

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-ZC23-02; FOR PROPERTY LOCATED AT 5465 TURNER
ROAD SE (AMANDA APPLICATION NO. 22-124542-PLN)**

REQUEST

A consolidated Minor Comprehensive Plan Map Amendment from "Community Service - Government" to "Single Family Residential", "Industrial" and "Mixed Use" and Zone Change from PS (Public Safety) to RS (Single Family Residential), MU-I (Mixed Use – I), IC (Industrial Commercial) and IG (General Industrial) for subject property approximately 400 acres in size and located 5465 Turner Rd SE (Marion County Assessor Map and Tax Lot Numbers: 082W17 / 400). (**Attachment A**)

APPLICANT: BRAND Land Use on behalf of Clutch Industries (Terrance (Christopher) Blackburn)

OWNER: 5465 Turner Exchange LLC (Terrance (Christopher) Blackburn and Thomas Moore)

PROCEDURAL FINDINGS

1. On December 15, 2023, Britany Randall, BRAND Land Use, filed an application for a Comprehensive Plan Change, and Zone Change for a property at 5465 Turner Rd SE (Marion County Assessor's Map and Tax Lot 082W17 / 400) on behalf of the applicant, Clutch Industries, and property owners State of Oregon. After additional requested information was provided by the applicant, the application was deemed complete for processing on April 27, 2023. During the time of processing the application, the subject property sold to Clutch Industries.
2. When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for an open house and the other applications require a combination of neighborhood association contact or no neighborhood association contact, the entire consolidated application shall require an open house (see SRC 300.320[b][2]). Pursuant to SRC 300.320(f), when an open house is required for a land use application, an applicant may elect to present at a neighborhood association meeting in-lieu of arranging and attending an open house. On October 13, 2022, the applicant held an open house. Comments were provided at the applicant's open house and the applicant answered questions. Notice given as provided is included as **Attachment B**. The applicant has demonstrated compliance with the requirements of SRC 300.320(f).
3. Notice of the consolidated proposal was distributed to City departments, neighborhood

associations and public and private service providers on May 11, 2023.

4. Public notice of the proposal was provided pursuant to Salem Revised Code (SRC) requirements, on May 18, 2023.
5. Public notice was provided to all parties that the applicant requested to cancel the June 6, 2023, hearing, on May 25, 2023.
6. Public notice of the revised proposal was provided pursuant to Salem Revised Code (SRC) requirements, on November 1, 2023, for the November 21, 2023 Planning Commission Meeting.
7. Public notice was posted on the property by the applicant's representative on November 7, 2023.
8. The applicant has indicated that the property is not within a Homeowners Association (HOA).
9. 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 1, 2023.
10. The public hearing on the application was scheduled for June 6, 2023 and rescheduled for November 21, 2023.
11. 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.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 22 124542.

BACKGROUND

Proposal

The applicant is requesting a comprehensive plan map amendment and to change the zoning for the former Mill Creek Correctional Facility site. The former correctional facility building remains on the northwestern portion of the site, near the intersection of Turner Rd SE, Gath Rd SE, and Deer Park Dr SE. The purpose and intention of completing this comprehensive plan amendment and zone change application is to master plan the site and prepare for future development phases. Site development is not proposed at this time.

The applicant's written statements summarizing each request and addressing compliance with the required approval criteria is included in the record.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designates the subject properties as "Community Service – Government". The proposal includes changing the Comprehensive Plan designation of the subject property to "Single Family Residential", "Mixed Use" and "Industrial," and "Industrial Commercial".

The Comprehensive Plan designations of surrounding properties include:

North:	"Employment Center" and "Industrial"
South:	Marion County; Outside of the City Limits and UGB
East:	Across Turner Road; "Community Service – Education"
West:	"Industrial"

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Turner Road SE, a Major Arterial Street, abuts the property to the east, and Gath Road SE, a Collector Street, abuts the property to the east.

Relationship to the Urban Service Area

The subject property is outside the Urban Service Area and, as indicated within the memo provided by the Development Services (**Attachment D**), adequate utilities are available to serve uses allowed by the proposed comprehensive plan designation. A UGA permit was

reviewed as part of a previous subdivision determining site specific infrastructure requirements will be addressed at the time of development review via the Site Plan Review Process in SRC Chapter 220.

2. Zoning

Zoning and Surrounding Land Use

The subject property is zoned PS (Public Service). The existing use on site is former Mill Creek Correctional Facility, which has been closed and property sold to a private entity. The proposal includes changing the property's zoning from PS to RS (Single Family Residential), MU-I (Mixed Use – I), IC (Industrial Commercial) and IG (General Industrial). Surrounding properties are zoned and used as follows:

North:	Marion County; IC (Industrial Commercial) and IP (Industrial Park)
South:	Marion County; Special Agriculture & Residential Agriculture
East:	Across Turner Road; EC (Employment Center) and Across Gath Road SE; PS (Public Service)
West:	RA (Residential Agriculture) and Marion County UT-5 & UT-10 (Urban Transition)

3. Existing Conditions

The subject property is approximately 400 acres in size (Marion County Assessor's Map and Tax Lot Numbers: 082W17 / 400). The subject property has street frontage along Turner Road SE and Gath Road SE. The existing building on site is the former Mill Creek Correctional Facility (MCCF).

SRC Chapter 808, Trees. The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 20 inches or greater and most other trees with diameter-at-breast-height of 30 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. Mill Creek bisects the property with trees along both banks. The western area of the property appears to contain trees. Any Significant Trees on the property would be subject to the protections of SRC Chapter 808 upon development.

Wetlands and Waterways. The Salem-Keizer Local Wetland Inventory (LWI) shows Mill Creek bisects the property and is a mapped wetland area(s) on the property.

Floodplain: The subject property is designated on the Federal Emergency Management Agency (FEMA) floodplain maps as a Zone "AE" floodplain and floodway. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601.

Landslide Hazards—City records show there may be category 2-to-3-point landslide hazard

areas mapped on the subject property.

Infrastructure

Public Infrastructure Plan: The Water System Mater Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the subject property.

Water: The subject property is located within the S-1, S-2, and (T+) water service level.

- An 18-inch S-1 water main is located in Turner Road SE and extends along the property's frontage from the Mill Creek Bridge to the intersection of Turner Road SE and Deer Park Drive SE.
- There are multiple city-owned water mains on the property within easements:
 - A 48-inch G-0 transmission main.
 - A 12-inch S-1 main.
 - An 18-inch S-1 main.
- The Deer Park Water Pump Station is located on the property in an easement.

Sewer:

- An 18-inch sewer main is located at the intersection of Turner Road SE and Logistics Street SE.
- A 14-inch sewer trunk main is located on the property in an easement.

Storm Drainage:

- A 12-inch-to-18-inch storm main is located in Turner Road SE along the property frontage from the Mill Creek Bridge to approximately 850-feet northwest of the intersection of Turner Road SE and Deer Park Drive SE.

Parks:

The proposed development is not served by a park; there are no City of Salem parks within one-half-mile walking distance of the property. The *Salem Parks System Master Plan* provides the outline for facilities adequate to serve the proposed zone.

As a condition of approval in a previous land use decision (SUB23-07), the applicant shall prior to plat, enter into an agreement with the City for conveying an open space area to the City after plat approval for a future neighborhood park use (NP44).

Streets:

- Turner Road SE
 - Standard—This street is designated as a Major Arterial Street in the Salem TSP. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

- Existing Condition—This street has an approximate 26-foot improvement within a 60-foot-wide right-of-way abutting the subject property.
- Gath Road SE
 - Standard—This street is designated as a Collector Street in the Salem TSP. The standard for this street classification is a 30 to 40-foot-wide improvement within a 60-foot-wide right-of-way.
 - Existing Condition—This street has an approximate 20-foot improvement within a 60-foot-wide right-of-way.

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 Comprehensive Plan Change / Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. With the recommended trip cap, discussed further below, the Assistant City Traffic Engineer recommends this criterion has been met.

Land Use History

SUB23-07; A consolidated application for a proposed five-lot subdivision (Clutch Acres) was approved on July 11, 2023.

The application includes:

- 1) A Subdivision Tentative Plan to divide the approximate 390-acre property into five lots ranging in size from approximately 15 acres to 246 acres.
- 2) An Urban Growth Preliminary Declaration to determine the necessary public facilities required to serve the proposed development.

The subject property is zoned PS (Public Service), approximately 390 acres in size, and located at 5465 – 5485 Turner Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W17 / 400).

The conditions of approval for the subdivision are as follows:

- Condition 1:** The application shall provide the required field survey and partition plat as per the statute and code requirements outlined in the Oregon Revised Statutes (ORS) and the Salem Revised Code (SRC).
- Condition 2:** Prior to development or further division, provide an engineered stormwater design pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 3:** Prior to development or further division, construct stormwater facilities pursuant to SRC 71 and PWDS to accommodate new impervious surfaces in rights-of-way and future impervious surfaces on all proposed lots.
- Condition 4:** Prior to final plat or delayed pursuant to an improvement agreement, if the

criteria of ORS 92.090 are not met, the applicant shall design and construct public water, sewer, and stormwater to serve the development, as identified in the Urban Growth Area Preliminary Declaration (SUB-UGA23-07):

- a. Construct Salem Water System Master Plan improvements needed to serve the proposed development and link the site to adequate facilities by the construction of water distribution lines, reservoirs, and pumping stations that connect to such existing water service facilities as defined as adequate under SRC 200.070.
- b. Construct Salem Wastewater Management Master Plan improvements needed to serve the development and link the site to existing facilities that are defined as adequate under SRC 200.060.
- c. Construct stormwater improvements necessary to serve the development and link the on-site system to existing facilities that are defined as adequate under SRC 200.060.

Condition 5: As a condition of development or new sewer service, the applicant shall either:

- a. Upgrade the 18-inch sanitary sewer crossing of Mill Creek at Kuebler Boulevard SE with a minimum 27-inch sanitary sewer crossing; or,
- b. Pay a temporary access fee equal to \$2,000 per acre of development, adjusted annually based on December to December ENR Averaged Rates for Los Angeles, Seattle, and San Francisco.

Condition 6: Prior to plat approval, all necessary (existing and proposed) access and utility easements must be shown and recorded on the final plat.

