geologic assessment will be required if a regulated development activity is proposed in the mapped landslide hazard area.

Site Plan

A site plan is not required as part of a Comprehensive Plan Map Amendment/Zone Change application. The applicant's submittal includes a preliminary site plan for a proposed office building that would be developed on the subject property and abutting property to the east. Although the site plan illustrates how the areas to be rezoned would be used as part of the proposed office building, the applicant has not requested development approval as part of the subject application (Attachment 4).

Applicant Submittal Information:

Requests for Minor Comprehensive Plan Changes and zone changes must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as Attachment 2 to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

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

Salem Revised Code (SRC) 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 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 is justified based on (ii). The Single Family Residential designation of the subject portions of Tax Lot 1000 creates a split designation on the lot, thereby preventing consistent development across the property as a whole. The subject portions, which make up approximately 22% of the total size of the lot, are unusable for the purposes provided for by that designation. The limited size and narrow configuration of the strips of land do not provide sufficient land for residential development or any other practical use, and can only be accessed through the portion of the lot designated as Commercial. The lot abuts another Commercial-designated property to the east, which is under common ownership and includes frontage along 12th Street SE. The proposal meets this criterion.

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

Finding: The 8-inch G-0 waterline and 21-inch sewer main in 12th Street SE are adequately sized to handle commercial redevelopment of the area. An existing 10-inch public storm main

bisects the subject property and Clark Creek runs along the north property line. Therefore, water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve future uses. Tax Lot 1000 has frontage on Cannon Street SE, which provides direct access to 12th Street SE, designated as a major arterial in the Salem Transportation System Plan (TSP). Cherriots bus line #6 provides service along the 12th Street/13th Street couplet, and both 12th Street and 13th Street include bike lanes within their rights-of-way. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The proposal meets this criterion.

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

Applicant Statement: The property is within a highly developed part of the city. The parent parcel was designated Commercial/CO to provide for a proposed office use. The two rights of way were vacated for inclusion with the use of the parent parcel. The current designation is a remnant left from the right of way vacation procedure. As currently designated the two strips do not provide for logical urbanization. All necessary public facilities and services are available to support the planned development and use of the land. Based on these factors, changing the plan map designation to match the parent parcel provides for the logical urbanization of the land.

Staff Response: Staff concurs with the applicant's statement. The split zoning of the subject property presents a barrier to the logical urbanization of Tax Lots 900 and 1000, which the proposal would alleviate. The applicant is in the process of developing an office building on the adjacent property to the north, and the concept site plan for Tax Lots 900 and 1000 show a proposed office building consistent with development patterns along the corridor.

Natural features also buffer the subject property from non-commercial land uses in the vicinity. North of the property boundary, Clark Creek separates Tax Lot 1000 from Gilmore Field. Just beyond the west property line, a wooded hillside rises approximately 70 feet between the property line and single family residences above. As a result, the subject property and 12th Street commercial corridor is effectively separated from these adjacent uses. Staff finds that the proposal meets this criterion.

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

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

Comprehensive Land Use Map, Intent (Page 3, Salem Comprehensive Policies Plan):

The intent of the Salem Area Comprehensive Plan is to project a goal: the most desirable pattern of land use in the Salem area. This pattern, as represented on

the Comprehensive Plan Map, indicates areas appropriate for different types of land use. The pattern takes into consideration the transportation network, the location of public facilities and utility systems, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment.

To ensure that the anticipated urban land use needs are met, the Plan Map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed. There are two approaches to achieving this commitment. One approach is the rezoning of land in quantities sufficient to accommodate land use demands identified for the planning period. Another approach is through the phased provision of land over time, through annexation and rezoning in response to demand for specific land uses. . . .

It is the later approach that the Salem Area Comprehensive Plan has taken, thus the land use pattern that is shown on the map recognizes the zoning that has developed over time, with general designations of the land uses that are expected to be developed as a result of (1) demand, (2) the plan policies and the intent statements, and (3) implementing regulations and processes. This plan recognizes that the land use and zoning is expected to change during the time span of the plan as conditions change.

Response: The proposal to change the Comprehensive Plan Map designation for the subject portions of the property would resolve the split designation of the lot. The proposal would address the changing conditions resulting from the 2007 vacation of rights-of-way and subsequent land use designations applied to those portions of the property. By providing a consistent Comprehensive Plan Map designation across the property, the change would respond to demand for a specific land use (the commercial office development shown in the applicant's preliminary site plan) that was previously anticipated when the parent portion of the property was designated Commercial. For these reasons the proposal is consistent with the intent and methodology of the plan.

Urban Growth Policies (Page 13, Salem Comprehensive Policies Plan):

- a. *To contain urban development within planned areas where basic services such as sewers, water, facilities, police and fire protection can be efficiently and economically provided.*
- b. *To conserve resources by encouraging orderly development of land.*
- c. *To preserve and enhance the livability of the area.*
- d. *To use public facilities and services as a framework for urban development.*

Response: The public facilities and service needs for the subject property would be provided at the time of development of the site. All public services and utilities are available in the vicinity of the subject property including water, sewer, storm drainage, streets, bike lanes,

sidewalks, fire and police protection, public transit (Cherriots bus line 6), electricity and telephone, and solid waste disposal. The proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with these policies.

Salem Urban Area Goals and Policies, General Development Policy 7, Optimal Use of the Land (Page 25, Salem Comprehensive Policies Plan):

Structures and their siting in all residential, commercial and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acres of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential of erosion and adverse effects upon the existing topography and soil conditions.

Response: The Comprehensive Plan Map Amendment would provide a uniform Commercial designation for the currently undeveloped subject property, which is located adjacent to largely developed commercial corridor on 12th Street SE. The uniform Plan Map designation would facilitate development of an infill site without the need to clear and grade other more environmentally sensitive land within the urban area.

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

To manage the growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to insure the quality of life of present and future residents of the area, and to contain urban development to preserve adjacent farm land.

Response: The necessary public facilities, services and utilities are already in place and providing service to the subject property. Expansions of the services and systems may be needed as a result of the planned development of the remainder of the site that will be made possible by the proposed Comprehensive Plan Map amendment with concurrent Zone Change. The existence and availability of public services, facilities and utilities to the property fulfills this goal.

