

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-ZC22-01; FOR PROPERTY LOCATED AT 550
HAWTHORNE AVENUE SE (AMANDA APPLICATION NO. 22-102726-ZO;
22-102729-ZO)**

REQUEST

A consolidated Minor Comprehensive Plan Map Amendment from Industrial to Industrial Commercial and a Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) for one property that is 3.01 acres in size and located at 550 Hawthorne Avenue SE (Marion County Assessor map and tax lot number: 073W36A0 \ 0600).

APPLICANT: Hawthorne Premier LLC

OWNER: Hawthorne Premier LLC

REPRESENTATIVE: Sam Thomas of Lenity Architecture

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property that is 3.01 acres in size and located at 550 Hawthorne Avenue SE (Marion County Assessor map and tax lot number: 073W36A0 \ 0600) and are designated "Industrial" on the Comprehensive Plan Map, zoned IBC (Industrial Business Campus):

- A. APPROVE Minor Comprehensive Plan Map Amendment from "Industrial" to "Industrial Commercial"; and
- B. APPROVE Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) subject to the following conditions of approval:

Condition 1: Traffic impacts from development on the subject property shall be limited to a maximum of 2,488 average daily trips.

APPLICATION PROCESSING

Subject Application

On January 27, 2022, Hawthorne Premier LLC, via Sam Thomas of Lenity Architecture filed an application for a Comprehensive Plan Change and Zone Change for the subject property

displayed in **Attachment A**. The application was deemed complete for processing on February 17, 2022. The public hearing on the application is scheduled for April 19, 2022.

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 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 February 16, 2022 the applicant held a virtual open house. No comments were provided at the applicant's open house; a summary of the materials provided and notice given are provided in the applicant's written statement (**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 March 28, 2022.
3. Notice of the public hearing was mailed to the owners and tenants of all property within 250 feet of the subject property on March 30, 2022.
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 March 14, 2022.

Summary of Record

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood

associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 102726.

BACKGROUND INFORMATION

Proposal

The applicant is requesting a comprehensive plan map amendment from "Industrial" to "Industrial Commercial" and to change the zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial) for the subject property.

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

Existing Conditions

The subject property is approximately three acres in size (Marion County Assessor map and tax lot number: 073W36A0 \ 0600). The subject property does not have direct street frontage but has access to Hawthorne Avenue SE via an access easement (Per deed Reel 1709, Page 448). The existing building on site is a multi-tenant building that contains a mix of office and outpatient medical services and laboratories uses.

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 "Industrial Commercial."

The Comprehensive Plan designations of surrounding properties include:

East:	Across Interstate 5 (I-5) right-of-way, "Commercial"
West:	"Industrial"
North:	"Industrial Commercial" and "Industrial"
South:	"Industrial Commercial" and "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. No

streets directly abuts the subject property but it does retain access to Hawthorne Avenue SE, a Major Arterial street, through an access easement,

Zoning and Surrounding Land Use

The subject property is zoned IBC (Industrial Business Campus). The existing uses on site are in a multi-tenant building that contains a mix of office and outpatient medical services and laboratories uses, permitted uses in the IBC and the IC zones. The proposal includes changing the property's zoning from IBC to IC (Industrial Commercial). Surrounding properties are zoned and used as follows:

- East: Across Interstate 5 (I-5) right-of-way, CG (General Commercial), *motor vehicle sales* use
- West: IBC (Industrial Business Campus), *retail financial services* use
- North: IC (Industrial Commercial), *office* uses; IBC (Industrial Business Campus), *short-term lodging* (i.e. hotel).
- South: IC (Industrial Commercial), mix of *office* uses; IBC (Industrial Business Campus), *short-term lodging* (i.e. hotel).

Relationship to the Urban Service Area

The subject property is outside the Urban Service Area and, as indicated within the memo provided by the Public Works Department (**Attachment C**), adequate utilities are available to serve uses allowed by the proposed comprehensive plan designation. A UGA permit is not required at this time; site specific infrastructure requirements will be addressed at the time of development review via the Site Plan Review Process in SRC Chapter 220.

Infrastructure

- Water:** The *Salem Water System Master Plan* identifies the subject property to be within the G-0 water service level. A 16-inch water main is located in Hawthorne Avenue SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.
- Sewer:** A 12-inch sewer main is located in Hawthorne Avenue SE.
- Storm Drainage:** A 12-inch storm main is located in Hawthorne Avenue SE.
- Streets:** Hawthorne Avenue SE has an approximate 60-foot-wide improvement within a 100-foot-wide right-of-way abutting access easement leading to the subject property. This street is designated as a Major Arterial in the Salem TSP. The standard for this street classification is a 48-foot-wide improvement within a 96-foot-wide right-of-way.

Land Use History

21-107039-RP: A Class 1 Site Plan Review to establish a change of use related to interior improvements and a change of use to establish an Outpatient Medical Services use within an existing building located at 550 Hawthorne Avenue SE – 97301 (Marion County Assessor's Map and Tax Lot number: 073W36A / 00600).

17-113948-RP: Class 1 Site Plan Review for a new suite in a portion of a 40,000-square foot existing building from an insurance office (Business and Professional Services) to Outpatient Medical Services and Laboratories at 550 Hawthorne Avenue SE, Suite 140 - 97301 (Marion County Assessor's Map and Tax Lot number: 073W36A / 00600).

ADJ05-17: Zoning adjustment to increase the maximum number of allowed parking spaces from 200 to 215 in an IBC (Industrial Business Campus) zone and located at 550 Hawthorne Avenue SE.

05-133927-NR: A Tree Removal Permit to remove 10 of 13 trees on site to construct a new office building.

05-125821-RP: A Site Plan Review to construct a new, 40,000 square foot office building.

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 C**).

City of Salem Fire Department: The Fire Department submitted comments indicating no concerns with the proposed minor comprehensive plan map amendment and zone change.

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

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 Salem Neighborhood Association (SESNA).

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 February 16, 2022 the applicant held an open house. A summary of the materials provided at the neighborhood association meetings is included in the written statement; no attendees were present and therefore no comments were provided.

