

TO: PLANNING COMMISSION

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

SUBJECT: MINOR COMPREHENSIVE PLAN MAP AMENDMENT & ZONE CHANGE
CASE NO. CPC-ZC21-03; FOR PROPERTY LOCATED AT 1055 SCHURMAN
DRIVE S (AMANDA APPLICATION NO. 21-109795-ZO; 21-109798-ZO)

REQUEST

A consolidated Minor Comprehensive Plan Map Amendment from single family residential to multi-family residential and Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential) for property approximately 1.87 acres in size and located on the 1055 Schurman Drive S (Marion County Assessor map and tax lot number: 073W33DB / 4600).

APPLICANT: Charles Weathers, Orreo, LLC

OWNER: Steven Burrell

REPRESENTATIVE: Geoffrey James, Architect

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, Staff recommends the Planning Commission take the following action concerning the consolidated application for the subject 1.87-acre property located at 1055 Schurman Drive S (Marion County Assessor map and tax lot number: 073W33DB / 4600):

- A. APPROVE Minor Comprehensive Plan Map Amendment from "Single Family Residential" to "Multi-Family Residential"; and
- B. APPROVE Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential).

APPLICATION PROCESSING

Subject Application

On May 24, 2021, Geoffrey James filed an application for a Comprehensive Plan Change and Zone Change for the subject property (**Attachment A**). After additional information was received the application was deemed complete for processing on July 9, 2021. The public hearing on the application is scheduled for August 3, 2021.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.178). Pursuant to ORS 227.178(7) and ORS 227.178(10), the requested consolidated Minor Comprehensive Plan Map Amendment, Neighborhood Plan Change, and Quasi-Judicial Zone Change applications shall not be subject to the 120-day period set forth in ORS 227.178.

Public Notice

1. Pursuant to SRC 300.320(f), when an open house is required for a land use application, an applicant may elect to present at a neighborhood association meeting in-lieu of arranging and attending an open house. On May 4, 2021, and again on June 8, 2021, the applicant's representative attended the Southwest Association of Neighbors' (SWAN) regularly scheduled meeting to present their proposal. A summary of the comments provided at the neighborhood association meeting is included as **Attachment B**. The applicant has demonstrated compliance with the requirements of SRC 300.320(f).
2. Notice of the consolidated proposal was distributed to City departments, neighborhood associations and public and private service providers on July 9, 2021.
3. Notice of the public hearing was mailed to the owners and tenants of all property within 250 feet of the subject property on July 14, 2021.
4. The property was posted in accordance with the posting provisions outlined in SRC 300.620.
5. The applicant has indicated that the property is not within a Homeowners Association (HOA).
6. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on June 16, 2021.

BACKGROUND INFORMATION

Proposal

The applicant is requesting a comprehensive plan map amendment from "Single Family Residential" to "Multi-Family Residential" and to change the zoning from RS (Single Family Residential) to RM-II (Multiple Family Residential) for the subject property.

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria is included as **Attachment C**.

Existing Conditions

The subject property is approximately 1.87 acres in size and has street frontage along Schurman Drive S. The property contains one single-family residence and accessory structures.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Single Family Residential". The proposal includes changing the Comprehensive Plan designation of the subject property to "Multi-Family Residential".

The Comprehensive Plan designations of surrounding properties include:

North: "Multi-Family Residential"

South: Across Schurman Drive S: "Single Family Residential"

East: "Single Family Residential"

West: "Multi-Family Residential"

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Schurman Drive S, designated as a Collector street in the TSP, abuts the southern boundary of the subject property.

Zoning and Surrounding Land Use

The subject property is zoned RS (Single Family Residential). It is currently developed with one single-family residence. The proposal includes changing the property's zoning from RS to RM-II (Multiple Family Residential). Surrounding properties are zoned and used as follows:

North: RM-II (Multiple Family Residential); *multiple family use*

South: Across Schurman Drive S: RS (Single Family Residential); *single family uses*

East: RS (Single Family Residential); *single family uses*

West: RM-II (Multiple Family Residential); *multiple family use*

Relationship to the Urban Service Area

The subject property is located within the Urban Service Area and, as indicated within the memo provided by the Public Works Department (**Attachment D**), adequate utilities are available to serve uses allowed by the proposed comprehensive plan designation. A UGA permit is not required.

Infrastructure

- Water:** The *Salem Water System Master Plan* identifies the subject property to be within the S-1 water service level. The property appears to be served by a 12-inch water main located in Schurman Drive S.
- Sewer:** An 8-inch sewer main is located within a 20-foot-wide easement on the eastern portion of the property.
- Storm Drainage:** An 18-inch storm main is located in Schurman Drive S.
- Streets:** Schurman Drive S has an approximate 32-foot-wide improvement within a 47-foot-wide right-of-way abutting the subject property. This street is designated as a Collector Street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

Land Use History

There are no previous land use cases involving the subject property.

Public Agency and Private Service Provider Comments

City of Salem Public Works Department: The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (included as **Attachment D**).

City of Salem Fire Department: The Fire Department submitted comments indicating no concerns with the proposed minor comprehensive plan map amendment and zone change, and that Fire Code issues would be addressed at the time of building permit application.

City of Salem Community Development Department, Building and Safety Division: The Building and Safety Division indicated no concerns with the proposal.

Salem-Keizer Public Schools: No comments have been received.

Oregon Department of Land Conservation and Development (DLCD): No comments have been received.

Neighborhood Association and Public Comments

The subject property is located within the boundaries of the Southwest Association of Neighbors (SWAN).

Open House/Neighborhood Association Meeting: Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and conduct an open house or present their proposal at a regularly scheduled meeting of the neighborhood association within which the property is located. On May 4, 2021, and June 8, 2021, the applicant's representative attended the SWAN Neighborhood Association Meeting, to present their proposal. A summary of the comments provided at the neighborhood association meetings is included as **Attachment B**.

Neighborhood Association Comments: Notification of the proposal was sent to SWAN on July 9, 2021. At the time of this staff report's writing, no comments have been received from the neighborhood association.

Public Comments: In addition to providing notice to the neighborhood association, notice was also provided, pursuant to SRC 300.620(b)(2)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. As of the date of completion of this staff report no comments have been received from surrounding property owners or interested individuals.

Homeowners Association: The applicant indicated that the property is not part of a homeowners association.

Applicant Submittal Information

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

1. FINDINGS ADDRESSING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP AMENDMENT

Amendments to the Comprehensive Plan Map are classified as either major or minor. Because the proposed amendment affects only a small number of properties in a defined vicinity rather than a large number of properties across the city, the proposal meets the definition of a Minor Plan Map Amendment pursuant to SRC 64.025(a)(2).

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a quasi-judicial plan map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding/response in relation to the requested amendment.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) *Alteration in Circumstances.* Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.**
- (ii) *Equally or Better Suited Designation.* A demonstration that the proposed designation is equally or better suited for the property than the existing designation.**
- (iii) *Conflict Between Comprehensive Plan Map Designation and Zone Designation.* A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) Whether there was a mistake in the application of a land use designation to the property;**
 - (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;**
 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and**
 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.****

Finding: The applicant has provided findings which can be found in **Attachment C** of this report. The applicant asserts, and Staff concurs, that the proposal is justified based on criterion (ii): the proposed designation is equally or better suited for the property.

The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert 1.87 acres from a Single-Family Residential designation to a Multiple Family Residential designation, where the HNA identifies a deficit.

According to the Housing Needs Analysis (HNA), "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land." As of December 2020, the City has added 40 net acres of Multiple Family designated land, reducing the projected deficit to 167 acres. Additionally, the City has added 89 acres of Mixed-Use designated land which allows multi-family development as an outright permitted use, thereby further increasing the land available for multi-family development.

With a Multiple Family Residential designation, the subject property could be developed as multi-family dwellings; the rezone helps increase the potential density of the property while helping to meet housing needs within the Salem Urban Growth Boundary. The applicant's written findings indicate that there are existing multiple-family developments in the vicinity, off of River Road S, but that many of them are fully developed. Staff concurs that, due to steep terrain, much of the existing multiple-family development in the area is likely developed to, or very close to, its maximum density. The proposed change to the comprehensive plan map designation at the subject property would afford an additional 22 to 52 dwelling units based on the minimum and maximum density standards of the RM-II zone—with a minimum of 12 units per acre and maximum of 28 units per acre. The increase in density allowed by this proposal would reduce the deficit identified in the HNA.

The Multiple Family Residential designation would be equally or better suited for the subject property as the Single-Family Residential designation due to its location within an existing residential area which contains a mix of multiple family and single-family development.

The proposal meets this criterion.

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

Finding: The subject property is within the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed by the proposed comprehensive plan map designation. Site-specific infrastructure requirements will be addressed at the time of development through the site plan review process (SRC Chapter 220). The proposal meets this criterion.

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

Finding: The subject property lies on the boundary between Multiple-Family Residential-designated land to the north and west, and Single-Family Residential-designated land to the south and east. The proposal would allow for reasonable development of the property in a manner which compliments the existing neighborhood. The subject property is located in a developed area within the City of Salem urban growth boundary and does not convert rural land to urban land. The applicant asserts that the proposal permits efficient, compact development to contain urban sprawl, and preserves rural land by developing within an existing urban area. Staff finds that the proposal provides for the logical urbanization of land.

The proposal meets this criterion.

