

**TO:** HEARINGS OFFICER

**FROM:** LISA ANDERSON-OGILVIE, AICP, DEPUTY COMMUNITY DEVELOPMENT DIRECTOR AND PLANNING ADMINISTRATOR

**SUBJECT:** ZONE CHANGE CASE NO. ZC23-01  
2900 BLOCK OF KUEBLER BLVD SE  
AMANDA NO.: 23-117088-PLN

### **REQUEST**

Summary: A zone change to realign the boundaries between MU-II (Mixed Use-II) and MU-III (Mixed Use-III) zones along the center line of a private street on a single unit of land.

Request: A quasi-judicial zone change to realign the boundaries between MU-II (Mixed Use-II) and MU-III (Mixed Use-III) zones along the center line of a private street on a single unit of land. The subject property is approximately 24.66 acres in size, zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III) and located at the southwest corner of the intersection of Kuebler Boulevard and I-5 (Marion County Assessor Map and Tax Lot Number: 083W12C /2201).

A vicinity map illustrating the location of the property is attached hereto and made a part of this staff report (**Attachment A**).

**APPLICANT:** Boone Road Commercial

**OWNER:** Kuebler Cascade View

**AGENT:** Britany Randal, Brand Land Use

### **APPLICATION PROCESSING**

On August 21, 2023, Brand Land Use filed zone change application on behalf of the applicants, Boone Road Commercial. After receiving additional information, the application was deemed complete for processing on September 27, 2023. The 120-day state mandated decision deadline for this collective application is January 25, 2024.

The public hearing before the City of Salem Hearings Officer is scheduled for October 25, 2023 at 5:30 p.m. located at the Community Development Conference Room, Room 305, Civic Center, 555 Liberty Street SE. A request for comments was sent to surrounding property owners and residents on October 3, 2023. Public hearing notice was also posted on the property on October 11, 2023, 15 days prior to the hearing, pursuant to SRC requirements.

### **PROPOSAL**

The subject property is currently zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III). The applicant has submitted a zone change application requesting to realign the existing MU-II and MU-III boundaries to the centerline of a proposed internal street (**Attachment B**). The existing acreage of the MU-II and MU-III zone is 8.07 and 16.58 acres respectively. As proposed, the zone boundary realignment will change the existing MU-II to 8.86 acres and MU-III to 16.20 acres.

## **SUMMARY OF RECORD**

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 117088.

## **APPLICANT'S STATEMENT**

A request for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted a written statement. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

## **FACTS AND FINDINGS**

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

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

A recent comprehensive and zone change processed under CPC-ZC21-04 changed the Comprehensive Plan designation of the subject property from "Single Family Residential" to "Mixed Use" and the zoning from RA (Residential Agriculture) to MU-II and MU-III.

The current proposal is to realign the boundaries of the existing zones to a proposed centerline of a private street, which has changed slightly since the previous application. Because the proposed MU-II and MU-III zoning is consistent with the "Mixed Use" Comprehensive Plan designation, a concurrent Comprehensive Plan Map Amendment is not required for this zone change request.

The Comprehensive Plan designations of surrounding properties include:

North: Across Kuebler Boulevard SE – Commercial  
South: Across Boone Road SE – Single Family Residential/Multi-Family Residential  
East: Across Interstate 5 – Industrial  
West: Across 27<sup>th</sup> Avenue SE – Commercial

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

***Salem Transportation System Plan (TSP):*** The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The

subject property is abutted by designated Collector Street to the west (27<sup>th</sup> Avenue SE). Kuebler Boulevard SE, a designated Parkway, runs along the north property boundary. Right of-way for the Interstate 5 (I-5) freeway and interchange ramps form part of the eastern boundary of the site. Lastly, Boone Road SE which is a local street runs along the southern portion of the property.

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

## 2. Zoning of Surrounding Properties

The subject property is currently zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III).

The zoning of surrounding properties is described as follows:

North: Across Kuebler Boulevard SE – Retail Commercial (CR)  
South: Across Boone Road SE – Single Family Residential (RS) /Multiple Family Residential (RM-II)  
East: Across Interstate 5 – General Industrial (IG)  
West: Across 27<sup>th</sup> Avenue SE – Retail Commercial (CR)

## 3. Neighborhood Association and Citizen Comments

The subject property is located within the boundaries of the South Gateway Neighborhood Association (SGNA) and abuts Morningside Neighborhood Association (MNA) and Southeast Mill Creek Association (SEMCA).