Condition 7: Prior to plat approval, dedicate easements for existing public infrastructure on the site to meet current Public Works Design Standards for width.

Condition 8: At the time of development or future land division, dedicate a 10-foot public utility easement along the street frontage of all internal streets and Turner Road SE and Gath Road SE.

Condition 9: Prior to final plat, where the subdivision has frontage on both sides of Turner Road SE, convey land for dedication equal to a full-width right-of-way of 72-feet for Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 10: Prior to final plat, where the subdivision has frontage on one side of Turner Road SE, convey land for dedication equal to a half-width right-of-way of 36-feet on the development side of Turner Road SE, including sufficient right-of-way to accommodate public infrastructure at the property corners.

Condition 11: Prior to final plat or deferred with Deferral Agreement, where the subdivision

has frontage on both sides of Turner Road SE, construct a full-width improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.

- Condition 12:** Prior to final plat or deferred with Deferral Agreement, where the subdivision has frontage on one side of Turner Road SE, construct a half-street improvement along the frontage of Turner Road SE to minor arterial street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 13:** Prior to final plat or deferred with Deferral Agreement, construct a three-quarter-street improvement along the frontage of Gath Road SE to collector street standards as specified in the City Street Design Standards and consistent with the provisions of SRC Chapter 803.
- Condition 14:** Prior to development or further land division, provide a 34-foot linking street improvement from the development site to the Mill Creek Bridge.
- Condition 15:** Prior to development or further land division, coordinate with Cherriots and provide improvements needed for public transportation service.
- Condition 16:** Prior to final plat, along Mill Creek on the subject property, dedicate an Open Channel Drainage Easement. In accordance with PWDS, the easement width shall be either the 100-year floodway, 15 feet from the channel centerline, or 10 feet from the top of the recognized bank, whichever is greater.
- Condition 17:** At the time of future land division or proposed development, the applicant shall submit any applicable information required by SRC Chapter 810 Landslide Hazards based on the landslide hazard risk assessment in SRC Chapter 810.025(a).
- Condition 18:** At the time of future land division or residential development, enter into an agreement with the City for conveying an open space area to the City for a future park use (NP44) and create a lot reserved for conveyance to the City as park property.
- Condition 19:** At the time of future land division or residential development on the site, that is not within one-half-mile walking distance of a neighborhood park, shall pay a temporary access fee equal to 15.6 percent of the Parks SDCs due for the development pursuant to SRC 200.080.
- Condition 20:** At the time of future land division or residential development, construct predevelopment standard amenities in the open space area in accordance with Appendix F of the Salem Comprehensive Parks System Master Plan.
- Condition 21:** At the time of future land division or development (or any phase that generates 140 or more cumulative PM peak hour trips), construct dual

northbound left turn lanes on Turner Road SE with approximately 250 feet of vehicle storage in each lane, and construct dual west bound receiving lanes on Kuebler Boulevard SE a minimum of 400 feet in length.

Condition 22: At the time of future land division or development (that generate 230 or more cumulative PM peak hour trips), install a single lane roundabout at the intersection of Turner Road SE and Deer Park Drive SE, flatten the curve on Turner Road SE at the intersection of Gath Road SE, and sever the intersection of Gath Road with Turner Road SE.

Condition 23: At the time of future land division or development or phase that generates a cumulative PM Peak Hour Volume of 690 vehicles, construct an additional westbound through lane at the intersection of Kuebler Boulevard SE and 36th Avenue SE to the extent practicable. Reconstruct the traffic signal as necessary to accommodate the improvements and extend the through lane along Kuebler Boulevard SE to the northbound ramp of the Interstate-5 freeway interchange.

4. 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. Building and Safety Division – Reviewed the proposal and indicated no concerns.
- B. Fire Department – Reviewed the proposal and indicated no concerns with the proposed comprehensive plan amendment and zone change. Items including fire department access and water supply will be required at the time of development.
- C. Development Services Division – 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 C**.

5. Neighborhood Association and Public Comments

The subject property is located abutting the boundary of the Southeast Mill Creek Neighborhood Association (SEMCA).

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 October 13, 2022, the applicant's team held an open house.

Documentation of the meeting is included in **Attachment B**.

Neighborhood Association Comments

Notice of the application was provided to the Southeast Mill Creek Neighborhood Association (SEMCA) 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, SEMCA had submitted no comments.

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 and posted on the subject property. As of the date of completion of this staff report, no comments have been received.

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

6. 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.***

Finding: The applicant will demonstrate that the proposed comprehensive plan amendment meets criterion (i) Alteration in circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate and (ii) Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation. The applicant is not asserting a mistake has been made in the application of the 'Public' designation of the subject property.

The subject property is widely known as the former Mill Creek Correctional Facility (MCCF) site. MCCF opened to house minimum custody inmates in 1929 and was a work camp which provided inmate labor to the Oregon Department of Corrections. As part of former Governor Brown's efforts to reduce Oregon's prison population, there was a recommendation to close some institutions; the 390-acre site was considered to be surplus land and was purchased by the applicant.

The current comprehensive plan designation of the entire site is Community Service Government (CSG). In accordance with the Salem Area Comprehensive Plan, community service designations are intended primarily to support state and local government uses, schools, hospitals, and other civic uses.

The applicant proposes to change the Comprehensive Plan designation for the entire property. The designations are broken down into three areas. An 89.4-acre portion of the property, east of Turner Road, is proposed to be designated SF "Single Family Residential". The northwest 18.42-acre portion of the property is proposed to be designated as IND "Industrial" and western 128.30 acres is proposed to be designated IC "Industrial Commercial". The remainder of the property (153.58 acres) is proposed to be designated MU "Mixed Use".

According to the applicant, with the proposed tree preservation of the SF area, it is projected, with an average lot size of 7,000 square feet, approximately 270 new lots can be created. This number accommodates the need for new local street and pedestrian networks to serve the new residential area.

Specifically, the Housing Needs Analysis (HNA) found that Salem's portion of the UGB has a projected surplus of 1,975 acres of land designated Single Family Residential (SF) and Developing Residential (DR), which can accommodate 9,131 more units than are projected to

be needed through 2035. The current buildable land designated SF and DR has the capacity 17,054 units, which exceeds the projected demand in the HNA of 13,792 units. The need for housing continues to be needed across the State of Oregon; the addition of SF would provide for additional single family and middle housing.

The subject property would add additional capacity to the buildable lands for single family, which will continue to meet the need past 2035. The proposed SF designation is better suited than the existing CSG designation since additional housing can be provided in a multitude of forms. The SF designation would allow for single family, two-family, three-family, four-family and cottage cluster development. The increase in housing makes the proposed designation desirable as the city of Salem grows. In addition, since the State of Oregon no longer owns the property, the uses within the CSG designation would be difficult to implement on such a large parcel.

The are 153.58-acres proposed to be designated MU "Mixed Use" and 128.30-acres proposed to be designated IC "Industrial Commercial". Until the adoption of 'Our Salem' Comprehensive Plan, the HNA reflected a deficit of multifamily dwelling units. In addition, the City of Salem Economic Opportunities Analysis (EOA) identifies a deficiency of 'Commercial Lands'. The applicant is proposing to apply the MU designation within the lower portions of the site given the purpose is to promote pedestrian-oriented development which will suit the designated area well. Mill Creek bisects the property north to south with IC proposed on the western bank and MU on the eastern bank. Given the floodway and floodplain areas on this portion of the development site, the desire is to develop a dense and diverse mix of commercial and multiple family uses abutting the streets which are planned to be improved to service levels required to accommodate such development. The dense development abutting the street and future streets will allow the preservation of the riparian corridor along Mill Creek.

Enhancements to the creek area for public use may be a possibility allowing the natural resource to be a destination and a feature within the neighborhood. Due to the residential developments across the train tracks and the street to the west, the applicant is proposing IC zoning district which is likely a better suited due to lower impact uses. Another benefit to applying the MU and IC designations on this portion of the site is that it will address some of the needs listed within the City of Salem Economic Opportunities Analysis (EOA). Page 27 of the EOA determines the city will have a demand of 569 gross acres of commercially designated lands by the year 2035 with the inventory at the time the EOA was developed showing a deficit of 271 acres of commercial land.

The addition of employment land and potential multi-family development is a better suited designation than the CSG designation. Similar to the change addressed above, the use of the property for uses allowed within the Public Service zoning district are limited in nature and now that the State of Oregon no longer owns the property, less likely to implemented. The increase in employment land and potential for additional housing is better suited than the current designation.

The final proposed designation is IND "Industrial" for a very small portion of the north end of the property. Due to the manner in which Mill Creek cuts across the property at the north end, it would be logical and orderly to redesignate the portion of property north of the creek to IND since the abutting properties to the north have the same designation. Additionally, the railroad

being close to this area offers a potential benefit to industrial use. The riparian setbacks, natural topography, and the creek itself will buffer the industrial lands from the mixed-use land to the south. The designation of IND will increase employment opportunities of the immediate area again supporting diverse opportunities for residents within the immediate neighborhood.

The addition of Industrial (employment land) is a better suited designation than the CSG designation. Similar to two proposed changes addressed above, the use of the property for uses allowed within the Public Service zoning district are limited in nature and now that the State of Oregon no longer owns the property, less likely to be implemented. The uses in the PS zone would not be compatible with the two changes above and could have a greater impact to the overall area. The increase in employment land and Industrial inventory is better suited than the current designation.

As conditioned on a previous application (SUB23-07), the existing streets will be improved, a park will be provided to the area, urban services will be constructed to and through the site and, the applicant will be required to work with Cherriots to increase public transportation in the area.

As addressed above, the proposed comprehensive plan map amendments are a response to the changing social, economic, and demographic patterns of the nearby vicinity; and the proposed designations will be a benefit to the community by providing revitalization to nearly 400-acres through allowing new and diverse opportunities for housing, employment, shopping, services, and recreation. This criterion is met.

The proposal meets this criterion.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Finding: The subject property is outside the Urban Service Area. Water, sewer, and storm infrastructure are available within surrounding streets/areas and appear to be adequate to serve uses allowed by the proposed comprehensive plan map designation. Site-specific infrastructure requirements will be addressed at the time of development through the subdivision or site plan review process (SRC Chapter 220). The applicant has received approval for a five-lot subdivision, which include infrastructure requirements to ensure the property will be served at development. The proposal meets this criterion.

