

**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-ZC21-05; FOR PROPERTY LOCATED AT 5045 MACLEAY  
ROAD SE (AMANDA APPLICATION NO. 21-117425-ZO; 21-117426-ZO)**

### **REQUEST**

A consolidated Minor Comprehensive Plan Map Amendment from Industrial to Single-Family Residential and a Zone Change from IBC (Industrial Business Campus) to RS (Single Family Residential) for two properties that are, combined, approximately 4.05 acres in size and located at 5045 Macleay Road SE (Marion County Assessor map and tax lot numbers: 072W32D0 / 2000 & 072W32D0 / 1900).

**APPLICANT:** DevNW

**OWNER:** Jack Thorton Revocable Trust

**REPRESENTATIVE:** Travis North & Emily Reiman, Agents via DevNW

### **RECOMMENDATION**

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject properties; which comprise of two properties that are, combined, approximately 4.05 acres in size and located at 5045 Macleay Road SE (Marion County Assessor map and tax lot numbers: 072W32D0 / 2000 & 072W32D0 / 1900) and are designated “Industrial” on the Comprehensive Plan Map, zoned IBC (Industrial Business Campus):

- A. APPROVE Minor Comprehensive Plan Map Amendment from “Industrial” to “Single Family Residential”; and
- B. APPROVE Zone Change from IBC (Industrial Business Campus) to RS (Single Family Residential).

### **APPLICATION PROCESSING**

#### **Subject Application**

On September 20, 2021, DevNW, via Travis North, on behalf of Jack Thorton Revocable Trust, filed an application for a Comprehensive Plan Change and Zone Change for the subject property (**Attachment A**). The application was deemed complete for processing on October 25, 2021. The public hearing on the application is scheduled for November 16, 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. When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for an open house and the other applications require a combination of neighborhood association contact or no neighborhood association contact, the entire consolidated application shall require an open house (see SRC 300.320[b][2]). 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 September 9, 2021 the applicant held a virtual open house; and on September 14, 2021, the applicant's representative attended the Southeast Mill Creek Association's (SEMCA) regularly scheduled meeting to present their proposal. No comments were provided at the neighborhood association meeting or at the applicant's open house; a summary of the materials provided and notice given are provided in **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 October 25, 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 October 27, 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 September 22, 2021.

### **Summary of Record**

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City departments, neighborhood associations, and the public; and all documents referenced in this report.

## **BACKGROUND INFORMATION**

### **Proposal**

The applicant is requesting a comprehensive plan map amendment from “Industrial” to “Single-Family Residential” and to change the zoning from IBC (Industrial Business Campus) to RS (Single 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 properties are approximately 4.05 acres in size, combined (Tax Lot 2000 is 3.56 acres and Tax Lot 1900 is 0.49 acres). Tax lot 2000 has street frontage along Macleay Road SE; Tax Lot 1900 is land locked. Tax Lot 2000 contains an existing manufactured structure and accessory structures.

### **Salem Area Comprehensive Plan (SACP) Designation**

The Salem Area Comprehensive Plan (SACP) map designates the subject properties as "Industrial". The proposal includes changing the Comprehensive Plan designation of the subject property to “Single Family.”

The Comprehensive Plan designations of surrounding properties include:

East:	“Multi-Family Residential”
West	Across Macleay Road SE “Single Family Residential” and “Multi-Family Residential;” west/southwest of Tax Lot 1900 “Developing Residential”
North:	“Developing Residential”
South:	“Industrial”

### **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 properties are zoned IBC (Industrial Business Campus). Tax Lot 2000 contains an existing manufactured structure and accessory structures; Tax lot 1900 is undeveloped/vacant. The proposal includes changing the property's zoning from IBC to RS (Single Family Residential). Surrounding properties are zoned and used as follows:

East:	RM-II (Multiple Family Residential), <i>multiple family</i> use
West	RS (Single Family Residential), <i>single family</i> uses; and RM-II (Multiple Family Residential), <i>multiple family</i> use; and west/southwest of tax lot 1900 RA (Residential Agriculture), <i>single family</i> uses
North:	RA (Residential Agriculture), <i>single family</i> uses
South:	IBC (Industrial Business Campus), multiple uses including a <i>infrastructure and utilities</i> use and vacant/natural, undeveloped land

### 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

<i>Water:</i>	The <i>Salem Water System Master Plan</i> identifies the subject property to be within the G-0 water service level. The property appears to be served by a 12-inch water main located in Macleay Road SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.
<i>Sewer:</i>	A 24-inch sewer main is located in Macleay Road SE. A 10-inch sewer main is located within an easement along the southern boundary of the subject property.
<i>Storm Drainage:</i>	There are open ditches and culverts along the frontage of the subject property within Macleay Road SE. A 24-inch storm main is located in Macleay Road SE on the opposite side of the street than the subject property.
<i>Streets:</i>	Macleay Road SE has an approximate 40-foot-wide improvement within a 72-foot-wide right-of-way abutting the subject property. This street is designated as a Minor Arterial in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

## **Land Use History**

Annexation C-508: Enclave annexation of the subject properties initiated by the City.

## **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 application for development.

**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:** Salem-Keizer Public Schools reviewed the proposal and submitted comments (**Attachment E**).

**Cherriots:** Cherriots provided comments in support of the proposal and sited that they are "...currently exploring options to extend transit service out Macleay Rd to Cordon Rd and evaluating potential future bus stops locations near the property." Cherriots requested to work with the City and/or developer on future development of infrastructure to include bus stops in final designs.

**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 Southeast Mill Creek Association (SEMCA).

**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 September 9, 2021 the applicant held an open house, and on September 14, 2021, the applicant's representative attended the SEMCA Neighborhood Association Meeting, to present their proposal. A summary of the materials provided at the neighborhood association meetings is included as **Attachment B**; no comments were provided.

**Neighborhood Association Comments:** Notification of the proposal was sent to SEMCA on October 25, 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 homeowner's 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.**

**Applicant Statement:** *South Mill Creek Neighborhood is primarily a residential and industrial neighborhood with a mix of uses including Single Family (RS), Multi-Family (RM2), Employment Centers (EC), Industrial Business Complex (IBC), Industrial Commercial (IC) and their respective special or conditional uses. Properties north and west of the subject properties are designated as Single Family Residential according to the Salem Comprehensive Plan, indicating that single-family use on the subject properties is compatible with surrounding uses. A multi-family development lies northeast of the subject properties and includes newly constructed apartment buildings and public improvements. This development, along with the single-family housing to the north, indicates that a dense subdivision supporting a variety of housing types on the subject properties is appropriate because the townhouse component will blend well with surrounding multifamily development. The Applicant is seeking to match the traditional single-family neighborhoods while also providing diversity in housing types. The proposed permanent affordable residences on the subject properties are better suited than the existing industrial designation.*

*In addition, the single-family residential zoning designation is better suited than industrial because the proposed development located on the subject properties will act as a buffer between the large-scale, industrial developments to the south and the single-family residential neighborhood to the west. Further, the proposed development design locates required privacy screening between the denser multi-family development to the east. Orientation of proposed residences allows fenced backyards to further act as a buffer. For these reasons the proposed development successfully maintains the livability of the neighborhood by virtue of preserving the scale of the existing neighborhood. Because the site is bordered by both single-family and multi-family housing types this proposed designation does not disrupt the pattern of development. This proposal allows the existing neighborhood fabric to remain intact, preserves the context of the site, and supports additional affordable housing stock for the City of Salem.*

**Staff Response:** The applicant asserts that the proposal is justified based on criterion (i) & (ii): that there has been an alteration in circumstances; and the proposed designation is equally or better suited for the property, respectively. Only one criterion needs to be satisfied to justify the change. Staff concludes that applicant's statement addressing SRC 64.025(E)(2)(A)(ii), the equally or better suited criteria, satisfies this criterion and that the below findings address SRC 64.025(E)(2)(A)(i).

Within the nearby vicinity of the proposed Comprehensive Plan change it is evident that an alteration in circumstances has occurred satisfying the criterion for SRC 64.025(E)(2)(A)(i). The original “Industrial” designation assigned to the subject properties predates the annexation (Case No. C-508) approved in the year 1999. Since that time many of the surrounding properties formally designated as “Industrial” have also been changed to residential designations. Such changes have altered the social and economic patterns within the nearby vicinity of Macleay Road SE to where the current “Industrial” designation is no longer appropriate for the properties in the nearby vicinity.

Such changes include a combination of Comprehensive Plan changes from “Industrial” to “Multi-Family Residential” or “Single Family Residential” designations. Most recently, directly east abutting the subject properties, was a change from “Industrial” to “Multi-Family Residential” approved through Case No. CPC/ZC08-10. To the southwest, off of Seattle Slew Drive SE and South of Macleay Road SE but east of 49<sup>th</sup> Avenue SE, were two changes from “Industrial” to “Single Family Residential” and “Multi-Family Residential” designations approved through Case Nos. CPC/ZC96-01 and CPC/ZC05-14. These changes to the Comprehensive Plan created a continuous residential district from the northern side of North Santiam Highway (Hwy. 22) all the way to the subject properties (**Attachment A**). Many of the properties and surrounding properties have since developed into subdivisions, mobile home parks and apartment complexes while much of the industrial land along Macleay Road SE, to the north, has remained vacant. As such, staff concludes that an alteration in the economic circumstances in the nearby vicinity supports the change from “Industrial” to “Single Family Residential” consistent with SRC 64.025(E)(2)(A)(i).

Further, the City has accepted, but not adopted, a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Lands Inventory identifying a deficit of 207 gross acres of the “Multiple Family Residential” designation and a further deficit of 2,897 dwelling units; a surplus of approximately 1,975 acres for single family residential development was also identified. The HNA projects that the needed mix in housing types is to yield 60% of the new housing units to be single-family detached (see HNA Table 4); i.e. 14,013 units. Despite the Single-Family designation surplus multiple family development will soon be permitted in the City’s single-family zones and SACP designations.

The State of Oregon Legislature passed House Bill (HB) 2001 that is aimed at increasing the housing supply in Oregon. The City of Salem is implementing the provisions of HB 2001 that would increase the availability of land for multiple family development in the City’s single-family zones permitted within the “Single Family Residential” Comprehensive Plan designation. The Planning Commission provided a favorable recommendation to the City Council regarding this project (Case No. CA-ZC21-01) and the proposed code amendments go before Council for consideration on December 6, 2021. Upon its expected passage, the City’s single-family zones (RA, RS and RD), permitted under the RS SACP designation would permit duplexes, triplexes, quadplexes and cottage clusters; all of these housing types being considered multiple family housing. The change from an “Industrial” designation to a “Single Family” designation does not further a deficit of either multi-family residential land nor commercial land, both showing deficits in the HNA and Economic Opportunities Analysis (EOA) (see below findings), respectively.



Staff further concurs with the applicant's statement regarding criterion (ii) which states the proposed "Single Family Residential" designation is equally or better suited for the property than the current "Industrial" designation. Properties to the north and west are designated as either "Single Family Residential" or "Developing Residential" in the SACP; properties to the southwest and northeast are designated as "Multi Family Residential" in the SACP. Further, there are two developed multi family apartment complexes to the northeast (i.e. Fruitland Meadow; 160+ units) and to the southwest (i.e. Santiam Village Apartments, Reserves at Hawk's Ridge and Triple Crown Apartments; 200+ units). In changing the proposed site to a residential designation, the intensity of the industrial designation can be buffered for the existing residential neighborhoods and increase the City's housing supply.

Additionally, the greater concentration of industrial and commercial uses, and then subsequent growth of said uses, would be better served to the south; in part, because the surrounding land within the vicinity of this site is designated as residential within the SACP and the bulk of the industrial and commercial land is to the south of this property along higher classification streets, as designated by the Salem Transportation System Plan (TSP) that are better suited for industrial vehicle traffic. Vacant parcels to the south have access to Cordon Road SE, with a street classification of Parkway, which has access to North Santiam Highway (a State Highway) and Kuebler Boulevard SE (a Parkway) that all lead to Interstate-5. Further, the site does not currently provide rail access and is not within the vicinity of a railroad right-of-way. The site is also better suited for the Single-Family Designation, as opposed to the Industrial designation as reviewed below under comprehensive plan Policy 1.7. In proposing a change from an Industrial designation to Single Family Residential designation the subject site better provides for a buffer to the industrial designations to the south while also encouraging the use of underserved industrial land to be used as residential land providing for needed housing types identified in the HNA.

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 east/northeast and the south/southwest, Single-Family Residential-designated land to the west/southwest, Residential Agriculture-designated land to the north and Industrial Business Campus-designated land to the south. The proposal would allow for reasonable development of the property in a manner which compliments the existing neighborhood. The subject property is in a residentially developed area within the City of

Salem urban growth boundary (UGB) and does not convert rural land to urban land. The applicant asserts that the subject properties are within the Salem UGB and can support the proposed development. 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; the Statewide Planning Goals are addressed after the policies:

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 HNA identifies, as one of the recommendations, to increase the land available for multi-family housing types in single-family zones. The proposal would convert approximately 4.05 acres of land from the Industrial Business Campus designation to a Single-Family Residential designation, where the HNA identifies a surplus. However, the Economic Opportunities Analysis (EOA) identifies a surplus of 907 acres of industrial zoned land. Thus, the change from industrial to single family residential would aid in accommodating expected population growth despite the surplus in single-family residentially zoned land as industrial land does not provide the opportunity for residential development.

*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 single-family and multiple family residential development. The topography of the subject property slopes gently upward from southeast to northwest and varies in elevation from approximately 212-feet to 221-feet above mean sea level. The relative environmental suitability of the property for residential development is even greater when compared to the steeper residential properties in the southern reaches of the City. There are portions of wetlands on the subject property, on the southwestern and southern most portions of the subject properties, and it is not within a floodplain or floodway. Any future development of the subject property will be required to comply with SRC Chapter 809 (Wetlands). The Department of State Lands (DSL) regarding development in the wetlands and the applicant

will need to coordinate with DSL regarding any State regulations. The West Middle-Fork Little Pudding River is on the neighboring property, to the south but does not flow through the subject properties. There are no mapped landslide hazards on the subject properties. 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 within the identified wetlands.

- 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 Lancaster Drive, North Santiam Highway and State Street corridors are located west, south and north of the property, which has commercial nodes providing a wide range of shopping, employment, and entertainment opportunities. In addition, Houck Middle School, Mary Eyre Elementary School, Miller Elementary School, and Corban University are within the vicinity of the site as well as multiple parks.

- 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 Single-Family designation matches abutting properties to the southwest across Macleay Road SE and compliments the abutting properties to the north/northwest designated as Developing Residential. Where the site abuts higher density Multi-Family residential properties to the northeast/east mitigating features such as setbacks and screening were used to ensure an adequate transition between the height, bulk, and scale of the existing industrial designation and the planned single-family residences. Therefore, the change in designation from Industrial to Single Family is consistent with the character of the existing neighborhoods based on height, bulk and scale.

- 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.” The zone permitted in the Single-Family Comprehensive Plan Designation, RS (Single Family Residential) zone, does not have a minimum density standard but rather a minimum lot area of 4,000 square feet for single-family lots and 7,000 square feet for two-family lots. When applied to the subject property, the range of densities allowed in zones implementing the Single-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 provided at the applicant’s open house proposed an approximate 29-unit subdivision comprising of townhouses and single-family detached dwellings. With the site being approximately 4.05 acres in size, the proposed density, based on the applicant’s submitted materials, is approximately 7-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 Macleay Road SE, classified as a Minor Arterial in the Salem TSP, which is improved with sidewalks on the southwest side and is undeveloped on the northwest portion of the road. The proposed Single-Family Residential designation would accommodate a greater number of dwelling units than the current Industrial 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.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:** Future development, will include sidewalks and street trees. Macleay Road SE, a Minor Arterial, is partially improved with sidewalks and bike-lanes and has a transit stop approximately 0.5-miles from the proposed site. 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.

