

TO: Hearings Officer

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

STAFF: Steven McAtee, Planner II

HEARING DATE: January 13, 2021

APPLICATION: Quasi-Judicial Zone Change Case No. 20-01

LOCATION: 466 Richmond Avenue SE – 97301 – see Attachment A

SIZE: Approximately 2.38 acres

REQUEST: An application for a Quasi-Judicial Zone Change for portion of subject property from PA (Public Amusement) to PE (Public and Private Educational Services), for the Richmond Elementary School property approximately 2.38 acres in size, is split-zoned PA (Public Amusement) and PE (Public and Private Educational Services), and located at 466 Richmond Avenue SE - 97301

APPLICANT/OWNER: Joel Smallwood, Salem Keizer School District

REPRESENTATIVE: Mark Shipman, Saalfeld Griggs Lawyers

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

RECOMMENDATION: **APPROVE** Zone Change from PA (Public Amusement) to PE (Public and Private Educational Services)

BACKGROUND

On November 4, 2020 a zone change application was filed for the subject property by Mark Shipman, Saalfeld Griggs Lawyers, on behalf of the applicant and property owners, Salem Keizer School District, represented by Joel Smallwood. The application was deemed complete for processing on December 9, 2020.

The public hearing before the City of Salem Hearings Officer is scheduled for January 13, 2021, at 5:30 p.m. Notice of public hearing was sent by mail to surrounding property owners and tenants, pursuant to Salem Revised Code (SRC) requirements, on December 24, 2020. Public hearing notice was also posted on the property on December 30, 2020, pursuant to SRC requirements.

The state-mandated 120-deadline to issue a final local decision for this case is April 8, 2021.

PROPOSAL

The subject property is split zoned PA (Public Amusement) and PE (Public and Private Educational Services). The applicant has submitted a zone change application requesting to change the PA zoning designation to PE, resulting in the entire property being zoned PE. The subject property is approximately 2.38 acres in size and is the site of Richmond Elementary School.

SUMMARY OF RECORD

The following items are submitted to the record and are available upon request: All materials submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, and stormwater reports; any materials and comments from public agencies, City Departments, Neighborhood Associations, and the public; and all documents referenced in this report.

APPLICANT'S STATEMENT

A request for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted a written statement, which is included in its entirety as **Attachment C** in this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the subject property as "Community Service Education." The Salem Comprehensive Policies Plan describes the predominant use in the Community Service Education designation as educational. This designation includes public and private educational facilities (schools), outpatient medical offices, recreational and community services, and social services.

Because the proposed PE (Public and Private Educational Services) zoning is consistent with the "Community Service Education" Comprehensive Plan designation, a concurrent Comprehensive Plan Map Amendment is not required.

The Comprehensive Plan designations of surrounding properties include:

North:	Across Mill Street SE, "Single Family Residential"
South:	Across Simpson Street SE, "Multiple Family Residential"
East:	"Community Service Education." Across 24th Street SE, "Single Family Residential"
West:	Across Richmond Avenue SE, "Single Family Residential"

The property is within the Urban Service Area.

2. Zoning of Surrounding Properties

The subject site is split zoned PA (Public Amusement) and PE (Public and Private Educational Services).

The zoning of surrounding properties is described as follows:

North: Across Mill Street SE, RS (Single Family Residential)
South: Across Simpson Street SE, RM-II (Multiple Family Residential)
East: PA (Public Amusement); Across 24th Street SE, RS (Single Family Residential)
West: Across Richmond Avenue SE, RS (Single Family Residential)

3. Neighborhood and Citizen Comments

The subject property is located within the boundaries of the Southeast Salem Neighborhood Association (SESNA). Notification was sent on December 24, 2020 to the neighborhood association and surrounding property owners within 250 feet of the property. At the time of writing this staff report, a letter demonstrating support of the zone change was received from SESNA. No comments were received from adjacent property owners, and the property is not within a Homeowner's Association.

4. City Department and Public Agency Comments

The Public Works Department has reviewed the proposal and indicated they have no concerns with the zone change request.

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

The Fire Department reviewed the proposal and indicated no concerns with the zone change but will have comments on items such as Fire Department access and water supply at the time of site plan review and building permit plan review.

5. Public Agency and Private Service Provider Comments

At the time of writing this staff report, no comments were received from any public agencies or private service providers.

6. Criteria for Granting a Quasi-Judicial Zone Change

The following analysis addresses the proposed zone change for the portion of the subject property currently zoned PA (Public Amusement) and proposed to be changed to PE (Public and Private Educational Services).

SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various

factors set forth below will depend on the degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

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

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

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

Finding: The applicant does not identify a mistake in the application of a land use designation to the property

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

Finding: The applicant does not identify a change in the economic, demographic, or physical character of the vicinity.

(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.

Applicant Response: The PE zoning is equally or better suited for the subject property. The PE zone is the implementing zone for the "Community Service Education" designation of the SACP, which is designed to provide sites and facilities that provide services to the general population including health, education, and government services. The PA zone is the implementing zone for the "Parks, Open Space, and Outdoor Recreation" designation of the SACP which is designed to provide a variety of types of "outdoor open space," including open space designed to serve schools. The existing school (Basic Education) was constructed on the subject property but is not a permitted use in the PA zone. However, Basic Education uses are a permitted use in the PE zone. The proposed zone change will allow for the Basic Education use, while providing unified zoning for the subject property that properly reflects the school and the proposed development on the subject property. Since the zone change will bring the zoning and the comprehensive plan in to consistency, the proposed zone change is equally or better suited for the subject property.

Finding: Staff concurs that the proposed change from PA (Public Amusement) to PE (Public and Private Educational Services), is equally or better suited for the subject property. The portion of the subject property that is zoned PA is in conflict with the Salem Area Comprehensive Plan (SACP) designation of "Community Service Education." The remainder of the subject property is zoned PE and is consistent with the SACP. Basic education is not a permitted use in the PA zone, which is a zone

intended for parks, open space and outdoor or indoor recreation uses. The subject property is developed with an elementary school, and, while elementary schools provide a public service to the community, and the school allows limited public access to playground facilities, the overarching use of the property is not intended to be used for open space and outdoor or indoor recreation uses by the general public. Adjacent to the subject property is Richmond School Park, which is open to the public and in line with the permitted uses of the PA zone. Additionally, because the basic education use is not permitted in the PA zone, future development of the subject property is limited. 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. Therefore, this criterion does not apply.

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

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

Salem Urban Area Goals and Policies, Transportation Goal (Page 40, Salem Comprehensive Policies Plan):

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

J. TRANSPORTATION

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

Finding: The subject property has frontages along 24th Street SE to the east, Mill Street SE to the north, Richmond Avenue SE to the west, and Simpson Street SE to the south. All four streets are classified as local streets, including 24th Street SE which terminates at Richmond School Park in a cul-de-sac. The site is served by pedestrian sidewalks and bike lanes. The proposal does not include generating an increase in the number of daily trips to the site. The proposed zone change is consistent with this goal of the Salem Area Comprehensive Plan.

Salem Urban Area Goals and Policies, Open Space, Parks and Recreation Goal (Page 44, Salem Comprehensive Policies Plan):

K. OPEN SPACE, PARKS AND RECREATION

GOAL: To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities.

K.3: The site selection criteria used to evaluate and select new park sites shall include the location of complementary public facilities such as school sites.

Finding: The northern portion of the subject property is zoned PE and the southern portion is zoned PA. The entirety of the site is a Basic Education use, and Richmond Elementary School has existed since 1912. Basic Education is a permitted use in the PE zone, but is not a permitted use in the PA zone. The applicant is proposing to change the PA portion of the site to PE to have a consistent zoning designation throughout the site, and to have one that supports the SACP and the Basic Education use. Adjacent to and abutting the site is Richmond School Park, which serves the greater community by providing space for outdoor recreation. This zone change proposal has no impact on the adjacent public park, which is a separate property. Being adjacent to each other, the two uses complement each other, and meet the intent of this policy. Additionally, the school permits public use of playground facilities on the subject property outside of school hours. Staff finds that the existence of the adjacent public park, and the availability of off-hour school playground use meets the Open Space, Parks and Recreation goals of the Salem Comprehensive Policies Plan.

Salem Urban Area Goals and Policies, School Location and Development Goal (Page 44, Salem Comprehensive Policies Plan):

L. SCHOOL LOCATION AND DEVELOPMENT

GOAL: To ensure that the coordination of planning, siting, development of schools is consistent with the Salem Area Comprehensive Plan.

Finding: The proposal is not for a new school, but instead to provide the correct zoning designation for the existing school. The proposed development, to be reviewed at the time of site plan review, is to replace two existing modular classroom buildings, upgrade a security vestibule, and to improve utility connections. The proposed zone change would remedy the split zoned Richmond Elementary School property and result in the entire property to be zoned PE, which is consistent with the SACP designation of Community Service Education. The proposed zone change is consistent with this goal.

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

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

Development Compatibility C.4

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

Finding: The subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

Salem Urban Area Goals and Policies, Growth Management Goal (Page 27, Salem Comprehensive Policies Plan):

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

Infill on Facilities D.9

New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

Finding: The subject property is located within the Urban Service Area. Development of the proposed site does not require the extension or development of new public services. City services, including water, sewer, streets and storm drainage are available to serve the subject property. The proposal is consistent with this policy.

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

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

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

Staff Response: Prior to submitting the zone change application to the City of Salem, the applicant contacted the Southeast Salem Neighborhood Association, pursuant to SRC 300, to apprise them of the zone change request. A public hearing notice was mailed to the affected property owners, all property owners and tenants within 250 feet of the subject property, and to the Southeast Salem Neighborhood Association. The property is not located within a Homeowner's Association. This satisfies Citizen Involvement described in Goal 1.

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

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

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

Staff Response: There are no known scenic, historic, natural, or cultural resources on the subject property. Through a future application for site plan review, the application will be reviewed for compliance with the City's tree preservation ordinance, historic preservation ordinance, and applicable wetland standards. Staff finds that the proposal is consistent with Goal 5.

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

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

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

Staff Response: There are portions of the subject property that are within the FEMA 500-year flood zone. There are portions of the existing structures that are currently within the flood zone, including the area in which the proposed replacement of modular classroom buildings is located. The subject property has a small portion of mapped landslide hazard on the southern property boundary. There is no existing or proposed development within this mapped landslide hazard. All future development will be required to meet applicable standards for floodplain and landslide hazards. This zone change proposal is consistent with Goal 7.

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

Staff Response: The subject property is abutting Richmond School Park, a public city park. The school district property includes a portion of the property zoned as PA (Public Amusement), which is not consistent with the "Community Services Education" SACP designation of the property. The proposed application would change this portion of the school district property to PE (Public and Private Educational Services) which is consistent with the existing use of the subject property. The proposed zone change will have no impact on the Richmond School Park and is consistent with this goal.

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

Staff Response: The applicant proposes to change the zoning designation of the PA (Public Amusement) zoned portion of the property to PE (Public and Private Educational Services). The property has been a basic education use since 1912 and changing the use of the property is not proposed with this zone change application. This Goal is not applicable.

