



Oregon

Kate Brown, 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: July 27, 2015

Jurisdiction: City of Salem

Local file no.: CA 15-03

DLCD file no.: 003-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 07/22/2015. 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 44 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.:	003-15 {23737}
Received:	7/22/2015

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

Jurisdiction: City of Salem

Local file no.: **CA15-03**

Date of adoption: 07-13-2015 Date sent: 7/22/2015

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): 04-08-2015

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): Bryce Bishop, Planner II

Phone: 503-540-2399 E-mail: bbishop@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 _____ 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.

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:

Proposed amendment to SRC Chapter 521 of the Salem Revised Code (SRC) to allow Basic Education, as defined under SRC 400.070(b), as a permitted use within the Commercial Office (CO) zone.

For a change to a zoning map:

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

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

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

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

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

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

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

Transmittal Letter and City of Salem Ordinance No. 15-15
June 22, 2015 Staff Report to City Council



COMMUNITY DEVELOPMENT DEPARTMENT

555 Liberty St. SE / Room 305 • Salem, OR 97301-3503 • (503) 588-6173 • (503) TTY 588-6353 • (503) Fax 588-6005

July 22, 2015

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

**NOTICE OF FINAL DECISION: Ordinance No. 15-15
Amending SRC Chapter 521 (CO - Commercial Office)**

YOU ARE HEREBY NOTIFIED that the City Council of the City of Salem adopted Ordinance No. 15-15 at the July 13, 2015 session. Ordinance No. 15-15 amends Salem Revised Code Chapter 521 by adding Basic Education as a permitted use within the CO zone. A copy of the ordinance is attached.

Any person with standing may appeal the City Council's decision by filing a "Notice of Intent to Appeal" with the Land Use Board of Appeals, 775 Summer St NE, Suite 330, Salem OR 97301-1283, **not later than 21 days after July 22, 2015**. Anyone with questions regarding filing an appeal with the Oregon Land Use Board of Appeals should contact an attorney.

The complete case file is available for review at the Community Development Department, 555 Liberty St SE, Room 305, Salem OR 97301. If you have any further questions, you may contact the City of Salem Planning Division at 503-588-6173.

Lisa Anderson-Ogilvie,
Urban Planning Administrator

Attached: Ordinance No. 15-15

ORDINANCE BILL NO. 15-15

AN ORDINANCE RELATING TO THE COMMERCIAL OFFICE (CO) ZONE; AMENDING SRC 521.005.

The City of Salem ordains as follows:

Section 1. SRC 521.005 is amended to read as follows:

521.005. Uses. The permitted (P), special (S), conditional (C), and prohibited (N) uses in the CO zone are set forth in Table 521-1.

**TABLE 521-1
USES**

Table 521-1: Uses

Use	Status	Limitations & Qualifications
Household Living		
Single Family	P	The following Single Family activities: <ul style="list-style-type: none"> ▪ Single family detached dwelling. ▪ One dwelling unit for each business use on a lot. ▪ Residential Home, as defined under ORS 197.660.
	S	The following Single Family activities: <ul style="list-style-type: none"> ▪ Townhouse, subject to SRC 700.080. ▪ Zero side yard dwelling, subject to SRC 700.090.
	N	All other Single Family.
Two Family	P	Duplex.
	N	All other Two Family.
Multiple Family	P	
Group Living		
Room and Board	P	Room and Board serving 5 or fewer persons.
	C	Room and Board serving 6 to 75 persons.
	N	All other Room and Board
Residential Care	P	
Nursing Care	S	Nursing Care, subject to SRC 700.040.
Lodging		
Short-Term Commercial Lodging	P	Bed and breakfast establishments.
	N	All other Short-Term Commercial Lodging.
Long-Term Commercial Lodging	P	
Non-Profit Shelters	P	Non-Profit Shelters serving 5 or fewer persons.
	C	Non-Profit Shelters serving 6 to 75 persons.
	N	All other Non-Profit Shelters.
Retail Sales and Service		