Salem Urban Area Goals and Policies, Industrial Goal (Page 33, Salem Comprehensive Policies Plan):

*Policy I.7 Identify areas that may be appropriate for converting from industrial to commercial or other non-industrial uses over the long-term. The characteristics of industrial land that may be appropriate for conversion to commercial or other non-industrial uses include some or all of the following:*

- (1) located outside of industrial areas or isolated from other industrial uses,*
- (2) surrounded by incompatible uses (such as housing),*
- (3) located adjacent to properties that have converted to commercial uses,*
- (4) have limited or no access to major roads (such as arterial streets, collector streets, or highways), or*
- (5) lacks rail access.*

**Staff Response:** Following the direction of this policy the site would be appropriate for conversion from an Industrial Designation to a commercial or other non-industrial designation. As identified in the EOA the City has surplus of 907 acres of industrial land and the conversion of approximately four acres does not substantially change such a surplus. First, the property is located outside of an industrial “district” as defined in Policy I.16, and is not in close proximity to any existing industrial uses. Further, this site is located outside of established industrial areas. Second, the subject property is largely surrounded by residential development, to the north, east/northeast, and west/southwest, and wetlands and undeveloped land to the south/southeast making the site incompatible for industrial development with the surrounding uses. Additionally, while not located near properties that have been converted to commercial uses, the property is located near properties that have since been converted to residential uses consistent with the intent of the third criteria in this policy.

Fourth, the subject property does have excellent access to major roads through Macleay Road SE, a minor arterial road, that leads to a parkway (Cordon Road SE), a major arterial (Lancaster Drive SE) that lead to Highway 22 and Interstate 5. This could indicate that the site may be appropriate for both industrial and commercial uses but the surrounding residential land uses make industrial traffic undesirable to mix with residential land uses. Lastly, the site does not contain rail access as the closest rail line is more than three miles from the site further limiting its industrial viability.

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 September 9, 2021 the applicant hosted a virtual open house and attended a regularly scheduled meeting of the Southeast Mill Creek Association (SEMCA) on September 14, 2021 to present the proposal. A summary of the materials provided at the virtual open house and neighborhood association is included as **Attachment B**; no comments were provided. A public hearing notice was mailed to the affected property owner(s), tenants within 250 feet of the subject property, and to SEMCA. 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:** 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 not 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 southern/southeastern portions of the site do contain wetlands as identified in The Local Wetlands Inventory. Any future development of the subject property will be required to comply with SRC Chapter 808 (Preservation of Trees & Vegetation), SRC Chapter 809 (Wetlands), and SRC Chapter 230 (Historic Preservation). Compliance with the standards in these chapters ensures conformance with this statewide planning goal. 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 nor does it contain any landslide hazards. 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. As identified above, the Salem Comprehensive Plan identified criteria for the conversion of land from an industrial designation to a non-industrial designation (see Industrial Policy 1.7). Given the large surplus of industrial land (907 acres) over the course of the planning period the change from Industrial to Single Family residential does not impact the underlying goals of the EOA and is supported by the City's acknowledged comprehensive plan. 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:** Single-family detached housing is a needed housing type throughout the City's Housing Needs Analysis. 60% (i.e. 14,013 units) of the identified needed housing is still projected to be single-family. Since the Industrial designation doesn't supply any housing the change would be in direct support of Goal 10 as it increases the permitted densities from zero units to a minimum of 6.5 units per acre. The Buildable Lands Inventory within the HNA identified a deficit of 207 gross acres of the "Multiple Family Residential" designation and a further deficit of 2,897 dwelling units; a surplus of approximately 1,975 acres for single family residential development was also identified. Despite the Single-Family designation surplus multiple family development will soon be permitted in the City's single-family zones and SACP designations.

The City of Salem is implementing the provisions of HB 2001 that would increase the availability of land for multiple family development in the City's single-family zones permitted within the "Single Family Residential" Comprehensive Plan designation. The Planning Commission provided a favorable recommendation to the City Council regarding this project (Case No. CA-ZC21-01) and the proposed code amendments go before Council for consideration on December 6, 2021. Upon its expected passage, the City's single-family zones (RA, RS and RD), permitted under the RS SACP designation would permit duplexes, triplexes, quadplexes and cottage clusters; all of these housing types being considered multiple family housing.

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 land divisions process set forth in SRC Chapter 205. 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 Industrial to Single 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.

## **1. 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 (ii) and (iii), staff concurs as follows. The physical characteristics of the property and its changes in economic character in the vicinity of the proposed zone change, including its proximity to existing RA, RS, and RM-II-zoned areas 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 southwest and northeast, and single-family developments to the north and west. Additionally, the parcels to the south are currently undeveloped and contains the West Middle Fork Little Pudding River (a riparian corridor) and an area with heavy tree canopy.

According to the Housing Needs Analysis finds that the city has a surplus of available single-family residential land but identifies 60% of the projected needed housing to still be developed as detached single-family housing (i.e. 14,013 units). The Buildable Lands Inventory within the HNA identified a deficit of 207 gross acres of the "Multiple Family Residential" designation and a further deficit of 2,897 dwelling units. However, the City of Salem is implementing the provisions of HB 2001 that would increase the availability of land for multiple family development in the City's single-family zones. The Planning Commission provided a favorable recommendation to the City Council regarding this project (Case No. CA-ZC21-01) and the proposed code amendments go before Council for consideration on December 6, 2021. Upon its expected passage, the City's single-family zones (RA, RS and RD), permitted under the RS SACP designation would permit duplexes, triplexes, quadplexes and cottage clusters; all of these housing types being considered multiple family housing.

The proposed change in designation and zone change would allow for future residential development which will help to meet the changing needs of the Salem urban area. With the RS zone, the subject property could be developed as detached and attached residential dwellings; whereas with the current IBC (Industrial Business Campus) zone residential development is not permitted. 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:** Findings addressing the change from industrial use designation to a non-industrial use designation is demonstrated above, in this report, using the most recent Economic Opportunities Analysis (EOA) and the supporting goals and policies of the Comprehensive Plan. Most notable is the large surplus of industrial land (907 acres) and Comprehensive Plan, Industrial Goal Policy 1.7. The property is located outside of an industrial “district” as defined in Comprehensive Plan Policy I.16, and is not in close proximity to any existing industrial uses. Further, this site is located outside of established industrial areas. Additionally, the site subject property is largely surrounded by residential development, to the north, east/northeast, and west/southwest, and wetlands and undeveloped land to the south/southeast making the site incompatible for industrial development with the surrounding uses.

While the subject property does have excellent access to major roads through Macleay Road SE, a minor arterial road, that leads to a parkway (Cordon Road SE), a major arterial (Lancaster Drive SE) that lead to Highway 22 and Interstate 5. This could indicate that the site may be appropriate for both industrial and commercial uses. However, the surrounding residential land uses make industrial traffic undesirable to mix with residential land uses.

Lastly, the site does not contain rail access as the closest rail line is more than three miles from the site further limiting its industrial viability.

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 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 residential 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 5045 Macleay Road SE, 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 properties; which comprise of two properties that are, combined, approximately 4.05 acres in size and located at 5045 Macleay Road SE (Marion County Assessor map and tax lot numbers: 072W32D0 / 2000 & 072W32D0 / 1900) and are designated "Industrial" on the Comprehensive Plan Map, zoned IBC (Industrial Business Campus):

- A. APPROVE Minor Comprehensive Plan Map Amendment from "Industrial" to "Single Family Residential"; and
- B. APPROVE Zone Change from IBC (Industrial Business Campus) to RS (Single Family Residential).

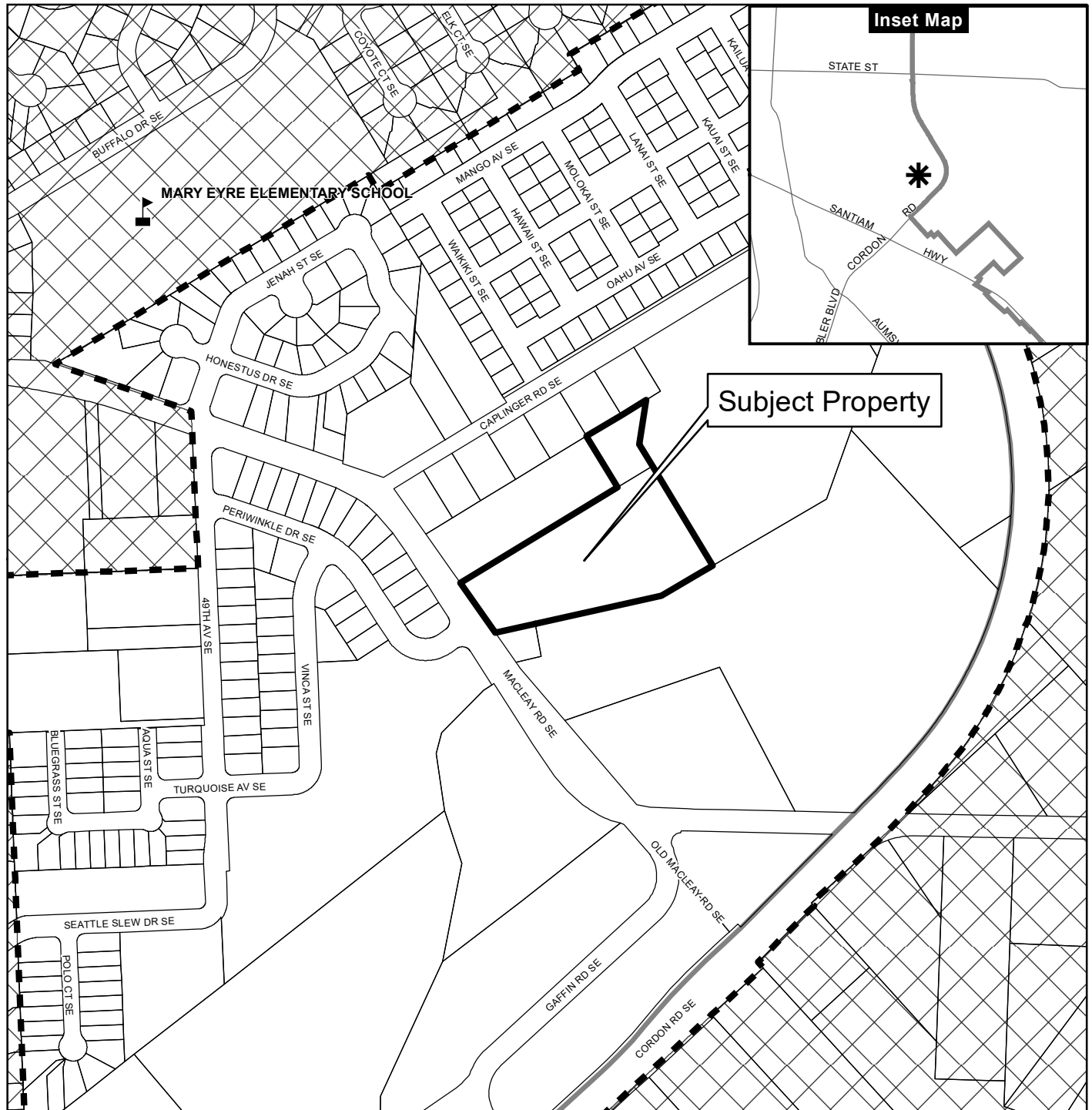
**Attachments:**

- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Open House Materials and Southeast Mill Creek Association (SEMCA) Meeting Summary from September 9, 2021 and September 14, 2021
- C. Applicant's Written Statements
- D. Memo from the Public Works Department
- E. Comments from Salem-Keizer Public Schools

Prepared by Kyle Kearns, AICP, Planner II

# Vicinity Map

## 5045 Macleay Road SE



### Legend

Taxlots

Urban Growth Boundary

City Limits

Outside Salem City Limits

Historic District

Schools

Parks

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

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0 100 200 400 Feet





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UDC 300.210 (5) & (6) – The city-recognized neighborhood associations (SEMCA) was contacted on Monday, August 23 via email. This correspondence has been provided to the Planning Administrator. The email was sent to Cory Poole (robosushi@robosushi.com), SEMCA Chair, and Alan Rasmussen (arasmussen@modernbuildingsystems.com, SEMCA Land Use Chair. Both individuals were invited to the public open house. Additionally, the contact resulted in DevNW attending the regularly scheduled SEMCA meeting on September 14, whereby a presentation of the proposal was given to those in attendance.

UDC 300.210 (7) – The applicant hosted a virtual open house on Thursday, September 9. A copy of the sign-in sheet and notice information is provided with this application. No members of the general public attended; therefore, no comments were provided.

**devNW.org**

**NeighborWorks®**  
CHARTERED MEMBER

212 Main Street  
Springfield, OR 97477

257 SW Madison Avenue #200  
Corvallis, OR 97333

437 Union Street NE  
Salem, OR 97301

421 High Street, Suite 110  
Oregon City, OR 97045

Open House Sign-In Sheet - Provided via Chat Function in Zoom

18:14:09 From Shelly Ehenger to Sarah Brooks, DevNW(Direct Message):

Shelly Ehenger, City of Salem, Urban Development, sehenger@cityofsalem.net

18:24:24 From Jose Gonzalez to Sarah Brooks, DevNW(Direct Message):

Jose Gonzalez, 5038516582, josegonzalezre@gmail, 1605 Fairgrounds Rd NE Salem OR 97301

18:25:44 From Andrew Schular to Sarah Brooks, DevNW(Direct Message):

Andrew Schular

GMA Architects

860 W Park St Suite 300 | Eugene, OR 97401

o (541) 344-9157 | www.gma-arch.com | @gmaarchitects

18:27:25 From Shelly Ehenger to Sarah Brooks, DevNW(Direct Message):

Address: 350 Commercial Street NE 5035886178



# Public Open House Notice

Property Address: 5045 MacLeay Road SE, Salem, OR 97317

**Proposal:** DevNW plans to develop the property into an affordable homeownership community consisting of a mix of single-family homes and townhouses.

**Open House:** We are hosting a virtual open house to share our plans with the community and hear your feedback. Please join us to learn more about the project and the various land use applications we will be applying for in the upcoming months.

**Date:** Thursday, September 9th, 2021

**Time:** 6:00pm-7:00pm

**Location:** Virtual Online

**Link:** <https://us02web.zoom.us/j/85359708013>

**Contact Information:**

Travis North, DevNW | [travis.north@devnw.org](mailto:travis.north@devnw.org) | 541-345-7106 x2017

**DevNW**

36" x 24" coroplast, single sided  
qty: 1



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Alan Rasmussen  
SEMCA  
9493 Porter Road  
Aumsville, OR 97325

August 27, 2021

Property: 5045 MacLeay Road, Salem, OR.  
Assessor's Map 072W32D0 Tax Lot 1900 & 2000

Dear Alan,

My name is Travis North and I am a Development Associate with the real estate development team at DevNW. I am reaching out because DevNW is working on an affordable homeownership development in your neighborhood that we would love the opportunity to discuss with the two of you.

The development site is located at 5045 MacLeay Road SE, and will include the development of no more than 30 single family homes & townhouses. We will first seek to rezone the land from Industrial Business Campus (IBC) to Single Family Residential (RS) over the course of the fall/winter, and will then subdivide the land to accommodate the individual home lots in the early spring. The homes will be modest in size, will include a mix of affordable and moderately priced units, and will be sold to individuals/families earning approximately 80%-100% of the area median income. DevNW will oversee the entire development process, and will continue to own as well as operate the common areas once the homes are sold.

Enclosed for your review is a proposed site plan of the development. Additionally, we would like to extend a formal invitation to our Virtual Open House on Thursday, September 9, from 6 PM to 7 PM. The meeting can be accessed via this link: <https://us02web.zoom.us/j/85359708013> (Meeting ID: 853 5970 8013).

If possible, we would also like to present our development proposal during your September 14<sup>th</sup> monthly meeting. Do you have a formal process for requesting a spot on your agenda? If so, we are happy to follow your process.

