



# HEARING NOTICE

## LAND USE REQUEST AFFECTING THIS AREA

### *Audiencia Pública*

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

<b>CASE NUMBER:</b>	Comprehensive Plan Map Amendment / Zone Change Case No. CPC-ZC19-06
<b>AMANDA APPLICATION NO:</b>	19-109295-ZO & 19-109296-ZO
<b>HEARING INFORMATION:</b>	Salem Planning Commission, Tuesday, July 9, 2019, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE, Salem, OR 97301
<b>PROPERTY LOCATION:</b>	4300 Block of Rickey Street SE, Salem, OR 97317
<b>OWNER / APPLICANT(S):</b>	Mitch Teal
<b>REPRESENTATIVE(S):</b>	John Brosy
<b>DESCRIPTION OF REQUEST:</b>	<p><b>SUMMARY:</b> A Minor Comprehensive Plan Map Amendment and Zone Change from RS (Single Family Residential) to CO (Commercial Office).</p> <p><b>REQUEST:</b> A Minor Comprehensive Plan Map Amendment from "Single Family Residential" to "Commercial", and a Zone Change from RS (Single Family Residential) to CO (Commercial Office) for property approximately 0.94 acres in size, and located at the 4300 Block of Rickey Street SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 072W31DA / 11900, 12000, and 12100).</p>
<b>CRITERIA TO BE CONSIDERED:</b>	<p><b><u>COMPREHENSIVE PLAN CHANGE</u></b></p> <p>Pursuant to SRC 64.025(e) (2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ul style="list-style-type: none"><li>(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.</li><li>(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.</li><li>(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"><li>(aa) Whether there was a mistake in the application of a land use designation to the property;</li><li>(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;</li><li>(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation;</li></ul></li></ul>

and

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

- (B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
- (C) The proposed plan map designation provides for the logical urbanization of land;
- (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
- (E) The amendment is in the public interest and would be of general benefit.

### **ZONE CHANGE**

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

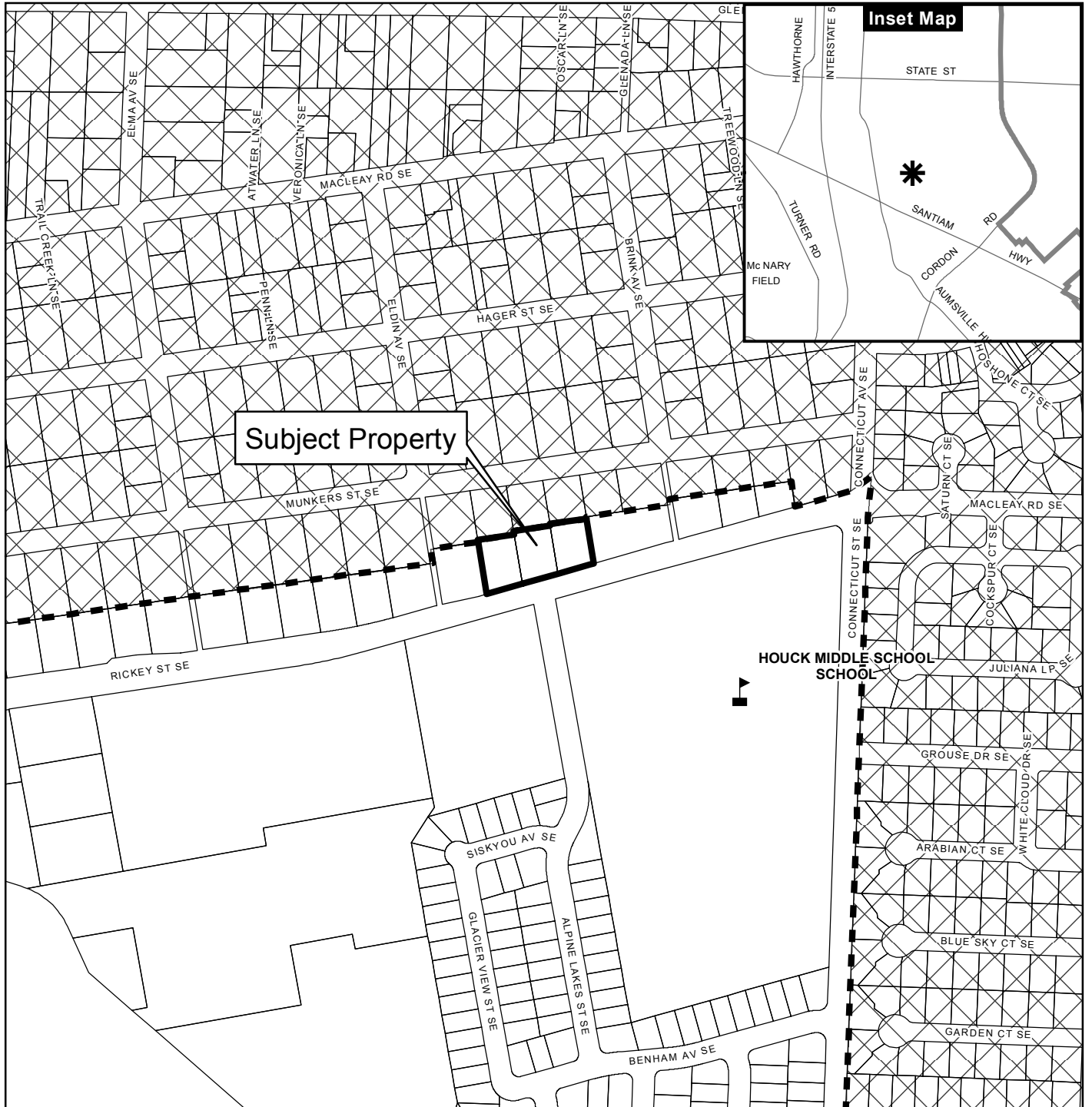
1. A quasi-judicial zone change shall be granted if the following criteria are met:
  - A. The zone change is justified based on the existence of one or more of the following:
    - (1) A mistake in the application of a land use designation to the property.
    - (2) A demonstration that there has been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

