

TO: PLANNING COMMISSION

FROM: LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

DATE: MAY 18, 2021

SUBJECT: SUPPLEMENTAL STAFF REPORT FOR COMPREHENSIVE PLAN CHANGE / ZONE CHANGE NO. 21-01; 681 REES HILL ROAD SE AMANDA NOS. 19-125043-ZO AND 19-125044-ZO

BACKGROUND

On May 11, 2021, staff made available a report recommending that the Planning Commission approve consolidated Comprehensive Plan Map Amendment and Zone Change Case No. 21-01 subject to a recommended condition of approval.

On May 14, 2021, staff received comments from John Eld of Bonaventure Senior Housing LLC expressing concern with the application's effect on the Lone Oak Reimbursement District (**Attachment A**).

On May 18, 2021, staff received comments from Housing Land Advocates and Fair Housing Council of Oregon, requesting that the Planning Commission defer adoption of the application until Goal 10 findings can be made and the proposal evaluated under the Housing Needs Analysis and Buildable Lands Inventory (**Attachment B**).

SUPPLEMENTAL FINDINGS

Public Comments

After the staff report was written and made available, comments were received from John Eld of Bonaventure Senior Housing LLC and Housing Land Advocates and Fair Housing Council of Oregon. These comments are summarized below and followed by staff responses.

1. Effect on the Lone Oak Reimbursement District

John Eld of Bonaventure Senior Housing LLC expressed concern that the Lone Oak Reimbursement District adopted in 2018 assumed that the subject property was to be developed as single-family homes for purposes of calculating reimbursement district fees, and the proposed Comprehensive Plan Change to "Parks, Open Space, and Outdoor Recreation" and Zone Change to PA (Public Amusement) would allow the property to remain undeveloped, so that the City will not be contributing its fair share to the Reimbursement District, although a portion of the Lone Oak Road SE extension runs through the City property and the City is requiring other developers to construct this road.

Staff Response: Public Works staff responded that the original Lone Oak Road Reimbursement District proposal under Resolution No. 2018-08 estimated that 965 lots would contribute to the district fee out of an estimated full build-out of 1,480. The director's report to Council for the district projected that 50 to 75 percent of the bare land would develop into lots and pay the district fee. Even though the park property is

not being developed into single family dwellings, the City is subject to reimbursement district fees in the amount of approximately \$1,030 per vehicle trip pursuant to Resolution No. 2018-08, so the City will be paying its proportional share of the improvement. Public Works staff believes that the park development is consistent with the original assumptions made in forming the reimbursement district.

Public Works staff also notes that the developer's original conditions of approval for Devon Subdivision (6781 Devon Avenue SE, immediately north of the subject property) required acquisition of a Neighborhood Park and construction of Lone Oak Road through 681 Rees Hill Road. The developer benefited from a substantial cost savings toward park and transportation costs because the City acquired the park property.

After the staff report was written and made available, comments were received from Housing Land Advocates and Fair Housing Council of Oregon. These comments are summarized below and followed by staff responses.

2. Findings for Goal 10

The Housing Land Advocates and Fair Housing Council of Oregon (HLA/FHCO) commented that the lack of written Goal 10 findings in the Planning Commission staff report and the delay of Goal 10 findings until the City Council staff report curtails the ability of HLA/FHCO and the Planning Commission to give informed comments and feedback in a timely manner. They requested that the Planning Commission defer adoption of the proposal until Goal 10 findings can be made and the proposal evaluated under the Housing Needs Analysis and Buildable Lands Inventory (HNA and BLI).

Staff Response: Findings for Goal 10 and all other Statewide Planning Goals are generally included in an Exhibit that is attached to the City Council staff report regarding the annexation and the proposed comprehensive plan and zoning designations. The City's Housing Needs Analysis and Buildable Lands Inventory indicate that the City has a surplus of land zoned for single family residential development, including the RA (Residential Agriculture) or RS (Single Family Residential) zone designation that would automatically be applied to this property upon annexation if other designations are not approved by City Council. The City's Our Salem project has identified needed multi-family land and will initiate conversion of that land later this year.

The subject property has been identified as needed park land, and the proposed Comprehensive Plan change to "Parks, Open Space, and Outdoor Recreation" and Zone Change to PA (Public Amusement) would allow the property to be developed with a needed Community Park.

RECOMMENDATION:

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and supplemental staff report and make the following recommendation to the City Council for the subject property consisting of approximately 16 acres of land generally east of the center line of the future extension of Lone Oak Road SE within a territory approximately 18.05 acres in size including 0.57 acres of Devon Avenue SE right-of-way and 17.47 acres of City-owned property at 681 Rees Hill Road SE 97306 (Marion County Assessor Map and Tax Lot Number 083W22C00400):

- A. That the Salem Area Comprehensive Plan Map Change from “Developing Residential” to “Parks, Open Space, and Outdoor Recreation” be GRANTED and
- B. That the zone change request from Marion County UT-10 (Urban Transition - 10 Acres) to City of Salem PA (Public Amusement) be applied upon annexation of the property, contingent on approval of the “Parks, Open Space, and Outdoor Recreation” Comprehensive Plan Map designation, and subject to the following condition:

Condition 1: The proposed legal description of the boundary between the PA (Public Amusement Zone) and RA (Residential Agriculture) zone shall be submitted to the Planning Administrator for review and approval within one year of the effective date of the annexation or at the time of final approval of public construction plans for the extension of Lone Oak Road SE, whichever is later.