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

Finding: The land use pattern for property in the surrounding area is diverse, with Residential and Industrial lands to the west, Mill Creek Corporate Center to the northeast, Community Services Education to the east and rural residential and small agricultural lands to the south (outside of the city limits). The applicant has an Urban Growth Preliminary Declaration which details improvements for services. The proposal meets this criterion.

SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem

Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

The written statement provided by the applicant indicates that the request is in conformance with the Goals and Policies of the Salem Area Comprehensive Plan and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed. The subject property is within the boundaries of Southeast Mill Creek Association, however, there is no adopted neighborhood plan for the area.

The proposal complies with the applicable intent statements of the Salem Area Comprehensive Plan (SACP) as follows:

Section 7: Housing Goals and Policies

H1 Housing Choice Goal: Promote a variety of housing options to meet the needs, abilities, and preferences of all current and future residents.

Finding: The applicant is proposing the Single Family Residential, Mixed-Use and Industrial Commercial comprehensive plan designations with complimentary zoning of Single Family Residential, Mixed-Use III and Industrial Commercial, on the majority of the subject property. These designations all allow a wide variety of housing types including multiple family, single family detached, cottage clusters, ADUs, townhomes, duplex, triplex, and quadplex. Because this mix of housing types would be allowed to develop, the proposal is consistent with this policy.

H2 Housing Affordability Goal: Provide opportunities for housing that are affordable to current and future residents of all income levels.

Finding: A variety of housing types are allowed to be constructed with the proposed designations which will provide additional housing available.

H3 Land Supply Goal: Provide a supply of residential land that accommodates the amounts and types of housing needed to meet the population forecast for the Salem Urban Area.

Findings: The Our Salem project allowed the City of Salem to adopt the Housing Needs Analysis (HNA) which was prepared in 2015. House Bill 2001 was passed by Oregon Legislature in 2019, several years after the completion of Salem's HNA. The newly proposed designation will allow the identified portion of the property to be developed with a variety of housing types suited to serve the growing population of the city's urban area and assist with the new housing construction goals of the state. The implementation of the Mixed-Use and Industrial Commercial designation will allow for the development of multiple family housing further adding to Salem's housing inventories and will accommodate the amounts and housing types needed to meet the population forecast for the SUA.

H4 Complete Neighborhood Goal: Encourage housing that provides convenient access to jobs, services, and amenities that meets residents' daily needs.

Findings: The proposal designates land for Single Family Residential, Mixed Use, Industrial

Commercial and Industrial. The applicant findings state that the majority of the property proposed to be designated as Mixed Use and Industrial Commercial to allow for the master planning of a complete neighborhood which is walkable and provides access to employment, shopping, childcare, education, recreation, and a variety of housing types.

H5 Livability and Sustainability Goal: Enhance Salem's neighborhoods to ensure that they are safe, welcoming, stable, sustainable, and attractive places to live.

Findings: The development site is unique as it is bisected by Mill Creek, it includes several large groves of trees, and a variety of elevations and interesting topography. Each of the natural and cultural features of the site have been considered prior to seeking approval of the proposed designations. Though the development site is nearly 400-acres in size, the applicant indicates large swaths of the development site will be preserved in its natural state providing unique recreational opportunities for current and future residents within the neighborhood.

Section 8: Economic Development and Employment

E1 Economic Development Goal: Strengthen and diversify the economy to enhance Salem's economic prosperity and resiliency.

Findings: The Industrial, Industrial Commercial and Mixed-Use designations allow for a variety of commercial and industrial uses to take place and thereby provide diverse opportunities for employment opportunities. The proposal meets this goal.

E2 Land Supply Goal: Maintain an adequate supply of land to meet Salem's economic and employment needs.

Findings: Although the applicant is not proposing any employment designations for the property, the Mixed Use, Industrial Commercial and Industrial designations proposed will allow for economic and employment growth opportunities within the SUA. Specifically, the proposal meets goal E2.5 by providing supportive services and housing opportunities to a major employment center, Mill Creek Corporate Center. Additionally, the proposed location of the Industrial designation meets goal E2.3: Industrial access: Industrial development should be located near rail lines, Interstate 5, or major transportation corridors to facilitate the movement of goods. With the rail abutting this portion of the property along the western boundary, this location is ideal for an Industrial designation. The proposal meets this goal.

E3 Access and Livability Goal: Promote a vibrant economy that increases access to jobs, goods, and services.

Findings: The applicant's proposal is the very definition of a master planned community which will be focused around providing access to jobs, goods, and services. The site, as stated previously, also provides unique recreational opportunities for the neighborhood. With the MU designation, so many uses are possible, and the design standards promote walkable neighborhoods increasing access opportunities and promoting livability within a cultivated live-work community. The proposal meets this goal.

E4 Design Goal: Encourage commercial, mixed-use, and industrial development that creates

safe, sustainable, attractive urban environments.

Findings: This goal will be met and implemented through the application of the MU designation on the property. The design requirements promote walkable, diverse neighborhoods with a variety of allowable uses including employment, commercial, service, and residential promoting the development of a complete, self-sustaining neighborhood.

Salem Economic Opportunities Analysis 2015-2035 (EOA) identified a deficiency of commercial lands and a surplus of industrial lands. The applicant is requesting General Industrial (IG) and Industrial Commercial (IC) zones which allows for some commercial and industrial uses and Mixed Use (MU) which allows for many commercial uses and residential uses. The IC and MU designations would help address the 271-acre deficit of commercial lands throughout the City of Salem.

The proposal meets this goal.

Section 9: Land Use and Urbanization

L1 Urbanization and Growth Management Goal: Manage growth in the Salem Urban Area through cooperative efforts between the City of Salem, Marion and Polk counties, and other jurisdictions to provide area residents with a high quality of life, contain urban development, promote the City's efficient delivery of services, and preserve adjacent agricultural lands.

Findings: The subject property is approximately 390-acres of mostly vacant land within the corporate city limits of Salem and inside the Urban Growth Boundary (UGB). The change in designation would provide the city with additional housing land, and commercial lands which already exist within the UGB. The proposal meets this goal.

L 3 Urban Development Goal: Ensure that future development within the Salem Urban Area is designed to respond to and enhance the surrounding environment, while accommodating growth.

Findings: The applicant's proposal is a direct response to the growing needs of the community for diverse housing types, and employment and recreational opportunities. The proposal will allow for the thoughtful planning of a complete neighborhood that is imagined to be walkable, livable, and lively. The applicant also plans to preserve and potentially enhance some of the natural features of the site including the riparian corridor of Mill Creek and tree groves. The proposal meets this goal.

L 4 Plan Administration Goal: Ensure the Salem Area Comprehensive Plan and its implementation tools advance the community's vision for the future and are consistent with state and federal regulations.

Findings: The applicant has provided responses to applicable statewide planning goals which demonstrates this comprehensive plan goal is met.

L5 Transportation and Land Use Coordination Goal: Coordinate transportation and land use planning efforts to ensure infrastructure improvements support development patterns, land use designations, and densities.

Findings: The applicant has provided a Transportation Planning Rule Analysis with a Traffic Impact Analysis which provides improvements needed to address infrastructure in the area. The applicant has previously received approval for a tentative subdivision and Urban Growth Preliminary declaration, which address future infrastructure required. The proposal meets this goal.

Section 11: Natural Resources and the Environment

N1 Environmental Protection Goal: Protect and enhance the quality and function of Salem’s natural resources, ecosystems, and environment.

Findings: The subject property contains natural resources, including wetlands, riparian areas, habitat, wildlife corridors, and floodplain. According to the Salem Keizer Local Wetland Inventory (LWI) there are wetlands mapped on this property, and the presence of the creek, floodway, and mapped hydric soils indicate that wetlands may be more extensive than shown on the LWI. Mill Creek, which is mapped by the Oregon Department of State Lands as Essential Salmonid Habitat for its role in supporting two Endangered Special Act (ESA) listed fish, winter Steelhead and spring Chinook, runs through the center of the property from south to north.

Providing a broad riparian buffer between the stream and the development area will protect essential habitat and wildlife connectivity through the site. Removal of invasive plants and reestablishment of native riparian vegetation within this buffer will further assist with meeting Salem’s natural resources goals and Statewide Planning Goal 5. The width of the buffer should be no less than 120-feet or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater.

A wetland delineation that has received concurrence from DSL will be submitted prior to issuance of any development permits, as well as any permits obtained for impacts to wetlands within state and federal jurisdiction. A tree preservation plan will be submitted prior to issuance of any development permits, and tree groves and trees within 150 feet of Mill Creek will be prioritized for preservation.

N2 Urban Forest Goal: Preserve, increase, and enhance Salem’s urban forest.

Findings: The City’s tree preservation requirements have recently been increased from 25 percent preservation to 30 percent preservation. Some portions of the development site are heavily treed. The applicant intends, through creative land planning, to meet or exceed the preservation goals while still balancing the need for developing new housing. The proposal meets this goal.

Section 14: Transportation

T4 Local Connectivity Goal: Provide an interconnected local street system that allows for dispersal of traffic, encourages a mix of travel modes, reduces the length of trips, and increases opportunities for people to walk and bike.

Findings: The applicant states that a master plan will include internal connectivity within the development site providing opportunities and encouraging all modes of transportation throughout the development. The proposal meets this goal.

T5 Bicycle System Goal: Accommodate bicyclists of all ages and abilities by providing a well-connected system of on- and off-street bicycle facilities that will encourage increased ridership, safe bicycle travel, and active transportation and will support public health.

Findings: The Bicycle System Element of the City of Salem's Transportation System Plan (TSP) identifies Turner Road and Gath Road are identified as having bicycle facilities. The applicant will be required by SUB-UGA23-07 to provided improvements to the street system abutting the development and within the surrounding areas, which will include improvements for bicycle travel. The proposal meets this goal.

T6 Pedestrian System Goal: Accommodate pedestrians of all ages and abilities by providing a comprehensive system of connecting sidewalks, walkways, trails, and pedestrian crossings that will encourage and increase safe pedestrian travel and active transportation to support public health.