Neighborhood Association Comments: Notification of the proposal was sent to SESNA; additionally notice of the aforementioned open house was provided on February 09, 2022. 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 B** 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: *The proposed zone change to Industrial Commercial is better suited for the property due to the surrounding land uses. The surrounding land uses include several hotels, medical clinics, offices, and a bank. The subject property location adjacent to Hawthorne Ave SE is more suited to commercial uses. The surrounding zones on the north and south of the subject property are currently zoned IC.*

The proposed zone is better suited for the property than existing zone and is logical with the surrounding land uses.

Finding: The applicant's findings address (ii) above, demonstrating that the proposed Industrial Commercial designation is equally or better suited for the subject property.

The proposal is consistent with the uses and land use pattern of the area. Starting in 2005 a Comprehensive Plan Map and Zone Change land use case (CPC-ZC05-10) properties to the south of the subject property from the "Industrial" designation to the "Industrial Commercial" designation; two similar cases (CPC-ZC07-06; & CPC-ZC10-02) created similar changes for properties within the vicinity to the north as well. These changes have led the area to develop as more of a commercial business park with light manufacturing/industrial uses. Two properties directly abutting the subject development site contain a hotel and other surrounding uses include a wide range of industrial services, manufacturing, food production, offices, banks, services and recreation/entertainment uses.

The intent of the Industrial Commercial comprehensive plan designation is to provide areas for a mixture of heavy commercial and light manufacturing and warehouse activities. The proposed change in designation is equally or better suited for the property by helping to promote a wider range of uses for an existing industrial property while creating additional consistency to the surrounding uses to better complement commercial and light-industrial uses already within the vicinity of the subject property.

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 outside 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 land use pattern for property in the surrounding area is comprised mostly of Industrial and Industrial Commercial designations and is located outside but adjacent to the City's urban service area, consistent with this approval criterion. 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, General Development (Pages 23-26, Salem Comprehensive Policies Plan):

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

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: The setback, landscaping and screening requirements of the zoning code help to buffer incompatible land uses.

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 outside the Urban Service Area. Development of the proposed site does not require the extension or development of new public services at this time but services within the vicinity of the site appear adequate to serve future development. City services, including water, sewer, and storm infrastructure are available within surrounding streets. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 34-36, Salem Comprehensive Policies Plan):

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

Commercial Office Uses G.6

Commercial office uses shall have direct access to collector and arterial streets or be located within one-quarter mile of a collector or arterial street.

Finding: Within the applicant's written statement it is noted that the change from the "Industrial" designation to "Industrial Commercial" designation – and then the subsequent zone change – will allow for a larger host of uses that will further promote the Salem urban area as a commercial center in the Marion-Polk county region. Staff concurs that the uses within the Industrial Commercial (IC) zone are more commercial oriented than industrially oriented but that many of the uses within the Industrial Business Campus (IBC) zone are also permitted in the IC zone; the key difference is the IBC zone has limits on the size and scope of more commercial or office-oriented businesses (e.g. limits total square footage of the *outpatient medical services and laboratories* use). Further, the subject property is within a quarter-mile of Hawthorne Avenue SE which is designated as a Major Arterial.

Salem Urban Area Goals and Policies, Industrial Goal (Page 37-40, Salem Comprehensive Policies Plan):

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.

Industrial Land Inventory I.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.

Finding: Amending the Comprehensive Plan Map to designate the subject property as Industrial Commercial would maintain the overall acreage available within the Urban Growth Boundary for industrial uses, while allowing a relatively small parcel to be developed with a wider range of uses consistent with the industrial development pattern in the vicinity.

Policy I.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.*

Finding: Following the direction of this policy the site would be appropriate for conversation from an “Industrial” designation to an “Industrial Commercial” designation but may not be appropriate for conversation to an entirely non-industrial designation. As identified in the EOA the City has surplus of 907 acres of industrial land and the conversation of approximately three acres does not substantially change such a surplus.

Although the IC (Industrial Commercial) zoning proposed by the applicant allows many of the same wholesaling and manufacturing activities as the properties current IBC (Industrial Business Campus) zoning, the proposal would replace the properties current “Industrial” designation with an “Industrial Commercial” designation. Accordingly, this proposal could be interpreted as converting industrial land to partially commercial or other non-industrial land. Under this interpretation, the subject property is still an appropriate area for limited commercial use because of the future land needs projected in the EOA and the industrial commercial zoning designation placed on adjacent properties.

First, the property is located outside of an industrial “district” as defined in Policy I.16, but is in close proximity to some light industrial uses. Second, the subject property is surrounded by IC-zoned land and is abutting a hotel, bank, and offices and has other similar uses within the vicinity of the site. Third, while not located near properties that have been converted to commercial zones, the property is located near properties that have since been converted to more commercial and light-industrial uses making heavier industrial uses incompatible with the existing development pattern within the vicinity.

Fourth, the subject property does have excellent access to major roads through the access easement that provides access to Hawthorne Avenue SE, a Major Arterial road, that leads to a freeway, Highway 22, that then connects to Interstate 5. This could indicate that the site may be appropriate for both industrial and commercial uses but the surrounding providing for a logical change to the “Industrial Commercial” Comprehensive Plan Map designation. Lastly,

the site does not contain rail access as the closest rail line is more than three miles from the site further limiting its heavy 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.*

Finding: Notice of the proposal was provided to the Southeast Salem Neighborhood Association, to surrounding property owners within the notice area, and posted on the property prior to the hearing; additionally the subject property is not within a Homeowners Association so there was no notice sent to a Homeowners Association. The Planning Commission will hold a public hearing to consider the request. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

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

Finding: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission 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.*

Finding: The subject property is developed industrial land, there are no known scenic, historic, natural, or cultural resources on the subject property. 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.*

Finding: 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.*

Finding: The subject property is located within a floodplain or floodway and contains mapped landslide hazards. The applicant indicates that no development is proposed within the floodplain; further, no development is proposed within the mapped landslide hazards. All development of the subject property will be subject to applicable review, including evaluation of landslide hazards and floodplain at the time of development. 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.*

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

Statewide Planning Goal 9 – Economic Development: *To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.*

Finding: 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. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decision, including how to respond to request for rezoning land.