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

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

Salem Urban Area Goals and Policies, Residential Development Goal (Page 30, Salem Comprehensive Policies Plan):

Policy E.1. The location and density of residential uses shall be determined after consideration of the following factors;

a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.

Staff Response: The City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. The proposal would convert approximately 1.87 acres of land from a Single-Family Residential designation to a Multi-Family Residential designation, where the HNA identifies a deficit.

b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.

Staff Response: The land proposed for the comprehensive plan map changes appears to have capacity for multiple family residential development. The topography of the subject property slopes gently upward from west to east and varies in elevation from approximately 202-feet to 226-feet above mean sea level. The relative environmental suitability of the property for multiple family residential development is even greater when compared to the steeper residential properties in the southern reaches of the City. There are no wetlands on the subject property, and it is not within a floodplain or floodway. There is a small area of mapped landslide hazard at the south and southwest corner of the property. The applicant indicates that much of this area is within the required setbacks for any proposed development, and it is therefore unlikely that building or structures will be placed there.

c. The capacity of public facilities, utilities, and services. Public facilities, utilities, and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.

Staff Response: The subject property is within the Urban Service Area. As outlined within the memo from the Public Works Department (**Attachment D**), water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed by the proposed comprehensive plan map designation.

d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services.

Staff Response: The property is located in an urbanized area of the city where services exist in the vicinity, including shopping, employment, entertainment, parks, and elementary, middle and high schools. The Commercial Street and Liberty Road corridors are located east of the property, which has commercial nodes providing a wide range of shopping, employment, and entertainment opportunities. There are multiple religious institutions within the vicinity.

- e. *The character of the existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.*

Staff Response: As described in the above findings, residential properties in the vicinity are developed at a range of densities. The proposed Multiple Family Residential designation matches abutting properties to the west along Schurman Drive S and north along River Road S. Where the site abuts lower density residential properties to the east, multiple family design standards established in SRC Chapter 702 require mitigating features such as setbacks and screening to ensure an adequate transition between the height, bulk, and scale of higher density development and the nearby single-family residences.

- f. *Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.*

Staff Response: The subject property is located within the Urban Service Area and adequate utilities are available to serve the property. The subject property is not located within the boundaries affected by a neighborhood plan, specific development plan or urban renewal area.

- g. *The density goal of General Development Policy 7.*

Staff Response: General Development Policy 7 provides in part that “the cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development.” When applied to the subject property, the range of densities allowed in zones implementing the Multiple Family Residential designation provides for more dwelling units than the 6.5 dwelling units per acre, which is consistent with the Housing Needs Analysis (HNA) prepared in 2015. The applicant’s preliminary development plans for the site include constructing an approximate 42-unit multiple family complex on the site. With the site being approximately 1.87 acres in size, the proposed density, based on the applicant’s submitted material, is approximately 22-units per acre.

Policy E.2 Residential uses and neighborhood facilities and services shall be located to:

- a. *Accommodate pedestrian, bicycle and vehicle access;*
- b. *Accommodate population growth;*
- c. *Avoid unnecessary duplication of utilities, facilities, and services; and*
- d. *Avoid existing nuisances and hazards to residents.*

Staff Response: The subject property abuts Schurman Drive S, classified as a Collector Street in the Salem TSP, which is improved with sidewalks on both sides. The proposed Multi-Family Residential designation would accommodate a greater number of dwelling units than the current Single-Family Residential designation. Review of future development at the site will ensure that unnecessary duplication of utilities, facilities, and services will be avoided. Finally, Staff is unaware of any unreasonable nuisances or hazards to residents in the immediate vicinity.

- Policy E.6 Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:*
- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family residential zones;*
 - b. Development regulations shall promote a range of densities that encourage a variety of housing types;*
 - c. Multiple family developments should be located in areas that provide walking, auto, or transit connections to:*
 - (1) Employment centers;*
 - (2) Shopping areas;*
 - (3) Transit service;*
 - (4) Parks;*
 - (5) Public buildings.*

Staff Response: The RM-II (Multiple Family Residential) zone proposed to implement the designation includes a minimum density of 12 units and maximum density of 28 units per gross acre, encouraging efficient use of residential land and public facilities while allowing for a variety of housing types. As described within the findings above, the immediate vicinity includes a range of densities within existing developments. The area lacks transit access as the nearest transit line is over one mile away on Commercial Street SE. Cherriots Transit Agency indicated there are no current plans to expand transit service to Schurman Drive S. However, existing transportation infrastructure, including pedestrian and automobile facilities, is available in the surrounding area to connect to nearby employment centers, shopping areas, parks, and public buildings.

- Policy E.7 Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:*
- a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;*
 - b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;*
 - c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.*

Staff Response: It is very unlikely that future development at the subject property would create new streets, given the small size of the property. The existing transportation system serving the residential neighborhood, which includes the subject property, allows for short trips within the neighborhood to be made by a variety of routes, with or without driving. Future development at the property will be reviewed for adherence to the TSP, as well as on-site features such as pedestrian access.

- Policy E.10 Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:*
- a. The site is so designated on the comprehensive plan map;*
 - b. Adequate public services are planned to serve the site;*
 - c. The site's physical characteristics support higher density development; and*
 - d. Residential Development Policy 7 is met.*

Finding: The applicant's proposal includes a request for a quasi-judicial zone change from RS (Single Family Residential) to the higher density RM-II (Multiple Family Residential) zone. The RM-II zone implements the "Multi-Family Residential" Comprehensive Plan Map designation proposed as part of the consolidated application. As described in findings above, the subject property is located within the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve the proposed development. The property is unencumbered by sensitive areas such as wetlands or riparian areas. The existing street network in the vicinity meet the circulation requirements of Residential Development Policy 7.

Staff finds that the proposal is consistent with the applicable Goals and Policies of the Comprehensive Plan.

The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning 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.*

Staff Response: Prior to application submittal, SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association which the property is located within. On May 4, 2021, and again on June 8, 2021, the applicant's representative attended the regularly scheduled Southwest Association of Neighbors (SWAN) Neighborhood Association Meeting to present the proposal. A summary of the comments provided at the neighborhood association meeting is included as **Attachment B**. A public hearing notice was mailed to the affected property owner(s), tenants within 250 feet of the subject property, and to SWAN. The property is not within a Homeowner Association. This satisfies the citizen involvement requirements described in Goal 1.

Statewide Planning 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.*

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

Statewide Planning Goal 5 – Open Spaces, Scenic and Historic Areas, and Natural Resources: *To protect natural resources and conserve scenic and historic areas and open spaces.*

Staff Response: The subject property is not designated as an open space or scenic area, and there are no protected natural resources on site. The property is not within the Historic or Cultural Resources Projection Zone. The proposal conforms to this statewide planning goal.

Statewide Planning Goal 6 – Air, Water, and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Staff Response: Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. Development of the property is subject to tree preservation, and stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state's natural resources. The proposal is consistent with Goal 6.

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: *To protect people and property from natural hazards.*

Staff Response: The subject property is not located within a floodplain or floodway. A portion of the south and southwest corner of the property is a mapped landslide hazard. The applicant indicates in a written statement that much of the mapped landslide hazard area is located in setback areas where there will be minimal development. All development of the subject property will be subject to applicable review, including evaluation of landslide hazards. The proposal is consistent with Goal 7.

Statewide Planning Goal 8 – Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Staff Response: The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property. Therefore, Goal 8 is not applicable to this proposal.

Statewide Planning 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.*

Staff Response: In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem's needs for industrial and commercial land through 2035 and concluded that Salem has a projected commercial land shortage of 271 acres and an industrial land surplus of approximately 907 acres. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council adopted the EOA and updated the Comprehensive Plan accordingly. The City now uses the EOA and its findings to inform policy decisions, including how to respond to requests for rezoning land. Additionally, because the existing zoning designation for the

subject property is residential, the change to a higher density residential zoning does not impact the City's industrial or commercial property, and therefore does not subtract from economic development opportunities associated with those properties and zoning classifications. The proposal is consistent with Goal 9.

Statewide Planning Goal 10 – Housing: *To provide for the housing needs of the citizens of the state.*

Staff Response: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decisions related to residential land. According to the Housing Needs Analysis (HNA), "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land." With a Multi-Family Residential designation, the subject property could be developed as multi-family dwellings; the change in designation and rezone increases potential density while helping to meet housing needs within the Salem Urban Growth Boundary. The proposed change to the 1.87-acre property could provide between 22 and 52 dwelling units based on the minimum and maximum density standards of the RM-II zone. The increase in density allowed by the proposed change would reduce the deficit identified in the HNA.

The proposal will help provide diverse housing options to meet the future needs of the city. The proposed RM-II zoning designation allows for a greater variety of residential uses than the current zoning does, including two family, three family, four family, and multiple family. The proposal is in compliance with Goal 10 by providing a designation and accompanying zone that allow more diverse housing options than the current designation.

Statewide Planning 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.*

Staff Response: The subject property is located inside the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed under the proposed designation. Site-specific infrastructure requirements will be addressed through the site plan review process set forth in SRC Chapter 220. The request allows for the efficient use and development of property, requiring minimal extension of new public services.

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

Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that "significantly affect" a surrounding transportation facility (road, intersection, etc.). Where there is a "significant effect" on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change

request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above or to propose mitigation of their impact.

The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed comprehensive plan change and zone change will not have a significant impact on the transportation system. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect.

