

TO: Planning Commission

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

DATE: August 11, 2020

SUBJECT: **Comprehensive Plan Change, Neighborhood Plan Change, & Zone Change
Case No. CPC-NPC-ZC20-04 – 2400 Block of Commercial Street NE and
Liberty Street NE; Open Record**

On August 4, 2020, the Planning Commission held a public hearing to consider a proposed Minor Comprehensive Plan Map Amendment, Minor Neighborhood Plan Map Amendment, and Zone Change (Case No. CPC-NPC-ZC20-04) for property located in the 2400 Block of Commercial Street NE and Liberty Street NE. The hearing was closed, and the record subsequently left open until August 11, 2020 at 5:00 p.m. for anyone to submit additional written testimony. The applicant has until August 18, 2020 at 5:00 p.m. to submit final written rebuttal.

Additional Comments Received

Two comments were received during the open record period that are included as **Attachment A**. One of the comments received was from ODOT providing addition information in support of their proposal. The other comment received was from the Highland Neighborhood Association chair indicating that the neighborhood association heard presentations earlier in the year regarding the proposed project and the Highland Neighborhood Association Executive Committee has no objections and supports the project.

Testimony from State Housing Advocacy Groups

During the August 4, 2020, Planning Commission public hearing the applicant's representative provided testimony suggesting that because no comments had been submitted from any state housing advocacy groups, it could be interpreted that the proposed request to change the multiple family residential zoning and comprehensive plan and neighborhood plan designations for the southern portion of the property were in compliance with the Statewide Planning Goals and the applicable approval criterion.

Though no formal letter in support or opposition to the proposal has been provided by any state housing advocacy groups, the Fair Housing Council of Oregon did notify staff that they would be reviewing the proposal to determine if they would be providing comments. In e-mail communications from the Fair Housing Council of Oregon they expressed their support of the staff report and its findings and later indicated they would not be submitting a letter regarding the proposal. The e-mail communications between staff and the Fairview Housing Council of Oregon are included as **Attachment B**.

Potential Condition of Approval Requiring Subsequent Comprehensive Plan, Neighborhood Plan, and Zone Change

At the August 4, 2020, Planning Commission hearing a question was raised regarding the possibility of placing a condition on the approval of the requested comprehensive plan, neighborhood plan, and zone change requiring the applicant to change the designations of the property back to their prior non-public designations if the property were to be subsequently sold by ODOT.

As explained during the public hearing, staff does not recommend establishing such a condition. To staff's knowledge, a condition such as this has not been placed on past comprehensive plan, neighborhood plan, and zone change approvals; it would allude to the requested public designations not being equally or better suited for the property and not meeting the approval criteria if there was a requirement to subsequently change the designations back; it would be based on an assumption that the existing multiple family and commercial designations of the property would still be appropriate for the property in the future when potential subsequent changes in the land use pattern of the surrounding area might result in the existing multiple family and commercial designations no longer being appropriate for the property; and, as indicated by the applicant during the public hearing, it would already be in the State's interest to voluntarily change the designations of the property back to a more marketable non-public designation should they subsequently decide to sell the property in the future.

ALTERANATIVES

As provided in findings included in the August 4, 2020, staff report, staff continues to recommend denial of the requested minor comprehensive plan map amendment, neighborhood plan map amendment, and zone change because the proposal does not meet all applicable approval criteria.

Alternatives the Planning Commission may consider in-lieu of denying the request include the following:

Alternative 1:

Approve the requested minor comprehensive plan map amendment, minor neighborhood plan map amendment, and zone change for the northern four CG zoned properties (tax lot numbers 073W15AD06000, 6100, 6200, & 6300), the RM-II zoned property located within the middle of the site (tax lot number 073W15AD05900), and the northernmost portion of the RM-II zoned property located at the southeast corner of site (tax lot number 073W15AD06400) that are currently being used for the traffic signal shop facility.