<b>HOW TO PROVIDE TESTIMONY:</b>	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.
<b>HEARING PROCEDURE:</b>	<p>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.</p> <p>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.</p> <p>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.</p>
<b>CASE MANAGER:</b>	<b>Aaron Panko, Planner III</b> , City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2356; E-mail: <a href="mailto:APanko@cityofsalem.net">APanko@cityofsalem.net</a>
<b>NEIGHBORHOOD ORGANIZATION:</b>	Southeast Mill Creek Association (SEMCA), Cory Poole, Land Use Chair; Phone: (503) 363-7717; Email: <a href="mailto:robosushi@robosushi.com">robosushi@robosushi.com</a> .
<b>DOCUMENTATION AND STAFF REPORT:</b>	<p>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:</p> <p><a href="https://www.cityofsalem.net/Pages/planning-notices-decisions.aspx">https://www.cityofsalem.net/Pages/planning-notices-decisions.aspx</a></p>
<b>ACCESS:</b>	The Americans with Disabilities Act (ADA) accommodations will be provided on request.
<b>NOTICE MAILING DATE:</b>	June 19, 2019








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**For more information about Planning in Salem:**  
<http://www.cityofsalem.net/planning>

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# Vicinity Map 4300 Block of Rickey Street SE



### Legend

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



0 100 200 400 Feet



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April 12, 2019

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

**Re: Application for Comprehensive Plan and Zone Change**

To the Planning Division:

I am the planning consultant representing Mitch Teal, property owner of three parcels in the 4300 Block of Rickey Street SE totaling approximately .94 acres. The property is described on Marion County Assessors Maps as Tax lots 11900, 12000 and 12100 of Map T7S R 2W, Section 31DA.

***The proposal is to change the Comprehensive Plan and zoning designations from Single Family Residential/RS1 to Commercial/Commercial Office/CO. The intention is to sell or develop the property for either office uses, multi-family uses or a combination of uses as allowed within the CO zone.***

Mr. Teal has owned the property since 1999. No specific development is now proposed. The main arguments for the Plan and zone change are:

- Changing nature of this immediate neighborhood since RS zone established
- Changing role of Rickey Street with significant traffic increase
- City's deficit of land for multi-family housing (allowed in CO)
- Non-single family uses on three sides of this site

**Vicinity Description**

This is a rapidly changing part of the “far southeast” of Salem. While a low-density single family area remains to the north on unincorporated land (Munkers Street), the rest of this area has otherwise been urbanizing at a relatively rapid pace. Carlos Houck Middle School has been expanded to the southeast of this site. A large set of flood control/storm water quality lakes are immediately south of the site. Several “Large box” regional retail stores are to the southwest. CR (Commercial Retail) zoning is on the north side of Rickey Street and abuts this site's western border.