Applicant Neighborhood Association Contact: SRC 300.310 requires an applicant to contact the neighborhood association(s) whose boundaries include, and are adjacent to, property subject to specific land use application requests. Pursuant to SRC 300.310(b)(1), land use applications included in this proposed consolidated land use application request require neighborhood association contact. Notice was provided on August 14, 2023, to the neighborhood associations via email.

Neighborhood Association Comment: Notice of the application was provided to SGNA, MNA, and SEMCA pursuant to SRC 300.520(b)(1)(B)(v), 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.

Homeowners Association: The subject property is not located within a Homeowners Association.

Public Comment: Notice was also provided, pursuant to SRC 300.520(b)(1)(B)(iii), (vi), & (vii), to all property owners and tenants within 250 feet of the subject property. No public comment was received during the comment period.

## 4. City Department Comments

Public Works Department - Reviewed the proposal and indicated no concerns.

Building and Safety Division - Reviewed the proposal and indicated no concerns.

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

## 5. Public Agency and Private Service Provider Comments

Oregon Department of Aviation (ODAV)- Commented and noted that in accordance with FAR 77.9 and OAR 738-070-0060, future development of this site will be required to undergo aeronautical evaluations by the Federal Aviation Administration (FAA) and ODAV. This process is initiated by the applicant providing separate notices to FAA and ODAV will need to be completed prior to the approval of any building permits. In addition, depending on the proposed location of buildings and other structures, ODAV may advocate for height limitations on future development at the site.

## 6. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed zone change for the subject property currently zoned MU-II (Mixed Use-II) and MU-III (Mixed Use-III).

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

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

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

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

**Finding:** The applicant does not identify a mistake in the application of a land use designation to the property and does not identify a change in the economic, demographic, or physical character of the vicinity. The proposal is justified based on (iii), that the proposed zone change boundary realignment is equally or better suited for the property than the existing zone boundaries.

As noted in the applicant's written statement, the existing zone boundaries were intended to align with the centerline of a proposed private street located completely on the subject property. Following further analysis of the site's topography and natural features, the applicant determined that the initial street alignment was not feasible and required modification.

The existing MU-II and MU-III zones are remaining with only the shared boundary changing to match the realigned private street. As such, the uses allowed by the proposed zones shall continue to conform with the development and uses in vicinity of the site. This standard is met.

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

**Finding:** The proposed zone change has not been initiated by the City of Salem therefore, this criterion does not apply.

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

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

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

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

*Development Compatibility B.12*

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

**Finding:** The approval standards for both the comprehensive plan change and zone change applications require a demonstration of compliance with the Statewide Planning Goals. Those findings are included in these findings and demonstrate that the proposal is consistent with the Statewide Planning Goals.

The proposed plan designation and zone change, and the development that will be permitted consistent with SRC development standards will also be consistent with the policies under this Comprehensive Plan goal that apply to such approvals. This includes, but is not limited to, the policies that promote citizen involvement, economic growth, carrying capacity, optimal use of

the land, street improvements, development compatibility, and lighting. Each of these policies is implemented by provisions of the zoning code, which will apply to all development permitted under the new plan designation and zoning.

Specifically, future development of the site will be required to conform to the development standards of the MU-II (Mixed Use-II) and MU-III (Mixed Use-III) zones. In addition to meeting the pedestrian-oriented design of the MU-II and MU-III zone, multiple family development be required to adhere to the multiple family design review guidelines and standards of SRC Chapter 702. The MU-II and MU-III zone allows for a range of development including commercial and residential development.

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

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

*Infill C.4*

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

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

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

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

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

The proposal is consistent with this policy.

*Infill on Facilities D.9*

*New development shall be encouraged to locate in areas where facilities are already*

*available and in areas which require the least public costs to provide needed facilities and services.*

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

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

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

**Finding:** As the proposed zone change only modifies the boundaries of the existing MU-II and MU-III zone, the zone change shall not remove any land from the residential lands inventory. The existing area for the MU-II and MU-III zone is 8.07 acres and 16.58 acres. The proposed zone change would increase the area of the MU-II zone to 8.86 acres and decrease the MU-III to 16.20 acres. For this reason, the proposal will not result in an inadequate supply of developable land to support the City's housing needs. The proposal promotes a variety of housing opportunities and an adequate supply of developable residential land, by helping to make this south part of the City desirable for such residential uses by ensuring that there are commercial retail opportunities in proximity to residential uses and residentially developing areas, thus contributing to more complete communities, with fewer needs for vehicular trips to such opportunities if they are located further away.

Not only are commercial uses complementary to residential uses, the location of this zoning will continue to further the City's policies aimed at minimizing vehicle travel distances and encouraging non-vehicular access to such services by locating residential areas and commercial services in closer proximity than has historically occurred. The proposal is consistent with this Comprehensive Plan Goal and its implementing policies.