This alternative would allow the existing signal shop facility to become a lawful conforming use in the zone as well as allow for the multiple family designated portion of the site which is not currently developed with improvements for the signal shop facility to remain designated and zoned for multiple family residential. This alternative would require the following conditions of approval:

Condition 1A: Reconfigure tax lots 073W15AD05900, 6000, 6100, 6200, & 6300, and 6400 as follows:

- 1) Relocate the existing property line between tax lots 073W15AD06300 and 6400 to the south so that the property line is located 20 feet south of the existing driveway in conformance with required PS zone parking and vehicle use area setbacks; and
- 2) Consolidate tax lots 073W15AD05900, 6000, 6100, 6200, & reconfigured tax lot 6300 into one PS zoned lot.

Condition 1B: Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
- 2) South Property Line. A minimum 20-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided along the south property line.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

Condition 1C: The applicant shall submit a revised Transportation Planning Rule (TPR) analysis to be reviewed by the City Traffic Engineer reflecting the approved revised comprehensive plan map and zoning designation boundaries for the property. The transportation impacts resulting from any future development of the consolidated PS zoned lot shall be limited to the maximum cumulative total number of average daily vehicle trips identified in the approved revised TPR analysis.

Alternative 2:

Approve the requested minor comprehensive plan map amendment, minor neighborhood plan map amendment, and zone change for the entire property.

This alternative would allow the existing signal shop facility to become a lawful conforming use in the zone and allow for ODOT's proposed expansion to provide additional outdoor storage area on site. It would also, however, result in the loss of multiple family residential land designated through the Salem Multiple Family Residential Land Study (SMFRLS) process. This alternative would require the following conditions of approval:

Condition 2A: All of the individual lots which make up the 1.89-acre property shall be consolidated into one lot.

Condition 2B: Setbacks, landscaping, and screening shall be provided for the consolidated PS zoned lot as follows. Where a minimum 6-foot tall-sight-obscuring hedge is required it shall be a minimum of 6 feet in height at the time of planting and shall be located within the setback along the edge that is closest to the interior of the site.

- 1) North Property Line. A minimum 5-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided along the north property line. For the portion of the north property line located to the west of the existing entrance gate into the storage area, a minimum 6-foot-tall sight obscuring hedge shall also be provided.
- 2) South Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the south property line adjacent to Hickory Street NE.
- 3) East Property Line. Along the portion of the east property line located between the two existing driveways onto Liberty Street NE, the setback area between the existing office building and Liberty Street shall be landscaped according to the Type A landscaping standards of SRC Chapter 807.

Along the portion of the east property line located to the north of the northernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807 shall be provided.

Along the portion of the east property line located to the south of the southernmost driveway onto Liberty Street a minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight-obscuring hedge, shall be provided.

- 4) West Property Line. A minimum 10-foot-wide landscaped setback planted according to the Type A landscaping standards of SRC Chapter 807, together with a minimum 6-foot-tall sight obscuring hedge, shall be provided along the west property line adjacent to Commercial Street NE.
- 5) Storage Area Entrance/Exit Gates. The existing cyclone fence entrance and exit gates into the storage area that are located to the north and south of the existing building shall be made sight-obscuring.

Condition 2C: The transportation impacts from the 1.89-acre site shall be limited to a maximum cumulative total of 2,406 average daily vehicle trips.

The above identified conditions of approval for both alternatives are necessary in order to ensure that the proposal conforms to the applicable zone change approval criteria; that the property will conform to the applicable minimum lot standards of the PS zone; and that the existing and future development of the property will conform to applicable landscaping and screening standards.

The PS (Public Service) zone, pursuant to SRC 544.010(b), Tables 544-3 and 544-4, and SRC 544.010(d), requires parking and vehicle use areas to be setback and landscaped from streets and from interior property lines abutting adjacent properties. The PS zone also requires, per SRC 544.010(e), outdoor storage areas to be screened from streets and adjacent properties. The above conditions would ensure conformance with these requirements.