The proposed change to Industrial Commercial will maintain the industrial designation for the property and will increase the number of permitted uses on the subject property, thereby opening up additional opportunities for economic development, consistent with the intent of Goal 9.

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

Finding: In 2014, the City conducted a Housing Needs Analysis (HNA) to develop strategies for the community to meet housing needs through 2035 and to inform policy decision related to residential land. The HNA concluded that Salem has a projected 1,975-acre surplus of land for single-family detached housing, and that there is a deficit of approximately 207 acres of available multi-family zoned land. The properties current industrial designation does not allow residential uses. The proposed zoning designation of Industrial Commercial allows for multiple family development and middle housing in some limited capacities (i.e. with special standards or conditionally permitted) thus increasing the potential for residential uses. The proposed comprehensive plan change and zone change will not reduce the City's supply of land for 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.*

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

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

Finding: 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 (**Attachment D**) 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 if a trip cap is placed on the subject property. The applicant’s TPR analysis proposed a trip cap of 2,488 trips per day, 209 weekday AM peak hour trips and 223 weekday PM peak hour trips. The Assistant City Traffic Engineer has reviewed the TPR analysis and concurs with the finding of no significant effect with conditions placed on the proposal to limit the number of trips the site may generate.

As conditioned below, 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 change in the comprehensive plan map change will repurpose the existing site to allow for lower energy and resource consumption by allowing uses to be within the existing building on site, consistent with Goal 13.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development at the property are located nearby. Additionally, the comprehensive plan map change allows for expanded uses on an already developed site within an urbanized areas increasing the efficiency of the land's use and increasing employment opportunities. Existing transportation and utility infrastructure is available in the vicinity. The request allows for the efficient use and development of property without requiring extension of new public services. The proposed comprehensive plan map amendment will allow the efficient use of urbanized 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 change will help to encourage and promote the wider use of an existing property in an established commercial/light-industrial area of the City. The wider range of uses allowed by the IC zone will allow for additional flexibility for future use and development of the property benefiting the public. The applicant indicates that the proposed amendment will allow for greater medical office uses within the existing building/site, benefiting the public. The proposal satisfies this criterion.

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

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

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

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

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

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

Finding: The applicant 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 proposal is consistent with the uses and land use pattern of the area.

The IC zone generally allows a wide variety of retail, office, heavy commercial, light manufacturing, and warehouse activities. Currently, uses found along the Hawthorne Avenue corridor include a wide range of hotels, industrial services, manufacturing, food production, offices, government office, and retail services. The proposed IC zoning designation will allow a greater variety of uses for the subject property.

The proposal meets this criterion.

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

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

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

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

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

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

The proposal satisfies this criterion.

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

Finding: The property currently has an industrial comprehensive plan map designation, the request would change the map designation to industrial commercial, which is also an industrial designation. The proposal does not include a change from an industrial designation to a non-industrial designation, therefore this criterion is not applicable.

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

Finding: The applicant has submitted a Transportation Planning Rule (TPR) Analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The applicant's TPR analysis demonstrates that the proposal will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 3.01 acre property to 2,488 vehicles per day, which is the number of trips identified in the applicant's TPR analysis as the reasonable worst case trip generation under the properties current IBC zoning. In the findings the applicant indicated that a drive-through use would not be expected due to the existing sites constraints and age of the existing building.

Condition 1: Traffic impacts from development on the subject property shall be limited to a maximum of 2,488 average daily trips.

As conditioned, 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 550

Hawthorne Avenue 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 property that is 3.01 acres in size and located at 550 Hawthorne Avenue SE (Marion County Assessor map and tax lot number: 073W36A0 \ 0600) and are designated "Industrial" on the Comprehensive Plan Map, zoned IBC (Industrial Business Campus):

- A. APPROVE Minor Comprehensive Plan Map Amendment from "Industrial" to "Industrial Commercial"; and
- B. APPROVE Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) subject to the following conditions of approval:

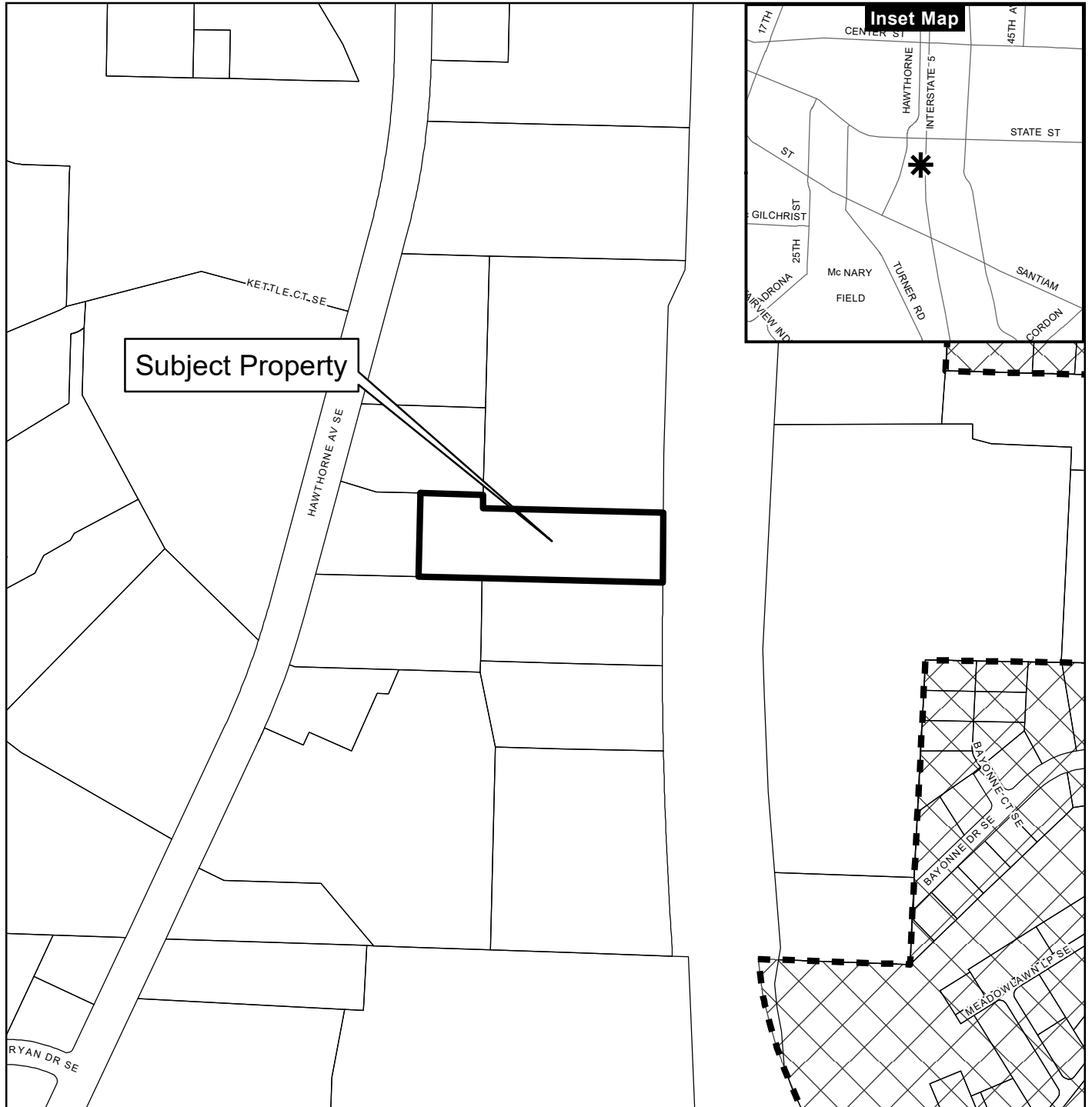
Condition 1: Traffic impacts from development on the subject property shall be limited to a maximum of 2,488 average daily trips.