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

Staff Response: The proposed zone change would change the current PA (Public Amusement) zoned portion of the property to PE (Public and Private Educational Services). Both designations do not allow for residential development. The property contains an existing basic education use with no plans for residential housing. This zone change proposal has no impact to the city’s housing inventory and complies with this goal.

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

Staff Response: The subject property is within the Urban Service area. Water, sewer, and storm infrastructure is currently available within adjacent streets to the subject property and appears to be adequate to serve the property. Site specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220. The zone change request 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.*

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.).

Pursuant to OAR 660-012-0060(9), this request is exempt from the Transportation Planning Rule determination of significant affect. The proposed zone change will not trigger analysis or improvements to the surrounding transportation system.

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

Staff Response: The subject property is located within the Urban Service Area. The Public Works Department indicates that existing urban services, including water, sewer, and storm infrastructure are available within surrounding streets and are adequate to serve future development of the subject property.

Finding: A change to the comprehensive plan map designation for the property is not required for the proposed zone change, therefore this criterion is not applicable.

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

Finding: The proposed Public and Private Education (PE) zone is implemented by the Community Service – Education (CSE) designation. The subject property is currently designated CSE, therefore a change to the comprehensive plan map designation for the property is not required for the proposed zone change. As a result of the CSE designation, 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: Pursuant to Oregon Administrative Rules 660-012-0060(9), the proposed zone change request is exempt from the Transportation Planning Rule analysis and determination of significant affect. The proposed zone change will not require analysis or improvements to the surrounding transportation system. Adequate urban services are available at the boundaries of the subject property.

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

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

CONCLUSION

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

RECOMMENDATION

Based upon the Facts and Findings contained in this staff report, staff recommends that the Hearings Officer APPROVE the request for a quasi-judicial zone change from PA (Public Amusement) to PE (Public and Private Educational Services), for the Richmond Elementary School property approximately 2.38 acres in size, and located at 466 Richmond Avenue SE - 97301

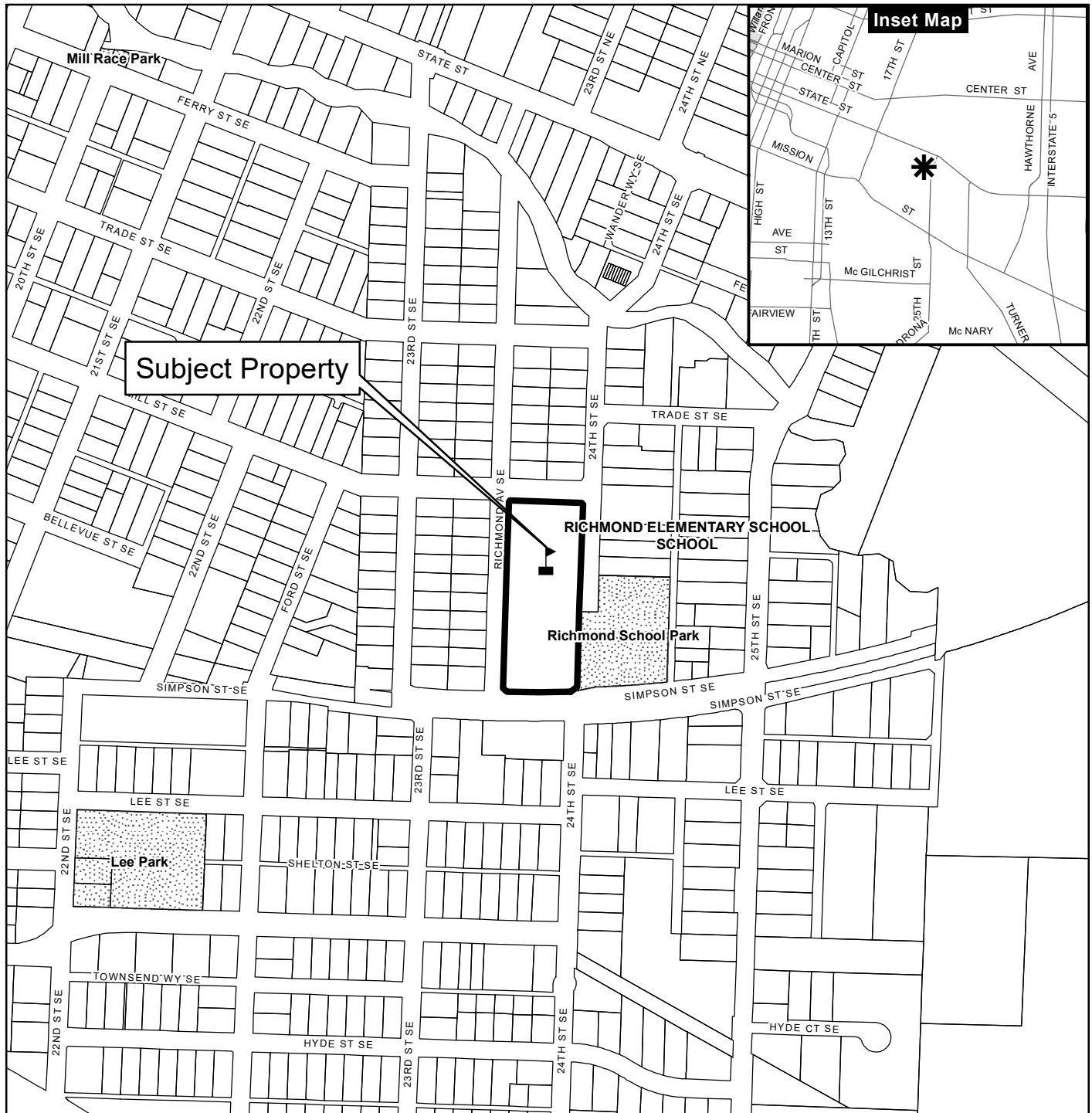
Application Deemed Complete Date: December 9, 2020
State Mandated Decision Date: April 8, 2021

Attachments: A. Vicinity Map
B. Zoning Map
C. Applicant's Written Findings

Prepared by Steven McAtee, Planner II

Vicinity Map

466 Richmond Avenue SE



Legend

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

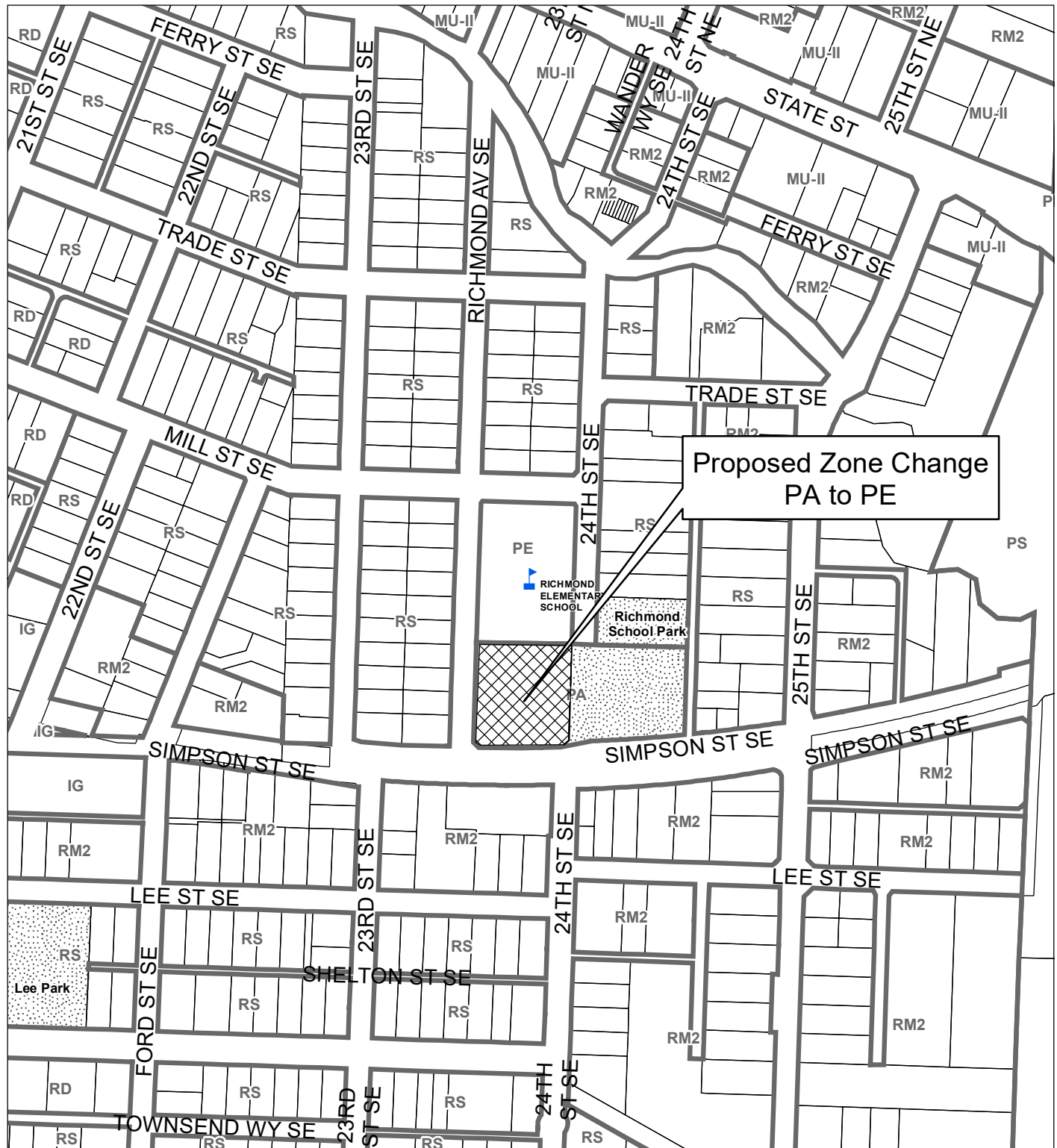
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AT YOUR SERVICE
Community Development Dept.

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Vicinity Zoning - 466 Richmond Avenue SE



Legend

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

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

SALEM-KEIZER SCHOOL DISTRICT 24J ZONE CHANGE WRITTEN STATEMENT

OWNER/APPLICANT:

Salem-Keizer School District 24J
3630 State Street
Salem, OR 97301

APPLICANT'S REPRESENTATIVE:

Mark D. Shipman, Attorney
Saalfeld Griggs PC
PO Box 470
Salem, OR 97308
Phone: 503-399-1070
Email: mshipman@sglaw.com

SUBJECT PROPERTY INFORMATION:

The subject property is located at 466 Richmond Avenue SE in Salem, Oregon, and is designated by the Marion County Assessor as Marion County Tax Map 07-3W-26DA, Tax Lot 7500 (herein the "**Subject Property**"). The Subject Property is approximately 2.38 acres in size and is currently developed as Salem-Keizer School District 24J's (herein "**Applicant**") Richmond Elementary School. The City of Salem (herein the "**City**") Comprehensive Plan Map designates the Subject Property as "Community Service Education." The Subject Property is split-zoned Public/Private Education (PE) and Public Amusement (PA) with the northern portion of the Subject Property zoned PE and the southern portion zoned PA. (See Zoning Map, **Exhibit 1**).