Table 521-1: Uses

Use	Status	Limitations & Qualifications
Eating and Drinking Establishments	P	Eating places, located within buildings devoted principally to uses otherwise permitted in the CO Zone, provided that not more than 25 percent of the floor area of a one-story building, and not more than 50 percent of the floor area of a two or more story building, is occupied by the eating place.
	N	All other Eating and Drinking Establishments.
Retail Sales	P	The following Retail Sales activities: <ul style="list-style-type: none"> ▪ News dealers and newsstands. ▪ Caterers. ▪ Retail sales of agricultural products, when the sales area does not exceed 1,000 square feet in size.
	N	All other Retail Sales.
Personal Services	P	The following Personal Services activities are permitted: <ul style="list-style-type: none"> ▪ Beauty salons. ▪ Barber shops. ▪ Photographic portrait studios.
	N	All other Personal Services.
Postal Services and Retail Financial Services	P	
Business and Professional Services		
Office	P	
Audio/Visual Media Production	C	
Laboratory Research and Testing	P	
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service		
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	N	
Commercial Parking	P	Commercial Parking is permitted, unless noted below.
	N	Parking structures.
Park-and-Ride Facilities	P	Park-and-Ride Facilities are permitted, unless noted below.
	N	Parking structures.
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	N	
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	N	
Commercial Entertainment – Outdoor	S	Golf courses, subject to SRC 700.015.
	N	All other Commercial Entertainment – Outdoor.
Major Event Entertainment	N	
Recreational and Cultural Community Services	S	Golf courses, subject to SRC 700.015.
Parks and Open Space	P	All other Recreational and Cultural Community Services.
	P	

Table 521-1: Uses

Use	Status	Limitations & Qualifications
Non-Profit Membership Assembly	P	
Religious Assembly	S	Religious Assembly, subject to SRC 700.050.
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	
Education Services		
Day Care	P	
Basic Education	NP	
Post-Secondary and Adult Education	N	
Civic Services		
Governmental Services	P	
Social Services	P	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	
Detention Facilities	N	
Military Installations	P	
Funeral and Related Services		
Cemeteries	N	
Funeral and Cremation Services	P	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	N	
Building and Grounds Services and Construction Contracting	N	
Cleaning Plants	N	
Industrial Services	N	
Wholesale Sales, Storage, and Distribution		
General Wholesaling	N	
Heavy Wholesaling	N	
Warehousing and Distribution	N	
Self-Service Storage	N	
Manufacturing		
General Manufacturing	N	
Heavy Manufacturing	N	
Printing	N	
Transportation Facilities		
Aviation Facilities	N	
Passenger Ground	P	Transit stop shelters.
Transportation Facilities	N	All other Passenger Ground Transportation Facilities

Table 521-1: Uses

Use	Status	Limitations & Qualifications
Marine Facilities	N	
Utilities		
Basic Utilities	C	Reservoirs; water storage facilities.
	P	All other Basic Utilities.
Wireless Communication Facilities	Allowed	Wireless Communication Facilities are allowed, subject to SRC Chapter 703.
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	N	
Fuel Dealers	N	
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	P	
Agriculture and Forestry Services	C	
Keeping of Livestock and Other Animals	N	
Animal Services	S	Small animal veterinary services, subject to SRC 700.070.
	N	All other Animals Services.
Other Uses		
Temporary Uses	P	Christmas tree sales, subject to SRC 701.015.
Home Occupations	S	Home Occupations, subject to SRC 700.020.
Guest Houses and Guest Quarters	P	Guest houses and guest quarters are permitted as an accessory use to Single Family, provided such houses and quarters are dependent upon the main building for either kitchen or bathroom facilities, or both, and are used for temporary lodging and not as a place of residence.
Taking of Boarders or Leasing of Rooms by Resident Family	P	Taking of boarders or leasing of rooms by a resident family is permitted as an accessory use to Household Living, provided the total number of boarders and roomers does not exceed two in any dwelling unit.
Storage of Commercial Vehicle as an Accessory Use to Household Living	P	Storage of a commercial vehicle as an accessory use to Household Living is permitted, provided no more than one commercial vehicle is stored per dwelling unit.
Historic Resource Adaptive Reuse pursuant to SRC Chapter 230	Allowed	Historic Resource Adaptive Reuse pursuant to SRC Chapter 230 is allowed, subject to SRC 230.085.

1 **Section 2. Codification.** In preparing this ordinance for publication and distribution, the City
2 Recorder shall not alter the sense, meaning, effect or substance of this ordinance, but within such
3 limitations, may:

- 4 (a) Renumber sections and parts of sections of the ordinance;
- 5 (b) Rearrange sections;
- 6 (c) Change reference numbers to agree with renumbered chapters, sections or other parts;
- 7 (d) Delete references to repealed sections;
- 8 (e) Substitute the proper subsection, section or chapter, or other division numbers;
- 9 (f) Change capitalization and spelling for the purpose of uniformity;
- 10 (g) Add headings for purposes of grouping like sections together for ease of reference; and
- 11 (h) Correct manifest clerical, grammatical or typographical errors.