Salem Urban Area Goals and Policies, Residential Development Goal (Page 32, Salem Comprehensive Policies Plan):

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

Response: The portions of the property designated as Single Family Residential are undeveloped and do not currently provide housing units. The size, shape, and configuration of these strips of land along the perimeters of the property preclude residential development that could meet minimum regulatory and practical requirements. Accordingly, the subject portions of the property cannot implement the Residential Development goal as intended by

the Single Family Residential designation, and an amendment to designate those portions as Commercial would not diminish the variety of housing opportunities or supply of developable land to support housing.

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

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

Response: The proposal would provide a uniform Commercial designation and CO (Commercial Office) zoning across Tax Lot 1000 and the commonly-owned abutting property to the east. As a result, the proposal would allow commercial development on these two undeveloped lots. The lots are within an established commercial corridor, with 12th Street SE, 13th Street SE, and McGilchrist Street SE providing arterial access to the site from all parts of the Salem urban area as well as the Marion-Polk County metropolitan area. By facilitating commercial development that is consistent with the surrounding corridor and regionally accessible, the proposal is consistent with this goal.

Salem Urban Area Goals and Policies, Economic Development Goal (Page 36, Salem Comprehensive Policies Plan):

Strengthen the economic base of the Salem area to sustain the economic growth necessary to provide adequate employment opportunities and maintain community livability.

Response: The proposal would facilitate commercial development of two undeveloped lots. The applicant has provided a concept plan for an office building on the site, consistent with the proposed zone change to CO (Commercial Office). Office or other commercial development on the site would provide space for employment opportunities in an established and easily accessible commercial corridor.

Finding: 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 adjacent neighborhood associations. This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

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

Planning Goals.

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

No resources have been identified or designated on the subject property under Goal 5. Although the subject portion on the north perimeter of the property is zoned PA (Public Amusement), it has never been used as a park and is not designated as park land in the SACP or Salem Comprehensive Park System Master Plan.

Goal 6 – Air, Water and Land Resources Quality

Applicant Statement: The redesignation of the property will have no significant affects on air, water or land resource quality. The subject property is part of a larger property that is already designated and zoned for commercial office use. All required public services and utilities are available to the property. Water will be supplied to the site by the City water system. There will be no withdrawal of subsurface groundwater resources. Waste water from the property will be discharged into the City sewer system. Storm water runoff will be collected and removed by the City storm drainage system. Designating the subject property as proposed will not itself allow a change in the use of the parent parcel, and therefore will have no impacts on air quality.

The overall property is flat. A steep slope to the west is not part of the property and development on the site will not intrude onto the slope. There are no identified adverse impacts to the land.

No significant adverse impacts to the quality of the air, water, or land are identified as a result of the proposed change in designation.

Staff Response: Staff concurs with the applicant's statement. Eventual build-out of vacant properties along heavily developed commercial corridors is expected. The proposal would not intensify the development allowed on the subject property or otherwise result in adverse impacts to air, water, or land resources quality. Staff finds that the proposal is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Applicant Statement: The steep slope located to the west of the vacated Bluff Avenue right of way includes indicated landslide hazard areas. City data indicate a landslide hazard in the northwest corner of the subject site, but development on the parent parcel will not be on the slope or within the indicated hazard area. This is the only potential natural hazard that has been identified that is specific to the site.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 7.

Goal 8 – Recreational Needs

Applicant Statement: A small part of the former right of way is zoned PA, which is applied to park land. However, it is not designated for park or open space use by the Comp Plan. The right of way is located across Clark Creek from the School District park, and it was never used as park land. The site is not designated for recreational use and this Goal does not apply.

Finding: The strip of land zoned PA is isolated from the remainder of Gilmore Field by Clark Creek and cannot provide recreational opportunities due to its size and configuration. Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 8.

Goal 9 – Economic Development

Applicant Statement: The subject property is part of the parent parcel that will be developed for commercial use. The property is along a major south Salem commercial corridor. The subject property is currently vacant and unproductive. By developing the site the proposal will improve the value and economic contribution of the property to the city. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 9.

Goal 10 – Housing

Applicant Statement: The subject property is designated for single-family housing, but it was formerly street right of way. It was not intended or available for housing. It is vacant and there is no housing on the property. It is part of a larger property that is zoned CO. No housing opportunities will be affected by this proposal. There is an adequate supply of vacant land designated for single-family housing within the urban area. Redesignating the subject property for commercial use to match the parent parcel will have no effect on the City's ability to provide single-family housing or to meet the requirements of this Goal.

Finding: Staff concurs with the applicant's statement. The subject portions of Tax Lot 1000 only total approximately 0.29 acres in size and cannot provide housing opportunities based on size and configuration. The proposal would not have an impact on the ability of the City to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

Goal 11 – Public Facilities and Services

All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity, telephone, and solid waste disposal, are currently available. The provision of public facilities and services are adequate for potential commercial uses on the subject property. Therefore, the proposal meets the requirements of Goal 11.

Goal 12 – Transportation

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

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a "significant effect" on the surrounding transportation system, as defined above. The applicant's Goal 12 analysis finds that no new impacts on the transportation system will be created because the addition of remnant rights-of-way to the commercial-designated portions of the property would not increase the allowed development intensity on the property. The City Traffic Engineer has reviewed the TPR Analysis that was submitted by the applicant and agrees with its findings. The proposed Comprehensive Plan Change and Zone Change will not have a "significant affect" on the transportation system as defined by OAR 660-012-0060. The proposal meets the requirements of Goal 12.

Goal 13 – Energy Conservation

Applicant Statement: The property is located within the developed urban area. The transportation system in this area is fully established and makes access to the property direct, efficient, and convenient by motorized and non-motorized forms of transportation. The property's location along a major travel route serves to reduce the vehicle miles travel to reach the site, which conserves energy. In addition, new structures will be required to meet the energy efficiency codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 13.

Goal 14 – Urbanization

This application does not affect urban growth areas, as the property has been within the City of Salem for many decades. The change in land use designation from Residential to

Commercial is consistent with the surrounding commercial development on the 12th Street SE/13th Street SE corridor. Therefore, staff finds that the proposal is consistent with Goal 14.

