

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-ZC22-02; FOR PROPERTY LOCATED AT 4375 RICKEY
STREET SE (AMANDA APPLICATION NO. 22-106311-ZO; 22-106313-ZO)**

REQUEST

A consolidated Minor Comprehensive Plan Map Amendment from Single Family Residential to Multiple Family Residential and Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential) for property approximately 0.58 acres in size and located at 4375 Rickey Street SE (Marion County Assessor Map and Tax Lot Number: 072W31DA12300).

APPLICANT: Sunny Oaks, Inc.

OWNER: Sunny Oaks, Inc. (Zanne D' Anna; Deborah Day; Aaron Brown; Carole Shavere; Carol Dronen; Karla Kappel; Lorie Fontaine; Brian Varley)

REPRESENTATIVE: Brandie Dalton – Multi/Tech Engineering

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends the Planning Commission:

- A. **APPROVE** the Minor Comprehensive Plan Map Amendment from Single Family Residential to Multiple Family Residential; and
- B. **APPROVE** the Quasi-Judicial Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential) subject to the following conditions of approval:

Condition 1: Convey land for dedication to equal a half-width right-of-way of 36 feet along the street frontage of the property.

Condition 2: Only one access point shall be permitted along Rickey Street SE to serve the property.

Condition 3: The transportation impacts from the 0.58-acre site shall be limited to a maximum cumulative total of 78 average daily vehicle trips.

PROCEDURAL FINDINGS

1. On March 17, 2022, Brandie Dalton, of Multi/Tech Engineering, filed an application for a Comprehensive Plan Change and Zone Change on behalf of the applicant and property owner, Sunny Oaks, Inc. The application requests to change the Comprehensive Plan Map designation of the property from Single Family Residential to Multiple Family Residential and the zoning of the property from RS (Single Family Residential) to RM-II (Multiple Family Residential). After additional requested information was provided by the applicant, the application was deemed complete for processing on May 16, 2022.
2. Public notice of the proposal was provided pursuant to Salem Revised Code (SRC) requirements, on May 18, 2022. Public notice was posted on the property by the applicant's representative on May 24, 2022.
3. DLCD Notice. State law (ORS 197.610) and SRC 300.620(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. Required notice of the proposed Comprehensive Plan Change and Zone Change application was provided to DLCD on May 2, 2022.
4. The public hearing on the application is scheduled for June 7, 2022.
5. 120-Day Rule. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

BACKGROUND / PROPOSAL

The applicant, Sunny Oaks, Inc., owns the subject property located at 4375 Rickey Street SE (**Attachment A**). The property is approximately 0.58 acres in size and bordered by Rickey Street SE to the south and a 15-foot-wide unimproved dedicated public accessway to the east.

The subject property is currently designated Single Family Residential on the Salem Area Comprehensive Plan Map, zoned RS (Single Family Residential), and developed as an eight-unit residential care facility serving individuals with developmental disabilities. The existing residential care facility received Specific Conditional Use approval in October of 2000 (*Case No. SCU00-13*). The specific conditional use included the following three conditions of approval to ensure the development's conformance with the applicable goals and policies of the comprehensive plan and to minimize any potential impacts of the proposed use and development on the immediate neighborhood:

- (1) Additional 4 feet of right-of-way adjacent to the subject property to equal 36 feet measured between the centerline of right-of-way and the north right-of-way line of Rickey Street (SRC 63.235) shall be conveyed to the City of Salem.

- (2) Only one access point shall be permitted along Rickey Street to serve the proposed development.
- (3) A mid-block crossing along the east line of the subject property between the north line of Rickey Street and the north line of the subject property shall be constructed to meet the requirements of City of Salem Standard Drawing Nos. 308 and 314.

As indicated in the written statement provided by the applicant, Sunny Oaks, Inc. plans to convert the existing building from an eight-unit residential care facility serving individuals with developmental disabilities to an eight-unit multiple family development serving individuals with Intellectual and Developmental Disabilities.

Because the property's existing RS (Single Family Residential) zoning does not allow multiple family use, the applicant is requesting to change the comprehensive plan designation of the property to Multiple Family Residential and its zoning to RM-II (Multiple Family Residential).

Under the proposed Multiple Family Residential comprehensive plan designation and RM-II zoning, both the existing residential care facility and its proposed conversion to multiple family are allowed as permitted uses.

The proposal requires the following land use approvals:

- 1) A Minor Comprehensive Plan Map Amendment to change the Comprehensive Plan Map designation of the subject property from "Single Family Residential" to "Multiple Family Residential."
- 2) A Quasi-Judicial Zone Change to change the zoning of the subject property from RS (Single Family Residential) to RM-II (Multiple Family Residential).

APPLICANT'S PLANS AND STATEMENT

Land use applications must include a statement addressing the applicable approval criteria and be supported by proof they conform to all applicable standards and criteria of the Salem Revised Code. The written statement provided by the applicant summarizing the request and addressing the applicable approval criteria, as well as the existing conditions plan illustrating the existing development on the property, are attached to this report as follows:

- Applicant's Written Statement: **Attachment B**
- Existing Conditions Plan: **Attachment C**

Staff utilized the information included in the applicant's statement to evaluate the proposal and to establish the facts and findings within this staff report.

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.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan is the long-range plan for guiding growth and development in the Salem urban area. The overall goal of the plan is to accommodate growth and 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. The comprehensive plan consists of several different documents and maps that, when taken together, comprise the Salem Area Comprehensive Plan.

Comprehensive Plan Map: The Salem Area Comprehensive Plan Map designates the subject property as Single Family Residential.

The comprehensive plan map designations of surrounding properties include:

Comprehensive Plan Designation of Surrounding Properties	
North	Single Family Residential (<i>in Marion County</i>)
South	Across Rickey Street SE, Community Service Education
East	Single Family Residential
West	Commercial

Neighborhood Plan: The subject property is located within the Southeast Mill Creek Association (SEMCA) neighborhood association. The SEMCA neighborhood association does not have an adopted neighborhood plan.

Salem Transportation System Plan (TSP): The Salem Transportation System Plan (TSP) is the City's transportation master plan that establishes the goals, objectives, policies, projects, and programs needed to meet the City's mobility needs for the next 25 years. In order to achieve this, the TSP utilizes a Street Classification System to determine the functional classification of each street within the City's street system.

There is one street that abuts the subject property to the south, Rickey Street SE. Rickey Street is designated as a Minor Arterial street under the TSP. The subject property also abuts a 15-foot-wide unimproved public accessway to the east.

Urban Service Area: The Urban Service Area is that territory within City where all required public facilities (*streets, water, sewer, storm water, and parks*) necessary to serve development are already in place or fully committed to be extended. Property located outside the City's Urban Service Area is required to obtain an Urban Growth Preliminary Declaration prior to development to identify those public facilities identified in the City's public facility plans that are needed to serve the property.

The subject property lies within the City's Urban Service Area. Because the subject property is located inside the Urban Service Area an Urban Growth Preliminary Declaration is not required for further development of the subject property.

2. Zoning

The subject property is zoned RS (Single Family Residential). The zoning of surrounding properties is as follows:

Zoning of Surrounding Properties	
North	Marion County RS (Single Family Residential)
South	Across Rickey Street SE, PE (Public and Private Educational Services)
East	RS (Single Family Residential)
West	CO (Commercial Office)

3. Existing Conditions

The subject property is approximately 0.58 acres in size and located at the 4375 Rickey Street SE (**Attachment A**).

As shown on the existing conditions plan (**Attachment C**), the subject property is currently developed as an eight-unit residential care facility together with a parking lot consisting of six stalls located in the southwest portion of the site, a trash enclosure area, and a path and site landscaping around the building.

In regard to the natural features of the site, the topography of the property is flat, there are existing trees on the property, and there are no mapped wetlands or waterways present.

The subject property has frontage on Rickey Street SE, which is designated as a Minor Arterial street under the TSP. Vehicular access to Rickey Street is provided by an existing driveway at the southwest corner of the site.

Transit service is available to the site via Route 4: State Street, which runs along Rickey Street SE.

4. Past Land Use Actions

Past City land use approvals applicable to the subject property include the following:

- Annexation Case No. ANXC-527: The annexation of the property into the City of Salem in March of 2000.
- Specific Conditional Use Case No. SCU00-13: A Specific Conditional Use request approving the development of the existing eight-unit residential care facility on the subject property. The specific conditional use was approved on October 23, 2000.