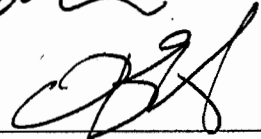
12 **Section 3. Severability.** Each section of this ordinance, and any part thereof, is severable, and
13 if any part of this ordinance is held invalid by a court of competent jurisdiction, the remainder of
14 this ordinance shall remain in full force and effect.

15 PASSED by the City Council this 13th day of July, 2015.

16 ATTEST:

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18 City Recorder

19 Approved by City Attorney: 

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21 Checked by: B. Bishop
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FOR CITY COUNCIL MEETING OF:
AGENDA ITEM NO.:

June 22, 2015
8.1(a)

TO: MAYOR AND CITY COUNCIL
THROUGH: KACEY DUNCAN, INTERIM CITY MANAGER
FROM: GLENN W. GROSS, COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: AMENDMENTS TO SALEM REVISED CODE ADDING BASIC EDUCATION AS A PERMITTED USE WITHIN THE COMMERCIAL OFFICE (CO) ZONE (CA15-03)

ISSUE:

Should City Council conduct first reading of Ordinance Bill No. 15-15, amending the Commercial Office (CO) Zone (SRC Chapter 521) to add Basic Education as a permitted use, and advance the ordinance bill to second reading for enactment?

RECOMMENDATION:

Conduct first reading of Ordinance Bill No. 15-15, amending the Commercial Office (CO) Zone (SRC Chapter 621) to add Basic Education as a permitted use, and advance the ordinance bill to second reading for enactment.

SUMMARY AND BACKGROUND:

The proposed ordinance amends the CO zone to allow Basic Education as a permitted use and brings the zone into consistency with the City's other commercial zones that currently allow Basic Education as a permitted use.

The need for the proposed amendment was identified when the Planning Division received a letter (**Attachment 1**) from Michael Wolfe, Chief Operations Officer of the Salem-Keizer School District, requesting the City consider proceeding with an amendment to the Salem Revised Code to allow Basic Education as a permitted use within the Commercial Office Zone.

The School District requested the proposed amendment in order to allow them to consolidate and centralize specific educational programs they provide for students with specialized needs which are currently located within multiple facilities throughout the District. The programs the School District intends to consolidate and centralize include the Community Transitions Program, which focuses on preparing students for transition into the community as adults, and the Literacy Center, SK Online, and Sophomore Connections programs associated with the Barbara Roberts High School.

The School District has identified a property at 1115 Commercial Street NE (**Attachment 2**) that is suited to the requirements of these programs, but because of the property's CO (Commercial Office) zoning, the proposed use is not currently allowed.

The proposed amendment will facilitate the School District's proposal to consolidate these

programs at this location and addresses an unnecessary discrepancy between the CO zone and the City's other commercial zones.

FACTS AND FINDINGS:

Procedural Findings

Pursuant to SRC 300.1110(a)(2), legislative land use proceedings may be initiated by the Planning Commission by adoption of a resolution. On April 7, 2015, the Planning Commission approved Resolution No. 15-02 initiating the proposed amendment.

The public hearing date for the proposed amendment was subsequently set for May 19, 2015, and notice of the hearing was mailed and published in the newspaper as required under SRC 300.1110(e).

ORS 197.610 and OAR 660-018-0020 require that notice be provided to the Department of Land Conservation and Development (DLCD) on any proposed amendment to a local land use regulation at least 35 days prior to the first public hearing. Required notice to the DLCD was provided on April 8, 2015.

On May 19, 2015, the Planning Commission held a public hearing to receive testimony on the proposed amendment and subsequently voted to recommend City Council approval (**Attachment 3**).

Summary of Proposed Amendment

The proposed amendment revises the CO zone to allow Basic Education as a permitted use. Basic Education is a specific classification of land use included within the City's Use Classifications chapter (SRC Chapter 400). Basic Education is characterized under SRC 400.070(b) as:

"...institutions that are licensed by the State to provide comprehensive state-mandated basic education primarily to minors. Students generally come to the site to receive instruction, although some distance learning may be included. Instruction generally takes place within one or more enclosed buildings."