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

Finding: The proposed Comprehensive Plan Map amendment from Single Family Residential to Commercial is in the public interest and would be of general benefit because it would alleviate the split land use designation and zoning, a situation that currently precludes development of the site as a contiguous property. The proposal would also facilitate viable use of the remnant portions of property, which due to their limited size cannot reasonably be developed for any of the residential or recreational purposes for which they are currently designated. Investment in the development of underutilized properties within existing developed areas is in the public interest and of general benefit. The proposal satisfies this criterion.

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

The following analysis addresses the proposed zone change for the subject portions of the property from RS (Residential Single Family) to CO (Commercial Office) and from PA (Public Amusement) to CO.

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

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 2).

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

- (i) **A mistake in the application of a land use designation to the property**
- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) **A demonstration that the proposed zone change is equally or better suited**

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

Applicant's Statement: The proposed change in zones from RS and PA to CO is better suited than the existing zones because the current zones are unusable for any beneficial purpose. The subject property is physically appropriate for the proposed CO zone because it is contiguous to the parent parcel, has the same physical characteristics, and presents no obstacles or obstructions to development. The areas to be rezoned will be used for access and parking in conjunction with the building planned for the street frontage. This is logical because it will make use of vacant land that is part of contiguous ownership. The relationship of the proposed development to the surrounding lands was considered in the previous zone change to CO, and the uses in that zone were found to be logical with the surrounding uses.

Finding: As indicated by the applicant's statement, the request satisfies (iii). The overall site that would be formed by Tax Lots 900 and 1000 is generally flat, not encumbered by waterways, wetlands, or large amounts of vegetation. Mapped areas of landslide hazards are generally confined to the perimeter of the property. The combined site would have frontage on 12th Street SE, a major arterial characterized by a variety of office, retail, and service uses. The preliminary site plan submitted by the applicant shows a development consistent with existing development patterns along the 12th Street corridor. The subject property is effectively buffered from non-commercial land uses by natural features, including a wooded hillside to the west and Clark Creek to the north. The proposal meets this criterion.

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

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

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

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

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

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

Finding: The proposed zone changes are from RS (Residential Single Family) to CO (Commercial Office) and from PA (Public Amusement) to CO. No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. Therefore, this criterion does not apply.

(E) 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: Cannon Street SE provides a direct link to 12th Street SE and the arterial network. The conceptual site plan submitted by the applicant encompasses both Tax Lots 900 and 1000, with access for the proposed office development taken from both 12th Street and Cannon Street. The driveway onto 12th Street would align with McGilchrist Street SE to form a four-way intersection. The change in the Plan Map designation for the remnant portions of this property would not cause a significant effect on the existing transportation system, or result in a level of services decreasing to an unacceptable level. The applicant's analysis indicates that no new impacts on the transportation system will be created would be created by the Comprehensive Plan Map change or zone change. Staff concurs with the applicant's analysis because the proposal would not increase the allowed development intensity of Lot 1000.

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

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

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff

report and APPROVE, by resolution, the following actions for Comprehensive Plan Change / Zone Change 14-05 on property consisting of the previously-vacated rights-of-way at the north and west perimeters of the property, and zone change for same from PA (Public Amusement) and RS (Residential Single Family) to CO (Commercial Office) for a property located at 1130 McGilchrist Street SE (Marion County Assessor map and tax lot number 073W34DA0100).

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject portions of the property from Single Family Residential to Commercial be GRANTED.
- B. That the zone change request for the subject portions of the property from RS (Single Family Residential) to CO (Commercial Office) and from PA (Public Amusement) to CO be GRANTED.

- Attachments:
- 1. Public Hearing Notice & Vicinity Map
 - 2. Applicant's Statement Addressing Approval Criteria
 - 3. Public Works Department Comments
 - 4. Applicant's Development Concept Plan
 - 5. Zoning Map

Prepared by Christopher Green, Planner II



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Minor Comprehensive Plan Map Amendment / Zone Change Case No.CPC-ZC14-05
AMANDA APPLICATION NO:	14-114860-ZO & 14-114861-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, OCTOBER 7, 2014, 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	1130 MCGILCHRIST ST SE, SALEM OR, 97302
OWNER:	BOULDER CREEK, LLC
APPLICANT :	BOULDER CREEK, LLC
DESCRIPTION OF REQUEST:	<p>A consolidated Comprehensive Plan Map Amendment and Zone Change for portions of a property located near the intersection of 12th Street SE and McGilchrist Street SE.</p> <p>The applicant proposes to change the Salem Area Comprehensive Plan (SACP) Map designation from Single Family Residential to Commercial, and to change the zone district PA (Public Amusement) to CO (Commercial Office) for a strip of land approximately 4,758 square feet in size at the northern perimeter of the property. The applicant also proposes to change the SACP Map designation from Single Family Residential to Commercial and the zone district from from RS (Single Family Residential) to CO for a strip of land approximately 7,986 square feet in size at the western perimeter of the property. The subject property is approximately 1.31 acres in size and located at 1130 McGilchrist Street SE (Marion County Assessor's Map and Tax Lot number: 073W34DA0100).</p>
CRITERIA TO BE CONSIDERED:	<p>COMPREHENSIVE PLAN MAP AMENDMENT</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.</p> <p>(A) A Minor Plan Map Amendment is justified based on the existence of one of the following criteria:</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.
- (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 SRC 265.005(e)(1):

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

HOW TO PROVIDE TESTIMONY:

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


HEARING PROCEDURE:

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

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

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

CASE MANAGER:

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

NEIGHBORHOOD ORGANIZATION:

South Central Association of Neighbors (SCAN), Curt Fisher, Land Use Chair; Phone: 503-584-1348; Email: curtfisher@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:

September 17, 2014

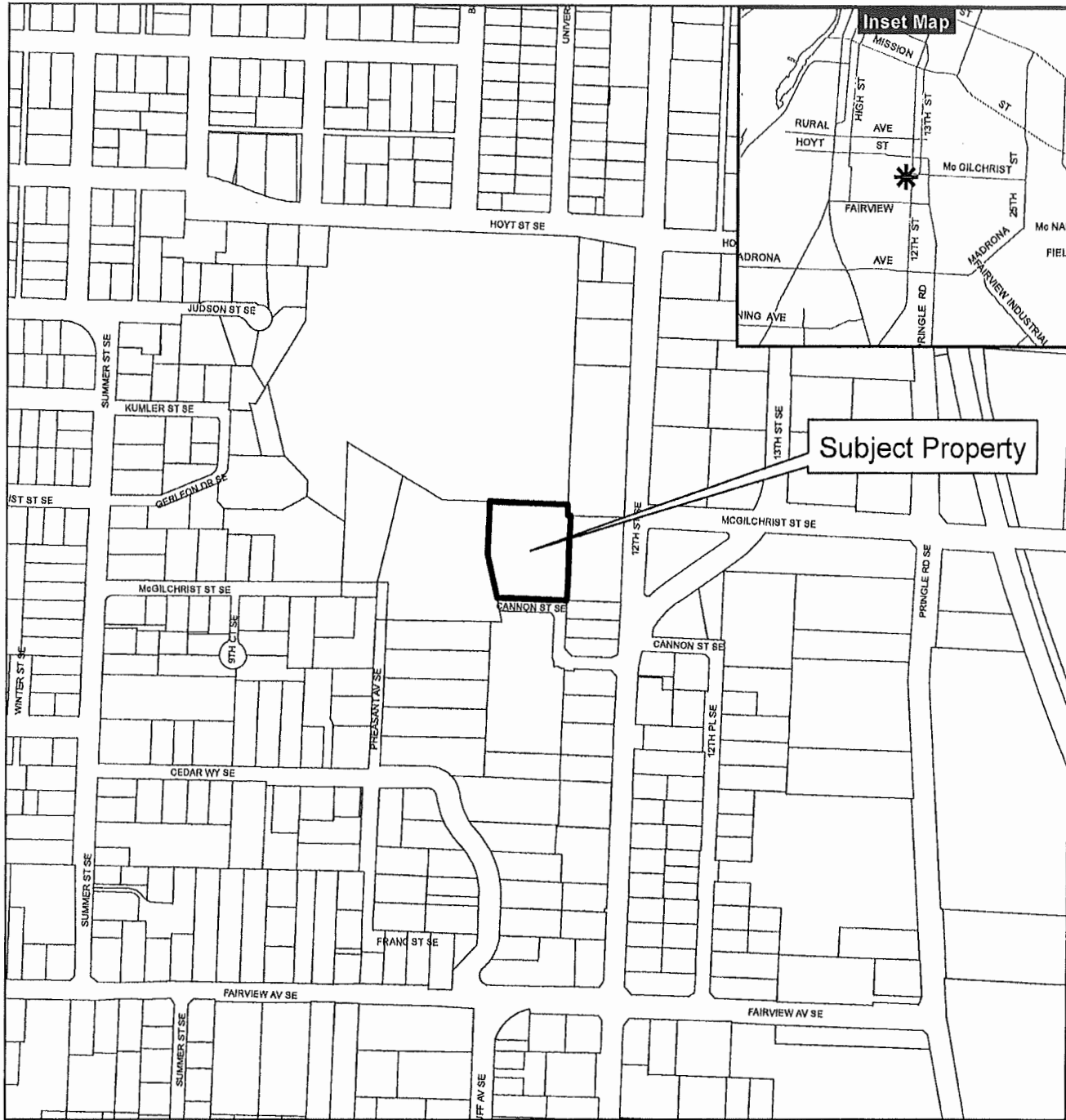
PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

<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-ZC14-05 - 1130 McGilchrist St SE (Chris)\CPC-ZC14-05 Hearing Notice.doc

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and Interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least two business days before this meeting or event. TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 1130 McGilchrist Street SE



Legend

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

 Parks

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

0 100 200 400 Feet



This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

Tross Consulting, Inc. Jeffrey R. Tross . Land Planning and Development Consultant
1720 Liberty St. SE, Salem, Oregon 97302
Phone (503) 370-8704 email jefftross@msn.com

ATTACHMENT 2

APPLICANT'S STATEMENT
FOR
BOULDER CREEK LLC, 12th and McGILCHRIST -
VACATED RIGHT OF WAY REZONING

DbBACKGROUND

In October, 2006, Boulder Creek LLC received approvals for a Comprehensive Plan Map Amendment and two Zone Changes for its properties located along and to the west of 12th St. SE, across from the McGilchrist St. intersection. The two approvals included a Comprehensive Plan Map Amendment and Zone Change from RM2 to CO for its property at 1130-1150 McGilchrist St. SE (Planning Commission CPC/ZC 06-9, map 7-3W-34DA Tax Lot 1000); and a Zone Change from CO to CR for its adjacent property at 2500 12th St. SE (Hearing Officer Zone Change 06-9, Tax Lot 900).

At the time of those applications the McGilchrist Street right of way extended to the west of 12th St. adjacent to the north line of Tax Lots 900 and 1000, but was unopened and undeveloped. Similarly, the unopened right of way of Bluff Avenue SE ran adjacent to the west line of Tax Lot 1000 (see enclosed Exhibit Map from the vacation petitions).

At the same time as the Plan Amendment and Zone Change applications, Boulder Creek LLC petitioned the City to vacate the unopened sections of McGilchrist St. and Bluff Avenue adjacent to its properties. The vacated sections of the rights of way were intended to be added to the property for use as access driveways and parking. The intent to utilize the vacated rights of way for those purposes was described in the Plan and Zone Change applications, was shown on the preliminary site plans, and described in the vacation petitions.

The two vacations were approved in 2007. The vacations included an "assessment of special benefit" of \$28,440.00 for the McGilchrist St. right of way, and \$23,955.00 for the Bluff Avenue right of way. Boulder Creek LLC paid these assessments to the City.

According to the procedures for the vacation of public rights of way, upon vacation each half of the right of way accrues to the adjacent property owner, and the vacated sections of the rights of way then become zoned the same as those bordering properties. In this case, the north-west half of the vacated McGilchrist right of way accrued to the Salem-Keizer School District, which owned park land to the north zoned PA; and the west half of the Bluff Avenue right of way accrued to the

property owner to the west, whose property was zoned RS. Boulder Creek LLC purchased those halves of the rights of way from those bordering property owners for inclusion with Tax Lot 1000.