Findings: The applicant is proposing a large portion of the site to be designated as MU. The mixed-use zones include design standards which encourage and require walkable developments. As the site develops, the pedestrian connections will be more complete and complex connecting new buildings, public streets, and recreational areas. The proposal meets this goal.

T7 Transit System Goal: Support a public mass transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation-disadvantaged areas.

Findings: The applicant understands from Cherriots representatives that there is a desire to expand public transit services within the area of the development site. Though transit services are not currently available, the applicant is required to coordinate with Cherriots on future bus stops, by condition 15 of the approved subdivision. The proposal meets this goal.

Section 16: Community Services and Historic Resources

CS 1 Community Spaces and Culture Goal: Foster development of community gathering spaces and other amenities that provide opportunities for people to socialize and celebrate together.

Findings: The applicant indicates that the riparian corridor of Mill Creek will be preserved as a community gathering space which may include additional land enhanced to encourage and allow gathering spaces for the community. The area will specifically meet sub-goal CS 1.13. The proposal meets this goal.

CS 3 Historic Preservation Goal: Identify, protect, and encourage the awareness and sensitive use of historic resources, places, archaeological sites and landscapes that contribute to the unique character and history of Salem.

Findings: The applicant is aware that their property may have several culturally significant areas. Some of those areas, like a cemetery, are known and are planned to be protected. The applicant has held a meeting with the City's Historic Preservation Officer and Archeologist regarding the sensitive areas present on the site. At the advice of experts, the applicant

engaged a private archeologist to provide some feedback on the site and a plan is in place for how to move forward mindfully when it comes time to develop the property. The applicant will be required to comply with all federal, state and local rules regarding historic preservation and archeology. The proposal meets this goal.

Statewide Planning Goals

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

Finding: In addition to holding a required open house, notice of the proposal was 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, 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.*

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

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

Finding: The proposed project is within a known high probability archeological zone and there are multiple known archaeological sites (both historic and precontact) within the project area. The applicant has not yet completed an archaeological survey of the project area, nor have they initiated consultation with the Oregon State Historic Preservation Office (SHPO) or the Tribes demonstrating there will be no adverse effect to archaeological resources as a result of the ground disturbance proposed during redevelopment of the site. The applicant will be required, prior to issuance of any City permits authorizing ground disturbing activity, to provide evidence of completed consultation with the Oregon SHPO and the Tribes and demonstrated compliance with SRC 230.105, Preservation of Archaeological Resources in compliance with Goal 5.

The subject property contains natural resources, including wetlands, riparian areas, habitat, wildlife corridors, and floodplain. According to the Salem Keizer Local Wetland Inventory (LWI) there are wetlands mapped on this property, and the presence of the creek, floodway, and mapped hydric soils indicate that wetlands may be more extensive than shown on the LWI. Mill

Creek, which is mapped by the Oregon Department of State Lands as Essential Salmonid Habitat for its role in supporting two Endangered Special Act (ESA) listed fish, winter Steelhead and spring Chinook, runs through the center of the property from south to north. The property is centrally located within an area designated by the Oregon Conservation Strategy as a Conservation Opportunity Area (Salem Hills-Ankeny NWR, COA 77). In urban areas like this, COAs represent areas where the opportunity to protect and restore wildlife movement across the landscape is highest. While COAs were developed to guide voluntary conservation actions, they are places where broad fish and wildlife conservation goals would best be met, and therefore indicate high habitat value. Further, the recently released Oregon Statewide Priority Wildlife Connectivity Areas (PWCA) map shows two PWCAs intersecting this parcel, meaning that it has potential to serve as a critical habitat connection between greenspaces and areas of natural habitat. PWCAs represent the parts of the landscape with the highest overall value for facilitating wildlife movement; ODFW's recommended conservation actions for the PWCA's on this parcel are to implement measures to protect and rehabilitate habitat damaged by human impacts, including actions to remove and prevent reestablishment of invasive species, removal or modification of barriers to wildlife movement, and promote native ecological communities.

Providing a broad riparian buffer between the stream and the development area will protect essential habitat and wildlife connectivity through the site. Removal of invasive plants and reestablishment of native riparian vegetation within this buffer will further assist with meeting Salem's natural resources goals and Statewide Planning Goal 5. The width of the buffer should be no less than 120-feet or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater. A wetland delineation that has received concurrence from DSL will be submitted prior to issuance of any development permits, as well as any permits obtained for impacts to wetlands within state and federal jurisdiction. A tree preservation plan will be submitted prior to issuance of any development permits, and tree groves and trees within 150 feet of Mill Creek will be prioritized for preservation.

As conditioned below, 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.*

Finding: 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 redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

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

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 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 601 and 809 and are imposed at the time a development application is reviewed.

As discussed above, Mill Creek runs through the center of the property from south to north. The Federal Emergency Management Agency (FEMA) floodplain maps designate “AE” floodway and floodplain on the subject property. The 2019 Mill Creek Basin Plan, adopted as part of the 2020 City of Salem Stormwater Master Plan, provides detailed analysis of the flood impacts of Mill Creek in the City of Salem. Mill Creek is the largest creek basin within the City of Salem and recommended Capital Improvement Projects in the Mill Creek Basin plan acknowledge significant flood risk reduction for the 10-year through 100-year flood events. Projects including protection and creation of flood storage area are critical to reducing the flood hazard impacts.

To further address flood hazard impacts on proposed development in FEMA designated floodplain areas, riparian buffer zones of 170-feet are recommended in the Reasonable and Prudent Analysis Element 2 of the *Oregon Implementation Plan for NFIP-ESA Integration*, October 2021. The City recognizes this is a draft plan for planning purposes and as an interim measure recommends a minimum buffer of 120-feet or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998). However, establishing a wider buffer has the potential to provide conforming widths with the future NFIP policies and local ordinance updates when they are adopted.

A floodway as defined in SRC Chapter 601 is designated along Mill Creek. Subject to the provisions of SRC 601.075(d)(1), encroachments including fill, new construction and other development are prohibited.

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

Finding: The subject property is not within an identified recreation area, and no destination resort is planned for this property. The subject property is a natural area protected under Goal 5, which is addressed above. Therefore, Goal 8 is not applicable to this proposal.

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

Finding: In 2014, the City conducted a study called the Salem Economic Opportunities Analysis (EOA). The EOA examined Salem’s needs for industrial and commercial land through

2035 and concluded that Salem has a projected commercial land shortage. The EOA provides strategies to meet the projected employment land needs in the Salem area. In 2015, the City Council voted to adopt the EOA; the City now uses the EOA and its findings to inform policy decisions, including how to respond to request for rezoning land.

The proposed designation is IND "Industrial" for a very small portion of the north end of the property. Due to the manner in which Mill Creek cuts across the property at the north end, it would be logical and orderly to redesignate the portion of property north of the creek to IND since the abutting properties to the north have the same designation. Additionally, the railroad being close to this area offers a potential benefit to industrial use. The riparian setbacks, natural topography, and the creek itself will buffer the industrial lands from the mixed-use land to the south. The designation of IND will increase employment opportunities of the immediate area again supporting diverse opportunities for residents within the immediate neighborhood. The applicant is also proposing Industrial Commercial - IC for a portion of the property. The IC designation allows small scale manufacturing and industrial uses.

The addition of Industrial (employment land) is a better suited designation than the CSG designation. Similar to two proposed changes addressed above, the use of the property for uses allowed within the Public Service zoning district are limited in nature and now that the State of Oregon no longer owns the property, less likely to implemented. The uses in the PS zone would not be compatible with the two changes above and could have a greater impact to the overall area. The increase in employment land and Industrial inventory is better suited than the current designation.

Enhancements to the creek area for public use may be a possibility allowing the natural resource to be a destination and a feature within the neighborhood. Due to the residential developments across the train tracks and the street to the west, the applicant is proposing IC zoning district which is likely a better suited due to lower impact uses. Another benefit to applying the MU and IC designations on this portion of the site is that it will address some of the needs listed within the City of Salem Economic Opportunities Analysis (EOA). Page 27 of the EOA determines the city will have a demand of 569 gross acres of commercially designated lands by the year 2035 with the inventory at the time the EOA was developed showing a deficit of 271 acres of commercial land.

The addition of employment land and potential multi-family development is a better suited designation than the CSG designation. Similar to the change addressed above, the use of the property for uses allowed within the Public Service zoning district are limited in nature and now that the State of Oregon no longer owns the property, less likely to implemented. The increase in employment land and potential for additional housing is better suited than the current designation.

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

Finding: The proposed tree preservation of the SF area, it is projected, with an average lot size of 7,000 square feet, approximately 270 new lots can be created. This number accommodates the need for new local street and pedestrian networks to serve the new residential area.

Specifically, the Housing Needs Analysis (HNA) found that Salem's portion of the UGB has a projected surplus of 1,975 acres of land designated Single Family Residential (SF) and Developing Residential (DR), which can accommodate 9,131 more units than are projected to be needed through 2035. The current buildable land designated SF and DR has the capacity 17,054 units, which exceeds the projected demand in the HNA of 13,792 units. The need for housing continues to be needed across the State of Oregon, the addition of SF would provide for additional single family and middle housing.

The subject property would add additional capacity to the buildable lands for single family, which will continue to meet the need past 2035. The proposed SF designation better suited than the existing CSG designation since additional housing can be provided in a multitude of forms. The SF designation would allow for single family, two-family, three-family, four-family and cottage cluster development. The increase in housing makes the proposed designation desirable as the City of Salem grows. In addition, since the State of Oregon no longer owns the property, the uses within the CSG designation would be difficult to implement on such a large parcel.

The 153.58-acres proposed to be designated MU "Mixed Use" and 128.30-acres is proposed to be designated IC "Industrial Commercial". Until the adoption of 'Our Salem' Comprehensive Plan, the HNA reflected a deficit of multifamily dwelling units. In addition, the City of Salem Economic Opportunities Analysis (EOA) identifies a deficiency of 'Commercial Lands'. The applicant is proposing to apply the MU designation within the lower portions of the site given the purpose is to promote pedestrian-oriented development which will suit the designated area well. Mill Creek bisects the property north to south with IC proposed on the western bank and MU on the eastern bank. Given the floodway and floodplain areas on this portion of the development site, the desire is to develop a dense and diverse mix of commercial and multiple family uses abutting the streets which are planned to be improved to service levels required to accommodate such development. The dense development abutting the street and future streets will allow the preservation of the riparian corridor along Mill Creek.