Examples of Basic Education uses include:

- Public and private primary, elementary, middle, and high schools;
- Alternative education schools and programs approved by the School District;
- State-recognized secondary school career and technical education programs, such as vocational high schools; and
- Charter schools.

The proposed amendment revises SRC Chapter 521, specifically Table 521-1 (Uses), by making Basic Education a permitted use ("P") rather than a prohibited use ("N").

Testimony Received

Testimony in support of the proposed amendment was received from the West Salem Neighborhood Association and the South Central Association of Neighbors (SCAN) neighborhood association (**Attachment 4**). No testimony in opposition to the proposed amendment was received.

Approval Criteria

SRC 110.085 sets forth the following criteria that must be met in order for an amendment to the code to be approved:

- (1) *The amendment is in the best interest of the public health, safety, and welfare of the City; and*
- (2) *The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.*

The proposed amendment conforms to the applicable approval criteria as identified below.

- (1) ***The amendment is in the best interest of the public health, safety, and welfare of the City.***

Finding: The proposed amendment allowing Basic Education as a permitted use within the CO zone is in the best interest of the public health, safety, and welfare of the City because it will allow the School District to better serve their students by facilitating their plan to consolidate and centralize specific educational programs they provide, which are currently distributed throughout the District, at one location within a facility that meets their needs.

In the broader context, the proposed amendment will also afford the School District, and other educational service providers, slightly greater options in siting schools and other educational services than is currently allowed under the code by adding to the list of zones where Basic Education is permitted.

Basic Education is currently allowed in a number of the City's commercial zones, including the Commercial Retail (CR), General Commercial (CG), and Central Business District (CB) zone. It is unclear, however, why Basic Education was not allowed in the CO zone despite it being allowed in these other more intensive commercial zones.

During the Unified Development Code (UDC) process, Basic Education was not added to the list of permitted uses within the zone because the process was intended to be policy neutral. However, because Basic Education is allowed in these more intensive zones, there is no reason why Basic Education should not also be allowed in the CO zone.

The proposed amendment to allow Basic Education within the CO zone will provide greater options for school siting and improve the ability of the School District and other educational service providers to meet the needs of their students, which in turn supports the best interests of the City. This criterion is met.

- (2) ***The amendment conforms with the Salem Area Comprehensive Plan, applicable Statewide Planning Goals, and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Finding: The Salem Area Comprehensive Plan (SACP) 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 meet the needs of present and future residents of the Salem urban area.

The proposed amendment has been reviewed for conformance with the Salem Area Comprehensive Plan, including several applicable policies pertaining to school location and development. The proposed amendment conforms to these policies as follows:

School Location and Development Policy L-1: Public School Planning:
Planning for school location and siting should be done in close coordination with ongoing comprehensive planning, taking into account the following:

- (1) *The neighborhoods the schools are to serve,*
- (2) *Any site limitations,*
- (3) *The impact upon the transportation system,*
- (4) *Pedestrian access, and*
- (5) *Projected residential growth patterns.*

The proposed amendment allowing Basic Education in the CO zone conforms to this policy by providing an additional zone within the City where schools may be sited in conformance with the School District's ongoing comprehensive planning.

As indicated in the letter from the School District, the property at 1115 Commercial Street NE was identified as being highly suitable for their purposes based on the nature of the specific educational programs that will be provided and the needs of the students who will participate in them. The site is centrally located within the District in order to serve the school's attendance area, and the site affords a variety of transportation options, including proximity public transit service. However, because Basic Education is not currently allowed within the CO zone, the property at 1115 Commercial Street NE cannot be utilized by the School District without an amendment to the code.

The proposed amendment addresses this issue by adding to the list of zones where Basic Education facilities may be located and provides the School District, and other educational service providers, additional options for siting facilities in conjunction with

ongoing facility planning. The proposed amendment is consistent with this comprehensive plan policy.

School Location and Development Policy L-2 (School Location within UGB):
Schools which serve students living within the urban growth boundary should be located within the urban growth boundary.

Allowing Basic Education within the CO zone provides additional siting options for schools within the City; thereby helping to ensure that students living within the UGB are able attend schools located within the UGB. The proposed amendment is consistent with this comprehensive plan policy.

School Location and Development Policy L-3: *Schools should be located to avoid serious distractions to study or classroom activity.*

Basic Education is currently allowed in a number of zones throughout the City, including most residential and commercial zones, some public and mixed-use zones, and the Industrial Commercial (IC) zone.