Several new businesses including Sunrise Market and a coffee shop (4157 Rickey Street SE) are located along this strip. Several vacant, but CR zoned properties are between those businesses and this site. Immediately east of this site at 4375 Rickey Street SE is an eight-unit (maximum 12 persons allowed) nursing and personal care group facility for disabled persons, and parking. That facility was built in 2001 (City file # SCU 00-13). A very large multi-family community is developing further east on Rickey Street and beyond. Many large new job generators (and traffic generators) also lie to the east, including the Amazon and the Home Depot warehousing/provisioning centers and others. Rickey Street has been improved to urban service levels and now carries considerably more traffic than in previous years.

Except for the unincorporated single family neighborhood to the north, all other abutting uses are non-single family, including the vacant commercially zoned land, and commercial uses on the west, the care facility on the east, and the middle school and flood control/storm water quality lakes to the south.

### **Site Description**

The property is nearly flat with a long frontage on Rickey Street. The site consists primarily of field grasses mowed annually for fire protection, plus some shrubs and small trees on the far edges of the site. This section of Rickey Street has a sidewalk adjacent to curb and concrete gutter/street apron and painted fog line. Utilities are stubbed to the site, and there is one curb-cut off Rickey Street.

### **City Comprehensive Plan Map Change Approval Criteria**

This constitutes a “Minor Plan Map Amendment” (SRC 64.025(e) (2)). Such an Amendment may be made if it complies with the following (*italics added to differentiate code language*):

- (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.*

**Response:** Single family residential zoning for this site was established before commercial uses extended west near this property, before the group care facility (2001) was built on the east boundary of the property, before the large flood control/water quality lakes were established, and before the large middle school was established in 1995 (and later expanded). These are significant patterns of the nearby vicinity that have altered the site to the extent that single family zoning on Rickey Street is now isolated and is no longer appropriate at this location, given the arterial

street classification and the current traffic load and likely increased traffic load on Rickey Street.

Rickey Street, a “minor arterial” as defined on the City’s Arterial Streets Classification System, now carries considerably more traffic than when single family residential was established as the City zoning for this side of the street. The City has a traffic-counting station on Rickey Street east of the Alpine Lakes Street intersection. The average daily traffic carried by Rickey Street has substantially risen over the years. The City Public Works Department traffic counts for average daily traffic trips on that street section are:

1997	4,170 trips
1999	4,223 trips
2006	5,140 trips
2015	6,425 trips

2015 was the last year the City compiled a full trip count report. The 2015 traffic represents a 54% increase over the trips counted in 1997. It is fairly safe to assume that the 2019 trips are an increase over the 2015 counts, given the large number of multi-family units recently developed to the east, as well as the large warehousing/provisioning businesses including Amazon and Home Depot. Much of that traffic uses Rickey Street, one of the few fully improved, through east-west routes from those large trip generators to Lancaster Drive.

All these factors lead to the conclusion that the single family residential designation for this section of Rickey Street is no longer appropriate. The application meets the (i) criterion.

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

**Response:** The Commercial Plan designation and the Commercial Office zone designation are better suited for this site. It is a slight “step-down” in intensity from the less-restrictive (more intense CR) commercial zoning immediately to the west, given the limited commercial options in CO. A somewhat less intensive commercial (CO) zone may be appropriate this close to a middle school, as well. Our application is based on (i) above; the (ii) criterion also is met, as CO is also better suited for this property, given the changes in the neighborhood discussed earlier.

- (iii) *Conflict between Comprehensive Plan Map Designation and Zone Designation. (Not argued for this application)*

*(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;*

**Response:** This site is already well-served by public utilities. A 12-inch storm sewer main is located in Rickey Street, leading to a 24-inch main which runs north from Rickey Street just east of the adjacent care facility. An 8-inch sanitary sewer main runs on the site side in Rickey Street eastward. A 10-inch water main was built in 2001, also on the site side under Rickey Street.

Rickey Street surface improvements include a sidewalk on this side of the right-of-way, a curb and concrete gutter/apron, and painted fog lines. The improvement tapers into a wider section west of the Alpine Lakes Street intersection, to accommodate turning lanes that are further west. Pre-application conference comments from City Public Works indicate that this portion of Rickey Street may be undersized for its Arterial classification.

