

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-ZC21-04; FOR PROPERTY LOCATED AT 2900 BLOCK OF
KUEBLER BLVD SE (AMANDA APPLICATION NO. 21-115803-ZO; 21-
115805-ZO)**

REQUEST

The applicant proposes to change the Comprehensive Plan Map designation and zoning from “Single Family Residential” with RA (Residential Agriculture) zoning to “Commercial” with CR (Retail Commercial) zoning. The subject property is approximately 24.66 acres in size, zoned RA (Residential Agriculture) and located at the southwest corner of the intersection of Kuebler Boulevard and I-5 (Marion County Assessor Map and Tax Lot Number: 083W12C / 2201).

APPLICANT: Doug Sproul, Boone Road Commercial LLC

OWNER: Kuebler Cascade View LLC (Thomas Wettlaufer, Gordon Satrum, Dirk Stangier)

REPRESENTATIVE: Mark Shipman, Saalfeld Griggs Lawyers

RECOMMENDATION

DENY Comprehensive Plan Map Change & Zone Change, Case No. 21.04.

APPLICATION PROCESSING

Subject Application

On August 25, 2021, Mark Shipman of Saalfeld Griggs PC, on behalf of Boone Road Commercial LLC, filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation of the subject property from Developing Residential to Commercial and to change the zoning from RA (Residential Agriculture) to CR (Retail Commercial). The application was deemed complete for processing on September 23, 2021. The public hearing on the application is scheduled for November 2, 2021.

120-Day Requirement

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

BACKGROUND INFORMATION

Proposal

The applicant is requesting to change the zoning of the subject property from RA (Residential Agriculture) to CR (Retail Commercial). The zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the comprehensive plan designation from "Developing Residential" to "Commercial," a designation which is implemented by the CR zone.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Developing Residential" to "Commercial."
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RA (Residential Agriculture) to CR (Retail Commercial).

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria can be found linked here within the [submitted land use application](#).

Existing Site Conditions

The subject site consists of four adjoining rectangular lots totaling 24.66 acres in size (Marion County Assessor's Map and Tax Lot Number 083W12C / 2201). The subject property is primarily undeveloped. The subject property slopes downward from a high point of approximately 380 feet above mean sea level (AMSL) along the south property line to approximately 298 feet AMSL at the east property line and approximately 312 AMSL at the north property line.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Developing Residential."

The Comprehensive Plan designations of surrounding properties include:

- North: (Across Kuebler Boulevard SE) "Commercial"
- South: (Across Boone Road SE) "Developing Residential" and "Multiple Family"
- East: Right-of-way for Interstate 5
- West: (Across 27th Avenue SE) "Commercial"

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is abutted by designated collector street to the west (27th Avenue SE). Kuebler Boulevard SE, a designated parkway, runs along the north property boundary. Right-of-way for the Interstate 5 freeway and interchange ramps form part of the eastern boundary of the site.

Neighborhood Plan: The subject property is within the boundary of the Southgate Neighborhood Association (SGNA), which does not have an adopted neighborhood plan.

Zoning

The subject property is zoned RA (Residential Agriculture). Surrounding properties are zoned as follows:

North: (Across Kuebler Boulevard SE) CR (Retail Commercial)

South: (Across 27th Avenue SE) RA (Residential Agriculture) and RM-II (Multiple Family Residential)

East: Right-of-way for Interstate 5

West: (Across 27th Avenue SE) CR (Retail Commercial)

Relationship to the Urban Service Area

The subject property is located outside of the City's Urban Service Area. Pursuant to the Urban Growth Management requirements contained under SRC Chapter 200, an Urban Growth Preliminary Declaration is required. An Urban Growth Preliminary Declaration application was previously approved (UGA09-08) and is now expired.

Land Use History

Comprehensive Plan Change/ Zoning Change (CPC/ZC 93-15); A joint Annexation, Comprehensive Map Change and Zone Change. (Not approved by voters, Expired)

Annexation Case (ANXC-688); Annexation of subject property effective April 4, 2011.

Urban Growth Preliminary Declaration (UGA09-08); A UGA Development permit for approximately 40 acres (subject property and property south of Boone Road) to determine public facilities required for the properties.

Public and Private Agency Review

Salem Public Works Department – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (Attachment C).

Salem Fire Department – The Salem Fire Department submitted comments indicating that they have no concerns with the request.

Salem Building and Safety Division – The Building and Safety Division has reviewed the proposal and indicated no concerns.

Oregon Department of Land Conservation and Development (DLCD) – No comments received.

Cherriots – Cherriots commented that two stops should be provided to facilitate the expansion of the existing public transportation routes. The applicant and Cherriots discussed providing stops on the proposed north-south street shown on (Attachment E) south of the round-about.

Neighborhood Association and Public Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association. The property is adjacent to the Morningside Neighborhood Association (across Kuebler Boulevard SE) and Southeast Mill Creek Association (SEMCA) (across Interstate – 5).

Required 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 the property is located within. On June 10, 2021, the applicant's representative attended the Northgate Neighborhood Association meeting, held virtually, to present their proposal. A summary of the comments provided at the neighborhood association meeting (Attachment B).

Neighborhood Association Comment

The City provided a notice of filing and request for comments to the South Gateway Neighborhood Association, Morningside Neighborhood Association and Southeast Mill Creek Association (SEMCA) pursuant to SRC 300.620(b)(2)(B)(v), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property.

Comments were received from the South Gateway Neighborhood Association indicating opposition to the proposal. South Gateway indicated Mixed Use (MU-I or MU-II) would be better suited for the subject property. South Gateway and four surrounding property owners indicate that traffic is a concern due to the new Costco building being constructed and that the addition of a drive-thru to the area could be detrimental to the traffic system. (Attachment D)

Staff Response: The application is recommended to be denied due to an inadequate Transportation Planning Rule analysis and inadequate proposed traffic mitigation. The

applicant has not requested MU-I or MU-II, which have not been evaluated as part of this application.

Public Comment

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. Posted notice signs for the public hearing were placed visible from each street frontage of the subject property and remained in place through the day of the public hearing as required by SRC 300.620(b)(3).

As of the date of completion of this staff report no public comments have been received.

Homeowners Association

The subject property is not located within a Homeowners Association.

Oregon Department of Land Conservation and Development (DLCD) Notice

State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on September 24, 2021.

Site Plan

A site plan is not required as part of a Comprehensive Plan Map Amendment/Zone Change application. The applicant submitted a conceptual plan indicating commercial retail, lodging, mixed use, office and residential uses on the property. Transportation Planning Rule analysis submittal includes preliminary site plans with a shopping center contained in several areas and uses on the subject property. Although the site plan illustrates how the site could be developed under the proposed Comprehensive Plan Map designation and zoning, the applicant has not requested development approval as part of the subject application.

Applicant Submittal Information:

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

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

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria

are shown below in **bold** print. Following each criterion is a finding relative to the amendment requested.

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

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

Applicant Statement: Since the annexation of the subject property, the properties in the surrounding area have undergone significant economic change. The property west of the subject property was re-zoned to CR (Retail Commercial) and CO (Commercial Office). The property north of the subject property was rezoned to CR in March of 2016 and the property south of the subject property has been rezoned to multiple family residential and developed as an assisted living facility. In addition, East of Interstate 5 properties have developed to accommodate various commercial uses including Oregon State Police Headquarters, Parks and Recreation Facility, Amazon Distribution and other facilities that make Kuebler an important commercial corridor. The change in the area has been acknowledged by the City's 'Our Salem' proposed map, which designates the property as 'Commercial'

The Commercial plan designation is equally or better suited for the subject property than the Developing Residential designation. The primary goal of the Commercial designation is to maintain and promote of the City's as a commercial center for Marion-Polk Counties. The location of the subject property, as well as the surrounding uses, makes it well-suited for

Commercial designation. The location adjacent to I-5, and possibly being developed into a retail center would promote Salem as a regional commercial center as well as provide the area with a broader range of employment uses. The commercial development is likely to provide the opportunity for commercial offices, including medical offices, which provide higher than average wage jobs. Salem Economic Opportunities Analysis p. 28; as well as retail services and sales jobs.

Staff Response: The proposal is justified based on (ii); Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate and (iii); the proposed designation is equally or better suited for the property than the existing designation. The applicant does not assert that a mistake has been made in the application of the Developing Residential designation to the subject property. Staff concurs with the applicant's characterization of the Developing Residential designation as appropriate for holding areas for future development not currently served by urban levels of infrastructure. The Urban Growth Preliminary Declaration issued for the subject property (UGA09-08) specified the infrastructure improvements needed to develop the subject property as a 26.44-acre shopping center. The Urban Growth Preliminary Declaration has expired and the applicant would need to re-apply to determine current infrastructure improvements needed to develop the property. The subject property provides a site for higher intensity retail development that would maximize investment in public services in the vicinity, especially the existing arterial street network and future master-planned utilities.

In 2015, the City completed an Economic Opportunities Analysis (EOA) for areas within the Salem Urban Growth Boundary for the years 2015 to 2035. The study indicated a shortage of approximately 100 gross acres of retail commercial land within the Salem UGB. Conversely, the accompanying Housing Needs Analysis (HNA) indicated a large surplus of available land for single family detached housing, primarily consisting of lands within the "Single Family Residential" and "Developing Residential" designations.

Several factors make the subject property especially well-suited for the Commercial designation. The subject property has direct access to a collector (27th Avenue SE), local road (Boone Road SE), frontage on a designated parkway (Kuebler Boulevard SE), and close proximity to a major freeway interchange at Kuebler Boulevard and I-5. The site is located across 27th Avenue from a 32-acre site in which a Plan Map and zone change from Developing Residential with RA zoning to a Commercial designation with CR zoning was approved in 2006 (CPC-ZC06-06) and across Kuebler Boulevard from a 31.96 acre site in which also had a Plan Map and zone change from Developing Residential with RA zoning to a Commercial designation with CR zoning in 2016.