Of the zones where Basic Education is currently allowed, some are more intense and therefore potentially more distracting to classroom activity than the CO zone. These more intensive zones include the Commercial Retail (CR), General Commercial (CG), Central Business District (CB), and Industrial Commercial (IC) zones.

Determination of the appropriate location for a school must be conducted on a site-by-site basis; as a result, whether a potential site will present distractions to classroom activity depends in large part on where the site is located and what type of activities will occur around it. Because the predominant use of land within the CO zone is for office uses, and because the CO zone is often found near residentially zoned areas, allowing Basic Education within the CO zone will not result in schools being located in areas where there is a greater potential for distractions to study or classroom activity beyond that which can already potentially be found in those zones where Basic Education is currently allowed. The proposed amendment is consistent with this comprehensive plan policy.

School Location and Development Policy L-5 (School Access and Location):
Each school should be located to provide the best possible access to the student population served.

A. *Elementary Schools:*

- (1) *Should be located in the center of existing or future residential neighborhoods within safe and reasonable walking distance of as many students as possible.*
- (2) *Should be located in such a way what that their attendance areas will be bounded, rather than intersected, by barriers presenting obstacles or dangers to children walking to and from school. Such barriers include major streets and highways, railroads, waterways and heavy industrial*

areas.

- (3) *Should, whenever possible, be on residential streets which provide sufficient access for buses and other necessary traffic but have a minimum of nonschool-related vehicle activity.*

B. Secondary Schools:

- (1) *Should have adequate, safe and direct access from the community's principal street network.*
- (2) *Should be in locations which are geographically central to the population served.*
- (3) *Should be designed, sited and constructed to encourage the use of walkways, bikeways and public transit.*

As indicated above, determining the appropriate location for a school is dependent upon the specifics of the site and the surrounding area. The proposed amendment to allow Basic Education in the CO zone will add to the list of zones where schools can potentially be located. Whether a particular site within the CO zone is suitable for the location of a school is dependent upon the needs of the School District, or other educational service provider, and the specifics of the site and the surrounding area.

As indicated in the letter from the School District, the CO zoned site at 1115 Commercial Street NE is centrally located within the projected attendance area of the school. This allows for the School District to better meet the needs of the students they serve, as well as creates efficiencies for faculty and staff. The site is also located in an area where a variety of transit options, including public transit, are available to serve faculty and staff consistent with this comprehensive plan policy.

As is evidenced by the proposed facility at 1115 Commercial Street NE, there are properties within the CO zone that, based on the type of school proposed, are suitable for school siting and development consistent with this comprehensive plan policy. The CO zone includes properties that have safe and direct access to the City's principal street network, that are geographically central to the population served, and that can be designed and sited in a manner to encourage public transit. The proposed amendment is consistent with this comprehensive plan policy.

The proposed amendment was also reviewed for conformance with the applicable Statewide Planning Goals and administrative rules adopted by the Department of Land Conservation and Development. The following goal is applicable to the proposed amendment:

Goal 1 – Citizen Involvement: *To develop a citizen involvement program that insures the opportunity for citizens to be involved in all phases of the planning process.*

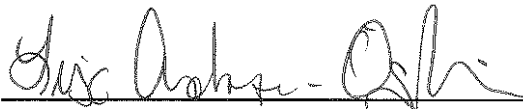
The proposed amendment conforms to this goal because the process associated

with the adoption of the proposed amendment requires public notice and affords the public an opportunity to review, comment, and take part in the adoption process.

ALTERNATIVES:

City Council may:

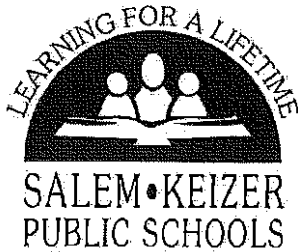
- A. Advance Ordinance Bill No. 15-15 to second reading for enactment.
- B. Set a public hearing on the proposed amendment.
- C. Refer the proposed amendment back to the Planning Commission for further deliberation.
- D. Decline to advance Ordinance Bill No. 15-15 to second reading.