5. Public and Private Agency Review

Notice of the proposal was provided to City Departments, public agencies, and to public & private service providers. The following comments were received:

- A. City of Salem Building and Safety Division - Reviewed the proposal and indicated no comments.
- B. City of Salem Fire Department - Reviewed the proposal and indicated no concerns with the proposed comprehensive plan amendment and zone change.
- C. City of Salem Public Works Department - Reviewed the proposal and provided comments that are included as **Attachment D**.
- D. Salem-Keizer School District - Reviewed the proposal and provided comments that are included as **Attachment E**. The School District indicates, in summary, that the property is served by Four Corners Elementary School, Houck Middle School, and South Salem High School. The School District identifies sufficient existing school capacity at Four Corners Elementary School and Houck Middle School to accommodate the projected increase in student enrollment resulting from the proposed development, but South Salem High School will be overcapacity.

The School District indicates the subject property is located within the walk zone of Four Corners Elementary School and Houck Middle School and that students will be eligible for school provided transportation to South Salem High School.

6. Neighborhood Association and Public Comments

The subject property is located within the Southeast Mill Creek Association (SEMCA) neighborhood association.

Required Open House/Neighborhood Meeting

SRC 300.320 requires the applicant for a proposed minor amendment to the City's comprehensive plan map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On May 10, 2022, the applicant's representative attended a regularly scheduled meeting of the SEMCA Neighborhood Association to present the proposal.

Neighborhood Association Comments

Notice of the application was provided to the SEMCA neighborhood association pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report 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), (viii), & (ix), 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 area property owners, tenants, or other interested parties.

Homeowners Association

SRC 300.620(b)(2)(B)(vi) requires notice to be provided to any active and duly incorporated Homeowners' Association (HOA) applicable to the property. The subject property is not located within a Homeowners' Association.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR COMPREHENSIVE PLAN MAP AMENDMENT

7. Minor Comprehensive Plan Map Amendment Approval Criteria

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a minor comprehensive plan map amendment, the Review Authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria.

The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the comprehensive plan map 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.**

The written statement provided by the applicant addressing the approval criteria for the comprehensive plan map amendment to change the designation of the property from Single Family Residential to Multiple Family Residential is included as **Attachment B**. The applicant indicates, in summary, that there is an existing 8 room senior care facility located on the site and that the existing building will remain and will be converted to an 8-unit multi-family complex for developmentally disabled individuals. The applicant explains that because there is a lack of appropriately designated vacant RM-II sites within the vicinity of the property, this existing site gives the applicant the ability to provide multi-family housing within the area and help Salem meet its housing needs.

According to the Housing Needs Analysis, the City has a deficit of multi-family designated land. With the proposed change of the property's comprehensive plan map designation to multi-family, the existing development can be converted to multiple family dwelling units to provided a needed type of housing for development disabled adults.

The applicant indicates that the subject property has an existing building that can be utilized instead of new development on a vacant lot. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. The development will be located off of Rickey Street and will be screened by proposed or future surrounding developments. Therefore, this use is better suited for the site because of the location and the existing building. Therefore, there will be minimal impacts on the area, along with helping to provide additional housing in the City of Salem.

Finding: Staff concurs with the findings included in the applicant's written statement. The requested comprehensive plan map amendment to change the property's comprehensive plan map designation to Multiple Family Residential satisfies this approval criterion because the proposed Multiple Family comprehensive plan map designation is equally or better suited for the property than the existing Single Family designation. The Multiple Family comprehensive plan map designation is equally or better suited for the property for the following reasons:

- 1) The subject property is already developed as a group living, residential care-type use serving individuals with developmental disabilities; rather than being developed for single family dwellings. The proposed Multiple Family designation is therefore generally better suited for the existing use of the property and its proposed conversion to separate multiple family dwelling units.
- 2) The systems that the existing facility is licensed and endorsed under are changing, along with the needs and supportive services of the residents. Because of these changes, the applicant is seeking to convert the existing facility, which is currently

designed for providing 24-hour assistance to residents with a higher need of support services in a group living setting, into a more independent form of living in separate multiple family units where necessary support services for residents can be provided in their own homes. The proposed comprehensive plan map change will facilitate the applicant's intended conversion of the existing facility into independent multiple family dwelling units to better meet licensing requirements and the needs of the individual residents while also continuing to allow the existing residential care facility to remain as an allowed use until such time it is converted to individual multiple family dwelling units because both Multiple Family and Residential Care are permitted uses on land designated Multiple Family Residential and zoned RM-II (Multiple Family Residential).

- 3) The proposed redesignation of the land to Multiple Family Residential will increase the City's inventory of multiple family designated land and allow for the existing facility to be converted to housing meeting the specific unique needs of the residents without requiring them to move or relocate to a different facility.
- 4) The property is located in an area that is suitable for designation as Multiple Family Residential because it is in close proximity to commercial and shopping facilities to the southwest and a middle school to the south. Transit service is available to the site on Rickey Street SE.
- 5) The proposed redesignation of the property to Multiple Family Residential will also result in a logical land use pattern on comprehensive plan map whereby the proposed multi-family designated land will provide a transition between the single-family designated areas to the north and east and the non-residential and commercial designated areas to the south and west.

This approval criterion is met.

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.

The written statement provided by the applicant (**Attachment B**) indicates, in summary, that all public utilities and services are available to the site and that private utilities, such as natural gas, telephone, cable, and electrical services are provided.

Finding: Staff concurs with the findings included in the applicant's written statement. As indicated in the comments from the Public Works Department (**Attachment D**), water, sewer, and storm infrastructure are available within the surrounding streets/areas and appear to be adequate to serve the proposed development. Site-specific infrastructure requirements will be addressed at the time of Site Plan Review for any future development on the subject property. This approval criterion is met.

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

Finding: The written statement provided by the applicant (**Attachment B**) indicates, in

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

The applicant explains that the subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire, and applicable government services are already provided to the existing facility. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing an existing building.

Finding: Staff concurs with the findings included in the applicant's written statement. The Multiple Family Residential comprehensive plan map designation proposed for the subject property provides for the logical urbanization of the land by:

- 1) Allowing an existing residential care facility to be converted to a type of needed multiple family housing in an area suited for higher density residential development based on its close proximity to commercial services, a school, and transit.
- 2) It allows for the existing facility to be converted to multiple-family use to provide needed housing without the need to extend new streets or new public facilities to serve the property.
- 3) The proposed Multiple Family Residential designation also represents a logical transition between the single-family designated areas to the north and east of the subject property and the non-residential and commercial designated areas to the south and west.

This approval criterion is met.

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.

Finding: Analysis of the proposed comprehensive plan map amendment and zone change for conformance with the applicable Goals and Policies of the Salem Area Comprehensive Plan is as follows:

▪ **Residential Development Goal (Page 30 of 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.

In meeting this goal, residential development shall:

- a. *Encourage the efficient use of developable residential land;*
- b. *Provide housing opportunities for Salem's diverse population; and*
- c. *Encourage residential development that maximizes investment in public services.*

The written statement provided by the applicant indicates that the Salem Area Comprehensive Plan 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 proposal will allow the property to be converted to an 8-room multi-family complex for developmentally disabled adults

Finding: Staff concurs with the findings included in the applicant's written statement. The proposed comprehensive plan change and zone change is consistent with the residential development goal of the Salem Area Comprehensive Plan because it will result in additional multiple family designated and zoned land to be used for housing a segment of the Salem's population with unique housing needs; thereby helping to diversify Salem's housing inventory and ensure that a variety of housing opportunities are provided for all income levels and needs. The proposal also results in the efficient use developable land by allowing for the existing facility, which is currently fully served by public facilities and infrastructure, to be converted to a needed multiple family housing; thereby maximizing investment in existing public services. The proposed comprehensive plan change and zone change conforms to this comprehensive plan goal.

▪ **Residential Development Policy E.2 – Facilities and Services Location (Page 31 of Salem Comprehensive Policies Plan):**

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 comprehensive plan change and zone change is consistent with this comprehensive plan policy because the proposal redesignates and changes the zoning of land in an existing developed area served by public facilities and services to an increased density designation and zone. This ensures the ability to better accommodate population growth by designating and rezoning additional land for multiple family housing. Because the subject property is located in an area that is already served by facilities and services, it also ensures that utilities, facilities, and services are not unnecessarily duplicated. Because the subject property is on Rickey Street SE, a minor arterial street, safe and convenient vehicular, pedestrian, bicycle, and transit access are also available to the site. The proposed comprehensive plan change and zone change conforms to this comprehensive plan policy.