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

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

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

Finding: Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to

comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis, dated July 18, 2023 and prepared by DKS Associates, demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 if a trip cap is established for the property. The proposed trip cap is based on reasonable worst-case trip generation of the current PS zoning. Using the reasonable worst-case trip generation estimates for the existing zoning, the recommended trip cap for development on the 390.5-acre site is 1,890 PM peak hour and/or 18,820 daily trips. With this trip cap in place, the zone change complies with Transportation Planning Rule requirements. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 390.5-acre site to 18,820 average daily vehicle trips. As conditioned below, the proposal complies with Goal 12.

Statewide Planning Goal 13 – Energy Conservation: *Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

Finding: Any future 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 subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development are located nearby. Existing transportation and utility infrastructure is available in the vicinity. The request allows for the efficient use and development of property without requiring extension of new public services. The proposed comprehensive plan map amendment will allow the efficient use of urbanized land within the UGB in compliance with Goal 14.

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 Salem Area Comprehensive Plan is consistent with Statewide Planning Goals. The Comprehensive Plan policies have been addressed above, therefore consistent with Statewide Planning Goals.

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

Finding: The proposed change will help to encourage and promote the wider use of an existing property since the State of Oregon no longer owns the subject property. The wider range of uses allowed by the Comprehensive Plan Change and Zone Change will allow for additional housing and commercial development of the property benefiting the public. The proposal satisfies this criterion.

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

7. Quasi-Judicial Zone Change Approval Criteria

The following analysis addresses the proposed zone change for the subject property from to RS “Single Family Residential”, IG “General Industrial”, MU-I “Mixed Use-I” and IC “Industrial Commercial”.

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 zone would be compatible with the vicinity’s development pattern.***
- (iii) A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.***

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

The 89.4-acre portion of the property, east of Turner Road, is proposed to be zoned RS (Single Family Residential). The northwest 18.42-acre portion of the property is proposed to be zoned as IG (General Industrial). 128.30 acres is proposed to be zoned IC (Industrial Commercial). The remainder of the property (153.58 acres) is proposed to be zoned MU-III (Mixed Use-III).

The proposed project is within a known high probability archeological zone and there are multiple known archaeological sites (both historic and precontact) within the project area. The applicant has not yet completed an archaeological survey of the project area, nor have they initiated consultation with the Oregon SHPO or the Tribes demonstrating there will be no adverse effect to archaeological resources as a result of the ground disturbance proposed during redevelopment of the site. Prior to ground disturbing activity, the applicant shall provide evidence of completed consultation with the Oregon SHPO and the Tribes and demonstrated compliance with SRC 230.105, Preservation of Archaeological Resources.

Condition 1: Prior to ground disturbing activity, the applicant shall provide evidence of completed consultation with the Oregon SHPO and the Tribes and demonstrated compliance with SRC 230.105, Preservation of Archaeological Resources.

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 601 and 809 and are imposed at the time a development application is reviewed.

As discussed above, Mill Creek runs through the center of the property from south to north. The Federal Emergency Management Agency (FEMA) floodplain maps designate "AE" floodway and floodplain on the subject property. The 2019 Mill Creek Basin Plan, adopted as part of the 2020 City of Salem Stormwater Master Plan, provides detailed analysis of the flood impacts of Mill Creek in the City of Salem. Mill Creek is the largest creek basin within the City of Salem and recommended Capital Improvement Projects in the Mill Creek Basin plan acknowledge significant flood risk reduction for the 10-year through 100-year flood events. Projects including protection and creation of flood storage area are critical to reducing the flood hazard impacts.

To further address flood hazard impacts on proposed development in FEMA designated floodplain areas, riparian buffer zones of 170-feet are recommended in the Reasonable and Prudent Analysis Element 2 of the *Oregon Implementation Plan for NFIP-ESA Integration*, October 2021. The City recognizes this is a draft plan for planning purposes and as an interim measure recommends a minimum buffer of 120-feet or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998). However, establishing a wider buffer has the potential to provide conforming widths with the future NFIP policies and local ordinance updates when they are adopted.

A floodway as defined in SRC Chapter 601 is designated along Mill Creek. Subject to the provisions of SRC 601.075(d)(1), encroachments including fill, new construction and other development are prohibited.

Based on the preceding analysis, staff recommends the following conditions of approval in order to comply with Statewide Planning Goal 7:

Condition 2: Prior to issuance of any development permits, provide a certification by a registered professional civil engineer demonstrating through hydrologic and hydraulic analysis, that the proposed development shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

The subject property contains natural resources, including wetlands, riparian areas, habitat, wildlife corridors, and floodplain. According to the Salem Keizer Local Wetland Inventory (LWI) there are wetlands mapped on this property, and the presence of the creek, floodway, and mapped hydric soils indicate that wetlands may be more extensive than shown on the LWI. Mill Creek, which is mapped by the Oregon Department of State Lands as Essential Salmonid Habitat for its role in supporting two Endangered Special Act (ESA) listed fish, winter Steelhead and spring Chinook, runs through the center of the property from south to north.

As described above, the property is centrally located within an area designated by the Oregon Conservation Strategy as a Conservation Opportunity Area (Salem Hills-Ankeny NWR, COA 77). In urban areas like this, COAs represent areas where the opportunity to protect and restore wildlife movement across the landscape is highest. While COAs were developed to guide voluntary conservation actions, they are places where broad fish and wildlife conservation goals would best be met, and therefore indicate high habitat value. Further, the recently released Oregon Statewide Priority Wildlife Connectivity Areas (PWCA) map shows two PWCAs intersecting this parcel, meaning that it has potential to serve as a critical habitat connection between greenspaces and areas of natural habitat. PWCAs represent the parts of the landscape with the highest overall value for facilitating wildlife movement; ODFW's recommended conservation actions for the PWCA's on this parcel are to implement measures to protect and rehabilitate habitat damaged by human impacts, including actions to remove and prevent reestablishment of invasive species, removal or modification of barriers to wildlife movement, and promote native ecological communities.

Providing a broad riparian buffer between the stream and the development area will protect essential habitat and wildlife connectivity through the site. Removal of invasive plants and reestablishment of native riparian vegetation within this buffer will further assist with meeting Salem's natural resources goals and Statewide Planning Goal 5. The width of the buffer should be no less than 120-feet or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater. A wetland delineation that has received concurrence from DSL will be submitted prior to issuance of any development permits, as well as any permits obtained for impacts to wetlands within state and federal jurisdiction. Tree groves and trees within 150 feet of Mill Creek should be prioritized for preservation. Prior to development, the property owner will consult with the City Historic Preservation Program Manager.

Based on the preceding analysis, the following conditions of approval are recommended in order to comply with Statewide Planning Goal 5:

- Condition 3:** A wetland delineation with Oregon Department of State Lands (DSL) concurrence shall be submitted to the City prior to issuance of any development permits.
- Condition 4:** Prior to issuance of any development permits, the applicant shall establish a Riparian Corridor Buffer along Mill Creek based on a site-specific assessment using the Oregon Department of State Land's (DSL) Urban Riparian Inventory and Assessment Guide methodology. This study shall be conducted by a qualified wetland/biological consultant. The width of the buffer should be no less than 120-feet from top of bank or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater.
- Condition 5:** No development activity, other than land divisions and reconfigurations, is permitted in the established Riparian Corridor Buffer along Mill Creek, except restoration as defined in SRC Chapter 808 and installation of soft surface trails consistent with the Comprehensive Park System Master Plan.
- Condition 5:** No tree or vegetation removal, without an approved Tree removal Permit under SRC 808, within the established Riparian Corridor Buffer.

The proposal, as conditioned, will provide for a better suited zoning districts than the existing zone while providing housing and services to the area, including Mill Creek Corporate Center. Findings addressing the minor comprehensive plan map criterion SRC 64.025(e)(2)(A), included above in this report.

The proposal meets this criterion.

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

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

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

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

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

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

proposal satisfies this criterion.

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

Finding: The property currently has a community service-government comprehensive plan map designation, which is not an industrial designation. The proposal does not include a change from an industrial designation to a non-industrial designation, therefore this criterion is not applicable.

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

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis, dated July 18, 2023 and prepared by DKS Associates, demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 if a trip cap is established for the property. The proposed trip cap is based on reasonable worst-case trip generation of the current PS zoning. Using the reasonable worst-case trip generation estimates for the existing zoning, the recommended trip cap for development on the 390.5-acre site is 1,890 PM peak hour and/or 18,820 daily trips. With this trip cap in place, the zone change complies with Transportation Planning Rule requirements. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 390.5-acre site to 18,820 average daily vehicle trips.

Condition 7: The transportation impacts from the 390.5-acre site shall be limited to a maximum cumulative total of 1,890 PM peak hour and/or 18,820 daily trips.

As conditioned, the proposal meets this criterion.

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included above in this report, address the public facilities and services available to support residential uses allowed on the subject property as a result of the proposed zone change. The proposal satisfies this criterion.

CONCLUSION

Based on the facts and findings presented herein, Staff concludes the proposed Minor

Comprehensive Plan Map Amendment and Zone Change, for property located on the 5465 Turner Rd SE (Marion County Assessor's Map and Tax Lot Numbers: 082W17 / 400), satisfy the applicable criteria contained under SRC 64.025(e)(2) and SRC 265.005(e)(1) for approval.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject property that is approximately 400 acres in size and located at 5465 Turner Rd SE (Marion County Assessor's Map and Tax Lot Numbers: 082W17 / 400):

- A. APPROVE Minor Comprehensive Plan Map Amendment from Amendment from "Community Service - Government" to "Single Family Residential", "Industrial Commercial", "Industrial" and "Mixed Use"; and
- B. APPROVE Zone Change from PS (Public Safety) to RS (Single Family Residential), MU-I (Mixed Use – I), IC (Industrial Commercial) and IG (General Industrial) subject to the following conditions of approval:

- Condition 1:** Prior to ground disturbing activity, the applicant shall provide evidence of completed consultation with the Oregon SHPO and the Tribes and demonstrated compliance with SRC 230.105, Preservation of Archaeological Resources.
- Condition 2:** Prior to issuance of any development permits, provide a certification by a registered professional civil engineer demonstrating through hydrologic and hydraulic analysis, that the proposed development shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.
- Condition 3:** A wetland delineation with Oregon Department of State Lands (DSL) concurrence shall be submitted to the City prior to issuance of any development permits.
- Condition 4:** Prior to issuance of any development permits, the applicant shall establish a Riparian Corridor Buffer along Mill Creek based on a site-specific assessment using the Oregon Department of State Land's (DSL) Urban Riparian Inventory and Assessment Guide methodology. This study shall be conducted by a qualified wetland/biological consultant. The width of the buffer should be no less than 120-feet from top of bank or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater.
- Condition 5:** No development activity, other than land divisions and reconfigurations, is permitted in the established Riparian Corridor Buffer along Mill Creek, except restoration as defined in SRC Chapter 808 and installation of soft surface trails consistent with the Comprehensive Park System Master Plan.

