

TO: Hearings Officer

FROM: Lisa Anderson-Ogilvie, AICP, Deputy Community Development Director and Planning Administrator

STAFF: Kyle Kearns, AICP, Planner II

HEARING DATE: March 09, 2022

APPLICATION: Quasi-Judicial Zone Change Case No. 20-02

LOCATION: 1976 Davis Road S – see Attachment A

SIZE: Approximately 3.75 acres

REQUEST: A Zone Change from RM-I (Multiple Family Residential I) to RM-II (Multiple Family Residential II) for 3.75 acres at 1976 Davis Road SE – 97302

APPLICANT/OWNER: Rich Kansky (Davis Road LLC)

REPRESENTATIVE: Brandie Dalton, Multi-Tech Engineering

APPROVAL CRITERIA: Quasi-Judicial Zone Change: Salem Revised Code, Ch. 265

RECOMMENDATION: **APPROVE** Zone Change from RM-I (Multiple Family Residential - I) to RM-II (Multiple Family Residential - II).

BACKGROUND

On October 13, 2021 a zone change application was filed for the subject property by Multi-Tech Engineering via Brandi Dalton, on behalf of the applicant and property owner, Rich Kansky (Davis Road LLC). The application was deemed incomplete on November 09, 2021 and additional information was requested on December 7, 2021. Information was provided by the applicant up until January 25, 2022. The application was deemed complete for processing on February 15, 2022.

The public hearing before the City of Salem Hearings Officer is scheduled for March 9, 2022, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on February 17, 2022. Public hearing notice was also posted on the property on February 23, 2022, pursuant to SRC requirements.

The state-mandated 120-deadline to issue a final local decision for this case is April 4, 2022.

PROPOSAL

The subject property is currently zoned RM-I (Multiple Family Residential I). The applicant has submitted a zone change application requesting to change the existing RM-I zoning

designation to RM-II (Multiple Family Residential II) for both tax lots 300 and 400 (**Attachment B**). The combined size of the properties subject to this zone change request is approximately 3.75 acres.

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.

APPLICANT'S STATEMENT

A request for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted a written statement, which is included in its entirety as **Attachment C** in 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.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Multi-Family Residential." Multi-Family Residential is characterized by a mixture of housing types. The Single Family and Multi-Family Residential categories of use encompass all types of housing, for example, single family detached, single family attached, manufactured homes, garden apartments, and row houses. The location, density, and style of housing is governed by the zoning code.

Because the proposed RM-II (Multiple Family Residential II) zoning is consistent with the "Multiple Family Residential" Comprehensive Plan designation, a concurrent Comprehensive Plan Map Amendment is not required for this zone change request.

The Comprehensive Plan designations of surrounding properties include:

North:	Across David Road S– Single Family Residential
South:	Developing Residential
East:	Multiple Family Residential
West:	Developing Residential

The property is located outside of the Urban Service Area and an Urban Growth Area (UGA) Development Permit may be needed prior to development to determine adequate public facilities and services. The subject property was annexed in 2008 (Annexation Number C-663) and was designated as the MF (Multiple Family Residential) in a previous comprehensive plan and zone change (Case No. CPC-ZC08-05).

2. Zoning of Surrounding Properties

The subject property is currently zoned RM-I (Multiple Family Residential I).

The zoning of surrounding properties is described as follows:

North: Across David Road S– RS (Single Family Residential)
South: Marion County Zoning – UT-10 (Urban Transition – 10 Acres lot min.)
East: RM-II (Multiple Family Residential II)
West: Marion County Zoning – UT-10 (Urban Transition – 10 Acres lot min.)

3. Neighborhood and Citizen Comments

The subject property is located within the boundaries of the Sunnyslope Neighborhood Association (Sunnyslope). Pursuant to SRC 300.310(b), an applicant for a zone change must contact the City-recognized neighborhood association(s) whose boundaries include, or are adjacent to, the subject property via e-mail or mailed letter. The applicant has demonstrated adherence with the requirements of SRC 300.310 as notification of the request was provided on October 5, 2021 to the neighborhood association via email. Notice of the public hearing was mailed to the owners and tenants of all property within 250 feet of the subject property on February 17, 2022. The property is not within a Homeowner’s Association.

4. City Department and Public Agency Comments

The Public Works Department has reviewed the proposal and provided a memo included as **Attachment D**.

The Building and Safety Division reviewed the proposal and indicated no concerns with the zone change request.

The Fire Department reviewed the proposal and indicated no concerns with the zone change request and that items including fire department access and water supply will be required at the time of development.

5. Public Agency and Private Service Provider Comments

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

6. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed zone change for the subject property currently zoned RM-I (Multiple Family Residential I) to RM-II (Multiple Family Residential II) for both tax lots 300 and 400.

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the

following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

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

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

- (i) A mistake in the application of a land use designation to the property;**
- (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or**
- (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 does not identify a mistake in the application of a land use designation to the property and does not identify a change in the economic, demographic, or physical character of the vicinity. The proposal is justified based on (iii), that the proposed zone change is equally or better suited for the property than the existing zone.

The applicant identifies four reasons they believe the proposed RM-II zoning designation to be equally or better suited for the subject property than the existing RM-I zone:

- 1) The site is located within an area of Salem with available public facilities and services;
- 2) The subject property is already zoned for multi-family dwellings;
- 3) The RM-II zone will allow the site to be developed with uses that are compatible with the surrounding uses; and,
- 4) The development of the site will provide additional housing in order to help meet housing needs within the City.

The proposed RM-II zone generally allows two family, three family, four family and multiple family residential uses and activities. The proposed RM-II zoning designation will allow a greater density of housing for the subject property, while allowing for development that is compatible with surrounding uses. The City of Salem's 2015-2035 Housing Needs Analysis identified a projected deficit of 207 gross acres of land set aside for multi-family residential development by the comprehensive plan. The same study estimated a deficit of 2,897 multi-family residential dwelling units. While the proposed zone change would not address the acreage deficit, it would allow for the development of more multi-family residential dwelling units than the current zoning would allow at the subject property.