▪ **Residential Development Policy E.6 – Multi-Family Housing (Pages 31-32 of Salem Comprehensive Policies Plan):**

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.*

The written statement provided by the applicant indicates that the development will be located in an area in close proximity to existing and proposed services. Houck Middle School is located directly across Rickey Street from the subject property. Commercial uses are located directly across the street from the subject property and to the west on Lancaster Drive. The existing neighborhood consists of residential housing and commercial uses. In order to maintain the character of the neighborhood, the site will be developed in compliance with required Design Standards.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposed comprehensive plan change and zone change conforms to this comprehensive plan policy because the property proposed to be redesignated for Multiple Family Residential and rezoned to RM-II is located in an urbanizing area that is currently located in proximity to existing transportation corridor in the form of Rickey Street SE; it is served by existing public facilities; and it is located in close proximity to supporting services.

In regard to residential density, the proposed RM-II zoning includes a minimum residential density of 12 dwelling units per acre and a maximum residential density of 28 dwelling units per acre. The approximate 0.58 acre property therefore results in a required density of seven to sixteen dwelling units. The eight dwelling units proposed with the future conversion will comply with the applicable density requirements of the RM-II zone; thereby ensuring the efficient use of residential land and public facilities.

The subject property is also located in close proximity to shopping areas to the southwest across Rickey Street and to the west along Lancaster Drive; Houck Middle School is located to the south across the street; and there is a transit stop approximately 376 feet to the east of the property on Rickey Street. All of the areas are conveniently accessible by driving, bicycling, walking, or transit. The proposed comprehensive plan change and zone change conforms to this comprehensive plan policy.

▪ **Residential Development Policy E.10 – Requests for Rezonings (Pages 32-33 of Salem Comprehensive Policies Plan):**

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.*

The written statement provided by the applicant indicates that The subject property is designated for Residential development. All public facilities and services continue to be 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 since the applicant is converting the existing residential use to another type of residential use.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposed comprehensive plan change and zone change conforms to this comprehensive plan policy and the requested zone change from RS to RM-II is appropriate because the requested rezone is proposed to apply to land which is proposed to be redesignated for Multiple Family Residential; therefore ensuring the proposed zoning and comprehensive plan designation for the site are in alignment.

The property subject to the proposed rezone is in an area that is currently fully served with existing public facilities and services capable of adequately accommodating the residential densities allowed under the requested RM-II zoning. The topography of the property is flat and there are no hazards or physical characteristics of the site that preclude its development consistent the development standards and density requirements of the proposed RM-II zone. The property is also served by an established street system that provides safe and convenient access for pedestrians, bicycles, and vehicles. The proposed comprehensive plan change and zone change conforms to this comprehensive plan policy.

- **Residential Development Policy E.11 – Urban Design (Page 33 of Salem Comprehensive Policies Plan):**

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

The written statement provided by the applicant indicates that the City has adopted Design Standards and has a process in place to help implement multi-family design standards. At the time of converting the existing building, the applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 514 and 702. As required by code, prior to development of the site, the applicant will submit a Design Review and Site Plan Review application.

Finding: Staff concurs within the findings included in the applicant's written statement. Multiple family development within the City is required to comply with the multiple family design review standards included under SRC Chapter 702. When the applicant proposes to convert the existing residential care facility to a multiple family development consisting of individual dwelling units, site plan review, design review, and a building permit will be required to ensure the proposed conversion complies with all applicable Salem Revised Code (SRC) standards, including the applicable development standards of the RM-II zone (SRC Chapter 514) and the applicable multiple family design standards of SRC Chapter 702. Compliance with these

standards ensures that residential development is conducted in a manner that improves the quality of life of Salem's residents and promotes neighborhood stability and compatibility. The proposed comprehensive plan change and zone change conforms to this comprehensive plan policy.

Analysis of the proposed comprehensive plan map amendment and zone change for conformance with the applicable Statewide Planning Goals is 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.*

The written statement provided by the applicant indicates, in summary, that 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 is provided to property owners and public agencies, and posted on the property.

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.

Neighborhood notice of the proposal was sent to the Southeast Mill Creek Association via email on March 9, 2022. On May 10, 2022, the applicant's representative attended the Southeast Mill Creek Association's meeting in-lieu of an Open House.

Finding: Staff concurs with the findings included in the applicant's written statement. In addition to attending a required open house/neighborhood meeting, notice of the proposal was also provided to the Southeast Mill Creek Association neighborhood association, surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Planning Commission will hold a public hearing to consider the request. The required open house/neighborhood meeting, public notice, and public hearing process ensure 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.*

The written statement provide by the applicant indicates, in summary that, the City's adopted Comprehensive Plan implements this Statewide Land Use Planning Goal and is acknowledged to be in compliance with this goal. 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, and the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan change, along with findings and evidence to support the proposed zone change. The proposal therefore conforms to the land use planning process established by this Goal.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposal conforms to this statewide planning goal.

▪ ***Statewide Planning Goal 3 – Agriculture Lands; Goal 4 – Forest Lands:***

Finding: The subject property is not identified as agricultural land or forest land, these Statewide Planning Goals are therefore 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.***

The written statement provided by the applicant indicates, in summary, that the City's adopted General Development, Scenic and Historic Areas, and Natural Resources and Hazards Goals and Policies address this 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 to ensure compliance with Goal 5.

There are a few trees located throughout the site. The proposal is to convert the existing building; therefore, no trees are proposed for removal. There are no significant historic buildings on the subject property.

Finding: Staff concurs with the findings included in the applicant's written statement. The subject property is not designated as an open space or scenic area, there are no regulated natural resource areas present on the site, there are no listed historic resources present on the site, and the property is not located within the City's Historic and Cultural Resources Protection zone concerning the potential presence of archaeological resources. The proposal conforms to this statewide planning goal.

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

The written statement provided by the applicant indicates, in summary, that 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 major impact to air quality in the vicinity is vehicle traffic from Rickey Street and Lancaster Drive. The applicant is proposing to convert the 8-room care facility into an 8-unit multi-family complex for developmentally disabled adults. Therefore, the traffic generated from the site will not change or will be so minor compared to the total volume of traffic in this area that it will not create a significant additional air quality impact.

The proposed change in use 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.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposal will not have an impact on air, water, or land resources quality. The proposal conforms to this statewide planning goal.

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

Finding: The topography of the subject property is flat, there are no areas of mapped landslide hazard susceptibility located on the subject property, and the site is not located adjacent to any waterways or within any mapped flood zones. The proposal conforms to this statewide planning goal.

- ***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.*

The written statement provided by the applicant indicates, in summary, that the City's adopted Comprehensive Plan Open Space, Parks, and Recreation Goal and Policies implement the Statewide Recreation Needs of this 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 have been identified in its adopted plans. At the time of development, the proposal provides improved public pedestrian connections via hard-surfaced sidewalks as well as common open space for the residents. The proposal complies with this Goal.

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

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

Finding: The proposal involves a request to redesignate land currently designated Single Family Residential on the Salem Area Comprehensive Plan Map to Multiple Family Residential and to change the zoning of the property from RS (Single Family Residential) to RM-II (Multiple Family Residential). The proposal does not involve any land designated or zoned for industrial or employment development and will therefore have no impact on the City’s industrial land supply required under Statewide Planning Goal 9. This goal is therefore not applicable to the proposal.

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

The written statement provided by the applicant indicates, in summary, that the proposal is to rezone the subject property from RS to RM-II and change the comprehensive plan designation from “Single-Family Residential” to “Multi-Family Residential” in order to convert the existing 8-room care facility into an 8-unit multi-family complex for developmentally disabled adults; therefore, creating a needed housing type in this area of Salem.

According to the 2014 Housing Needs Analysis, “Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ...Salem has a deficit of about 207 gross acres of land in the Multi-Family Residential.” The proposed rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The development will also be located in an area in close proximity to existing and proposed services. Houck Middle School is located directly across the street of the site. Commercial Services are currently available directly across the street from the site on Rickey Street and to the west along Lancaster Drive.

Finding: Staff concurs with the findings included in the applicant’s written statement. The proposed comprehensive plan change and zone change conforms to this goal by redesignating the subject property’s comprehensive plan map designation from Single Family Residential to Multiple Family Residential and changing its zoning from RS (Single Family Residential) to RM-II (Multiple Family Residential); thereby increasing the total amount of land within the City designated for multi-family housing and contributing to a reduction to the multi-family housing deficit identified in the City’s Housing Needs Analysis. In addition to increasing the amount of multiple family designated land within the City, the proposal will also allow for the conversion of the existing residential care facility to a multiple family development that will specifically serve individuals with intellectual and development disabilities; thereby resulting in an increased variety of housing to serve the City’s diverse population and housing needs. The proposal conforms to this statewide planning goal.