Attachments:

- A. Comments Received During Open Record Period
- B. E-mail Communications from the Fair Housing Council of Oregon



Oregon

Kate Brown, Governor

Department of Transportation
Maintenance & Operations Branch
455 Airport Rd. SE, Bldg K
Salem, OR 97301
Phone: (503) 986-7915

August 6, 2020

Bryce Bishop, Planner II, City of Salem, BBishop@cityofsalem.net

Lisa Anderson-Ogilvie, Planning Administrator, City of Salem, lmanderson@cityofsalem.net

Re: Proposed Applications for Comprehensive Plan and Zoning Change, ODOT Sign and Signal Shop Property (Application Numbers: 20-108131-ZO; 20-110268-ZO; 20-108135-ZO)

Mr. Bishop and Ms. Anderson-Ogilvie,

I am writing to urge the City of Salem to approve the proposed Zoning and Comprehensive Plan amendments for the ODOT Sign and Signal Shop Property. These changes are needed to ensure that ODOT can continue to operate this facility in a way that meets the needs of our agency and local cities and counties around the state that also use the facility's services for maintenance and testing of equipment and training of staff. ODOT has owned land at this site for nearly 50 years and has operated this facility to provide traffic system services for over 25 years. We understand that a change in the site's zoning designation is needed to bring the facility into conformance with city zoning requirements and that the City has not identified any other options for achieving this to date.

ODOT has invested a significant level of resources in this site over the years. The facility is used to configure, test, repair and store signs and signals used on highways across the state, as well as similar equipment operated by local cities and counties in Oregon, including the City of Salem. As a result, this facility provides a significant public benefit to thousands of people traveling in Oregon on a daily basis, including residents of Salem who live and work both in and outside of the neighborhood where the facility is located. Denying our application will not prevent us from using the facility completely but it would require us to store some of the equipment that we test and configure at the site at other locations, resulting in significant expense to our agency and Oregon taxpayers. It also would hamper any ability to expand our operations or improve the facility in any significant way, given its non-conforming status.

We understand that the primary objection to the rezoning by City staff is a potential loss of land zoned for commercial and/or residential use. However, our agency is committed to the continued use of this site and facility for our operations. Until such time as we choose to cease operations there, this property will not represent any potential for additional commercial or residential development in Salem. If ODOT were to stop using the site in the future, we would be willing to work with the City to rezone the site again to a designation that best meets long-term future community needs. Until such time, zoning this site for its longstanding purpose will not have any impact on its potential for commercial or housing uses.

ODOT is committed to being a good neighbor and a productive public agency partner with the City of Salem. We will work with you to continue to ensure that this site benefits the community and minimizes impacts on surrounding residents, businesses, and property owners. At the same time, we urge you to help us continue to meet a vital statewide and local need for traffic mobility, safety and accessibility in Salem and throughout the state through operation of our facility.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Lucinda M Moore".

Lucinda M Moore
State Maintenance & Operations Engineer
Oregon Department of Transportation

Bryce Bishop

From: My Mail <geoffdarling2@comcast.net>
Sent: Monday, August 10, 2020 7:36 PM
To: Bryce Bishop
Cc: Lisa Anderson-Ogilvie
Subject: ODOT Sign and Signal shop on Commercial

Mr Bishop,

The Highland Neighborhood Association heard presentations earlier this year regarding this project. The HNA Executive Committee has no objections, and supports the project.

Sent from my iPad

Bryce Bishop

From: Jean Dahlquist <jdahlqu1@gmail.com>
Sent: Monday, August 03, 2020 11:02 AM
To: Lisa Anderson-Ogilvie
Cc: Bryce Bishop; Eunice Kim
Subject: Re: PAPA CPC-NPC-ZC20-04

Good morning,

Just thought I would provide a small update. Board is having discussions related to the above, but it doesn't look like they have further questions at the moment nor will be submitting a letter regarding CPC-NPC-ZC20-04. Again, those findings look very well written (thank you Bryce!).