The Subject Property is located within the City limits and the City's Urban Service Area ("**USA**"). The Subject Property is bounded by 24th Street SE, Mill Street SE, Richmond Avenue SE, and Simpson Street SE.

According to the City's current Zoning Map, the properties surrounding the Subject Property have the following zoning designations:

North	Single Family Residential (RS)
Northeast	Single Family Residential (RS)
Southeast	Public Amusement (PA)
South	Multiple Family Residential (RM-II)
West	Single Family Residential (RS)

On September 14, 2020, Applicant's representative met with City Staff to discuss the development of the Subject Property. (See Pre-Application Report, **Exhibit 2**).

The Subject Property is located within the Southeast Salem Neighborhood Association (the "**SESNA**"). Applicant initially contacted SESNA's Chair, Shannon Priem, and Land Use Co-Chairs, Darrin Brightman and Jeff Leach, via email on September 30, 2020, to provide notice and solicit comments in compliance with SRC 300.310, (see **Exhibit 3**). An open house is not required for this application.

Applicant's representative provided Cherriots staff with a copy of the proposed site plan and a summary of the proposal on September 29, 2020. Cherriots responded on October 9, 2020, (see **Exhibit 4**).

PREVIOUS LAND USE ACTIONS:

- **VAR02-01: Parking Variance**

BACKGROUND INFORMATION:

The Subject Property is currently developed as Richmond Elementary School which is composed of a main school building, portable classrooms, and playground facilities designed to serve the students (the “**School**”). This type of use is designated by the Salem Revised Code (alternately, the “**SRC**” or the “**Code**”) as “Basic Education” which is permitted out right in the PE zone but is not a permitted use in the PA zone. The Subject Property is bound by residential uses to the north, west, south, and northeast with public amusement space to the southeast. As these residential uses are served by the School, the Proposed Development (as defined below) will benefit the surrounding properties.

SUMMARY OF PROPOSAL:

Applicant is proposing the replacement of two (2) existing modular classroom buildings, drainage improvements, reconfiguration of sewer and water service, and entry security vestibule upgrades for the School (the “**Proposed Development**”). In order to allow for the Proposed Development, Applicant is applying for a Zone Change to rezone the Subject Property so that the entirety of the Subject Property is zoned as “Public/Private Education.” Applicant’s Proposed Development is confined to interior and utility improvements, the impact to the surrounding properties will be minimal.

ADDITIONAL APPLICATIONS:

Applicant will also be filing a Property Boundary Verification application; a site plan review application; and potentially adjustments to various development standards upon finalization of the site plan.

EXISTING SITE CONDITIONS:

The Subject Property has approximately 235 feet of street frontage on Simpson Street SE, approximately 555 feet of frontage along Richmond Avenue SE, approximately 238 feet of frontage along Mill Street SE, and approximately 274 feet of frontage along 24th Street SE. The existing Basic Education use is a permitted use in the PE zone but is not a permitted use in the Public Amusement zone.

EXISTING CONDITIONS PLAN:

A proposed plan showing the existing conditions on the Subject Property has been submitted as part of this application. (See **Exhibit 5**).

APPLICABLE DETAIL PLANS:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan (“**SACP**”) and are specific plans for a particular geographic area of the City, or for the provision or performance of some particular service or function. The SESNA has a neighborhood plan with identified goals and policies (adopted by the City) that act as the guiding principle for the SESNA’s recommendations regarding development within the boundaries of the SESNA. The SESNA neighborhood plan was adopted by the Salem City Council on February 9, 2015. The SESNA neighborhood plan designates the Subject Property

as “Community Service Education.” As the generalized land use map for the neighborhood plan is consistent with the SACP, Applicant is not requesting a Neighborhood Plan Change as part of this application.

HOMEOWNERS ASSOCIATION INFORMATION:

The Subject Property is not subject to an active homeowner’s association (HOA). This application does not require notice or approval from an HOA pursuant to SRC 300.210(a)(10).

SALEM TRANSPORTATION SYSTEM PLAN (STSP):

The STSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. The Subject Property is bounded by 24th Street SE to the east, Mill Street SE to the north, Richmond Avenue SE to the west, and Simpson Street SE to the south. The functional classification of all four (4) streets is a “local road.” There are no traffic controls at any of the intersections. In accordance with VAR02-01, there is no off-street parking for the Subject Property, and consequently, there are no access driveways.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A QUASI-JUDICIAL ZONE CHANGE

SRC 265.005 (e) sets forth the Criteria of Approval for a quasi-judicial zone. The applicable criteria have been excerpted below in bold and italics, followed by Applicant’s proposed findings.

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

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

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

Proposed Finding: There has not been a mistake in the application of a land use designation to the Subject Property.

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

Proposed Finding: There has not been a change in the economic, demographic, or physical character in the general vicinity of the Subject Property.

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

Proposed Finding: The PE zoning is equally or better suited for the Subject Property. The PE zone is the implementing zone for the “Community Service Education” designation of the SACP, which is designed

to provide sites and facilities that provide services to the general population including health, education, and government services. The PA zone is the implementing zone for the “Parks, Open Space, and Outdoor Recreation” designation of the SACP which is designed to provide a variety of types of “outdoor open space,” including open space designed to serve schools. However, the existing “Basic Education” use is not a permitted use in the PA zone while it is in the PE zone. The proposed change in zoning will allow for the proposed use, while providing unified zoning for the Subject Property that properly reflects the School and the Proposed Development on the Subject Property. The proposed zoning is equally or better suited for the Subject Property. This criterion is satisfied.

(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.

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

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

SECTION IV. SALEM URBAN AREA GOALS AND POLICIES

L. SCHOOL LOCATION AND DEVELOPMENT

GOAL: To ensure that the coordination of planning, siting, development of schools is consistent with the Salem Area Comprehensive Plan.

Proposed Finding: The SACP goals regarding the siting and development of schools focuses on a coordination with the surrounding uses and siting that is within a centralized location, to allow the schools to best serve the surrounding student population. The Proposed Development is an expansion of the existing School. In that context, the Proposed Development necessitating the amendment is in line with the SACP Goals because it allows for the continued use of an existing designation in a centrally located site rather than establishing a new elementary school which would require the development of an additional site that may not fit the siting goals in the SACP. The proposed change in designation is consistent with this SACP goal.

J. TRANSPORTATION

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

Salem Transportation System Plan

- 1. The Salem Transportation System Plan shall contain goals, objectives, policies, plan maps, and project lists that will guide the provision of transportation facilities and services for the Salem Urban Area...*
- 2. The Salem Transportation System Plan shall be updated, as necessary, to remain consistent with other City of Salem, regional, and statewide plans.*

Proposed Finding: The City adopted a STSP, applicable policies of which have been excerpted below, followed by proposed findings demonstrating compliance therewith.

STSP STREET SYSTEM ELEMENT

GOAL: Provide a comprehensive system of streets and highways that serves the mobility and multimodal travel needs of the Salem Urban Area.

OBJECTIVE NO. 1

Develop a comprehensive, hierarchical system of streets and highways that provides for optimal mobility for all travel modes throughout the Salem Urban Area.

Policy 1.6 Local Access and Circulation

The City's street system shall contain an interconnected network of local streets that provide property access and neighborhood circulation.

Proposed Finding: The Subject Property provides for the safe and efficient movement of goods and people. The Subject Property is bounded by 24th Street SE, Mill Street SE, Richmond Avenue SE, and Simpson Street SE. Each of these streets are connected to the surrounding neighborhoods. 24th Street ends in a large cul-de-sac along the eastern side of the Subject Property, allowing for a more protected pick-up and drop-off location. This feature also facilitates bus pick-up and drop-off, limiting the impact on the surrounding neighborhood. The circulation pattern in the area provides for adequate queuing given that the majority of users access and leave the site primarily during two windows of time. The Subject Property is well connected to the existing public street system, thereby providing connectivity with the surrounding neighborhood. The proposed change in designation is consistent with this goal and the associated policy.

Multimodal Transportation System

4. The transportation system for the Salem Urban Area shall consist of an integrated network of facilities and services for a variety of motorized and nonmotorized travel modes.

Proposed Finding: The Subject Property is currently served by pedestrian sidewalks and bike lanes, which encourage the use of alternative modes of transportation. While there is not currently an adjacent Cherriots line that services the Subject Property, many students access the site via school bus which is available for students living outside of a reasonable walking distance. Therefore, the Subject Property is properly integrated into the City's network of facilities, providing both motorized and nonmotorized travel modes. The proposed designation change is consistent with this goal.

Supportive of Land Use Plan Designations & Development Patterns

7. Local governments shall encourage the expansion of transit services throughout and beyond the Salem Urban Area, especially to areas of increased residential densities, major commercial concentrations, and large institutional and employment centers.

Proposed Finding: As previously stated, the Subject Property is not currently served by Cherriots' bus system, however, the majority of users are able to access alternative transit services. The majority of students accessing the Subject Property access it via bus or a ride sharing arrangement. Schools are traditionally a use that relies on multi-modal transport with an emphasis on bussing, pedestrian, and bike access that allows for reduced reliance on each individual arriving in their own vehicle. The intent of the SACP goal providing for increased public transportation service, especially as it pertains to residential areas, is met through the public-school busing system which serves the Subject Property. The proposed designation is consistent with this goal.

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

Proposed Finding: The zone change from PA to PE is consistent with the applicable Statewide Planning Goals as follows:

OREGON'S STATEWIDE LAND USE PLANNING GOALS:

Goal 1. Citizen Involvement.

Proposed Finding: A zone change is processed as a quasi-judicial land use action. Public notice is required, and a public hearing will be held giving interested citizens an opportunity to be involved in the process. In addition to the City's required citizen involvement tasks, the Applicant has reached out to the SESNA to keep them apprised of what is happening with the Subject Property. These outreach efforts, and the City's public hearing process ensures there is adequate citizen involvement in the land use process, in compliance with Statewide Planning Goal 1.

Goal 2. Land Use Planning.

Proposed Finding: The zoning code is a part of the Unified Development Code ("**UDC**") and was adopted by the City and acknowledged by the DLCDC as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules.

Additionally, there are a number of Detail Plans the City has adopted as policy guides to the Comprehensive Plan. The following is a list of Detail Plans relevant to this application:

Salem Transportation System Plan. Adopted June 28, 1998, and amended February 14, 2000, May 14, 2001, January 24, 2005, March 28, 2005, July 9, 2007, and February 2, 2016.

Salem Urban Area Public Facilities Plan. Adopted October 12, 1992.

Sunnyslope Neighborhood Plan. Adopted August 8, 1983.

The zoning code has been adopted by the City and acknowledged by the State in accordance with the planning process established under Goal 2. Following this process, it became a part of the body of acknowledged planning documents that can be used as a basis for future land use decisions. The application will be processed in accordance with the land use procedures established by SRC Chapter 300 and any other applicable Oregon statutes or administrative rules. This procedure will ensure compliance with Statewide Planning Goal 2.