Attachments: A. Testimony Submitted by John Eld, Bonaventure Senior Housing LLC
 B. Testimony Submitted by Housing Land Advocates/Fair Housing Council of Oregon

Prepared by Pamela Cole, Planner II



May 14, 2021

Pamela Cole
City of Salem Planning Division
555 Liberty Street SE
Salem OR 97301

RE : Comprehensive Plan Change/Zone Change Case No. CPC-ZC21-01

Ms. Cole,

We are writing to express our concern with the proposed Comprehensive Plan Change to “Parks Open Space, and Outdoor Recreation” and Zone Change to PA (Public Amusement) for City owned property at 681 Rees Hill Road SE, Salem OR 97306.

Our concern is related to the Lone Oak Reimbursement District that was adopted by Resolution 2018-08 and later amended by Resolution 2018-24. When this reimbursement district was created, it was assumed that the property located at 681 Rees Hill Rd SE would be developed as single-family homes, thereby being obligated to pay their portion of reimbursement district fees.

Based on the total acreage of the site being 17.47, and assuming a density of 4.25 lots per acre, this property could likely be developed into approximately 75 single family home lots. This is slightly less dense than the currently approved 89 lot subdivision located on the adjacent property to the north. Assuming 75 single family home lots at the current reimbursement rate of \$10,277 per lot comes out to a total of \$770,775 that this property would have contributed to the Lone Oak Reimbursement Agreement.

Our concern is that if this property does not develop, the City will not be contributing their fair share to the Reimbursement District, as designed. This is even more troubling as a portion of the Lone Oak extension runs directly through the City property and the City is requiring other developers to construct this road.

We ask that the City take this into account and ensure that the City is contributing the fair share to these required improvements, since the City owned property will be significantly benefiting from these improvements.

Sincerely,

John Eld
BONAVENTURE SENIOR HOUSING LLC
Project Manager



May 18, 2020

Salem Planning Commission
555 Liberty ST SE RM 305
Salem OR 97301

Re: A Comprehensive Plan Change (CPC-ZC21-01)

Dear Commissioners:

This letter is submitted jointly by Housing Land Advocates (HLA) and the Fair Housing Council of Oregon (FHCO). Both HLA and FHCO are non-profit organizations that advocate for land use policies and practices that ensure an adequate and appropriate supply of affordable housing for all Oregonians. FHCO's interests relate to a jurisdiction's obligation to affirmatively further fair housing. Please include these comments in the record for the above-referenced proposed amendment.

As you know, all amendments to the City's Comprehensive Plan and Zoning map must comply with the Statewide Planning Goals. ORS 197.175(2)(a). When a decision is made affecting the residential land supply, the City must refer to its Housing Needs Analysis (HNA) and Buildable Land Inventory (BLI) in order to show that an adequate number of needed housing units (both housing type and affordability level) will be supported by the residential land supply after enactment of the proposed change. We have reviewed the Planning Commission packet and observed no written Goal 10 findings for CPC-ZC21-01, despite the impact it will have on the ability of the City to meet its housing needs. While we have been informed that the City will provide findings before the City Council meeting, this delay in the analysis curtails both the ability of HLA/FHCO and the Planning Commission to give informed comments and feedback in a timely manner. Thus, we are obligated to submit a comment letter raising concerns about the failure to analyze Goal 10 before the Planning Commission meeting. This will ultimately preserve our right to appeal the City's decision on the basis of the lack of, or inadequate, findings.



HLA and FHCO urge the Planning Commission to defer adoption of the proposed CPC-ZC21-01 until Goal 10 findings can be made, and the proposal evaluated under the HNA and BLI. Thank you for your consideration. Please provide written notice of your decision to, FHCO, c/o Allan Lazo, at 1221 SW Yamhill Street, #305, Portland, OR 97205 and HLA, c/o Jennifer Bragar, at 121 SW Morrison Street, Suite 1850, Portland, OR 97204. Please feel free to email Allan Lazo at information@fhco.org or reach him by phone at (503) 223-8197 ext. 104.

Thank you for your consideration.

A handwritten signature in black ink that reads "Allan Lazo".

Allan Lazo
Executive Director
Fair Housing Council of Oregon

/s/ Jennifer Bragar
Jennifer Bragar
President
Housing Land Advocates

cc: Kevin Young (kevin.young@state.or.us)