Boulder Creek LLC is in the process of developing its property. A commercial/office building is planned for Tax Lots 900 and 1000. The site plan provides for parking and driveways over the vacated rights of way. However, during a recent informal review at the City of the new building plan it was found that the half of the vacated right of way that bordered the School District park is zoned PA, and the half that bordered the residential land to the west is zoned RS (both areas are designated *Single-family Residential* on the Comprehensive Plan Map). Those zones are not consistent with their use for the proposed building. As a result Tax Lot 1000 is zoned CO except for the strip on the north that is zoned PA and the strip on the west that is zoned RS (the halves of the two rights of way adjacent to the Boulder Creek property were zoned CO, consistent with that parcel). The area of PA zoning is 4,758 s.f., and the area of RS zoning is 7,987 s.f.

The Proposal

In order for the two strips of land that were part of the former rights of way to be used as parking and access for a commercial building they must be zoned CO. Therefore, Boulder Creek LLC proposes a Comp Plan Map Amendment from *Single-family Residential* to *Commercial*, and corresponding Zone Changes from RS and PA to CO, for the two strips of vacated right of way. The two strips of former right of way are the subject property of this application. The proposed Plan Map Amendment and Zone Changes will result in a uniform CO zone for Tax Lot 1000 (the parent parcel), and allow efficient use of the site for the proposed office building.

A preliminary site plan is included to show how the areas to be rezoned will be used as part of the proposed development. As shown on the site plan the former rights of way will become part of the setbacks, parking and access along the north and west property lines. Leaving these strips in their present zones would be incongruous to the development of the site.

A Waiver to the requirement for a Pre-Application conference was granted on August 13, 2014.

CRITERIA

Salem Area Comprehensive Plan Map Amendment

The proposal is classified as a Minor Plan Map Amendment. A Minor Plan Map Amendment is reviewed according to the criteria in SRC 64.025(e)(2). The criteria are addressed as follows:

(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 Map Designation and Zone Designation...

This proposal is justified based on **(ii)**. The proposed *Commercial* designation is better suited for the subject property than the existing *Single-family Residential* designation because as currently designated it is unusable for any purpose that designation provides for. The parent parcel, Tax Lot 1000, is zoned CO. The subject property is contiguous to the CO zone, it is part of the same Tax Lot, and it is inaccessible except through the parent parcel. The size and shape of the two strips do not provide for any practical use. Considering these factors the subject property is better suited for the proposed designation, which will allow it to be zoned CO in keeping with the rest of the parcel.

(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.

All public facilities and services necessary and required to support development of a commercial building are available to the property. The property to the north has recently been developed, and public services will be extended to support the proposed new building. Considering the location along the 12th Street corridor, in an area that is fully serviced and highly developed, the property is capable of being served with public facilities and services necessary to support the use allowed by the proposed Plan map designation.

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

The property is within a highly developed part of the city. The parent parcel was designated *Commercial/CO* to provide for a proposed office use. The two rights of way were vacated for inclusion with the use of the parent parcel. The current designation is a remnant left from the right of way vacation procedure. As currently designated the two strips do not provide for logical urbanization. All necessary public facilities and services are available to support the planned development and use of the land. Based on these factors, changing the plan map designation to match the parent parcel provides for the logical urbanization of the 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;

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

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

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

The subject property consists of former public right of way. Its current designation is the result of the right of way vacation procedure. However, it is part of the larger, parent parcel. It has no use or purpose under the current designation. The proposed Comp Plan redesignation is consistent with the Plan methodology to provide maximum flexibility within the guidelines provided by Plan policies. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Part IV. Salem Urban Area Goals and Policies

Part E, Residential Development: The Residential Development Goal is to promote a variety of housing opportunities and an adequate supply of developable land to support such housing. The subject property contributes to neither of these aims. There is no housing on the property. The size and shape of the property is not suitable for housing development. It is part of a larger parcel that is designated for commercial office use. Access to the subject property is through the commercial part of the larger ownership. The property was formerly part of street right of way and was never intended or available for housing. According to research done for the City's current, draft housing needs analysis, there is an adequate supply of land in the urban area that is designated for single family housing. For these reasons, the current designation is not consistent with the Residential Development Goal and policies, and there is no reason to retain it in its current Plan designation.

Part G., Commercial Development: The Commercial Development Goal is to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area. The subject property is a small part of a larger parcel that has been designated for commercial office use. The subject property exists as narrow strips along the north and west edges of the parent parcel. The property is within an established commercial corridor that currently includes multiple office, retail, and service activities. The property will have access to an arterial street. The proposed commercial building will be consistent with the surrounding commercial corridor and contribute to maintaining the urban area as a commercial center.

With regards to the commercial policies, the proposed designation will contribute to the proposed development and use of the site. The site is served by the arterial transportation system that serves this area, including 12th, 13th, and McGilchrist Streets. The property is accessible from all parts of the urban area without traversing local residential streets. There is a residential use adjacent to the south. Appropriate setback buffers will be provided, and access will be directly to 12th Street. For these reasons, the proposal is consistent with the Commercial Development Goal and policies.

Statewide Planning Goals

GOAL 1 - CITIZEN INVOLVEMENT

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

GOAL 2 - LAND USE PLANNING

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

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

The subject property is not identified or designated as any type of resource under this Goal.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The redesignation of the property will have no significant affects on air, water or land resource quality. The subject property is part of a larger property that is already designated and zoned for commercial office use. All required public services and utilities are available to the property. Water will be supplied to the site by the City water system. There will be no withdrawal of

subsurface groundwater resources. Waste water from the property will be discharged into the City sewer system. Storm water runoff will be collected and removed by the City storm drainage system. Designating the subject property as proposed will not itself allow a change in the use of the parent parcel, and therefore will have no impacts on air quality.

The overall property is flat. A steep slope to the west is not part of the property and development on this site will not intrude onto the slope. There are no identified adverse impacts to the land.