The proposed zone change fits the development pattern of the vicinity. The abutting properties to the east are zoned multiple family residential. The proposed RM-II zone will be compatible with the existing residential uses to the east and west and the RS zoned land to the north. Additionally, properties directly abutting the subject properties are within Marion County but also within the City's Urban Growth Boundary (UGB) and are designated as DR (Developing Residential) under the City's comprehensive plan. Thus, the development within the vicinity of the zone change is, or is planned as, residential development. Staff finds that the proposed zone change is equally or better suited to the property than the existing RM-I zone.

(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 proposed zone change has not been initiated by the City of Salem therefore, this criterion does not apply.

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

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

Salem Urban Area Goals and Policies, General Development (Page 24, Salem Comprehensive Policies Plan):

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

Development Compatibility B.12

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

Finding: Future development of the site will be required to conform to the development standards of the RM-II (Multiple Family Residential) zone, which shares similar setback and landscaping requirements as the current RM-I (Multiple Family Residential) zone. This would include adhering to the multiple family design review guidelines and standards of SRC Chapter 702 for multiple family development. The RM-II zone allows for buildings for multiple family, residential care, nursing care, and short-term commercial lodging uses up to 50 feet in height, while the current RM-I zone restricts the height of buildings associated with single family, two family, multiple family, residential care, nursing care, and short-term commercial lodging uses to 35 feet.

Salem Urban Area Goals and Policies, Urban Growth Goal (Page 26, Salem Comprehensive Policies Plan):

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.

Infill C.4

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

Finding: The subject property is not located within the Urban Service Area. Future development may be subject to the requirements Urban Growth Area Development Permit requirements in order to ensure linking and boundary facilities are made available to their property. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Growth Management Goal (Page 29, Salem Comprehensive Policies Plan):

Partition Requirements D.8

Partitioning of property may be approved if the land division will not adversely affect the future development of adjacent lands and built-up areas and the proposed parcels are compatible with the existing pattern of development in the area, or the land division is necessary to legalize or recognize an existing situation.

Finding: The subject properties were annexed in 2008 pursuant to Annexation Number C-663. Prior to the annexation the subject property was divided from the abutting unit of land (Tax Lot 500) under Marion County jurisdiction. However, the process by which this division occurred was unsubstantiated. The deeds provided demonstrate that the units of land were divided from tax lot 500 but the date for which this happened remains undetermined. As such, at the time of development, the applicant will provide evidence that the subject property was created in accordance to any land use regulations in effect at that time.

The proposal is consistent with this policy.

Infill on Facilities D.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.

Finding: As addressed above, public facilities are readily available within the vicinity of the subject property minimizing public cost to provide the needed facilities and services.

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

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

Establishing Residential Uses 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.*
- 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.*

Finding: The applicant's proposal would allow for a higher housing density than the existing zoning designation, consistent with the density goal of General Development Policy 7 and allow for a greater housing supply for an increasing City population. The proposed zoning would match existing zoning designations to the west, allowing for the character of future development to match surrounding development in the neighborhood.

The Public Works Department has reviewed the proposal and indicates that the water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve future development under the proposed zone. The subject property is served by existing City streets and transit service. The subject property is within a half a mile of two transit stops for Route 8, one located on Davis Road S between Read Leaf Drive S and Stockton Avenue S and one located on Davis Road near Joynak Street S. Further, the site has a slight slope of approximately 13% rising from north to south approximately 100 feet (from 560 to 660 feet) and is free of flood plains and wetlands. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 810 (Landslide Hazards), there are mapped two-point landslide hazard areas on the subject property. However, the risk of landslide is determined at the time of development and can be best mitigated outside of the quasi-judicial zone change procedures.

Services, including schools (Liberty Elementary School, Crossler Middle School, & Sprague High School) and parks (Secor Park & Skyline Natural Area), are located nearby. The subject property abuts and takes access from Davis Road S that provides connection from the residential neighborhood to Skyline Road S (to the west) to and Liberty Road S (to the east)—0.5 to 0.4 mile from the subject property, respectively. This provides access to necessary employment and entertainment opportunities throughout the City with most direct benefits within the southern portions of Salem.

Facilities and Services Location 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*

Finding: The subject property is located south of and abutting Davis Road S. The property is undeveloped but would be served by Davis Road S which has been largely built out by the surrounding residential development. Davis Road S is identified as a Collector Street in the Salem Transportation System Plan (TSP) which requires pedestrian, bicycle and vehicular access. The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits; an Urban Growth Preliminary Declaration (UGA) will be required for any development. The applicant recognizes that the UGA will specify any needed changes to the existing service levels at the time of development; currently no UGA application has been received..

As stated above, the City's Housing Needs Analysis identified a projected deficit of 207 gross acres of land set aside for multi-family residential development by the comprehensive plan. The same study estimated a deficit of 2,897 multi-family residential dwelling units. Since the House Needs Analysis was conducted, approximately 40 acres of land have been designated Multiple Family and 102 acres designated Mixed Use, a small decrease to the projected deficit. Thus, the zone change would aid in accommodating population growth within the city. Additionally, the City's RM-I and RM-II zones have identical setbacks and screening minimums, as well as equivalent development standards for residential development, enabling equivalent avoidance of nuisances and hazards to residents from any future development as the current RM-I zoning.

Infill Development E.3

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

Finding: The subject property is currently vacant and underutilized. The applicant states that the proposed zone change to RM-II will encourage infill development and promote the efficient use of residential land, allowing for between 45 and 105 dwelling units within the subject property that would be well positioned to be served by City utilities and services.