The proposal complies with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: *Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

The applicant indicates that the proposed redevelopment plan will repurpose vacant or unused land and that the resulting uses will be built to comply with current energy efficient standards resulting in a more energy efficient use of the property, consistent with Goal 13.

Statewide Planning Goal 14 – Urbanization: *To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.*

Staff Response: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development at the property are located nearby. The proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB in compliance with Goal 14.

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

Finding: The proposed Comprehensive Plan Map amendment from Single Family Residential to Multi-Family Residential is in the public interest and would be of general benefit because it would increase the number of housing units that can be provided on the subject property, consistent with the planned capacity of infrastructure serving future development. The proposed change in land use designation is consistent with the location and character of the surrounding area, with adjacent land use designations, and with the transportation facilities available to serve the property. The proposal satisfies this criterion.

2. FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR QUASI-JUDICIAL ZONE CHANGE

The following analysis addresses the proposed zone change for the subject property from RS (Single Family Residential) to RM-II (Multiple Family Residential).

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

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding in relation to the requested zone change.

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

- (i) **A mistake in the application of a land use designation to the property**
- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) **A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Finding: The applicant states the proposal satisfies criterion (iii)—the proposed zone change is equally or better suited for the property than the existing zone. The physical characteristics of the property, including its proximity to an existing RM-II-zoned area and other physical characteristics identified within *section 1* above, are appropriate for the proposed zone. The subject property lies between existing multiple family developments to the west and north, and single-family developments to the south and east.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land", while finding that the city has a surplus of available single family residential land. The proposed change in designation and zone change would allow for future multi-family development which will help to meet the changing needs of the Salem urban area. With the RM-II zone, the subject property could be developed as multi-family dwellings; the rezone helps increase the residential density while helping to meet housing needs within the Salem Urban Growth Boundary.

The criterion is met.

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

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

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

Finding: Findings addressing the minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. The proposal satisfies this criterion.

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

Finding: Findings addressing the minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. The proposal satisfies this criterion.

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

Finding: The subject property is not currently designated for industrial, commercial, or employment use. This criterion does not apply to the proposal.

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

Finding: The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect.

The proposal meets this criterion.

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included above in this report, address the public facilities and services available to support *multiple family* uses allowed on the subject property as a result of the proposed zone change. The proposal satisfies this criterion.

CONCLUSION

Based on the facts and findings presented herein, Staff concludes the proposed Minor Comprehensive Plan Map Amendment and Zone Change, for property located on the 1055 Schurman Drive S, satisfy the applicable criteria contained under SRC 64.025(e)(2) and SRC 265.005(e)(1) for approval.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property which is approximately 1.87 acres in size, designated “Single Family Residential” on the Comprehensive Plan Map, zoned RS (Single Family Residential), and located at 1055 Schurman Drive S (Marion County Assessor map and tax lot number: 073W33DB / 4600):

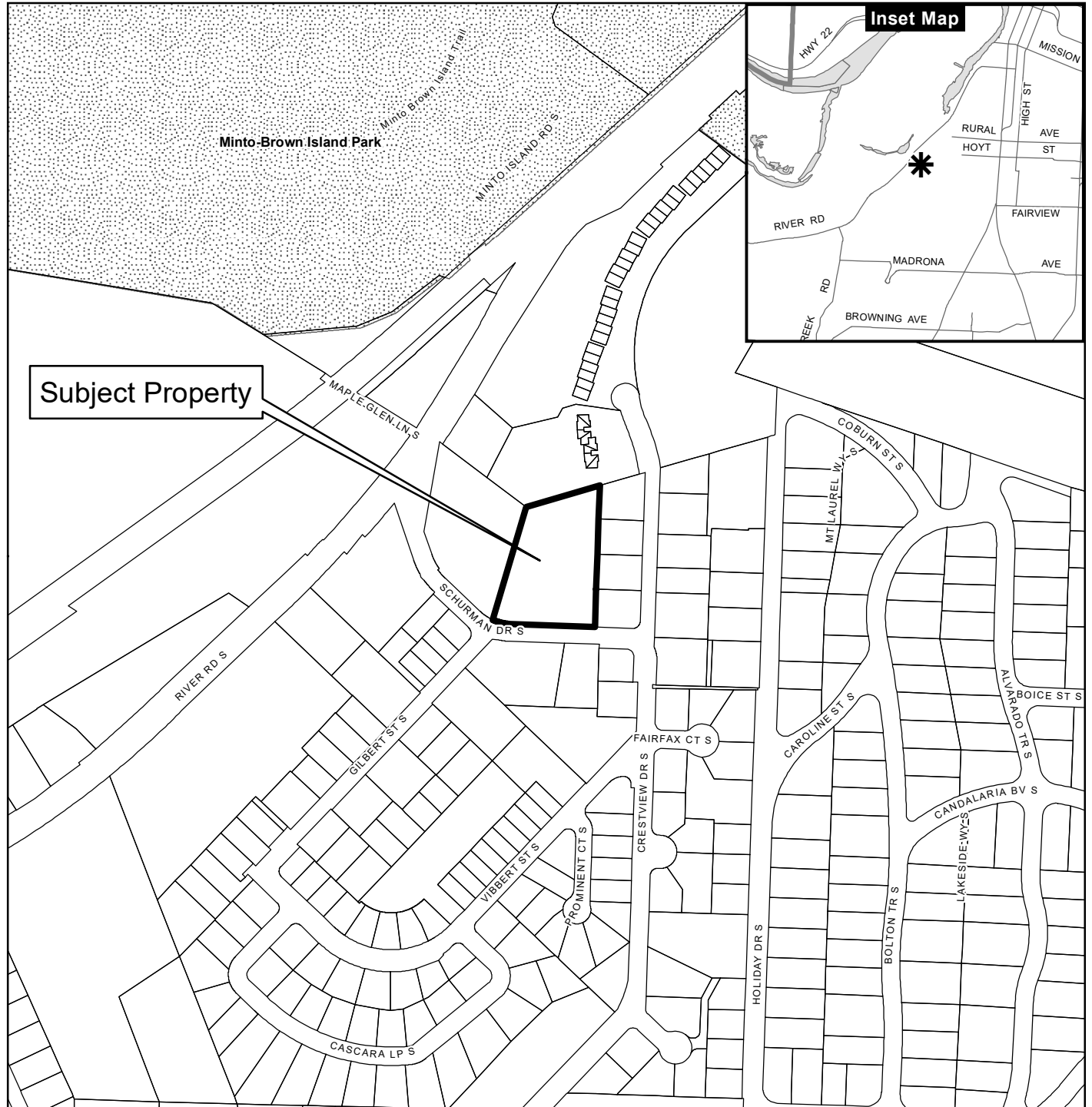
- A. APPROVE Minor Comprehensive Plan Map Amendment from “Single Family Residential” to “Multi-Family Residential”; and
- B. APPROVE Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential).

Attachments:

- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Southwest Association of Neighbors Meeting Summary from May 4 & June 8, 2021
- C. Applicant’s Written Statements
- D. Memo from the Public Works Department