Attachments:

- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Applicant's Written Statement
- C. Memo from the Public Works Department
- D. Transportation Planning Rule (TPR) Analysis

Prepared by Kyle Kearns, AICP, Planner II

Vicinity Map 550 Hawthorne Ave SE



Legend

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

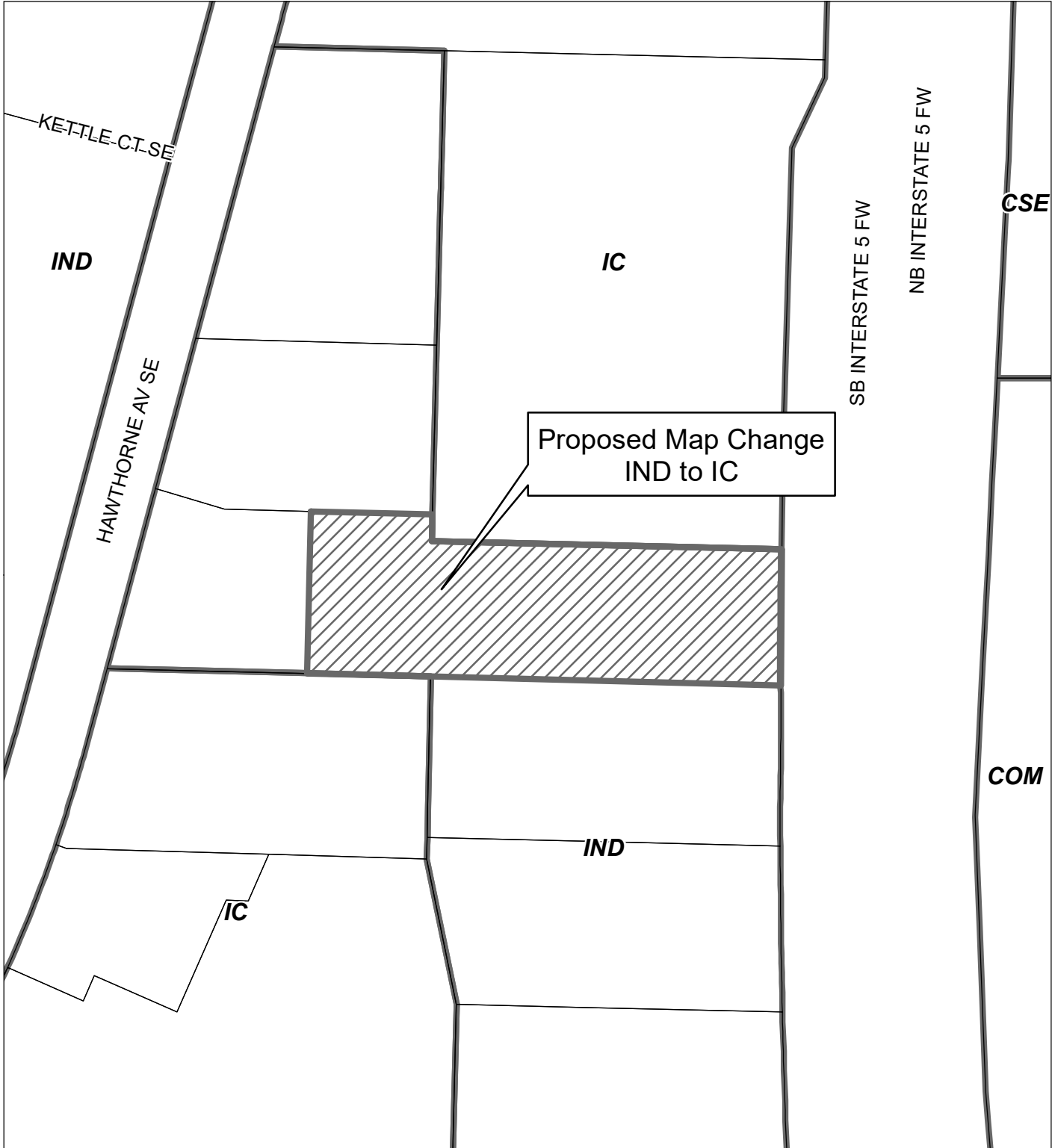


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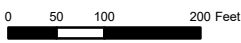
Comprehensive Plan Map - 550 Hawthorne Ave SE