Salem Urban Area Goals and Policies, F. Mixed-Use Development Goal (Salem Comprehensive Policies Plan):

*To provide a mixture of complementary land uses that may include housing, retail, offices, services, industrial and civic uses, to create economic and social vitality.*

**Finding:** The existing Mixed Use plan designations allows a broad range of uses on the subject property. The proposed zone change boundary realignment would not impact the mixed-use development of the site and the applicant has previously indicated a desire for that to occur if at all possible.

Furthermore, under CPC-ZC21-04, Planning Commission imposed a condition of approval to limit the subject property to three drive-through facilities.

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

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

*County metropolitan area.*

**Finding:** The existing mixed-use designations would allow a mixed-use development or shopping center which can provide a range of services for the southeastern portion of the Marion-Polk County metropolitan area. Existing commercial concentrations elsewhere in the region, such as downtown Salem, and Lancaster Drive are a considerable distance from existing and future development in the southeastern portion of the metropolitan area. Transportation access to the subject property would promote use of a site within the Salem urban area as the commercial center for underserved areas inside and outside of the City limits.

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

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

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

**Finding:** The proposed zone change boundary realignment shall not impact the existing Mixed-Use designations of the site to facilitate clustered retail development at one quadrant of the I-5/Kuebler Boulevard interchange. The existing zoning allows a wide variety of goods and services to be provided in a location where existing transportation facilities provide access from several different neighborhoods.

Salem Urban Area Goals and Policies, J. Transportation Goal (Salem Comprehensive Policies Plan):

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

**Findings:** The City has developed the Salem Transportation System Plan (STSP), which establishes transportation objectives and policies and provides a hierarchical system of streets and highways to provide optimal mobility for all travel modes throughout the City's urban area. Kuebler Boulevard SE abuts the subject property to the north and is classified as a Parkway by the Salem TSP street classification system. Kuebler Boulevard SE is interconnected to a network of streets; 27th Avenue abuts the subject property to the west and is designated a Collector Street on the Salem TSP street classification map. Boone Road SE abuts the subject property to the south and is also a designated Collector Street. Battle Creek Road SE is a



designated Minor Arterial Street which provides north south connectivity to the site, via Boone Road SE. The subject property is well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood as well as the broader Salem Community.

As approved by Planning Commission under CPC-ZC21-04, two conditions of approval were applied to the site requiring that limited the site to a total trip generation 25,348 vehicles per day and required the applicant to coordinate with Cherriots for the location of new bus stops.

The subject property also is connected to the City's public transportation network, as evidenced by the Cherriots comments in the record that explains that it has discussed with the applicant placing two public transportation stops to serve the subject property. The location and amount of the bus stops connecting to Cherriots system will be determined with a site plan review application in the future.

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

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

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

**Staff Response:** Prior to submitting the zone change application to the City of Salem, the applicant contacted the South Gateway Neighborhood Association (SGNA) and the abutting Morningside Neighborhood Association (MNA) and Southeast Mill Creek Association (SEMCA), pursuant to SRC 300, to apprise them of the zone change request. A public hearing notice was mailed to the affected property owners, all property owners and tenants within 250 feet of the subject property, and to the South Gateway Neighborhood Association and the abutting Morningside Neighborhood Association and Southeast Mill Creek Association and signs were posted on the property. The property is not located within a Homeowner's Association. This satisfies Citizen Involvement described in Goal 1.

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

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

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

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

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

**Staff Response:** There are possible scenic, historic, or cultural resources on the subject property. Prior to development, the property owner would need to consult with the City Historic Preservation Officer. According to the Salem Keizer Local Wetland Inventory (LWI) there are wetlands mapped on the subject property. The applicant has provided a wetland delineation as part of their application. The City's wetland ordinance, SRC Chapter 806, requires notice and permitting through the Department of State Lands (DSL). The application will be reviewed for compliance with the City's tree preservation ordinance and any applicable wetland standards at the time of development. The proposal is consistent with Goal 5.

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

**Staff Response:** Land located within the Urban Growth Boundary is considered urbanizable and is intended to be developed to meet the needs of the City, and the effects of urban development on air, water and land resources are anticipated. Future development of the property is subject to tree preservation, stormwater and wastewater requirements of the UDC which are intended to minimize the impact of development on the state's natural resources.

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

**Staff Response:** The City has complied with Goal 7 by adopting specific policies and development standards that protect against flood hazards, potential landslides and other natural hazards. The implementing measures are found in the acknowledged SRC under Chapters 809 and 601 and are imposed at the time a development application is reviewed.