Respectfully,

Jean Dahlquist

Fair Housing Council of Oregon
Phone: (414) 477-1567
E-mail: jdahlqu1@gmail.com
[Linkedin](#)

On Thu, Jul 30, 2020 at 4:13 PM Lisa Anderson-Ogilvie <LMAnderson@cityofsalem.net> wrote:

Jean,

Bryce forwarded your question about our HNA to me to answer. The City was advised by our consultants and DLCD staff that we could not adopt the HNA, until the identified need (207 acres of multi-family land) had been addressed (due to a LUBA case from McMinnville). The City Council accepted the HNA and adopted a [work plan](#) to address the needs, including re-zoning land to multi-family. We have been working ever since on the plan and have completed most of the items on the list (especially once we implement HB 2001).

We are in the middle of a Comprehensive Plan update, [Our Salem](#), which will address the remaining needed multi-family acreage. We will be presenting a draft vision to the City Council this fall (September) and then expect to have a new Comp Plan (policies and map) for them to adopt in the end of 2021. The adoption of the Comp Plan will address the multi-family need by re-designating the remaining needed acreage, if not more.

We have been very supportive of applicant-initiated CPC/ZC requests to multi-family; all proposals have been approved since the completion of our HNA (roughly 28 acres). I have attached a recent memorandum we prepared for the Planning Commission on the progress on the work plan.

Feel free to contact me, or our Long Range Planning Manager Eunice Kim (ekim@cityofsalem.net), with any additional questions.

Thanks,

Lisa Anderson-Ogilvie, AICP

Deputy Community Development Director

Planning Administrator

City of Salem | Community Development Department

555 Liberty St SE, RM 305, Salem, OR 97301

lmmanderson@cityofsalem.net | 503-540-2381

[Facebook](#) | [Twitter](#) | [YouTube](#) | CityofSalem.net

From: Jean Dahlquist <jdahlqu1@gmail.com>

Sent: Thursday, July 30, 2020 9:59 AM

To: Bryce Bishop <BBishop@cityofsalem.net>

Subject: Re: PAPA CPC-NPC-ZC20-04

Good morning,

Interesting enough, one of our board members raised the point that you have a lovely 2015 HNA that was never adopted. According to them, this amendment would likely not have been a problem if Salem adopted and complied with its 2015 HNA and rezoned for more multifamily throughout the city. I am not sure what the conclusions from this discussion will be, but I was wondering if you have additional commentary or information to add that will help them understand Salem's rationale?

Thank you,

Jean Dahlquist

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: jdahlqu1@gmail.com

[Linkedin](#)

On Wed, Jul 29, 2020 at 9:40 AM Jean Dahlquist <jdahlqu1@gmail.com> wrote:

Good morning,

Report looks solid, and I don't think the board will have any issues! I will keep you updated.

--Jean

On Thu, Jul 23, 2020 at 10:47 AM Jean Dahlquist <jdahlqu1@gmail.com> wrote:

Thank you Bryce, I'll look forward to reading it!

Jean Dahlquist

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: jdahlqu1@gmail.com

[Linkedin](#)

On Wed, Jul 22, 2020 at 12:03 PM Bryce Bishop <BBishop@cityofsalem.net> wrote:

Thanks Jean. The staff report will be available on July 28th.

Bryce

Bryce Bishop

Planner II

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

bbishop@cityofsalem.net | 503-540-2399

[Facebook](#) | [Twitter](#) | [YouTube](#) | [CityofSalem.net](#)

From: Jean Dahlquist <jdahlqu1@gmail.com>
Sent: Wednesday, July 22, 2020 12:00 PM
To: Bryce Bishop <BBishop@cityofsalem.net>
Subject: PAPA CPC-NPC-ZC20-04

Good afternoon Bryce,

Just a courtesy notice to let you know that we'll be taking a look at CPC-NPC-ZC20-04, the amendments on Tax Lot Numbers: 073W15AD05600, 5700, 5800, 5900, 6000, 6100, 6200, 6300, & 6400. As always, I would be happy to answer any questions or participate in staff report review.

Thank you,

Jean Dahlquist

Fair Housing Council of Oregon

Phone: (414) 477-1567

E-mail: jdahlqu1@gmail.com

[Linkedin](#)