TO: Planning Commission

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

STAFF: Pamela Cole, Planner II

HEARING DATE: August 6, 2019

APPLICATION: Comprehensive Plan Change / Zone Change Case No. 19-07

LOCATION: 4696 Center Street NE and 592 Hile Lane NE

SIZE: Approximately 5.04 acres – see Attachment A

REQUEST: A comprehensive plan change from Developing Residential to Multi-Family Residential and zone change from Marion County UD (Urban Development) to RM2 (Multiple Family Residential 2), concurrent with a petitioner-initiated voter-exempt annexation and withdrawal from the Marion County Fire District #1, for multiple properties with combined area of 5.04 acres, designated Developing Residential and Multi-Family Residential in the SACP, zoned Marion County UD (Urban Development), and located at 4696 Center St NE and 592 Hile Lane NE 97301 (Marion County Assessor Map and Tax Lots 072W29BB03100, 072W29BB03200, 072W29BC03801, and 072W29BC03600).

APPLICANT: Creations Northwest LLC (Hans S. Thygesen)

PROPERTY OWNERS: Center Street Holding LLC (Hans S. Thygesen)
Brent & Arlena Malcom

REPRESENTATIVES: Bob Sanders for Creations Northwest LLC
Steve Kay, Cascadia Planning and Development Services

APPROVAL CRITERIA: Comprehensive Plan and Zoning Designation for Proposed Annexation: Salem Revised Code, Ch. 260.045(b)(1)-(4)

RECOMMENDATION: Adopt the findings of this report and recommend approval of Comprehensive Plan Change – Zone Change 19-07 to City Council

APPLICATION PROCESSING

Subject Application

On March 28, 2019, Steve Kay of Cascadia Planning and Development Services, on behalf of applicant Creations Northwest LLC, filed an application for a Comprehensive Plan Change
and Zone Change for the 5.04-acre subject property (Attachment A), which is under consideration to be annexed to the City of Salem.

After the applicant provided additional required information, the application was deemed complete for processing on June 10, 2019. The public hearing on the application is scheduled for August 6, 2019.

Salem Revised Code (SRC) Chapter 260 contains annexation procedures. SRC 260.045, Land Use Designations, provides that territory annexed into the city shall be automatically given the city comprehensive plan designation and zoning designation that is the equivalent to the applicable county zoning designations, as set forth in Table 260-1, unless one or more of the following apply: (1) the petitioner requests a new comprehensive plan designation, or zone designation other than the equivalent city designation in Table 260-1, in the petition for annexation; (2) the Council proposes a new comprehensive plan designation, or zone designation other than the equivalent city designation in Table 260-1, in the resolution initiating the annexation; or (3) the equivalent city designation in Table 260-1 is inconsistent with the Salem Area Comprehensive Plan.

The northern part of the annexation territory (4696 Center Street NE and tax lot 072W29BB03100) is currently zoned Urban Development (UD) in Marion County and designated “Multi-Family Residential” in the Salem Area Comprehensive Plan map. The southern part of the annexation territory (592 Hile Lane NE and tax lot 072W29BC03801) is currently zoned Urban Development (UD) in Marion County and designated “Developing Residential” in the Salem Area Comprehensive Plan map.

In Table 260-1, the equivalent city zoning designation for the Marion County UD (Urban Development) zoning designation would be RA (Residential Agriculture) or RS (Single Family Residential) when combined with a comprehensive plan designation of “Developing Residential” or RS (Single Family Residential) when combined with a comprehensive plan designation of “Single Family Residential”. Table 260-1 does not include any combination of a Marion County UD zone and a comprehensive plan designation that is equivalent to a city zone of RM2 (Multiple Family Residential 2); for “Multi-Family Residential” comprehensive plan designations, Table 260-1 matches Marion County zoning of RL (Limited Multi-Family Residential) with an equivalent City zone of RM1 (Multiple Family Residential) or Marion County zoning of RM (Multiple Family Residential) with an equivalent City zone of RM1 (Multiple Family Residential 1) or RM2 (Multiple Family Residential ).

The petitioner is requesting a zone designation other than the equivalent city designation of RA or RS in Table 260-1 for the southern part of the annexation territory, and the equivalent city designation of RA or RS in Table 260-1 for the northern part of the annexation territory is inconsistent with the Salem Area Comprehensive Plan map designation of “Multi-Family Residential.”

To ensure that the comprehensive plan designation and city zoning designation are consistent if the annexation is approved, the applicant is also requesting a change in the comprehensive plan designation from “Developing Residential” to “Multifamily Residential” in the southern part of the annexation territory along with the request for the city zoning designation of RM2 (Multiple Family Residential 2).
The East Lancaster Neighborhood Association land use plan map does not include property on the south side of Center Street NE. No Neighborhood Plan Change is required.

In accordance with Section 300.720(b) of the Salem Revised Code, notice of the proposed comprehensive plan change and zone change was mailed on July 17, 2019 and posted on the subject property prior to July 27, 2019.

Annexations where a new comprehensive plan map designation or zoning designation is proposed require a public hearing before the Planning Commission. Pursuant to SRC 260.045(b), upon holding a public hearing, the Planning Commission shall make a recommendation to the City Council whether to adopt the proposed designation, the equivalent designation, or a different designation to the City Council regarding the proposed Comprehensive Plan and zoning designations. Staff forwards the Planning Commission’s recommendation to the City Council as part of the staff report for the annexation public hearing. The public hearing before City Council regarding annexation of the subject property has not been scheduled at this time. The Council has the authority in SRC 260.060(d) to adopt, modify, or reject the Planning Commission’s recommendation for land use designations.