Lastly, if time permits, our team has often found it helpful to meet individually with either the leadership of a neighborhood association or with its land-use subcommittees prior to presenting at a regularly scheduled neighborhood meeting and/or open house. Although DevNW has been

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around since the 1970s, we are still relatively new to the Salem area. Please let us know if this is something that you would be amenable to doing and/or what your availability looks like over the next week or so.

DevNW is very excited to be working in your community and we look forward to meeting with you to discuss this awesome project! The best way to reach me is by email at [travis.north@devnw.org](mailto:travis.north@devnw.org), and I look forward to hearing from you!

All the best,  
Travis.



—  
**Travis North**

[DevNW](#) // Development Associate

541-345-7106 x.2071

**devNW.org**



212 Main Street  
Springfield, OR 97477

257 SW Madison Avenue #200  
Corvallis, OR 97333

437 Union Street NE  
Salem, OR 97301

421 High Street, Suite 110  
Oregon City, OR 97045

**From:** [Travis North](#)  
**To:** [Steven McAtee](#)  
**Cc:** [Erin Dey](#); [Sarah Brooks](#); [Jamie Donaldson](#)  
**Subject:** FW: Affordable Housing Development on Macleay Road  
**Date:** Friday, August 27, 2021 12:25:00 PM  
**Attachments:** [image002.png](#)  
[5045 Macleay - Rendered Site Plan.pdf](#)  
[Property Location.pdf](#)  
[Letter to SEMCA.pdf](#)  
[20210827\\_110126.jpg](#)  
[20210827\\_104741.jpg](#)  
[20210827\\_104859.jpg](#)

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Hi Steven,

Jamie tells me that as the manager for this project you also serve as the Planning Administrator. Per UDC 300.320, we are required to provide notice to the neighborhood association and planning administrator at least seven days prior to the open house. Please see the email exchange below to SEMCA notifying them of the open house and our intent to present at their regularly scheduled meeting. Additionally, the attached materials were mailed to Alan today at the address he provided. I assume this email will meet the requirement to notify the planning administrator. If for some reason you require additional documentation, please let me know and I will provide it.

Hope you had a great vacation. Welcome back.

Travis.



---

**Travis North**

[DevNW](#) // Development Associate

» [Where to find us](#)

o 541.345.7106 x2071

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*In light of recent events and the state's recommendations to contain the spread of COVID-19, DevNW offices will be closed to the public until further notice. We continue to operate and are available to our clients and partners remotely via email, and tele/video conferencing.*

*A la luz de eventos recientes y recomendaciones del estado para contener la proliferación de COVID-19, oficinas de DevNW permanecerán cerradas al público hasta nuevo aviso. Continuamos ser disponible a nuestros clientes y socios remotamente por correo electrónico y conferencia de video.*

---

**From:** Alan Rasmussen <arasmussen@modernbuildingsystems.com>  
**Sent:** Monday, August 23, 2021 4:57 PM  
**To:** Travis North <travis.north@devnw.org>; robosushi@robosushi.com  
**Subject:** RE: Affordable Housing Development on Macleay Road

**Please be cautious**

This email was sent outside of your organization

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Travis,

I will be tied up on the evening of the 9<sup>th</sup>, but if the session is recorded and if you could forward it my way that would be appreciated. If not no worries.

SEMCA is a unique neighborhood association footprint with a lot of municipal, industrial, commercial and undeveloped land, but its changing fast. The neighborhood association activity participation/involvement is fairly limited/focused.

We don't have a subcommittee on land use, I am land use chair and board member so if you would like to meet with me formally I am amenable to do that, Cory would you want to meet too, or just leave it up to me?

As for presenting at the next meeting, just confirm with Cory know and he will have you on the agenda, and/or if I now you are coming I will turn it over to you during my land use segment to present.

I look forward to connecting soon.



ALAN RASMUSSEN: VP Production

T: 503-749-4949 C: 503-930-1968

[www.modernbuildingsystems.com](http://www.modernbuildingsystems.com)

---

**From:** Travis North [mailto:[travis.north@devnw.org](mailto:travis.north@devnw.org)]

**Sent:** Monday, August 23, 2021 4:15 PM

**To:** [arasmussen@modernbuildingsystems.com](mailto:arasmussen@modernbuildingsystems.com); [robosushi@robosushi.com](mailto:robosushi@robosushi.com)

**Subject:** FW: Affordable Housing Development on Macleay Road

Looks like I had a typo in Alan's email. Alan, please see below.



---

Travis North

[DevNW](#) // Development Associate

» [Where to find us](#)

○ 541.345.7106 x2071

—  
*In light of recent events and the state's recommendations to contain the spread of COVID-19, DevNW offices will be closed to the public until further notice. We continue to operate and are available to our clients and partners remotely via email, and tele/video conferencing.*

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---

**From:** Travis North

**Sent:** Monday, August 23, 2021 4:10 PM

**To:** [robosushi@robosushi.com](mailto:robosushi@robosushi.com); [arasmussen@modernbuildingsystems.com](mailto:arasmussen@modernbuildingsystems.com)

**Cc:** Erin Dey <[erin.dey@devnw.org](mailto:erin.dey@devnw.org)>; Sarah Brooks <[sarah.brooks@devnw.org](mailto:sarah.brooks@devnw.org)>

**Subject:** Affordable Housing Development on Macleay Road

Good Afternoon, Cory & Alan!

My name is Travis North and I am a Development Associate with the real estate development team at DevNW. I am reaching out because DevNW is working on an affordable homeownership development in your neighborhood that we would love the opportunity to discuss with the two of you.

The development site is located at 5045 MacLeay Road SE, and will include the development of no more than 30 single family homes & townhouses. We will first seek to rezone the land from Industrial Business Campus (IBC) to Single Family Residential (RS) over the course of the fall/winter, and will then subdivide the land to accommodate the individual home lots in the early spring. The homes will be modest in size, will include a mix of affordable and moderately priced units, and will be sold to individuals/families earning approximately 80%-100% of the area median income. DevNW will oversee the entire development process, and will continue to own as well as operate the common areas once the homes are sold.

We will have a preliminary site design to share with you in a couple days. Additionally, we would like to extend a formal invitation to our Virtual Open House on Thursday, September 9, from 6 PM to 7 PM. The meeting can be accessed via this link: <https://us02web.zoom.us/j/85359708013> (Meeting ID: 853 5970 8013).

If possible, we would also like to present our development proposal during your September 14<sup>th</sup> monthly meeting. Do you have a formal process for requesting a spot on your agenda? If so, we are happy to follow your process.

Lastly, if time permits, our team has often found it helpful to meet individually with either the leadership of a neighborhood association or with its land-use subcommittees prior to presenting at a regularly scheduled neighborhood meeting and/or open house. Although DevNW has been around since the 1970s, we are still relatively new to the Salem area. Please let us know if this is something that you would be amenable to doing and/or what your availability looks like over the next week or so.

DevNW is very excited to be working in your community and we look forward to meeting with you to discuss this awesome project! The best way to reach me is by email at [travis.north@devnw.org](mailto:travis.north@devnw.org), and I look forward to hearing from you!

All the best,  
Travis.



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**Travis North**

**DevNW** // Development Associate

» [Where to find us](#)

📞 541.345.7106 x2071

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*In light of recent events and the state's recommendations to contain the spread of COVID-19, DevNW offices will be closed to the public until further notice. We continue to operate and are available to our clients and partners remotely via email, and tele/video conferencing.*

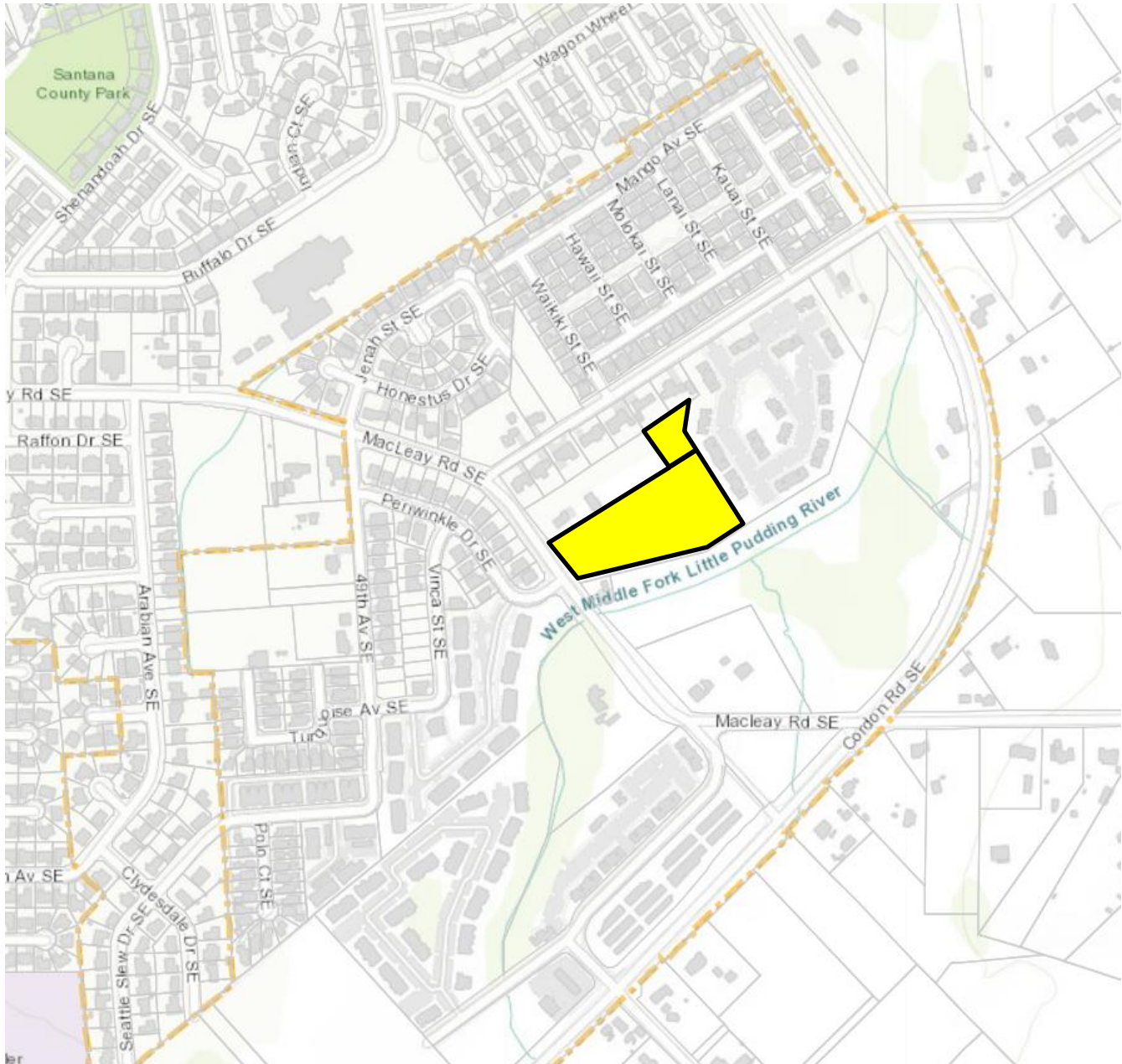
*A la luz de eventos recientes y recomendaciones del estado para contener la proliferación de COVID-19, oficinas de DevNW permanecerán cerradas al público hasta nuevo aviso. Continuamos ser disponible a nuestros clientes y socios remotamente por correo electrónico y conferencia de video.*

# DevNW

DEVELOPING THRIVING COMMUNITIES

**Location Map:** 5045 MacLeay Road SE, Salem, OR 97317

**Subject Properties:** 



[devNW.org](http://devNW.org)

**NeighborWorks®**  
CHARTERED MEMBER

212 Main Street  
Springfield, OR 97477

257 SW Madison Avenue #200  
Corvallis, OR 97333

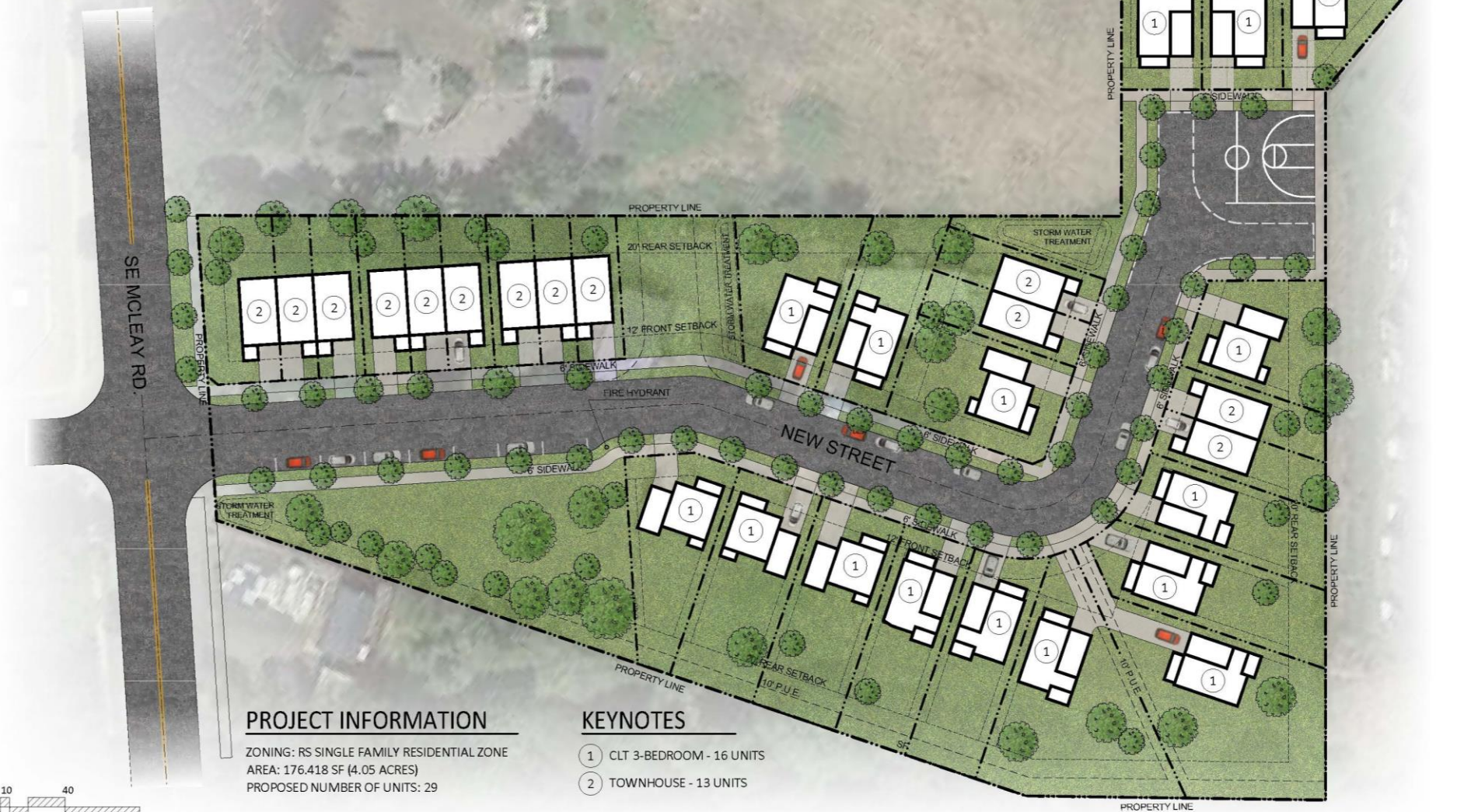
437 Union Street NE  
Salem, OR 97301

421 High Street, Suite 110  
Oregon City, OR 97045



# MACLEAY RD.

5045 SE MACLEAY RD, SALEM, OREGON  
RESIDENTIAL DEVELOPMENT



**PROJECT INFORMATION**  
ZONING: RS SINGLE FAMILY RESIDENTIAL ZONE  
AREA: 176,418 SF (4.05 ACRES)  
PROPOSED NUMBER OF UNITS: 29

- KEYNOTES**
- 1 CLT 3-BEDROOM - 16 UNITS
  - 2 TOWNHOUSE - 13 UNITS



[illegible]



# 5045 MacLeay St

**Public Open House**



# House Keeping

- Meeting is recorded
- Participants are muted
- Sign in required
- Time for Q&A at end
- All notes from this meeting will be submitted as part of our land use application

# Sign In

**Please include:**

- **Name**
- **Address**
- **Telephone Number**
- **Email Address**

# Overview

- **Development Team**
- **DevNW Overview**
- **CLT Model**
- **Project Overview**
- **Site Design**
- **Timeline**
- **Q&A**

# Development Team

- **DevNW**
  - Erin Dey
  - Travis North\*
  - Sarah Brooks
- **GMA**
  - Joseph Moore\*
  - Andrew Schular
  - Scarlet Weaver
  - Katherine Marple

# About DevNW



**DEVIN W**



# CLT Model

## TRADITIONAL PURCHASE



In traditional Real Estate transactions, the homeowner owns the house and the land that it sits on.