Please however, refer to our Transportation Planning Rule (TPR) Analysis for this site, prepared by Karl Birkey, traffic engineer of Associated Transportation Engineering & Planning (ATEP), included with this application. Birkey analyzed three development (use) scenarios all allowed under the proposed CO zoning. He concluded that given the current level of street improvements, there would be no “significant effect” if a daily trip cap of 450 trips were established. This cap is acceptable to the applicant. Street improvements could be triggered by a more intense use combination under CO. However, the likely development scenario for this site does not raise the estimated traffic trips to the “significant effect” level, as described in the TPR methodology.

As noted, Carlos Houck Middle School is located across the street from this site. The site is within the Four Corners Grade School attendance area (500 Elma Street SE), approximately five blocks to the north, although Mary Eyre Grade School at 4868 Buffalo Drive SE is somewhat closer. These schools feed into North Salem High School.

City fire station #10 is located within ½ mile from the site at 3611 State Street near and west of Lancaster. It is a 24/7 manned station.

The site is therefore currently served by public facilities and services necessary for the uses allowed by the proposed Plan and zone designations.

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

**Response:** Houck Middle School was first built in 1995, and has since been expanded. The “large-box” retail commercial businesses west of the site on Rickey



Street have been built since the 1990's. The "strip" commercial uses along Rickey Street have extended eastward only within the past few years. Large trip generators (large apartment complexes plus the Amazon and Home Depot provisioning centers) have all been built since 2010, with more now under construction. Converting this site to the Commercial Plan designation and the CO zone is a very logical urbanizing step, given these recent, surrounding urban improvements.

(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*

### **Salem Area Comprehensive Plan**

Two parts of the Salem Comprehensive Plan appear to pertain to this application. They are the Urban Growth Policies (page 13) and the Commercial Development Policies 4 through 8 (pages 36-37).

#### **Salem Area Comprehensive Plan Urban Growth Policies:**

The intent of the urban growth policies is:

1. *To contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.*

**Response:** As noted earlier, all urban services are already in place at this particular site, including improved street, utilities and fire protection. No expensive extension of new utilities is required for this Plan and zone change. Our application meets this policy.

2. *To conserve resources by encouraging orderly development of land.*

**Response:** The changing nature of this immediate area means resources will be conserved by "filling in" appropriate density of development (CO rather than RS). As noted, already three sides of this site have been developed or zoned for non-single family residential uses, including the middle school, storm water quality lakes, group care facility and strip commercial. The "step-down" in density from the more intense commercial designations to the west, to the proposed CO Commercial Office closer to the middle school also seems orderly and responsible. In this manner, our request meets this policy.

*3. To preserve farmland and open space.*

**Response:** This neighborhood has been out of production as farmland or open space (other than privately owned vacant lots) for several decades. In a sense, open space exists across the street in the large water quality/flood control lakes built along Alpine Lakes Street. It has become a pleasant place for neighbors and workers to enjoy walking and watching birds. This policy only indirectly relates to this site already committed to urban uses, but since no farmland or public open space is being negatively impacted, the application meets this policy.

*4. To make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area. Since urban services are interrelated, coordination is best achieved by a single general purpose governmental unit.*

**Response:** This proposal is of course within the City's urban growth boundary (UGB). This policy is only indirectly related to this application, although there are some vestiges of single-purpose governmental units in this area, including the East Salem Sewer District, now administered by the City. Over time, consolidation of these smaller districts is a responsibility of the districts, not individual property owners or land use applicants. To the extent this policy is pertinent to this application, it is met.

*5. To provide property owners greater security in long-range planning and investments.*

**Response:** It is a sense of security for surrounding property owners to have zoning correspond to level of infrastructure (utilities and major street (arterial) improvements. For many years it has become apparent that single-family residential is no longer a feasible or practical land use on this section of Rickey Street, given the much more intensive surrounding uses (three sides, plus the large commercial center to the southwest). The CO zone will provide the security that lower-impact office-type uses can be anticipated here, compared to the higher-impact commercial uses and designations further west along Rickey Street. The proposed CO zone, while having flexibility of allowing (multi-family) residential uses as well as or together with office uses, does limit commercial uses to those of lesser neighborhood general impact including traffic generation. Please refer to the comparisons of trip generation by use in our TPR letter/report (table, page 2). The application meets this policy.