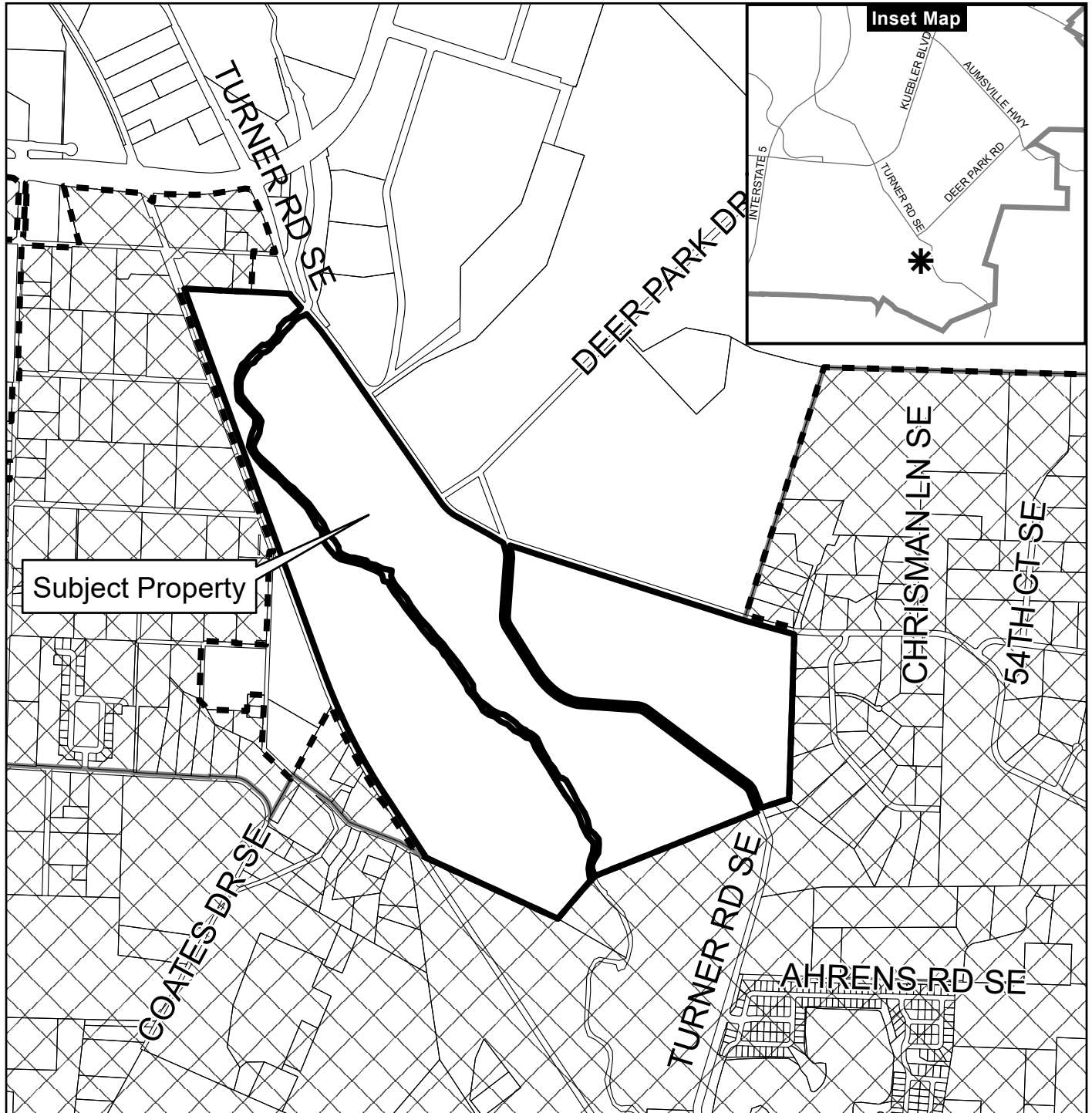
- Condition 6:** No tree or vegetation removal, without an approved Tree removal Permit under SRC 808, within the established Riparian Corridor Buffer.
- Condition 7:** The transportation impacts from the 390.5-acre site shall be limited to a maximum cumulative total of 1,890 PM peak hour and/or 18,820 daily trips.

Attachments:

- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Open House Materials
- C. Salem-Keizer School District Comments
- D. Memo from Public Works

Prepared by Olivia Dias, Current Planning Manager








Vicinity Map 5465 Turner Road SE



Subject Property

Inset Map

Legend

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

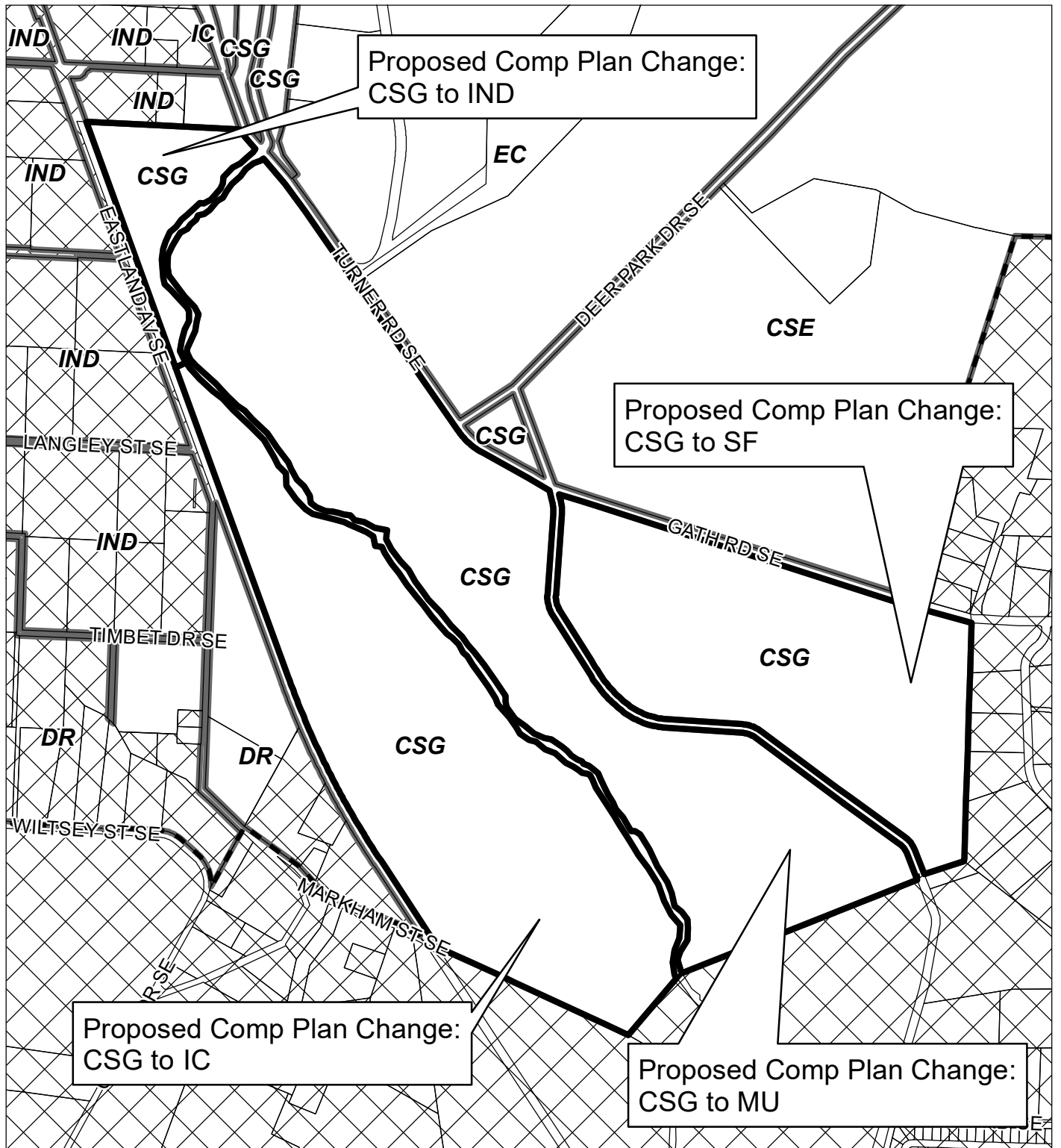
CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

010000 400 Feet



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Proposed Comprehensive Plan Change - 5465 Turner Road SE