- ***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.*

The written statement provided by the applicant indicates, in summary, that 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 are provided to this property at levels that are adequate to serve the proposed use.

Sidewalks are provided throughout the site and connect to the existing public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, and bicycle and pedestrian access provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems 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.

Finding: Staff concurs with the findings included in the applicant's written statement. As indicated in the comments provided by the Public Works Department (**Attachment D**), water, sewer, and storm infrastructure is currently available within the surrounding streets/areas and appear to be adequate to serve the subject property. The proposal conforms to this statewide planning goal.

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

The written statement provided by the applicant indicates, in summary, that the subject property is located on Rickey Street and that major streets are in place due to existing development. The applicant is proposing to convert the existing 8-room residential care facility into an 8-unit multi-family complex for developmentally disabled adults. Therefore, the traffic generated from the site will not change or will be so minor compared to the total volume of traffic in the area that it will not have a significant impact on the City's transportation system.

Finding: A Transportation Planning Rule (TPR) analysis was required in conjunction with the proposal to address the requirements of the State Transportation Planning Rule for Goal 12 under OAR 660-012-0060. The TPR analysis submitted by the applicant (**Attachment F**) demonstrates the potential for the proposed Multiple Family Residential comprehensive plan designation and RM-II zoning to result in a greater number of average daily vehicle trips than would be generated under the existing Single Family Residential comprehensive plan designation and RS zoning. In order to address this issue and to ensure that the transportation impacts from the development of the subject property under the proposed multiple family comprehensive plan designation and zoning will not have a significant affect on the City's transportation

system, the applicant's TPR analysis recommends a trip cap of 78 average daily trips for the 0.58 acre site. The Assistant City Traffic Engineer has reviewed the recommended trip cap, concurs with the TPR analysis findings, and recommends that in order to comply with the requirements of Goal 12 a condition of approval be established to limit the development of the 0.58-acre site to 78 average daily vehicle trips. The proposal, as recommended to be conditioned, complies with this statewide planning goal.

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

Finding: Any future additional development of the property will be required to be built to comply with current energy standards. The proposal conforms to this statewide planning goal.

- **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 proposal does not include land located outside of the UGB or include the extension of services to properties outside the UGB. This statewide planning goal is not applicable to the proposal.

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

Finding: The subject property is not located within the Willamette River Greenway or an estuarine or coastal area. These statewide planning goals are therefore not applicable to the proposal.

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

The written statement provided by the applicant indicates, in summary, that the public is benefitted by creating a well-located multi-family use for developmentally disabled adults, and by providing a needed housing type in the area. By establishing a use that is consistent with the existing use, surrounding uses, and multi-family needs, the proposed change benefits the public.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposed comprehensive plan change and zone change is in the public interest and will be of general benefit because it increases the amount of multiple family designated land within the City in a location that is well-suited for higher density residential use due to its close proximity to services and convenient access to transit; it will allow the applicants to convert the existing residential care facility into independent multi-family dwelling units to better meet their changing licensing and certification requirements and the changing needs of their residents without requiring the facility to be relocated to another location;

and because the conversion to multiple family will be largely limited to interior work within the existing building, the proposal will not result in impacts on surrounding properties. This approval criterion is met.

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

8. Quasi-Judicial Zone Change Approval Criteria

SRC Chapter 265.005(e) provides the approval criteria for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial zone change, the Review Authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following applicable criteria are met. The extent of the consideration given to the various criteria set forth below depends on the degree of impact of the proposed change. The greater the impact of a proposal on the area, the greater the burden on the applicant to demonstrate the zone change is appropriate. The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the zone change, or for the issuance of certain conditions to ensure the criteria are met.

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 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.***

The written statement provided by the applicant indicates, in summary, that the proposed zone change fits the development pattern of the vicinity. The surrounding properties are developed as residential and commercial. The proposed apartments will be compatible with the existing uses.

As shown on the City zone map there is no property contiguous to the existing site that is vacant RM-II land, and there is none in the necessary proximity. The applicant is proposing to convert the existing 8-room residential care facility into an 8-unit multi-family complex for developmentally disabled adults. All development will be done on the interior of the building.

The proposed RM-II 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 applicant is proposing to convert the existing 8-room residential care facility into an 8-room multi-family complex for developmentally disabled adults; 3) the RM-II zone will

allow the site to be developed with uses that are compatible with the surrounding existing residential uses; and 4) The development of the site will provide additional housing in order to help meet housing needs within the City of Salem.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposed RM-II zone is equally or better suited for the property than the existing RS zone because:

- 1) The subject property is already developed as a group living, residential care-type use serving individuals with developmental disabilities; rather than being developed for single family dwellings. The proposed RM-II zone is therefore generally better suited for the existing use of the property and its proposed conversion to separate multiple family dwelling units.
- 2) The proposed zone change to RM-II will increase the City's inventory of multiple family designated land and allow for the existing facility to be converted to housing meeting the specific unique needs of the residents without requiring them to move or relocate to a different facility.
- 3) The property is located in an area that is suitable for multiple family RM-II zoning because it's in close proximity to commercial and shopping facilities to the southwest and a middle school to the south. Transit service is available to the site on Rickey Street SE.
- 4) The proposed rezone to RM-II will result in a logical land use pattern on the zoning map whereby the proposed RM-II zoned land will provide a transition between the RS zoned areas to the north and east and the non-residential zoned areas to the south and west.
- 5) The size and configuration of the property is suitable for the conversion of the existing development to multiple family according to the applicable standards of the Salem Revised Code (SRC).

In addition, the Specific Conditional Use approval for the existing residential care facility on October 23, 2000 (*Case No. SCU00-13*) (**Attachment G**) included the following conditions of approval to minimize the impacts of the use on the City's transportation system and to ensure that the right-of-way width of Rickey Street along the frontage of the property met the requirements of the Salem Transportation System Plan (TSP):

- Additional 4 feet of right-of-way adjacent to the subject property to equal 36 feet measured between the centerline of right-of-way and the north right-of-way line of Rickey Street (SRC 63.235) shall be conveyed to the City of Salem.
- Only one access point shall be permitted along Rickey Street to serve the proposed development.

Though right-of-way was required to be dedicated along Rickey Street as a condition of the original specific condition use approval, the required right-of-way was never dedicated and is still required in order to ensure that Rickey Street conforms to its half-width

required right-of-way under the TSP. In addition, the condition of approval limiting vehicle access to the subject property to a single point of access was necessary to implement the access control requirements applicable under the SRC along arterial streets that are still relevant and necessary today.

In order to ensure that the proposed RM-II zoning is suitable for the property, that the required right-of-way along the frontage of Rickey Street has been dedicated in conformance with the TSP and the prior specific conditional use approval, and that vehicular access to the property is consistent with the access limitations established under conditions of the prior specific conditional use approval, the following conditions of approval are recommended:

Condition 1: Convey land for dedication to equal a half-width right-of-way of 36 feet along the street frontage of the property.

Condition 2: Only one access point shall be permitted along Rickey Street SE to serve the property.

The zone change, as recommended to be conditioned, ensures that the proposed RM-II zone, and any further future development under the zone, is equally or better suited for the property than the existing zone. This approval criterion is met.

SRC 265.005(e)(1)(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.

The written statement provided by the applicant indicates that the zone change is not City-initiated. Therefore, this criterion is not applicable.

Finding: Staff concurs with the findings included in the applicant's written statement. The proposal is an applicant-initiated zone change request rather than a City-initiated request. This approval criterion is therefore not applicable to the proposal.

SRC 265.005(e)(1)(C): The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.

Finding: The findings addressing comprehensive plan map amendment criterion SRC 64.025(e)(2)(D), included under Section 7 of this report, also address the conformance of the proposed zone change with the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. As provided in the findings included under Section 7 of this report, the proposed zone change complies with the applicable provisions of the Salem Area Comprehensive Plan. This approval criterion is therefore met.

SRC 265.005(e)(1)(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 findings addressing comprehensive plan map amendment criterion SRC 64.025(e)(2)(D), included under Section 7 of this report, also address the conformance of

the proposed zone change with the applicable provisions of the Statewide Planning Goals for this consolidated application. As provided in the findings included under Section 7 of this report, the proposed zone change, as recommended to be conditioned, complies with the applicable statewide planning goals. This approval criterion is met.

SRC 265.005(e)(1)(E): If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial 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.

The written statement provided by the applicant indicates, in summary, that the proposal is to change the zoning of the property from RS to RM-II and that the subject property is currently zoned residential. Therefore, this criteria is not applicable.