Multi-Family Housing E.6

Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:

- a. To encourage the efficient use of residential land and public facilities, development regulations shall require minimum densities for multiple family 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*

Finding: The proposed zoning designation would require a higher minimum dwelling unit density than the existing zoning designation—the RM-I zone has a minimum dwelling unit density of 8 units per acre, while the proposed RM-II zone has a minimum dwelling unit density of 12 units per acre. The proposed RM-II designation would allow for a range of densities and a variety of housing types. The applicant states that the existing neighborhood consists of single family and multiple family dwellings on Davis Road S; multiple-family dwellings are also located east, within a half-mile of the subject property, on Liberty Road S. To maintain the character of the neighborhood, the subject property will be developed in compliance with applicable design and development standards.

Within a quarter-mile of the subject property is access to Secor Park which abuts Crossler Middle School, which is less than a half-mile from the subject property. Additionally, as stated above, Davis Road S provides access to Liberty Road S and Skyline Road S which provide pedestrian, auto and transit access to employment centers, shopping areas, and downtown which includes access to the transit center and various public and municipal buildings.

Circulation System and Through Traffic 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.*

Finding: The applicant states that the subject property will have direct access to Davis Road S which has pedestrian, bicycle and vehicle access provided. Any future development at the subject property will be reviewed for compliance with standards related to pedestrian, bicycle, and motor vehicle access.

Alternative Housing Patterns E.9

Residential Development Patterns

Subdivision and zoning regulations shall provide opportunities for increased housing densities, alternative housing patterns, and reduced development costs. Development regulations shall promote residential development patterns that encourage:

- a. *The use of all modes of transportation;*
- b. *Reduction in vehicle miles traveled and length of auto trips; and*
- c. *Efficiency in providing public services.*

Finding: The applicant states that the surrounding properties are zoned for single family and multiple family uses. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed RM-II zone will provide opportunity for a higher density of multi-family housing to be developed, helping to address the projected deficit of multi-family dwelling units within Salem.

Requests for Rezonings E.10

Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

- a. *The site is so designated on the comprehensive plan map;*
- b. *Adequate public services are planned to serve the site;*
- c. *The site's physical characteristics support higher density development; and*
- d. *Residential Development Policy 7 is met.*

Finding: The subject property is designated on the comprehensive plan for the proposed zoning designation, and adequate public services are planned to serve the site at the time of development. The site's physical characteristics support higher density development with moderate slopes and is outside of wetlands or flood plains. As stated above, future development of the subject property will be subject to development standards, including minimum density.

Urban Design E.11

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

Finding: The applicant states that, at the time of development, applications for design review and site plan review will be submitted in compliance with the multiple family design review guidelines and standards. This will ensure that future development at the subject property will improve quality of life for local residents and promote neighborhood compatibility.

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

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

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

Staff Response: Prior to submitting the zone change application to the City of Salem, the applicant contacted the Sunnyslope Neighborhood Association, pursuant to SRC 300, to

apprise them of the zone change request. A public hearing notice was mailed to the affected property owners, all property owners and tenants within 250 feet of the subject property, and to the Sunnyslope Neighborhood Association. The property is not located within a Homeowner's Association. This satisfies Citizen Involvement described in Goal 1.

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

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

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

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

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

Staff Response: There are no known scenic, historic, natural, or cultural resources on the affected parcels. The applicant notes that there are trees located throughout the development site and that at the time of development review the trees will be considered in the design proposal. Through a future application for site plan review, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. Staff finds that the proposal is consistent with Goal 5.

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. Future development of the property is subject to tree preservation, stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state's natural resources.

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

Staff Response: There are no mapped waterways or wetlands which flow across the subject property. The subject property is not within a flood zone. The subject property does contain mapped landslide hazards. Future development will be subject to the geological and geotechnical requirements of SRC Chapter 810 (Landslide Hazards). This zone change 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 recreational 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: The applicant states that the proposed zone will allow for the creation of employment opportunities during development, as well as provide a housing type that is more affordable for families. This would help to improve and strengthen the economic base of the Salem urban area, thereby meeting the intent of Goal 9.

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

Staff Response: The City has recently conducted a Housing Needs Analysis (HNA) to determine housing needs for the community for the next 20 years. The HNA concluded that there is a projected deficit of approximately 207 acres of available multi-family land in 2035, as designated in the comprehensive plan, and an estimated deficit of 2,897 multiple family dwelling units. The change from RM-I to RM-II would allow for a greater reduction in the unit deficit but would not impact the acreage deficit.

Additionally, the subject property has several characteristics that would support multiple family development. Salem-Keizer Transit (Cherriots) provides transit service adjacent to the subject property via Route 8.¹ Services, including schools (Liberty Elementary School, Crossler Middle School, & Sprague High School) and parks (Secor Park & Skyline Natural Area), are located nearby. Employment opportunities and services are in proximity to the property, as Skyline Road S and Libert Road S are within a half-mile from the subject property. The proposed change in zoning designation will still allow the potential for development of multiple family residential uses, which will be useful to meet the City’s current and future housing needs. The proposed zone change is consistent with Goal 10.

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

Staff Response: The subject property is located outside of the Urban Service Area meaning an Urban Growth Area (UGA) Development Permit may be needed. However, water, sewer, and storm infrastructure are currently available within adjacent streets and areas and appears to be adequate to serve the property. Site specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The zone change request

¹ Cherriots bus route schedule effective February 24, 2022 - <https://www.cherriots.org/en/routes>

allows for the efficient use and development of property requiring minimal extension of new public services consistent with Goal 11.

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

Staff Response: 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.).

The proposed zone change is from Multiple Family Residential I to Multiple Family Residential II (RM-I to RM-II). Both zones are implemented by the Multiple Family designation in the Comprehensive Plan. The zone change is consistent with the existing Comprehensive Plan map designation and does not change the Comprehensive Plan map. Also, the proposed zone change is consistent with the Salem TSP and all land within the Urban Growth Boundary is accounted for and planned for in the Salem TSP. Pursuant to OAR 660-012-0060(9), the local government finds that the proposed amendment to the zoning map does not significantly affect an existing or planned transportation facility.