Appeals:

The Planning Commission’s decision is a recommendation to the City Council regarding the future Comprehensive Plan map designation and Salem zoning of the subject property upon annexation, and is reviewed by the City Council in its consideration of the application.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-deadline to issue a final local decision in this case is October 8, 2019.

Public Notice

1. Request for Comments of the consolidated proposal was distributed to City Departments and public and private service providers on June 13, 2019.

2. Notice of the public hearing was mailed to the owners and tenants of all property within 250 feet of the subject property on July 17, 2019.

3. The property was posted prior to July 27, 2019 in accordance with the posting provision outlined in SRC 300.720.

4. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposed Comprehensive Plan and Zone Change to DLCD on June 13, 2019.
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.

BACKGROUND INFORMATION

Proposal

The applicant is requesting a zone change from Marion County UD (Urban Development) to city of Salem RM2 (Multiple Family Residential 2) upon annexation to allow for future development of multifamily housing on the subject property. The zone change also requires an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the southern part of the property from “Developing Residential” to “Multifamily Residential,” a designation which is implemented by the RM2 zone. For the 5.04-acre subject property, the RM2 zone would require a minimum of 12 and maximum of 28 units per acre, or 61 to 142 units.

The applicant’s written statement summarizing the request and addressing compliance with the required approval criteria is included as Attachment B.

Existing Conditions

The subject property for the proposed Comprehensive Plan Map and Zone Change includes approximately 5.04 acres of private property in four Marion County tax lots (072W29BB03100, 072W29BB03200, 072W29BC03801, and 072W29BC03600), which are occupied by buildings identified by the assessor as a residence, large detached garage, attached garages, machine shed, general purpose building, and lean-to. The property is contiguous to the city limits on the north and east. The applicant submitted an annexation request concurrent with this Comprehensive Plan Map and Zone Change. A preliminary map of the annexation territory is being prepared by the City Surveyor’s office and is not available at the time of this report.

SRC Chapter 808, Trees. The City’s tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. The City’s maps indicate an open riparian corridor of the East Fork Little Pudding River along the eastern property line of 592 Hile Lane NE (tax lot 072W29BC03600). Any Significant Trees on the property would be subject to the protections of SRC Chapter 808 upon annexation. One of the trees on the applicant’s existing conditions plan is labeled as 24 inches in diameter, but it is not identified as an Oregon White Oak.

Wetlands and Waterways. Based upon a review of the data in the City geographic information system, the East Fork Little Pudding River is identified as a wetland channel. The property does not contain other wetlands but does contain hydric soils.
Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the northern area of the subject property (4696 Center Street NE and tax lot 072W29BB03100) as “Multi-Family Residential” and the southern area (92 Hile Lane NE and tax lot 072W29BC03801) as "Developing Residential."

The Comprehensive Plan designations of surrounding properties include:

North: (Across Center Street NE) “Developing Residential” and “Single Family Residential”
South: “Developing Residential”
East: “Single-Family Residential”
West: “Developing Residential”

Components of the Comprehensive Plan

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

The Water System Master Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the proposed zone.

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. Center Street NE, designated as a Major Arterial street in the TSP, abuts the northern boundary of the subject property.

Neighborhood Plan: The proposed project is located west of the boundaries of the East Lancaster Neighborhood Association. The East Lancaster Neighborhood Association Neighborhood Plan was adopted in 1984 and notes the neighborhood boundaries in effect at that time. The southern boundary of the adopted land use plan map was Center Street NE, which is north of the subject property. Therefore, the proposed Comprehensive Plan Map change does not require a neighborhood plan change.

Zoning and Surrounding Land Use

The subject property is zoned Marion County UD (Urban Development) and occupied by a residence and accessory structures. Surrounding properties are zoned and used as follows:

North: (Across Center Street NE) RS (Single Family Residential); single family dwellings
South: Marion County UD (Urban Development); single family dwellings
East: RS (Single Family Residential) and Marion County UD (Urban Development); single family dwellings
Relationship to the Urban Service Area

The subject property is located inside the Urban Service Area and extension of public facilities is the obligation of the development. An Urban Growth Area Development Permit is not required prior to development.

Infrastructure

Water: The subject property is located within the G-0 water service level.
A 12-inch public water main is located in Center Street NE.

Sewer: A 12-inch sewer main is located in Center Street NE.

Storm Drainage: A ditch that flows west is located in Center Street NE.

Streets: Center Street NE is designated as a Major Arterial street in the Salem Transportation System Plan. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way. This street has an approximate 48-foot improvement with a 76-foot-wide right-of-way abutting the subject property. Marion County Assessor maps show that the existing half-width right-of-way abutting the subject property is 40 feet. The frontage of the subject property has a special setback equal to 48 feet from centerline of Center Street NE.

Public and Private Agency Review

Salem Public Works Department - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (Attachment C).

Salem Fire Department – The Salem Fire Department submitted comments indicating no concerns with the proposed Comprehensive Plan and zone change, and that items including Fire Department access and water supply will be addressed at the time of building permit plan review.

Salem Community Development Department, Building and Safety Division – The Building and Safety Division submitted comments indicating no concerns with the proposal.

Portland General Electric – PGE submitted the following comments: “Development cost per current tariff and service requirements. Ten-foot public utility easement required on all front street lots.”