No significant adverse impacts to the quality of the air, water or land are identified as a result of the proposed change in designation.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

The steep slope located to the west of the vacated Bluff Avenue right of way includes indicated landslide hazard areas. City data indicate a landslide hazard in the northwest corner of the subject site, but development on the parent parcel will not be on the slope or within the indicated hazard area. This is the only potential natural hazard that has been identified that is specific to this site.

GOAL 8 - RECREATIONAL NEEDS

A small part of the former right of way is zoned PA, which is applied to park land. However, it is not designated for park or open space use by the Comp Plan. The right of way is located across Clark Creek from the School District park, and it was never used as park land. The site is not designated for recreational use and this Goal does not apply.

GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is part of the parent parcel that will be developed for commercial use. The property is along a major south Salem commercial corridor. The subject property is currently vacant and unproductive. By developing the site the proposal will improve the value and economic contribution of the property to the city. In this way the proposal will contribute to the economic base of the urban area, which is consistent with this Goal.

GOAL 10 - HOUSING

The subject property is designated for single-family housing, but it was formerly street right of way. It was not intended or available for housing. It is vacant and there is no housing on the property. It is a part of a larger property that is zoned CO. No housing opportunities will be affected by this proposal. There is an adequate supply of vacant land designated for single-family housing within the urban area. Redesignating the subject property for commercial use to match the parent parcel will have no effect on the City's ability to provide single-family housing or to meet the requirements of this Goal.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

Public facilities and services necessary to support the proposed office use, including sewer, water, and storm drainage, are available to the site at adequate levels to support the use. The small scale of the proposed change will not affect the availability or adequacy of the public services required to serve the property. By providing the necessary public services and facilities that are necessary for the proposed use, the requirements of this Goal are met.

GOAL 12 - TRANSPORTATION

The subject property will access 12th Street. 12th Street is a Major Arterial. The driveway for the site will intersect 12th Street directly across from McGilchrist St., forming a four-way intersection. McGilchrist is also a Major Arterial, and is a major east-west street east of 12th Street. The site is a block south of Hoyt Street, a Collector that provides an east-west route west of 12th, and it is about a quarter mile north of Fairview Avenue, a Collector providing east-west access between Pringle Road and Commercial St. SE. The subject property is connected to and will be served by the major elements of the transportation system in this part of the city, and no new streets are needed to serve the proposed use.

12th, 13th, and McGilchrist are identified as bike routes. Transit service is available along 12th and 13th on Salem Transit Route 6. A sidewalk is provided along the west side of 12th. As a result of these available transportation options, access to the subject property will be direct and convenient by means of private vehicles, public transit, and non-vehicular modes. The proposed

change will not change the allowed use of the parent parcel. It will not affect the existing transportation system, cause a change in a functional classification, or affect an existing level of service. The classifications of the streets serving the subject property are appropriate for the proposed land use designation. The subject property is adequately served by the existing street system, and no new streets are needed or proposed.

GOAL 13 - ENERGY CONSERVATION

The property is located within the developed urban area. The transportation system in this area is fully established and makes access to the property direct, efficient and convenient by motorized and non-motorized forms of transportation. The property's location along a major travel route serves to reduce the vehicle miles traveled to reach the site, which conserves energy. In addition, new structures will be required to meet the energy efficiency codes in effect at the time of construction. For these reasons, the project will serve to promote energy conservation and will be energy efficient.

GOAL 14 - URBANIZATION

The subject property is inside the city. The proposal does not affect the size or location of the city limits or the Urban Growth Boundary. The conversion of the subject site to CO will contribute to the use of the rest of the parcel, and to the efficient use of urban land and public services. The proposal is consistent with the requirement of this Goal to maintain a compact and efficient urban area. These factors are consistent with the directives of this Goal.

Based on the reasons, factors, and circumstances presented, 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 this criterion is satisfied.

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

The amendment is in the public interest and would be of general benefit because it will consolidate

the zoning within an ownership, and allow the productive use of vacated public right of way. Maintaining the current designation serves no purpose and provides no benefit. The applicant had paid the "assessment of special benefit" as calculated by the City and is entitled to the use of the property. The proposed use will allow the use of vacant land. These reasons are in the public interest and are of general benefit.

Summary

Because the proposed Plan map designation is equally or better suited to the property than the existing designation, because the property can be served with public facilities and services that are adequate to support the proposed use, because the proposed designation provides for the logical urbanization of the land, because the proposed designation is consistent with the applicable goals and policies of the Comp Plan and the Statewide Planning Goals, and because the amendment is in the public interest and would be of general benefit, the criteria for a Minor Plan Map Amendment are satisfied.

Morningside Neighborhood Plan

The subject property is within the Morningside Neighborhood Association area. An updated Morningside Neighborhood Plan was adopted in May, 2014. The Neighborhood Plan recognizes the 12th and 13th Street corridors as centers of commercial activity within the neighborhood. The Neighborhood Land Use Plan map designates the property for commercial use. The proposed rezoning of the former right of way to complete the commercial zoning of the property is consistent with the Neighborhood Plan.

Based on the reasons, factors and circumstances described, the proposal satisfies the applicable criteria for a Comprehensive Plan Change.

Zone Change Criteria, SRC Chapter 265

As stated in SRC 265.001, "Because of normal and anticipated growth of the city, changing development patterns, governmental policy decisions affecting land use, community needs, and other factors whose specific future application cannot be anticipated, the zoning pattern

established by the Uniform Development Code cannot remain fixed in perpetuity, and the purpose of this chapter is to establish procedures and criteria to, when appropriate, change zoning designations.”

This application involves remnants of two right of way vacations. The development pattern at this location changed when the rights of way were vacated. The vacated rights of way and the adjoining property are now under a single ownership. Maintaining the current zones serves no purpose for the property owner or the public. For these reasons the zone change is consistent with the provisions of this Chapter.

Proposals for a Quasi-Judicial Zone Change must address the criteria of SRC 265.005(e), as follows:

(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:*

(iii) *A demonstration that the proposed zone change is equally or better suited for the property than the existing one. 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.*

The proposed change in zones from RS and PA to CO is better suited than the existing zones because the current zones are unusable for any beneficial purpose. The subject property is physically appropriate for the proposed CO zone because it is contiguous to the parent parcel, has the same physical characteristics, and presents no obstacles or obstructions to development. The areas to be rezoned will be used for access and parking in conjunction with the building planned for the street frontage. This is logical because it will make use of vacant land that is part of the contiguous ownership. The relationship of the proposed development to the surrounding lands was considered in the previous zone change to CO, and the uses allowed in that zone were found to be logical with the surrounding uses.