Lisa Anderson-Ogilvie, Urban Planning Administrator

- Attachments:
1. Letter from Salem-Keizer School District
 2. Vicinity Map for property at 1115 Commercial Street NE
 3. Planning Commission Recommendation (May 19, 2015)
 4. Comments from the West Salem Neighborhood Association and South Central Association of Neighbors (SCAN)

Prepared by Bryce Bishop, Planner II



ATTACHMENT 1

MICHAEL D. WOLFE
Chief Operations Officer

2450 Lancaster Dr. NE • PO Box 12024 • Salem, Oregon 97309-0024
503-399-3036 • Cell 503-508-9700 • Fax: 503-399-3407

Christy Perry, Superintendent

March 25, 2015

City of Salem Planning Commission
c/o Bryce Bishop, Planning Division
City Hall, Room 305
555 Liberty Street SE
Salem, Oregon 97301

RE: TEXT AMENDMENT TO UDC CHAPTER 521/CO ZONE, FOR BASIC EDUCATION

Dear Commissioners:

Salem-Keizer School District 24J (the District) is seeking a location to consolidate and centralize specific educational programs that are currently located in multiple facilities at widely scattered locations. These programs serve a limited number of students with specialized needs who reside in all parts of the district, and therefore the programs can be efficiently and effectively provided at a single central location.

The District has located a facility that would be highly suitable for its purposes, at 1115 Commercial Street NE. The property is further identified as Tax Lot 600 on Marion County Assessor's Map T7S-R3W Section 22AC. A copy of the Assessor's Map is attached. The property is owned by Truitt Properties LLC, and it is a former retail/warehouse and office building that is currently vacant. The District is seeking to lease the property with an option to purchase in the near future.

The property is zoned CO, and is under the Riverfront Oriented Mixed Use Comprehensive Plan Designation and the Riverfront Overlay zone. The District's programs are included in the category of Basic Education, in UDC 400.070(b). The CO zone does not include this use category.

In order for the property to be available for these educational programs the District requests that the Planning Commission initiate a Text Amendment, as provided for in UDC Chapters 110.085 and 300.1100-1110, to include Basic Education as a permitted use in the CO zone. If the proposed use is then allowed in the zone, the District intends to lease the property with an option to purchase the property. (Prior to being placed in the Riverfront Oriented Mixed Use and Riverfront Overlay designations, and re-zoned to CO, which occurred in 1998, the property was zoned IC, which allowed the proposed use.)

If approved for this use, there are two types of high school level educational programs that would be housed in the facility. One program is the Community Transition Program (CTP), which is currently located in a leased facility at 1230 Winter St. NE at the corner of Market St., and at the Centennial School on Wheatland Road in Keizer which is not central to the population served and does not have good access to public transit. CTPs are specifically designed to meet the needs of adult students with disabilities who

have completed high school with a Modified or Extended Diploma or a Certificate of Attainment. These programs focus on preparing students to transition into the community as adults through instruction in the four key areas of transition skills, vocational training, independent living skills and functional academics. These students receive services through an IEP (Individualized Education Program), have completed their high school careers and are eligible to enroll in a CTP through the school year in which they turn 21 years of age.

There are currently 46 students in the CTP programs (district wide). All students arrive and leave school by school bus or on rare occasion are transported by a family member. The ratio of staff to student is approximately one to one. Students use the public transit system during the day to access shopping and employment locations as a part of the education program.

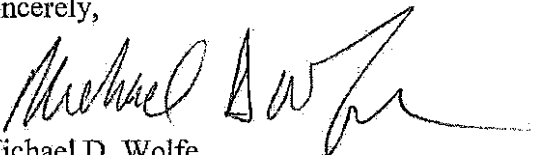
The other program is part of the Barbara Roberts High School, which includes the Literacy Center, SK Online, and Sophomore Connections programs. The existing Literacy Center programs are located in a portable classroom adjacent to McKay High School. That facility provides office space for SK Online teachers, four classrooms, a computer lab, an ESOL (English for Speakers of Other Languages) classroom, and a LRC (Learning Resource Center) classroom. The maximum number of students on-site at any one time is 90-100 high school students. Students come and go every two hours in the SK Online and Literacy Center programs. Sophomore Connections students attend all day (8:30 a.m. to 3:00 p.m.). These programs involve about 25 staff.

The students in these Roberts High School programs currently arrive at and leave the school by a variety of means. 40-50 are driven in private vehicles, and about 40-50 take public transit. Fewer than 10 students drive themselves, and a similar number use a bicycle. At the present McKay High location 20-30 students walk, but this may vary with the change in location and varies from year to year.