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

Staff Response: The zone change request is for vacant undeveloped property, however City services are located nearby and require minimal extension to serve the property. Future development of the property will be required to comply with current development and building standards for energy efficiency, 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 outside of the Urban Service Area. An Urban Growth Area Preliminary Declaration has not been received for this site. The subject property was annexed in 2008 (Annexation Number C-663) and was designated as the MF (Multiple Family Residential) comprehensive plan designation in a previous comprehensive plan and zone change (Case No. CPC/ZC 08-05). Within that decision the need for an Urban Growth Area Development (UGA) Permit was determined to be needed prior to development in order to determine adequate public facilities and services. The Public Works Department indicates that existing urban services, including water, sewer, and storm infrastructure are available within surrounding streets and areas and are adequate to serve future development of the subject property. The proposal provides for efficient use of urbanized land within the Urban Growth Boundary, consistent with Goal 14.

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

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

(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 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.*

Finding: The proposed RM-II zone is implemented by the current Multiple Family Residential designation; therefore, a change to the comprehensive plan map designation for the property is not required for the proposed zone change, this criterion is not applicable.

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

Finding: The proposed zone change is from Multiple Family Residential I to Multiple Family Residential II (RM-I to RM-II). Both zones are implemented by the Multiple Family designation in the Comprehensive Plan. The zone change is consistent with the existing Comprehensive Plan map designation and does not change the Comprehensive Plan map. The Comprehensive Plan designation is used in planning transportation facilities in the Salem TSP. Therefore, pursuant to OAR 660-012-0060(9), the local government finds that the proposed amendment to the zoning map does not significantly affect an existing or planned transportation facility.

(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 and areas and appear adequate to serve future development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process pursuant to SRC Chapter 220.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Quasi-Judicial Zone Change satisfies the applicable criteria contained under SRC 265.005(e).

RECOMMENDATION

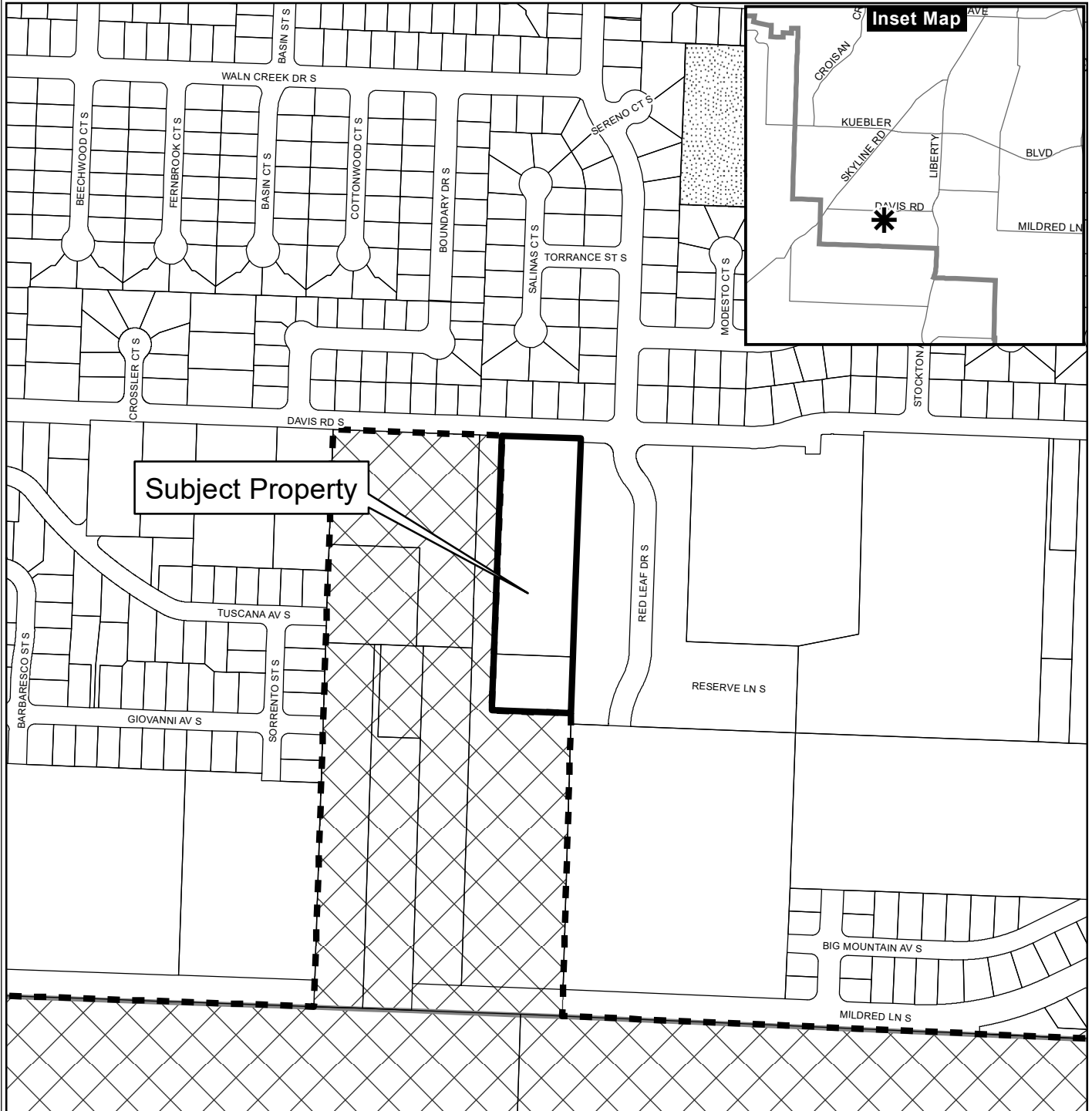
Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a quasi-judicial zone change from RM-I (Multiple Family Residential I) to RM-II (Multiple Family Residential II) for 3.75 acres at 1976 Davis Road SE – 97302

Application Deemed Complete Date: February 15, 2022
State Mandated Decision Date: August 14, 2022