Finding: Staff concurs with the findings included in the applicant's written statement. The subject property is currently zoned RS (Single Family Residential) and the applicant is request to rezone the property to RM-II (Multiple Family Residential). Neither the existing or proposed zone is a commercial or industrial zone. The proposed zone change therefore does not involve or require any change to or from an industrial, commercial, or employment designation. This approval criterion is not applicable.

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: A Transportation Planning Rule (TPR) analysis was required in conjunction with the proposal to address the requirements of the State Transportation Planning Rule for Goal 12 under OAR 660-012-0060. The TPR analysis submitted by the applicant (**Attachment F**) demonstrates the potential for the proposed zone change to RM-II to result in a greater number of average daily vehicle trips than would be generated from development of the property under its existing RS zoning. In order to address this issue and to ensure that the transportation impacts from the development of the subject property under the proposed zoning will not have a significant affect on the City's transportation system, the TPR analysis submitted by the applicant recommends a trip cap of 78 average daily trips for the 0.58 acre site. The Assistant City Traffic Engineer has reviewed the recommended trip cap and concurs with the TPR analysis findings. In order to ensure that the proposed zone change will not result in a significant affect on a City transportation facility, the following condition of approval is recommended:

Condition 3: The transportation impacts from the 0.58-acre site shall be limited to a maximum cumulative total of 78 average daily vehicle trips.

The proposal, as recommended to be conditioned, meets this approval criterion.

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: As indicated in the comments from the Public Works Department (**Attachment D**), water, sewer, and storm infrastructure are available within the surrounding streets/areas and appear to be adequate to serve the proposed development. Site-specific infrastructure requirements will be addressed at the time of Site Plan Review for any future development on the subject property. This approval criterion is met.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Minor Comprehensive Plan Map Amendment and Quasi-Judicial Zone Change satisfies the applicable criteria contained under SRC 64.025(e)(2) and 265.005(e)(1) as identified in the findings above.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and take the following action for the subject property located at 4375 Rickey Street SE (Marion County Assessor Map and Tax Lot Number: 072W31DA12300):

- A. **APPROVE** the Minor Comprehensive Plan Map Amendment from Single Family Residential to Multiple Family Residential; and
- B. **APPROVE** the Quasi-Judicial Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential) subject to the following conditions of approval:

Condition 1: Convey land for dedication to equal a half-width right-of-way of 36 feet along the street frontage of the property.

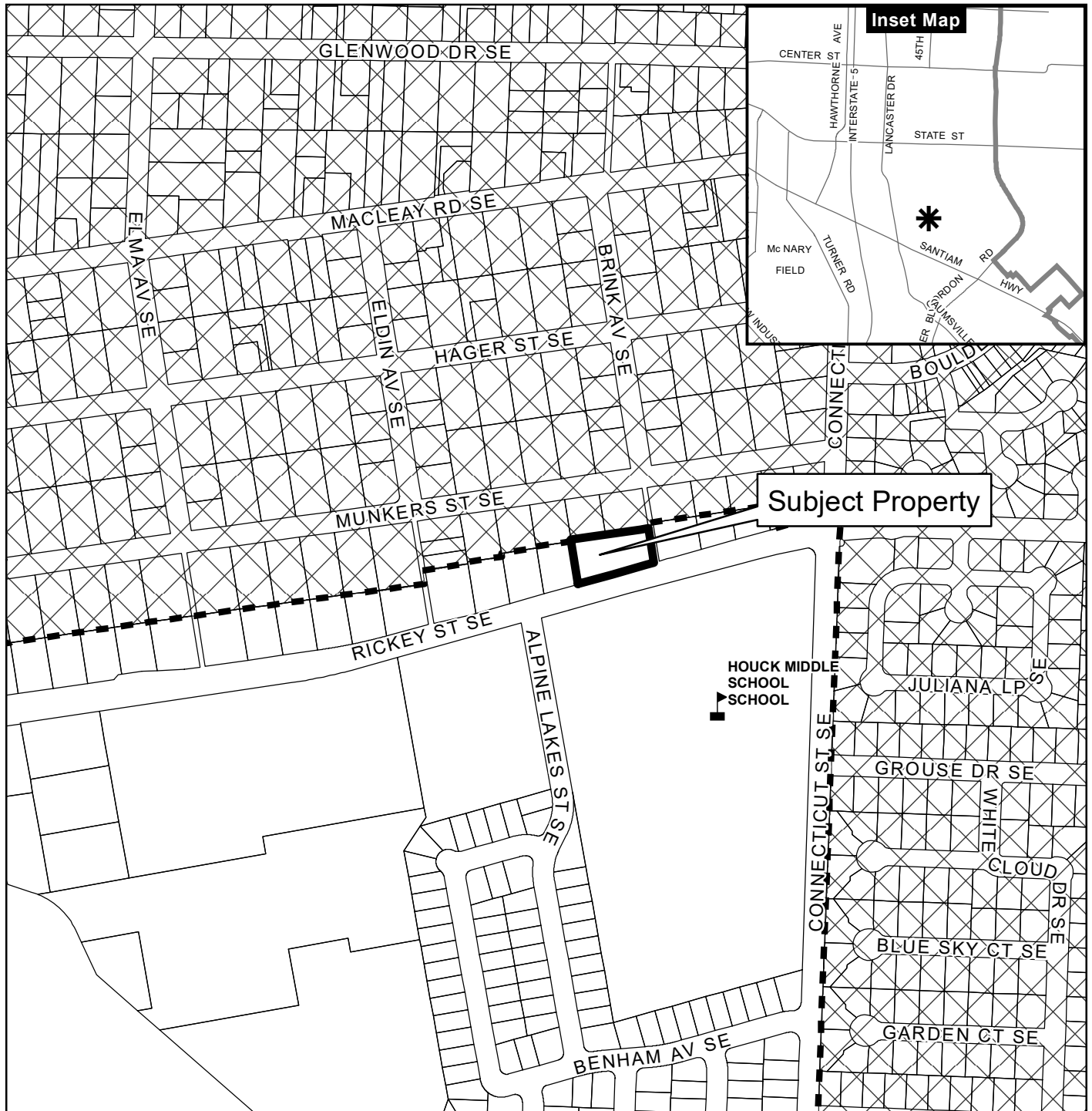
Condition 2: Only one access point shall be permitted along Rickey Street SE to serve the property.

Condition 3: The transportation impacts from the 0.58-acre site shall be limited to a maximum cumulative total of 78 average daily vehicle trips.





Attachments: A. Vicinity Map
B. Applicant's Written Statement
C. Existing Conditions Plan
D. Public Works Department Comments
E. Salem-Keizer School District Comments
F. Applicant's Transportation Planning Rule (TPR) Analysis
G. Specific Conditional Use Case No. SCU00-13 Decision