The entire school district would be the attendance area for this school location. The proposed Commercial St. NE site is centrally located within the district, and it affords a variety of transportation options, which importantly includes nearby public transit service. Having these programs at one central location will provide consistency and opportunity to the students they serve, as well as create efficiencies for faculty and staff. The proposed educational activities are compatible with the other types of uses allowed in the CO zone because it takes place in an enclosed building, do not require exterior play fields, are conducted during daytime hours, utilize pedestrian connections and the connections with public transit and the traffic impact would be consistent with currently permitted uses in this zone.

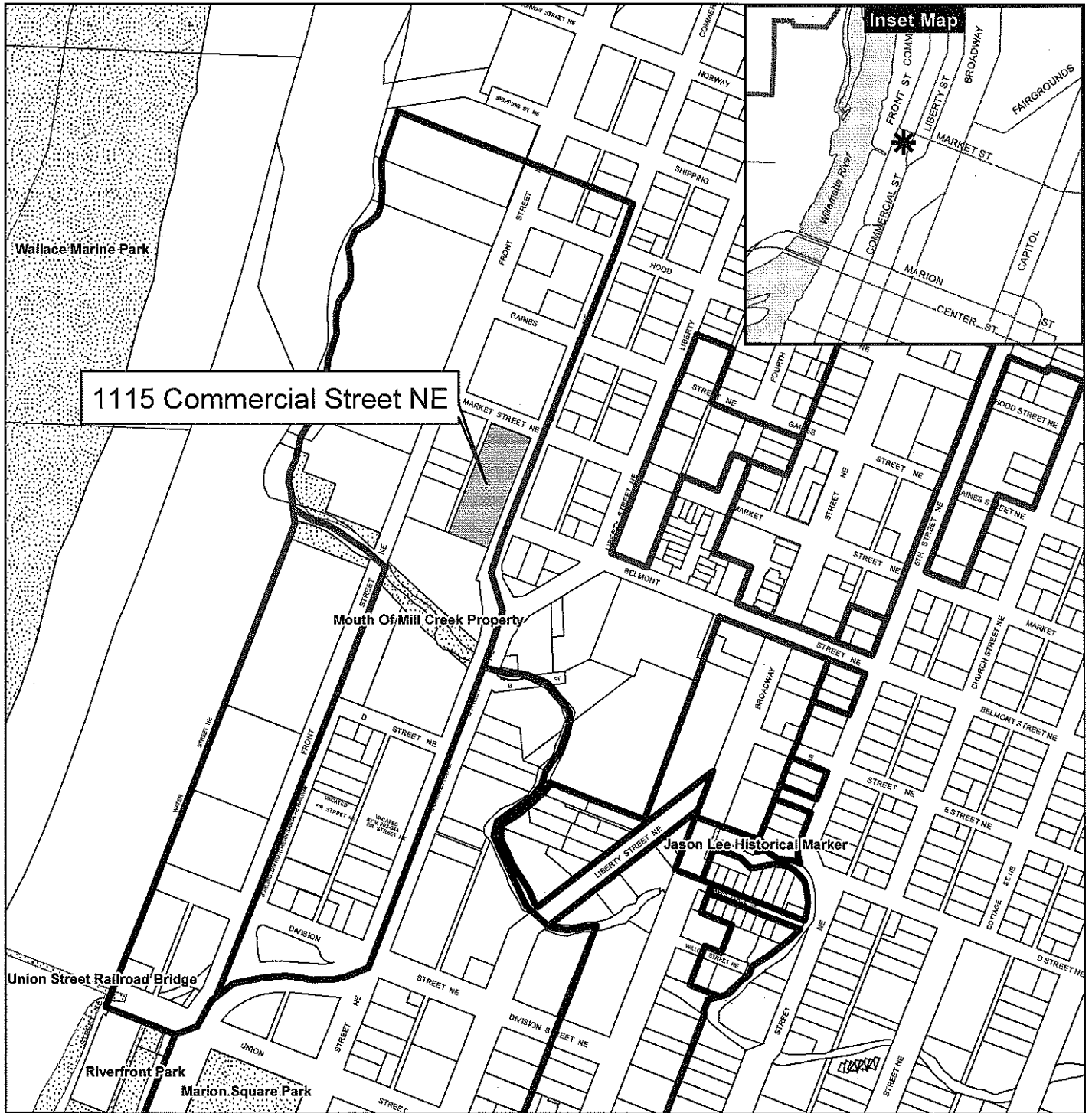
For these reasons, Salem-Keizer School District 24J requests that the Planning Commission initiate the proposed Zone Code Text Amendment. Thank you for considering this request.