Goal 3. Agricultural Lands.

Proposed Finding: The proposed zone change does not affect the inventory of agricultural lands. Thus, Goal 3 is not applicable to this request.

Goal 4. Forest Lands.

Proposed Finding: This application does not affect the inventory of forest lands. Thus, Goal 4 is not applicable to this request.

Goal 5. Open Space, Scenic and Historic Areas and Natural Resources.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 5: *Natural Resources, Scenic and Historic Areas, and Open Spaces* (OAR 660-015-0000(5)):

To protect natural resources and conserve scenic and historic areas and open spaces.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

The following resources shall be inventoried:

- a. Riparian corridors, including water and riparian areas and fish habitat;*
- b. Wetlands;*
- c. Wildlife Habitat;*
- f. Groundwater Resources;*
- h. Natural Areas;*

Proposed Finding: This application does not affect natural resource use nor scenic or historic area. While it does affect land zoned for "Public Amusement" the Subject Property is not a "Natural Area" within the confines of Goal 5, but is designated and developed for educational use. Thus, Goal 5 is not applicable to this request.

Goal 6. Air, Water and Resources Quality.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 6: *Air, Water, and Land Resource Quality* (OAR 660-015-0000(6)):

To maintain and improve the quality of the air, water and land resources of the state.

All waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable airsheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

Proposed Finding: The proposed zone change will not exceed the carrying capacity of the air and water resources available to serve the Subject Property. The Subject Property lies within the City, where development at an urban scale and density is intended to occur. There are adequate water, stormwater, and sewer services in place to serve the Subject Property. Therefore, the City can adequately serve the Proposed Development's waste and discharge needs, and future development will not exceed the current resources' carrying capacity.

The effects of using the Subject Property for the School will be similar to those of other basic education uses in the City. The effects of this type of urban development is anticipated on lands that are within the City.

There are no significant natural resources on the Subject Property. Development of the size and scale proposed is expected, and the proposed change will have no significant negative impacts on the quality of the land. This goal is satisfied.

Goal 7. Areas Subject to Natural Hazards.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 7: *Areas Subject to Natural Hazards* (OAR 660-015-0000(7)):

A. NATURAL HAZARD PLANNING

- 1. Local governments shall adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to people and property from natural hazards.*
- 2. Natural hazards for purposes of this goal are: floods (coastal and riverine), landslides, earthquakes and related hazards, tsunamis, coastal erosion, and wildfires. Local governments may identify and plan for other natural hazards.*

Proposed Finding: The City has adopted specific policies for protection against flood hazards, potential landslides and other natural hazards. Policies pertaining to flood hazards are contained in both the Natural Hazard Mitigation Plan and the Stormwater Master Plan. Implementing measures can be found in the SRC under Chapters 601 and 810. These policies and implementation measures recognize the complimentary benefits of natural hazard and natural resource management. According to the City's Natural Hazard Mitigation Plan ("**NHMP**") and the corresponding maps, the Subject Property is not at an elevated risk for a natural disaster of the type identified in the NHMP. This goal is satisfied.

Goal 8. Recreational Needs.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 8: *Recreational Needs* (OAR 660-015-0000(8)):

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.

Local governments shall adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Proposed Finding: The Subject Property is currently zoned a mix of "Public-Private Education" and "Public Amusement," however, the Proposed Development is a replacement of existing modular units with updated units which will better serve the students of the School. The zone change will bring the zoning into conformance with both the existing designation and the existing use. The proposed change is not reducing the amount of recreational land, in continued compliance with Goal 8. This goal is satisfied.

Goal 9. Economic Development.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 9: *Economic Development* (OAR 660-015-0000(9)):

Comprehensive plans for urban areas shall:

- 1. Include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends;*
- 2. Contain policies concerning the economic development opportunities in the community;*
- 3. Provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies;*

Proposed Finding: This application proposes a change from Public Open Space to Community Services Education. The proposed change does not affect the inventory of employment lands. Goal 9 is not applicable to this request.

Goal 10. Housing.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 10: *Housing* (OAR 660-015-0000(10)):

To provide for the housing needs of citizens of the state.

Buildable lands for residential use shall be inventoried and plans shall encourage the availability of adequate numbers of needed housing units at price ranges and rent levels which are commensurate with the financial capabilities of Oregon households and allow for flexibility of housing location, type and density.

GUIDELINES A. PLANNING

- 1. In addition to inventories of buildable lands, housing elements of a comprehensive plan should, at a minimum, include: (1) a comparison of the distribution of the existing population by income with the distribution of available housing units by cost; (2) a determination of vacancy rates, both overall and at varying rent ranges and cost levels; (3) a determination of expected housing demand at varying rent ranges and cost levels; (4) allowance for a variety of densities and types of residences in each community; and (5) an inventory of sound housing in urban areas including units capable of being rehabilitated.*
- 2. Plans should be developed in a manner that insures the provision of appropriate types and amounts of land within urban growth boundaries. Such land should be necessary and suitable for housing that meets the housing needs of households of all income levels.*
- 3. Plans should provide for the appropriate type, location and phasing of public facilities and services sufficient to support housing development in areas presently developed or undergoing development or redevelopment.*

Proposed Finding: This application proposes a change from PA to PE. The proposed change does not affect the inventory of property available for residential development. Goal 10 is not applicable to this request.

Goal 11. Public Facilities and Services.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 11: *Public Facilities and Services* (OAR 660-015-0000(11)):

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.

Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons.

GUIDELINES A. PLANNING

3. Public facilities and services in urban areas should be provided at levels necessary and suitable for urban uses.

4. Public facilities and services in urbanizable areas should be provided at levels necessary and suitable for existing uses. The provision for future public facilities and services in these areas should be based upon: (1) the time required to provide the service; (2) reliability of service; (3) financial cost; and (4) levels of service needed and desired.

Proposed 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 a 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 within the USA boundary. Goal 11 is satisfied.

Goal 12. Transportation.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 12: *Transportation* (OAR 660-015-0000(12)):

A transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

LAND CONSERVATION AND DEVELOPMENT DEPARTMENT - TRANSPORTATION PLANNING

OAR Section 660-012-0060(1) further states that to determine if a proposed use significantly affects a transportation facility the following must be found:

- (a) Changes the functional classification of an existing or planned transportation facility;*
- (b) Changes standards implementing a functional classification system; or*
- (c) As measured at the end of the planning period identified in the adopted transportation system plan:*
 - (A) Allow land uses or levels of development which would result in levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;*
 - (B) Reduce the performance of an existing or planned transportation facility below the minimum acceptable level performance standard identified in the TSP or comprehensive plan;*
 - (C) Worsen the performance of an existing or planned transportation facility that is otherwise projected to perform below the minimum acceptable performance standard identified in the TSP or comprehensive plan.*

Proposed Finding: The SACP contains transportation policies pertaining to the provision of a balanced, multimodal transportation system for the City's USA that supports the safe and efficient movement of goods and people. The City has also adopted the STSP as a supplement to the SACP, which considers all transportation modes, is based on an inventory of transportation needs, encourages sustainability, facilitates the economic flow of goods and services, and conforms to the SACP and the Regional Transportation System Plan. The Proposed Development proposes the replacement of existing modular units with updated units; however, the student population will remain steady and there is not an estimated increase in the number of trips to and from the Subject Property. As additional trips are not anticipated, there will not be a significant impact on the surrounding transportation system. Therefore, this application is consistent with Goal 12.

Goal 13. Energy Conservation.

The following italicized section has been excerpted from Oregon's Statewide Planning Goals & Guidelines for Goal 13: *Energy Conservation* (OAR 660-015-0000(13)):

GUIDELINES A. PLANNING

- 3. Land use planning should, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient.*

Proposed Finding: This application will, to the maximum extent possible, seek to recycle and re-use vacant land and those uses which are not energy efficient. The Proposed Development will allow for a continuation of the current use through a replacement of the existing modular units, reusing the space currently occupied by similar units. Therefore, the application is consistent with Goal 13.

Goal 14. Urbanization.

Proposed Finding: This request does not include land located outside of the UGB or include the extension of services to properties outside the UGB, thus, Goal 14 is not applicable to this application.

Goal 15. Willamette River Greenway;

Goal 16. Estuarine Resources;

Goal 17. Coastal Shorelands;

Goal 18. Beaches and Dunes;

Goal 19. Ocean Resources.

Proposed Finding: The Subject Property is not within the Willamette River Greenway or in an estuary or coastal area, thus, Goals 15, 16, 17, 18 and 19 are not applicable.

Based on the findings contained above, this request to change the Subject Property's zoning from PA to PE is consistent with the applicable Statewide Planning Goals. This criterion is satisfied.

(2) The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

Proposed Finding: This request is in conformance with the Goals and Policies of the SACP and all applicable land use standards imposed by Oregon statute or administrative rule. The proposed change is a shift that will revise the current split-zoning of the Subject Property to a consistent zoning that will allow for the continuation of the existing use on the Subject Property. The Proposed Development does not create an increased demand for services or amount to an additional burden on the surrounding infrastructure. The proposed zone change brings the Subject Property into conformance with the policies and goals of the City's long-range planning documents as it will provide consistency across the Subject Property. This criterion is satisfied.

CONCLUSION:

Based on the findings contained in this written statement, the Applicant has satisfactorily addressed the applicable criteria for granting approval of this application to change the zoning for the southern portion of the Subject Property from Public Amusement (PA) to Public/Private Education (PE).

EXHIBIT LIST

Exhibit 1 – Current Zoning Map

Exhibit 2 – Pre-Application Conference Summary Letter

Exhibit 3 – NHA Contact and Affidavit of Posting Notice & Photos

Exhibit 4 – Cherriots' Contact/Comments

Exhibit 5 – Proposed Existing Conditions Plan

7326N

EXHIBIT 1

230-B

230-D

**SUBJECT
PROPERTY****Zoning**City of Salem, Oregon
Community Development
Planning Division**Zoning Designations**

- EFU - Exclusive Farm Use
- RA - Residential Agriculture
- RS - Single Family Residential
- RD - Duplex Residential
- RM1 - Multiple Family Residential 1
- RM2 - Multiple Family Residential 2
- RH - Multiple Family High-Rise Residential
- CO - Commercial Office
- CN - Neighborhood Commercial
- CR - Retail Commercial
- CG - General Commercial
- CB - Central Business District
- WCSB - West Salem Central Business District
- IC - Industrial Commercial
- IBC - Industrial Business Campus
- IP - Industrial Park
- IG - General Industrial
- SCI - Second Street Craft Industrial Corridor
- II - Intensive Industrial
- PA - Public Amusement
- PC - Public-Private Cemetery
- PE - Public-Private Education
- PH - Public Health
- PM - Capitol Mall
- PS - Public Service
- EC - Employment Center
- ESMU - Edgewater/Second Street Mixed-Use Corridor
- FMU - Fairview Mixed-Use
- MU-I - Mixed Use-I
- MU-II - Mixed Use-II
- NCMU - Neighborhood Center Mixed-Use
- SWMU - South Waterfront Mixed-Use
- Overlay Zone *
- Compact Development Overlay Zone *
- Historic District *
- Mixed-Use Overlay Zone *
- Edgewater/Wallace Road Overlay Zone *
- Willamette Greenway Overlay
- Greenway Boundary
- Flood Plain
- Flood Way
- City Limits
- Urban Growth Boundary
- Taxlots
- Water
- School

* For the number/letter descriptions shown on the map, see "Overlay Zones/Districts Locator" document.
<http://geoweb.cityofsalem.net/pdfs/Planning/Zoning/Overlays.pdf>

**7326S**CITY OF *Salem*
AT YOUR SERVICE

Community Development Dept.