Prepared by Bryce Bishop, Planner III

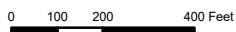
Vicinity Map 4375 Rickey Street SE



Legend

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

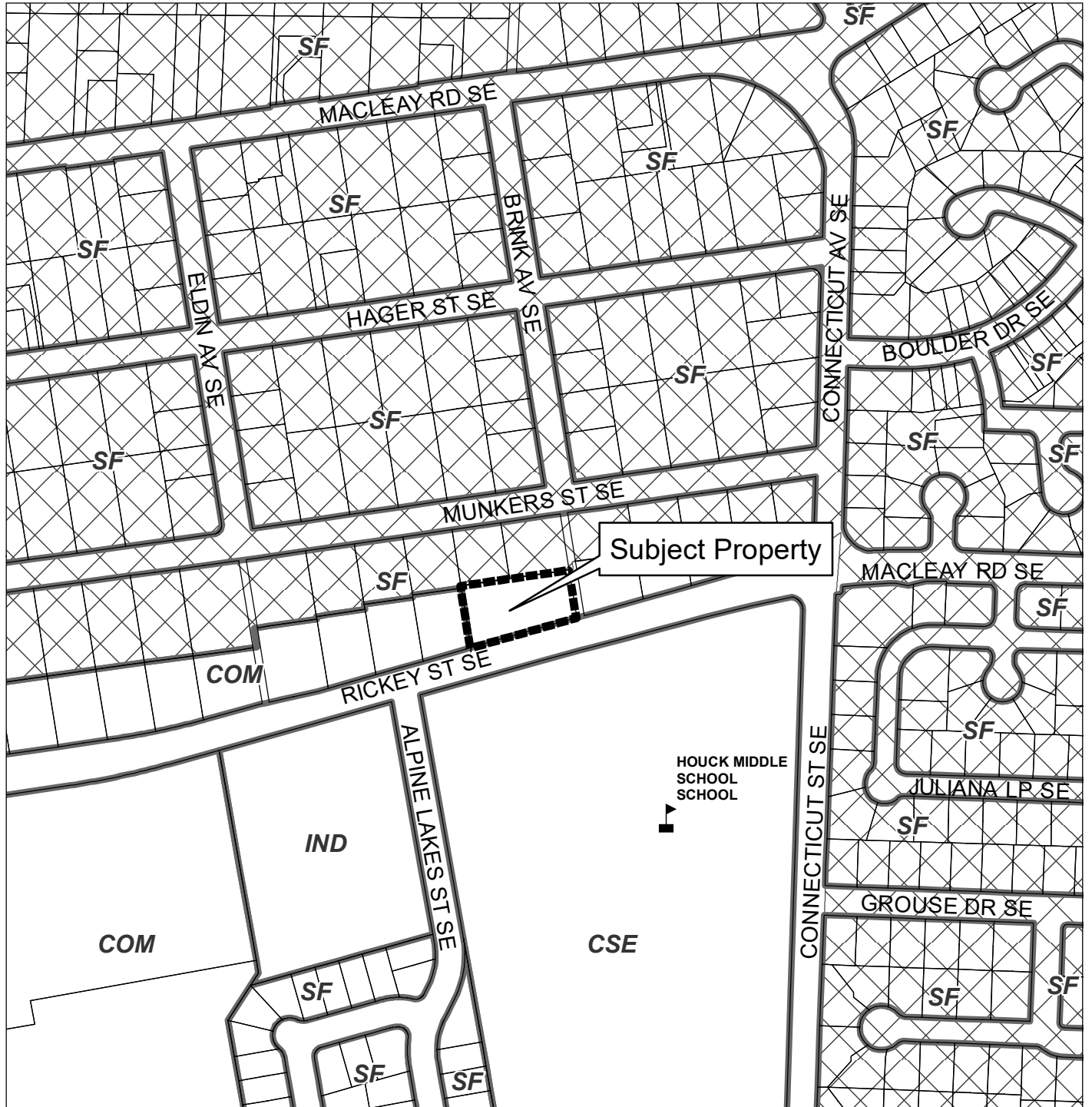
 Parks









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.

Comprehensive Plan Map

(Proposed Comprehensive Plan Map Amendment:
Single Family Residential to Multiple Family Residential)



Legend

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

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

0 50 100 200 Feet



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

Zoning Map

(Proposed Zone Change:
RS-Single Family Residential to RM-II-Multiple Family Residential)



Legend

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

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

0 50 100 200 Feet



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

Comprehensive Plan/Zone Change

March 17, 2022

Applicant:

Jared Weekly
Sunny Oaks
4375 Rickey Street SE
Salem, Oregon
jared@sunnyoaksinc.com

Applicant's Representative:

Brandie Dalton, Land-Use Consultant
Multi/Tech Engineering
1155 SE 13th Street
Salem, Oregon 97306
(503) 363-9227



BACKGROUND/PROPOSAL

The subject property is approximately 0.58 acres in size and located at 4375 Rickey Street SE (072W31DA/Tax Lot 12300). The subject property is zoned RS (Single-Family Residential). The subject property is designated as “Single-Family Residential” on the Salem Area Comprehensive Plan (SACP) Map.

In 1999 the subject property was Annexed into the City of Salem under ANXC-527.

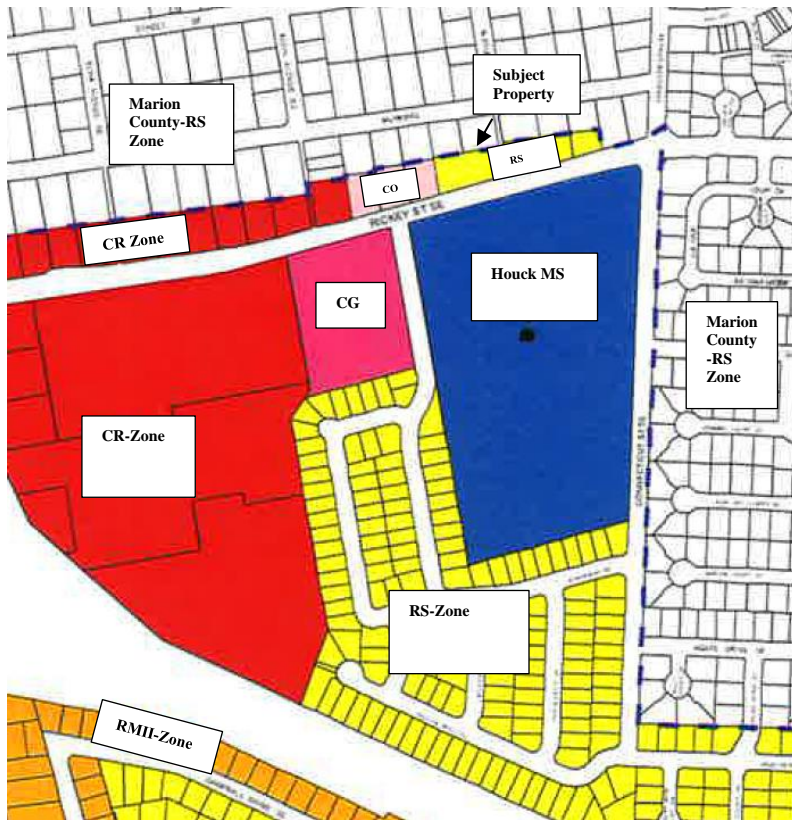
On October 23, 2000, SCU00-13 (Specific Conditional Use) was approved by the Hearings Officer to allow the current residential care facility on the subject property.

On September 12, 2021, a pre-application conference (PRE-AP21-104) was held with City of Salem staff to discuss development of the subject property.

On April 12, 2022, the applicant's representative will attend the Southeast Mill Creek Neighborhood Association meeting in lieu of an Open House.

Proposal: The subject property is 0.58 acres in size. The applicant is proposing to rezone the subject property from RS to RMII and change the comprehensive plan designation from "Single-Family Residential" to "Multi-Family Residential".

There is an existing 8 room senior care facility located on the site. The existing building will remain and be converted to an 8-unit multi-family complex for developmentally disabled individuals. Therefore, the proposed zone change to RMII is required in order to convert the existing building to multi-family units.



Vicinity Information:

The subject property is located north of Rickey Street. The vicinity map is shown above. The surrounding land uses within the vicinity are zoned and used as follows and as shown.

North: Marion County RS (Residential Single Family; existing single-family dwellings

East: City of Salem RS (Single Family Residential); existing single-family dwelling and vacant land

South: Across Rickey Street, PE (Public-Private Education); Houck Middle School

West: City of Salem CO (Commercial Office); vacant land

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

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

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

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

There is a lack of appropriately designated vacant RMII sites within this vicinity. There is RM zoned property located across the HWY that is not close in proximity. There is an existing 8 room senior care facility located on the site. The existing building will remain and be converted to an 8-unit multi-family complex for developmentally disabled individuals. This site gives the applicant the ability to provide multi-family housing within this area and help Salem meet their housing needs.

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.

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 converted units will provide a needed housing type for developmentally disabled adults.

In conclusion, there are no vacant sites for the proposed use located along Rickey Street that provide the necessary access to the major street system and adjacent properties, an area large enough, or which are appropriately designated. The subject property has an existing building and that can be utilized instead of new development on a vacant lot. There are no appropriately designated alternative sites within the vicinity for the proposed use that are currently vacant. The development will be located off of Rickey Street and will be screened by proposed or future surrounding developments. Therefore, this use is better suited for the site because of the location and the existing building. Therefore, there will be minimal impacts on the area, along with helping to provide additional housing in the City of Salem.

Therefore, the proposal satisfies this criterion has been met.

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

The City provided information at the pre-application conference (PRE-AP21-104) that all services are available because the existing building. Natural gas, telephone and electrical services are located within the public right-of-way.

Private utilities are provided with under grounding of electrical, gas, telephone and cable lines into the site.

The needed services are available for the development of the site.

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

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

The subject property is within a developing area of the City and does not convert the urban areas beyond the City limits. Specific development triggers specific facilities that are required to be connected to existing systems for looped service. Police, fire and applicable government services are already provided to the existing facility. The proposal permits efficient, compact development to contain sprawl and preserves the land by developing an existing building.

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

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.