## COMMUNITY LAND TRUST



The CLT separates ownership of the land from the buildings that sit upon it. The CLT retains ownership of the land and leases it to the homeowner.

# Site

<https://marioncounty.maps.arcgis.com/apps/webappviewer/index.html?id=01e42d77b3354b0c818f3e6d4d4105fa>

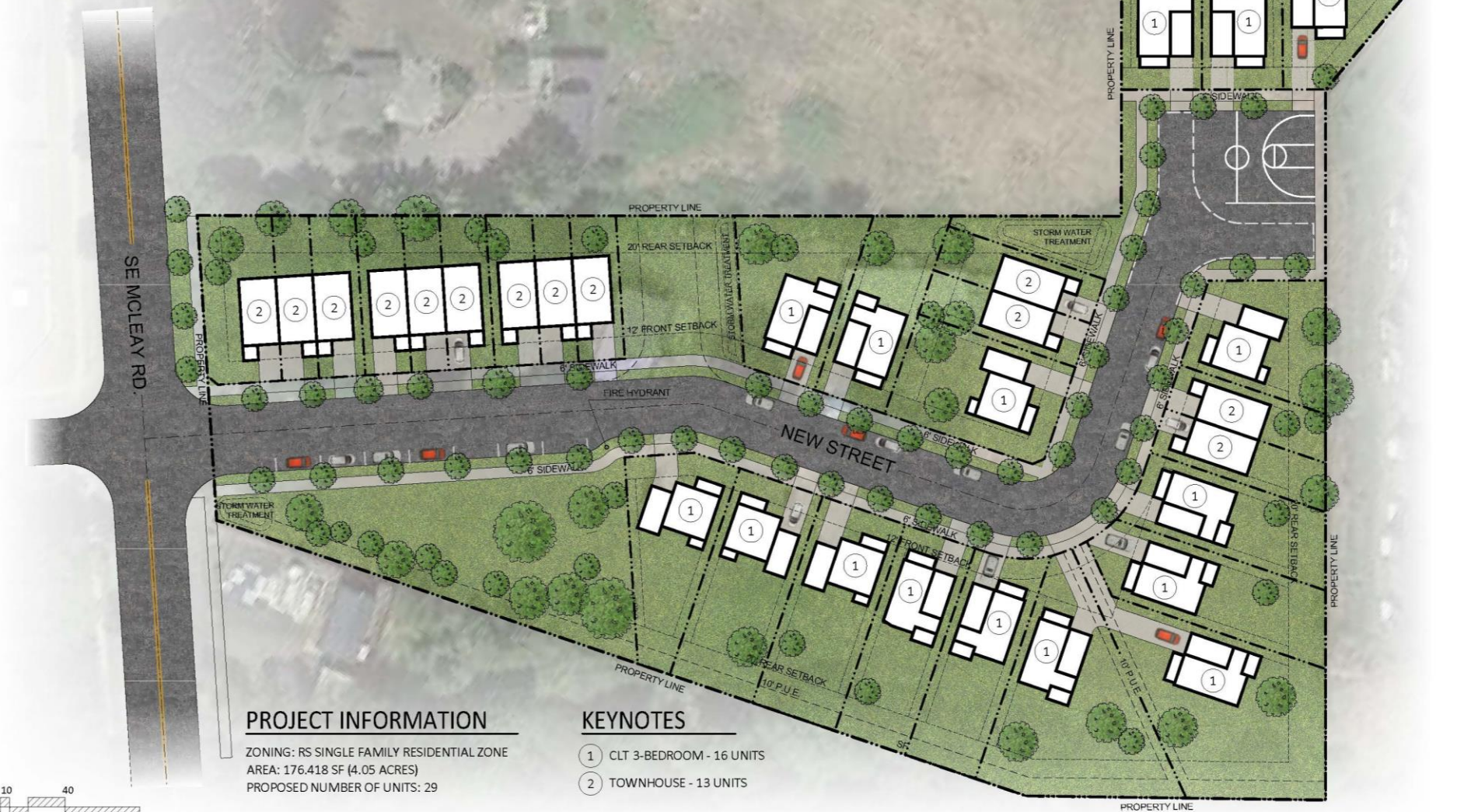
# Project Overview

- **Homeownership Subdivision**
- **<29 Units**
- **Single Family – 2-3 bed/ 2 bath**
- **Townhomes – 2 bed/2 bath**



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# Timeline

- **Fall 2021** – Comprehensive Plan and Zone change
- **Winter/Spring 2022** – Apply for funding & go through subdivision process
- **Fall/Winter 2023** – Break ground
- **Late 2024** – Complete project





# Questions?



# Contacts

**DevNW**

**Travis North**

**541-345-7106**

**[Travis.north@devnw.org](mailto:Travis.north@devnw.org)**

**City Planner**

**Steven McAtee**

**503-540-2363**

**[smcatee@cityofsalem.net](mailto:smcatee@cityofsalem.net)**

**DevNW**



10 September 2021

City of Salem  
Planning/ Permit Application Center  
City Hall, 555 Liberty St. SE, Room 320  
Salem, OR 97301

### **Land Use Applications**

**Project Address:** 5045 Macleay RD SE, Salem, OR 97317  
**Project Team:**

**Applicant:** DevNW  
212 Main St, Springfield, OR 97477  
POC: Travis North, 541.345.7106 x2071

**Architect:** GMA Architects  
860 W Park St, Suite 300, Eugene, OR 97401  
POC: Joseph E. Moore, AIA, (541) 344-9157

**Attorney:** Tomasi Salyer Martin  
121 SW Morrison St, Suite 1850, Portland, OR 97204  
POC: Jennifer Bragar, (503) 894-9900

**Traffic Engineer:** DKS Associates  
117 Commercial St NE, Suite 310, Salem, OR 97301  
POC: Lacy Brown, Ph.D, P.E., RSP1, (503) 313-1880

**Environmental Consultant:** Turnstone Environmental Consultants  
PO Box 816, Philomath, OR 97370  
POC: Jeff Reams, (503) 283-5338



## **WRITTEN STATEMENT**

**August 23, 2021**

**Project:** Zone Change and Minor Comprehensive Plan Map Amendment

**Address:** 5045 Macleay RD SE, Salem, OR, 97317

**Tax Map:** 07 2W 32D

**Parcel Number:** 01900, 02000

**Neighborhood:** Southeast Mill Creek Association

**Current Zoning:** IBC, Industrial Business Campus

**Current Comprehensive Plan Map Designation:** IND, Industrial

**Proposed Zoning:** RS, Single Family Residential

**Proposed Comprehensive Plan Map Designation:** SFR, Single Family Residential

### **LAND USE REQUEST:**

Applicant requests a Zone Change and a Minor Comprehensive Plan Map Amendment to change the zoning designation of the subject properties to RS, Single Family Residential and SFR, Single Family Residential, respectively. Applicant submits herewith the materials required for a Type III application procedure for consolidated review.

The combined area of the subject properties equals 4.05 acres or 176,418 SF, parcel 01900 measuring 21,344 SF and parcel 02000 measuring 155,074 SF. The subject properties lie within Southeast Mill Creek Neighborhood, a Salem neighborhood located southeast of the downtown area. Applicant's proposed use includes affordable single-family residences of diverse housing types. The subject properties are able to support all development requirements established in the Salem Revised Code (SRC). Proposed development includes approximately (24)-(29) single-family residences and associated community amenities, public improvements including street, driveway, fire lane access, and stormwater management and treatment facilities. The proposed housing types includes 2 to 3-bedroom single-family homes ranging in size from 800-1,200 SF, and townhomes averaging in size at 1,225 SF. The design for the proposed use prioritizes

providing Missing Middle housing types and a variety of publicly funded, affordable single-family homes accommodating the needs, abilities, and preferences of current and future residents.

Preliminarily, Applicant reminds the City that the zone change is an application for needed housing under state law. See ORS 197.303(1)(a). As a result, the Applicant reserves the right to request that the City apply only "clear and objective standards, conditions, and procedures" to the development. ORS 197.307(4). The Applicant specifically identifies those criteria that do not contain clear and objective standards in this response and objects to the use of such standards in review of this application. Further, the Applicant has a funding reservation agreement with a public funder for the purpose of developing publicly supported housing on the properties. The Applicant has received and will receive government assistance that includes an affordability restriction under ORS 456.250(5)(a)(B).

***Applicable Criteria to this matter for the application includes:***

**Part I:** Salem Revised Code

- Title V, Chapter 64 Comprehensive Planning
- Title X, Chapter 265 Zone Changes, Chapter 300 Procedures for Land Use Applications and Legislative Land Use Proposals

**Part II:** Salem Area Comprehensive Plan

- Comprehensive Policies Plan, Neighborhood Plan, Public Facilities Plans, Transportation System Plan

**Part III:** Oregon's Statewide Planning Goals

## **PART I | Salem Revised Code**

### **SRC TITLE V – CHAPTER 64 COMPREHENSIVE PLANNING**

#### ***Sec. 64.025. - Plan map amendments***

##### ***(a) Applicability***

- (2) A minor plan map amendment is an amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.***

##### ***(b) Standing to initiate plan map amendments.***

- (2) Notwithstanding SRC 300.1110, a minor plan map amendment may only be initiated by the Council, the Planning Commission, or an owner of property that is the subject of the amendment, or that owner's agent.***

##### ***(c) Procedure type.***

- (2) Minor plan map amendments are quasi-judicial decisions, and are processed as a Type III procedure under SRC chapter 300.***

Findings: The Applicant requests a Minor Comprehensive Plan Map Amendment for parcels 01900, 02000. The Applicant is the contracted purchaser of the property and submits this application with the owner's consent.

##### ***(d) Submittal requirements***

- (2) In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for an applicant-initiated minor plan map amendment shall include the following:***
  - (A) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:***
    - (i) The total site area, dimensions, and orientation relative to north;***

- (ii) The location of existing structures and other improvements on the site, including, but not limited to, buildings, accessory structures, fences, walls, parking areas, and driveways, noting their distance from property lines;*
- (iii) The location of drainage patterns and drainage courses, if applicable;*

***(B) A traffic impact analysis, if required by the Director.***

Findings: Existing conditions plan submitted herewith. A Transportation Planning Rule Analysis is also submitted herewith.

***(e) Criteria***

- (2) Minor plan map amendment. The greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A minor plan map amendment may be made if it complies with the following:***

***(A) The minor plan map amendment is justified based on the existence of one of the following:***

Findings: SRC 64.025(e)(2)(A) only requires the Applicant to meet one circumstance among the subsections. However, the Applicant's proposed zone change is justified by responses to both subsection (i) and (ii) as set forth below.

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

Findings: The Applicant objects to the application of this criterion because use of "nearby vicinity", "so altered" and "no longer appropriate" are not clear and objective terms.

Notwithstanding this objection, the Applicant provides the following response.

**The State of Oregon is in a housing crisis and increasing Affordable Fair Housing opportunities is one of the City's top priorities.** Economic realities, social realities, and demographic patterns have changed for many people within the City of Salem, driving the need for more affordable,

diverse housing options. The Applicant's Goal 10 findings provide additional support for the change in demographics that justify a zone change under this criterion and those findings are incorporated here. The Applicant submits portions of the City's Housing Needs Analysis ("HNA") from 2015. Attachment 2. City staff confirmed that on February 8, 2016, the City Council accepted the HNA consistent with the resolution attached here. See Attachment 3. Additionally, the Applicant submits the Our Salem Vision 2021 report (Salem Vision 2021) that provides additional context for the changing social, economic, and demographic patterns in Salem and near the properties. See Attachment 1.

The HNA, page 18, determined “In 2012, more than one-third of American households spent more than 30% of income on housing. Nearly 40% of low-income households with one or more full-time workers are severely cost burdened (i.e., spent 50% or more of income on housing), and roughly 60% of low-income households with one part-time worker are severely cost burdened.” Further, the HNA, pages 25-26, describes the demographic characteristics of the population and predicts the future housing trends related to the demand for different housing types. Stating, “Most of the evidence suggests that the bulk of the change will be in the direction of smaller average house and lot sizes for single-family housing. Key demographic trends that will affect Salem’s future housing needs are: (1) the aging of the Baby Boomers, (2) aging of the Millennials, and (3) continued growth in Hispanic and Latino population. In summary, an aging population, increasing housing costs, housing affordability concerns for Millennials and the Hispanic and Latino populations, and other variables are factors that support the conclusion of smaller and less expensive units and a broader array of housing choices. Millennials and immigrants will drive demand for affordable housing types, including demand for small, affordable single-family units (many of which may be ownership units) and for affordable multifamily units (many of which may be rental units).” This proposal directly reflects these changes in social, economic, and demographics changes by providing homeownership opportunities for affordable single-family units of diverse housing types, and diversifying the size of such homes.

The HNA recommends increasing land available for multifamily housing type in single family designations “to increase opportunities for development of townhouses, duplexes, tri-plexes,

and quad-plexes in the Single-Family and (possibly) Developing Residential designations. These types of multifamily housing are generally compatible with single-family detached housing.” Page 48. This proposal directly reflects this recommendation by providing 13 new townhomes in a proposed single-family neighborhood.

The Salem Vision 2021, page 9, determined “as Salem’s population grows, Salem is expected to need more diverse housing types, including more middle housing such as townhomes and duplexes” and states, on page 35, “there needs to be a stronger focus on the development of affordable housing including subsidies and aggressive leveraging of state and federal resources.” This proposal intends to help fill this need by providing diverse housing types including a variety of Missing Middle townhomes and affordable single-family homes utilizing Community Land Trust (CLT) programs to provide low-income residents a path to home ownership. Missing Middle housing is often described as a range of house-scale buildings with multiple units that are compatible in scale and form with detached single-family homes and are located in a walkable neighborhood. The CLT model is accomplished when a nonprofit organization acquires and holds land for the benefit of a community while providing access to permanently affordable housing. Thus, providing a long-term affordable component for the City.

The proposed use is single-family housing. The site’s size, existing footprint, and proximity to public transit, existing residential neighborhoods, and employment centers make it an ideal location for affordable, single-family housing. The proposed zone and use will allow the subject properties to be repurposed for residential use. Proposed development includes both Missing Middle Housing townhomes and affordable single-family residences, serving a distinct segment of the population that will benefit from stable, affordable housing. Based on the foregoing, the proposed use aligns with the current social, economic, and demographic patterns in the vicinity of the South Mill Creek Neighborhood and surrounding neighborhoods.