Attachments: A. Vicinity Map
B. Zoning Map
C. Applicant's Written Findings
D. Public Works Memo
E. Comments from Salem-Keizer Public Schools

Prepared by Kyle Kearns, AICP, Planner II

Vicinity Map 1976 Davis Road S



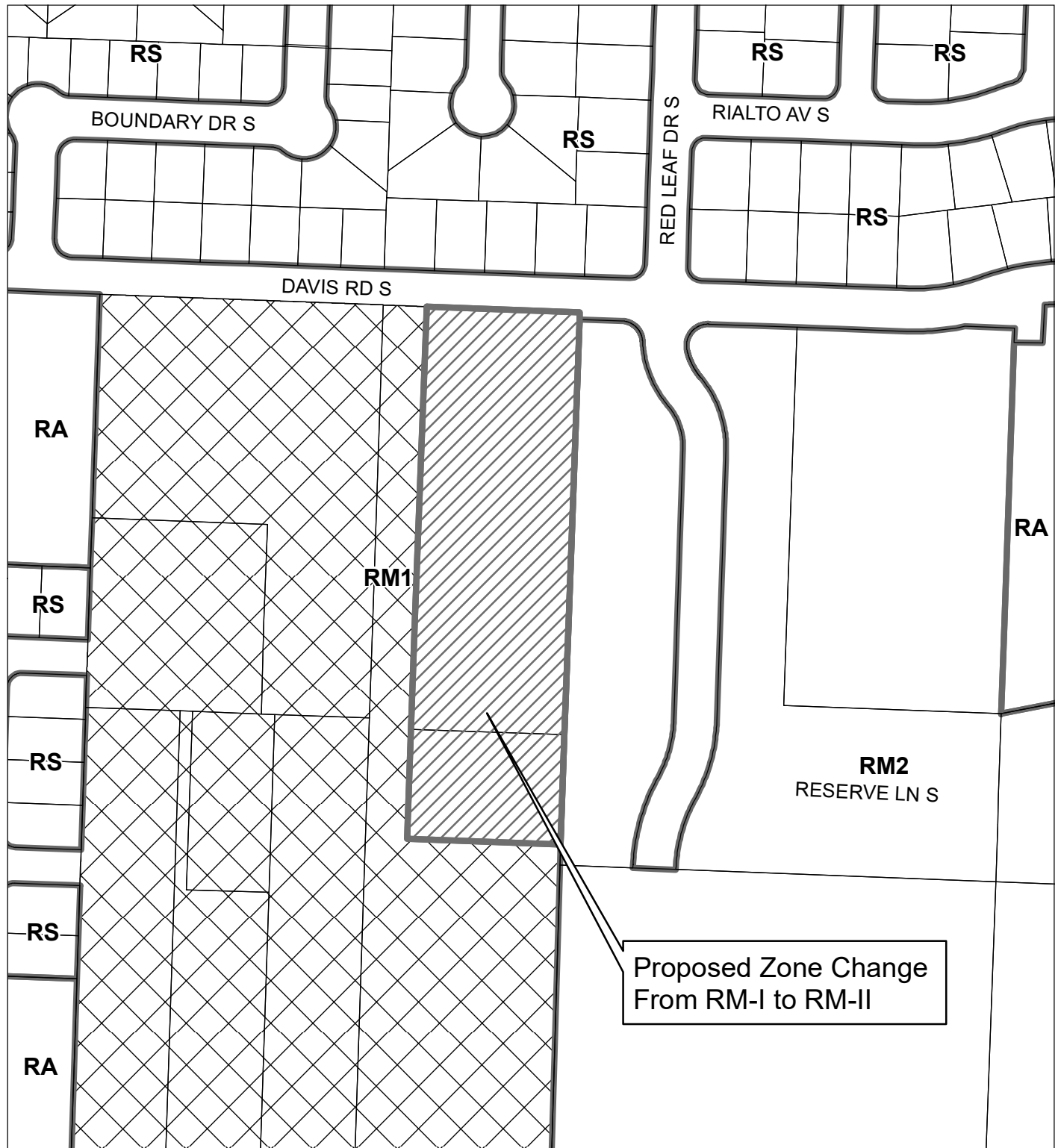
Legend

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



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

1976 DAVIS ROAD S



Legend

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

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

0 50 100 200 Feet



Zone Change

Revised-November 10, 2021

Background:

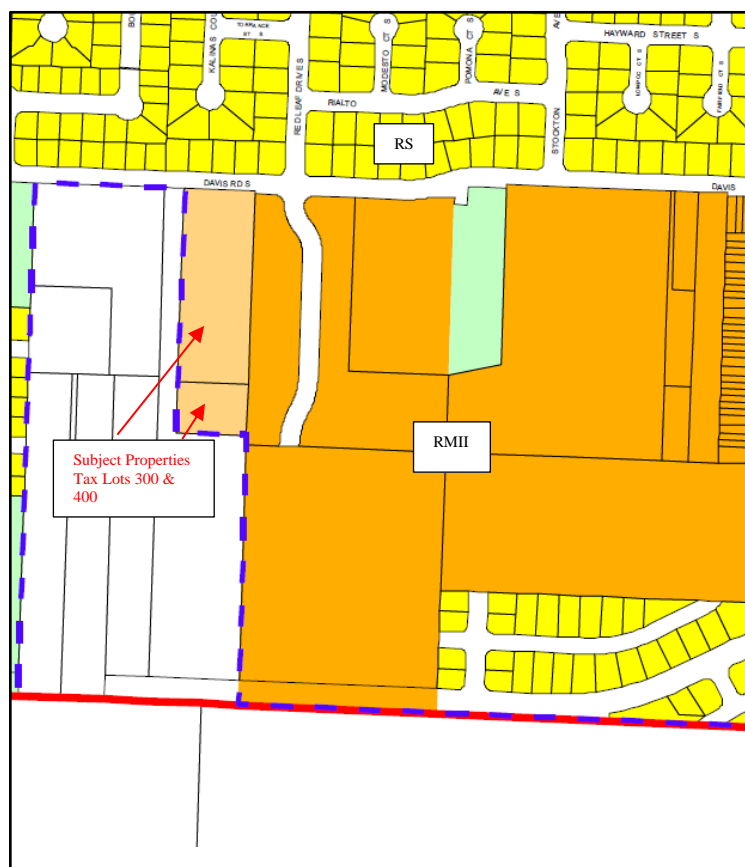
In 2008 CPC/ZC 08-05 was issued for the subject property. The Comprehensive Plan Change/Zone Change approval rezoned the subject property from UT-10 to RMI.