Created on: 9/15/2020

Path: N:\CD\Data\Zoning\Web_Zoning_Map.mxd

The zoning designations shown on these maps are for planning purposes only. The City is not responsible for errors or omissions. Every effort has been made to insure the accuracy of these maps. However, there may be inaccuracies due to human or mechanical error or changes in the zoning maps created by recent land use actions or legislative changes. To verify the zoning designation of a parcel or to report errors please contact the Permit Application Planner at 503-588-6256 extension 7427. This product is provided as is, without warranty. In no event is the City of Salem liable for damages from the use of this product. This product is subject to license and copyright limitations and further distribution or resale is prohibited.

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Pre-Application Report

Community Development Department
Planning Division

555 Liberty Street SE/Room 305
Phone: 503-588-6173

www.cityofsalem.net/planning

 [@Salem_Planning](https://twitter.com/Salem_Planning)

Case Number / AMANDA No. PRE-AP 20-80 20-113726-PA

Conference Date September 14, 2020

Applicant Salem-Keizer Public Schools
2450 Lancaster Drive NE
Salem OR 97305
smallwood_joel@salkeiz.or.us

Representative Greg Lock
1375 Liberty Street SE
Salem OR 97302
greg@lockengineers.com

Case Manager Sally Long

Pre-Application Conference Required: ☐ Yes ☒ No

Project Description & Property Information

Project Description	A pre-application conference to discuss replacement of two existing modular classroom buildings, drainage improvements, reconfiguration of sewer and water service, and entry security vestibule upgrades for Richmond Elementary School.
Property Address	466 Richmond Avenue SE - 97301
Assessor's Map and Tax Lot Number	Marion County Assessor's Map and Tax Lot Number: 073W26DA / 7500
Existing Use	Richmond Elementary School
Neighborhood Association	Southeast Salem Neighborhood Association (SESNA)
Adjacent Neighborhood Association	N/A
Comprehensive Plan Map Designation	Public Open Space, Community Service Education
Zoning	PE (Public/Private Education) & PA (Public Amusement)
Overlay Zone	N/A
Urban Service Area	The subject property is located inside the City's Urban Service Area.
Urban Renewal Area	N/A
Past Land Use Actions	VAR02-01

Planning Division Comments

Proposal

The proposal includes the replacement of two existing modular classroom buildings with new, same size and capacity modular classroom buildings, a new ADA ramp and landing, drainage improvements around the modular installation, reconfiguration of sewer and water service to accommodate the new modular locations, and entry security vestibule upgrades for Richmond Elementary School.

Required Land Use Applications

The land use applications checked in the table below have been preliminary identified as being required for the proposed development based upon the information provided by the applicant at the time of the pre-application conference. Additional land use applications may be required depending on the specific proposal at the time of future development.

The application submittal packets, which include a summary of the review procedure, submittal requirements, and approval criteria, can be found on the Planning website at the following location:

<https://www.cityofsalem.net/Pages/land-use-applications.aspx>

The applicable land use application fees for these applications can be found at the following location:

<https://www.cityofsalem.net/CityDocuments/city-of-salem-fees.pdf>

Required Land Use Applications					
Zoning		Site Plan Review			
	Conditional Use		Class 1 Site Plan Review		
	Comprehensive Plan Change	X	Class 2 Site Plan Review		
X	Zone Change	X	Class 3 Site Plan Review		
	Temporary use Permit – Class 1	Design Review			
	Temporary Use Permit – Class 2		Class 1 Design Review		
	Non-Conforming Use Extension, Alteration, Expansion, or Substitution		Class 2 Design Review		
	Manufactured Dwelling Park Permit		Class 3 Design Review		
Land Divisions		Historic Design Review			
	Property Line Adjustment		Major		Minor Commercial
X	Property Boundary Verification		Major		Minor Public
	Replat		Major		Minor Residential
	Partition	Wireless Communication Facilities			
	Subdivision		Class 1 Permit		
	Phased Subdivision		Class 2 Permit		
	Planned Unit Development Tentative Plan		Class 3 Permit		

Required Land Use Applications			
	Manufactured Dwelling Park Subdivision		Temporary Siting Permit
Relief			Adjustment
	Adjustment – Class 1	Other	
X	Adjustment		Annexation (voter approval)
	Variance		Annexation (voter-exempt)
Natural Resources			Sign Adjustment
	Tree Conservation Plan		Sign Conditional Use
	Tree Conservation Plan Adjustment		Sign Variance
	Tree Removal Permit – more than 15%		SWMU Zone Development Phasing Plan
	Tree Variance		Urban Growth Preliminary Declaration
	Willamette Greenway Permit – Class 1		Historic Clearance Review (SHPO)
	Willamette Greenway Permit – Class 2		

Consolidated Land Use Application Procedures

When multiple land use applications are required or proposed for a development, the City's land use procedures ordinance (SRC Chapter 300) provides alternatives methods for how such applications may be processed.

The applications may be processed individually in sequence, concurrently, or consolidated into a single application. Where multiple applications proposed to be consolidated include an application subject to review by the Historic Landmarks Commission, the application subject to Historic Landmarks Commission review shall be processed individually in sequence or concurrently.

Multiple land use applications consolidated into a single application shall be accompanied by the information and supporting documentation required for each individual land use action. Review of the application shall be according to the highest numbered procedure type and the highest Review Authority required for any of the land use applications proposed to be consolidated.

Multiple applications processed concurrently require the filing of separate applications for each land use action. Each application shall be reviewed separately according to the applicable procedure type and Review Authority, and processed simultaneously.

Zoning of Surrounding Properties

North: Across Mill Street SE: RS (Single Family Residential)
South: Across Simpson St SE: RM-II (Multiple Family Residential)
East: PA (Public and Private Amusement); Across 24th Street SE: RS (Single Family Residential)
West: Across Richmond Street SE: RS (Single Family Residential)

Development Standards

Future development of the property will primarily be subject to the provisions of the following

chapters of the SRC:

Land Use Application & Development Review Chapters

- SRC Chapter 220 - Site Plan Review
- SRC Chapter 250 – Adjustments
- SRC Chapter 205 – Land Division and Reconfiguration
- SRC Chapter 265 – Zone Change

Zoning & Development Standards Chapters

- SRC Chapter 542 - PE (Public and Private Educational Services) Zone
- SRC Chapter 800 - General Development Standards
- SRC Chapter 802 - Public Improvements
- SRC Chapter 803 - Streets and Right-of-Way Improvements
- SRC Chapter 804 - Driveway Approaches
- SRC Chapter 805 - Vision Clearance
- SRC Chapter 806 - Off-Street Parking, Loading, and Driveways
- SRC Chapter 807 - Landscaping and Screening
- SRC Chapter 808 - Preservation of Trees and Vegetation
- SRC Chapter 809 - Wetlands
- SRC Chapter 810 - Landslide Hazards
- All other applicable provisions of the Salem Revised Code

Use: The City's Use Classification Chapter (SRC Chapter 400) establishes the framework for classifying land uses within the City. The proposed new development on the property includes an addition to Richmond Elementary School, which is classified as Basic Education.

The allowed uses within the PE and PA zones is identified under SRC 542.005, Table 542-1 and SRC 540.005, Table 540-1. Basic Education, and those uses accessory to it, are a permitted use within the PE. **Basic Education is not allowed within the PA zone.**

The use is not allowed within the PA zone, therefore, a summary outlining the PE zone standards applicable to the proposed development is included below.

Lot Standards: Lot standards within the PE zone are established under SRC 542.010(a), Table 542-2. The PE zone requires a minimum lot size of 10,000 square feet, a minimum lot width of 50 feet, a minimum lot depth of 80 feet, and a minimum street frontage of 16 feet.

Lot standards within the PA zone are established under SRC 540.010(a), Table 540-2. The PA zone requires a minimum lot size of 10,000 square feet, 50-ft minimum lot width, 80-ft minimum lot depth and a minimum street frontage of 16 feet.

Setbacks: Setbacks for buildings, accessory structures, and parking and vehicle uses areas within the PE, and PA zones are generally established under SRC 542.010(b), Tables 542-3 and 542-4, SRC 540.010(b), Tables 540-3 and 4.

The proposed development is located in the PE zone and PA zone. The use is not allowed within the PA zone, therefore, a summary of the PE zone setbacks applicable to the proposed development is included below.

Buildings and accessory structures shall be set back from every lot line abutting a street a minimum of 20 feet for buildings not more than 35 feet in height, and a minimum of one foot for

each one foot of building height over 35 feet; provided, however, the setback need not exceed 50 feet in depth abutting the street.

- Existing building setbacks abutting 24th Street SE, Richmond Street SE, and Mill Street SE are nonconforming; the proposed development does not alter the setbacks for the existing buildings.
- New modular building setbacks abutting Richmond Street SE, and Simpson Street SE are in conformance with required setbacks.
- VAR02-01 granted approval to reduce the required 20-foot setback along 24th Street ROW to 16-foot 1-inch for an HVAC Unit and associated screening (see attached).

There is no setback for buildings abutting the Public zone, but there are setbacks abutting a property line in the Public Zone.

The proposed location of the new modulares appear to cross property lines. If it is determined that the new construction does cross existing property lines, a Property Boundary Verification will be required to have the outside boundary of the lots established as the property line for purposes of application of the Building Code.

Any vehicle use area would be required to be setback from abutting streets 6 -10-feet, and 20-foot setback abutting all residential zones.

Lot Coverage: Lot coverage requirements within the PE zone are established under SRC 542.010(c), Table 542-5. The PE zone limits lot coverage by all buildings and accessory structures to a maximum of 50 percent.

- The subject property is approximately 103,673 square feet. The existing and proposed lot coverage is approximately 41,864 square feet, covering approximately 40 percent of the total site, less than the maximum lot coverage requirement.

Building Height: Maximum height for buildings and accessory structures within the PE zone is established under SRC 542.010(c), Table 542-5. The maximum height for buildings within the PE zone is 70 feet.

- The proposed building additions do not exceed the maximum height of 70-feet.

Sec. 800.065. - Pedestrian access.

Except where pedestrian access standards are provided elsewhere under the UDC, all developments, other than single family, two family, and multiple family developments, shall include an on-site pedestrian circulation system developed in conformance with the standards in this section.