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

Findings: The Applicant objects to the application of this criterion because terms like "equally or better suited" are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. South Mill Creek Neighborhood is primarily a residential and industrial neighborhood with a mix of uses including Single Family (RS), Multi-Family (RM2), Employment Centers (EC), Industrial Business Complex (IBC), Industrial Commercial (IC) and their respective special or conditional uses. Properties north and west of the subject properties are designated as Single Family Residential according to the Salem Comprehensive Plan, indicating that single-family use on the subject properties is compatible with surrounding uses. A multi-family development lies northeast of the subject properties and includes newly constructed apartment buildings and public improvements. This development, along with the single-family housing to the north, indicates that a dense subdivision supporting a variety of housing types on the subject properties is appropriate because the townhouse component will blend well with surrounding multifamily development. The Applicant is seeking to match the traditional single-family neighborhoods while also providing diversity in housing types. The proposed permanent affordable residences on the subject properties are better suited than the existing industrial designation.

In addition, the single-family residential zoning designation is better suited than industrial because the proposed development located on the subject properties will act as a buffer between the large-scale, industrial developments to the south and the single-family residential neighborhood to the west. Further, the proposed development design locates required privacy screening between the denser multi-family development to the east. Orientation of proposed residences allows fenced backyards to further act as a buffer. For these reasons the proposed development successfully maintains the livability of the neighborhood by virtue of preserving the scale of the existing neighborhood. Because the site is bordered by both single-family and multi-family housing types this proposed designation does not disrupt the pattern of development. This proposal allows the existing neighborhood fabric to remain intact, preserves the context of the site, and supports additional affordable housing stock for the City of Salem.

In addition, under the existing designation the subject properties remained underdeveloped and underutilized. For many of the same reasons as Applicant identifies in the Comprehensive Plan and Goal 9 findings below and incorporated here by reference, the site is not suited for Industrial use. This small, industrial zoned area at the western end of the urban growth boundary has not successfully developed as industrial uses, likely because such uses favor closer proximity to Interstate 5.

One obvious hindrance to large-scale industrial developments affecting the property is the site's size and natural characteristics including South Mill Creek and associated wetlands that bisect the properties. The proposed designation allows the creek and wetlands to act as a natural buffer between the industrial zoned properties to the south and the residential uses to the north. If the zone remains unchanged, these physical limitations will continue to hinder the opportunities for industrial development of the site because creek and wetlands protection reduce the industrial development potential, and prevent the site from achieving its highest and best use. However, under the proposed zone and development, the creek is protected, and a high density of residences is achieved - allowing the site to achieve its highest and best use. For these reasons, the proposed zone change and designation is better suited for the property than the existing designation.

***(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;***

Findings: The subject properties are sufficient in size to accommodate extension of existing public facilities and services, and new construction of such public facilities and services as required by SRC Chapter 200. The intended use and proposed development will require public improvements, including the construction of a new public right-of-way. Per the Transportation Planning Rule Analysis, traffic from the proposed use will increase compared to the existing use. However, the increase is within the threshold for acceptable trip generation increases, existing roadways have sufficient capacity to serve this use.



The subject properties are within Salem's Urban Growth Boundary (UGB) and are capable of being served by extensions to existing urban services including, water, wastewater, sewer, electrical, and public transportation services. The subject properties are within existing Fire, Police, and School districts. The subject properties are of sufficient size to accommodate required stormwater treatment infrastructure. Proposed development includes the construction of a new public right-of-way, new fire access lane, and a new fire hydrant, and extensions of all public facilities and services necessary to support the residential use.

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

***(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and***

Findings: The Applicant objects to the application of these criteria because words like "logical" and "consistent " are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. Logical urbanization of the subject properties is supported by the above findings under SRC 64.025(e)(2)(A)(ii), incorporated herein by reference. The subject properties are within the Salem UGB and capable of supporting the proposed development. See also the findings incorporated under [Part II](#) and [Part III](#) that provide further support to show these criteria are met.

***(E) The amendment is in the public interest and would be of general benefit.***

Findings: The Applicant objects to the application of this criterion because "public interest" and "general benefit" are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. For all the reasons stated in the findings under SRC 64.025(e)(2)(A)(i), and the Goal 10 findings below, this amendment is in the public interest to serve as part of the remedy to the affordable housing crisis in the City of Salem. In addition, the amendment allows expansion of the existing, surrounding residential neighborhood primarily made up of single-family homes and multifamily apartment complexes to incorporate a broader

mix of housing types, including missing middle housing types that are state and federally subsidized single-family residences to be made available to low income families.

## **SRC TITLE X – CHAPTER 265**

### **ZONE CHANGES**

#### ***Sec. 265.005. - Quasi-judicial zone changes***

***(d) Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a quasi-judicial zone change shall include the following:***

- (1) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:***
  - (A) The total site area, dimensions, and orientation relative to north;***
  - (B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and***
  - (C) The location of drainage patterns and drainage courses, if applicable;***
- (2) A traffic impact analysis, if required, in the format specified, and based on thresholds specified in standards established, by the Director.***

Findings: Existing conditions plan submitted herewith. A Transportation Planning Rule Analysis is also submitted herewith.

#### ***(e) Criteria.***

- (1) A quasi-judicial zone change shall be granted if all of the following criteria are met:***
  - (A) The zone change is justified based on the existence of one or more of the following:***
    - (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.***

Findings: These criteria are met. See findings above under SRC 64.025(e)(2)(A)(i) and (ii) and incorporated here by reference.

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

Findings: This criterion is met. See findings under [Part II](#) for Salem Area Comprehensive Plan compliance and incorporated here by reference.

***(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.***

Findings: This criterion is met. See findings under [Part III](#) for statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development compliance and incorporated here by reference.

***(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.***

Findings: This criterion is met. See findings under [Part II](#) for Salem Area Comprehensive Plan Industrial designations and [Part III](#) Goal 9 findings below incorporated here by reference.

***(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.***

Findings: The zone change does not significantly affect a transportation facility. See the Transportation Planning Rule Analysis submitted herewith.

***(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.***

Findings: This criterion is met. See findings above, SRC 64.025(e)(2)(B) and incorporated here by reference.

***Sec. 265.020. - Conditions of approval.***

- (a) Conditions may be imposed on zone changes including limits on use, uses permitted, and any development standards.***
- (b) Conditions imposed shall be construed and enforced, in all respects, as provisions of this zoning code relating to the use and development of land. Modification of use conditions shall be by zone change, as provided under this chapter. Modification of all other conditions, including full or partial release therefrom, shall be by variance, as provided under SRC chapter 245.***
- (c) If the dedication of right-of-way or construction of public improvements is required as a condition of approval under this section, the dedication or improvement shall be the obligation of the applicant and must be completed prior to issuance of building permit or certificate of occupancy, whichever is earlier. Upon justification by the applicant, the***

***Director may allow deferral of all or a portion of public improvements required as a condition under this section beyond issuance of building permit or certificate of occupancy until a stated time or until required by Council, whichever is earlier. An applicant seeking deferral under this section shall execute an improvement deferral agreement which specifies the terms of deferral. The agreement shall be in a form approved by the City Attorney and shall be filed in the deed records of the appropriate county.***

Findings: The proposed development on the subject properties will comply with all design standards and requirements established in the SRC. Dedicated right-of-way and public improvements required as conditions of approval will be included in the proposed development and are subject to the City of Salem's Site Review and Design Review. No conditions of approval proposed for use or development standards are required as part of this application. Applicant will respond to additional requests of the Planning Administrator accordingly for proposed conditions of approval for use and development standards.

***Sec. 265.025. - When zone change requires comprehensive map amendment.***

***A zone change may require an amendment to the comprehensive plan map. A zone change requires an amendment to the comprehensive plan map when the zone proposed with the change requires a different corresponding plan map designation. If an amendment to the comprehensive plan map is required, the zone change and comprehensive plan map amendment shall be consolidated under SRC chapter 300.***

Findings: The proposed Zone Change requires a corresponding change to the Comprehensive Plan Map. Applicant requests that the Zone Change and Amendment be consolidated as outlined under SRC Chapter 300.

## **SRC TITLE X – CHAPTER 300**

### **PROCEDURES FOR LAND USE APPLICATIONS AND LEGISLATIVE LAND USE PROPOSALS**

#### ***Sec. 300.120. - Procedures for review of multiple applications.***

***When multiple land use actions are required or proposed by an applicant, the applications may be processed individually in sequence, concurrently, or through the consolidated procedure provided in this section. The applicant shall elect how the land use applications are to be processed, except where a specific review process or sequence is otherwise required or where the land use applications are subject to the same procedure type and decided upon by the same Review Authority. When multiple land use applications are subject to the same procedure type and decided upon by the same Review Authority, the land use applications shall be consolidated.***

***(c) Consolidated applications. When multiple applications are consolidated, a single application is filed for all land use actions. The application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type required for any of the land use applications. The Review Authority shall be the highest applicable Review Authority under the highest numbered procedure type required for any of the land use applications.***

Findings: The Applicant requests that the proposed Zone Change and Minor Amendment to Comprehensive Plan Map be reviewed as a Consolidated application.

#### ***Sec. 300.200. - Initiation of applications.***

***(a) Type I, Type II, Type III, and Type IV land use applications may be submitted by one or more of the following persons:***

- (1) The owner of the subject property;***
- (2) The contract purchaser of the subject property, when the application is accompanied by proof of the purchaser's status as such and by the seller's written consent;***

Findings: The Applicant has submitted proof of purchaser's status and seller's consent herewith.

**Sec. 300.210. - Application submittal.**

***(a) Land use applications shall be submitted on forms prescribed by the Planning Administrator. A land use application shall not be accepted in partial submittals. All of the following must be submitted to initiate completeness review under SRC 300.220. All information supplied on the application form and accompanying the application shall be complete and correct as to the applicable facts.***

- (1) A completed application form***
- (2) Recorded deed/land sales contract with legal description;***
- (3) Any information that would give rise to an actual or potential conflict of interest under state or local ethics laws for any member of a Review Authority that will or could make a decision on the application;***

Findings: The Applicant has submitted the above-mentioned information herewith. In addition, Council Member Jose Gonzalez would not be able to participate in City Council consideration of this application because he is currently acting as a real estate agent in relation to this property.

- (4) Pre-application conference written summary, if a pre-application conference was required under SRC 300.310 (a) and Table 300-2; or copy of the approved pre-application conference waiver, if such approval was granted pursuant to SRC 300.310(b);***

Findings: A pre-application conference for this project occurred on August 16<sup>th</sup>, 2021. The Applicant has submitted the Pre-application written summary herewith.

- (5) A statement as to whether any City-recognized neighborhood associations whose boundaries include, or are adjacent to, the subject property were contacted in advance of filing the application and, if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact and who it was with (e.g., phone conversation with neighborhood association***



***chairperson, meeting with land use committee, presentation at neighborhood association meeting), and the result;***

Findings: The Applicant contacted the Southeast Mill Creek Neighborhood Association and has submitted a summary of contact herewith.

- (6) For applications requiring neighborhood association contact under SRC 300.310, a copy of the required e-mail or letter to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent;***

Findings: The Comprehensive Plan amendment does not require neighborhood association contact. However, the Zone Change application does require neighborhood association contact. The Applicant contacted the Southeast Mill Creek Neighborhood Association and has submitted proof herewith.

- (7) For applications requiring an open house under SRC 300.320:***

***(A) A copy of the sign-in sheet for the open house and a summary of the comments provided; or***

***(B) When a neighborhood association meeting has been substituted for a required open house, a summary of the comments provided at the neighborhood association meeting;***

Findings: The Applicant conducted an Open House September 9th, 2021 and has submitted required documentation herewith.

- (8) A statement as to whether the Salem-Keizer Transit District was contacted in advance of filing the application; and if so, a summary of the contact. The summary shall include the date when contact was made, the form of the contact, who it was with, and the result;***

Findings: Not applicable.

- (9) A written statement addressing each applicable approval criterion and standard;***

Findings: Submitted here.

- (10) For Type II, Type III, and applicant initiated Type IV applications involving property subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State which includes an identified registered agent, the HOA name and mailing address for the registered agent.**

Findings: Not applicable.

- (11) For applications for affordable multiple family housing where a 100-day state mandated decision date is sought, a draft copy of the covenant required under ORS 197.311 restricting the owner, and each successive owner, of the development or a residential unit within the development from selling or renting any of the identified affordable residential units as housing that is not affordable housing for a period of 60 years from the date of the certificate of occupancy.**

Findings: Not applicable.

- (12) Any additional information required under the UDC for the specific land use action sought;**
- (13) Any additional information, as determined by the Planning Administrator, that may be required by another provision, or for any other permit elsewhere, in the UDC, and any other information that may be required to adequately review and analyze the proposed development plan as to its conformance to the applicable criteria;**

Findings: No additional information required under the Unified Development Code for the specific land use action has been identified. Applicant will respond to additional requests of the Planning Administrator accordingly.

- (14) Payment of the applicable application fee(s) pursuant to SRC 110.090.**

Findings: Applicant submits payment herewith.

**Sec. 300.300. - Pre-application conference**

***(b) Applicability***

- (1) Pre-application conferences are mandatory for those land use actions identified under Table 300-2 as requiring a pre-application conference.***

Findings: A pre-application conference for this project occurred on August 16<sup>th</sup>, 2021.

***Sec. 300.310. - Neighborhood association contact***

***(c) Process. Prior to submitting a land use application requiring neighborhood association contact, the applicant shall contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The e-mail or mailed letter shall:***

- (1) Be sent to the chair(s) and land use chair(s) of the applicable neighborhood association(s) prior to submitting the land use application; and***
- (2) Contain the following information:***
- (A) The name, telephone number, and e-mail address of the applicant;***
- (B) The address of the subject property;***
- (C) A summary of the proposal;***
- (D) A conceptual site plan, if applicable, that includes the proposed development; and***
- (E) The date on which the e-mail or letter is being sent;***

***(d) Effect on subsequent land use application submittal. A land use application requiring neighborhood association contact shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the e-mail or letter that was sent to the neighborhood association, and a list of the e-mail or postal addresses to which the e-mail or letter was sent.***

Findings: The Applicant contacted the Southeast Mill Creek Neighborhood Association and has submitted proof herewith.

***Sec. 300.320. - Open house***

***(a) Purpose. The purpose of an open house is to provide an opportunity for applicants to share plans for certain types of proposed land use applications with the public in advance of the***

*applications being submitted. This encourages dialogue and provides opportunities for feedback and resolution of potential issues prior to filing.*

***(b) Applicability.***

- (1) An open house, as provided in this section, is required for those land use applications identified under Table 300-2 as requiring an open house.***
- (2) When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for an open house and the other applications require a combination of neighborhood association contact or no neighborhood association contact, the entire consolidated application shall require an open house.***

***(c) Process. Prior to submitting a land use application requiring an open house, the applicant shall arrange and attend one open house for the purpose of providing the applicant with the opportunity to share their proposal with the neighborhood and surrounding property owners and residents prior to application submittal. The open house shall be open to the public and shall be arranged, publicized, and conducted as follows:***

- (1) Date and time. The public open house shall be held:***
  - (A) Not more than 90 days prior to land use application submittal and at least seven days after providing notice as required under SRC 300.320(c)(3) and (c)(4);***
  - (B) At a time between 5:30 p.m. and 9:00 p.m. Monday through Friday, or between 9:00 a.m. and 9:00 p.m. on Saturday or Sunday; and***
  - (C) Shall not be held on a legal holiday.***
- (2) Location. The open house shall be held:***
  - (A) Within the boundaries of the City-recognized neighborhood association the property is located within or within two miles of the subject property; and***
  - (B) In a location where there is an accessible route from outside the building to the space where the open house will be held.***
- (3) Written notice. Written notice of the public open house is required and shall be provided as follows:***

***(A) The applicant shall provide written notice of the public open house a minimum of seven days prior to the public open house to:***

- (i) Any City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property; and***
- (ii) The Planning Administrator.***

***(4) Posted notice. Posted notice of the public open house is required and shall be provided as follows:***

***(A) The applicant shall post notice on the property affected by the proposal a minimum of seven days prior to the open house.***

***(d) Open house requirements. The applicant shall provide a sign-in sheet at the open house requesting the name, address, telephone number, and e-mail address of those in attendance.***

***(e) Effect on subsequent land use application submittal. A land use application requiring an open house shall not be accepted, as provided under SRC 300.210, unless it is accompanied by a copy of the sign-in sheet from the open house and a summary of the comments provided.***

Findings: The Zone Change proposed does not require an Open House. However, the Comprehensive Plan amendment does require an Open House. The Applicant conducted an Open House September 9th, 2021 according to the above-mentioned requirements and has submitted the documentation herewith.