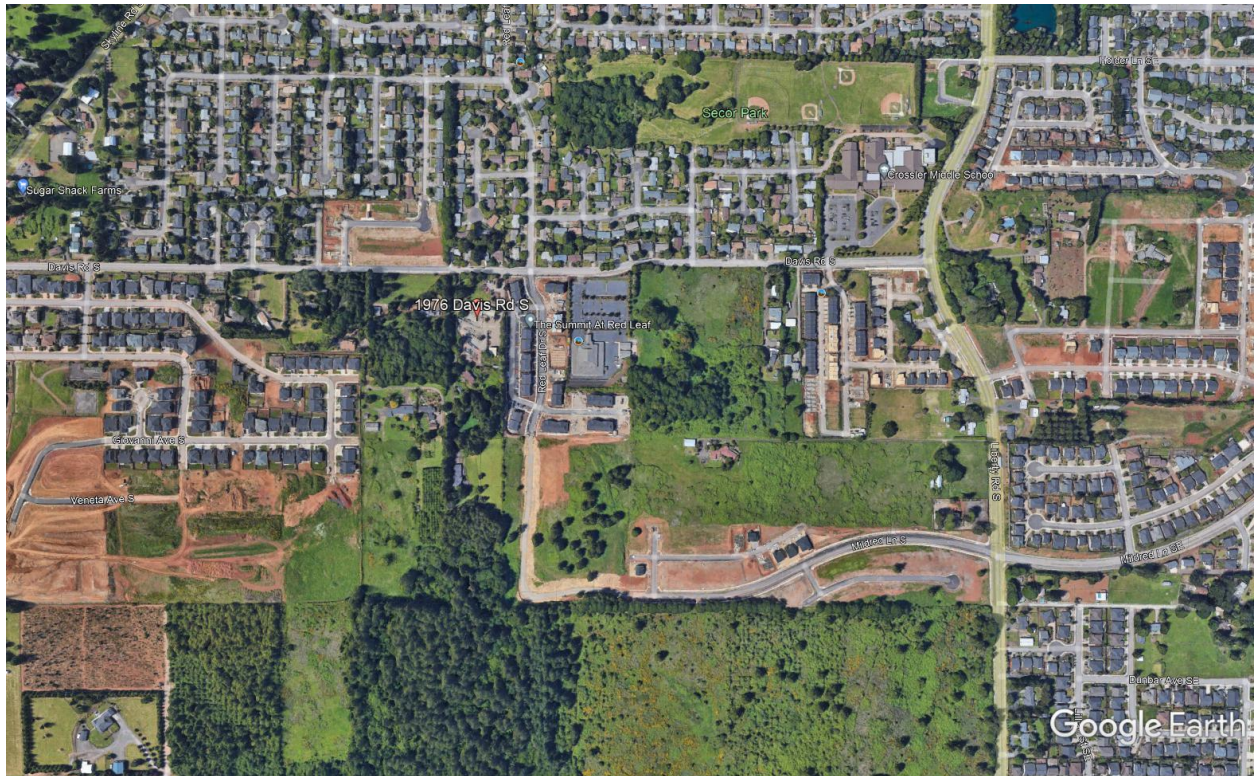
On August 16, 2021, Pre-App 21-77 was held with City staff to discuss the development of the subject properties.

Proposal:

The subject properties are identified as 1976 Davis Road SE (083W16C/Tax Lots 300 and 400). The area being proposed for rezoning is 3.75 acres in size and zoned RMI. The applicant is proposing to rezone the subject properties from RMI to RMII.

EXISTING SITE CONDITIONS





Vicinity Information:

The vicinity map is shown above. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

- North: RS (Single-Family Residential); existing single-family homes
- East: RM2 (Multiple Family Residential); existing multi-family housing
- South: Marion County UT-10; existing single-family dwellings and vacant land
- West: Marion County UT-10; existing single-family dwellings and vacant land

The subject property is not part of a Homeowners Association (HOA).

ZONE CHANGE CRITERIA SRC CHAPTER 265

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

This zone change is requested in order to allow a higher density use on the site. The proposed RMII zone will implement the current “Multi-Family Residential” SACP map designation.

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

(1) A quasi-judicial zone change shall be granted if all of the following criteria are met:

(A) The zone change is justified based on the existence of one or more of the following:

(i) A mistake in the application of a land use designation to the property;

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

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

Applicant Response to (A)(iii): The proposed zone change fits the development pattern of the vicinity. The surrounding properties to the east are zoned multi-family residential. The proposed RMII zone will be compatible with the existing housing uses to the east and the RS zoned land to the north.

As shown on the City land zone map there is no property contiguous to the existing site that is vacant RMII land, and there is none in the necessary proximity. The only appropriately designated property within the necessary proximity to the existing site is currently developed or being developed.

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

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

The proposed RMII zone is equally or better suited for the site because; 1) the site is located within an area of Salem with available public facilities and services; 2) the subject property is already zoned for multi-family dwellings; 3) the RMII zone will allow the site to be developed with uses that are compatible with the surrounding uses to the east; and, 4) the development of the site will provide additional housing in order to help meet housing needs within the City of Salem.

Therefore, the proposed RMII zone will be equally or better suited for the site than the existing RMI zone.

This criteria has been met.

(B) City-initiated zone change.

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

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

Applicant Response to (C): The existing Comprehensive Plan Designation is 'Multi-Family Residential'. Therefore, a Comprehensive Plan Change is not required.