Marion County Public Works – Marion County Public Works submitted comments (Attachment D) requesting that all access to the subject properties should be required to be taken from Center Street NE (under City maintenance and jurisdiction) and the applicant should be required to obtain an Access Permit from the County for records closure of the Hile...
Lane access to tax lot 072W29BC03600 (592 Hile Lane NE).

**Staff Response:** The current request is for land use designations, and no development proposal is being reviewed or approved at this time. City staff anticipates that access to a future development would be to Center Street NE rather than Hile Lane NE (a private access easement to Auburn Street NE, which is under County maintenance and jurisdiction). The applicant is advised to work with the County to close the access to 592 Hile Lane NE when preparing future development proposals.

**Salem Keizer Public Schools** – Salem Keizer Public Schools, Planning and Property Services, submitted a memorandum (Attachment E) and estimated the proposed development of approximately 120 dwelling units would add approximately 24 students to Auburn Elementary, 9 students to Houck Middle School, and 10 students to North Salem High School. Students would be within the walk zone of the elementary school and eligible for transportation to the middle and high schools. The District provided recommendations for connectivity between the future development and schools, including pedestrian pathways, bike lanes, crosswalks, traffic signals, easements, bus pullouts, and shelters.

**Staff Response:** The current request is for land use designations, and no development proposal is being reviewed or approved at this time. The applicant is advised to work with the District when preparing future development proposals.

**Neighborhood Association Comments**

The subject property is located within the boundaries of the East Lancaster Neighborhood Association (ELNA). Notification was sent to ELNA on June 13, 2019. As of the date of this staff report, no comments have been received from the Neighborhood Association.

**Public Comments**

All property owners and tenants within 250 feet of the subject property were mailed notification of the proposal. At the time of writing this staff report, one citizen requested links to the codes that are applicable to multi-family housing development and indicated he would be attending the hearing. One citizen submitted the comments below:

- I am the owner of the property immediately east of the proposed 120-unit apartment project at 4696 Center Street NE. Center View Estates is a small senior manufactured home park of high quality with 22 spaces, and all the residents own their home. The entire community is appalled and distressed by the enormity of the proposed project. The proposed eastern building, if more than one floor and without a significant setback, would eradicate all privacy to the residents of Center View. How high is the projected wall between the two properties? How is even possible that a project of this magnitude is even entertained -- 120 apartments, 225 parking places, and probably more than 300 people next to a 30-person senior community? Could you possibly give me some reassurance that I could pass along to my community.

**Staff Response:** Staff provided the following information to both citizens through email.
The current application is only to ask the Planning Commission to determine whether the proposed comprehensive plan designation and zoning are appropriate for the property. We are not reviewing or approving the conceptual site plan at this time. Design review and site plan review will take place only if the Planning Commission recommends approval of the Multi-Family designation in the Salem Area Comprehensive Plan and RM2 multi-family zoning, the City Council approves these designations, and the City Council approves the annexation.

The northern part of the subject property is already designated Multi-Family in the Salem Area Comprehensive Plan and zoned UD (Urban Development) in Marion County. The proposed RM2 multi-family zoning would be consistent with the Comprehensive Plan. The southern area of the subject property is designated Developing Residential in the Salem Area Comprehensive Plan and zoned UD (Urban Development) in Marion County. The proposed designation is Multi-Family in the Salem Area Comprehensive Plan and RM2 multi-family zoning.

The current standards for RM2 zoning would allow 12 to 28 units per acre, or up to 142 units on the 5.04-acre property. Please see SRC Chapter 514 for more development standards:
https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH514LTFARE

Setbacks to RA- or RS-zoned property under current design review standards are as specified in the Multi-Family Design Review chapter, SRC Chapter 702:
https://library.municode.com/or/salem/codes/code_of_ordinances?nodeId=TITXUNDECO_UDC_CH702MUFADEREGUST

For a one-story building abutting an RA or RS zone, the setback is a minimum one foot for each one foot of building height, but in no case less than 14 feet. For a building two or more stories, the setback is a minimum one foot for each one foot of building height, but in no case less than 20 feet. Developers typically build no more than three stories, which would be approximately 35 to 40 feet in height; the RM2 zone allows a maximum height of 50 feet for apartments.

In comparison, if the subject property were annexed with RS Single Family zoning, current development standards would allow the property to be developed with single-family dwellings up to 35 feet in height set back 5 feet from side property lines or 20 feet from rear property lines. The RS zone could also include accessory dwelling units in side or rear yards up to 25 feet in height and set back 3 feet from side property lines or 5 feet from rear property lines.

One citizen submitted the following comments:

- According to statistics of the Salem Police Department, this area is rated number seven. Will this proposed change for subsidized housing increase this statistic?

**Staff Response:** The current application is only to ask the Planning Commission to determine whether the proposed comprehensive plan designation and zoning are appropriate
for the property. The City is not reviewing or approving the conceptual plan at this time. The applicant has indicated that the future development would be apartments but has not stated that they would be subsidized. If the property is annexed, it would be under the jurisdiction of the Salem Police Department. Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which would have law enforcement jurisdiction over the subject property and vicinity. Approval criteria for a comprehensive plan change and zone change concurrent with an annexation do not address anticipated changes in crime levels, and no evidence has been provided to support the speculation that any crime perpetrated by future residents of the subject property would exceed what would otherwise occur from any other legal development of property within the City.

**Applicant Submittal Information:**

Requests for Minor Comprehensive Plan Changes and Zone Changes associated with an annexation request must include a statement addressing each applicable approval criterion and standard. The applicant submitted such statements and proof, which are included in their entirety as Attachment B to this staff report. The applicant’s statements addressing the criteria of SRC 260.045(b) begin on page 16 of the statement. Staff utilized the information from the applicant’s statements to evaluate the applicant’s proposal and to compose the facts and findings within the staff report.

**FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN CHANGES AND ZONE CHANGES WITH ANNEXATION**

Salem Revised Code, Chapters 260.045(b) and 260.060(c)(5) provide the criteria for the approval of Comprehensive Plan Changes and Zone Changes with annexation applications. The only difference between these two code sections is the reference to the decision-making group, either the Planning Commission (260.045(b)) or the City Council (260.060(c)(5)). The applicable criteria are stated below in **bold italic** print. Following each criterion are staff findings relative to the changes requested.

*Criterion 1: Whether the comprehensive plan and zone designation provides for the logical urbanization of land;*

**Staff Finding:** The property is within the current Urban Growth Boundary (UGB) and therefore is available for urbanization. The territory to be annexed is contiguous to the City limits along its northern and eastern boundaries. Annexation and the concurrent Comprehensive Plan change are a logical extension of urban development in this area that is within the UGB.

Part of the property has already been designated “Multi-Family Residential” in the Salem Area Comprehensive Plan and the rest is designated “Developing Residential”, yet the entire property has not been fully developed. This proposal allows this property made up of several large parcels to be efficiently developed with a multi-family use.

The proposed RM2 zoning of the northern area of the subject property is consistent with the current Multi-Family Residential designation in the Salem Area Comprehensive Plan. The proposed Multi-Family Residential designation and RM2 zoning of the southern part of the
subject property are a logical extension of the current Multi-Family Residential designation of the northern part.

The development area has access to mass transit, schools, waste collection and disposal, commercial services and recreation areas. As such, it is considered available for urban development consistent with plans for the provision of urban facilities and services. The property abuts Center Street NE, a major arterial, to the north; it is 0.4 miles west of Cordon Road NE, a parkway, and 0.73 miles east of Lancaster Drive NE, a major arterial. A transit stop is located near Center Street NE on Royalty Drive NE less than 1/10 of a mile from the subject property. Lancaster Drive NE is the primary commercial corridor within the City east of Interstate 5. Access to transit, access from a major arterial, location in proximity to another major arterial and parkway, and location near commercial development are appropriate according to the Residential Goal and Multi-Family Housing policies of the Salem Area Comprehensive Plan.

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

The proposal meets this criterion.

**Criterion 2: Whether the comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;**

**Staff Finding:** The subject property is located adjacent to residential developments including a manufactured home subdivision and standard subdivision to the east and underdeveloped residential properties to the south and west. Residential development would be compatible with existing residential development as described below.

Although the proposed multi-family zoning is not contiguous to other multi-family zones, it is near them. The nearest multi-family zoned properties are 0.04 miles to the south on Auburn Road NE, 0.34 miles to the east on Center Street NE, and 0.37 miles to the west on Center Street NE. In addition, the properties immediately to the west of the subject property are designated “Multi-Family Residential” in the Comprehensive Plan Map and are likely to be developed with multi-family uses in the future.

The applicant stated that the proposed rental development would be compatible with surrounding development that includes many tenant-occupied dwelling units. City Geographic Information Systems staff generated address labels for all properties within 250 feet of the subject property. Of the 101 labels, 66 were for tenants, and the remaining 35 were for owners. This confirms that many of the nearby units are rental units.

Residents of the adjacent manufactured home subdivision to the east have expressed concerns about development density and compatibility based on the conceptual plan submitted by the applicant. This conceptual plan is not being reviewed or approved as part of the current applications for land use designations and annexation. If the proposed designations and annexation are approved, future multi-family development would be subject to density standards and design review guidelines and standards that are intended to ensure
compatibility with surrounding development.

The density that would be allowed under the proposed RM2 zoning is 12 to 28 units per acre, or approximately 61 to 142 dwelling units on the 5.04-acre property. In comparison, the density of the manufactured home subdivision to the east, which was originally approved by Marion County as a manufactured home park, is six units per acre. According to the City's 2015 Housing Needs Analysis, typical densities were 7.3 units per acre in areas designated “Single Family Residential” and 6.6 dwelling units per acre in areas designated “Developing Residential”. Current zoning would allow accessory dwelling units on many lots in RA- or RS-zoned properties, potentially doubling the density in those zones to approximately 12 units per acre.

The current design review standards include setbacks based on the zoning of the abutting property and the height of the proposed multi-family buildings. For a one-story building abutting an RA or RS zone, the setback is a minimum one foot for each one foot of building height, but in no case less than 14 feet. For a building two or more stories, the setback is a minimum one foot for each one foot of building height, but in no case less than 20 feet. Developers typically build no more than three stories, which would be approximately 35 to 40 feet in height; the RM2 zone allows a maximum height of 50 feet for apartments.

In comparison, if the subject property were annexed with RS (Single Family) zoning, current development standards would allow the property to be developed with single-family dwellings up to 35 feet in height and set back 5 feet from side property lines or 14 to 20 feet from rear property lines. The RS zone could also include accessory dwelling units in side or rear yards that could be up to 25 feet in height and set back 3 feet from side property lines or 5 feet from rear property lines.

In addition to setbacks, screening requirements in the design review standards and guidelines also promote privacy and compatibility. For a multi-family development in the RM2 zone abutting RA- or RS-zoned property, the design review standards require a combination of landscaping and screening at the property line. This includes at least one tree for every 30 linear feet of abutting property width and a minimum six-foot-tall, decorative, sight-obscuring fence or wall constructed of materials such as wood, stone, rock, brick, or other durable materials. Chainlink fencing with slats is not allowed to satisfy this standard.