Prepared by Steven McAtee, Planner II








Vicinity Map 1055 Schurman Dr. S

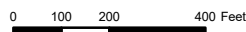


Subject Property

Inset Map

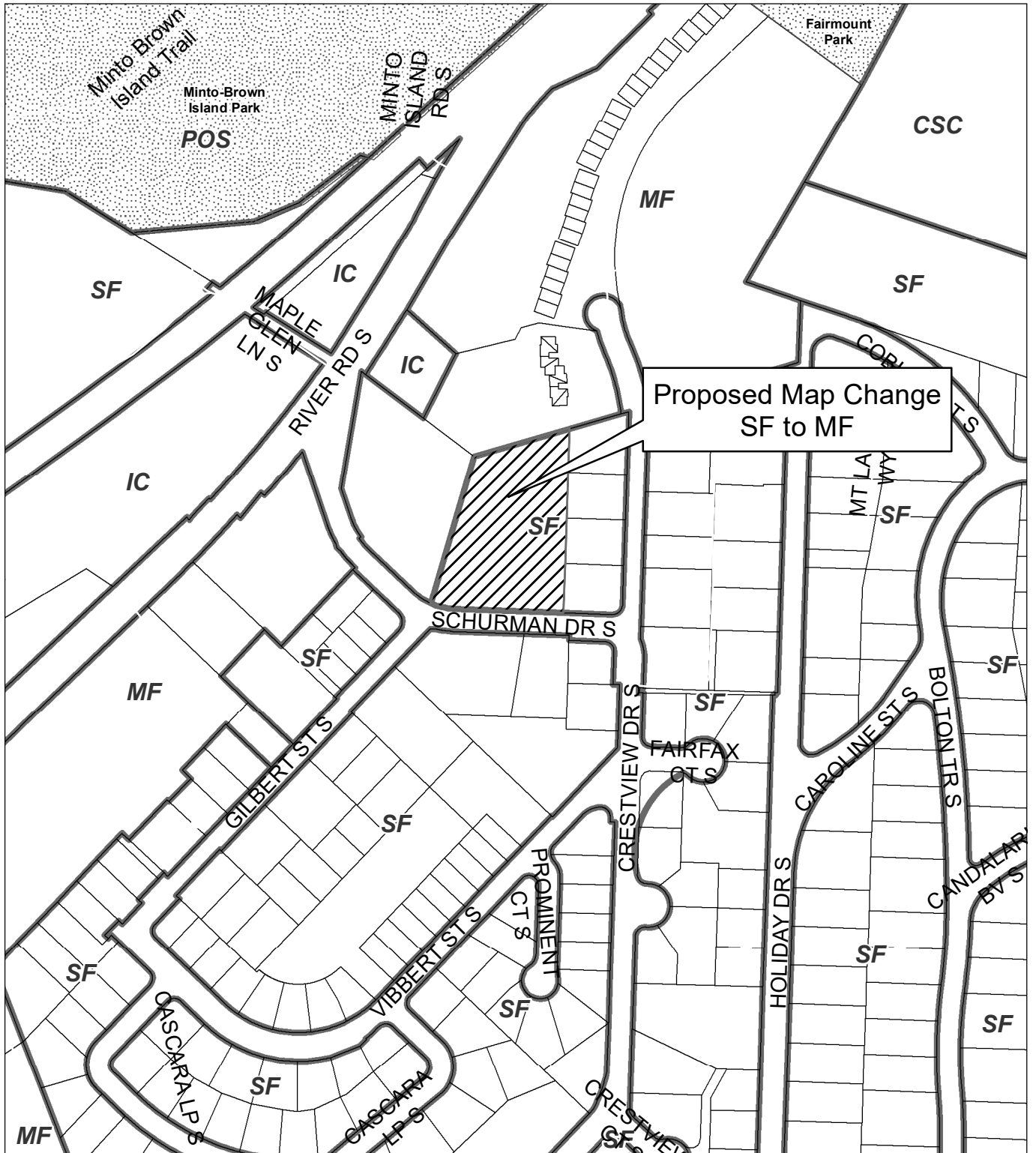
Legend

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



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Comprehensive Plan Map - 1055 Schurman Dr S

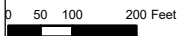


Proposed Map Change
SF to MF

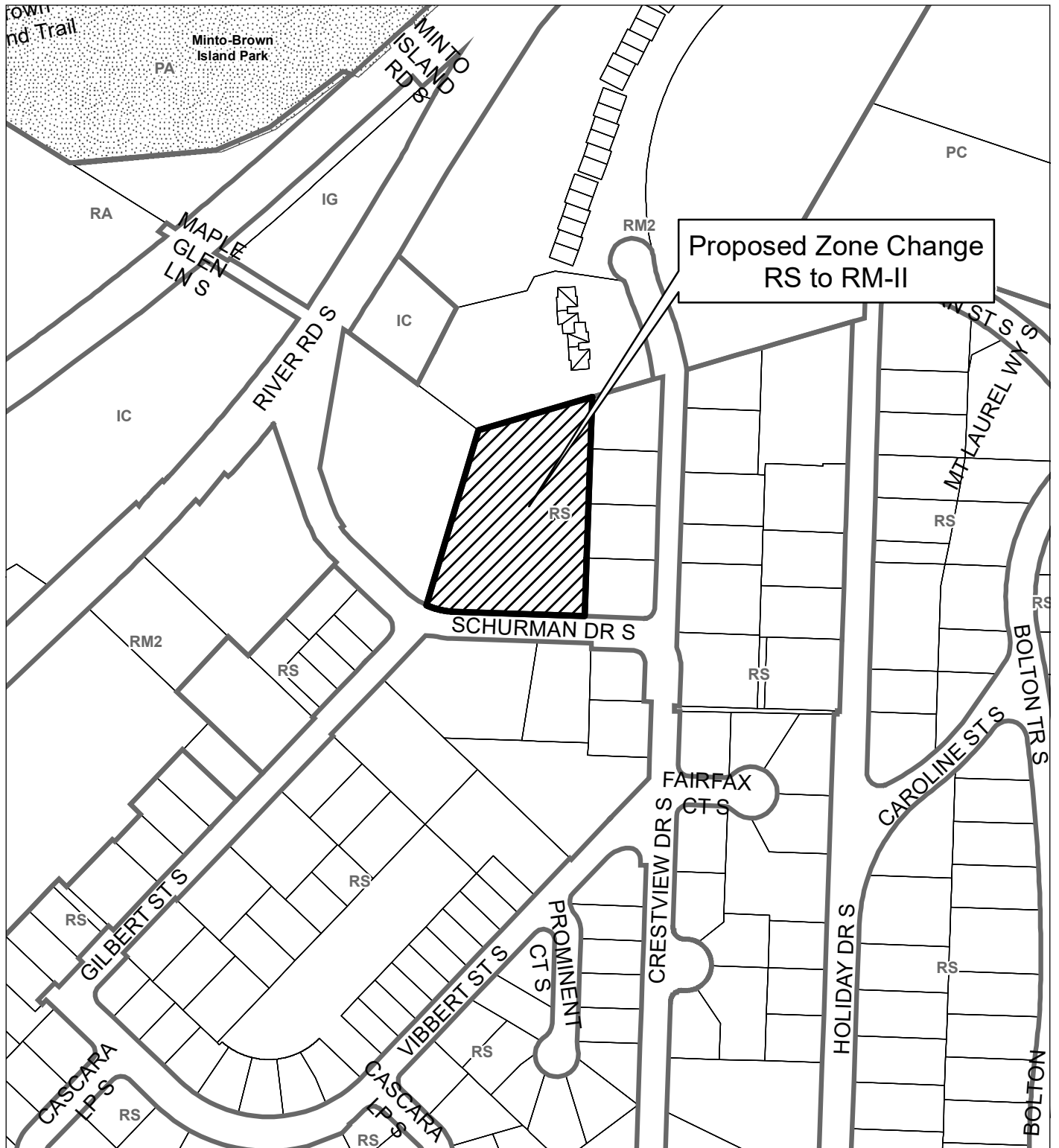
Legend

- SF Comprehensive Plan
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- Schools

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Vicinity Zoning - 1055 Schurman Dr S



Proposed Zone Change
RS to RM-II

Legend

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

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0 50 100 200 Feet



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

1055 SCHURMAN DRIVE: PROPOSED ZC/CPC: RECORD OF NEIGHBORHOOD MEETING

Steve McAtee
City of Salem

Please add this to the case file record of the ZC/CPC.

At the end of April, the Applicant's Representative requested the Chair of SWAN for a few minutes time on the Agenda of the May 4 SWAN Neighborhood Meeting.

The Applicant and Landowner Charles Weathers, plus Geoffrey James, Architect, both attended the meeting and were on the agenda.

The meeting was open air in Fircrest Park at 6.30 p.m.

The Land Use Chair Ted Burney introduced Land Use items including this topic and the speaker, and so both Mr. Weathers and Geoffrey James spent a few minutes talking about the proposed RM2 zone change. No application has yet been filed. The proposed development was summarized and was well received.

The setback from Schurman Drive will be 50 ft. by City code.

A 30 ft. public works special setback plus a 20 ft. front yard setback.

The layout shows the proposed apartments to be located some 200 ft. away from the nearest single-family homes to the east of the site.

Access remains unchanged as a driveway curb cut at the SE corner of the site.

Parking spaces will be to code.

42 apartment units are shown (54 would be permitted in the proposed RM2 zone).

Half will be 1 bedroom, and half will be 2 bedrooms.

There are existing trees on all 4 sides of the lot, which will be retained, and will provide screening and a natural buffer from the neighbors, and from street traffic.

Traffic was a question posed, and it was assumed that the 42 apartment residents will probably use nearby River Rd. to get to downtown or will drive up Crestview to Madrona if headed in that direction.

A couple of folks asked if there could be a Schurman Ave. pedestrian crossing, and that of course would be off-site and has not come up at the Pre-Application meeting with the city departments.

The Traffic Report should be done in a week and the neighbors will be able to view that.

Generally, the neighbors attending were very receptive, friendly, and seemed open to the proposal, with all its mitigating features, and its location being next to existing apartments.

The Applicant may visit SWAN again in June, after an application has been filed.