The higher classification streets in the vicinity provide sufficient access for commercial uses, particularly those with a regional customer base. Further, the majority of surplus developable acreage identified in the HNA is not benefitted by the confluence of freeway, parkway, and arterial network access that help make the subject property especially well-suited to commercial development. Considering these factors the subject property is equally or better suited for the proposed designation than its current designation.

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;

Applicant Statement: The subject property is located outside of the City's Urban Service Area (USA). However, the subject property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed Commercial designation.

Natural gas, sanitary services, water, and power lines are located within Boone Road SE. Sanitary, power, and natural gas service lines are also available along 27th Street SE. Storm drain infrastructure is available in Kuebler Blvd.

There is an existing 24" public sanitary line located in 27th Avenue SE with manholes approximately mid-way along the front and at the intersection of Kuebler Blvd. that are deep enough to service this property. There is also an eight (8") inch PVC sewer main located within Boone Road SE east of the Boone Road SE and 27th Avenue SE intersection; however due to topographic constraints it will not be able to service the Subject Property.

There is an existing 24" and 30" S2 water line in Boone Road SE. The Subject Property is within two water service levels: S-1 and S-2. There are no facilities available to serve the S-1 water service level at this time. However, a twenty-four (24") inch S-2 ductile iron water main is located in Boone Road SE and a thirty (30") inch S-2 ductile iron water main is located in Boone Road SE. Applicant could connect to the line with a temporary connection agreement with City of Salem, as no S-1 service is available.

There is an overhead power, cable, and telecom line along the north side of Boone Road SE and along the east side of 27th Avenue there is an existing gas main in Boone Road SE along the north side of the road and along 27th Avenue on the east side of the road.

The majority of the Subject Property currently drains to the center of the property where it and then flows north to the existing drainage ditch that flows east to an existing 36" storm drain that crosses north under Kuebler Blvd. The eastern fifth of the project flows east to the I-5 ditches and culverts.

Staff Response: The applicant will be required to apply for an Urban Growth Preliminary Declaration permit prior to development. The permit will identify those public facilities that must be constructed in order to fully serve a shopping center on the subject property consistent with the City's adopted Master Plans and Area Facilities Plans. As indicated in the comments from the Public Works Department (Attachment C), streets, water, sewer, and storm water facilities are available to serve the subject property. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The proposal meets this criterion.

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

Applicant Statement: As addressed above, the development pattern in the vicinity, particularly this segment of the Kuebler corridor, has transitioned over the past several years, shifting from rural residential uses to uses that are primarily commercial in nature. The proposed plan map designation is consistent with the current development pattern and will provide for the logical urbanization of land. The plan change to the Commercial designation will support the City's proposed change of status of the Subject Property through the Our Salem planning process.

Staff Response: The immediate vicinity of the subject property is in flux with commercial development to the west (Costco), multi-family and single family developments to the south, commercially zoned property to the north along with a 177-lot single family development and possible Multi-Family development to the northwest of the property. The subject property sits near the center of a large area of future commercial and residential (multiple family) development. A Commercial Plan Map designation would be consistent with the surrounding area of Commercial designations, and the mixture of land uses that have developed according to that designation. The City is proposing to change the Comprehensive Plan map designation of the Subject Property to Commercial through the *Our Salem* planning process, however, the City's proposal is for CO (Commercial Office) zoning, due in part to transportation system impacts associated with changing the zoning to CR (Commercial Retail). The *Our Salem* proposal is expected to go through a public hearing process in spring of 2022 and is not final until adoption by City Council.

Staff finds that the proposal meets this criterion.

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

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

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

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

Staff Response: The public facilities and service needs for the subject property would be provided at the time of development of the site. All public services and utilities are available in the vicinity of the subject property including water, sewer, storm drainage, streets, sidewalks, fire and police protection, electricity, telecommunications, and solid waste disposal. The proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with these policies. Master-planned facilities necessary to support development of a shopping center on the subject property will be evaluated through a Urban Growth Preliminary Declaration.

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

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

Staff Response: The proposed commercial designation of the subject property would allow development of a mixed use development or shopping center serving the southeastern portion of the Marion-Polk County metropolitan area. Existing commercial concentrations elsewhere in the region, such as downtown Salem, the Commercial Street SE corridor, and Lancaster Drive are a considerable distance from existing and future development in the southeastern portion of the metropolitan area. Transportation access to the subject property would promote use of a site within the Salem urban area as the commercial center for underserved areas inside and outside of the City limits.

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

Staff Response: The subject property is well-served by the street network in the vicinity, which includes collectors, Kuebler Boulevard, and the adjacent I-5 freeway interchange. As surrounding properties develop, the existing network of higher-classification streets will allow regional traffic to access the site without filtering through neighborhood residential streets.

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

Staff Response: The proposed Commercial designation of the site would facilitate clustered retail development at one quadrant of the I-5/Kuebler Boulevard interchange, allowing a wide variety of goods and services to be provided in a location where existing transportation facilities provide access from several different neighborhoods.

Finding: The applicable Statewide Planning Goals are addressed as follows:

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

Staff Response: On June 10, 2021, the applicant's representative attended the Southeast Salem Neighborhood Association Meeting, held virtually, to present their proposal. A public hearing notice was mailed to the affected property owners, all property owners within 250 feet

of the subject property, to the South Gateway Neighborhood Association and to the adjacent Southeast Mill Creek Association and Morningside Neighborhood Association. The applicant posted the subject property prior to the public hearing. This satisfies Citizen Involvement 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 have 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: There are possible scenic, historic, or cultural resources on the subject property. Prior to development, the property owner would need to consult with the City Historic Preservation Program Manager. According to the Salem Keizer Local Wetland Inventory (LWI) there are wetlands mapped on the subject property. The applicant has provided a wetland delineation as part of their application. The City's wetland ordinance, SRC Chapter, requires notice and permitting through the Department of State Lands (DSL).

The application will be reviewed for compliance with the City's tree preservation ordinance and any applicable wetland standards at the time of development. Staff finds that the proposal is consistent with Goal 5.

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.*

Applicant Statement: The City's Comprehensive Plan contains commercial and economic development policies pertaining to the identification and protection of employment lands. This proposal to amend the comprehensive plan map from Developing Residential to Commercial will increase the City's employment lands, as the change will allow for the development of commercial uses on the Subject Property. The proposal will provide a site for a community level retail center. This consolidated land use proposal increases economic opportunities for City residents. As such, this proposal is consistent with Goal 9's requirement to provide a variety of economic opportunities for City residents, including commercial opportunities. (OAR 660-009-0000).

Staff Response: The proposed comprehensive plan and zoning map amendment will convert approximately 24.66 acres of vacant residentially-zoned land to a commercial designation. Consistent with the City's obligations to provide economic opportunities under Goal 9, per OAR 660-009-0015, an Economic Opportunity Analysis (EOA) was conducted by ECONorthwest and adopted by City Council in October 2014. Consistent with economic

development protections of Goal 9 and the objectives of understanding the opportunities for the next 20 years, the report compared the supply of suitable buildable commercial land (298 acres) to the projected demand (569 acres) and concluded that there is a deficiency of 271 acres of commercial land to meet the 20-year growth demand. The EOA further concluded that roughly 40 percent of the commercial land deficiency, or approximately 100 acres, are needed for retail services, as detailed by the “Land Sufficiency” section in the EOA (pages 27-28).

As a residentially-designated property, the site’s economic development potential is currently limited as compared to regional shopping facilities, community and neighborhood shopping and service facilities, and other uses envisioned by the “Commercial” SACP designation and supported by the accessibility and visibility of the site. The proposed change of designation to “Commercial” will increase the number of permitted uses at the site and better takes into account the location of the subject property, thereby open up additional opportunities for economic development, consistent with the intent of the goal. The proposal meets the requirements of Goal 9.

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

Staff Response: Oregon Statewide Planning Goal 10 requires the City to allocate adequate amounts and types of land to accommodate the needed housing units for all incomes. 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. 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.

On February 8, 2016, the City adopted Resolution 2016-05, which includes a work plan to address the known deficit of Multi Family Residential lands. The City is expected to fully address the multi-family land deficit in 2022 with the adoption of proposed map changes in the *Our Salem* project.

The proposal will remove approximately 24.66 acres from the existing inventory of land that is designated for single family housing. The City underwent a Housing Needs Analysis (HNA) to project the City’s housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECONorthwest, found that the City of Salem has a surplus of approximately 1,975 acres of land designated for single-family detached housing. Of the total residential and mixed-use comprehensive plan designations, eighty three percent of this area is land within the Developing Residential and Single Family Residential designations. Through these recent HNA and EOA studies, adequate recent analysis has been conducted to confirm that the applicant’s proposal to convert 24.66 acres of residential agriculture land to retail commercial will improve the balance of residential and commercial land within the City. The existing

surplus of land designated for single family detached housing, as identified in the Housing Needs Analysis and cited in the applicant's written statement, includes more than enough remaining acreage to accommodate demand for single family residential development after deducting the roughly 24.66 acres that would be removed from the Developing Residential designation under the applicant's proposal. The HNA also indicates a shortage of available land for multifamily housing for the 2015 to 2035 time period. Multiple family housing is not permitted in the existing RA zone, and is listed as a conditional (rather than permitted) use in the CR (Retail Commercial) zone requested by the applicant.

Based on the current available supply of land for residential development shown in the Housing Needs Analysis, the proposal would not have an impact on the ability of the City to provide for its projected housing needs, even if no new housing units were added in future development of the site. Therefore, the proposal to change the designation of the subject property to Commercial would not have an impact on the ability of the City to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

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.*

Applicant Statement: The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an USA boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan. The Subject Property is located outside the boundary of the USA. However, public services are readily available, as fully described in above. Therefore, all public facilities and services are readily available to serve the Subject Property.