- Pedestrian connections are provided between all existing and proposed primary building entrances and streets abutting the subject property: Mill Street SE, Richmond Street SE, Simpson Street SE and 24th Street SE.
- Pedestrian connections are provided between all existing and proposed primary entrances on the site.
- No vehicle use areas are on the development site, therefore, the pedestrian connections through off-street parking areas development standard is not applicable.

Please review this new section of the Salem Revised Code.

Off-Street Parking, Loading, & Driveways (SRC Chapter 806)

SRC Chapter 806 establishes requirements for off-street parking, loading, and driveways. Included in the chapter are standards for minimum and maximum off-street vehicle parking; minimum bicycle parking; minimum loading; and parking, bicycle parking, loading, and driveway development standards.

Off-Street Parking: Minimum off-street parking requirements are established under SRC Chapter 806, Table 806-8. The minimum off-street parking requirement for Basic Education is as follows:

Minimum Off-Street Parking		
Basic Education	2 per classroom	

An off-street summary was not provided to evaluate the off-street parking on-site. The amount needs to meet standards or an adjustment is needed.

- Variance Case No. VAR02-01 granted approval for no on-site parking requirements for a library/media center addition. Please be sure to provide findings on how the proposed development will meet standards or is consistent with the previous variance approval.

Bicycle Parking: Minimum bicycle parking requirements are established under SRC Chapter 806, Table 806-8. The minimum bicycle parking requirement for Basic Education is as follows:

Minimum Bicycle Parking		
Basic Education	2 per classroom	

A bicycle parking summary was not provided to evaluate the parking on-site. The location needs to meet standards or an adjustment is needed.

Loading: Minimum loading requirements are established under SRC Chapter 806, Table 806-9. The minimum loading requirement for Basic Education is as follows: ADD ONE LOADING SPACE

Minimum Loading		
Basic Education	5,000 to 60,000 sq. ft. (building area)	1 space (12'W x 30'L x 14'H)

Natural Resources

Trees: There are trees, including what appear to be Oregon White Oaks, present on the subject property. The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

Because the proposed development does not involve a partition or subdivision creating lots for the purpose of developing Single Family or Two Family uses, a Tree Conservation Plan is not required in conjunction with the proposed development.

- No trees are proposed for removal under this proposed development.

Please note, however, that prior to site plan review or building permit approval, trees shall not be removed from a lot or parcel that is 20,000 square feet or greater, or on contiguous lots or parcels under the same ownership that total 20,000 square feet or greater, unless the removal is undertaken pursuant to: Tree and Vegetation Removal Permit; Tree Conservation Plan; Tree Variance; or an approved commercial timber harvest. Trees may be removed from a site as long as the removal does not result in:

- Removal of heritage trees, significant trees, and trees in riparian corridors.
- Removal of trees from within the right-of-way of public streets is subject to the requirements and separate approval process of SRC Chapter 86.

Neighborhood Association Contact Information

Staff recommends that applicants/property owners contact the relevant neighborhood association(s) regarding their proposals as soon as possible. This allows for the neighborhood association(s) to be involved early in the process and helps to identify any potential issues that might arise.

SRC Table 300-2 indicates that Neighborhood Association contact is required prior to submittal of an application for a Zone Change and Class 3 Site Plan Review. Please see SRC 300.310 for more details.

<https://egov.cityofsalem.net/SRCUtility/src/300>

For your convenience, neighborhood association(s) contact information is included below. Please note that the identified neighborhood association chair(s), and their corresponding contact information, is current as of the date of the pre-application conference, but this information is subject to change if the chair(s) or their contact information has changes subsequent to the date of the pre-application conference.

Up-to-date contact information for neighborhood representatives may also be obtained by contacting the City's Neighborhood Enhancement Division at 503-588-6207 or by visiting the City's website at the following location: <https://www.cityofsalem.net/Pages/find-your-neighborhood-association.aspx>

Applicable Neighborhood Association(s):	Southeast Salem Neighborhood Association (SESNA)
Meeting Date, Time, & Location:	Fourth Tuesday of each month, 7:00 p.m. Capital Park Church, 410 19th Street SE Salem OR 97301
Neighborhood Association Chair	Chair: Shannon Priem spriem@hotmail.com

Land Use Chair(s): Darrin Brightman and Jeff Leach
landuse.sesna@gmail.com

Specific contact information for neighborhood representatives may also be obtained by contacting the City's Neighborhood Enhancement Division at 503-588-6207.

Salem Revised Code Available On-Line

For specific reference to the requirements of the Salem Revised Code (SRC) discussed in this report, the code can be accessed on-line through the City's website at:
<http://www.cityofsalem.net/Pages/salem-revised-code.aspx>

EXHIBIT 3

From: [Karma Krause](#)
To: spriem@hotmail.com; landuse.sesna@gmail.com
Cc: [Michael Mackin](#); [Hannah F. Stevenson](#); [Rhiya M. Grimmett](#); [Mark D. Shipman](#); [Margaret Gander-Vo](#); [Grant Eldridge](#); [Bob Collins](#); [Joel Smallwood](#)
Subject: Renovations planned at Richmond Elementary School
Date: Wednesday, September 30, 2020 10:38:22 AM
Attachments: [Current Richmond ES Site Plan, 4852-9373-8956, 1\[4\].pdf](#)
[SESNA Richmond NA Notice.pdf](#)

Hello Shannon, Darrin and Jeff,

Salem Keizer-Public Schools is applying to the City for a Zone Change, Class 2 Site Plan Review, and a Property Boundary Verification for the replacement of two existing modular classroom units as well as internal drainage improvements, the reconfiguration of sewer and water service, and upgrades to the entry security vestibule at Richmond Elementary School under the 2018 Bond Program. Attached is a letter including information about plans for Richmond. A site plan is also attached. A representative from Construction Services would be happy to attend an upcoming SESNA meeting to discuss plans for Richmond if you would like an update.

Thanks very much, and please let me know if you have questions.

Karma Krause

Capital Construction Public Engagement Manager

Salem-Keizer Public Schools

(971) 283-6777

Our Vision: All students graduate and are prepared for a successful life.

[Twitter](#) | [Instagram](#) | [Facebook \(English\)](#) | [Facebook \(Spanish\)](#)

Date letter sent:

September 30, 2020

Recipients (via email):

Southeast Salem Neighborhood Association

Chairperson Shannon Priem, spriem@hotmail.com

Land Use Chairpersons Darrin Brightman and Jeff Leach, landuse.sesna@gmail.com

Dear Shannon, Darrin and Jeff,

Salem-Keizer Public Schools (SKPS) is in the process of delivering more than \$677.7 million in improvements and expansions across Salem and Keizer in the 2018 bond program. The City of Salem's site plan review application process, as well as the district's community relations practices, require outreach to neighborhood associations about improvements being considered within the neighborhood. Following is a brief summary of work under review for Richmond Elementary School.

Richmond Elementary School

466 Richmond Ave. SE
Salem, OR 97301

Salem-Keizer School District 24J is applying for a Zone Change, Class 2 Site Plan Review, and a Property Boundary Verification for the replacement of two (2) existing modular classroom units as well as internal drainage improvements, the reconfiguration of sewer and water service, and upgrades to the entry security vestibule at Richmond Elementary School. The modular units will be located on the southern portion of the school's approximately 2.38 acres lot.

Highlights of work to be completed:

Construct secure vestibule at front entry

Portable classrooms replacement

Music room improvements

Seismic improvements

Plumbing improvements

Electronic badge access system upgrade

Intercom system upgrades

Expanded wireless capacity

Total budget for the project, including bond funds and grants, is \$2.2 million. Construction is scheduled to begin in summer of 2021 and is expected to be complete by late fall 2021. A conceptual site plan is attached.

A representative from SKPS would be happy to attend a future SESNA meeting and update the group on plans for Richmond Elementary School and hear questions. Please contact Karma Krause, Capital

Construction Public Engagement Manager at krause_karma@salkeiz.k12.or.us or (971) 283-6777 to coordinate district attendance at the meeting if desired.

Sincerely,

A handwritten signature in black ink, appearing to read 'Joel Smallwood', with a long horizontal flourish extending to the right.

Joel Smallwood
Director of Maintenance and Construction Services
Salem-Keizer Public Schools
smallwood_joel@salkeiz.k12.or.us

cc: Mark Shipman, Saalfeld Griggs, P.C.
cc: Paul Bentley Architect

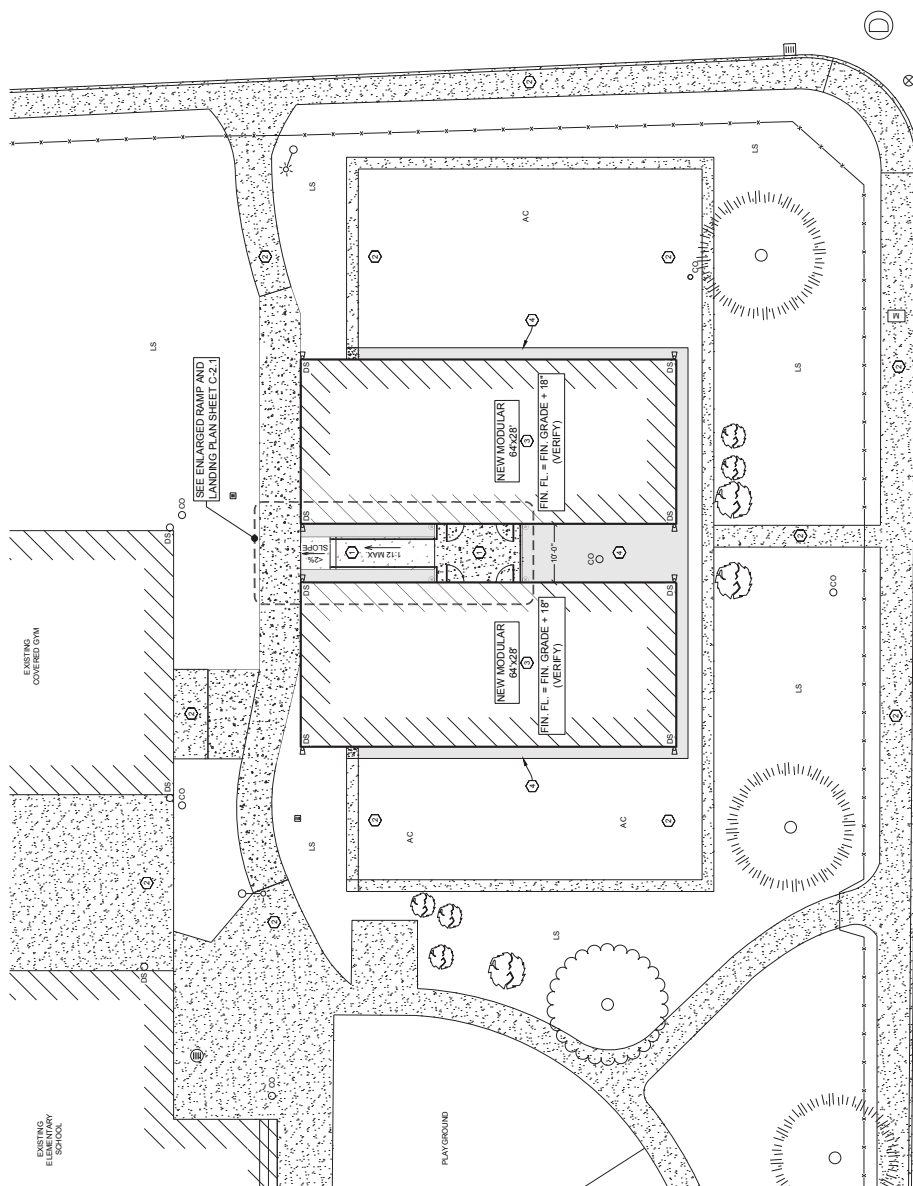
GENERAL LEGEND

1" = 40'-0" 0" 1" 2"
(PLAN IS TO SCALE IF BAR MEASURES 2")