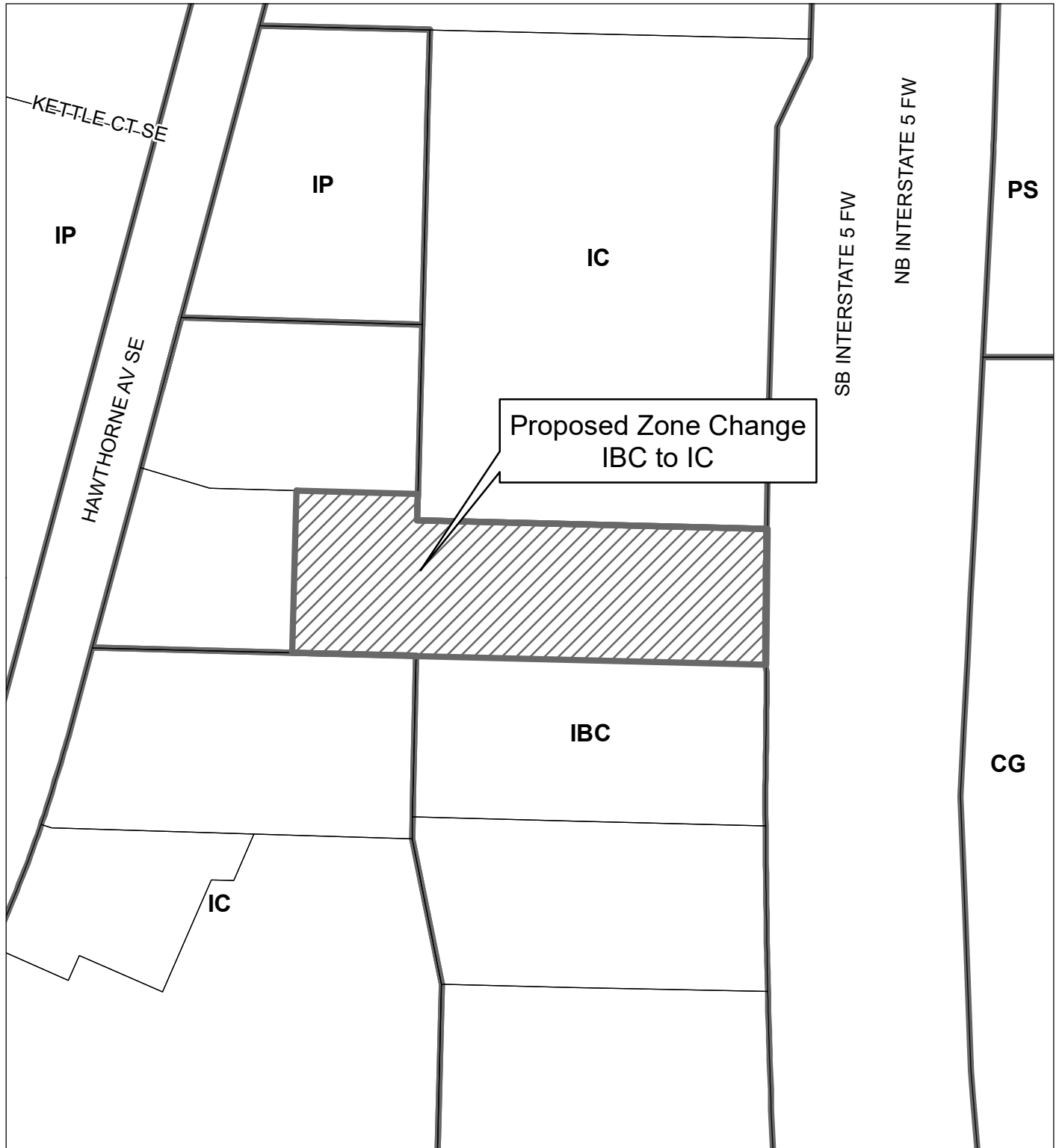
Legend

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

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Zoning Map - 550 Hawthorne Ave SE



Legend

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

0 50 100 200 Feet



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

SHAREHOLDERS

Daniel Roach
Architect
Marcus Hite
Kristin Newland

BOARD OF DIRECTORS

Daniel Roach
Architect / President
Aaron Clark
Architect
Lee Gwyn
Architect
Stephen Hockman
Architect
Robert J. Hazleton, Jr.
Engineer
Brian Lind
Landscape Architect

WRITTEN STATEMENT – 550 HAWTHORNE AVE SE
COMPREHENSIVE PLAN AMENDMENT / ZONE CHANGE
REVISION 3

February 17, 2022

Project Description:

On behalf of our client, Hawthorn Premier LLC, we are proposing to rezone the property located at 550 Hawthorne Ave SE from Industrial Business Campus (IBC) to Industrial Commercial (IC) and change the Salem Area Comprehensive Plan designation from Industrial to Industrial Commercial.

The subject property consists of approximately 3.01 acres and contains an existing commercial building that is approximately and parking areas.

The buildings existing uses are shown on Exhibit A. There is an office that specializes in data processing, an office that specializes in computer systems, and a medical use.

Transportation Planning Rule Analysis:

A Transportation Planning Rule Analysis was completed by Rick Nys of Greenlight Engineering on August 22, 2021 and is included herein.

The TPR proposes a trip cap and concludes that the proposed comprehensive plan and zone change will not result in a significant effect.

Below are responses to the applicable review and decision criteria.

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.

Applicant Response: An open house is required for comprehensive plan and zone change applications according to Table 300-2.

A virtual open house was held on Wednesday February 16th between 6pm and 7pm. Posted notice was placed on the subject property with information about the proposed zone change in accordance with Section 300.320 included and GoTo Meeting participation instructions. The virtual meeting notice was sent to the SENSA neighborhood President and Land Use Chair on June 3, 2021. No attendees joined the virtual open house during the stated time.

(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.

Applicant Response: An open house is required for comprehensive plan and zone change applications according to Table 300-2 as was held in accordance with SRC 300.320.

(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.

Applicant Response: An open house is required for comprehensive plan and zone change applications according to Table 300-2 as was held in accordance with SRC 300.320 on Wednesday February 16th between 6pm and 7pm. February 16th is not a legal holiday. The application complies with the criteria above.