The development standards and design review guidelines and standards that will apply upon annexation will ensure that future development is compatible with surrounding residential development.

The proposal meets this criterion.

**Criterion 3:** Whether the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and

**Staff Finding:** The economic, demographic, and social nature of this area is in the process of changing. The 2015 Housing Needs Analysis (HNA) indicates that changes in demographics, such as aging of baby boomers, housing demand from the echo-boomers, and growth in foreign-born immigrants will affect housing preference. Some boomers will prefer multifamily
housing to staying in their own homes; echo-boomers and new immigrants may increase demand for rental units in the near term. The HNA identifies a deficit of approximately 2,897 multi-family residential dwelling units and 207 acres of land designated for multifamily residential development. The proposal to zone 5.04 acres for multi-family housing addresses a housing need identified in the HNA. The proposed change to provide for a multi-family residential housing development would provide reasonable housing alternatives for families at a variety of income levels. The proposal is consistent with the range of existing and planned housing unit types in the immediate vicinity, which includes a mix of Single Family Residential and Multi-Family Residential designations.

The proposal meets this criterion.

**Criterion 4: Whether it is in the public interest that the proposed change be made.**

**Findings:** The City of Salem construes the public interest to be that which is consistent with the adopted goals and policies of the Salem Area Comprehensive Plan, in light of its intent statements.

The applicant has provided a Transportation Planning Rule Analysis (Attachment F) that is required to address the Transportation Planning Rule (OAR 660-012-0060) and Statewide Planning Goal 12, which requires coordination of land use decisions and transportation systems in ways that encourage a variety of transportation choices. The Assistant City Traffic Engineer concurs with the TPR Analysis findings that the proposed change will not have a significant impact on the existing transportation system.

The proposal also complies with Statewide Planning Goal 10, which requires that cities must allow a variety of housing locations, types, and densities.

The proposal also is consistent with the intent of the Salem Area Comprehensive Plan. The "Single Family Residential" and "Multi-Family Residential" plan map categories apply to the portion of the Salem urban area that is currently developed with housing or served by public facilities and suitable for residential development at urban densities. The proposal meets the intent of the residential designations:

(a) To retain and conserve the existing sound housing stock;
(b) To provide for the systematic conversion of sites to more intensive residential uses in accord with development policies and standards;
(c) To provide and maintain an overall land use pattern in the urban area that is consistent with the service capabilities of the jurisdictions;
(d) To ensure a compatible transition between various types of housing;
(e) To provide and maintain a supply of serviced, developable land throughout the urban area for residential and other urban uses, as demand warrants and service capabilities permit;
(f) To stabilize and protect the essential characteristics of residential environments, including natural features;
(g) To encourage locating residential development where full urban services, public facilities, and routes of public transportation are available;
(h) To permit multifamily housing developments which are consistent with development standards and growth policies to blend into the overall fabric of the
Salem urban area.

The proposed change resolves an inconsistency between the property’s current zoning of Marion County UD (Urban Development) and the SACP designation, and makes a property available for multi-family housing within the Salem urban area. The Urban Growth Boundary was designed to provide a supply of land available for the city’s urban growth needs. Since the property is already in the City of Salem Urban Growth Area, it is expected that the land will eventually be annexed by the city, and the applicant is requesting this annexation, SACP designation, and zoning designation to facilitate development in coordination with development on the adjacent property to the south which is already in the city. Annexation would allow further residential development at urban densities that would help maximize investment in public services and encourage the efficient use of developable land. The proposed development will not have a significant impact on the existing transportation system and will be required to mitigate any impacts on protected natural features. The proposed change in land use designations is consistent with the location and character of the property, with adjacent land use designations, and with the existing and planned transportation facilities available to serve the property.

The proposed change will benefit the East Salem neighborhood by providing an attractive residential area that allows a logical development of vacant land. The site should be developed as multi-family rather than single family because the increased density accommodates the increasing population of the Salem area.

The proposed change benefits the public by permitting an increase in the range of density, allowing for additional housing units within the City and allowing for increased options for a design layout on the subject property. A Comprehensive Plan change will permit rezoning. A detailed and specific site plan for the development of this area will be submitted for the site plan review and design review process. The proposed change will allow the subject property to redevelop and meet the current requirements of the Salem Revised Code.

Intent Statement 3.a states in part that the Multi-Family Residential category applies to land that is suitable for residential development at urban densities. The subject property is located where public facilities are available for residential development. Thus, the proposed change is consistent with the intent statement for “Multi-Family Residential” Comprehensive Plan map designation.

The Residential Development Goal promotes a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing. The proposed change meets the intent of this goal by providing additional land available for multi-family housing within the Salem urban area. Annexation would allow further residential development at urban densities that would help maximize investment in public services and encourage the efficient use of developable residential land.

With respect to Residential Development Policy 1, Establishing Residential Uses, the proposed change will help provide additional land available to meet expected population growth within the Salem area upon redevelopment. The site is an appropriate location for residential development because urban facilities and utilities are available.
The proposed change is consistent with applicable goals and policies of the Salem Area Comprehensive Plan. Thus, it is in the public's best interest that the proposed changes to be made.

The proposal meets this criterion.