## **PART II | Salem Area Comprehensive Plan**

### **SALEM COMPREHENSIVE POLICIES PLAN – II. DEFINITIONS AND INTENT STATEMENTS**

As the Comprehensive Plan states, "Changes in use designation to permit higher residential densities is governed by the goals and policies of this Plan and the local rezoning process." The following narrative discusses goals and policies in the Plan that balance in favor of this rezoning application to allow a Single Family designation and the development of needed, affordable housing.

#### **3. Plan Map Designations:**

##### **a. Residential:**

*The intent of the residential designations is:*

- (a) To retain and conserve the existing sound housing stock;*
- (b) To provide for the systematic conversion of sites to more intensive residential uses in accord with development policies and standards;*
- (c) To provide and maintain an overall land use pattern in the urban area that is consistent with the service capabilities of the jurisdictions;*
- (d) To ensure a compatible transition between various types of housing;*
- (e) To provide and maintain a supply of serviced, developable land throughout the urban area for residential and other urban uses, as demand warrants and service capabilities permit;*
- (f) To stabilize and protect the essential characteristics of residential environments, including natural features;*
- (g) To encourage locating residential development where full urban services, public facilities, and routes of public transportation are available;*

Findings: The Applicant objects to the application of these criteria because they use subjective terms that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The Applicant incorporates by reference responses to these same types of policies in this application. The proposed zone change and comprehensive plan map adjustment allows for residential designation and use on site. The proposed development adds

diverse, affordable residences with proximity to employment opportunities to the existing housing stock. Proposed buildings will match existing structures in the area in order to stabilize and protect the essential characteristics of residential environments.

***The criteria that will be used to develop an acceptable residential land use pattern will include the following:***

***(a) The changing social, physical, and economic factors which take place within an area and its potential long-range effect on land use.***

***(b) The desirability for redevelopment and infill within existing neighborhoods to higher densities.***

***(c) The necessity of managing urban growth over time in accordance with the ability to provide urban support services such as sewer, water, streets, and recreation, which would occur after annexation.***

***(d) The provision of a transitional land use pattern from the urbanized core to the rural area outside the Urban Growth Boundary.***

***(e) The need to ensure opportunities for a variety of housing alternatives throughout the urban area.***

***(f) The need to provide land for support services to the residents of an area, such as neighborhood shopping facilities, schools, parks, and churches.***

***(g) To encourage locating residential development where full urban services, public facilities, and routes of public transportation are available***

Findings: The Applicant objects to the application of these criteria because they use subjective terms that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. See findings incorporated under [Part I](#) and [Part III](#) that provide further support to show these criteria are met. The proposed designation increases the existing housing stock, maintains the overall land use pattern of the surrounding urban area, and permits single-family and multifamily housing developments to blend and fit within the overall fabric of the Salem urban area. As stated in the findings for code specific provisions that implement the plan,

the proposal considers changing social, physical and economic factors, and is served by adequate public facilities, services, amenities, and access to employment opportunities.

***f. Industrial***

***This designation indicates the location of industrial uses. Location of industrial land requires consideration of potentially heavier demands on public facilities significant impacts on the environment, and vehicular traffic. The intent is to provide a variety of industrial sites for all types of industrial uses throughout the Salem urban area.***

Findings: The Applicant submits portions of Salem Vision 2021, Attachment 1. As identified by the proposed Zoning Map, page 39, the subject properties have been identified as suitable for residential use, while land to the south is currently zoned industrial and has been considered for industrial commercial. Allowing South Mill Creek to serve as the natural boundary between the small 4.05 acres subject properties and remaining industrial land to the south, while simultaneously incorporating environmental protections for the creek into the proposed development does not interfere with the City's goal to have a range of industrial land. Additionally, the proposed zone change allows reduced demand on Macleay Road and directs vehicular traffic to Cordon Road and outside of the residential neighborhoods. In addition, the Applicant incorporates by reference responses here to Industrial Goals found below in this application. See also [Part III](#) Goal 9 findings incorporated here by reference.

***B. SPECIAL RESOURCE INFORMATION***

***Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner. The following outlines sources of information on these special conditions and resources.***

- 1. Floodplains***
- 2. Geologic Conditions***
- 3. Soils***
- 4. Aggregate Resources***
- 5. Fish and Wildlife***
- 6. Willamette River Greenway Boundary***



## **7. Historic Resources**

## **8. Airspace Obstruction Limitations**

Findings: No special conditions or resources found on site. For additional information regarding historic character, see findings below in **Part III Oregon Statewide Planning Goal** incorporated here by reference.

### **C. URBAN GROWTH POLICIES:**

*The intent of the urban growth policies is:*

- 1. To contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.*
- 2. To conserve resources by encouraging orderly development of land.*
- 3. To preserve farmland and open space.*
- 4. To make more economical use of local tax dollars in locating facilities and providing services for the benefit of all citizens within the urban growth area. Since urban services are interrelated, coordination is best achieved by a single general purpose governmental unit.*
- 5. To provide property owners greater security in long-range planning and investments.*
- 6. To make it possible for utility extensions, transportation facilities, and schools to be designed and located so as to more closely match population growth.*
- 7. To preserve and enhance the livability of the area.*
- 8. To use public facilities and services as a framework for urban development.*

Findings: The Applicant objects to the application of these policies because they use subjective terms that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. See findings incorporated under [Part I](#) and [Part III](#) that provide further support to show these policies are met. Additionally, the proposed zone change and affordable housing development represents orderly infill development of currently underdeveloped and underutilized properties.

### **D. GROWTH MANAGEMENT PROGRAM:**

*The intent of a growth management program is to encourage urban development to occur in such a way that the expansion of urban services can be accomplished in a fiscally sound*

***manner while still providing the required city services on an equitable basis to all community residents.***

Findings: The Applicant objects to the application of this policy because they use subjective terms that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. See findings under [Part I](#) and [Part III](#), incorporated here by reference.

## **SALEM COMPREHENSIVE POLICIES PLAN – IV. SALEM URBAN AREA GOALS AND POLICIES**

### **B. GENERAL DEVELOPMENT**

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

#### ***Citizen Involvement***

***1. Opportunities for broad-based citizen involvement in the development, revision, monitoring and implementation of the Salem Area Comprehensive Plan shall be provided by the City of Salem and Marion and Polk Counties. Where neighborhood groups have been officially recognized by the governing body, they shall be included in the planning process. To help assure citizen participation and information, public hearings shall be held prior to adoption of all land use ordinances.***

Findings: The Applicant has contacted the Southeast Mill Creek Neighborhood Association and conducted an Open House fulfilling the requirements for citizen involvement as required by Rezoning and Minor Comprehensive Plan Map Amendment. This application is subject to a public hearings process open to the public.

***3. Economic growth which improves and strengthens the economic base of the Salem urban area should be encouraged.***

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The proposed use allows for permanent residences on site, with close proximity to Industrial Business Complexes, Employment Centers and various businesses operating under Industrial and Commercial uses; including, but not limited to, the Home Depot Distribution

Warehouse and Amazon Fulfillment and Distribution Center. Fair, affordable housing allows families to move into areas where wages and employment prospects are available with the potential for increased wages and employment prospects. Access to these stable housing options relieves other city service budgets and further stimulates economic growth.

***6. All public and private development shall meet the requirements of applicable local, state and federal standards.***

Findings: The application demonstrates that the proposed Zone Change and Minor Comprehensive Map change meet the requirements of applicable local, state, and federal standards. No development has been proposed as part of this application.

***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.***

Findings: The Applicant objects to the application of this policy because it uses the subjective terms like "optimize" and "minimize adverse alteration" and "adverse effects" that are not clear and objective. Notwithstanding this objection, the Applicant offers the following response. The proposed use optimizes use of the land by with a plan to provide an average density within the City's goal of 6.5 dwelling units per gross acre. Proposed development will minimize the potential for erosion and adverse effects upon the existing topography and soil conditions by utilizing Salem's Storm Water Design requirements. The subject properties support the ability to implement stormwater treatment infrastructure. Additionally, the proposed development will minimize alteration of the natural terrain and watercourses by protecting Southeast Mill Creek with a 100-foot development setback and locating all proposed structures outside of potential wetland areas.

***8. The city shall consider zoning and other site regulations for utilization of solar energy, wind power, on-site conversion of clean fossil fuels to electricity, and other renewable and increased efficiency alternatives.***

Findings: This policy is directed to the City and its ongoing planning efforts, not to the Applicant's quasi-judicial zone change and comprehensive plan map amendment application. Even if the policy is directed to this application, the proposed use will include increased energy efficiency through sustainable building practices based on benchmarks identified by the State of Oregon Residential Code.

***10. Improvements of streets in addition to those in or abutting a development may be required as a condition of approval of subdivisions and other intensifications of land use.***

Findings: The subject properties are large enough to sufficiently accommodate street improvements. The proposed use will incorporate street improvements as required by the Salem Revised Code and the Public Works Department.

***11. Buildings and facilities open to the public should be well designed to fulfill their specified function, taking into consideration the needs of handicapped persons.***

Findings: The Applicant objects to the application of this criterion because it is an aspiration that is not clear and objective. Additionally, notwithstanding this objection, the Applicant provides the following response. The use of the subject properties can be designed to accommodate universal access according to ADA and current building code standards. The proposed design will include features to allow a person with physical disabilities to independently get to, enter, and use the site, facility, buildings, and amenities.

***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.***

Findings: The Applicant objects to the application of this policy because it is an aspiration and uses subjective terms like "reduce its impact" that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The subject properties are large

enough to sufficiently accommodate developments and reduce impact on adjacent properties including screening, landscaping, and setbacks. Proposed buildings located on subject properties will comply with current height and mass regulations according to Salem Revised Code. The future development of the proposed use will include new privacy fencing, landscaping, stormwater planters, street trees, and will comply with setback requirements. Further, the proposed development protects Mill Creek and allows it to serve as a natural buffer from the more intense industrial use to the south.

***13. Land use regulations shall encourage public spaces, both natural and manmade for either active or passive enjoyment, including natural areas, open plazas, pedestrian malls, and play areas.***

Findings: This policy is aimed at the City's regulatory development. To the extent the policy applies to this application, the subject properties are large enough to sufficiently accommodate open space requirements according to the Salem Revised Code. The proposed use will include front, side, and back yards and add additional landscape setbacks and stormwater planters.

***14. Outdoor storage areas should be screened from the public streets and from adjacent uses.***

Findings: The Applicant objects to the application of this policy because it is an aspiration that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The subject properties are large enough to sufficiently accommodate screening of outdoor storage areas and trash enclosures. The proposed use does not include outdoor storage or a trash enclosure. The proposed development includes only single-family residences and townhomes intended for personal solid waste and recycling services under SRC Chapter 47 Solid Waste Management.

***15. Exterior lighting shall be designed to provide illumination to the site and not cause glare into the public right-of-way and adjacent properties.***

Findings: Proposed exterior light fixtures will mark each entry of the subject buildings and will use fixtures that do not cause glare to the public right of way or adjacent properties. Lighting

proposed at the public right-of-way will conform with all development standards outlined in the SRC.

### **C. URBAN GROWTH**

***GOAL: To ensure that the rate, amount, type, location and cost of development will preserve or enhance the City's quality of life and promote the City's efficient delivery of services.***

Findings: The Applicant objects to the application of this Goal because "preserve or enhance" are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. As the Applicant's Goal 10 findings below, and incorporated herein by reference, explain the proposed zone change and accompanying affordable housing development is aimed at infill development that will efficiently deliver affordable housing options in Salem. This zone change and the accompanying development will enhance the City's quality of life by diversifying housing options in an existing residential neighborhood. A need identified by the Our Salem Vision Report, see also findings under [Part I](#) and incorporated by reference.

***4. Development of land with existing urban services shall be encouraged before the conversion of urbanizable lands to urban uses.***

Findings: The Applicant objects to the application of this policy because it is an aspiration with the use of the term "encouraged" that is not clear and objective. Notwithstanding this objection, the Applicant provides the following response. The subject properties are within the UGB and capable of supporting extensions to the existing urban services, as adjacent properties to the north and east demonstrate. Subject properties are located in close proximity to existing schools and are within existing Police and Fire Districts. See also findings under [Part I](#) SRC 64.025(e)(2)(B) and incorporated here by reference.

### **D. GROWTH MANAGEMENT**

***GOAL: To manage growth in the Salem urban area through cooperative efforts of the City of Salem and Marion and Polk Counties, to ensure the quality of life of present and future***

*residents of the area, and to contain urban development and to preserve adjacent farm lands by:*

*b. Planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.*

Findings: The Applicant objects to the application of this Goal because "ensure the quality of life" is a subjective term, not clear and objective terms. Additionally, this policy is directed to the City's ongoing planning efforts. Notwithstanding this objection, and to the extent that this goal applies to the Applicant, the Applicant provides the following response. See findings under [Part I](#) for Public Facilities, SRC 64.025(e)(2)(B).

*4. The extension of sewer, water, storm drainage, and transportation facilities within the Salem urban area shall be in conformity with the adopted growth management program. Public water and sewer facilities shall be sized and constructed to serve the areas within the urban growth boundary.*

Findings: The extension of sewer, water, storm drainage, and transportation facilities to serve future development will be in conformity with the adopted growth management program, and public water and sewer facilities are or will be sized and constructed to serve the subject properties.

*5. The extension of sewer, water, storm drainage, transportation and other facilities and services shall be designed and coordinated to accommodate densities cited in the Public Facilities Plan.*

*6. New developments shall make maximum use of available land areas with minimal environmental disturbance and be located and designed to minimize such public costs as extension of sewer and water services, schools, parks, and transportation facilities.*

*7. Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth*

***management program. Exceptions to this policy may only be permitted if mutually agreed to by the City and the appropriate County.***

***9. New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.***

Findings: The Applicant objects to the application of Policies 6 and 9 because terms like "minimal," "minimize," and "encouraged" are subjective terms that are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The subject properties are located in close proximity to existing schools, parks, public roads, and transportation services. Additionally, subject properties are located near existing urban services allowing for fiscally responsible extensions of electrical, water, and sewer systems as part of the proposed development. The proposed zone change and development of the subject properties will provide an efficient infill development with additional, affordable housing stock that have convenient access to employment opportunities, services, and amenities. Reasonable, minor changes to Cherriots Routes 4 and 11 would provide future residents with increased access to public transportation, reducing dependence on single-user automobiles, a goal identified by the City of Salem in the Our Salem Vision Report. The subject properties and existing public right-of-way are capable of supporting an extension to the existing transportation facilities by expanding existing Cherriots Routes 4 or 11 and providing additional stops east of the existing Rickey St SE stop and south of Pennsylvania Ave, see Cherriots Local Map Attachment 5. Transportation service extensions benefit all residents by providing increased access to employment centers located southwest of the subject properties. See findings under [Part I](#) SRC 64.025(e)(2)(B) and incorporated here by reference.