(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.

Applicant Response: Due to COVID-19 restrictions and guidance from health authorities that existed at this time, the applicant decided to hold a virtual open house on Wednesday February 16th between 6pm and 7pm. February 16th.

(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.

(B) Written notice shall include:

(i) The name, telephone number, and e-mail address of the applicant;

(ii) The address of the subject property;

(iii) A map of the subject property;

(iv) The date, time, and location of the open house;

(v) A summary of the proposal; and

(vi) A conceptual site plan, if applicable, that includes the proposed development.

Applicant Response: Written notice was provided to the neighborhood association and planning administrator that included the applicant contact information, address of the subject property, date/time/location of the open house, a summary of the proposal and conceptual site plan. The application complies with the criteria above.

(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.

(B) The posted notice shall:

(i) Be on a sign a minimum of 22 inches by 34 inches in size;

(ii) Be posted on each street frontage of the subject property in a conspicuous place that is visible from the public right-of-way. If no street abuts the subject property, the notice shall be placed as near as possible to the subject property in a conspicuous place that can be readily seen by the public;

(iii) Remain in place through the day of the public open house; and

(iv) Contain the following information:

(aa) The name, telephone number, and e-mail address of the applicant;

(bb) The address of the subject property;

(cc) The date, time, and location of the public open house; and

(dd) A summary of the proposal.

Applicant Response: The subject property does not front or abut a public street. A double-sided posted notice sign was placed at the edge of the subject property in a landscape island that included the main property signage.





(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.

Applicant Response: There were no attendees for the virtual open house, therefore no sign in sheet has been created.

(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.

Applicant Response: There were no attendees for the virtual open house, therefore no sign in sheet or meeting summary has been created.

(5) *Effect on subsequent land use application submittal.* When a neighborhood association meeting has been substituted for a required public open house, the land use application shall not be accepted, as provided under

SRC 300.210, unless it is accompanied by a summary of the comments provided at the neighborhood association meeting.

Applicant Response: An open house was held in accordance with SRC 300.320 instead of a neighborhood association meeting and meets the criteria above.

SRC 64.025(e)(2):

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

Applicant response: The subject property is currently developed and has all the necessary infrastructure to support the uses allowed by the proposed map designation.

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

Applicant response: The subject property is currently developed and 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

Applicant response: Based on the evidence provided herein, 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

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

Applicant response: The proposed amendment is a minor change and is in the public interest and would be of general benefit. The proposed amendment would allow more medical office uses within the existing building and site.

300.210(a)(10)

Please include a statement indicating whether or not the property is currently subject to an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State.

Applicant Response: The subject property is not currently within an active and duly incorporated Homeowner's Association (HOA) registered with the Oregon Secretary of State.

Sec. 265.005. - Quasi-judicial zone changes.

(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:

(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
- (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: The proposed zone change to Industrial Commercial is better suited for the property due to the surrounding land uses. The surrounding land uses include several hotels, medical clinics, offices, and a bank. The subject property location adjacent to Hawthorne Ave SE is more suited to commercial uses. The surrounding zones on the north and south of the subject property are currently zoned IC.

The proposed zone is better suited for the property than existing zone and is logical with the surrounding land uses.

The application complies with the above criterion.

(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.

Applicant Response: The zone change has been initiated by a private citizen. The above criterion does not apply to this application.

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

Applicant Response: The proposed comprehensive plan amendment and zone change is consistent with the Housing and Commercial Development goals of the Salem Area Comprehensive Plan. The proposed change would allow for a diverse range of housing options beyond single family residential uses. The application complies with 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.

Applicant Response: The proposed zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development as detailed below.

Below is a comprehensive review and statement regarding the identified applicable Statewide Planning Goals.

Goal #1: Citizen Involvement

Per the DLCDC website "Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program that addresses:

Opportunities for widespread public involvement"

As part to the application process, applicant notification to the neighborhood association was initiated by providing a project description and proposed site plan to the NA chair and land use chair. Additionally, an open house was conducted virtually in compliance with SRC 300.320(f)(4).

Effective two-way communication with the public”

Lenity Architecture and project application are open and available to receive and respond to public comments that could influence the proposal.

The ability for the public to be involved in all phases of the planning process”

As the project moves forward in the application process, public notice of the proposed zone change/comprehensive plan amendment will be formally sent out to neighboring property owners and posted on the City of Salem website. A public hearing will take place in which neighbors and the public can learn more about the proposal and provide written and/or oral testimony.

Making technical information easy to understand”

The provided project proposal and architectural site plan have been developed to clearly communicate the intent of the proposed comprehensive plan and zone change.

The proposal has met and addressed the intent of Statewide Planning Goal #1: Citizen Involvement.

Goal #2: Land Use Planning

Goal 2 is primarily related to the development and implementation of local comprehensive plans, in this case, the City of Salem is the jurisdiction. The proposed zone change and comprehensive plan amendment is consistent with the process of Goal #2 for requesting a comprehensive plan amendment.

The proposal has met and addressed the intent of Statewide Planning Goal #2: Land Use Planning.

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

The subject property is not shown on any Goal 5 resource inventories. Therefore, this goal does not apply to this application proposal.

Goal #6 Air, Water and Land Resources Quality

The subject property is currently developed and any of the new uses that could be allowed with the proposed comprehensive plan and zone change would compliance with local, state, and federal environmental regulations. The proposed comprehensive plan and zone change would not create any new threats to the existing local water, air, or land resource quality.

The proposal has met and addressed the intent of Statewide Planning Goal #5: Air, Water and Land Resources Quality.

Goal #7: Areas Subject to Natural Hazards

The subject property is partially located within the moderate flood risk areas (500 year) on the extreme northwest and southwest portions of the property. There are no existing or proposed buildings within this area. This is the only known natural hazard that the applicant could identify based on a review of City of Salem and Marion County GIS maps.

No development is currently anticipated in the mapped floodplain. Any future development would

Goal #8: Recreational Needs

The applicant is not proposing any to construct or diminish any existing recreational opportunities. Therefore, this goal does not apply to this application proposal.