Neighborhood notice of the proposal was sent to the Southeast Mill Creek Neighborhood Association via email on March 9, 2022. On April 12, 2022, the applicant's representative will attend the Southeast Mill Creek Neighborhood Association meeting in lieu of an Open House. The site will be posted prior to the Neighborhood Association meeting.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the comprehensive plan change/zone change criteria is part of this review. Facts and evidence have been provided that support and justify the proposed comprehensive plan/zone change, 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 map 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 a few trees located throughout the site. The proposal is to convert the existing building; therefore, no trees are proposed for removal.

There are no significant historic buildings on the subject property. 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 major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Lancaster Drive and Rickey Street. Lancaster Drive (west) is designated as a major arterial in the Salem Transportation System Plan (STSP). Rickey Street (south) is designated as a minor arterial in the Salem Transportation System Plan (STSP).

The building is existing. The applicant is proposing to convert the 8-room senior care facility into an 8-unit multi-family complex for developmentally disabled adults. Therefore, the traffic generated from the site will not change or will be so minor compared to the total volume of traffic in this area and will not create a significant additional air quality impact. A TIA for the proposal is not warranted. However, the applicant is currently working on a TPR analysis for the site and will submit it to the City when complete.

The proposed change in use 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 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. Houck Middle School is located directly across Rickey Street from the site. The middle school provides adequate parks and recreation within the area. However, at the time of development, the development on the site will have common open space for the residents. Therefore, the proposal complies with this Goal.

Goal 10 – Housing:

In 1998 and 2000, in order to meet Statewide Planning Goal 10 (Housing), properties to the east, along Davis Road were rezoned to RM1 and RM2 as part of the Salem Multi-Family Residential Land Study (SMFLS).

The applicant is proposing to rezone the subject property from RS to RMII and change the comprehensive plan designation from "Single-Family Residential" to "Multi-Family Residential". The applicant is proposing to convert the existing 8-room senior care facility into an 8-unit multi-family complex for developmentally disabled adults. Therefore, creating a needed housing type in this area of Salem.

According to the 2014 Housing Needs Analysis, "Salem has a deficit of land for nearly 2,900 dwelling units (2,897) in the Multi-Family Residential designation. ...Salem has a deficit of about 207 gross acres of land in the Multi-Family Residential." The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

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

"Redesignate or rezone land to Multi-Family. Salem's biggest opportunity to address the deficit of Multi-Family land will be through redesignating 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 redesignate land while helping meet the housing needs.

The development will also be located in an area in close proximity to existing and proposed services. Houck Middle School is located directly across the street of the site. Commercial Services are currently available directly across the street from the site on Rickey Street and to the west along Lancaster Drive.

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

Goal 11 - Public Facilities and Services:

The City's adopted Comprehensive Plan Growth Management, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for 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 are 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 provided throughout the site and connect to the existing 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 north on Rickey Street. The major streets are in place due to existing developments.

The building is existing. The applicant is proposing to convert the 8-room senior care facility into an 8-unit multi-family complex for developmentally disabled adults. Therefore, the traffic generated from the site will not change or will be so minor compared to the total volume of traffic in this area and will not create a significant additional air quality impact. A TIA for the proposal is not warranted. However, the applicant is currently working on a TPR analysis for the site and will submit it to the City when complete.

Signals and street improvements already existing in the area that help mitigate traffic. Therefore, no further mitigation is needed.

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

The public is benefitted by creating a well-located multi-family use for developmentally disabled adults, by providing a needed housing type in the area.

In summary, by establishing a use that is consistent with the existing use, surrounding uses, and multi-family needs, the proposed change benefits the public.

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 the existing 8-room senior care facility to be converted to an 8-room multi-family complex for developmentally disabled adults. The proposed RMII zone will implement the requested "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 are developed as residential and commercial. The proposed apartments will be compatible with the existing uses.

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. The applicant is proposing to convert the existing 8-room senior care facility to be converted to an 8-room multi-family complex for developmentally disabled adults. All development will be done on the interior of the building.

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 help contribute to the multi-family housing needs in this 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 applicant is proposing to convert the existing 8-room senior care facility to be converted to an 8-room multi-family complex for developmentally

disabled adults; 3) the RMII zone will allow the site to be developed with uses that are compatible with the surrounding existing residential uses; 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 RS 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 applicant is requesting a change to the Comprehensive Plan Designation from "Single-Family Residential" to 'Multi-Family Residential'.

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

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 converted to an 8-room multi-family complex for developmentally disabled adults

Residential Development Policies

Establishing Residential Uses: The applicant is proposing to convert the existing 8-room senior care facility to be converted to an 8-room multi-family complex for developmentally disabled adults. 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 types 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 north on Rickey Street. The major streets are in place due to existing 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 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: The subject property is currently fully developed. In order to provide a mixture of housing in the area, the applicant is requesting a zone change. The applicant is proposing to convert the existing 8-room senior care facility to be converted to an 8-room multi-family complex for developmentally disabled adults. All the properties in the area are zoned for residential development and commercial development. The comprehensive plan encourages a mixture of housing types within a neighborhood.

The comprehensive plan designation for the site is "Single-Family Residential". The rezoning of the site to RMII will be consistent with Statewide Planning Goal 10, and current housing needs in the area.

The comprehensive plan change/zone change will promote infill development with the development of a property that is already served by City Services and all transportation is in place.

Multi-Family Housing: The development will also be located in an area in close proximity to existing and proposed services. Houck Middle School is located directly across Rickey Street from the subject property. Commercial uses are located directly across the street from the subject property and to the west on Lancaster Drive.

The existing neighborhood consists of residential housing and commercial uses. 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 north on Rickey Street. The proposed development will continue to have direct access to Rickey Street. The major streets are in place due to existing development.

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

Requests for Rezoning: The subject property is designated for Residential development. All public facilities and services continue to be 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 since the applicant is converting the existing residential use to another type of residential use.

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 converting the existing building, the applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 514 and 702. As required by code, prior to development of the site, the applicant will submit a Design Review and Site Plan Review application.

The rezoning of the site will help to maximize the densities in the area while providing a mixture of housing in the area. The rezoning of the property will provide 8 needed multi-family units for developmentally disabled adults within the area. This development will be in a location with accessibility to the commercial developments on Rickey Street to the south and Lancaster Drive to the west. 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 above. See findings under **64.025(e)(2)(D)**.

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

Applicant Response to (E): The applicant is proposing to change the zone from RS to RMII. The subject property is currently zoned residential.

Therefore, 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 RS. The applicant is proposing to change the zone to RMII, so the site can be converted to housing units for developmentally disabled adults.

The applicant's required SDC fees will pay their portion of any required improvements. Existing signals and street improvements are already in place to help mitigate any traffic impacts.

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

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/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 the Planning Commission has sufficient findings to grant the proposal as requested.