Legend

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

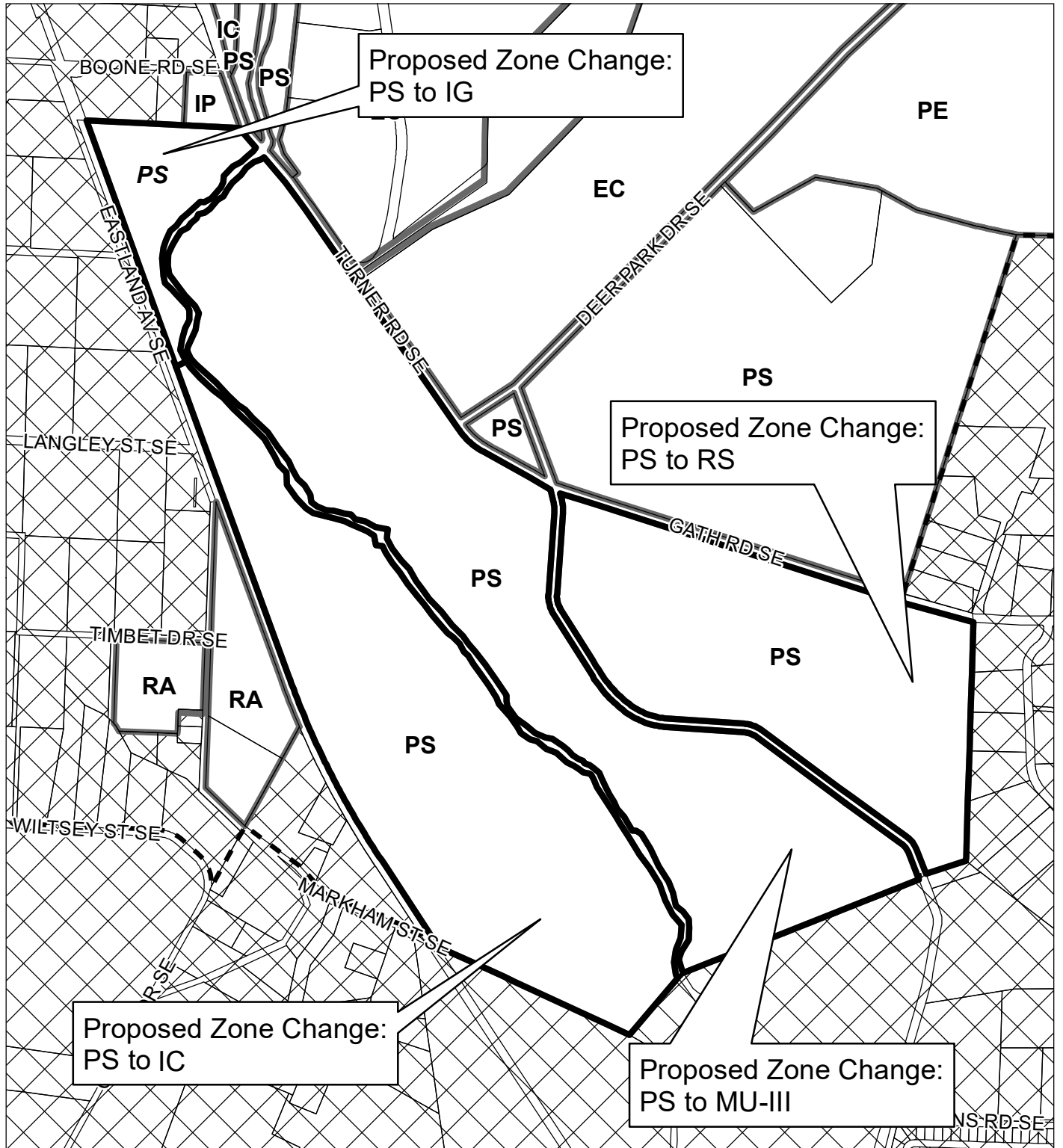
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CITY OF *Salem*
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Community Development Dept.

Proposed Zone Change - 5465 Turner Road SE



Legend

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

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0 250 500 1,000 Feet



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

Notice of an Open House

To discuss the following land use applications for 5465 Turner Road SE Salem, OR:

1. Comprehensive Plan Amendments; and
2. Zone Changes from PS to RS, MUI, MUIII, and IG

Meeting Location:

Tradition Real Estate Partners Headquarters

4880 Turner Road SE Salem, OR 97317

Meeting Date and Time:

Thursday, October 13, 2022, at 5:30 PM PST

For additional information please contact BRAND Land Use, LLC

503-680-0949 or Britany@brandlanduse.com

CLUTCH
INDUSTRIES INC.
CONSTRUCTION. INVESTMENT. MANAGEMENT

10.13 Turner Rd open house
Clutch Industries

Turner Road Open House Sign In Sheet – This sign in sheet is a requirement of Salem Revised Code (SRC) Chapter 300. Please sign in and provide all requested information.

NAME	ADDRESS	PHONE NUMBER	EMAIL ADDRESS
Debra Vick	6035 Barcelona Dr. SE	503-586-8348	drick5a@gmail.com
Ann + Barry Nathan	5925 Barcelona Dr SE	503-871-8213	barnathan52@gmail.com
Brody Victor	6006 Barcelona Dr SE	971-304-6595	jpn1524@msn.com
Greg + Esther Miles	5405 Veneta	503-370-7047	greg.miles423@gmail.com
Carl Mucken	5057 Barcelona Ct SE	503-910-1015	muckens5@gmail.com
Olivia Dix			ocoxl@gnulinux.org
Taryn Beeman	5583 54th Ct SE	971-209-8979	tarynvoorhis@gmail.com
SEAN STEELE	5520 STEELE LN SE	503 881 9830	SEAN.CHEERYCIT110.COM
Chuck Merriman	5775 Barcelona	503-409-2029	chasmerriman5@gmail.com
STEPHAN OWENS	5095 Barcelona Dr SE	5038847137	stephen@legacycrafts.com
Kelly Brent Kibbey	5495 Val View Dr SE Tigard, OR	503 510 6796	Kellykibbey52@gmail.com
Nicola Traudt	5593 Jennings Ln SE Silver	425-279-6067	nictowers3@gmail.com
Mat Israel	5530 Steele Ln SE	503 930 5081	mszdisrael@yahoo.com
Leah Prine	5077 Barcelona Ct SE	971.835.1551	leahprine@yahoo.com
Mike + Kat Saurini	5451 Lucy Ct SE Turner	503.999.1320	Katsaurini@gmail.com



Business & Support Services
 2450 Lancaster Drive NE • PO Box 12024 • Salem, Oregon 97309
 503-399-3036 • FAX: 503-399-3407

Andrea Castañeda, Superintendent

November 8, 2023

Olivia Dias, Planner
 Planning Division, City of Salem
 555 Liberty Street SE, Room 305
 Salem OR 97301

RE: Land Use Activity Case No. CPC-ZC23-02, 5465 Turner Rd. SE

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

IDENTIFICATION OF SCHOOLS SERVING THE SUBJECT PROPERTY

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

School Name	School Type	Grades Served
Lee	Elementary	K thru 5
Judson	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
Lee	Elementary	298	475	63%
Judson	Middle	755	1,059	71%
South Salem	High	2,275	2,248	101%

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	1,530 / 25	MF / SF	0.164 / 0.168	251 / 4
Middle			0.085 / 0.098	130 / 2
High			0.096 / 0.144	147 / 4

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
Lee	Elem.	298	107	251 / 4	362	475	116%
Judson	Mid.	755	130	130 / 2	262	1,059	96%
South Salem	High	2,275	153	147 / 4	304	2,248	115%

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
Lee	Elementary	Eligible for School Transportation
Judson	Middle	Eligible for School Transportation
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	251 / 4	\$83,655	\$21,332,025
Middle	130 / 2	\$101,069	\$13,341,108
High	147 / 4	\$118,482	\$17,890,782
TOTAL			\$52,563,915

Table 6

*Estimates based on average of Indicative Construction Costs from “RLB Construction Cost Report North America Q3 2023”

NOTE: Proposed zone change PS to RS area, has approximately 5 acres located inside of the Salem-Keizer School District with the remainder located outside of the Salem-Keizer School District boundary. Within the school district boundary we assumed 5 single family dwelling units per acre. Proposed zone change PS to MU-III has approximately 102 acres located inside of the Salem-Keizer School District with the remainder located outside of the Salem-Keizer School District boundary. Within the school district boundary, we assumed 15 multi-family dwelling units per acre.

Sincerely,


David Fridenmaker
Business and Support Services

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



MEMO

TO: Olivia Dias, Current Planning Manager
Community Development Department

FROM: Laurel Christian, Planner II
Public Works Department 

DATE: November 13, 2023

**SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC-ZC-23-02 (22-124542-PLN)
5465 TURNER ROAD SE
CPC/ZC**

PROPOSAL

A consolidated Minor Comprehensive Plan Map Amendment from "Community Service - Government" to "Single Family Residential", "Industrial" and "Mixed Use" and Zone Change from PS (Public Safety) to RS (Single Family Residential), MU-I (Mixed Use-I), MU-III (Mixed Use-III) and IG (General Industrial) for subject property approximately 400 acres in size and located 5465 Turner Road SE (Marion County Assessor Map and Tax Lot Numbers: 082W17 / 400).

RECOMMENDED CONDITIONS OF APPROVAL

1. The transportation impacts from the 390.5-acre site shall be limited to a maximum cumulative total of 1,890 PM peak hour and/or 18,820 daily trips.
2. A wetland delineation with Oregon Department of State Lands (DSL) concurrence shall be submitted to the City prior to issuance of any development permits.
3. Prior to issuance of any development permits, the applicant shall establish a riparian corridor buffer along Mill Creek based on a site-specific assessment using the Oregon Department of State Land's (DSL) Urban Riparian Inventory and Assessment Guide methodology. This study shall be conducted by a qualified wetland/biological consultant. The width of the buffer should be no less than 120-feet from top of bank or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater.
4. No tree or vegetation removal, without an approved Tree removal Permit under SRC 808, within the established Riparian Corridor Buffer.

5. No development activity other than land division and reconfiguration is permitted in the established riparian corridor along Mill Creek except restoration as defined in SRC Chapter 808 and installation of soft surface trails consistent with the Comprehensive Park System Master Plan.
6. Prior to issuance of any development permits, provide a certification by a registered professional civil engineer demonstrating through hydrologic and hydraulic analysis, that the proposed development shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

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 with the recommended trip cap.

Urban Growth Area Development Permit

The subject property is located outside of the Urban Service Area. If the applicant proposes to develop the property as defined in SRC 200.005, an Urban Growth Area (UGA) Development Permit is required (SRC 200.010(c)). A UGA development permit requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200.

Urban Growth Area Development Preliminary Declaration SUB-UGA23-07 was issued on July 11, 2023, establishing requirements for development of the subject property.

Streets

1. Turner Road SE
 - a. Standard—This street is designated as a minor arterial street in the Salem TSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

- b. Existing Condition—This street has an approximate 26-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

2. Gath Road SE

- a. Standard—This street is designated as a collector street in the Salem TSP. The standard for this street classification is a 34-to-40-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Condition—This street has an approximate 20-foot improvement within a 60-foot-wide right-of-way abutting the subject property.