Staff Response: The subject property is capable of being served through extension of public facilities as specified in existing infrastructure master plans. Future development will require an Urban Growth Preliminary Declaration to address linking and boundary facilities required to serve subject property under the standards and requirements of SRC Chapter 200. The applicant submitted a transportation study that is required to address the Transportation Planning Rule (OAR 660-012-0060). The applicant's transportation study identifies seven separate transportation improvements to mitigate the estimated 12,000 new daily trips to the transportation system. One of the mitigation improvements, which is not supported by the Oregon Department of Transportation, cannot be completed without support of Oregon Department of Transportation, who has jurisdiction over the southbound on ramp to I-5.

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 submitted a transportation study that is required to address the Transportation Planning Rule (OAR 660-012-0060). The analysis demonstrates that the proposed changes to the Comprehensive Plan Map designation and zoning will have a significant impact on the transportation system as defined by OAR 660-012-0060 and, as such, must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval. The analysis must also meet the requirements of City of Salem, Administrative Rules Chapter 109, Division 6, Street PWDS.

Pursuant to PWDS Section 6.33(f)(3), “Traffic counts that are older than two years; taken during holiday weeks; or taken during construction shall not be used.” The traffic counts used in the study are all greater than two years old and, therefore, shall not be used. Additionally, the immediate area near the proposed development site is currently under construction with the development of the PacTrust (Costco) site. Updated traffic counts may not be collected at this time due to construction currently taking place in the area. There are full road closures and new turn lanes that are under construction and not fully operational; traffic volumes and turning movements would not be representative of actual traffic volumes. New traffic counts may be taken after the roads that are currently closed are opened and fully operational.

SRC 803.015(c), PWDS 6.33(i), and OAR 660-012-0060 all require mitigation to restore the operations to a level of service not exceeding pre-development conditions for each applicable horizon year from the proposed development. The analysis does not adequately mitigate the traffic impacts expected by the development pursuant to SRC 803.015(c) and PWDS 6.33(i).

The applicant’s transportation study identifies seven separate transportation improvements to mitigate the estimated 12,000 new daily trips to the transportation system. One of the seven improvements is a proposal to construct triple right-turn lanes at the southbound Interstate 5 ramp terminal at Kuebler Boulevard SE. This intersection is under the jurisdiction of Oregon Department of Transportation. In a letter dated June 1, 2021, the ODOT Region 2 Traffic Section indicated the mitigation proposed was “the most reasonable mitigation at the intersection.” Notwithstanding that statement, the Traffic Section went on to say it, “does not currently support this mitigation and does not recommend the installation of a third southbound right-turn lane at the Kuebler Boulevard at 1-5 SB Ramps intersection.” This proposal is in direct conflict with OAR 660-012-0060(3)(c-d) and, therefore, this proposed mitigation is not effective.

Another of the seven improvements proposed to mitigate the traffic impacts from the proposed CPC/ZC for this site is a \$1.75 million proportional payment for improvements that are required to mitigate the traffic impacts directly caused by this Comprehensive Plan

Change and Zone Change. The full mitigation identified in the study is estimated to cost \$5.25 million, leaving \$3.5 million unfunded to complete the full improvements. If the full mitigation is not addressed, the City will be required to accept a much higher level of congestion until the additional improvements are completed.

Until additional funding is available to complete the improvements, the following intersections will fail to meet mobility standards of both the Oregon Department of Transportation and the City of Salem and, therefore, fails to meet the criteria of the Transportation Planning Rule (ORS 660-012-0060). The following intersections will operate well over capacity and could cause significant congestion in the area:

- a. Kuebler Boulevard SE @ Battle Creek Road SE (v/c 1.19)
- b. Kuebler Boulevard SE @ 27th Avenue SE (v/c 1.58)
- c. Kuebler Boulevard SE @ Southbound Interstate 5 ramp (v/c 0.93)
- d. Kuebler Boulevard SE @ 36th Avenue SE (v/c 1.23)

The City of Salem mobility standard is (v/c 0.90) and the Oregon Department of Transportation mobility standard is (v/c 0.85).

Without full payment for or construction of the proposed mitigation, Staff cannot support the proposed comprehensive plan amendment and zone change.

The analysis submitted by the applicant is deemed not acceptable because it does not meet the requirements identified in the PWDS and it does not adequately address the mitigation needed to avoid further degradation of the transportation facilities in the vicinity of the proposed zone change. Therefore, Staff recommends denial of the proposed changes to the existing Comprehensive Plan Map designation and zoning.

Since the applicant has not adequately addressed the traffic impacts from the proposal, Staff is recommending denial of the application.

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 was annexed into the City of Salem in 2011 and is located within the Urban Growth Boundary (UGB). The proposal does not include extension of services to properties outside of the UGB. The proposed Comprehensive Plan and Zone Change is consistent with an orderly and efficient transition from rural to urban use for incorporated land adjacent to major transportation facilities. The proposal complies with Goal 14.

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

Staff Response: The proposed Comprehensive Plan Map amendment from Developing Residential to Commercial is in the public interest and would be of general benefit because it

would facilitate the provision of goods and services to a developing part of the City with relatively few commercial areas. An analysis of city-wide demand for buildable commercial land over the next 20 years was completed in the October 2014 EOA and determined that an additional 271 acres of commercial land is needed to meet demand the commercial land needs of the City over this period. Of this deficiency, roughly 100 acres are needed to accommodate retail commercial services. The conversion of the site to a Commercial plan designation and a Retail Commercial zoning designation will reduce this current deficit of commercial retail land.

The City has recently completed a Housing Needs Analysis (HNA) that evaluated the City's housing needs over the course of 20 years from 2015 to 2035. The report, conducted by ECONorthwest, found that the City has a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. 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.

The applicant's proposal to convert 24.66 acres of residential agriculture land to retail commercial will reduce this residential land surplus and improve the balance of residential and commercial land within the City. The Plan Map amendment would help address a deficit of approximately 100 acres of retail commercial services identified in the Economic Opportunities Analysis.

The proposed change in land use designation is consistent with the location and character of the property, with Comprehensive Plan policies for siting commercial facilities, and with the transportation facilities available to serve the property.

However, as discussed in the findings for Goal 12, the transportation impacts cannot be adequately mitigated by the applicant. Approving a Comprehensive Plan map change that does adequately address its transportation system impacts is not in the in the public interest and would not benefit the public generally.

Therefore, the proposal does not satisfy this criterion.

2. 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 RA (Residential Agriculture) to CR (Retail Commercial).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various

factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

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

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

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

Applicant Statement: Since the annexation of the Subject Property, the properties in the surrounding area have undergone significant economic change.

Pacific Realty Associates LP (PacTrust) Property: The PacTrust property located directly to the west of the Subject Property was re-zoned from a split-zoned Commercial office/Residential Agriculture zoning to a split-zoned Commercial Office/Commercial Retail. The Commercial Office portion of that property has been developed and there is a proposed move of the Mission Street Costco to the Commercial Retail portion of the property. This change and the proposed development make the Subject Property particularly unsuitable for residential development.

Clark Property: The property directly north of the Subject Property was rezoned in March of 2016 from Residential Agriculture to Commercial Retail to allow for future commercial development of the site.

Boone Road Land SL LLC: The property directly south of the Subject Property has been rezoned to Multiple Family Residential with plans for development of an assisted living facility similar to the Bonaventure complex to the east of the Subject Property. As with the Bonaventure complex, an adjacent commercial complex would benefit the residents of the future assisted living development by providing nearby access to commercial retail.

East of Interstate 5: East of the Subject Property on Kuebler Blvd. there has been substantial development of various uses including the new State Police Headquarters, the Parks and Recreation Facility, the Bonaventure facility and corresponding expansion of commercial office and residential services to serve that community, as well as the Amazon Distribution center and other industrial operations that will impact the character of the vicinity and decreases the suitability of the Subject Property for single family residential development.

In addition, the CR zoning designation is better suited for the Subject Property than the RA zoning designation. There has been and continues to be ongoing residential development of the southeast part of the City, and the amount of nearby commercial services has not kept pace with this growth. The increase in population, employment, and the number of households in the area creates a local market for goods and services. This proposed zone change will create a commercial center to serve the population of the southeast part of the City. This will provide an opportunity for neighborhoods to have shopping and other retail services that the area currently lacks. The proposed zone change will create a commercial retail facility to serve the surrounding community and will reduce vehicle miles traveled to reach commercial services. The overall project will increase the inventory of commercial land available to retail businesses. It will provide an opportunity to expand and diversify the range of commercial and retail services available to the neighborhoods in the vicinity. The change will have a beneficial impact on the surrounding area.

Staff Response: The request satisfies (ii) and (iii); the proposed zone change is within an area of economic change which makes the proposed zone more compatible with the vicinity development pattern and is equally or better suited for the property than the existing zone. As noted in the applicant's written statement, several properties in the area have been zoned for commercial use or multi-family. The vicinity development pattern has surrounded the subject property leaving an island of residential zoned property. The City has recognized this location as being an appropriate site for commercial development through its adoption of a CR designation for an approximately 32-acre site located at the southwest corner of the 27th Avenue SE / Kuebler Boulevard intersection and an approximately 34-acre site on the northeast corner of 27th Avenue SE / Kuebler Boulevard intersection. The transportation facilities serving the site are consistent with the physical characteristics necessary to support uses allowed in the CR (Commercial Retail) zone.