6. *To make it possible for utility extensions, transportation facilities, and schools to be designed and located so as to more closely match population growth.*

**Response:** To the extent this policy is pertinent to an individual land development, this policy is met by allowing an appropriate level of development in an area with a fully-built arterial street and the full complement of utilities and services already in place. The proposal meets this policy.

7. *To preserve and enhance the livability of the area.*

**Response:** To the extent this policy is pertinent to an individual land development or plan/zone change, commercial offices may be located along this arterial that can take advantage of the growing traffic on Rickey Street rather than having that increasing traffic an annoyance to single family residences as this site is now planned and zoned. We can foresee neighborhood-level service and office uses located here, such as orthodontists that prefer to be near middle or high schools. With the many site development requirements of the City of Salem (setbacks, landscape requirements and off-street parking requirements, for example), livability can be preserved just as well with CO uses as with single family residential uses. The application meets this policy.

8. *To use public facilities and services as a framework for urban development.*

**Response:** The framework has already been established for this higher-intensity of development (CO over RS), given the major street improvement (Rickey Street) and the major-sized utilities. The increasing (arterial-level) traffic loads on Rickey Street also are more appropriate for CO type uses over RS type uses. The existing public facilities and services provide a more appropriate development “framework” for CO than RS, and therefore this policy is met.

### **Salem Area Comprehensive Plan’s Commercial Development Policies**

The overall goal under this Plan section is: *“To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.”*

*The pertinent Policies under this Plan goal are the following:*

4. *Community shopping and service facilities shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.*

**Response:** This site fronts Rickey Street which is classified as an arterial by the City. Adequate parking is guaranteed by City development requirements, regardless of the uses that will be developed under the CO zone. The site's size (.9 acres) lends itself to neighborhood-level, rather than community or regional level commercial services. Although this site is located on an existing arterial that has increasing traffic every year, the location and size does not lend itself well uses that would attract major customer traffic levels coming a from a great distance to this site. It is not "central" enough within the existing street and development network. This policy is met.

*5. Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services to neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.*

**Response:** The CO zone will act as the end of a "strip" of commercial in a sense, as general commercial uses are allowed on this side of the street all the way up to the western boundary of this subject property. In this sense, the area is already committed to strip development, but it ends here with the CO zone proposal (rather than a more liberal commercial zone). The group care facility next door to the east also acts to block the extension of any future "strip" commercial land uses. As noted, uses that would or could provide a wide variety of goods and services for a large market area is not feasible here, given the non-central location and the relatively small site size (.9 acres). This policy is met.

*6. Commercial office uses shall have convenient access to collector and arterial streets.*

**Response:** It doesn't get any more convenient than to have CO uses (including offices) located directly on an arterial street (Rickey Street). This policy is met.

*7. Mixed use developments shall be provided for in land use regulations.*

**Response:** Mixed use developments include those that provide commercial (as in office) uses and residential uses on the same site or within the same building. This proposed CO zone is perfectly suited for this policy, as it allows a range of commercial office uses with relatively low traffic (trip) generation but also multi-family uses. Mixed use development is allowed in CO. Generally in CO the number of residential uses are controlled by off-street parking requirements. We provided three different site plans at our pre-application conference that showed up to 15 dwelling units, if the entire site were devoted to that kind of use. The actual allowable number under the City code is controlled by off-street parking spaces required for each size (number of bedrooms) of housing unit. Since the proposed CO zone enables mixed uses, this policy is met.

8. *Buffer strips from residential uses shall be provided for all commercial development.*

**Response:** All commercial uses, including the CO zone, have setback requirements from exterior property lines (including the northern property line here). Specific setbacks are determined by building height. The CO zone also has required landscape standards. In this manner, buffer strips will be provided between the existing residential uses and any development on this subject property. The City will have significant landscape and buffer requirements for any future use here, as standards for development adjacent to single family residential to the north are significant (unincorporated homes along Munkers Street). This policy is met.

### **Statewide Planning Goals**

The following Oregon Statewide Planning goals apply to the Comprehensive Plan Amendment and the Zone Change application.