CONCLUSION

Based on the facts and findings presented herein, staff concludes that the proposed Comprehensive Plan Map Amendment and Zone Change satisfy the applicable criteria contained under SRC 260.045(b) for approval.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and make the following recommendation to the City Council for the subject property 5.04 acres in size and located at 4696 Center St NE and 592 Hile Lane NE 97301 (Marion County Assessor Map and Tax Lots 072W29BB03100, 072W29BB03200, 072W29BC03801, and 072W29BC03600):

A. That the Salem Area Comprehensive Plan Map Change from “Developing Residential” to “Multi-Family Residential” be GRANTED and

B. That the zone change request from Marion County UD (Urban Development) to City of Salem RM2 (Multiple Family Residential) be applied upon annexation of the property, contingent on approval of the “Multi-Family Residential” Comprehensive Plan Map designation.

Attachments: A. Vicinity Map
             B. Applicant’s Written Statement
             C. Public Works Department Memo
             D. Marion County Public Works Comments
             E. Salem-Keizer Public Schools Comments
             F. Applicant’s Transportation Planning Rule Analysis

Prepared by Pamela Cole, Planner II
Subject Properties

Legend

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

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CITY OF SALEM
APPLICATION FOR
LAND USE REVIEW

CENTER STREET
MAP AMENDMENTS
CONCURRENT ANNEXATION,
COMPREHENSIVE PLAN AND ZONING
MAP AMENDMENT APPLICATIONS

Location: 4696 Center Street NE
T.M. 072W29BB, T.L. 3100 & 3200
T.M. 072W29BC, T.L. 3801
592 Hile Lane NE
T.M. 072W29BC, T.L. 3600
Marion County, Oregon

Prepared by: Steve Kay, AICP

Prepared for: Creations Northwest, LLC
14020 SE Johnson Road, Ste 102
Milwaukie, OR 97267

March 21 2019
APPLICANT’S STATEMENT

PROJECT NAME: Center Street Map Amendments

REQUEST: Concurrent Approval of Annexation Application to Include 5.04 +/- Acres in City Limits of Salem, with Comprehensive Plan Map Application for 2.45 +/- acres of Annexation Territory, and Zoning Map Amendment Application for 5.04 +/- Acres of Annexation Territory

ASSESSOR’S DESCRIPTION: Tax Lots 3100 and 3200 of Tax Map 072W29BB; Tax Lots 3600 and 3801 of Tax Map 072W29BC Marion County, Oregon

APPLICANT’S REPRESENTATIVE: Steve Kay, AICP Cascadia Planning + Development Services P.O. Box 1920 Silverton, OR 97381 503-804-1089 steve@cascadiapd.com

APPLICANT: Creations Northwest, LLC 14020 SE Johnson Road, Ste 102 Milwaukie, OR 97267

PROPERTY OWNERS: Center Street Holding LLC 14020 SE Johnson Road STE 102 Milwaukie, OR 97267; Brent and Arlena Malcom 592 Hile Lane NE Salem, OR 97301

SITE AREA: 5.04 +/- Acres

LOCATION: 4696 Center Street NE 592 Hile Lane NE Salem, OR 97301
I. APPLICABLE REGULATIONS

A. SALEM REVISED CODE: TITLE X – UNIFIED DEVELOPMENT CODE
   Chapter 64: Comprehensive Planning
   Chapter 260: Annexation Procedures
   Chapter 265: Zone Changes

B. SALEM COMPREHENSIVE POLICIES PLAN
   Chapter IV: Salem Urban Area Goals and Policies

C. OREGON STATEWIDE PLANNING GOALS
   Goal 1: Citizen Involvement
   Goal 2: Land Use Planning
   Goal 3: Agricultural Lands
   Goal 4: Forest Lands
   Goal 5: Open Spaces, Scenic and Historic Areas, and Natural Resources
   Goal 6: Air, Water and Land Resource Quality
   Goal 7: Natural Hazards
   Goal 8: Recreational Needs
   Goal 9: Economic Development
   Goal 10: Housing
   Goal 11: Public Facilities and Services
   Goal 12: Transportation
   Goal 13: Energy Conservation
   Goal 14: Urbanization
II. BACKGROUND:

The applicant, Creations Northwest LLC, is requesting concurrent approval of an Annexation, Comprehensive Plan Map Amendment, and Zoning Map Amendment application. The subject site is located within the Salem-Keizer Urban Growth Boundary (UGB) and consists of four separate tax lots with a combined area of 5.04 acres. Tax Lot 3100 of Tax Map 072W29BB is unaddressed, is currently zoned UD (Urban Development) in Marion County, is designated Multi-Family Residential on the City’s Comprehensive Plan Map, and contains 0.35 acres. Tax Lot 3200 Tax Map 072W29BB is addressed as 4696 Center Street NE, is also currently zoned UD, is designated Multi-Family Residential on the Comprehensive Plan Map, and contains 2.24 acres. Tax Lot 3600 of Tax Map 072W29BC is addressed as 5932 Hile Lane NE, is zoned UD, is designated Developing Residential on the Comprehensive Plan Map, and contains 0.80 acres. Tax Lot 3801 of Tax Map 072W29BC is unaddressed, is also currently zoned UD, is designated Developing Residential on the Comprehensive Plan Map, and contains 1.65 acres. The attached Annexation Petition indicates that all of the current property owners have the signed the document, therefore the submitted annexation application is exempt from voter approval (see Exhibit 5). The attached Preliminary Plans indicate that the applicant is requesting a concurrent Comprehensive Plan Map Amendment to change the designation of Tax Lots 3600 and 3801 to Multi-Family Residential. The plans also indicate that the applicant is requesting a Zoning Map Amendment to change the designation of the entire site to RM-II (Multiple Family Residential) when the parcels are annexed (see Exhibit 6).