Goal #9 Economic Development: Goal 9 relates to economic development and the zone change to Industrial Commercial is not a substantial departure from the current zone, Industrial Business Campus. The surrounding zones on the north and south of the subject property are currently zoned IC, which is the proposed new zone. The proposed zone change and comprehensive plan amendment will provide additional medical use activities which will promote job growth and local economic vitality.

Goal #10: Housing

No housing is proposed or would be allowed in the existing or proposed zone. The proposed zone change would provide additional job opportunities which helps stimulate housing growth.

The proposal has met and addressed the intent of Statewide Planning Goal #10: Housing

Goal #11: Public Facilities and Services

The comprehensive and zone change would allow a small expansion of medical uses within an existing facility. No new buildings or uses are proposed at this time. If a new use or building is proposed, there would be a comprehensive review of existing City infrastructure to ensure it could be adequately served. There are no significant impacts anticipated with the proposal.

The proposal has met and addressed the intent of Statewide Planning Goal #11: Public Facilities and Services

Goal #12: Transportation

A Transportation Planning Rule Analysis (Exhibit B) was completed by Rick Nys of Greenlight Engineering on August 22, 2021.

The TPR proposes a trip cap and concludes that the proposed comprehensive plan and zone change will not result in a significant effect.

The proposal has met and addressed the intent of Statewide Planning Goal #12: Transportation

Goal #13: Energy Conservation

The proposed zone change and comprehensive plan amendment would allow more medical uses within the existing building and subject property. This would result in lower energy and resource consumption by containing these uses within an existing building.

The proposal has met and addressed the intent of Statewide Planning Goal #13: Energy Conservation

Goal #14: Urbanization

The proposed zone change and comprehensive plan amendment would allow for the efficient use of land within an urbanized area by affording more types of uses allowed without developing resource land.

The proposal has met and addressed the intent of Statewide Planning Goal #14: Urbanization

(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: The proposed zone change would be from an industrial designation to an industrial Commercial designation, which is a substantially similar zone in regard to the types of uses allowed. Therefore, the above criterion does not apply to this request.

(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: The subject property includes an existing commercial office building. A TPR analysis was performed by Greenlight Engineering to evaluate potential Traffic impacts based on the worst-case use scenario of uses on the site. With the proposed trip cap, the proposed zone change will not create a significant impact on the existing transportation system.

(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: The subject property and existing building are currently connected to existing public facilities, including water, sewer, and public streets.

Alteration in Circumstances. The social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

Equally or Better Suited Designation. The proposed designation is equally or better suited for the property than the existing designation.

Applicant Response: The proposed zone change is substantially similar to the existing zone and is better suited to predicted future commercial development.

Conflict Between Comprehensive Plan Map Designation and Zone Designation. A minor Plan Map amendment may be granted where there is a 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:

Whether there was a mistake in the application of a land use designation to the property

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

Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation

Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations

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.

The proposed plan map designation provides for the logical urbanization of land.

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.

The amendment is in the public interest and would be of general benefit.

Applicant Response: There is not a conflict between the comprehensive plan map and the zone designation. The above criteria do not apply to the proposed comprehensive plan amendment and zone change.

Responses to the applicable sections of the Salem Area Comprehensive Plan Goals

G. Commercial Development

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

The proposed zone change and comprehensive plan amendment will maintain and add a host of uses to the existing property that will promote the Salem urban area as a commercial center in the region.

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.

The subject property consists of an existing commercial office development. The proposed zone change and comprehensive amendment will help increase the range of uses allowed.

Commercial Office Uses 6.

Commercial office uses shall have direct access to collector and arterial streets or be located within one quarter mile of a collector or arterial street.

Applicant Response: The subject property is located approximately 245 feet (less a ¼ mile) east of Hawthorn Ave SE which is a major arterial according to the City Salem Transportation System Plan, Map 3-1 Street Plan.

The proposed comprehensive plan and zone change complies with the Commercial Office goal of the Salem Area Comprehensive Plan

H. Economic Development

GOAL: Strengthen the economic base of the Salem area to sustain the economic growth necessary to provide adequate employment opportunities and maintain community livability.

GOAL: Grow and attract traded-sector businesses, especially businesses with above average wages.

Applicant Response: The propsoed zone change will encourage growth within the medical office business sector.

I. Industrial Development

Applicant Response: No industrial uses are contemplated at this time.

J. Transportation

Applicant Response: The proposed development has direct access to Hawthorne Ave, Mission Street (Hwy 22) and Interstate 5. Hawthorne Ave is currently undergoing major road improvements that will further allow for the efficient flow of traffic to, from, and around the project site of the proposed zone change.

If you have any questions or need any additional information, please contact me at (503) 399-1090 or by e-mail at samt@lenityarchitecture.com. Thank you for your time and attention.

Sincerely,



Samuel A. Thomas

Senior Land Use Specialist

SRC 64.025(e)(2):

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

Applicant response: The subject property is currently developed and has all the necessary infrastructure to support the uses allowed by the proposed map designation.

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

Applicant response: The subject property is currently developed and 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

Applicant response: Based on the evidence provided herein, 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

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

Applicant response: The proposed amendment is a minor change and is in the public interest and would be of general benefit. The proposed amendment would allow more medical office uses within the existing building and site.



MEMO

TO: Kyle Kearns, Planner II
Community Development Department

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

DATE: April 6, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC22-01 (22-102726-ZO; 22-102729-ZO)
550 HAWTHORNE AVENUE SE
COMPREHENSIVE PLAN / ZONE CHANGE**

PROPOSAL

A consolidated Minor Comprehensive Plan Map Amendment from Industrial to Industrial Commercial and a Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) for property approximately 3.01 acres in size and located at 550 Hawthorne Avenue SE (Marion County Assessors Map and Tax Lot No: 073W36A / 600).

RECOMMENDED CONDITIONS OF APPROVAL

1. The transportation impacts from the 3.01-acre site shall be limited to a maximum cumulative total of 2,488 average daily vehicle trips.

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. Hawthorne Avenue SE
 - a. Standard—This street is designated as a Major Arterial street in the Salem TSP. The standard for this street classification is a 48-foot-wide improvement within a 96-foot-wide right-of-way.