(PLAN IS TO SCALE IF BAR MEASURES 2")

KEYED SITE PLAN NOTES

- GENERAL** CONTRACTOR SHALL BE RESPONSIBLY CALLED OUT TO MAKE AN EVALUATION OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS TO PERFORM THE REQUIRED WORK. NOT ALL REQUIRED WORK MAY HAVE BEEN IDENTIFIED. SEE ARCHITECTURAL, PLUMBING AND ELECTRICAL PLANS FOR ADDITIONAL SITE INFORMATION. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS TO PERFORM THE REQUIRED WORK. NOT ALL REQUIRED WORK MAY HAVE BEEN IDENTIFIED. SEE ARCHITECTURAL, PLUMBING AND ELECTRICAL PLANS FOR ADDITIONAL SITE INFORMATION.
1. INSTALLING A NEW CONCRETE SLAB AND LANDING, VERIFYING FINISH FLOOR ELEVATION RELATIVE TO EXISTING SLAB ELEVATION TO DETERMINE ACTUAL RAMP LENGTH TO STAY WITH EXISTING SLOPES.
2. EXISTING PAVERS PRESERVATION, SHARPENING AND SPECIALIZING FROM DAMAGE FROM CONSTRUCTION OPERATION. CONTRACTOR SHALL REPAIR DAMAGED SURFACE AT THEIR OWN EXPENSE. PUBLIC SIGNALS AS THAT DAMAGE SHOULD BE REPLACED AT THE CONTRACTOR'S EXPENSE.
3. CONTRACTOR CONDUCT SITE SURVEILLANCE, REPAIR BITE FOOTINGS AND INTERLOCK CONCRETE FOOTINGS READY FOR INSTALLATION OF REPLACEMENT BUILDING ACCORDING TO THE ARCHITECTURAL AND FOUNDATION PLAN. OWNER TO COORDINATE INSTALLATION OF REPLACEMENT BUILDING.
4. FILL WITH ASPHALT PAVEMENT PER GRADING AND UTILITY PLAN.



⑤

 **CIVIL SITE PLAN**
1" = 10'-0"

EXHIBIT 4

From: [Hannah F. Stevenson](#)
To: Chris.French@cherriots.org
Cc: [Mark D. Shipman](#); [Margaret Gander-Vo](#); [Rhiya M. Grimmitt](#)
Subject: Richmond Elementary School Bond Work (Cherriots Outreach)
Date: Tuesday, September 29, 2020 9:21:04 AM
Attachments: [image001.png](#)
[Current Richmond ES Site Plan, 4852-9373-8956, 1.pdf](#)

Good Morning, Chris,

Salem-Keizer School District 24J is applying for a Zone Change, Class 2 Site Plan Review, and a Property Boundary Verification for the replacement of two (2) existing modular classroom units as well as internal drainage improvements, the reconfiguration of sewer and water service, and upgrades to the entry security vestibule at Richmond Elementary School. The modular units will be located on the southern portion of the school's approximately 2.38 acres lot. Attached is the current site plan.

Please let us know if Cherriots has any concerns or comments following your review.

Thank you,

Hannah Stevenson

Paralegal - Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301





PO Box 470 | Salem, OR 97308

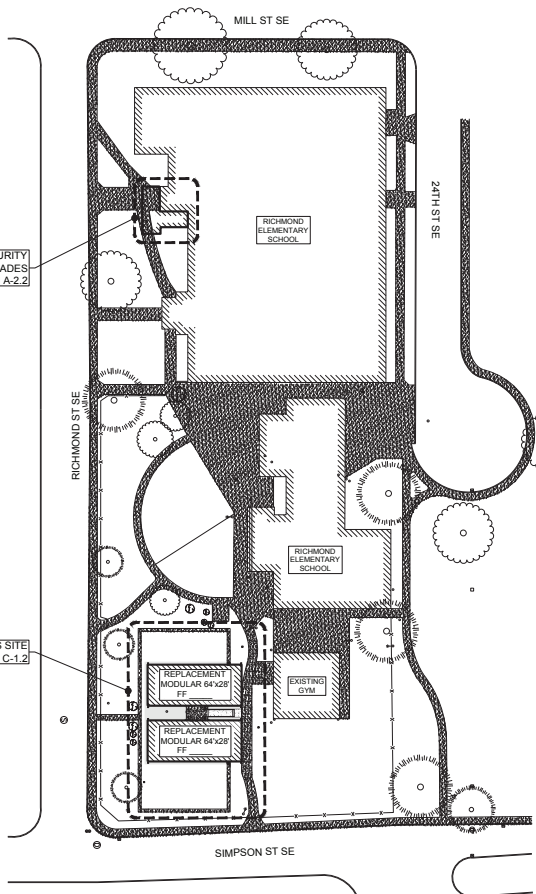
Office: 503.399.1070 | Direct: 503.485.4244 | Fax: 503.371.2927

[Email](#) | [Web](#)

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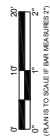
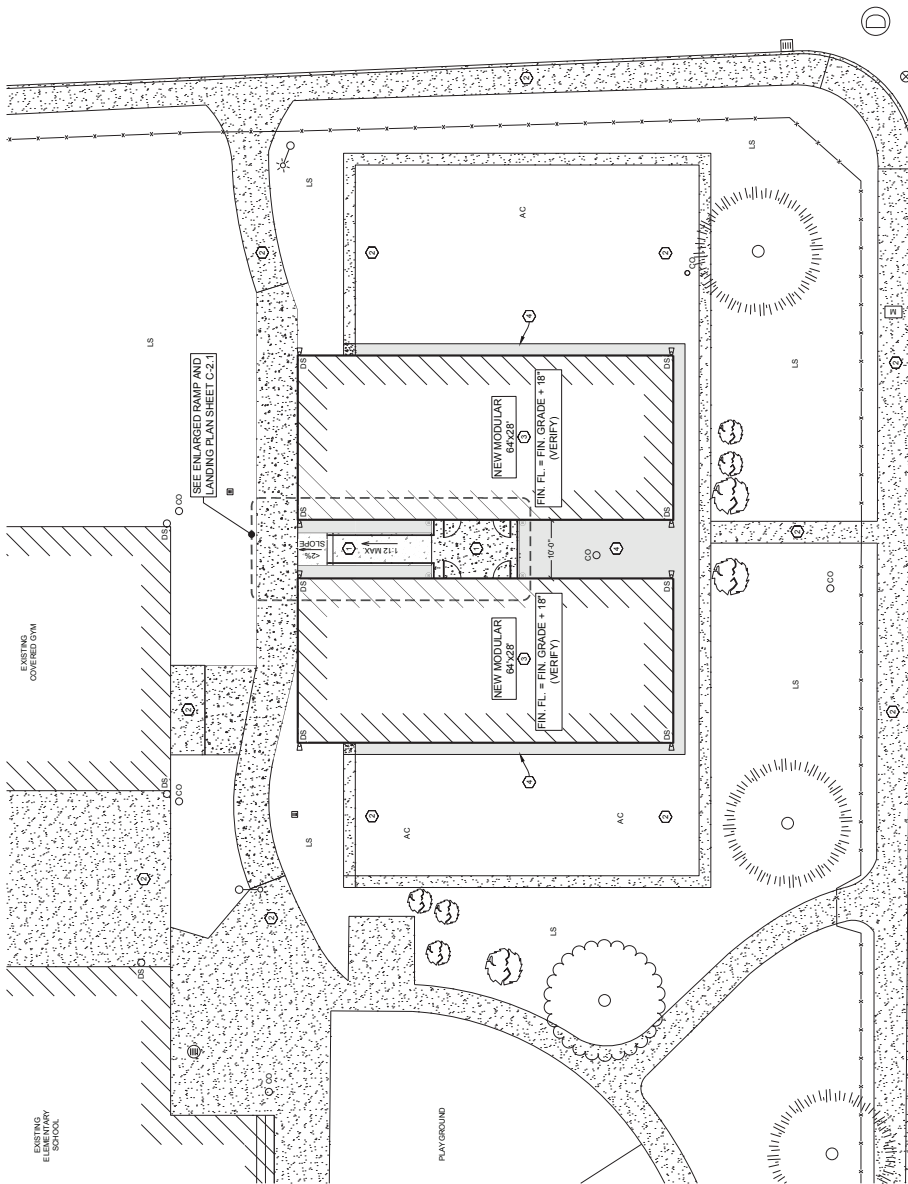
SYMBOLS		ABBREVIATIONS	
	DETAIL INDICATOR	CONT.	CONTINUOUS
	DETAIL NUMBER	COMM.	COMMON
	SHEET NUMBER WHERE DRAWN	DIAM.	DIAMETER
	SECTION INDICATOR	DEG.	DEGREES
	SECTION NUMBER	GALV.	GALVANIZED
	SHEET NUMBER WHERE DRAWN	H.S.A.	HEADED STUD ANCHOR
	ELEVATION INDICATOR	MAX.	MAXIMUM
		MIN.	MINIMUM
		(N)	EXISTING
		VIEW	VIEW
	DRAWING OF ELEVATION	O.C.	ON CENTER
	SHEET NUMBER WHERE DRAWN	SM	SIMILAR
		TYPE	TYPICAL
		TOP	TOP OF FOOTING
	DRAWING NAME	M.O.	MASONRY OPENING
		FD	FOUNDATION
	SCALE	CJ	CONSTRUCTION JOINT
		DF	DOUGLAS FIR
		HF	HEMLOCK
	NORTH ARROW	P.T	PRESSURE TREATED
		TR	THREADING ROD
		EWL	ENGINEERED WALL LINE
		SAW CUT	SAW CUT
	SCALE BAR	BBS	BOND BEAM
		COURSE	COURSE
	KEYED CONSTRUCTION NOTE		
	REVISION CLOUD & NUMBER		


$$1'' = 40' - 0$$


REV	DATE	DESCRIPTION

KEYED SITE PLAN NOTES:

1. INITIAL NEW CONCRETE RAMP AND LANDING. VERIFY FINISH FLOOR ELEVATION RELATIVE TO EXISTING GRADE TO DETERMINE AUL. NEW RAMP TO STAY WITHIN ALLOWED SLOPES.
2. PROTECT EXISTING PAVED DRIVEWAYS, PARKING LOTS AND SURVIVAL TREES FROM DAMAGE FROM CONSTRUCTION. PUBLIC SIDEWALKS THAT ARE DAMAGED BY CONSTRUCTION ARE TO BE REPLACED WITH NEW CONCRETE. CONSTRUCTION SHALL BE COMPLETED WITHIN 10 BUSINESS DAYS OF THE START OF CONSTRUCTION. CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION AND REPAIR OF EXISTING UTILITIES. FOOTINGS READY FOR INSTALLATION OF REPLACEMENT BUILDING ACCORDING TO THE ARCHITECT'S INTENT. OWNER TO COORDINATE INSTALLATION OF REPLACEMENT BUILDING.
3. INFILL WITH ASPHALT PAVEMENT PER GRADING & UTILITY PLAN.