The City's adopted landslide hazard susceptibility maps which show the subject property is mapped within areas that have 2 to 3 landslide hazard susceptibility points. Given that 3 activity points are associated with commercial building permits and the City's landslide hazard ordinance, SRC Chapter 810, requires any development proposal with a cumulative total of 5 to 8 points submit a geologic assessment in conjunction with the application. Due to the moderate landslide hazard susceptibility classification (5 to 8 points) for the subject property is classified and that the property's point rating is at the lower end of that scale, nothing in the record demonstrates that the site cannot be safely developed, whether with commercial or residential uses.

There are no other identified natural disaster or hazards on the subject property. The proposal is consistent with Goal 7.

**Statewide Planning Goal 8 – Recreational Needs:** *To satisfy the recreational needs of the citizens of the state and visitors and, where appropriate, to provide for the siting of necessary recreational facilities including destination resorts.*

**Staff Response:** The subject property is not within an identified open space, natural or

recreational area, and no destination resort is planned for this property, therefore, Goal 8 is not applicable to this proposal.

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

**Staff Response:** The proposal will provide a site for a community level retail center. This proposal increases economic opportunities for City residents. As such, this proposal is consistent with Goal 9’s requirement to provide a variety of economic opportunities for City residents, including commercial opportunities. The proposal meets the requirements of Goal 9.

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

**Staff Response:** In 2022 the City adopted a Housing Needs Analysis (HNA), after converting land across the City to address a projected deficit of land designated for multi-family residential through the *Our Salem* project. As part of *Our Salem*, the City expanded mixed use designations and zoning across the city, especially in areas served by frequent transit, in order to promote housing at all income levels. As the proposed zone change is not changing the Comprehensive Plan designation rather realigning the zoning boundary with the proposed street, the proposal will not have an impact on the ability of the city to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

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

**Staff Response:** The subject property is located outside of the Urban Service Area meaning an Urban Growth Area (UGA) Development Permit may be needed. However, water, sewer, and storm infrastructure are currently available within adjacent streets and areas and appears to be adequate to serve the property. Site specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The zone change request will not affect the efficient use and development of property requiring consistent with Goal 11.

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

**Staff Response:** Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). As the proposed zone change is to realign the boundary of existing zones on a single unit of land, the proposal will not cause a significant effect to the surrounding transportation facility not already identified and addressed when the subject property was changed to MU-II and MU-III.

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

**Staff Response:** The zone change request is for vacant undeveloped property, however City services are located nearby and require minimal extension to serve the property. Future development of the property will be required to comply with current development and building standards for energy efficiency, consistent with Goal 13.

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

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

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

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

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

**Finding:** The existing MU-II and MU-III zone is implemented by the current Mixed Use designation; therefore, a change to the comprehensive plan map designation for the property is not required for the proposed zone change, this criterion is not applicable.

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

**Finding:** The proposed zone change is a boundary realignment of the existing MU-II and MU-III zones on single unit of land. Both zones are implemented by the Mixed Use designation in the Comprehensive Plan. The zone change is consistent with the existing Comprehensive Plan map designation and does not change the Comprehensive Plan map. The Comprehensive

Plan designation is used in planning transportation facilities in the Salem TSP. Therefore, pursuant to OAR 660-012-0060(9), the local government finds that the proposed amendment to the zoning map does not significantly affect an existing or planned transportation facility.

Conditions of approval were imposed on the subject property under CPC-ZC21-04 restricting the allowed uses and establishing site specific development standards. The conditions imposed are as follows:

*“Condition 1: The subject property shall not contain more than three uses with drive Throughs.*

*Condition 2: The subject property shall have no single building footprint that is constructed with more than 70,000 sq. ft. except for parking structure.*

*Condition 3: The driveway within the development shall considered a primary street, as highlighted in the Attachment B. Constructed to a min local street standard. Setback and development standards where applicable the back of sidewalk shall be the assumed property line.*

*Condition 4: The applicant shall coordinate with Cherriots for the location of new bus stops. The applicant shall submit evidence from Cherriots that installation of bus stops as requested is completed.*

*Condition 5: The site shall not exceed a total trip generation of 25,348 vehicles per Day.”*

To ensure that these conditions are adhered and met, the following condition of approval is recommended.

**Condition 1:** The subject property shall meet all conditions of approval within CPC-ZC21-04.

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

**Finding:** The water, sewer, and storm infrastructure are available within surrounding streets and areas and appear adequate to serve future development. Site-specific infrastructure requirements will be addressed in the Site Plan Review process pursuant to SRC Chapter 220.