- b. Existing Conditions—This street has an approximate 60-foot improvement within a 100-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 12-inch storm main is located in Hawthorne Avenue SE.

Water

1. Existing Conditions
 - a. The subject property is located in the G-0 water service level.
 - b. A 16-inch water main is located in Hawthorne Avenue SE. Mains of this size generally convey flows of 3,800 to 8,800 gallons per minute.

Sanitary Sewer

1. Existing Conditions
 - a. A 12-inch sewer main is located in Hawthorne Avenue SE.

CRITERIA AND FINDINGS

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

Finding: The applicant 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 with the proposed trip cap of 2,488 average daily trips. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 3.01-acre site to 2,488 average daily vehicle trips.

Condition: The transportation impacts from the 3.01-acre site shall be limited to a maximum cumulative total of 2,488 average daily vehicle trips.

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

August 22, 2021

Tony Martin, P.E.
Assistant City Traffic Engineer
City of Salem
Public Works Department
555 Liberty St SE, Suite 325
Salem, OR 97301

RE: 550 Hawthorne Avenue SE Transportation Planning Rule Analysis

Dear Mr. Martin,

Hawthorne Premier LLC proposes a comprehensive plan amendment and zone change (“CPA/ZC”) at 550 Hawthorne Avenue SE in Salem, Oregon. The 3.01 acre property is currently zoned Industrial Business Campus (IBC). The proposed zoning is Industrial Commercial (IC).

The site is currently occupied with a 39,994 square foot building with medical offices, outpatient medical services and laboratories.

The proposed land use action requires an evaluation of the Transportation Planning Rule, Oregon Administrative Rule (“OAR”) 660-012-0060.

This CPA/ZC is proposed for the primary purpose of allowing more flexibility to increase outpatient medical uses in the future. The IBC zone limits outpatient medical uses to 10,000 square feet, while the IC zone has no such restriction. The proposed IC zone allows for more vehicle trip intensive uses than does the IBC zone. However, the applicant intends for the existing and similar uses to be retained in the existing structure without the more trip intensive activities uses allowed under the IC zone. As a result, the applicant is proposing a trip cap that would limit the amount of trips could be generated under the proposed zone to equal those trips that could be generated in the existing zone. A trip cap is permitted by the Transportation Planning Rule. A trip cap ensures that there is no significant effect on the transportation system caused by the land use action.

Trip Generation

In order to determine the trip cap, an evaluation of the reasonable worst case development under the existing zone is required. The site is currently occupied by a two story, 39,994 square foot medical office building. Given the age, condition and expense associated with the building, it is reasonable to conclude that this building will remain in its current use within the City of Salem planning period.

It should be noted that the existing uses are not the highest trip generating uses within the IBC zone. However, if higher trip generating uses would be assumed to be the reasonable worst case development in the existing zone, that would result in a higher trip cap, resulting in greater flexibility for the applicant. Rather, this analysis takes a conservative approach by assuming the existing, lower trip generation of the existing building.

The site is slightly over parked and landscaped according to a review of the Salem Unified Development Code. Further review illustrated that a building of approximately 3,000 square feet could additionally be constructed. It was assumed that this new building would be constructed as a “eating and drinking establishment,” a high trip generating use permitted in the existing zone. The existing zone does not allow “Drive-in or drive-through facilities,” therefore it was assumed that the additional 3,000 square feet would be occupied by fast-food restaurant without drive-through use. Under the existing IBC zoning, Table 1 represents the reasonable worst case development in this zone.

Table 1. Reasonable Worst Case Trip Generation of IBC Zone

ITE Land Use	Units (ksf)	Weekday						
		ADT	AM Peak Hour			PM Peak Hour		
			Total	Enter	Exit	Total	Enter	Exit
<i>Medical-Dental Office Building (#720)¹</i>	40	1449	99	77	22	138	39	99
<i>Fast-Food Restaurant without Drive-Through Window (#933)¹</i>	3	1039	110	66	44	85	42	43
Total Trips		2488	209	143	66	223	81	142

¹Trip Generation Manual, 10th Edition

As a result of the analysis above, the proposed trip cap is 2488 trips per day, 209 weekday AM peak hour trips and 223 weekday PM peak hour trips.

Transportation Planning Rule Analysis

The Transportation Planning Rule (TPR) is a statewide regulation that ensures that the transportation system is adequate planned and requires the evaluation of traffic impacts that could result from changes to adopted zoning and comprehensive plans. The Transportation Planning Rule reads as follows:

“660-012-0060

Plan and Land Use Regulation Amendments

(1) If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

- a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);*
- b) Change standards implementing a functional classification system; or*
- c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.*

A) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;

- B) *Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or*
- C) *Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.”*

With the proposed trip cap, no additional traffic that could be generated under the existing zone could be generated under the proposed zone. As a result, the trip impacts between the existing and proposed zone are non-existent

The amendment could not change the functional classification of an existing or planned transportation facility, therefore an evaluation of subsection a) identifies no significant effect.

No changes to standards implementing a functional classification system are proposed or required. Therefore, an evaluation of subsection b) identifies no significant effect.

An evaluation of subsection (A) identifies no significant effect as the proposed trip cap would not result in any change to the types or levels of travel or access that would be inconsistent with the functional classification of any of the transportation facilities in the vicinity of the site.

As a trip cap is proposed, an evaluation of subsection (B) and (C) identify no significant effect as no additional traffic would be generated under the proposed zone than can be generated under the existing zone.

Conclusion

Given the above analysis, an evaluation of the Transportation Planning Rule funds that the proposed zone change/comprehensive plan amendment will result in no significant effect with the trip cap in place. The proposed trip cap is 2488 trips per day, 209 weekday AM peak hour trips and 223 weekday PM peak hour trips. The proposed zone change/comprehensive plan amendment can be approved without further analysis or mitigation.

If you have any questions or comments, please feel free to reach out to me at 503-317-4559 or at rick@greenlightengineering.com

Sincerely,

Rick Nys, P.E.
Principal Traffic Engineer



RENEWS: 12/31/2022