#### ***E. RESIDENTIAL DEVELOPMENT***

***GOAL: To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. In meeting this goal, residential development shall:***

- a. Encourage the efficient use of developable residential land;***
- b. Provide housing opportunities for Salem's diverse population; and***



***c. Encourage residential development that maximizes investment in public services.***

Findings: The Applicant objects to the application of this Goal because "promote" and "encourage" are subjective terms, not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The Comprehensive Plan policies on housing are the heart and soul of this zone change request. The Applicant has identified a perfect infill development to provide housing opportunities for low income and diverse populations on the subject properties that are capable of being served by adequate public services. Proposed development accommodates Salem's growing population by providing diverse, affordable housing types, including townhomes and single-family residences with paths to home ownership through the CLT program. Based on the response to the below policies, and the Applicant's Goal 10 and Salem Revised Code findings found in [Part I](#) and [Part III](#), all incorporated herein by reference, this Goal and related policies weigh heavily in favor of the proposed zone change.

***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.***

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

***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.***

***d. 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.***

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

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

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

Findings: The Applicant objects to the application of policy e that uses the subjective term "character of existing neighborhoods" because that terminology is subjective, not clear and objective. Notwithstanding this objection, the Applicant provides the following response. This application narrative addresses all of these requirements in other responses previously provided, and those responses are incorporated by reference herein. In addition, the Applicant's Goal 10 and Our Salem Vision findings address these policies, and those findings are also incorporated herein, by reference. See also, the Applicant's response to policy 7 below, incorporated here by reference. In addition, the subject properties are located close to neighborhood schools and parks, and nearby employment centers.

***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.***

Findings: The Applicant objects to the application of this policy that uses subjective terms like "accommodate," "avoid," and "nuisance" because those terms are not clear and objective terms. Notwithstanding this objection, the Applicant provides the following response. The proposed development on the subject properties can accommodate pedestrian, bicycle, and vehicle access, and can be designed to meet site design requirements that avoid nuisances and hazards to residents.

***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.***

Findings: The Applicant objects to the application of this policy because it is an aspiration that uses subjective terms like "promote" and "encourage" that are not clear and objective. Notwithstanding this objection, the Applicant provides the following response. Adoption of this zone change would allow an underutilized property to be repurposed for the development of

affordable residences efficiently using land and encouraging stability of the neighborhood by providing for the diverse housing needs of all, while maintaining the existing neighborhood scale and character.

***4. Rehabilitation and maintenance of housing in existing neighborhoods shall be encouraged to preserve the housing stock and increase the availability of safe and sanitary living units.***

Findings: The Applicant objects to the application of this policy because it is an aspiration that uses subjective terms like "encouraged" and "preserve" that are not clear and objective.

Notwithstanding this objection, the Applicant provides the following response. The proposed zone change and use allows the existing property to be utilized for affordable housing units, designed with modern safety and sanitary features. Additionally, proposed development maintains the existing neighborhood residential context by preserving scale and livability, while providing an increase to the available affordable housing stock.

***5. Subsidized housing shall be provided at a variety of locations within the urban area.***

Findings: This application is part of a package to provide publicly supported housing, as that term is defined under ORS 456.250. The Applicant has received and will receive government assistance that includes an affordability restriction under ORS 456.250(5)(a)(B). According to the Salem Housing Authority, the closest subsidized housing to this location is the Shelton Village Apartments located 3.8 miles away from the subject properties. Thus, adding this site will increase the variety of locations for subsidized housing across the City. This policy is met.

***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 development 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.***

Findings: The Applicant objects to the application of this policy because it is an aspiration that uses subjective terms like "encourage" and "should" that are not clear and objective.

Notwithstanding this objection, the Applicant provides the following response. The Applicant incorporates by reference responses to these same types of policies earlier in this application, as well as its Goal 10 findings.

***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 Applicant has submitted a Transportation Planning Rule Analysis with this application showing that the transportation system has capacity to serve the new zone and proposed use. In addition, the Applicant's site plan will comply with design requirements that promote pedestrian and bicycle access.

***8. Residential areas shall be protected from more intensive land use activity in abutting zones.***

Findings: The protections proposed around Mill Creek, including a 100 foot setback buffer allows it to serve as a natural buffer for the proposed residential area from the more intense industrial use to the south.

**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.**

Findings: The application includes a minor Comprehensive Plan map amendment in compliance with subsection (a). The subject properties are identified as suitable for residential use in the 2021 Our Salem Vision and Proposed Zoning Map. As described in other findings in this narrative, and incorporated herein by reference, the requirements for subsections (b)-(d) are met.

**11. Design Standards shall be implemented to improve the quality of life of Salem's residents and promote neighborhood stability and compatibility.**

Findings: This policy is directed to the City's implementation of design standards. To the extent that this policy applies to this application, the Applicant objects to the application of this policy because it uses subjective terms like "improve the quality of life" and "promote neighborhood stability and compatibility" that are not clear and objective terms. Nonetheless, the Applicant offers the following response. The development of the subject properties is subject to design review that represent the City's implementation of design standards under this policy.

## **G. COMMERCIAL DEVELOPMENT**

**GOAL: To maintain and promote the Salem urban area as a commercial center for the Marion-Polk**

**GOAL: To maintain and promote the Salem urban area as a commercial center for Marion and Polk counties.**

**GOAL: To promote development of commercial office buildings for a range of employment uses, especially in downtown, mixed use districts, and commercially-oriented urban renewal areas.**

**GOAL: To promote commercial development that supports growth of traded-sector commercial employment.**

### **Commercial Office Uses**

Findings: To the extent that these goals and policy apply to this application, the Applicant objects to their application here because they use subjective terms like "promote" that are not clear and objective terms. Nonetheless, the Applicant offers the following response. The proposed use will not change the fabric of the existing neighborhood, allowing the Salem urban area to remain as the commercial center for the Marion-Polk and Marion Polk counties.

### **I. INDUSTRIAL DEVELOPMENT**

***GOAL: To encourage and promote industrial development which strengthens the economic base of the community by increasing traded-sector employment, especially in sectors that pay higher-than-average wages, and minimizes air and water pollution.***

***1. Maintain a long-term (20 year) industrial land inventory which provides a full range of small, medium, and large parcel sizes and locations to sustain a competitive market for industrial sites. Maintaining a long-term supply of industrial land will require identifying and preserving key high value industrial land, especially areas where the City has made substantial investments in infrastructure. High value industrial land has the following characteristics: it is designated for industrial uses, in flat parcels, most frequently in large parcels at least 10 acres in size, located within an industrial district, has direct access to a state highway or I-5, and is serviced or planned to be serviced with water and wastewater infrastructure.***

***2. Identify areas that may be appropriate for converting from industrial to commercial or other non-industrial uses over the long-term. The characteristics of industrial land that may be appropriate for conversion to commercial or other non-industrial uses include some or all of the following: (1) located outside of industrial areas or isolated from other industrial uses, (2) surrounded by incompatible uses (such as housing), (3) located adjacent to properties that have converted to commercial uses, (4) have limited or no access to major roads (such as arterial streets, collector streets, or highways), or (5) lacks rail access***

***10. Traffic generated by industrial uses should be diverted away from residential areas when feasible and should have convenient access to arterial or collector streets.***

Findings: The Applicant submits portions of Salem Vision 2021, Attachment 1.

The subject properties are not suitable for industrial use, as identified by the proposed Comprehensive Plan Map and Zoning Map. Additionally, due to the following physical site characteristics the property is not suitable for industrial use;

1. The subject properties include South Mill Creek and associated wetlands that restrict available land for industrial development with both a 100-foot waterway setback and 50-foot wetland buffer; and are not flat at areas surrounding the creek.
2. The subject properties are 4.05 acres in size, significantly smaller than the desired 10 acres, and are located adjacent to an existing residential neighborhood.
3. The subject properties lack direct access to major roadways and railways, like I-5 and Union Pacific Railway. The proposed zone change allows reduced demand on Macleay Road and directs vehicular traffic to Cordon Road and outside of the residential neighborhoods.
4. The city has made no substantial investments in infrastructure. Indicating that industrial use is better suited in areas like the Mill Creek Corporate Center and other areas where the City has made substantial investments in infrastructure.

Additionally, The Applicant incorporates [Part III](#) Goal 9 findings below here by reference.

#### **NEIGHBORHOOD PLAN – SOUTHEAST MILL CREEK ASSOCIATION**

Findings: Under SRC 64.310, the City Council will consider goals and policies in neighborhood plans in making land use decisions affecting the designated neighborhood. However, the Southeast Mill Creek Association has no neighborhood goals, policies, or plans. Therefore, the City Council shall consider the Salem Comprehensive Plan Policies.

#### **PUBLIC FACILITIES PLAN – SALEM STORMWATER MASTER PLAN**

##### **PURPOSE AND GOALS**

*The City of Salem Stormwater Master Plan addresses issues of stormwater quantity (i.e., conveyance and flood damage reduction) and stormwater quality in a manner that is compatible with the City's National Pollutant Discharge Elimination System (NPDES) Municipal*

***Stormwater Permit. One major goal of the Master Plan project was to develop a Drainage System Improvement Plan (DSIP) for the storm drains, culverts, open channels, streams, detention storage, and conjunctive use (with detention, parks, etc.) water quality facilities. The second major goal was to develop a Stormwater Management Program Plan (SMPP) consisting of the following:***

- ***The institutional aspects of stormwater management***
- ***Listing and description of the new information needed for a successful comprehensive program***
- ***Description of the financial concepts for implementing the program***
- ***Evaluation of the current operations and maintenance level of service and recommendation of an adequate level of service***
- ***Recommendation of changes from the City's existing stormwater program direction through the preparation of an "Existing Direction Report"***
- ***Assistance to the City in establishing a public involvement program specifically for the project and for the stormwater management program in general***
- ***Development of solutions to various stormwater problems, and in doing so, responding to six issue papers prepared by the City/consultant project team and the Stormwater Advisory Committee (SWAC)***
- ***Finally, every effort has been made to reflect a balance between the need to safely and cost effectively move stormwater with the environmental and aesthetic needs and values associated with one of Salem's unique community amenities – its urban stream system.***

Findings: This policy is directed to the City's ongoing planning efforts, to the extent that these goals apply to this application the Applicant provides the following response. The proposed development will comply with all City of Salem Stormwater Master Plan policies and goals and requirements identified in SRC Chapter 71 Stormwater. The subject properties are capable of supporting the design of stormwater management and treatment facilities. The proposed development's stormwater plan will be reviewed during site plan review and building permit applications.

#### **PUBLIC FACILITIES PLAN – SALEM WASTEWATER MANAGEMENT PLAN**



***The 1996 Salem Wastewater Management Master Plan (adopted by the Salem City Council on December 16, 1996) outlined the requirements for providing wastewater service for existing and future customers for a 20-year period. The 1996 Master Plan principally focused on two primary issues: how to deal with wet weather flows, and how to treat wastewater loads. In addressing these two issues, the 1996 Master Plan identified specific capital improvements for collection, conveyance, and treatment of the community's wastewater.***

Findings: This policy is directed to the City's ongoing planning efforts, to the extent that these goals apply to this application the Applicant provides the following response. This application does not propose significant changes to the Salem Wastewater Management Plan. The subject properties are capable of being served by extensions of existing wastewater services typically associated with these types of developments. See also findings under SRC 64.025(e)(2)(B) and incorporated here by reference.

## **PUBLIC FACILITIES PLAN – SALEM WATER SYSTEM MASTER PLAN**

### ***Plan Goals***

***The plan seeks to provide answers to these fundamental questions by explaining a range of factors: economics, regulations, water quality, reliability, flexibility, operations, environmental issues, and timing of improvements. The end product of the master plan is a list of recommended improvements, their estimated costs, and a schedule for implementing them. Some of the improvements are required by state and federal regulations; the number of standards for drinking water have increased more than three-fold since the mid-1980s and Salem, like most communities, will need to make changes to ensure compliance. But the majority of improvements will be to replace aging facilities that are wearing out, for growth and for reliability.***

Findings: This policy is directed to the City's ongoing planning efforts, to the extent that these goals apply to this application the Applicant provides the following response. This application does not propose significant changes to the Salem Water System Master Plan. The subject properties are capable of being served by extensions of existing water services typically

associated with these types of developments. See also findings under SRC 64.025(e)(2)(B) and incorporated here by reference.

## **TRANSPORTATION SYSTEM PLAN**

### ***Comprehensive Transportation Policies***

#### **TRANSPORTATION**

***GOAL: To provide a balanced, multimodal transportation system for the Salem Urban Area that supports the safe and efficient movement of goods and people.***

***The Salem Transportation System Plan should contain the following plan elements:***

***Street System, Intercity Passenger Travel, Local Street Connectivity, Transportation Demand Management, Transportation System Management, Parking Management, Neighborhood Traffic Management, Freight Movement, Bicycle System, Transportation System Maintenance, Pedestrian System, Transportation Finance, Transit System***

Findings: This policy is directed to the City's ongoing planning efforts, to the extent that these goals apply to this application the Applicant provides the following response. The Applicant's Transportation Planning Analysis report concludes that, "Based on the reasonable worst-case trip generation evaluation, the proposed zone change would result in a decrease in potential trip generation. Therefore, even under the most conservative assumptions of potential development, it can be concluded that the proposed zone change will not significantly impact and would cause "no further degradation" to the City of Salem transportation system. All TPR related requirements are satisfied." See full analysis for further detail on compliance with the Transportation System Plan.

## **PART III | Oregon's Statewide Planning Goals**

### ***A Summary of Oregon's Statewide Planning Goals***

#### **1. CITIZEN INVOLVEMENT**

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

Findings: Citizen involvement according to the Salem Comprehensive Plan and Salem Revised Code submitted herewith, see findings above in Part I and Part II.

#### **2. LAND USE PLANNING**

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

##### **PART I – PLANNING:**

***All land use plans and implementation ordinances shall be adopted by the governing body after public hearing and shall be reviewed and, as needed, revised on a periodic cycle to take into account changing public policies and circumstances, in accord with a schedule set forth in the plan. Opportunities shall be provided for review and comment by citizens and affected governmental units during preparation, review and revision of plans and implementation ordinances. Affected persons shall receive understandable notice by mail of proposed changes in plans or zoning ordinances sufficiently in advance of any hearing to allow the affected person reasonable time to review the proposal.***

##### **PART III – USE OF GUIDELINES:**

#### **2. Minor Changes**

***Minor changes, i.e., those which do not have significant effect beyond the immediate area of the change, should be based on special studies or other information which will serve as the factual basis to support the change. The public need and justification for the particular change should be established. Minor changes should not be made more frequently than once a year, if at all possible.***

Findings: Applicant has submitted a land use application in accordance with Salem's Rezone and Minor Comprehensive Plan Map Amendment process herewith.

### **5. OPEN SPACES, SCENIC AND HISTORIC AREAS AND NATURAL RESOURCES**

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

***Local governments and state agencies are encouraged to maintain current inventories of the following resources:***

#### **3. Historic Resources;**

Findings: No Goal 5 protected natural, scenic, historic or open space resource found on site, except Mill Creek, which will be protected by setback and wetland buffer requirements as set forth herein.

### **6. AIR, WATER AND LAND RESOURCES QUALITY**

***Goal: To maintain and improve the quality of the air, water and land resources of the state.***

***This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution. All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards.***

Findings: The proposed zone change and development of the subject properties will comply with local, state, and federal regulations for air, water, and land resource quality. As stated above, the proposed use reduces impact on water and land resources, see findings under [Part II](#) Salem Comprehensive Plan and incorporated here by reference.

### **9. ECONOMY OF THE STATE**

***Goal: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.***

***Comprehensive plans for urban areas shall:***

***3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;***

***4. Limit uses on or near sites zoned for specific industrial and commercial uses to those which are compatible with proposed uses.***

Findings: See findings above under [Part I](#) and [Part II](#), incorporated by reference.