## **CONCLUSION**

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

## **RECOMMENDATION**

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a quasi-judicial zone to realign the boundaries

between MU-II (Mixed Use-II) and MU-III (Mixed Use-III) zones along the center line of a private street on a single unit of land that is approximately 24.66 acres in size and located at the southwest corner of the intersection of Kuebler Boulevard and I-5 with the following condition:

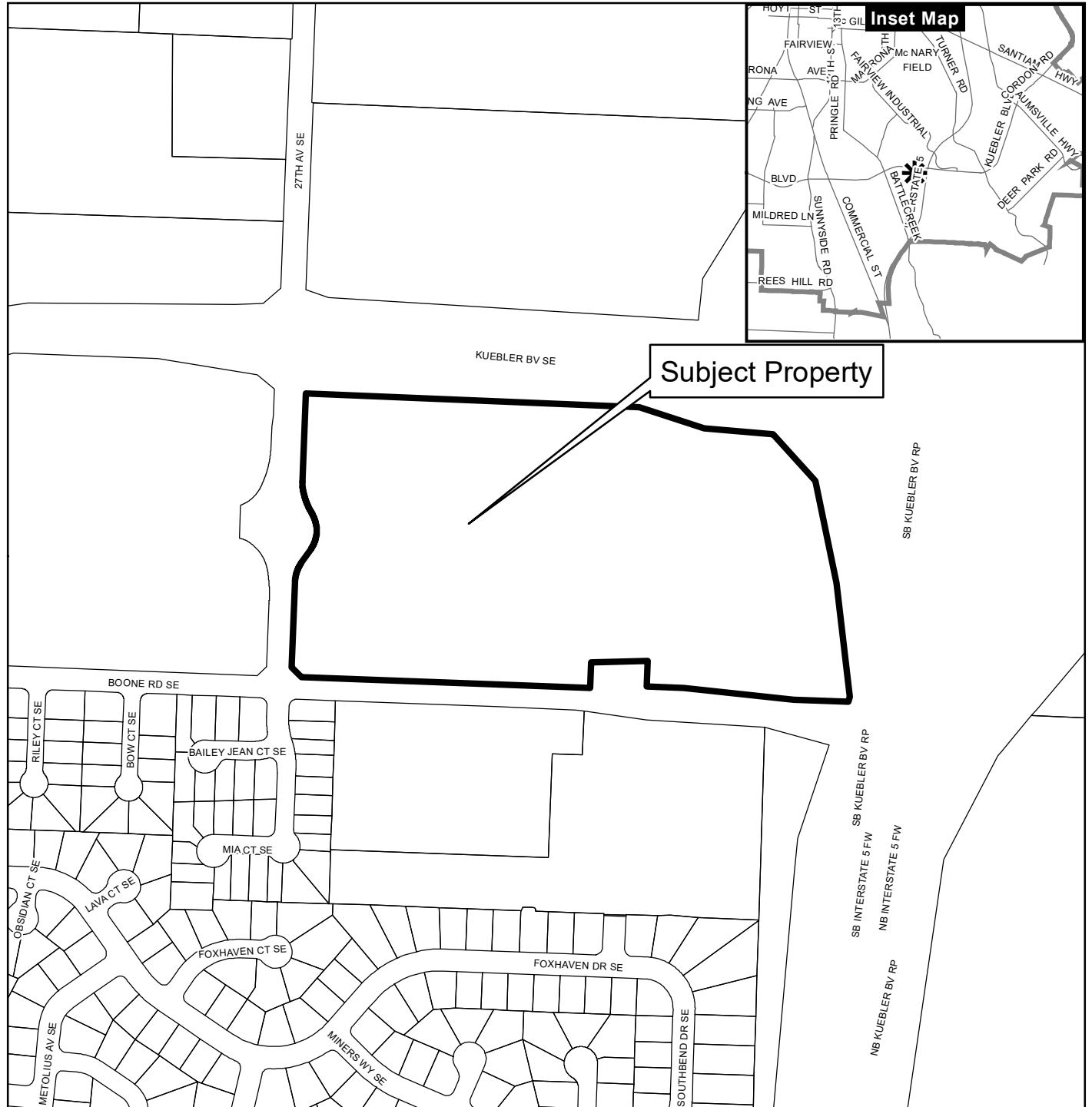
**Condition 1:** The subject property shall meet all conditions of approval within CPC-ZC21-04.

Application Deemed Complete Date: September 20, 2023  
State Mandated Decision Date: January 7, 2023

Attachments: A. Vicinity Map  
B. Zoning Map

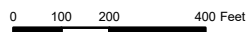
Prepared by Jacob Brown, Planner I

# Vicinity Map 2900 Block Kuebler BLVD 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.