CIVIL SITE PLAN
1" = 10'-0"

From: [Chris French](#)
To: [Hannah F. Stevenson](#)
Cc: [Mark D. Shipman](#); [Margaret Gander-Vo](#); [Rhiya M. Grimmitt](#)
Subject: Re: Richmond Elementary School Bond Work (Cherriots Outreach)
Date: Friday, October 9, 2020 1:59:51 PM
Attachments: [image001.png](#)

Hannah,
Thank you for reaching out to Cherriots. We do not have any concerns for this project.

On Tue, Sep 29, 2020 at 9:21 AM Hannah F. Stevenson <HStevenson@sglaw.com> wrote:

Good Morning, Chris,

Salem-Keizer School District 24J is applying for a Zone Change, Class 2 Site Plan Review, and a Property Boundary Verification for the replacement of two (2) existing modular classroom units as well as internal drainage improvements, the reconfiguration of sewer and water service, and upgrades to the entry security vestibule at Richmond Elementary School. The modular units will be located on the southern portion of the school's approximately 2.38 acres lot. Attached is the current site plan.

Please let us know if Cherriots has any concerns or comments following your review.

Thank you,

Hannah Stevenson

Paralegal - Real Estate & Land Use Practice Group



Park Place, Suite 200 | 250 Church Street SE | Salem, Oregon 97301

PO Box 470 | Salem, OR 97308

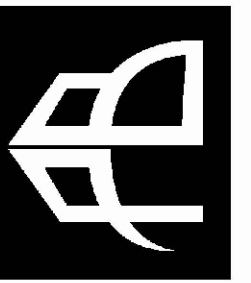
Office: 503.399.1070 | Direct: 503.485.4244 | Fax: 503.371.2927

[Email](#) | [Web](#)

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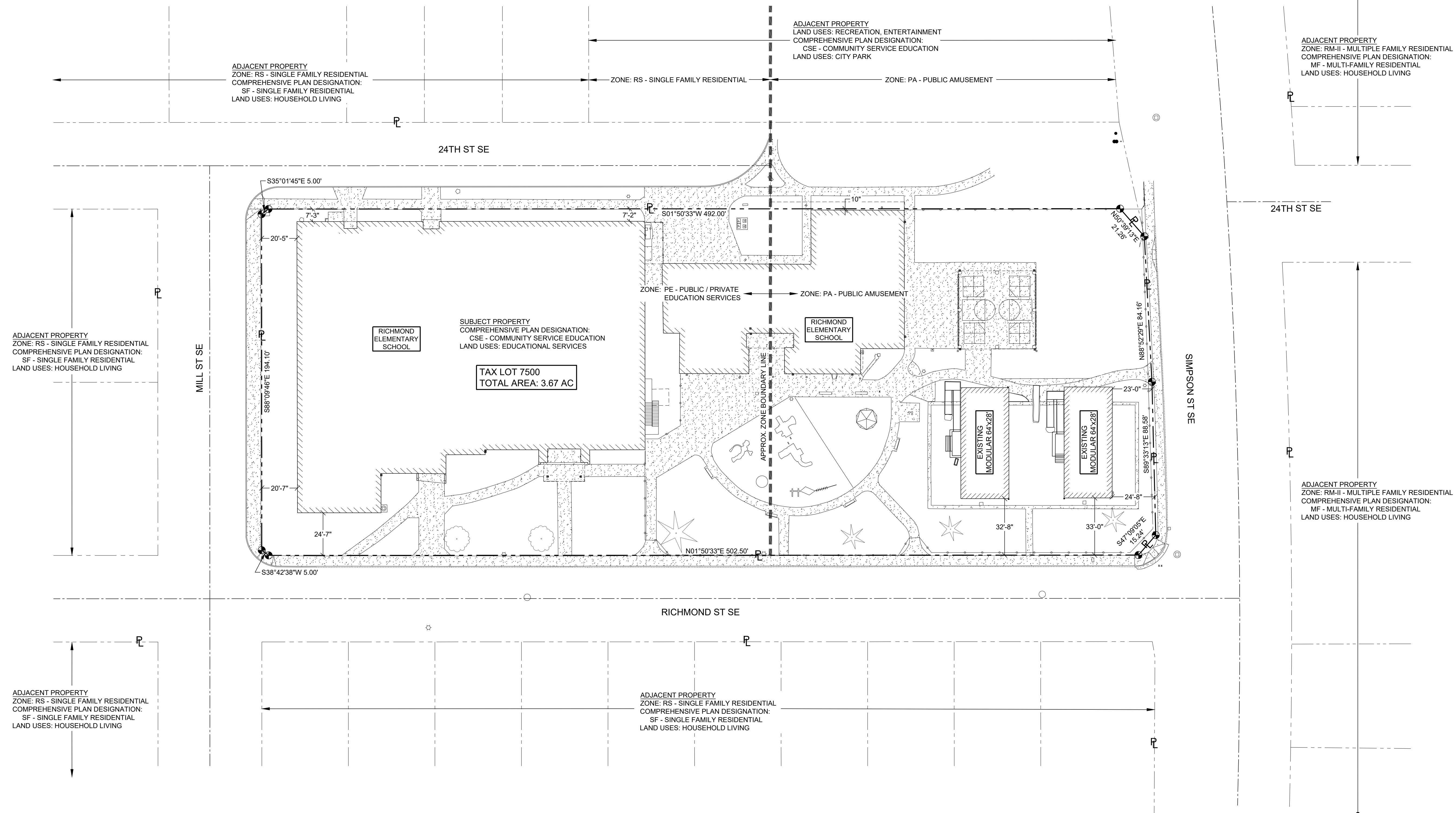
EXHIBIT 5

REV.	DATE	DESCRIPTION
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615 SE JACKSON STREET
ROSEBURG, OR 97470
541.672.0273 OFFICE
541.673.7560 FAX
PAUL@PAULBENTLEYARCHITECT.COM

PAUL L BENTLEYArchitect A.I.A. P.C.



**A NEW PROJECT FOR:
RICHMOND**

**RICHMOND
ELEMENTARY SCHOOL**

4666 RICHMOND AVE. SE
SALEM, OR

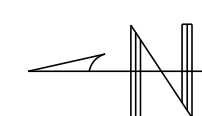
INFORMATION
PURPOSE
ONLY

DRAWN BY:	SC
CHECKED BY:	GL
DATE:	10/26/20
TITLE:	EXISTING CONDITIONS PLAN
SCALE:	SEE SHEET

SHEET NO:

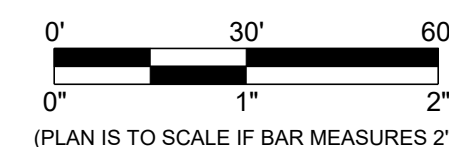
1.0

OF 1



EXISTING CONDITIONS PLAN

1" = 30'-0"



(PLAN IS TO SCALE IF BAR MEASURES 2")



December 9, 2020

VIA ELECTRONIC MAIL: smcatee@cityofsalem.net; Uploaded to the City of Salem PAC Portal

Steven McAtee, Planner II
555 Liberty St. SE
Room 305
Salem, OR 97301

RE: Response to Incomplete Letter – 466 Richmond Ave SE
20-117355-ZO (Zone Change)
Our File No: 23583-31452

Mr. McAtee:

This letter is in response to the Incomplete Letter you provided our office with, dated November 25, 2020, ("**Incomplete Letter**") with respect to the above referenced application. Your Incomplete Letter requested that the Applicant address two (2) items in order to deem this application as complete. Below is a summary of each item set out in bold and italics with Applicant's response in plain type below.

Application Written Statement:

Please address the following SACP Goal and Policy in the written statement:

Salem Urban Area Goals and Policies, Open Space, Parks and Recreation, Page 44, Salem Comprehensive Policies Plan)

GOAL: K: Open Space, Parks and Recreation

To provide for the recreation needs of the Salem urban area through the acquisition and development of adequate parks and recreation facilities

Policy K.3.

Park Place, Suite 200
250 Church Street SE
Salem, Oregon 97301

Post Office Box 470
Salem, Oregon 97308

tel 503.399.1070
fax 503.371.2927

www.sglaw.com

School Site and Parks Coordination: The site selection criteria used to evaluate and select new park sites shall include the location of complementary public facilities such as school sites.

Applicant's Response: The Subject Property is currently split zoned: the northern portion of the Subject Property is zoned "Public-Private Education" and the southern portion of the Subject Property is zoned "Public Amusement." However, the totality of the Subject Property has been used solely for the existing school for decades. Applicant is requesting a zone change to allow for the replacement of existing modular unit classrooms with updated modular units. The updated modular units are the same size and will fit within the footprint of the existing modular units. While a portion of the Subject Property is zoned for Public Amusement, the proposed zone change will not reduce the amount of available recreational land. Further, Goal K is met by the existing Richmond School Park, which has been developed in compliance with Policy K.3 as public open space and the existing playground area will remain open to the public while school is not in session. The existence of these public recreational spaces is in line with Goal K and its implementing policies.

Existing Conditions Plan:

The existing conditions plan included with the application needs to be revised to address the following:

Site Dimensions and Total Area. The dimensions shown on the existing conditions plan do not match those identified Marion County Assessor's records or the applicant's written statement. The existing conditions plan needs to be modified to show the correct property dimensions.

Floodplain Boundary. SRC 265.005(d)(1)(C) requires the existing conditions plan to show the location of drainage patterns and drainage courses. Please identify the FEMA floodplain boundary. The right-of-way of Mill St SE, immediately abutting the subject property, is within the FEMA 100-year floodplain and the subject property is located within the FEMA 500-year floodplain.

Applicant's Response: As part of this response, Applicant has uploaded a revised existing conditions plan (REV01) reflecting the corrected acreage of the Subject Property and has added the FEMA floodplain boundaries.

Pursuant to ORS 227.178(2)(b), Applicant will not be providing any additional information beyond that information accompanying this letter and asks that you deem the Application complete and begin your review.

Sincerely,



MARK D. SHIPMAN
mshipman@sglaw.com
Voice Message #310
MYG:hst/rmg
cc: Client