Notes taken by the Owner's Representative
May 4, 2021

ZC/CPC

1055 SCHURMAN DRIVE S.

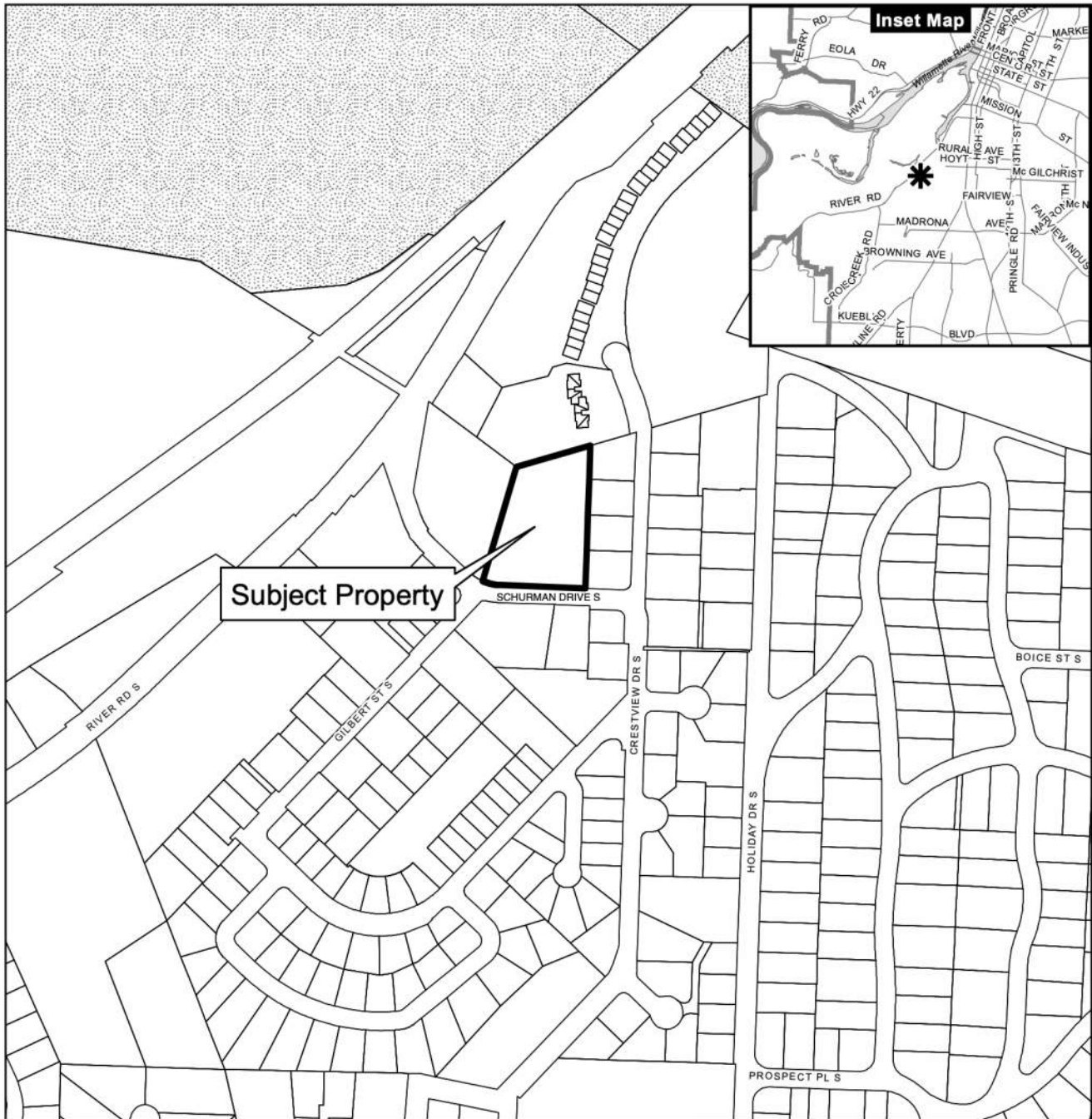


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DESCRIPTION OF THE PROPOSAL

The subject property is located at 1055 Schurman Drive S. in the SWAN Neighborhood. It is 1.8 acres and is surrounded or bordered by trees.

The proposal is a change of ZC/CPC.

A ZC zone change from RS to RM-2.

A CPC comprehensive plan change from Single Family Residential to Multi-Family Residential.

Surrounding land uses are as follows:

West: Multifamily apartments zoned RM-2.

North: Multifamily apartments zoned RM-2.

South: Schurman Drive S. Property south of Schurman is RS Single family zone and uses.

East: Property east of the subject property is RS Single family zone and uses.

Proposed Use:

Apartments in 3-story walk-up buildings.

42 units in a mix of eighteen 1-bedroom units and twenty four 2-bedroom units.

All will have private patios or balconies.

Parking exceeds code.

Access:

Existing driveway, widened to 24 ft. width.

Setbacks:

South: 50 ft. (30 ft. Special Setback plus 20 ft. Front Yard Setback).

There is a 50 to 60 ft of mapped landslide area in the front setback, so all proposed building footprints are therefore located clear of the slide area.

West: 20 ft. at existing apartments.

North: 20 ft. at existing apartments.

East: 20 ft. of landscaping at driveway.

Plan shows a 150 ft. to 200 ft. separation from existing homes at east to nearest proposed apartments.



AERIAL VIEW OF THE PROPERTY (GOOGLE EARTH)

RM2 multiple family

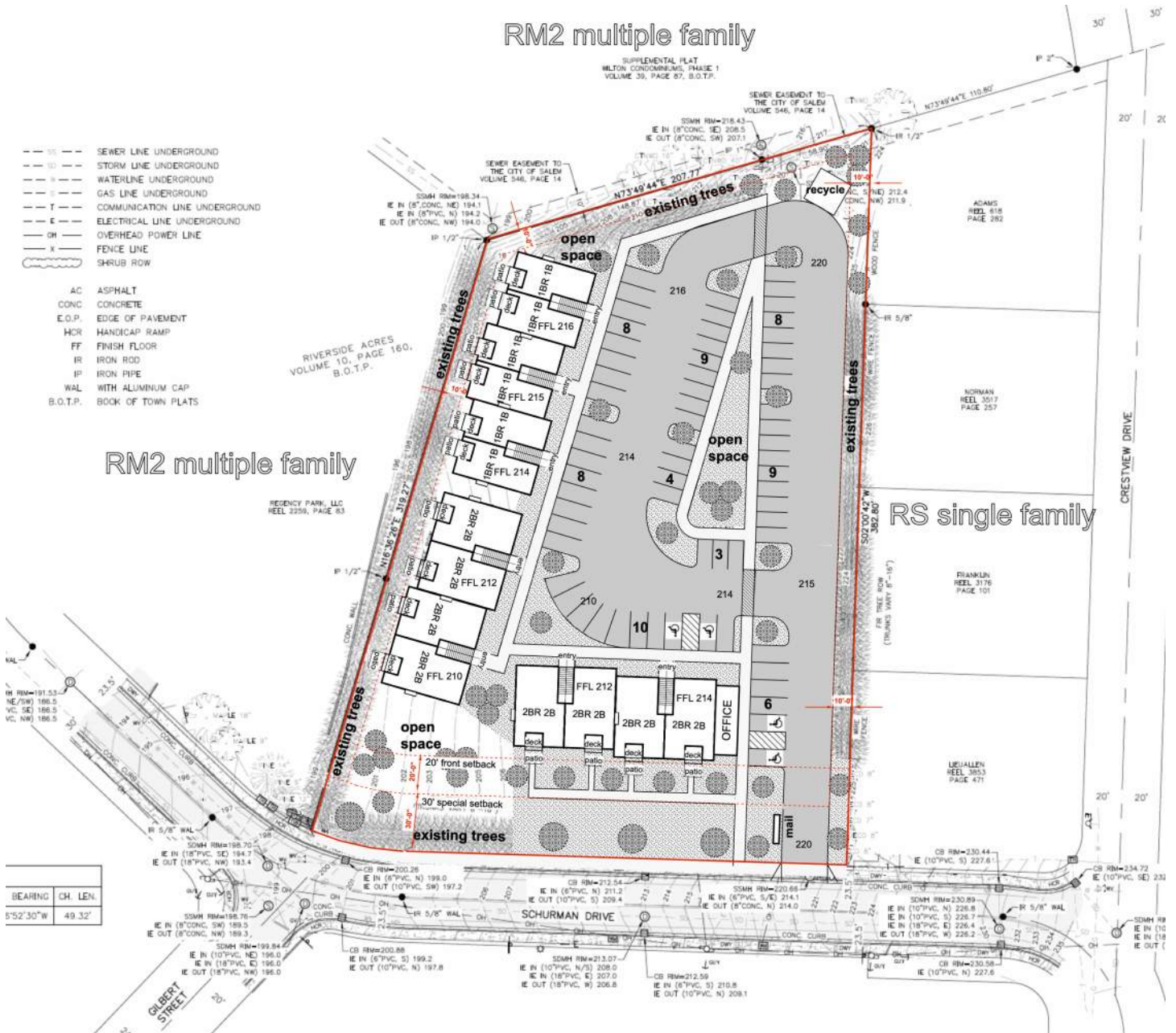
SUPPLEMENTAL PLAT
WILTON CONDOMINIUMS, PHASE 1
VOLUME 39, PAGE 87, B.O.T.P.

- S --- SEWER LINE UNDERGROUND
- 10 --- STORM LINE UNDERGROUND
- W --- WATERLINE UNDERGROUND
- G --- GAS LINE UNDERGROUND
- T --- COMMUNICATION LINE UNDERGROUND
- E --- ELECTRICAL LINE UNDERGROUND
- OH --- OVERHEAD POWER LINE
- X --- FENCE LINE
- S --- SHRUB ROW

- AC ASPHALT
- CONC CONCRETE
- E.O.P. EDGE OF PAVEMENT
- HCR HANDICAP RAMP
- FF FINISH FLOOR
- IR IRON ROD
- IP IRON PIPE
- WAL WITH ALUMINUM CAP
- B.O.T.P. BOOK OF TOWN PLATS

RM2 multiple family

RS single family



PROPOSED SITE PLAN

Note: much of the 50 ft. front yard setback is designated a landslide area on city maps, where it is labelled "open space", but the proposed building footprints are all therefore carefully located north and clear of the mapped slide area.



UTILITIES MAP

All utilities are available at the site, i.e. sewer, water, storm, power, gas, cable tv.

DESCRIPTION OF THE LAND USE PROPOSAL

SUMMARY:

Pre-Application

On March 29, 2021, a Pre-Application Conference was held with City Staff, the Applicant, and the Architect/Planner, to discuss the comprehensive plan change/zone change request for 1055 Schurman Drive S. All needed utilities are available. There are existing trees at the perimeter on all four sides that would provide screening. The setbacks are 20 ft. north, East and west, and there is 30 ft. special setback at Schurman plus a 20 ft. front yard. Generally, the site is adjacent to multifamily on two sides so adds another needed increment to existing RM2 zoning.