CODE INI

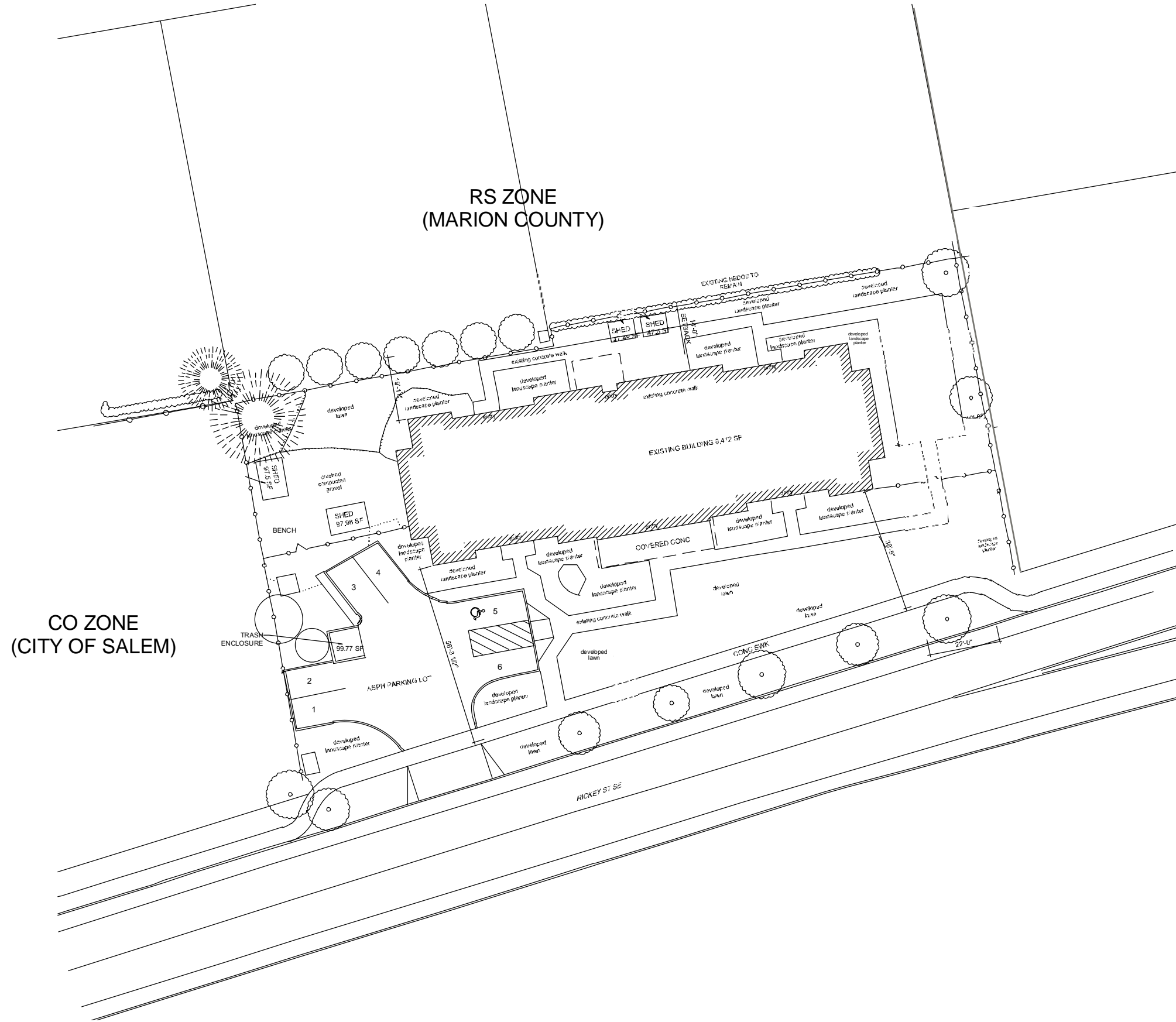
LOT AREA = 0.601

AREA OF EXISTING
BUILDINGS
TOTAL = 6,859 S.F.

REQUIRED SQUARE

NUMBER OF UNIT

TOTAL SQUARE FOOTAGE OF UNIT



EXISTING CONDITIONS





MEMO

TO: Bryce Bishop, Planner III
Community Development Department

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

DATE: May 26, 2022

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC22-02 (22-106311; 22-106313)
4375 RICKEY STREET SE
CPC/ZC TO MULTI-FAMILY**

PROPOSAL

A consolidated Minor Comprehensive Plan Map Amendment from Single Family Residential to Multiple Family Residential and Zone Change from RS (Single Family Residential) to RM-II (Multiple Family Residential) for property approximately 0.58 acres in size and located at 4375 Rickey Street SE (Marion County Assessor Map and Tax Lot Number: 072W31DA12300).

RECOMMENDED CONDITIONS OF APPROVAL

1. The transportation impacts from the 0.58-acre site shall be limited to a maximum cumulative total of 78 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. Rickey Street SE
 - a. Standard—This street is designated as a Minor Arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.
 - b. Existing Conditions—This street has an approximate 35-foot improvement within an approximate 64-foot-wide right-of-way abutting the subject property.

Storm Drainage

1. Existing Conditions
 - a. A 24-inch storm main is located in Rickey Street SE.

Water

1. Existing Conditions
 - a. The subject property is located in the G-0 water service level.
 - b. A 10-inch water main is located in Rickey Street SE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is located in Rickey Street SE.

Natural Resources

1. Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils mapped on the property.

CRITERIA AND FINDINGS

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

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 with the proposed trip cap. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 0.58-acre site to 78 average daily vehicle trips.

Condition: The transportation impacts from the 0.58-acre site shall be limited to a maximum cumulative total of 78 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 or proposed development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Rickey Street SE does not meet the minimum right-of-way width or improvement width for a Minor Arterial according to the Salem TSP. At time of development, improvements to Rickey Street SE may be required pursuant to SRC 803.040. Site-specific street improvement requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Laurel Christian, Program Coordinator



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

May 25, 2022

Bryce Bishop, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. CPC-ZC22-02, 4375 Rickey St SE

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

School Name	School Type	Grades Served
Four Corners	Elementary	K thru 5
Houck	Middle	6 thru 8
South Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

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

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Four Corners	Elementary	367	567	65%
Houck	Middle	1,069	1,224	87%
South Salem	High	2,258	2,248	100%

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	8	MF	0.164	1
Middle			0.085	1
High			0.096	1

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
Four Corners	Elem.	367	1	1	2	567	65%
Houck	Mid.	1,069	21	1	22	1,224	89%
South Salem	High	2,258	256	1	257	2,248	112%

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
Four Corners	Elementary	Located within Walk Zone
Houck	Middle	Located within Walk Zone
South Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	1	\$64,220	\$64,220
Middle	1	\$76,882	\$76,882
High	1	\$89,544	\$89,544
TOTAL			\$230,646

Table 6

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

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

DATE: April 20, 2022

TO: Tony Martin /City of Salem

FROM: Tegan Enloe, PE / Enloe Consulting, LLC

SUBJECT: Rickey Street SE Zone Change Request – Traffic Analysis



The applicant seeks to rezone their parcel located at 4375 Rickey St SE in Salem, OR. The parcel is currently zoned as RS and contains an eight-unit senior center building. The applicant seeks to rezone their parcel to RMII to allow for a building conversion to an eight-unit complex for developmentally disabled adults. The external structure will remain the same with all improvements being done inside the building. No additional parking is proposed.

Table 1: Property Details

Characteristics	Information
Existing Conditions	
Property Address	4375 Rickey St SE, Salem, OR
Property Size	0.58 acres
Zoning	RS
Land Use	Senior Center; eight-unit building
Proposed Use	
Zoning	RMII
Land Use	Assisted living for developmentally disabled adults; eight-unit building

The parcel is 0.58 acres, which under the current RS zoning would allow for up to six single family homes. The applicant requests the zone change be approved with the establishment of a trip cap based on the existing use. Trip estimates are approximated using the ITE Trip Generation Manual, 10th Edition land use code Single Family Detached (210) based on the number of units. Six single family units would produce approximately 78 daily trips under the current zoning for a worst-case scenario.

Table 2: Trip Cap Analysis

Land Use (ITE Codes)	Units	Daily Trips
Single Family Detached (210)	6	78
Assisted Living (254)	8	21
Remaining Balance		57

Note: Trip estimates are based on the ITE Trip Generation Manual, 10th Edition

The trip cap would be established at 78 daily trips. Trips for the proposed use are approximated using the ITE Trip Generation Manual, 10th Edition land use code Assisted Living (254) based on the number of beds. For an eight-unit establishment, it is assumed that there would be one bed per unit. With eight beds, the proposed use would generate approximately 21 daily trips. This leaves a remaining balance of 57 daily trips before reaching the proposed cap. The total trip cap would not be reached until 30 beds are provided, which exceeds any proposed plans at this point.

Establishing a trip cap for the parcel based on a reasonable worst-case scenario under the existing use (RS) use would provide a trip credit large enough to accommodate the planned assisted living use proposed by the applicant if rezoned to RMIII. In addition, there would be a remaining trip credit.

HEARINGS OFFICER

PLANNING DIVISION
555 LIBERTY ST. SE/ROOM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



ISSUE: Specific Conditional Use 00-13

DATE OF DECISION: October 23, 2000

APPLICANT: Sunny Oaks, Inc.

PURPOSE OF REQUEST:

To allow a residential care facility in an RS (Single Family Residential) zone for property located at 4300 Rickey Street SE.

ACTION:

The requested Specific Conditional Use to allow a residential care facility for property located at 4300 Rickey Street SE is GRANTED, subject to the following conditions:

- (1) Additional 4 feet of right-of-way adjacent to the subject property to equal 36 feet measured between the centerline of right-of-way and the north right-of-way line of Rickey Street (SRC 63.235) shall be conveyed to the City of Salem.
- (2) Only one access point shall be permitted along Rickey Street to serve the proposed development.
- (3) A mid-block crossing along the east line of the subject property between the north line of Rickey Street and the north line of the subject property shall be constructed to meet the requirements of City of Salem Standard Drawing Nos. 308 and 314.

Application Filing Date: August 28, 2000
State Mandated Decision Date: December 26, 2000

APPEAL PERIOD ENDS: November 8, 2000

The rights granted by this decision must be exercised by October 23, 2001, or this approval shall be null and void.

Copies of the complete Hearings Officer decision containing the Facts and Findings adopted by the Hearings Officer are available upon request in Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m.