The attached Existing Conditions Plan demonstrates that the proposed annexation territory is currently under large parcel residential use (see Exhibit 6). The plan indicates that individual single-family dwellings and several accessory structures are located on Tax Lots 3200 and 3600. Tax Lots 3100 and 3801 are currently vacant parcels and were previously farmed. The attached Existing Conditions Plan and Aerial Photograph indicate that the site is fairly flat and a number of trees are located near the two single-family dwellings. A defined channel of the East Fork of the Little Pudding River is located along the east boundary of Tax Lot 3600. There are no mapped wetlands on the subject site.

As demonstrated by the attached Existing Conditions Map, public transportation facilities currently serve the annexation territory (see Exhibit 6). The northern boundary of the site fronts Center Street NE, which is currently designated as a Minor Arterial within the City’s Transportation System Plan (TSP). The plan illustrates that the site also has frontage on Hile Street NE, a local private street. The attached Proposed Conceptual Plan illustrates how the proposed multi-family use can be served by consolidated access to Center Street NE (see Exhibit 6).

The Existing Conditions Plan indicates public utilities are located in the vicinity of the site and can be extended when annexation territory is developed. Public water can be provided by connecting the existing 12-in. main line in Center Street NE. Sanitary sewer can also be provided to the subject site from an existing 12-in. line within Center Street. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site.
The attached Proposed Conceptual Plan illustrates how the proposed annexation and map amendments will help meet Salem’s identified housing needs (see Exhibit 6). In 2015, the City adopted a Housing Needs Analysis to identify current and future needs for owner-occupied and rental housing. This study determined that an additional 15,181 single-family detached and attached units, and 8,174 multi-family units, are needed in Salem by the year 2035. Based on the City’s analysis of the buildable land supply, it was determined that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land when addressing single-family housing needs for the 20-year planning horizon. However, there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing multi-family housing needs up to the year 2035. The applicant’s proposed Comprehensive Plan Amendment to re-designate 2.45 acres of the subject site from Developing Residential to Multi-Family Residential will help reduce the City’s shortage of multi-family land.

This Applicant’s Statement addresses applicable provisions of the City of Salem Unified Development Code, Salem Comprehensive Policies Plan, and Oregon Statewide Planning Goals. Copies of the signed Application Form, Pre-Application Conference Report, Property Deeds and Easements, Legal Description of Annexation Territory, Annexation Petition, Preliminary Plans, Transportation Rule Analysis, State of Availability of Services, and Annexation Questionnaire have been attached to this narrative. The exhibits and narrative demonstrate that the submitted land use applications meet the criteria for approval.
III. FINDINGS

A. SALEM REVISED CODE: TITLE X – UNIFIED DEVELOPMENT CODE  

Chapter 64: Comprehensive Planning  

Section 64.025: Plan Map Amendments  

(a) Applicability. Amendments to a plan map shall be adopted as provided in this section. The two types of plan map amendments are major and minor. As used in this section, the term "plan map" means the urban growth boundary, the comprehensive plan map, or a general land use map in a neighborhood plan.  

(2) A minor plan map amendment is an amendment to either the comprehensive plan map or a general land use map in a neighborhood plan, where the amendment affects only a small number of properties or a closely circumscribed set of factual circumstances.  

COMMENT:  

The subject site consists of four contiguous parcels with a combined area of 5.04 acres. The attached Preliminary Plans indicate that Tax Lots 3100 and 3200 of Tax Map 072W29BB are currently zoned UD in Marion County and are designated Multi-Family Residential on the City's Comprehensive Plan Map. Tax Lots 3600 and 3801 of Tax Map 072W29BC are zoned UD and are designated Developing Residential on the Comprehensive Plan Map. The applicant is requesting a concurrent Comprehensive Plan Map Amendment to change the designation of Tax Lots 3600 and 3801 to Multi-Family Residential. In addition, the applicant is requesting a Zoning Map Amendment to change the designation of the entire site to RM-II when the parcels are annexed (see Exhibit 6). Since the proposed map amendments affects only a small number of properties, this application is considered a minor map amendment.  

(d) Submittal requirements.  

(1) Initiation.  

(B) A minor plan map amendment may be initiated by the Council or the Planning Commission by the adoption of a resolution, identifying the property that is the subject of the amendment, and setting forth the public purpose for the amendment, or by an applicant by the submission of an application that complies with subsection (d)(2) of this section.
COMMENT:

As permitted, the proposed minor plan amendments have been initiated by the applicant. The applicant has addressed how this application complies with Section 64.025(d)(2) in the narrative provided below.

(2) In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for an applicant-initiated minor plan map amendment shall include the following:

(A) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(i) The total site area, dimensions, and orientation relative to north;

(ii) The location of existing structures and other improvements on the site, including, but not limited to, buildings, accessory structures, fences, walls, parking areas, and driveways, noting their distance from property lines;

(iii) The location of drainage patterns and drainage courses, if applicable;

COMMENT:

As demonstrated by the attached Existing Conditions Plan, all of the required information listed above has been submitted (see Exhibit 6).

(B) A traffic impact analysis, if required by the Director.

COMMENT:

The attached Trip Generation Form indicates that a traffic impact analysis is not required for the minor map amendments application (see Exhibit 7). However, the applicant has submitted Transportation Rule Analysis for the proposed Comprehensive Plan Map amendments in accordance with the attached City Pre-Application Conference Report requirements (see Exhibits 2 and 8).

(e) Criteria.