It must be noted that a zone change is not an approval of a specific development proposal, but instead is approval of a permanent change in a property's zoning district. The proposed Plan Map amendment would change of the land use designation of the subject properties to "Commercial," which can be implemented by multiple zoning districts contained in the Unified Development Code. In evaluating the proposed zone change, the suitability of the specific zone (Commercial Retail) proposed by the applicant must be considered. For this reason, an additional measure of the suitability of this request is consideration of the nature of the potential future uses allowed by the CR zone when compared to the uses allowed under the existing RA zone, and the character of the existing land uses in the neighborhood. As stated previously, the subject property is located within an area largely characterized by holding uses consistent with the "Development Residential" designation.

The City is proposing to change the Comprehensive Plan map designation of the Subject Property to Commercial through the *Our Salem* planning process, however, the City's proposal is for CO (Commercial Office) zoning, due in part to transportation system impacts associated with changing the zoning to CR (Commercial Retail). The *Our Salem* proposal is expected to go through a public hearing process in spring of 2022 and is not final until adoption by City Council.

As discussed below, the applicant's transportation study that is required to address the Transportation Planning Rule (OAR 660-012-0060), has not met the burden of proof to mitigate the effects of the proposed change.

(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.

Staff Response: 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.

Staff Response: 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 consolidated comprehensive plan change and zone change request. 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.

Staff Response: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change request. 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.

Staff Response: The proposed zone change is from RA (Residential Agriculture) to CR (Retail Commercial). No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. The existing designation is not a commercial or employment designation. Therefore, this criterion does not apply.

(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.

Staff Response: The applicant submitted a transportation study that is required to address the Transportation Planning Rule (OAR 660-012-0060). The analysis demonstrates that the proposed changes to the Comprehensive Plan Map designation and zoning will have a significant impact on the transportation system as defined by OAR 660-012-0060 and, as such, must mitigate the impacts of the amendment to avoid further degradation to the

performance of the facility as specified in the conditions of approval. The analysis must also meet the requirements of City of Salem, Administrative Rules Chapter 109, Division 6, Street PWDS.

Pursuant to PWDS Section 6.33(f)(3), "Traffic counts that are older than two years; taken during holiday weeks; or taken during construction shall not be used." The traffic counts used in the study are all greater than two years old and, therefore, shall not be used. Additionally, the immediate area near the proposed development site is currently under construction with the development of the PacTrust (Costco) site. Updated traffic counts may not be collected at this time due to construction currently taking place in the area. There are full road closures and new turn lanes that are under construction and not fully operational; traffic volumes and turning movements would not be representative of actual traffic volumes. New traffic counts may be taken after the roads that are currently closed are opened and fully operational.

SRC 803.015(c), PWDS 6.33(i), and OAR 660-012-0060 all require mitigation to restore the operations to a level of service not exceeding pre-development conditions for each applicable horizon year from the proposed development. The analysis does not adequately mitigate the traffic impacts expected by the development pursuant to SRC 803.015(c) and PWDS 6.33(i).

The applicant's transportation study identifies seven separate transportation improvements to mitigate the estimated 12,000 new daily trips to the transportation system. One of the seven improvements is a proposal to construct triple right-turn lanes at the southbound Interstate 5 ramp terminal at Kuebler Boulevard SE. This intersection is under the jurisdiction of Oregon Department of Transportation. In a letter dated June 1, 2021, the ODOT Region 2 Traffic Section indicated the mitigation proposed was "the most reasonable mitigation at the intersection." Notwithstanding that statement, the Traffic Section went on to say it, "does not currently support this mitigation and does not recommend the installation of a third southbound right-turn lane at the Kuebler Boulevard at 1-5 SB Ramps intersection." This proposal is in direct conflict with OAR 660-012-0060(3)(c-d) and, therefore, this proposed mitigation is not effective.

Another of the seven improvements proposed to mitigate the traffic impacts from the proposed CPC/ZC for this site is a \$1.75 million proportional payment for improvements that are required to mitigate the traffic impacts directly caused by this Comprehensive Plan Change and Zone Change. The full mitigation identified in the study is estimated to cost \$5.25 million, leaving \$3.5 million unfunded to complete the full improvements. If the full mitigation is not addressed, the City will be required to accept a much higher level of congestion until the additional improvements are completed.

Until additional funding is available to complete the improvements, the following intersections will fail to meet mobility standards of both the Oregon Department of Transportation and the City of Salem and, therefore, fails to meet the criteria of the Transportation Planning Rule (ORS 660-012-0060). The following intersections will operate well over capacity and could cause significant congestion in the area:

- a. Kuebler Boulevard SE @ Battle Creek Road SE (v/c 1.19)
- b. Kuebler Boulevard SE @ 27th Avenue SE (v/c 1.58)
- c. Kuebler Boulevard SE @ Southbound Interstate 5 ramp (v/c 0.93)
- d. Kuebler Boulevard SE @ 36th Avenue SE (v/c 1.23)

The City of Salem mobility standard is (v/c 0.90) and the Oregon Department of Transportation mobility standard is (v/c 0.85).

Without full payment for or construction of the proposed mitigation, Staff cannot support the proposed comprehensive plan amendment and zone change.

The analysis submitted by the applicant is deemed not acceptable because it does not meet the requirements identified in the PWDS and it does not adequately address the mitigation needed to avoid further degradation of the transportation facilities in the vicinity of the proposed zone change. Therefore, Staff recommends denial of the proposed changes to the existing Comprehensive Plan Map designation and zoning.

Since the applicant has not adequately addressed the traffic impacts from the proposal, Staff is recommending denial of the application.

(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.

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

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

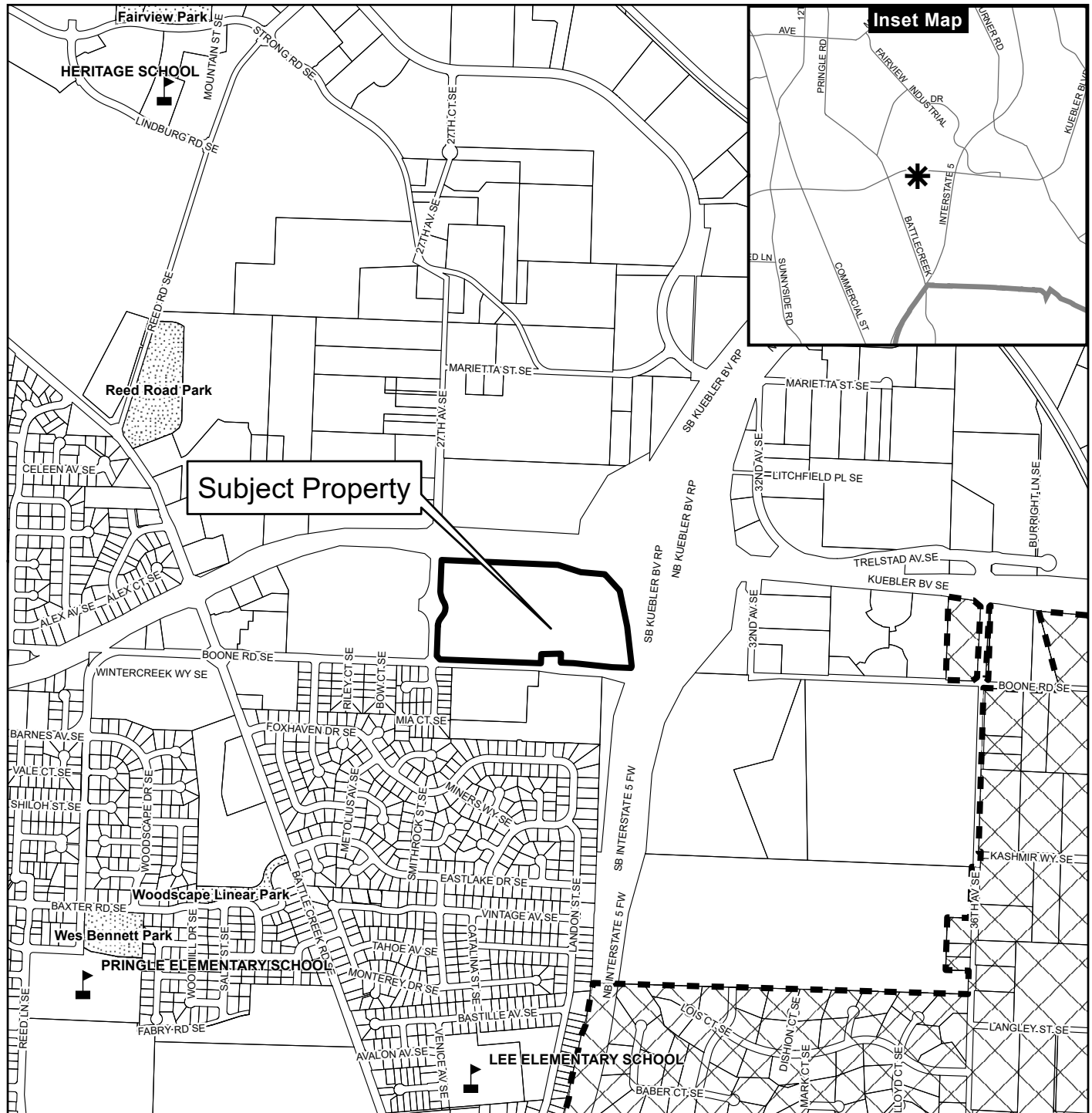
Staff Response: Staff concurs with the applicant's statement and finds that the level of information provided in applicant's statement addressing the factors listed under SRC Chapter 265.005(e) corresponds to the anticipated impact of the zone change proposal.