Because 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, the proposed

designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

(B) This criterion applies to City-initiated zone changes, and does not apply to this property-owner initiated change.

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

The applicable provisions of the Plan, including the Goals and Policies for Commercial Development and the Morningside Neighborhood Plan, have been examined in this report and the zone change to CO is shown to conform to those provisions.

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

The applicable Statewide Planning Goals have been examined in this report, and the proposed zone change complies with the applicable Goals.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation...a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan that 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.

The zone change is from RS and PA to CO. No industrial Plan or zone designations are involved.

(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 upon, the zone change.

The potential effect of zoning the entire site to CO was reviewed in a TPR report provided at the time of that zone change. The proposed zone changes for the two strips of remnant right of way

will not expand the area that was considered at that time, and will not allow any type of development that was not considered in that previous zone change. No new impacts on the transportation system will be created because the two strips of remnant right of way will not increase the allowed intensity of development on the property. For these reasons, the zone change satisfies this criterion.

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

The property can be served with all necessary public facilities and services necessary for development in the CO zone. As shown on the preliminary site plan the subject property will be used as access and parking. The property is in a highly developed and serviced part of the city and services and facilities exist to support new development. The availability of the public facility needed to serve the proposed use satisfies this criterion.

Summary

The proposal represents an appropriate change to conform the two remnant strips of right of way to the rest of the contiguous ownership. The proposal is consistent with the uses and land use pattern of the area. All necessary public services are available. The existing transportation system is adequate for the proposal, and includes multiple modes of transport and access. No factors have been identified that would make the zone change detrimental to the public health, safety or welfare. The public interest will be served by allowing the property to be part of a productive and beneficial use. The zone changes will promote efficient use of vacant land. The proposal is consistent with the Comp Plan policies for commercial development. For the facts and reasons presented, the proposal satisfies the criteria for a Minor Comp Plan Amendment and Zone Change.



MEMO

TO: Chris Green, Planner II
Community Development Department

FROM: Glenn J. Davis, P.E., C.F.M., Chief Development Engineer
Public Works Department

DATE: September 26, 2014

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 14-05 (14-114860)
1130 MCGILCHRIST STREET SE**

PROPOSAL

A consolidated Comprehensive Plan Map Amendment and Zone Change for portions of a property located near the intersection of 12th Street SE and McGilchrist Street SE.

The applicant proposes to change the Salem Area Comprehensive Plan (SACP) map designation from Single Family Residential to Commercial, and to change the zone district from PA (Public Amusement) to CO (Commercial Office) for a strip of land approximately 4,758 square feet in size at the northern perimeter of the property. The applicant also proposes to change the SACP map designation from Single Family Residential to Commercial and the zone district from RS (Single Family Residential) to CO for a strip of land approximately 7,986 square feet in size at the western perimeter of the property. The subject property is approximately 1.31 acres in size and located at 1130 McGilchrist Street SE.

FACTS

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

Transportation Planning Rule—The applicant's Land Planning and Development consultant submitted findings in consideration of the requirements of the Transportation Planning Rule (*Oregon Administrative Rule (OAR) 660-012-0060*). The analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The findings state no new impacts on the transportation system will be created because the two strips of remnant

right-of-way will not increase the allowed intensity of development on the property. The Traffic Engineering staff concurs with the consultant's findings.

CRITERIA AND FINDINGS

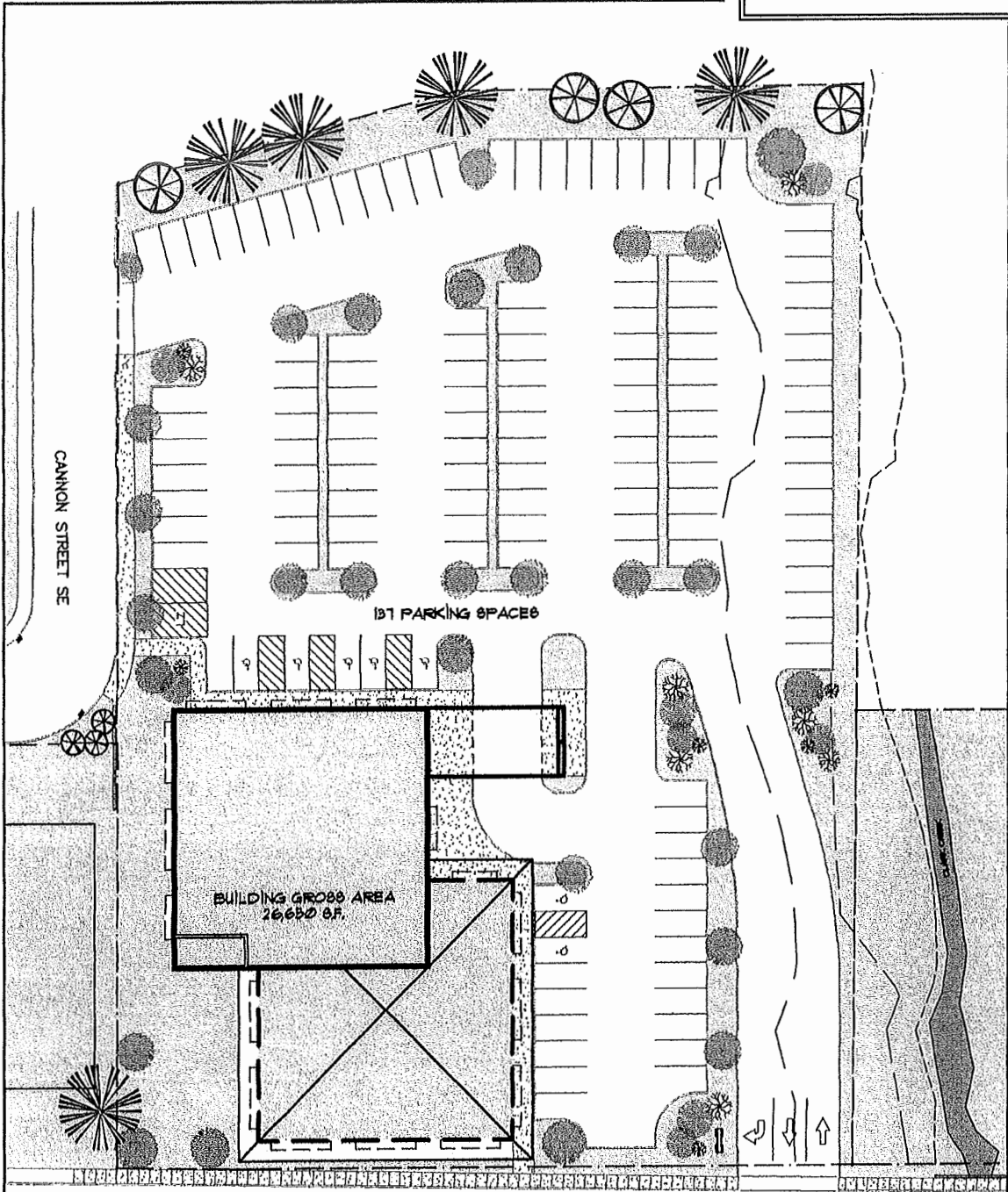
SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding—The applicant has submitted findings addressing the intent of the Transportation Planning Rule (OAR 660-012-0060). The analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system.