Neighborhood Meetings

On May 4, 2021, prior to filing an application, the applicant and representative met with the SWAN neighborhood and presented the proposal. See the meeting notes in the file.

On June 8, 2021, following filing an application, the applicant and representative met once again with the SWAN neighborhood and discussed the proposal in detail. See the meeting notes in the file.

Proposal:

The subject property is 1.8 acres in size and are located on the northside of Schurman.

The applicant is requesting to rezone the property from RS (Single-Family Residential) to RM-2 (Multifamily) and to change the comprehensive plan designation from 'Single Family Residential' to 'Multi-Family Residential' for properties identified as Tax Lot 4600.

The applicant is requesting to rezone the property from RS (Residential Single Family) to RM-2 (Residential Multiple 2) and change the comprehensive plan designation from 'Single Family Residential' to 'Multi-family Residential'.

EXISTING SITE CONDITIONS

The property has street frontage onto Schurman Drive S. There is one single family dwelling on the property. The existing driveway access is at the SE corner.

Applicable Detail Plans:

A Site Plan has been prepared showing the proposed use and layout of the housing, its parking, and its landscaped open space.

Salem Transportation System Plan (STSP): The STSP uses a Street Classification System to determine the functional classification of each street within the city's street system. The subject street is designated as a Collector Street.

TRAFFIC REPORT

A Traffic Report has been prepared by the traffic engineering firm Greenleaf Engineering and is attached with this document.

COMPREHENSIVE PLAN CHANGE CRITERIA

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.020(f)(2) minor plan change criteria:

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has outlined below how the proposed meets the criteria under 64.025(e)(2):

64.025(e)(2)(A)(ii): Equally or Better Suited Designation

There is a shortage of appropriately designated vacant multifamily or mixed-use sites within this vicinity. There is RM-2 zoned property located on two sides and off River Road S. These sites are however already fully developed. This site gives the applicant the ability to provide additional multi-family housing within this area, and help Salem meet their housing needs.

As shown on the City land zone map there is no other available or potential RM2 property near the subject property, notwithstanding any land that is vacant. This site however, located next to RM2 developments, and on a collector, is an appropriate location, with Salem's deficiency in multi-family housing, and the projected growth of population over the next few decades.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation, the subject property can be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

In conclusion, there are no other vacant sites for the proposed use located along Schurman. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A multi-family use on the site is better suited for the site because of the location next to other multi-family uses, and by helping to provide additional housing in the City of Salem. Therefore, the proposal satisfies this criterion has been met.

64.025(e)(2)(B): Services

The City provided information for the pre-application conference that water and sewer lines are available for extension into the site. Natural gas, telephone and electrical services are located within the public right-of- ways.

Private utilities will be provided with under-grounding of electrical, gas, telephone and cable lines into the site. The needed services are available for the development of the site.

64.025(e)(2)(C): Urbanization

The City's adopted Comprehensive Plan Goal and Policies implements Urbanization through its Statewide Planning Goals. The subject property is within the City of Salem and located within the UGB.

The subject property is within a developed area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing under the requirements of the Code.

64.025(e)(2)(D): Comprehensive Plan/Applicable Goals

The following Statewide Planning Goals apply to this proposal:
The request is in conformance with Statewide Planning Goals and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report. The applicant has presented evidence enough to prove compliance with these standards.

Goal 1 – Citizen Involvement:

The City’s adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City’s Plan is acknowledged to be in-compliance with this Goal. Notice of the proposal will be provided to property owners and public-agencies and will be posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. In addition, the applicant has kept in close touch with the Sunnyslope Neighborhood Association and has provided copies of documents during the months preceding the formal land use review process. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City’s adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided, that support and justify the proposed comprehensive plan/zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

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

The City’s adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City maps there are no

mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

Landslide hazards do not exist on the site, except in the front yard setback, and no building footprints are proposed to be located there. Therefore, a geological assessment is not required.

At this time, it has not been officially noted that there are any significant historic buildings on the subject property. If identified, the applicant will work with the City to determine the appropriate permits and process for a historic building, but this seems unlikely.

There are several mature trees on the property, and the applicant intends to preserve them. In addition, there is a row of trees along the property perimeter on all four sides. The applicant intends to also preserve these trees as a screen. The applicant will strive to preserve all these trees as much as possible.

The applicant has taken the opportunity to consider existing conditions and influences that enables the applicant to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City, and the project Architect, have identified the process through which water, sewer and storm drainage will be supplied to the site. Storm water runoff will be collected, treated, and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary street, the traffic generated from the site will be minor compared to the total volume of traffic in this area and will not create a significant additional air quality impact.

The proposed change will have no significant impact on the quality of the land. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 7 – Areas Subject to Natural Hazards:

Note: much of the 50 ft. front yard setback is designated a landslide area on city maps, where it is labelled "open space", so the proposed building footprints are all therefore carefully located north

and clear of the mapped slide area. The area subject to natural hazards will therefore remain undeveloped, as an “open space” area, landscaped but with no structures.

The applicant’s proposal recognizes the existence of an area of natural hazards and therefore leaves that area undisturbed as landscaped open space.

Goal 10 – Housing: The proposal complies with Statewide Planning Goal 10 (Housing), where property at Schurman is rezoned RM-2 to provide needed multi-family housing in this area. This subject property is approx. 1.8 acres in size. The applicant is proposing to rezone the subject property from RS to RM-2, to allow multi-family housing, and to change the comprehensive plan designation from “Single-Family Residential” to “Multi-Family” with predominately multi-family development. According to the 2014 Housing Needs Analysis, “Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ... Salem has a deficit of about 207 gross acres of land in the Multi-Family Residential.” This rezone of 1.5 acres helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

As stated in the Salem’s Housing Needs Analysis dated December 2014:

“Re-designate or rezone land to Multi-Family. Salem’s biggest opportunity to address the deficit of Multi-Family land will be through re-designating land from SF (or possibly DR) to MF. There may be opportunities to up-zone existing residential land to increase capacity, such as from RM1 to RM2. “

The applicant’s proposal helps the City re-designate land while helping meet the housing needs. The existing neighborhood consists of single-family housing to the east and south and multi-family housing to the north and west. In order to maintain the character of the surrounding single-family neighborhood, the site will be designed in compliance with required Multi-Family Design Standards and developed and engineered through the Site Plan Review/Design Review process.

The City’s adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

Goal 11 - Public Facilities and Services:

The City’s adopted Comprehensive Plan Growth Management, Residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City’s capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks or walkways will be provided throughout the site to connect to the public sidewalk system. The location along a transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested, and have been already identified as being adequate and in place at the time of the Pre-Application Conference and the report from the Public Works Department on available utilities. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous developments but will be improved at the street frontages of this property. The subject properties will continue to have direct access to Schurman at this location.

64.025(e)(2)(E): Public Interest

The public is benefitted by creating a well-located parcel of multi-family land; it will increase the City and State tax base; will be an attractive and efficient development; will identify and mitigate any hazard areas in a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, landscaping, access, internal circulation, public facilities, topography, and drainage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and multi-family needs, and by providing a compatible use, the proposed change benefits the public.

Comprehensive Plan Amendment.

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all the applicable criteria. The applicable criteria are shown below in **bold** print. Following each criterion is a finding (*italicized*) relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

(i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

2. (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
3. (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

(aa) Whether there was a mistake in the application of a land use designation to the property;

(bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;

(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and

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

Finding: The applicant's findings demonstrate that the proposed Multiple Family Residential designation is equally or better suited for the subject property than the current Single-Family designations.

Single Family to Multiple Family Residential Finding (1.8 acres):

Finding: There is a lack of vacant RM-II designated sites in the nearby vicinity, and the proposed change in designation from "Single Family Residential" to "Multiple Family Residential" will allow for additional housing on a Collector Street on a vacant or unused parcel or 1.8 acre site.

Finding: The proposed designation will increase the City's supply of needed multiple family residential land and will therefor contribute to the City's future housing needs. The proposed "Multiple Family Residential" designation is equally or better suited than the existing "Single Family Residential" designation.

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

Finding: All public facilities, sewer, water, storm utilities are existing at the property.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), in an area that is surrounded by existing residential neighborhoods and services. Public facilities required to serve the subject property have been determined to be existing and adequate through a Pre-App Conference analysis by Public Works. The proposed comprehensive plan map amendment will allow the logical and efficient use of vacant land and contribute to the housing needs of the community.

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

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

Salem Urban Area Goals and Policies, General Development (Pages 23-26, Salem Comprehensive Policies Plan):

To ensure that future decisions concerning the use of land within the Salem urban area are consistent with State Land Use Goals.

Optimal Use of the Land B.7

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

Finding: The RM-II (Multi-Family Residential) zoning designation will allow housing types in a manner that will accommodate the density requirements of the Salem Area Comprehensive Plan.

Development Compatibility B.12

Land use regulations, which govern the siting of any development, shall encourage development to reduce its impact on adjacent properties by screening, landscaping, setback, height, and mass regulations.

Finding: Future development within the proposed development is required to, and will, comply with the height and setback limitations of Chapter 210. The development standards help ensure that development is adequately buffered from surrounding uses. All buildings and structures are, and will

be, limited to a maximum height of 35 feet, which is the same as the existing and surrounding zone and land use designation.