Sincerely,



Michael D. Wolfe
Chief Operations Officer
Salem-Keizer School District

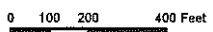
Vicinity Map 1115 Commercial Street NE



Legend

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

CITY OF Salem
AT YOUR SERVICE
Community Development Dept.



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

**RECOMMENDATION OF THE PLANNING COMMISSION
CODE AMENDMENT CASE NO. CA15-03**

CODE AMENDMENT CASE NO. CA15-03

WHEREAS, on April 7, 2015, amendments to the Salem Revised Code (SRC) were initiated by the Salem Planning Commission to allow Basic Education, as defined under SRC 400.070(b), as a permitted use within the Commercial Office (CO) Zone; and

WHEREAS, after due notice, a public hearing on the proposed code amendments was held before the Planning Commission on May 19, 2015, at which time witnesses were heard and testimony received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding, including the testimony presented at the hearing, and after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM, OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated May 19, 2015, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS the City Council take the following action:

That the City Council accept first reading of an ordinance bill for the purpose of amending SRC Chapter 521 to allow Basic Education as a permitted use within the Commercial Office (CO) Zone.

PLANNING COMMISSION VOTE

YES 7 NO 0 ABSENT 0


Rich Fry, President
Salem Planning Commission

Pursuant to SRC 300.1110(i) the City Council may proceed with adoption of an ordinance, hold a public hearing to receive additional evidence and testimony, refer the proposal back to the Planning Commission for additional deliberation, or abandon the proposal.

**NOTICE OF
RECOMMENDATION**

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



The City Council will make a final decision on the proposal. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the mailing date of the Council decision.

The case file and copies of the staff report are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Bryce Bishop, Case Manager, at 503-540-2399 or bbishop@cityofsalem.net to review the case file.

G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CODE AMENDMENTS\CA15-03 - Permit Ed Facilities in CO Zone (Bryce)\CA15-03 - Planning Commisison documents\CA15-03 RECOMMENDATION to Council.docx

**To Learn More about Planning in Salem, visit our website:
<http://www.cityofsalem.net/planning>**

West SALEM

NEIGHBORHOOD ASSOCIATION

Co-Chair
Kenji Sugahara
kenji@obra.org

May 19, 2015

Co-Chair
Heather Swanson
keather97304@gmail.com

City of Salem Planning Division
555 Liberty Street SE, Room 305
Salem, OR 97301

Secretary-Interim
Herm Boes

Safety & Preparedness
Nancy Pfeiler

Re: Support for Commercial Office zone to allow basic education
Code Amendment Case No. CA15-03

Schools
Herm Boes

Dear Planning Commission,

Transportation
Nick Fortey

We write to you today to voice our support to allow basic education as a permitted use within the commercial office zone. At our May 18, 2015 meeting, a motion was passed unanimously by the West Salem Neighborhood Association in favor of this change.

Watershed Council
EM Easterly

We agree with the staff's recommendation and feel that this change is in the best interest of the public health, safety, and welfare of the City, thus meeting the first approval criteria. We also feel that it conforms with the Salem Area Comprehensive Plan. It already allows for specialized shopping and service facilities including furniture, entertainment, printing, and medical centers. Basic education would be a very seamless addition to these existing uses. We feel there would be no conflict with the applicable Statewide Planning Goals and applicable administrative rules of the Department of Land Conservation and Development, meeting the second approval criteria.

Allowing the Salem Keizer School District additional options for siting locations can only yield positive results for all. In this particular case, the location is central, and would have good access for multiple forms of transportation.

Our neighborhood association appreciates your attention to this matter. We look forward to continued dialogue with the Salem Planning Division and its Commission as we all work to serve the community and make Salem great.

Respectfully,

Heather Swanson & Kenji Sugahara
West Salem Neighborhood Association Co-Chairs

Bryce Bishop - Basic Ed in CO Zone

From: Roz Shirack <rozshirack7@gmail.com>
To: <bbishop@cityofsalem.net>
Date: 5/19/2015 3:15 PM
Subject: Basic Ed in CO Zone
CC: Victor Dodier <vjodier@teleport.com>

Hi Bryan,

SCAN voted to support the proposed amendment to add Basic Education as a permitted use in the CO zone at its May 13 meeting. Vote was 9-0.

Please pass this on to Planning Commission for its hearing tonight.

Thank you,

Roz Shirack, Chair
SCAN Land Use & Transportation Committee