Attachments: A. Vicinity Map
B. Neighborhood Association Meeting Summary
C. Public Works Department Comments
D. South Gateway Neighborhood Association comments
E. Cherriots Comments and Design

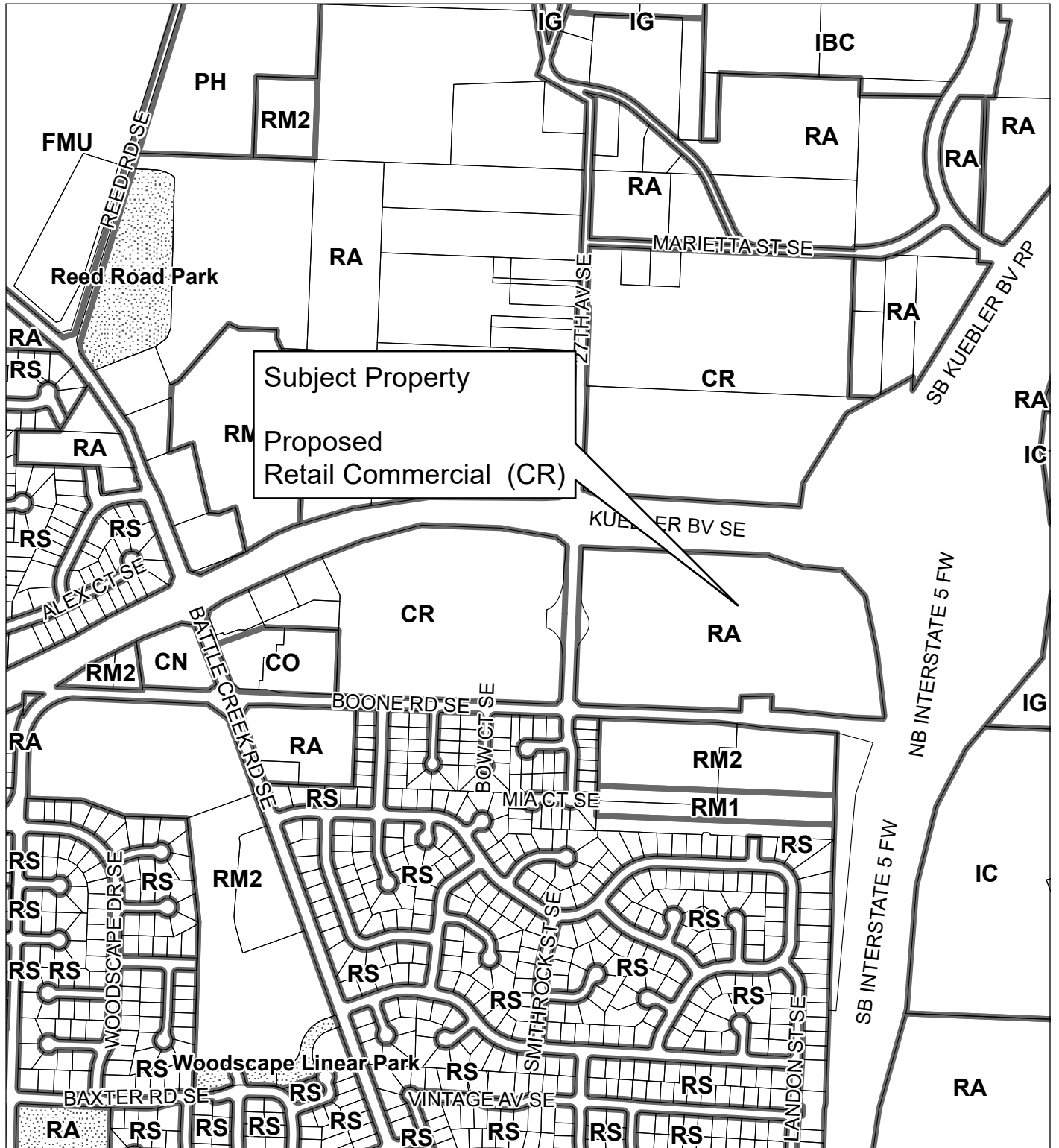
Prepared by Olivia Dias, Current Planning Manager

Vicinity Map

2900 Block Kuebler BLVD SE



PROPOSED ZONING MAP CHANGE



Legend

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

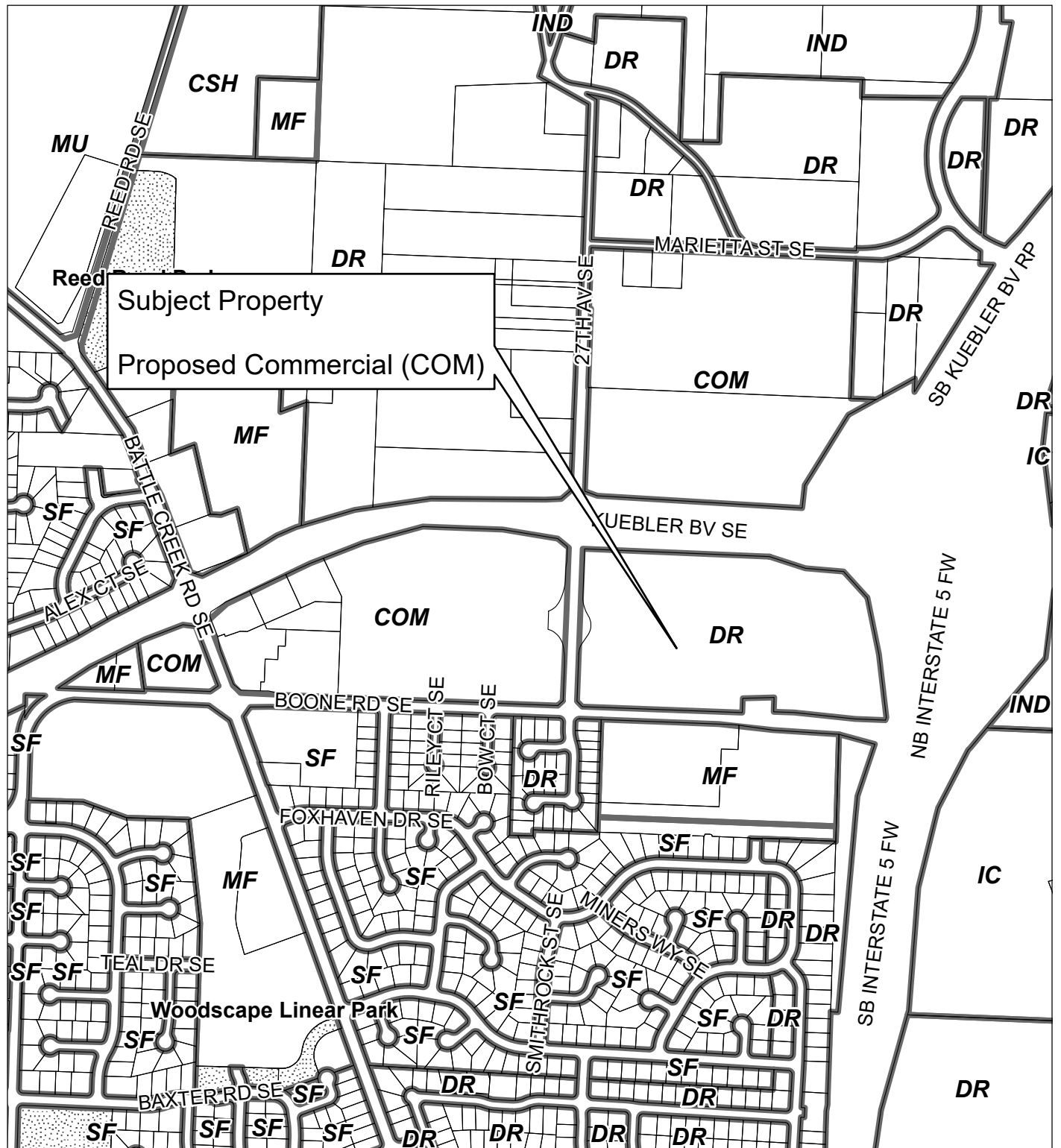
This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

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

PROPOSED COMPREHENSIVE PLAN CHANGE



Legend

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

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0 50/00 200 Feet



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

JUNE 10, 2021
SOUTH GATEWAY NEIGHBORHOOD ASSOCIATION MEETING
IN LIEU OF OPEN HOUSE SRC 300.320
ATTENDANCE LIST & NOTES

Kuebler Village

Notes by: Andy Harmon, Steele Associates Architects.

Attendees:

Julie Yip (Not actual name)– Board Member
Kathleen Lempka – Board Member
Sylvia Machado – Board Member
Michael Hughes – Vice Chair and Co-Land Use Chair
Suzi Nerli
Jerry Sachtjen - Treasurer
Dave Mckenna - Secretary
Jeremy Schoenfelder – Mosaic Management
Andy Harmon – Steele Associates Architects
Tony Martin – COS Traffic
Jakie Leung – Salem City Councilor
Charey Cooke
Deb Romano – City of Salem Code Enforcement
Austin Ross – COS Long Range Planning (present to discuss “Our Salem”)
Carol Dare
Jake Krishman – Board Member
Glenn Baly – Board Member?
Debbie Aguilar – Salem Police Department
Eunice Kim

Notes:

Jeremy Schoenfelder – Introductions, stated name, phone number and email address. Stated property location.

Andy Harmon – Brief over of the project and site and possible uses. Shared (screen-share) bubble diagram submitted for the pre-application.

JS – Traffic study and potential impacts, worst case scenario. ODOT has provide a letter acknowledging the soundness of the study and proposed mitigation efforts.

JS – Schedule, submitting by the end of June and hearing likely in late August or September.

JS – Some interest from local vendors, coffee shop etc.

Sylvia Machado – Can you share the traffic study.

JS – Yes, we will email to Glenn and he can distribute

Glenn – Yes

Q – Medical Office

JS – Described what a medical office building is

Q – How about a pharmacy

JS – Yes, we are open to that and are looking at that

Q – What about pocket parks

JS – Yes, we will look for opportunities for parks once the uses start to fill in and civil engineering is refined. We feel that parks are beneficial to the users and helps promote a true community feel, common areas as well.

Statement – We would like a dog park.