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

**Response:** This application requires public notice to surrounding property owners, with opportunity to respond during the City's review and approval process. This is a Type III land use action that requires a public hearing before the Salem Planning Commission. We will offer to present information to the Southeast Mill Creek Neighborhood Association (SEMCA), which is designated for this area. Their meetings are monthly. SEMCA will have an opportunity to discuss this application with us prior to the Salem Planning Commission hearing. The group to north is the East Salem Neighborhood Association, and they will likely also receive notices from the City. This Statewide Goal is met.

**Statewide Goal 2; Land Use Planning:** *To establish a land use planning process and policy framework as a basis for all decision and actions related to use of land and to assure an adequate factual base for such decisions and actions.*

**Response:** This is a Goal directed to the City of Salem and relates to its review and decision-making process regarding Plan and zone changes.

**Statewide Goal 3; Agricultural Lands and Statewide Goal 4; Forest Lands:**

**Response:** This site which is within the UGB and City limits, is not either agricultural or forest lands. Being well within the established urban area of southeast Salem, there are no nearby agricultural lands or forest lands. These Goals are met.

**Statewide Goal 5; Natural Resources, Scenic and Historic Areas, and Open Spaces:**

**Response:** There are no mapped natural resources, scenic or historic areas on this property or near this property. As mentioned earlier, the man-made water quality/flood control lakes across Rickey Street act as de-facto open space for neighbors and workers to use for “passive recreation” such as walking and watching birds on the lakes. There are no requirements to provide such spaces on individual ownerships in Salem such as this .9 acre parcel.

**Statewide Goal 6; Air, Water and Land Resources Quality:**

**Response:** This Statewide Goal only indirectly effects this application. Indirectly, and “in-fill” development and upzoning that uses existing utilities and street improvements such have a very minimal impact on these Goal 6 resources, so this Goal is met.

**Statewide Goal 7; Areas Subject to Natural Hazards:**

**Response:** No areas subject to natural hazards have been mapped on this site or near this site, such flood-prone areas or areas with unstable slopes. Developing on land that is not subject to these natural hazards meets this Goal.

**Statewide Goal 8; Recreational Needs:**

**Response:** This Statewide Goal is directed towards units of government, rather than to individual land use applications. Government agencies have the responsibility for recreation areas, facilities and opportunities. In any case, this site is too small to incorporate public-use recreation together with other allowed (private) land development such as offices. This goal does not pertain to the application.

**Statewide Goal 9; Economic Development:** *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare and prosperity of Oregon’s citizens.*

**Response:** This Statewide Goal is directed primarily to units of government rather than individual properties or property land use applications. However, creating a larger supply of commercial office space at a location where street improvements and the full array of major utilities are already in place supports this Goal.

**Statewide Goal 10; Housing:**

**Response:** Each City in Oregon has a responsibility to maintain a 20-year supply of land for different uses, including future housing, both single-family and multi-family. The City has liberalized certain provisions in the zoning code that may increase potential housing opportunities such as accessory dwelling units in single-family zoned neighborhoods. However, in the last report published by the City for its Statewide Goal 10 responsibilities (2014), the City had a **207 acre deficit** of land for future multi-family housing for the years 2015 – 2035. This was from the *City of Salem Housing Needs Analysis* publication. Those 207 acres represent a potential of 2,897 housing units, according to that study. At the same time, the City has a 1,975 acre **major surplus** of land for single-family detached units representing 9,131 units.

Because the proposed OC zone allows multi-family residential as a use option beside or along with commercial office uses, this application supports Statewide Goal 10 by providing land for (potentially) more multi-family units to at least make some impact on the City’s 207-acre deficit. This Statewide Goal is met.

**Statewide Goal 11; Public Facilities and Services:** *To plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development.*

**Response:** This is almost identical to the City of Salem Goal on the same subject. In this case, the framework already exists for urban development as indicated by the existing arterial street improvement of Rickey Street and large-size utilities and other urban services. Enabling more appropriate Plan and zone designations for this site (Commercial and Commercial Office) supports this Goal.

**Statewide Goal 12; Transportation:** *To provide and encourage a safe, convenient and economic transportation system.*

**Response:** An important part of the implementation of Statewide Goal 12 is the *Transportation Planning Rule*. Please refer to our TPR report, attached with this application. The conclusion of that report was that the zoning designation can be changed to CO without having a “significant impact” on the transportation system, by using the suggested trip cap of 450 trips per day as earlier discussed. This Goal is met in this manner.