Salem Urban Area Goals and Policies, Residential Goal (Page 30-33, Salem Comprehensive Policies Plan):

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

Infill Development E.3

City codes and ordinances shall encourage the development of passed-over or underutilized land to promote the efficient use of residential land and encourage the stability of neighborhoods.

Finding: The property was formerly a dwelling, which is proposed to be replaced by 42 dwellings. The proposal will allow for infill development of vacant or under-utilized land, and housing opportunities for all incomes, consistent with this goal.

The applicable Statewide Planning Goals are addressed as follows:

Statewide Planning 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.

Finding: Notice of the proposal will be provided, by the City, to the SWAN Neighborhood Association and to surrounding property owners within the notice area and posted on the property. The Applicant contacted the SWAN Chair in April, prior to any application, and requested to be on the Agenda for the regular May meeting and made a presentation on May 4, followed by a discussion and Q&A. The Applicant also offered to attend the June SWAN N.A. meeting, when the Agenda could include a follow up discussion. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process, and the City requirements for either attendance at a Neighborhood meeting, or an Open House. All these requirements for notification and meetings have been satisfied. The applicant has attended the May meeting of SWAN and presented the proposal and answered all questions.

Statewide Planning 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.

Finding: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission have acknowledged the Salem Area Comprehensive Plan is in compliance with the Statewide Planning Goals.

Statewide Planning Goal 3 – Agriculture Lands; Goal 4 – Forest Lands

Finding: The subject property is not identified as agricultural land or forest land these Statewide Planning Goals are not applicable to this application.

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

To protect natural resources and conserve scenic and historic areas and open spaces.

Finding: There are no designated Open Spaces, Scenic or Historic Areas or Natural Resources on the property.

Statewide Planning Goal 6– Air, Water, and Land Resources Quality: *To maintain and improve the quality of the air, water and land resources of the state.*

Finding: *Land located within the Urban Growth Boundary is considered urbanizable, i.e. developable to urban densities, and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. There are no significant natural resources located on the subject property. Future development of the property is subject to tree preservation, stormwater and wastewater requirements of the City which are intended to minimize the impact of development on natural resources. The proposal is consistent with Goal 6.*

Statewide Planning Goal 7 – Areas Subject to Natural Hazards: *To protect people and property from natural hazards.*

Finding: *The subject property is not located within a floodplain or floodway. The subject property does not contain areas of mapped landslide hazards. The applicant is not required to provide a geological assessment of the subject property. The proposal is therefore consistent with Goal 7.*

Statewide Planning Goal 8 – Recreational Needs: *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

Finding: *The subject property is not within an identified open space, natural or recreation area, and no destination resort is planned for this property, therefore, Goal 8 is not applicable to this proposal.*

Statewide Planning 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.*

Finding: *The proposal includes a change in designation from “Single Family Residential” to “Multi-family Residential” for a property approximately 1.8 acres in size. The proposed change in designation to “Multiple Family Residential” will not have any impact on the supply on the available commercial and industrial land to meet the city’s employment and economic development needs and is suitable for residential uses. The proposal is consistent with Goal 9.*

Statewide Planning Goal 10 – Housing: To provide for the housing needs of citizens of the state.

Finding: *In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. Therefore, this proposal for 1.5 acres of additional multi-family zoned land will contribute to reducing the identified deficit.*

Finding: *The proposed comprehensive plan map amendment would convert 1.52 acres from “Single Family Residential” to “Multiple Family Residential” designation. The proposed residential designation would allow for higher density residential development of the subject property, consistent with the Neighborhood Plan. The proposal is therefore in compliance with Goal 10.*

Statewide Planning 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.

Finding: *The request allows for the efficient use and development of property with no need for extension of the existing public services.*

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

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

The applicant for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a “significant effect” on the surrounding transportation system, as defined above.

Finding: The applicant has submitted a Traffic Impact Analysis (TIA) which addresses the TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012- 0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060.

Statewide Planning Goal 13 – Energy Conservation: To conserve energy.

Finding: The applicant indicates that the proposed redevelopment plan will repurpose vacant or unused land and that the resulting uses will be built to comply with current energy efficient standards resulting in a more energy efficient use of the property, consistent with Goal 13.

Statewide Planning Goal 14 – Urbanization: To provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development of the property already exist at the property of adjacent streets. The proposed comprehensive plan map amendment will allow the efficient use of vacant land within the UGB and contribute to the housing needs of the community in compliance with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources

Finding: The subject property is not located within the Willamette River Greenway or in an estuary or coastal area, these Statewide Planning Goals are not applicable to this application.

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

Finding: The proposed comprehensive plan map amendment will benefit the community by allowing underutilized or vacant land, at the intersection of two collector streets, surrounded by existing residential neighborhoods and community services, to be developed in a way that will help the City meet future housing needs. The proposal satisfies this criterion.

Salem Area Comprehensive Plan (SACP)

Residential Development Policies

E.1 – Establishing Residential Uses.

The location and density of residential uses shall be determined after consideration of the following factors:

1. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary. *In 2014, the City conducted a Housing Needs Analysis*

(HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. Findings: Therefore, this proposal for 1.5 acres of additional and needed multi-family zoned land will contribute to reducing the identified deficit.

2. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics. Findings: The subject property is very suitable for the proposed use. The ground is fairly flat, and easy to build on, there is no significant elevation difference east to west and north to south. There are no identified wetlands or flood plans on the property. There are no geologic hazards or adverse soil characteristics. The site has been reviewed by the City and these results were reported at the Pre-Application Conference report.
3. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities. Findings: The capacity of all public facilities, utilities, and services have all been checked out. These were documented in the report of the Pre-Application Conference.
4. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site. Findings: The site has proximity to services. Liberty Street is located east, and includes a grocery store, the elementary school, and a variety of retail shops and professional offices.
5. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood. Findings: The proposal is for residential buildings that are governed by the same height restrictions as surrounding residential structures. Generous setbacks between multi-family and single family are planned, and the same residential character and architectural style is proposed.
6. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans. Findings: There are no urban renewal plans, infill studies or other plans in this area.
7. The density goal of General Development Policy 7. See Page 24 for Findings.

E.6 – Multiple Family Housing. Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

1. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family development zones;

Findings: The multifamily housing is proposed to be located at the intersection of two collector streets, to allow for efficient use of residential land and also of public facilities.

2. Development regulations shall promote a range of densities that encourage a variety of housing types;

Findings: The Salem Unified Development Code promotes a range of densities, and various zones exist such as RD, RH, RM-1, RM-2. The one that seemed to fit this site is the RM-2 zone. However the applicant does not propose to utilize the highest density allowed.

c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:

(1) Employment centers;

Findings: A variety of employment centers are located east, on Liberty Road S.

(2) Shopping areas;

Findings: Shopping areas, including a grocery store and restaurants, are located east, and south on Liberty Road S.

(3) Transit service;

Findings: Cherriots operates the local bus service, and they are always re-evaluating the best bus routes to serve residents and commuters, especially at multi-family developments. At this time the bus stop is on River Road, west of the subject property.

(4) Parks;

Findings: the neighborhood is well served by parks like Fairmont Park and Minto Island Park

(5) Public buildings.

Findings: The public buildings in this neighborhood are mostly the public schools, such as Candalaria Elementary School and Salem Heights Elementary School.

E.10 – Requests for Re-zonings. Requests for re-zonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

a. The site is so designated on the comprehensive plan map;

Finding: the site is not mapped or designated on the CP map yet.

b. Adequate public services are planned to serve the site;

Findings: The capacity of all public facilities, utilities, and services have all been checked out. These were documented in the report of the Pre-Application Conference.

c. The site's physical characteristics support higher density development;

Findings: The subject property is very suitable for the proposed use. The ground is fairly flat with a gentle slope west, and easy to build on, there is no significant elevation difference east to west and north to south. There are no identified wetlands or flood plains on the property. There are no geologic hazards or adverse soil characteristics.

c. Residential Development Policy 7

Circulation System and Through Traffic

7. Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:

a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;

b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;

c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.

Findings:

The subject property is located on a collector streets, i.e. Schurman.

Both This streets have not yet been widened to the ultimate width or standard established in the Salem Area Transportation Plan. However, as each property, like this example, is improved, the additional right of way is indeed dedicated, and the developer will install a half-street improvement, add increased paving width, construct curbs and sidewalks, storm drainage, landscaped strips, and plant many street trees. This provides enhanced local access for pedestrians, bicycles, and vehicles. As other properties develop along these collector streets, eventually the overall provision of sidewalks and bike lanes can be provided. Otherwise a large bond measure for street improvements would be required, which is beyond the scope of this one small proposed development.

ZONE CHANGE CRITERIA SRC CHAPTER 265

The intent and purpose of a zone change is described in SRC 265. In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the rezoning of the property is consistent with the character of the neighborhood. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

This zone change is requested in order to allow a higher density use on the site. The proposed RM-2 zone will implement the requested "Multi-Family Residential" SACP map designation and provide a mix of needed land uses, including multifamily residential plus neighborhood shops.

ZONE CHANGE CRITERIA SRC 265.005(e)(1)(A)(ii)-(iii) and (C)-(G):

(1) A quasi-judicial zone change shall be granted if all 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; (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or

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

Applicant Response to (A)(iii): The proposed zone change fits an appropriate development pattern of the vicinity. The surrounding properties to the south, east and west, are zoned and developed as single-family residential. To the north there is an existing cemetery. The proposed zone change will allow the site to be developed with high density housing which will be carefully designed to be compatible with the existing uses.