The rezone to RMII is consistent with the Comprehensive Plan Designation.

The proposal complies with the “Residential” Goals and provisions of the SACP by creating an area that promotes multi-family uses.

Residential Development Goal

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

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

Residential Development Policies

Establishing Residential Uses: The applicant’s proposal is to rezone 3.75 acres of the property from RMI to RMII to allow a higher density to be built on the site, which will be consistent with the northern RMII zoned portion of the site. As stated above, according to the Housing Needs Analysis, Salem has a deficit of MF designated land, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of multi-family land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary. Therefore, establishing a mixture of residential uses within the area.

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

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

The subject property is located within the Salem Urban Growth Boundary and in the corporate city limits. The subject property is located inside the Urban Service Area. However, a Urban Growth Preliminary Declaration (UGA) will be required.

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

Infill Development: In order to provide a mixture of housing and a higher density in the area, the applicant is requesting a zone change. The comprehensive plan encourages a mixture of housing types within a neighborhood.

The comprehensive plan designation for the site is “Multi-Family Residential”. The rezoning of the site to RMII will be consistent with the current Comprehensive Plan Designation and will also be consistent with State Wide Planning Goal 10, and current housing needs in the area.

The zone change will promote infill development with the development of a property that is already served by City Services and all transportation to be developed with a higher density of housing that is needed in this area.

Multi-Family Housing: The development will also be located in an area in close proximity to existing and proposed services. The existing neighborhood consists of single-family housing and multi-family dwellings on Davis Road and Liberty Road to the east of the site. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

Circulation System and Through Traffic: The subject property is located south on Davis Road. The proposed development will have direct access to Davis Road. The major streets are in place due to previous development.

Alternative Housing Patterns: The surrounding properties are zoned for single family development and multi-family. In order to provide a residential housing pattern while being consistent with the neighborhood, the proposed RMII zone will provide a higher density of needed housing in Salem.

Requests for Rezoning: The subject property is designated for multi-family residential development. All public facilities and services are available to the site. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

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

The rezoning of the 3.75 acres will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide 45 to 105 needed multi-family units within the area. This development will be in a location with accessibility to the commercial developments to the east along Liberty Road. Therefore, meeting the guidelines of providing housing within in areas with services. The development of the site will encourage a mixture of housing types and higher densities within an infill lot.

Salem-Keizer Housing Needs Analysis:

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 2,897 dwelling units and a deficit of 207 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Therefore, this criteria has been met.

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

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

The following Statewide Planning Goals apply to this proposal:

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

Goal 1 – Citizen Involvement:

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

The subject property is not within an active Homeowners Association (HOA).

Goal 2 – Land Use Planning:

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

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

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to City maps there are no mapped wetlands or waterways on the subject property. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will apply at the time of development and will ensure compliance with Goal 5.

There are trees located throughout the entire site. Prior to development of the site, the applicant will be required to get Site Plan Review approval. At the time of Site Plan Review, the layout of the site will take into consideration the location of the trees. Any significant trees will be identified on the site plan. There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions and influences that enables them to explore potential development. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout.

Goal 6 – Air, Water and Land Resources Quality:

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

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

The City has identified the process through which water; sewer and storm drainage will be supplied to the site. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate prior to development.

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

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

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

Goal 7 – Areas Subject to Natural Hazards:

The City's adopted Comprehensive Plan Development Goal and Policies implements the Statewide Natural Hazards Goal by identifying areas subject to natural hazards such as flooding. SRC Chapter 809 and 810 implement the Comprehensive Plan Goal and Policies. It has been determined by staff that the site is classified as a moderate landslide risk. A Geological Assessment is required for regulated activities. A Zone Change is not a regulated activity pursuant to SRC 810.020. therefore, a Geological Assessment is not required for the proposed Zone Change.

However, excavation, fills, construction of any building or structure for which permits are required, will require the applicant to first obtain a permit or approval. A Geological Assessment will be submitted prior to building permit approval.

Natural drainage and run off due to redevelopment are addressed by the public construction storm drainage plans and roof drains for building permits for individual structures as part of the site development process. Any new construction is subject to engineered building foundations.

The area is not generally subject to forest fire hazard because it is not timbered. Firefighting facilities are located within proximity to the development. The Fire Department reviews the development in order to ensure that proper vehicle clearance, hard-surfacing and hydrant spacing is acceptable.

There are no identified wetlands on the site.

Goal 8 – Recreational Needs:

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. Salem identifies programs, activities and policies relating to parks and recreational activities in the community. The City's needs for leisure areas and open space areas have been identified in its adopted plans. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks. Plus, at the time of development, the multi-family development on the site will have common open space and private open space for the residents. Crossler Middle School is located about ½ a mile from the site. Therefore, the proposal complies with this Goal.

Goal 9-Economic Development:

The proposed zone change will have a positive impact on the economy of the City of Salem. The rezone will allow the property to be developed, which will create employment along with a housing type that is a less expensive option for families.

Goal 10 – Housing:

The rezoning of the southern 3.75 acres of the site will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide 45 to 105 needed multi-family units within the area.

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

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

The applicant’s proposal helps the City re-designate RMI land to RMII while helping meet the housing needs.

This development will be in a location with accessibility to the commercial developments to the east along Liberty Road and to the north along Kuebler Boulevard. Therefore, meeting the guidelines of providing housing within in areas with services. The development of the site will encourage a mixture of housing types and higher densities.

The existing neighborhood consists of single-family housing and multi-family housing. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

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

Goal 11 - Public Facilities and Services:

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

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

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

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

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation:

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The subject property is located south on Davis Road. The major streets are in place due to previous developments. The subject property will have the potential to provide street connections to adjacent properties for existing and future development.

The traffic generated from the site will be minor compared to the total volume of traffic in this area and will not create a significant additional air quality impact.