JS – That would be nice for the residential component.

Jerry – Can you reiterate the zone change.

JS – currently RA, change to CR.

Michael – Why not MU?

AH – CR aligns with Salem Vision Plan and allows the most flexibility.

Michael – I like what you are saying and then Costco site is CR and so were a little gun-shy.

JS – Understood, look at what we have done across the road, and we wish to protect our investment.

Glenn – Would you be open to certain conditions? CR could lead to a big box store or a gas station.

JS – I do not think we can do that legally through the development approval process. This is a long-term development, and we cannot prophesize that far into the future.

Glenn – PacTrust told us the same thing and look what we have.

JS – We just cannot box ourselves in right now to protect our investors.

Jerry – Sounds like you are moving forward whether we approve your project or not.

JS – Its not that were not concerned, we need to move forward because development take time. We are here to listen.

Glenn – We appreciate and like your design but with what happened with Costco and with the property to the north being zoned commercial and we are worried that we are going to get another Costco. We are concerned about traffic. If we support this, we want some type of insurance that we are not going to get another big box store with heavy traffic.

JS – Please send me your thoughts and comments.

Glenn – We will do that.

Jerry – We need to see that traffic study.

JS – yes, we will send that to you, and we had that traffic study was completed with the worst possible case scenario would be so that we understand the impacts of that and so we can stay below that. We

did the inverse of what Costco does, they provide conservative numbers to make the impact look small. We looked at it from a worst-case scenario to understand the impacts.

Q/S – Costco has fuel pumps and that will have a big impact on traffic.

JS – Yes, the fuel stations can get busy. Costco designs their stations to fill cars from either side of the car.

Jerry – Costco has 30-32 pumps going in, that will put an awful strain on 27th.

No additional comments

JS – Closing comments: We will send out the traffic study and will stay in touch, please email with any questions. Thank you!

**SIGN POSTING AFFIDAVIT
FOR NHA MEETING IN LIEU OF OPEN HOUSE**

NAME OF APPLICANT/REPRESENTATIVE Boone Road Commercial LLC

ADDRESS OF SUBJECT PROPERTY 0 Kuebler Blvd SE

CASE NO. Permit Nos. 21 115803 00 ZO & 21 115805 00 ZO

CASE PLANNER TBD

Post No Sooner Than (14 days prior to hearing) N/A

Post No Later Than (10 days prior to hearing) N/A

Return This Form to Room 305 By: (within 5 days after posting) N/A

Notice shall be posted on each street frontage of the subject property, in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public. The notice shall remain in place throughout the day of the public hearing. The applicant shall file an affidavit of posting with the City no later than five days after the date of original posting. The affidavit shall be made a part of the file. The applicant shall remove the signs from the subject property and return them to the Planning Administrator within seven days after the close of the public hearing.

**IF THE SUBJECT PROPERTY IS NOT PROPERLY POSTED 10 DAYS PRIOR TO THE HEARING,
THE HEARING WILL NOT BE HELD.**

AFFIDAVIT OF POSTING NOTICE

I, Kelly Harder, being first duly sworn; say that I am over 21 years of age and that I posted the notice(s) as follows: (Describe location of notice(s)).

SE corner of Kuebler & 27th; NE corner of 27th & Boone;
SE corner of 27th & Boone

That I posted said notice in the manner at the place above stated on the 2nd day of June, 2021, and in a conspicuous place.

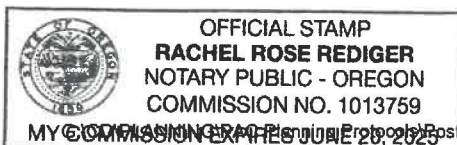
That I have personal knowledge of all facts set forth and all statements herein are just and true.


Applicant's Signature

-----NOTARY PUBLIC-----

STATE OF OREGON)
) ss.
County of MARION)

This instrument was acknowledged before me on this 30 day of June, 2021, by Rachel Rediger



Rachel Rediger
Notary Public for Oregon
My Commission Expires: June, 20 2025

PUBLIC NOTICE

NOTICE OF VIRTUAL NEIGHBORHOOD ASSOCIATION MEETING

SUMMARY - Proposed 24.64 acre mixed used site development,
including commercial, residential, and medical office space.

APPLICANT - Mosaic Development Services, LLC, 503-391-9999,
jeremys@mosaicdevelopmentservices.com

ADDRESS - Tax lot 2201, encompassed by Kuebler Blvd, 27th St,
Boone Rd SE, and Interstate 5

Neighborhood Association Meeting on June 10, 2021

Meeting starts at 6:45 SE PM,
Public Virtual Zoom Meeting
Meeting ID: 841 4606 0949
Passcode : 955071

PUBLIC NOTICE

NOTICE OF VIRTUAL NEIGHBORHOOD ASSOCIATION MEETING

SUMMARY: Proposed 34.44 acre mixed use site development, including commercial, residential, and medical office space.

APPLICANT: Mosaic Development Services, LLC, 310-391-9999, jeremy@mosaicdevelopment.com

ADDRESS: Tax lot 2281, encompassed by Koshler Blvd, 27th St, Boone Rd SE, and Interstate 5

Neighborhood Association Meeting on June 10, 2021

Meeting starts at 6:45 SE PM,

Public Virtual Zoom Meeting

Meeting ID: 841 4606 0949

Passcode : 955071

PUBLIC NOTICE

NOTICE OF VIRTUAL NEIGHBORHOOD ASSOCIATION MEETING

SUMMARY - Proposed 24.64 acre mixed used site development, including commercial, residential, and medical office space.

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Neighborhood Association Meeting on June 10, 2021

Meeting starts at 6:45 SE PM,
Public Virtual Zoom Meeting
Meeting ID: 841 4606 0949
Passcode : 955071

From: [Jeremy Schoenfelder](#)
To: [Hannah F. Stevenson](#)
Cc: [Mark D. Shipman](#)
Subject: FW: Notice of NHA Meeting in Lieu of Open House
Date: Wednesday, June 2, 2021 2:45:35 PM
Attachments: [image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)
[image005.png](#)
[Kuebler Village Conceptual Site Plan.pdf](#)
[South Gateway meeting request Kuebler Village.pdf](#)

Jeremy Schoenfelder
Director of Development
Mosaic Development Services, LLC
1900 Hines St. SE, Ste. 150
Salem, OR 97302
Office 503-391-9999 x4020 | Fax 503-587-8547
Mobile 602-576-2747
www.mosaicdevelopmentservices.com



From: Jeremy Schoenfelder
Sent: Wednesday, June 2, 2021 2:45 PM
To: Glenn Baly <glennbaly12345@gmail.com>; robosushi@robosushi.com;
arasmussen@modernbuildingsystems.com; sidrakdragon@live.com; geoffreyjames@comcast.net;
LMAnderson@cityofsalem.net
Cc: odias@cityofsalem.net
Subject: Notice of NHA Meeting in Lieu of Open House

Good Afternoon,

Attached is a letter from Mosaic Development regarding plans for improvements/development on the Boone Road Commercial, LLC property, and information about an upcoming neighborhood association meeting. A representative from Mosaic Development will make a brief presentation about the project at the June 10th virtual South Gateway Neighborhood Association in lieu of holding an open house. The letter includes information about the Mosaic Development project and how to attend the virtual meeting.

Please don't hesitate to let me know if you have any questions.

Thank you,

Jeremy Schoenfelder

Director of Development

Mosaic Development Services, LLC

1900 Hines St. SE, Ste. 150

Salem, OR 97302

Office 503-391-9999 x4020 | Fax 503-587-8547

Mobile 602-576-2747

www.mosaicdevelopmentservices.com





June 2, 2021

RECIPIENTS VIA ELECTRONIC MAIL:

glennbaly12345@gmail.com, robosushi@robosushi.com, arasmussen@modernbuildingsystems.com, sidrakdragon@live.com, geoffreyjames@comcast.net and LMAnderson@cityofsalem.net

Dear Glen, Cory, Alan, Pamela, Geoffrey and Lisa:

Mosaic Development Services, LLC, (Mosaic) is in the process of developing the Boone Road Commercial property (SE corner of Kuebler & 27th) into a mixed-use project. Mosaic will be submitting a consolidated comprehensive plan change and zone change application to the City of Salem for this proposed project. The consolidated application requires Mosaic to hold an open house, or present at a neighborhood association meeting in lieu of an open house. Considering the current limitations in place to prevent the spread of the coronavirus, Mosaic is choosing to present at a virtual South Gateway Neighborhood Association meeting in lieu of holding an open house.

The City of Salem Revised Code requires this written notice be sent to you about the neighborhood association meeting opportunity.

The South Gateway Neighborhood Association will hold a virtual meeting on zoom.us on June 10, 2021 at 6:45pm. Please contact SGNA's Chair Glen Baly at glennbaly12345@gmail.com to receive a link to join the meeting.

Please see the following information about the work proposed for the subject property located at the southeast corner of 27th Avenue Southeast and Kuebler Boulevard:

The property owner (Boone Road Commercial, LLC) and the applicant (Mosaic) are proposing to rezone the Subject Property from Residential Agriculture ("**RA**") to Commercial Retail ("**CR**") and to change the comprehensive plan designation from Developing Residential to Commercial. The purpose of this combined request is to allow the Subject Property to be developed into a mixed-use project featuring a retail commercial center, mixed use, lodging, office and residential. The development of the property may be done in phases and the applicant is still developing a final development proposal which will be subject to site plan review.

Construction of phase 1 is scheduled to begin in summer of 2022. A conceptual site plan is included with this letter.

If you have any questions, please attend the Zoom meeting, or email or call me directly.