There is no RM zoned property located along Kurth or Browning, except east off Liberty Road S. These sites off Liberty are all developed. This site gives the applicant the ability to provide multi-family housing and needed housing within this area and help Salem meet their housing needs.

As shown on the City land zone map there is no RM-2 property contiguous to, or near to, the existing site that exists or is vacant.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. With a multi-family designation, the subject property can be developed as multi-family dwellings; the rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The subject property will not only be a site that will contribute to the multi-family housing needs, but it is also a site that can help improve the transportation circulation in the area. The subject property when developed has the potential to provide street connections to the properties to the north for existing and future development.

In conclusion, there are no vacant sites for the proposed use located along Wallace Road. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. A multi-family use on the site is better suited for the site because of the location and by helping to provide additional housing in the City of Salem. Therefore, the proposal satisfies this criterion has been met.

(B) City-initiated zone change.

Applicant Response to (B): The proposed zone change is not City-initiated. Therefore, this criterion is not applicable.

(C) The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Applicant Response to (C): The applicant is requesting a change to the Comprehensive Plan Designation from "Single-Family Residential" to "Multi-Family Residential". The proposal complies with the "Residential" Goals and provisions of the SACP by creating an area that promotes multi-family uses.

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

The following analysis addresses the proposed zone change for the subject property from RS (Single Family Residential) to RM-II (Multiple Family Residential).

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding (*in italics*) relative to the amendment requested.

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

- 1. (i) A mistake in the application of a land use designation to the property**
- 2. (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.**
- 3. (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Finding: The applicant's findings address (iii) above, demonstrating that the proposed RM-II (Multi-Family Residential) designation is equally or better suited for the subject property than the respective RS (Single-Family Residential) designations in this location.

RS (Single Family Residential) to RM-II (Multi-Family Residential) Finding (1.52 acres):

Finding: The proposed residential designation is compatible with the surrounding residential area and the policies of the Neighborhood Plan. The proposed change in designation will allow for cohesive development of the property. In addition, the proposed designation will increase the City's supply of residential land and contribute to the City's future housing needs. The proposed RM-II (Multifamily Residential) is equally or better suited than the existing RS (Single Family Residential) designation.

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

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

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this collective application.

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this order, address applicable Statewide Planning Goals and Oregon Administrative Rules for this collective application. The proposal satisfies this criterion.

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

Finding: The applicant has submitted a Traffic Impact Analysis (TIA) which addresses the TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012- 0060

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

Finding: The property will be served with existing City infrastructure needed to support the proposed use.

Residential Development Goal

The SACP states that one of the intents of the Residential Development goals is, “To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing.”

Finding: The zone change will allow the property to be developed at a higher density, therefore, meeting or exceeding the dwelling average.

Residential Development Policies

Establishing Residential Uses: The applicant’s proposal is to rezone the 1.8 acres property from RS to RM-2 to allow a higher density to be built on the site. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land.

Finding: The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary, and therefore establishing a mixture of residential uses within the area.

Facilities and Services Location: The City’s adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located south of Browning Ave. S. The major streets are in place due to previous development.

The City’s adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. There are existing structures located on the site that already have services. The City’s capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use. The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located within the Urban Service Area.

Finding: The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested. At this time there appear to be no changes required.

Infill Development: There is one existing structure located on the subject property, i.e. one dwelling. In order to provide a needed housing type in Salem, the applicant is requesting a zone change. All the properties along Schurman, south of the subject property are developed as single family development. The comprehensive plan encourages a mixture of housing types within a neighborhood that have access to commercial services.

Finding: This comprehensive plan change/zone change will promote infill development with the development of a property, that is already served by City Services and all transportation, to be developed with a higher density of housing which is needed in this area.

Multi-Family Housing: The development will also be in an area which is near existing and proposed services.

Finding: The existing neighborhood consists of multi-family housing west and north, and single-family housing east and south. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards. The applicant will be required to go through the Design Review/Site Plan Review process prior to development.

Circulation System and Through Traffic: The subject property is located on the north side of Schurman Avenue S. The subject property currently has direct access onto Schurman Avenue.

Finding: When developed, the site will continue to have direct access onto Schurman Avenue. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development.

Finding: In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing in Salem while meeting the required Design Standards.

Requests for Rezoning: The subject property is designated for residential development. All public facilities and services are available to the site.

Finding: The proposed development will meet State-wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design standards. The applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 514 and 702. As required by code, the applicant will submit a Design Review and Site Plan Review application.

Finding: The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide 36 needed and additional multi-family units within the area. The development of the site will encourage housing types and higher densities within an infill lot.

Salem-Keizer Housing Needs Analysis:

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land.

Finding: The rezone helps maximize the density while helping to meet housing needs. Therefore, this criterion has been met.

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

Applicant Response to (D): All Planning Goals have been addressed above.

See findings under **64.025(e)(2)(D)**.

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

Applicant Response to (E): The applicant is proposing to change the zone from RS to RM-2. The subject property is currently zoned residential. Therefore, this criterion is not applicable.

(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.

Applicant Response to (F): The current zoning of the property is RS. The applicant is proposing to change the zone to RM-2, so the site can be developed at a higher density. The proposal warrants a traffic analysis. The site will generate some traffic to impact Schurman that has some additional capacity. Therefore, the proposed zone change will not affect the existing transportation facilities, substantially, as determined by the traffic analysis. The analysis is included in the set of submitted documents with this application. This criterion has been met.

(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.

Applicant Response to (G): The Subject Property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed in the RM-2 zone. Therefore, this criterion has been met.

CONCLUSION

The Applicant believes that the requested Comprehensive Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and it satisfies all applicable criteria. As demonstrated herein, the "Multi-Family" land use designation and corresponding RM-2 (Multi-Family 2) zoning designation are therefore appropriate for the subject property.

The Applicant believes that the materials submitted do address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. There are other future approval processes needed for the development of the property at the time preceding actual development. For these reasons, the Applicant believes that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

Steve McAtee
City of Salem

The applicant attended the May meeting of SWAN, and was invited back to the June meeting also. The Applicant's Representative subsequently requested the Chair of SWAN for a few minutes time on the Agenda of the June 8 SWAN Neighborhood Meeting.

The Applicant and Landowner Charles Weathers, plus Geoffrey James, Architect, both attended the second meeting and were listed on the printed and published agenda. The meeting was open air in the gazebo Nelson Park at 6.30 p.m.

Chair Jeannine Stice asked the board that this item be moved first on the agenda, and so both Mr. Weathers and Geoffrey James spent a few minutes recapping the proposal and talking about the proposed RM2 zone change. An application was filed in June. The proposed development was summarized and was well received.

The setback from Schurman Drive will be 50 ft. by City code.

A 30 ft. public works special setback plus a 20 ft. front yard setback.

The existing trees, at the perimeter on all four sides, will be preserved.

The layout shows the proposed apartments to be located some 150 ft. to 200 ft. away from the nearest single-family homes to the east of the site.

Access remains unchanged as a driveway curb cut at the SE corner of the site.

Parking spaces exceed the code at 1.5 spaces per unit, whereas the code only requires 1 space for a 1 BR unit.

42 apartment units are shown (54 would be permitted in the proposed RM2 zone).

18 will be 1 bedroom, and 24 will be 2 bedrooms.

There are existing trees on all 4 sides of the lot, which will be preserved, and will provide screening and a natural buffer from the neighbors, and from street traffic.

Traffic was a question posed, and a copy of the traffic study was provided to the Traffic Chair, who was surprised that it stated minor traffic impact.


Generally, the neighbors attending were very receptive, friendly, and seemed open to the proposal, with all its mitigating features, and its location being next to existing apartments.

Notes taken by the Owner's Representative
June 8, 2021



MEMO

TO: Steven McAtee, Planner II
Community Development Department

FROM: Glenn J. Davis, PE, CFM, Chief Development Engineer 
Public Works Department

DATE: July 21, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC21-03 (21-109795)
1055 SCHURMAN DRIVE S
COMPREHENSIVE MAP AMENDMENT AND ZONE CHANGE**

PROPOSAL

Proposed Comprehensive Map Amendment Minor to change a 1.87-acre property from SF (Single Family Residential) to MF (Multiple Family Residential), and a Quasi-Judicial Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential), for the future development of a multi-family complex. The property is located at 1055 Schurman Drive S (Marion County Assessors Map and Tax Lot No: 073W33DB 04600).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

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

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Streets

1. Schurman Drive S
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 32-foot improvement within a 47-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. An 18-inch storm main is located in 1055 Schurman Drive S.

Water

1. Existing Conditions
 - a. The subject property is located in the S-1 water service level.
 - b. A 12-inch water main is located in 1055 Schurman Drive S. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is located within a 20-foot-wide easement on the eastern portion of the property.

Natural Resources

1. Wetlands—According to the Salem-Keizer Local Wetland Inventory (LWI), the subject property does not contain any wetland areas or hydric soils.
2. Floodplain—Public Works staff has reviewed the Flood Insurance Study and Flood Insurance Rate Maps and has determined that no floodplain or floodway areas exist on the subject property.
3. Landslide Hazards—City records show there may be category 2-point landslide hazard areas mapped on the subject property.

CRITERIA AND FINDINGS

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

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the TPR analysis findings of no significant affect.

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

Finding: The water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve future development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

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cc: File