Water

1. Existing Conditions

- a. The subject property is located within the S-1, S-2, and (T+) water service level.
- b. An 18-inch S-1 water main is located in Turner Road SE and extends along the property's frontage from the Mill Creek Bridge to the intersection of Turner Road SE and Deer Park Drive SE.
- c. There are multiple city-owned water mains on the property within easements:
 - i. A 48-inch G-0 transmission main.
 - ii. A 12-inch S-1 main.
 - iii. An 18-inch S-1 main.
- d. The Deer Park Water Pump Station is located on the property in an easement.

Sanitary Sewer

1. Existing Conditions

- a. An 18-inch sewer main is located at the intersection of Turner Road SE and Logistics Street SE.
- b. A 14-inch sewer trunk main is located on the property in an easement.

Storm Drainage

1. Existing Conditions

- a. A 12-inch-to-18-inch storm main is located in Turner Road SE along the property frontage from the Mill Creek Bridge to approximately 850-feet northwest of the intersection of Turner Road SE and Deer Park Drive SE.

Parks

The proposed development is not served by a park; there are no City of Salem parks within one-half-mile walking distance of the property. The *Salem Parks System Master Plan* provides the outline for facilities adequate to serve the proposed zone. The Urban Growth Area Development Preliminary Declaration SUB-UGA23-07, for the subject property, establishes a requirement to dedicate a park on the property to serve future development in the area.

Natural Resources

1. Wetlands and Waterways

- a. The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property.
- b. Mill Creek runs through the center of the property from south to north.

2. Floodplain—An existing “AE” floodplain and floodway is located on the subject property as designated on the Federal Emergency Management Agency (FEMA) floodplain maps. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601.

3. Landslide Hazards—City records show there may be category 2-to-3-point landslide hazard areas mapped on the subject property.

CRITERIA AND FINDINGS

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

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis, dated July 18, 2023, and prepared by DKS Associates, demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 if a trip cap is established for the property. The proposed trip cap is based on

reasonable worst-case trip generation of the current PS zoning. Using the reasonable worst-case trip generation estimates for the existing zoning, the recommended trip cap for development on the 390.5-acre site is 1,890 PM peak hour and/or 18,820 daily trips. With this trip cap in place, the zone change complies with Transportation Planning Rule requirements. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 390.5-acre site to 18,820 average daily vehicle trips.

Condition: The transportation impacts from the 390.5-acre site shall be limited to a maximum cumulative total of 1,890 PM peak hour and/or 18,820 daily trips.

Criteria: SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation.

Finding: The subject property is capable of being served through extension of public water, sewer, and storm to the boundary of the property as specified in existing infrastructure master plans. An Urban Growth Area Development Preliminary Declaration SUB-UGA23-07 was issued on July 11, 2023, establishing requirements for development of the subject property. At the time of future development, site specific street and infrastructure requirements will be established.

Criteria: 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: The Salem Area Comprehensive Plan and Statewide Planning goals applicable to Public Works review are addressed as follows:

Natural Resources

N 1.1: Natural resource protection: *The quality and function of natural resources in the Salem Urban Area shall be protected, including wetlands, waterways, floodplains, and critical habitat.*

N 1.4 Riparian areas: *Protections for trees and native vegetation in riparian corridors shall be increased, and efforts to restore degraded riparian corridors should be supported.*

N 1.11 Habitat protection: *Habitat areas for native and non-invasive naturalized plants and wildlife that live and move through Salem should be protected.*

N 1.12 Habitat connectivity: *The City should identify and enhance critical*

connections between greenspaces and areas of natural habitat.

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

Finding: The subject property contains natural resources, including wetlands, riparian areas, habitat, wildlife corridors, and floodplain. According to the Salem Keizer Local Wetland Inventory (LWI) there are wetlands mapped on this property, and the presence of the creek, floodway, and mapped hydric soils indicate that wetlands may be more extensive than shown on the LWI. Mill Creek, which is mapped by the Oregon Department of State Lands as Essential Salmonid Habitat for its role in supporting two Endangered Special Act (ESA) listed fish, winter Steelhead and spring Chinook, runs through the center of the property from south to north. The property is centrally located within an area designated by the Oregon Conservation Strategy as a Conservation Opportunity Area (Salem Hills-Ankeny NWR, COA 77). In urban areas like this, COAs represent areas where the opportunity to protect and restore wildlife movement across the landscape is highest. While COAs were developed to guide voluntary conservation actions, they are places where broad fish and wildlife conservation goals would best be met, and therefore indicate high habitat value. Further, the recently released Oregon Statewide Priority Wildlife Connectivity Areas (PWCA) map shows two PWCA's intersecting this parcel, meaning that it has potential to serve as a critical habitat connection between greenspaces and areas of natural habitat. PWCA's represent the parts of the landscape with the highest overall value for facilitating wildlife movement; ODFW's recommended conservation actions for the PWCA's on this parcel are to implement measures to protect and rehabilitate habitat damaged by human impacts, including actions to remove and prevent reestablishment of invasive species, removal or modification of barriers to wildlife movement, and promote native ecological communities.

Providing a broad riparian buffer between the stream and the development area will protect essential habitat and wildlife connectivity through the site. Removal of invasive plants and reestablishment of native riparian vegetation within this buffer will further assist with meeting Salem's natural resources goals and Statewide Planning Goal 5. The width of the buffer should be no less than 120-feet or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater. A wetland delineation that has received concurrence from DSL will be submitted prior to issuance of any development permits, as well as any permits obtained for impacts to wetlands within state and federal jurisdiction. A tree preservation plan will be submitted prior to issuance of any development permits, and tree groves and trees within 150 feet of Mill Creek will be prioritized for preservation. Prior to development, the property owner will consult with the City Historic Preservation Program Manager.

Based on the preceding analysis, staff recommends the following conditions of approval in order to comply with Statewide Planning Goal 5:

Condition: A wetland delineation with Oregon Department of State Lands (DSL) concurrence shall be submitted to the City prior to issuance of any development permits.

Condition: Prior to issuance of any development permits, the applicant shall establish a riparian corridor buffer along Mill Creek based on a site-specific assessment using the Oregon Department of State Land's (DSL) Urban Riparian Inventory and Assessment Guide methodology. This study shall be conducted by a qualified wetland/biological consultant. The width of the buffer should be no less than 120-feet from top of bank or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998), whichever is greater.

Condition: No tree or vegetation removal, without an approved Tree removal Permit under SRC 808, within the established Riparian Corridor Buffer.

Condition: No development activity other than land division and reconfiguration is permitted in the established riparian corridor buffer along Mill Creek except restoration as defined in SRC Chapter 808 and installation of soft surface trails consistent with the Comprehensive Park System Master Plan.

Floodplain Development

CC 2.4 Development in floodplains: *Development in floodplains shall be regulated to minimize negative impacts on natural resources and potential danger to life and property.*

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

Finding: 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 601 and 809 and are imposed at the time a development application is reviewed.

As discussed above, Mill Creek runs through the center of the property from south to north. The Federal Emergency Management Agency (FEMA) floodplain maps designate "AE" floodway and floodplain on the subject property. The 2019 Mill Creek Basin Plan, adopted as part of the 2020 City of Salem Stormwater Master Plan, provides detailed analysis of the flood impacts of Mill Creek in the City of Salem. Mill Creek is the largest

creek basin within the City of Salem and recommended Capital Improvement Projects in the Mill Creek Basin plan acknowledge significant flood risk reduction for the 10-year through 100-year flood events. Projects including protection and creation of flood storage area are critical to reducing the flood hazard impacts.

To further address flood hazard impacts on proposed development in FEMA designated floodplain areas, riparian buffer zones of 170-feet are recommended in the Reasonable and Prudent Analysis Element 2 of the *Oregon Implementation Plan for NFIP-ESA Integration*, October 2021. The City recognizes this is a draft plan for planning purposes and as an interim measure recommends a minimum buffer of 120-feet or a distance established by a qualified biological consultant utilizing the Urban Riparian Inventory and Assessment Guide (DSL 1998). However, establishing a wider buffer has the potential to provide conforming widths with the future NFIP policies and local ordinance updates when they are adopted.

A floodway as defined in SRC Chapter 601 is designated along Mill Creek. Subject to the provisions of SRC 601.075(d)(1), encroachments including fill, new construction and other development are prohibited.

Based on the preceding analysis, staff recommends the following conditions of approval in order to comply with Statewide Planning Goal 7:

Condition: Prior to issuance of any development permits, provide a certification by a registered professional civil engineer demonstrating through hydrologic and hydraulic analysis, that the proposed development shall not result in any increase in flood levels within the community during the occurrence of the base flood discharge.

Infrastructure

PF 2 Service Provision and Development Goal: *Provide an orderly and efficient system of public facilities and services to serve existing and future development.*

L5 Transportation and Land Use Coordination Goal: *Coordinate transportation and land use planning efforts to ensure infrastructure improvements support development patterns, land use designations, and densities.*

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

Finding: The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an USA boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in

the adopted Capital Improvement Plan. The Subject Property is located outside the boundary of the USA.

The subject property is capable of being served through extension of public water, sewer, and storm to the boundary of the property as specified in existing infrastructure master plans. An Urban Growth Area Development Preliminary Declaration SUB-UGA23-07 was issued on July 11, 2023, establishing requirements for development of the subject property. At the time of future development, site specific street and infrastructure requirements will be established.

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

Finding: The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis, dated July 18, 2023, and prepared by DKS Associates, demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060 if a trip cap is established for the property. The proposed trip cap is based on reasonable worst-case trip generation of the current PS zoning. Using the reasonable worst-case trip generation estimates for the existing zoning, the recommended trip cap for development on the 390.5-acre site is 1,890 PM peak hour and/or 18,820 daily trips. With this trip cap in place, the zone change complies with Transportation Planning Rule requirements. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 390.5-acre site to 18,820 average daily vehicle trips.

Condition: The transportation impacts from the 390.5-acre site shall be limited to a maximum cumulative total of 1,890 PM peak hour and/or 18,820 daily trips

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