Additionally, the Applicant submits portions of the Salem Economic Opportunities Analysis 2015 to 2035, (EOA) Attachment 6. The City Council voted to adopt the EOA on October 26, 2015 and now uses the EOA to inform policy decisions about commercial and industrial land. Table 6 shows the expected forecast of employment growth by land use type in 2035 in Salem's portion of the Salem-Keizer UGB. The EOA states, page 21, this "forecast shows growth in all categories of employment, with the most growth in industrial employment." Section 5 provides an estimate of land needs based on the amount of employment growth and provides a summary of land sufficiency and site needs for target industries, page 26. On page 28 the EOA states, "Salem has a demand for 486 acres of land in industrial plan designations and 569 acres of land in commercial plan designations." However, "Salem has 907 acres of more industrial land than it will need to accommodate the expected employment growth over the 2015 to 2035 period." See also, EOA, Table 7, page 29. This surplus is available for industrial use land indicates that Salem has provided adequate opportunities for industrial uses consistent with plan policies. The loss of 4.05 acres of industrial land makes a small reduction in the 907 surplus industrial acreage within the City.

Salem has a deficit of 271 acres of commercial land. The EOA highlights a variety of ways the City of Salem can address the commercial land deficit, including the encouragement of redevelopment of underutilized employment areas. Page 30 states, "Outside of the urban renewal areas, Salem can expect modest redevelopment of industrial areas. The most likely types of redevelopment are reuse of existing buildings. Salem's deficit of commercial land makes redevelopment of underutilized land or commercial buildings with relatively low improvement value more likely." Subject properties are not located within an identified Urban Renewal Area and are currently undeveloped, indicating that the site is not suitable for redevelopment as commercial use, and the Our Vision Salem does not consider the subject properties for

commercial use. Further, Salem has about 235 acres of commercial land with a high chance of redevelopment, addressing the deficit of commercial land.

Additionally, Goal 9 requires cities to provide for adequate supply of sites of suitable sizes, types, locations, and service levels for industrial and commercial uses. The EOA, page 42 states, “While it is important to preserve industrial areas in Salem, not all existing industrial land is best suited for industrial development and must be preserved.” The subject properties are not suitable for industrial use due to insufficient size, unsuitable location, and lack of services. The subject properties are 4.05 acres, ruling out the development of any medium to large Industrial or Commercial use. Additionally, Table 13 of the EOA summarizes site characteristics and infrastructure required to the operation of potential growth industries. The existing topography and creek located on subject properties combined with the lack of developed services limits the potential for Industrial and Commercial use. The location of the subject properties would require industrial traffic to be routed through residential neighborhoods because they lack direct access to state highways and rail lines. Page 46 of the EOA states, “Industrial buildings are directly compatible with other industrial uses, commercial uses, and agricultural uses... Noise or odor conflicts may make some industrial uses incompatible with nearby residential uses.” The existing surrounding land use to the north and west are residential, indicating that industrial use is not compatible. The subject properties are not suited for industrial use, as supported by the EOA and Salem Vision 2021. Further, as the Goal 10 findings below explain, this site is much better suited for residential use. This rezone is the next logical step to provide much needed affordable housing.

## **10. HOUSING**

***Goal: To provide for the housing needs of citizens of the state.***

***This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.***

## **Guidelines**

### **A. Planning**

**2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.**

**3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.**

### **B. Implementation**

**4. Ordinances and incentives should be used to increase population densities in urban areas taking into consideration (1) key facilities; (2) the economic, environmental, social and energy consequences of the proposed densities; and (3) the optimal use of existing urban land particularly in sections containing significant amounts of unsound substandard structures.**

Findings: The Applicant submits portions of the City's Housing Needs Analysis ("HNA") from 2015. Attachment 2. City staff confirmed that on February 8, 2016, the City Council accepted the HNA consistent with the resolution attached here. See Attachment 3. The HNA determined, "Salem has a need for housing of all types, including single-family detached, single-family attached, and multifamily units."

Further, according to the HNA:

"Homeownership is increasingly expensive in Salem. Sales prices for single-family housing increased over 2004 to 2013 period, consistent with national trends. While housing prices peaked in 2007, 2013 sales prices grew by about 16% since 2004. Housing costs increased 62% between 1990 and 2012, while income levels remained virtually the same (increasing by about 15% in the first decade, and declining by nearly the same amount over the second). In 2012, the typical value of an owner-occupied house was four times median household income. This is a substantial increase from twice median household income in 1990."

**More than one-third of Salem's households have affordability problems.** Homeownership is increasingly expensive in Salem, the *community has an affordability problem*. Thirty percent of

Salem's homeowners were cost burdened (i.e., pay more than 30% of their income on rent or homeownership costs) in 2010. About 11% of homeowners were severely cost burdened (i.e., pay more than 50% of their income on homeownership costs). Salem *has a deficit of nearly 6,400 dwelling units that are affordable to households earning less than \$25,000 annually.*" Attachment 2, p 28-33 (Bolded emphasis in original, italicized emphasis added).

The HNA continues to tell a dire story of the need for affordable housing:

"Salem's housing became less affordable for both renting and owning over the last decade. Between 1990 and 2012, growth in homeownership costs outpaced growth in income. In Salem, median owner value increased by 62% between 1990 and 2012, while median household income remained stagnant. Between 2004 and 2013, average sales price increased by 14% in Salem. Continued increases in housing costs may increase demand for denser housing (e.g., multifamily housing or smaller single-family housing) or locating outside of Salem." Attachment 2, p. 37-38 (Bolded emphasis in original, italicized emphasis added).

The HNA shows that there is a significant need for affordable housing across the board. In particular for household who make \$30,000 or less. This application intends to address this need by providing diverse housing types including townhomes and flexible, 2 and 3-bedroom single-family homes. These housing options encourage residents of various incomes, lifestyles, and housing preferences to be located within the same neighborhood which helps the City achieve one of the goals outlined by Our Salem 2021, as referenced above.

In addition to the HNA, the Applicant submits the City's 2020-2024 Consolidated Plan Analysis of Impediments to Fair Housing Choice 2020-2021 Annual Action Plan ("Action Plan") presented on June 22, 2020. Attachment 4. In contrast to the HNA, the Action Plan analyzes specific impediments to fair housing. The Action Plan identifies projects and goals that link to resolving shortfalls identified in the HNA. In addition, the Applicant submits the Salem Vision 2021 report that examined the City's progress in updating the Salem Area Comprehensive Plan. Attachment 1.



The Action Plan specifically identified the Applicant as an affordable housing partner.

Attachment 4. Further, one of the goals found within the Our Salem Vision 2021 is to increase housing by redevelopment and infill proposals. Attachment 1. The proposed rezone will make two infill properties available for the development of affordable housing units in partnership with the Applicant. This rezone is the natural next step to turn the policy established through the City's efforts to plan for affordable into units on the ground to start to address this significant need.

### **11. PUBLIC FACILITIES AND SERVICES**

***Goal: 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.***

Findings: The application materials support that it is possible to extend existing public facilities and services suitable for proposed use on the subject properties. See also findings above in [Part I](#) and [Part II](#), incorporated by reference herein.

### **13. ENERGY**

***Goal: To conserve energy.***

***Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."***

#### ***Guidelines***

##### ***A. Planning***

***1. Priority consideration in land use planning should be given to methods of analysis and implementation measures that will assure achievement of maximum efficiency in energy utilization.***

***2. The allocation of land and uses permitted on the land should seek to minimize the depletion of non-renewable sources of energy.***

***3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.***

***4. Land use planning should, to the maximum extent possible, combine increasing density gradients along high capacity transportation corridors to achieve greater energy efficiency.***

***5. Plans directed toward energy conservation within the planning area should consider as a major determinant the existing and potential capacity of the renewable energy sources to yield useful energy output. Renewable energy sources include water, sunshine, wind, geothermal heat and municipal, forest and farm waste. Whenever possible, land conservation and development actions provided for under such plans should utilize renewable energy sources.***

***B. Implementation***

***1. Land use plans should be based on utilization of the following techniques and implementation devices which can have a material impact on energy efficiency:***

***a. Lot size, dimension and siting controls;***

***b. Building height, bulk and surface area;***

***c. Density of uses, particularly those which relate to housing densities;***

***d. Availability of light, wind and air;***

***e. Compatibility of and competition between competing land use activities; and***

***f. Systems and incentives for the collection, reuse and recycling of metallic and nonmetallic waste.***

Findings: This policy is directed to the City's planning efforts. The Applicant objects to the application of this policy because it is an aspiration that uses subjective terms like " maximum extent possible " and "should" that are not clear and objective. Nonetheless, the Applicant offers the following response. The proposed use will allow a currently undeveloped property to be infilled with affordable residences, increasing density, and providing additional affordable housing stock. Further, the proposed use will implement current energy efficiency requirements according the 2021 Oregon Residential Specialty Code, Chapter 11 Energy Efficiency for new residential structures.

***14. URBANIZATION***

***Goal: 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.***

Findings: The subject properties are an existing urban development within Salem's existing Urban Growth Boundary as established by the Salem Comprehensive Plan.


***Remaining Statewide Planning Goals:***

Findings: Goals 3, 4, 7, 8, and 15-19 are not implicated by this application.



# MEMO

**TO:** Kyle Kearns, Planner II  
Community Development Department

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

**DATE:** November 8, 2021

**PUBLIC WORKS RECOMMENDATIONS  
CPC-ZC21-05 (21-117425 / 21-117426)  
5045 MACLEAY ROAD SE  
COMPREHENSIVE MAP AMENDMENT AND ZONE CHANGE**

## **PROPOSAL**

A consolidated Minor Comprehensive Plan Map Amendment from Industrial to Single-family Residential and a Zone Change from IBC (Industrial Business Campus) to RS (Single Family Residential) for two properties that are, combined, approximately 4.05 acres in size and located at 5045 Macleay Road SE (Marion County Assessor map and tax lot numbers: 072W32D0 / 2000 [3.56 acres] & 072W32D0 / 1900 [0.49 acres]).

## **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. Macleay Road SE**

- a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 40-foot improvement within an 80-foot-wide right-of-way abutting the subject property.

## **Storm Drainage**

### **1. Existing Conditions**

- a. There are open ditches and culverts along the frontage of the subject property within Macleay Road SE.
- b. A 24-inch storm main is located in Macleay Road SE on the opposite side of the street than the subject property.

## **Water**

### **1. Existing Conditions**

- a. The subject property is located in the G-0 water service level.
- b. A 12-inch water main is located in Macleay Road SE. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

## **Sanitary Sewer**

### **1. Existing Conditions**

- a. A 24-inch sewer main is located in Macleay Road SE.
- b. A 10-inch sewer main is located within an easement along the southern boundary of the subject property.

## **Natural Resources**

- 1. Wetlands—According to the Salem-Keizer Local Wetland Inventory (LWI), there are mapped wetland areas along the southern boundary of the subject property.
- 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—According to City records, there are no mapped landslide hazard areas 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 the future development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Jennifer Scott, Program Manager  
cc: File

**REQUEST FOR COMMENTS*****Si necesita ayuda para comprender esta informacion, por favor llame 503-588-6173*****REGARDING:** Minor Comprehensive Plan Map  
Amendment / Zone Change Case No. CPC-ZC21-05**AMANDA NO.:** 21-117425-ZO**PROJECT ADDRESS:** 5045 Macleay Road SE**HEARD BY:** Salem Planning Commission**SUMMARY:** A request for a Minor Comprehensive Plan Map Amendment and Zone Change from IBC (Industrial Business Campus) to RS (Single Family Residential).**REQUEST:** A consolidated Minor Comprehensive Plan Map Amendment from industrial to single-family residential and a Zone Change from IBC (Industrial Business Campus) to RS (Single Family Residential) for two properties that are, combined, approximately 4.05 acres in size and located at 5045 Macleay Road SE (Marion County Assessor map and tax lot numbers: 072W32D0 / 2000 [3.56 acres] & 072W32D0 / 1900 [0.49 acres]).

The Planning Division is interested in hearing from you about the attached proposal. Staff will prepare a report for the Review Authority that includes comments received during this comment period. We are interested in receiving pertinent, factual information such as neighborhood association recommendations and comments from affected property owners or residents. The complete case file, including all materials submitted by the applicant and any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports, are available upon request.

**Comments received by 5:00 p.m., Monday, November 8, 2021,** will be considered in the staff report. Comments received after this date will be provided to the review body. *Comments submitted are public record. This includes any personal information provided in your comment such as name, email, physical address and phone number. Mailed comments can take up to 7 calendar days to arrive at our office. To ensure that your comments are received by the deadline, we recommend that you e-mail your comments to the Case Manager listed below.*

**CASE MANAGER:** Kyle Kearns, Planner II, City of Salem, Planning Division; 555 Liberty St SE, Room 305, Salem, OR 97301; Phone: 503-540-2313; E-Mail: [kkearns@cityofsalem.net](mailto:kkearns@cityofsalem.net).For information about Planning in Salem, please visit: <http://www.cityofsalem.net/planning>

PLEASE CHECK THE FOLLOWING ITEMS THAT APPLY:

- ☐ 1. We have reviewed the proposal and have no comments.
- ☒ 2. We have reviewed the proposal and have the following comments:

*See attached*

Name/Agency: \_\_\_\_\_

Salem-Keizer Public Schools, Planning and Property Services \_\_\_\_\_

Address: \_\_\_\_\_

3630 State Street, Salem OR 97301 \_\_\_\_\_

David Fridenmaker, Manager \_\_\_\_\_

503-399-3335 \_\_\_\_\_

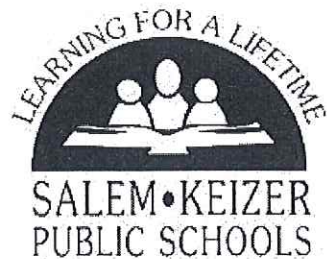
Email: \_\_\_\_\_

Phone No.: \_\_\_\_\_

Date: \_\_\_\_\_

*11-4-21***IMPORTANT: IF YOU MAIL YOUR COMMENTS, PLEASE FOLD AND RETURN THIS POSTAGE-PAID FORM**





DAVID FRIDENMAKER, Manager  
Facility Rental, Planning, Property Services  
3630 State Street, Bldg. C • Salem, Oregon 97301-5316  
503-399-3335 • FAX: 503-375-7847

Christy Perry, Superintendent

November 4, 2021

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

RE: Land Use Activity Case No. CPC-ZC21-05 at 5045 Macleay Rd SE

The City of Salem issued a Request for Comments for a Land Use Case as referenced above. Please find below comments on the impact of the proposed land use change on the Salem-Keizer School District.

#### **IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY**

The School District has established geographical school attendance areas for each school known as school boundaries. Students residing in any residence within that boundary are assigned to the school identified to serve that area. There are three school levels, elementary school serving kindergarten thru fifth grade, middle school serving sixth thru eighth grade, and high school serving ninth thru twelfth grade. . The schools identified to serve the subject property are:

School Name	School Type	Grades Served
Miller	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

#### **SCHOOL CAPACITY & CURRENT ENROLLMENT**

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.



School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Miller	Elementary	370	517	72%
Houck	Middle	1,069	1,224	87%
North Salem	High	2,195	2,248	98%

Table 2

### POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	20	SF	0.194	4
Middle			0.101	2
High			0.143	3

Table 3

### POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Miller	Elem.	370	5	4	9	517	73%
Houck	Mid.	1,069	42	2	44	1,224	91%
North Salem	High	2,195	47	3	50	2,248	100%

Table 4

### ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Miller	Elementary	Eligible for School Transportation
Houck	Middle	Eligible for School Transportation
North Salem	High	Eligible for School Transportation

Table 5

## ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

The School District estimates the cost of constructing new school facilities to serve our community. The costs of new school construction is estimated using the Rider Levett Bucknall (RLB) North America Quarterly Construction Cost Report and building area per student from Cornerstone Management Group, Inc. estimates. The costs to construct school facilities to serve the proposed development are in the following table.

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	4	\$60,840	\$243,360
Middle	2	\$72,735	\$145,470
High	3	\$84,630	\$253,890
TOTAL			\$642,720

Table 6

\*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2021 First Quarter.

Sincerely,



David Fridenmaker, Manager  
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Director – Custodial, Property and Auxiliary Services, T.J. Crockett, Director of Transportation