Goal 13 - Energy Conservation:

The City's adopted Comprehensive Plan General Development, Urban Growth, Growth Management, Commercial, Industrial and Transportation Goal and Policies implements the Statewide Energy Conservation Goal by encouraging conservation practices, alternative sources of energy and efficient use of energy. The site is located within the City limits and within proximity to City facilities which can be extended to serve any new development.

Redevelopment of the site continues to provide for the orderly and economic extension of public facilities and services and thus is economically provided. The existing transportation network surrounding the subject property is in place. The transportation system provides efficient and convenient linkages for both motorized and non-motorized forms of transportation. Up-to-date building construction codes provide for energy-saving devices and conservation for any new structures. The Comprehensive plan identifies the need for public education, incentive and enforcement programs that encourage lower and alternative energy consumption costs.

The subject property is located very close to major arterial and major streets that provide direct access to Interstate 5. When developed, new construction will provide the opportunity to provide improved construction and building techniques which improves and conserves energy uses of new buildings.

Goal 14 – Urbanization:

The City's adopted Comprehensive Plan Urban Growth Management Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City and UGB. The subject property is within the City and the UGB and is located in an urbanizing area of the city. The Comprehensive Plan Change/Zone Change advance the SACP by facilitating productive use of the site which is mostly underused. Since infrastructure is needed to serve the site, development of the site will call for the extension of new sewer and water mains and construction of upgraded facilities. These can only happen by increasing the opportunity for development to pay for these infrastructure improvements which are appropriate for an urbanizing area.

The subject property is within a developing area of the City and does not convert the urban reserve areas beyond the City limits and UGB. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire, and applicable government services can be provided via the increase in property taxes as a result of new development. The proposal does not expand the UGB into high-value farmland. The subject property is already within the UGB and is planned for increased growth and will contribute to the facilities that need to be extended in this location. There also is no loss of resource land. The proposal permits efficient, compact development to contain sprawl and preserve agricultural land.

Other Goals:

Statewide Goals 3, (Agricultural Lands, 4 (Forest Lands); 15 (Willamette River Greenway) 16 (Estuarine Resources) 17 (Coastal Shorelands), 18 (Beaches and Dunes) and 19 (Ocean Resources) are not applicable to this proposal. There is no special agriculture, ocean beaches, dunes, destination areas or forest lands impacted by this proposal. There are no estuaries, flood ways, flood plains, mines, sand dunes, rivers or streams, or other beach resource areas impacted by this proposal.

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

Applicant Response to (E): The applicant is proposing to change the zone from RMI to RMII. The subject property is currently zoned residential with a 'Multi-Family Residential' comprehensive plan designation. Therefore, a comprehensive plan change is not required.

This criteria is not applicable.

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

Applicant Response to (F): The current zoning of the property is RMI. The applicant is proposing to change the zone to RMII, so the site can be developed at a higher density.

The traffic generated from the site will be minor compared to the total volume of traffic in this area and will not create a significant additional air quality impact.

The increase in density will not have a significant affect on the existing transportation facility.

This criterion has been met.

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

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

Therefore, this criteria has been met.

CONCLUSION

We believe that requested Zone Change application is appropriate for the southern 7.26 acres of the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and satisfies


all applicable criteria. As demonstrated herein, the RMII (Multi-Family Residential) zoning designation is appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted, and that staff has sufficient findings to grant the proposal as requested.



MEMO

TO: Kyle Kearns, Planner II
Community Development Department

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

DATE: February 23, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
ZC22-01 (21-119108)
1976 DAVIS ROAD S
ZONE CHANGE**

PROPOSAL

An application for a Quasi-Judicial Zone Change from RM-I (Multiple Family Residential I) to RM-II (Multiple Family Residential II). The property is approximately 3.75 acres in size, zoned RM-I (Multiple Family Residential I) and located at 1976 Davis Road S (083W16C0 / 0300 & 0400).

SUMMARY OF FINDINGS

The proposed zone change 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.

Urban Growth Area Development Permit – The subject property is located outside of the Urban Service Area. A UGA permit may be required subject to the type of development. A UGA permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200.

Streets

1. Davis Road S
 - a. Standard—This street is designated as a Collector street in the Salem TSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 24-foot improvement within a 50-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 12-inch storm main is located in Davis Road S.

Water

1. Existing Conditions
 - a. The subject property is located in the S-3 water service level.
 - b. A 12-inch water main is located in Davis Road S. Mains of this size generally convey flows of 2,100 to 4,900 gallons per minute.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is located in Davis Road S at the eastern edge of 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 proposed zone change is consistent with the *Comprehensive Plan* map designation and does not change the *Comprehensive Plan* map. The zone change does not significantly affect an existing or planned transportation facility. Site specific street improvement requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

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 existing and future tenants.

Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Laurel Christian, Program Coordinator
cc: File



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

February 24, 2022

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

RE: Land Use Activity Case No. ZC22-01, 1976 Davis Rd. S

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
Liberty	Elementary	K thru 5
Crossler	Middle	6 thru 8
Sprague	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
Liberty	Elementary	440	516	85%
Crossler	Middle	828	969	85%
Sprague	High	1,857	1,820	102%

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 2021 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 (Note 1)	MF	0.164	12
Middle			0.085	6
High			0.096	7

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
Liberty	Elem.	440	13	12	25	516	90%
Crossler	Mid.	828	21	6	27	969	88%
Sprague	High	1,857	30	7	37	1,820	104%

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
Liberty	Elementary	Eligible for School Transportation
Crossler	Middle	Walk Zone
Sprague	High	Walk Zone

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	12	\$64,220	\$770,640
Middle	6	\$76,882	\$461,292
High	7	\$89,544	\$626,808
TOTAL			\$1,828,740

Table 6

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

Note 1: Assume 20 du/acre which is an average of minimum density (12) and maximum density (28) dwelling units per acre.

Sincerely,



David Fridenmaker, Manager
 Planning and Property Services

c: Robert Silva, Chief Operations Officer, David Hughes, Director of Operations & Logistics, T.J. Crockett, Director of Transportation