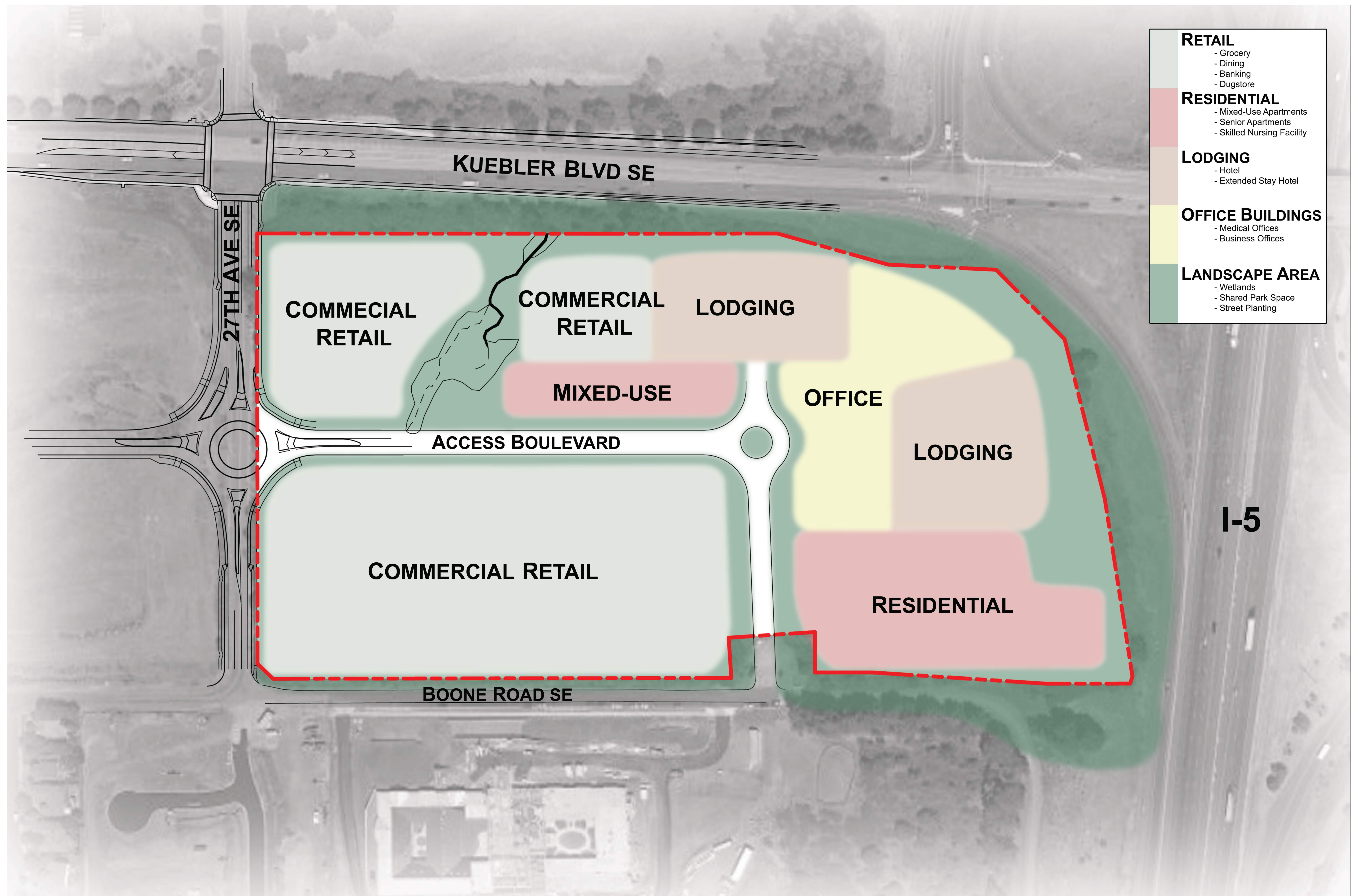
Sincerely,

A handwritten signature in black ink, appearing to be "JS" or "J. Schoenfelder".

Jeremy Schoenfelder, Director of Development
Mosaic Development Services, LLC

Enclosures

CC: odias@cityofsalem.net



Kuebler Village Conceptual Site Plan

03.05.2021



MEMO

TO: Olivia Dias, Planning Manager
Community Development Department

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

DATE: October 22, 2021

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC21-04 (21-115803-ZO)
2900 BLOCK OF KUEBLER BOULEVARD SE
COMPREHENSIVE MAP AMENDMENT AND ZONE CHANGE**

PROPOSAL

The applicant proposes to change the Comprehensive Plan Map designation and zoning from "Single Family Residential" with RA (Residential Agriculture) zoning to "Commercial" with CR (Retail Commercial) zoning. The subject property is approximately 24.66 acres in size, zoned RA (Residential Agriculture), and located at the southwest corner of the intersection of Kuebler Boulevard and I-5 (Marion County Assessor Map and Tax Lot Number: 083W12C02201).

RECOMMENDATION

1. Public Works staff recommends denial of the proposed changes to the Comprehensive Plan Map designation and zoning.

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. Kuebler Boulevard SE

- a. Standard—This street is designated as a Parkway street in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
- b. Existing Conditions—This street has an approximate 64- to 94-foot improvement within a 250- to 280-foot-wide right-of-way abutting the subject property.

2. Interstate 5 Freeway

- a. Standard—This street is designated as a Freeway in the Salem TSP and is under the jurisdiction of the Oregon Department of Transportation (ODOT). The standard for this street classification is a minimum 144-foot-wide right-of-way.
- b. Existing Conditions—This Freeway has a minimum 430-foot-wide right-of-way abutting the subject property.

3. Boone Road SE

- a. Standard—This street is designated as a Local street in the Salem TSP and terminates in a cul-de-sac. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—The street has an approximate 30-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

4. 27th Avenue SE

- a. Standard—This street is designated as a Collector street in the Salem TSP. This section of street has been previously authorized for an Alternative Street Standard pursuant to SRC 803.065(a).
- b. Existing Conditions—This street has an approximate 30- to 50-foot improvement within a variable-width right-of-way and includes a roundabout that provides access to the subject property.

Storm Drainage

1. Existing Conditions

- a. A 12-inch storm main is located in Kuebler Boulevard SE.

- b. A 12-inch storm main is located in Boone Road SE.
- c. A 30-inch storm main is located in 27th Avenue SE.

Water

1. Existing Conditions

- a. The subject property is located in the S-2 water service level.
- b. A 30-inch water main is located in Boone Road SE. Mains of this size generally convey flows of 13,00 to 30,800 gallons per minute.
- c. A 24-inch water main is located in Boone Road SE. Mains of this size generally convey flows of 8,500 to 19,700 gallons per minute.

Sanitary Sewer

1. Existing Conditions

- a. An 8-inch sewer main is located in Boone Road SE.
- b. A 24-inch sewer main is located in 27th Avenue SE.

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 submitted a transportation study that is required to address the Transportation Planning Rule (OAR 660-012-0060). The analysis demonstrates that the proposed changes to the Comprehensive Plan Map designation and zoning will have a significant impact on the transportation system as defined by OAR 660-012-0060 and, as such, must mitigate the impacts of the amendment to avoid further degradation to the performance of the facility as specified in the conditions of approval. The analysis must also meet the requirements of City of Salem, Administrative Rules Chapter 109, Division 6, Street PWDS.

Pursuant to PWDS Section 6.33(f)(3), "Traffic counts that are older than two years; taken during holiday weeks; or taken during construction shall not be used." The traffic counts used in the study are all greater than two years old and, therefore, shall not be

used. Additionally, the immediate area near the proposed development site is currently under construction with the development of the PacTrust (Costco) site. Updated traffic counts may not be collected at this time due to construction currently taking place in the area. There are full road closures and new turn lanes that are under construction and not fully operational; traffic volumes and turning movements would not be representative of actual traffic volumes. New traffic counts may be taken after Costco is operational.

SRC 803.015(c), PWDS 6.33(i), and OAR 660-012-0060 all require mitigation to restore the operations to a level of service not exceeding pre-development conditions for each applicable horizon year from the proposed development. The analysis does not adequately mitigate the traffic impacts expected by the development pursuant to SRC 803.015(c) and PWDS 6.33(i).

The applicant's transportation study identifies seven separate transportation improvements to mitigate the estimated 12,000 new daily trips to the transportation system. One of the seven improvements is a proposal to construct triple right-turn lanes at the southbound Interstate 5 ramp terminal at Kuebler Boulevard SE. This intersection is under the jurisdiction of Oregon Department of Transportation. In a letter dated June 1, 2021, the ODOT Region 2 Traffic Section indicated the mitigation proposed was "the most reasonable mitigation at the intersection". Notwithstanding that statement, the Traffic Section went on to say it, "does not currently support this mitigation and does not recommend the installation of a third southbound right-turn lane at the Kuebler Boulevard at 1-5 SB Ramps intersection." This proposal is in direct conflict with OAR 660-012-0060(3)(c-d) and, therefore, this proposed mitigation is not effective.

Another of the seven improvements proposed to mitigate the traffic impacts from the proposed CPC/ZC for this site a \$1.75 million proportional payment for improvements that are required to mitigate the traffic impacts directly caused by this Comprehensive Plan Change and Zone Change. The full mitigation identified in the study is estimated to cost \$5.25 million, leaving \$3.5 million unfunded to complete the full improvements. If the full mitigation is not addressed, the City will be required to accept a much higher level of congestion until the additional improvements are completed.

Until additional funding is available to complete the improvements, the following intersections will fail to meet mobility standards of both the Oregon Department of Transportation and the City of Salem and, therefore, fails to meet the criteria of the Transportation Planning Rule (ORS 660-012-0060). The following intersections will operate well over capacity and could cause significant congestion in the area:

- a. Kuebler Boulevard SE @ Battle Creek Road SE (v/c 1.19)
- b. Kuebler Boulevard SE @ 27th Avenue SE (v/c 1.58)
- c. Kuebler Boulevard SE @ Southbound Interstate 5 ramp (v/c 0.93)
- d. Kuebler Boulevard SE @ 36th Avenue SE (v/c 1.23)

The City of Salem mobility standard is (v/c 0.90) and the Oregon Department of Transportation mobility standard is (v/c 0.85).