**Statewide Goal 13; Energy Conservation:**

**Response:** This Goal is directed primarily to government units rather than individual property owners. However, by providing more appropriate Plan and zone designations that will allow more compatible uses along Rickey Street supports energy conservation, since no additional infrastructure costs will be incurred by either the City and only standard connection-type expenses will be incurred by the future development. This Goal is met.

**Statewide Goal 14; Urbanization:** This Statewide Goal addresses the orderly and efficient transition from rural to urban land uses. This site is already urbanized and within the existing UGB of Salem and already is served by a full range of urban services including the arterial street. The Statewide Goal does not pertain to this application.

**Statewide Goal 15; Willamette River Greenway, Goal 16; Estuarine Resources, Goal 17; Coastal Shorelands, Goal 18; Beaches and Dunes and Goal 19; Ocean Resources** clearly do not pertain to this particular site and application, given its location outside the geographic concerns of those Goals.

This application is consistent with all pertinent Statewide Planning Goals.

**Zone Change Approval Criteria and Proposed Findings**

The City of Salem’s criteria for zone changes is found at SRC 265.005(e). This is a quasi-judicial zone change application.

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

**Response:** (A “mistake” is not suggested or a basis of this application)

- (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.*



**Response:** This is the same standard as City Plan change criterion A(i), discussed earlier in this application. For those same reasons, the application also meets this zone change criterion.

- (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 the 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.*

**Response:** This is the same standard as City Plan change criterion A (ii), which was addressed previously in this application. For those same reasons, the application also meets this zone change approval criterion.

- (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.*

**Response:** The criterion does not pertain to this application, as this is an owner-initiated, not a City-initiated application.

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

**Response:** Please refer to our proposed findings regarding the City of Salem Comprehensive Plan, earlier in this application.

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

**Response:** Please refer to our proposed findings regarding the Statewide Planning Goals, also earlier in this application. No applicable administrative rules were mentioned at the City's pre-application conference or its written conference summary except the Transportation Planning Rule, which has been addressed by our attached TPR report.

(E) Zone change criterion (E) does not pertain to this application, as it relates to a change *from an existing commercial designation to another kind, or from an existing industrial designation to another kind.*

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

**Response:** Please again refer to the TPR report attached with this application. That report’s conclusion was that with the suggested trip cap, there would be no “significant effect” on Rickey Street, as defined in the State TPR guidelines. With the suggested trip cap, this criterion is met.

We would support a condition of approval for the CO zoning that would trigger street improvements to Rickey Street if the specific development’s trip generation (based upon the same ITE Manual methodology) exceeds the cap recommended in the TPR report.

(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.*

**Response:** This zone change criterion is the same as the Comprehensive Plan Change criterion (B), previously discussed in this application. For the same reasons, the application meets this zone change criterion.

(2) *The greater the impact of the proposed zone change to the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.*

**Response:** We believe that all pertinent approval criteria have been satisfied. However, the burden on the applicant should recognize that this site is only .9 acres in size, and neighborhood impacts of any negative kind would not expect to be great. The anticipated traffic impact on Rickey Street was discussed in our TPR report. Our application shows in fact that impacts to the area should be positive. The CO zone is a “step” down in intensity from the zoning to the west on this side of Rickey Street, which is appropriate, given the proximity to the care facility at 4375 Rickey Street and also the adjacent (across Rickey Street) middle school. This application provides an opportunity for complimentary uses to the neighborhood and uses more in keeping with the arterial nature of Rickey Street traffic volumes, especially as they are anticipated to increase over time.

## **SUMMARY AND CONCLUSION**

This application for change to the City of Salem Comprehensive Plan to Commercial and change to the City of Salem Zoning Map to CO, Commercial Office meets all pertinent criteria of the City's Comprehensive Plan, the Statewide Planning Goals and the City of Salem zone change approval criteria. As noted, we are agreeable to a "trip cap" as suggested in our TPR report as a condition of approval, and as described earlier in this application.

Respectfully submitted,

John L. Brosy  
Planning Consultant  
Representing Mitch Teal, property owner

### **Application Attachments:**

- (Form signed by owner)
- (application fee)
- Application Narrative and Proposed Findings of Fact
- Transportation Planning Rule Analysis
- Property deed
- Aerial photo showing existing site and utilities