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 8-inch G-0 waterline and 21-inch sewer main in 12th Street SE are adequately sized to handle commercial redevelopment of the area. An existing 10-inch public storm main bisects the subject property and Clark Creek runs along the north property line. Therefore, water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve future uses. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Robin Dalke, C.F.M., Administrative Analyst III

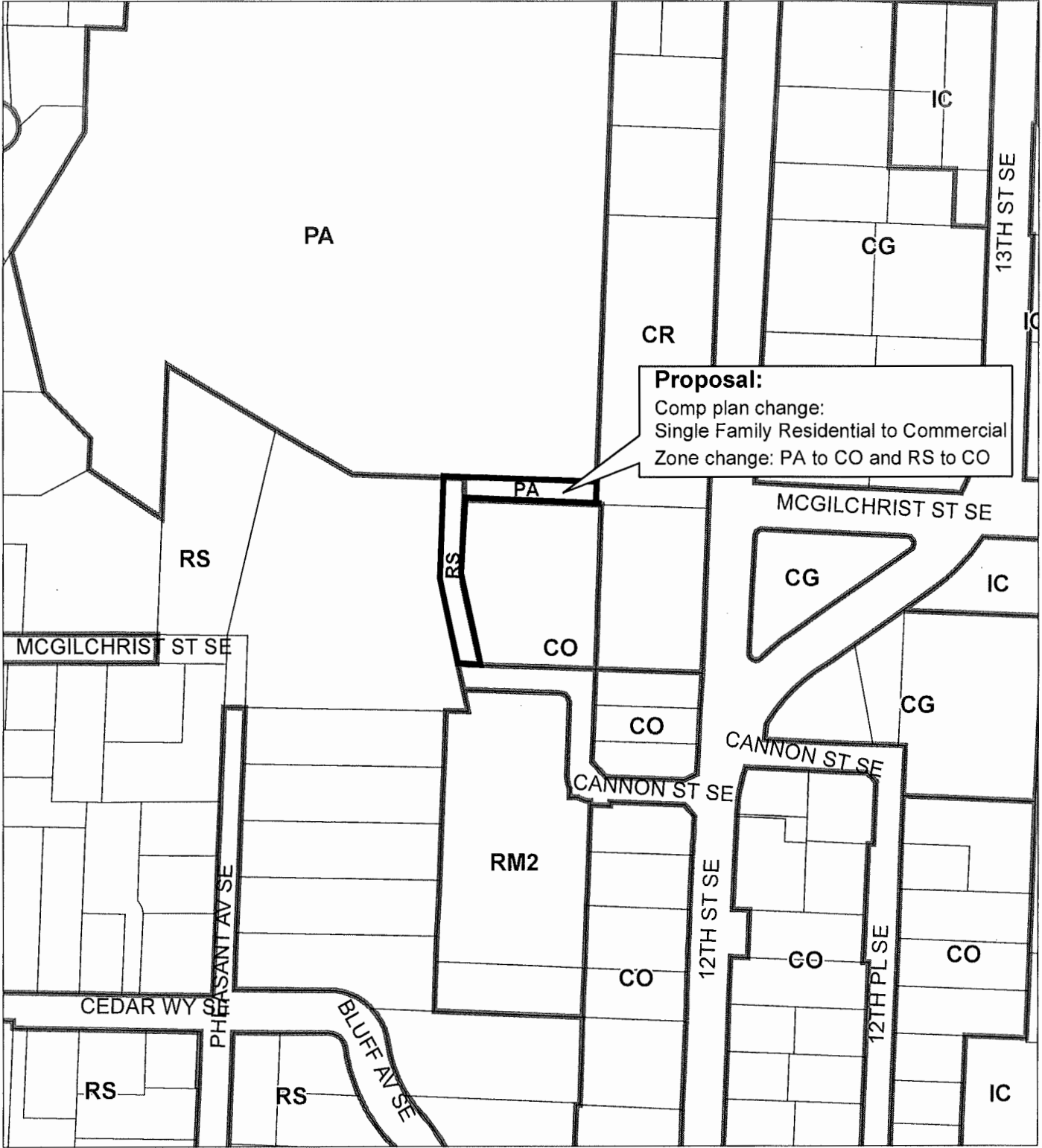


1 BOULDER CREEK NORTH
SCALE: 1/16"=1'-0"



ARBUCKLE COSTIC ARCHITECTS, Inc.
363 State Street
Salem, OR 97301-3533
T: 503.581.4114
F: 503.581.3555

Comprehensive Plan Change/Zone Change 14-05



Proposal:
 Comp plan change:
 Single Family Residential to Commercial
 Zone change: PA to CO and RS to CO

Legend

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

This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