Without full payment for or construction of the proposed mitigation, Public Works cannot support the proposed comprehensive plan amendment and zone change.

The analysis submitted by the applicant is deemed not acceptable because it does not meet the requirements identified in the PWDS and it does not adequately address the mitigation needed to avoid further degradation of the transportation facilities in the vicinity of the proposed zone change. Therefore, Public Works recommends denial of the proposed changes to the existing Comprehensive Plan Map designation and zoning.

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 subject property is capable of being served through extension of public facilities as specified in existing infrastructure master plans. Future development will require an Urban Growth Preliminary Declaration to address linking and boundary facilities required to serve subject property under the standards and requirements of SRC Chapter 200.

Prepared by: Jennifer Scott, Program Manager
cc: File

September 17, 2021

Re: 21-115803-ZO

City Staff:

At the March meeting of the South Gateway Neighborhood Association, Jeremy Shoenfelder of Mosaic Development and Andy Harmon of Steele Associates showed a preliminary proposal for the development of land on the East side of 27th Ave .SE to the South of Kuebler Blvd. They said they were in the early stages of design and had no tenants yet but wanted to work with the community on development. We were told they wanted some upscale mixed use that might include medical offices, restaurants, walkable spaces and senior living facilities all of which would be compatible to the senior living development to the south. One of the questions they were asked was why they wanted to change the zone from RA to Retail Commercial rather than Mixed Use-I or Mixed Use-II. The answer was that, while they didn't have any prospective tenants yet, CR would allow for more possibilities.

After further investigation, and comparing permitted uses allowed in the various zoning classifications, we have been unable to find any uses that would be permitted under the CR designation but not under MU that would be desirable in this neighborhood.

The Mixed-Use zone designation did not yet exist when the adjacent properties were rezoned to CR so there were no other options at the time. This resulted in a major conflict within the neighborhood after the developer gave verbal promises which were not memorialized as conditions for approval. This is one of the reasons the Mixed-Use designation would be much more desirable in this area which is surrounded by residential and church properties.

Therefore, unless the developer can give some specific examples of a use that requires the CR designation, the South Gateway Neighborhood Association is strongly opposed to rezoning the property to CR. This is an area that already has traffic problems and will have even more with the advent of the Costco site across 27th Ave. and another proposed shopping development on the on the north side of Kuebler Blvd. In addition, the allowance of any kind of drive-through business, which would be allowed under CR but not under MU-I or MU-II, would exacerbate the traffic problems and would be an undesirable use on this property.

Thank you for your consideration of our comments.

Michael Hughes

SGNA Land-use co-chair



RESPONSE TO REQUEST FOR COMMENTS

DATE: Wednesday, October 13, 2021

CASE/APP NUMBER: CPC-ZC21-04 / 21-115803-ZO / 21-115805-ZO

PROPERTY LOCATION: 2900 Block of Kuebler Blvd SE

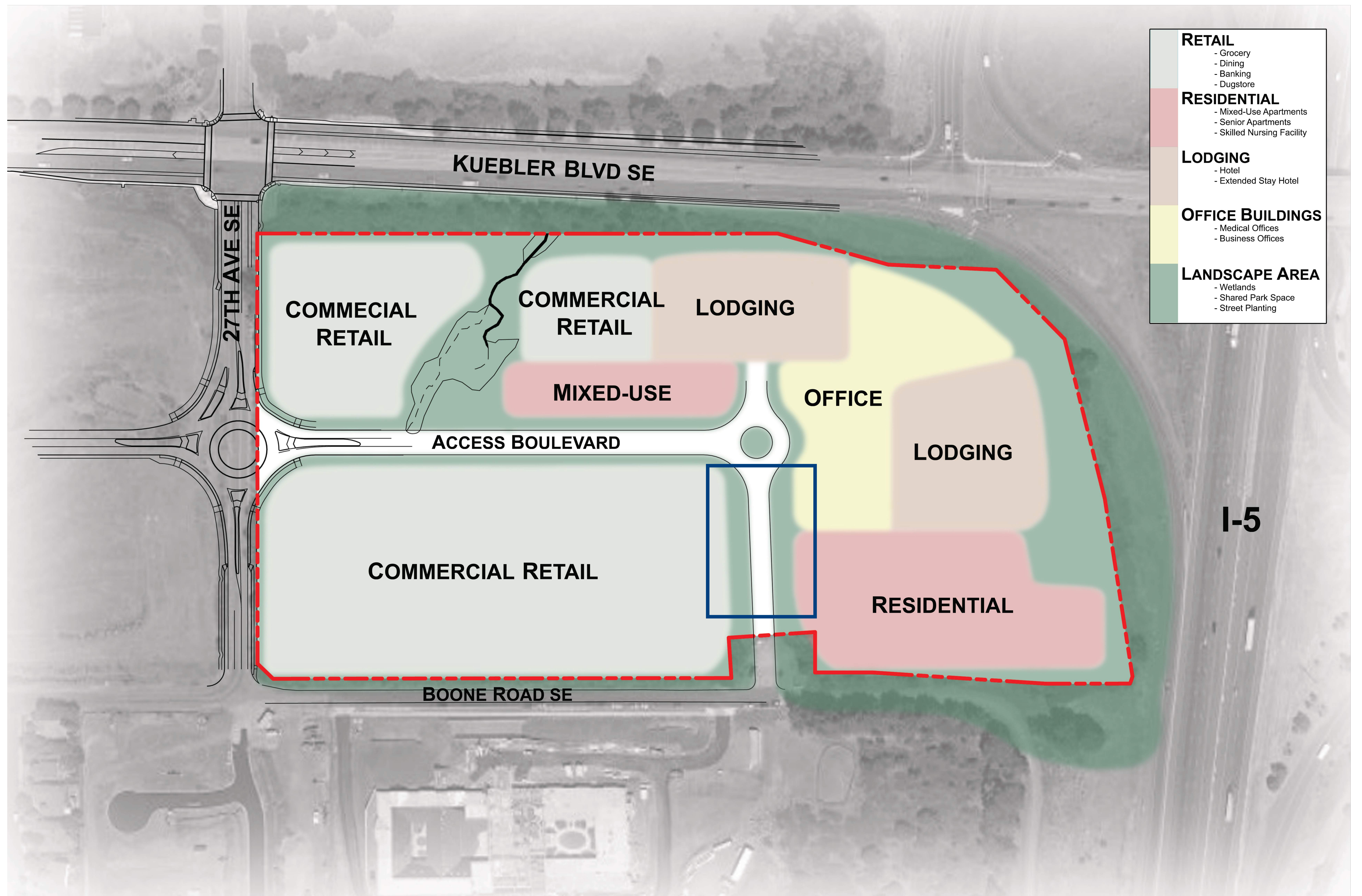
CASE MANAGER: Olivia Dias, Current Planning Manager, City of Salem

Email: odias@cityofsalem.net

COMMENTS FROM: Jolynn Franke, Transit Planner I, Cherriots

Email: planning@cherriots.org

COMMENTS: Cherriots was contacted by a developer regarding this property in June of this year. This developer was very interested in accommodating public transit and Cherriots was very interested in serving this development. The conceptual site plan included with this response was provided to Cherriots by the developer. It shows a new roadway through the development connecting at Boone Rd and 27th Ave with a roundabout at the apex. Cherriots conversations with the developer consisted of adding a bus stop pair on this new road near Boone Rd, south of the roundabout. Regardless of whether this application has been submitted by that same developer or not, Cherriots is still very interested in providing service with bus stops at this location.



Kuebler Village Conceptual Site Plan

03.05.2021

A

B

Existing Sidewalk
(Option 4 – Sidewalk Connected to the Curb)

Front Door

Back Door

Bus

Crosswalk

- A – Distance from front edge of front door pad must be no less than 6 feet from crosswalk or stop line.
- B – Front door pad must be 6 feet wide, and create at least 8 feet of depth from curb face to back the pad, and less than 2% cross slope.

**Existing Sidewalk
(Option 2 – Sidewalk Separated from the Curb)**

A

B

C

Front Door

Back Door

Bus

Crosswalk

- A – Distance from front edge of front door pad must be no less than 6 feet from crosswalk or stop line.
- B – Front door pad must be 6 feet wide, at least 8 feet deep from curb face to back of sidewalk, and less than 2% cross slope.
- C – Rear door pad must extend at least 21 feet, 6 inches back from the front door pad and be 5 feet deep.

Existing Sidewalk (Option 1 – Sidewalk Separated from Curb)

A

B

C

E

D

Front Door

Back Door

Bus

Crosswalk

A – Distance from front edge of front door pad must be no less than 6 feet from crosswalk or stop line.

B – Front door pad must be 6 feet wide, at least 8 feet deep from curb face to back of sidewalk, and less than 2% cross slope.

C – Distance between front and back door pads is 11 feet, 6 inches.

D – Optional rear door pad must be 10 feet wide and 5 feet deep.

E – A connecting pad at least 5 feet wide to connect the door pad to the sidewalk with less than 2% cross slope.

Existing Sidewalk
(Preferred Design / Sidewalk Separated from the Curb)

A

B

C

D

Front Door

Back Door

Bus

Crosswalk

A – Distance from front edge of front door pad must be no less than 6 feet from crosswalk or stop line.

B – Front door pad must be 6 feet wide, at least 8 feet deep from curb face to back of sidewalk, and less than 2% cross slope.

C – Distance between front and back door pads is 11 feet, 6 inches.

D – Rear door pad must be 10 feet wide and the same depth and slope requirements for the front door pad.