(2) Minor plan map amendment. The greater the impact of the proposed minor plan map amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A minor plan map
amendment may be made if it complies with the following:

(A) The minor plan map amendment is justified based on the existence of one of the following:

(i) Alteration in circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.

COMMENT:

When completing the 2015 Salem Housing Needs Analysis, the City determined residential land needs for a 20-year planning horizon. During this planning period, Salem’s population is projected to increase at a 1.25% average annual growth rate and will reach 269,274 residents by the year 2035. Based on the analysis of current and future housing trends, it was discovered that multi-family housing needs were significantly increasing. Between the years 2000 and 2010, while the number of owner-occupied housing units increased by 10%, the number rental units increased by 17%. This trend has become even more pronounced during the past 8 years, as more of the Millennial generation has become independent adults. Meanwhile, due to higher interest rates and increased construction costs, the cost of home ownership has risen to the point where it is out of reach for many younger adults. At the same time, more of the Baby Boomer generation have become empty nesters and are choosing to downsize the homes. While some Baby Boomers choose to move into smaller single-family dwellings, others desire to eliminate all home ownership responsibilities and move into apartment units. As a result, the demand for multi-family housing is sharply increasing due to current demographic trends.

The 2015 Housing Needs Analysis determined that an additional 8,174 multi-family units are needed in Salem by the year 2035. The report concluded that there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing multi-family housing needs. Therefore, the applicant’s proposed Comprehensive Plan Map Amendment to re-designate 2.45 acres of the subject site to Multi-Family Residential is justified based on current and projected demographic patterns. Based on the City's analysis of the buildable land supply, it was determined that there is a 9,131 acre surplus of land for the 20-year planning horizon. Since the demographic patterns and housing needs have significantly altered over the last 15-20 years, the existing Developing Residential designation for Tax Lot 3600 and 3801 is no longer appropriate.

(ii) Equally or better suited designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
COMMENT:

As discussed above, it was determined in 2015 that there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing housing needs for the 2035 planning horizon. To address the growing demand multi-family housing, City Council adopted a Housing Needs Analysis Acceptance and Work Plan in 2016. The plan indicated that the City of Salem should focus on three phases over a 4-5 year work period. The first two phases are focused on Code amendments to allow accessory dwelling units, promote some multi-family uses in single-family zones, and encourage additional development of multi-family units. The third phase is to redesignate and rezone land for multi-family housing in Salem.

The proposed Multi-Family Residential designation for Tax Lots 3600 and 3801 not only helps address the significant multi-family land deficiency, but the proposed designation is also compatible with the area’s existing land use pattern. The attached Aerial Photograph/Land Use Plan illustrates that Tax Lots 7700, 7701, 3100, and 3200 are located north of Tax Lots 3600 and 3801 and are currently designated Multi-Family Residential. The plan also indicates that the majority of properties to the east and south of Tax Lots 3600 and 3801 consist of rental housing units. Therefore, due to the presence of Multi-Family Residential properties and rental housing in the area, the proposed Multi-Family Residential designation is equally or better suited for the property than the existing designation.

(iii) Conflict between comprehensive plan map designation and zone designation. A minor plan map amendment may be granted where there is a conflict between the comprehensive plan map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the comprehensive plan map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:

COMMENT:

The attached Proposed Comprehensive Plan Map indicates that the entire subject site will be designated Multi-Family Residential with the proposed map amendments. The attached Zoning Map also indicates that the applicant is also proposing to rezone the entire site RM-II (Multi-Family Residential) when the parcels are brought into the city limits of Salem. Therefore, the proposed map amendments will not create a conflict between the Comprehensive Plan Map and Zoning Map designations.

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

The attached Transportation Planning Rule Analysis describes how Tax Lots 3600 and 3801 are capable of being served with public transportation facilities under the proposed Multi-Family Residential map designation and RM-II zoning (see Exhibit 8). As illustrates by the attached Existing Conditions Plan and Proposed Conceptual Plan, consolidated access for the future multi-family use will be provided from Center Street NE, across from Wildflower Street NE intersection. Per the City’s TSP, Center Street NE is a major arterial roadway, which is intended to accommodate between 15,000 and 50,000 vehicles per day. When maximizing the potential dwelling unit density for Tax Lots 3600 and 3801 under the proposed map designations, the average daily traffic (ADT) on Center Street would be increased from 9,012 to 9,249 vehicles per day. In addition, the PM peak hour two-way approaching traffic volume would be increased from 865 to 887 vehicles per hour. The report concludes that the trip demand is less than expected day-to-day fluctuations in approaching traffic volumes, therefore the potential impact to the roadway performance is insignificant. In addition, the report concludes that approval of the map amendments will not affect the functional classification of Center Street NE.

The Existing Conditions Plan and City Pre-Application Conference Notes indicate that public utilities are also located in the vicinity of the subject site and can serve the parcels when the annexation territory is developed. Public water and fire flow can be provided by connecting to the existing 12-in. main line within Center Street NE. Mains of this size generally convey 2,100 to 4,900 gallons per minute. Sanitary sewer can be provided to the subject site from the existing 12-in. main line within Center Street. Stormwater can be managed by detaining runoff from future impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site. Therefore, public facilities and services are capable of supporting uses permitted under the proposed Multi-family Residential designation for Tax Lots 3600 and 3801.

(C) The proposed plan map designation provides for the logical urbanization of land;

COMMENT:

The attached Aerial Photograph/Land Use Plan demonstrates that the subject site is an enclave area that is located within the Salem-Keizer UGB and contiguous to the city limits along the north and east boundaries of the site. The attached Existing Conditions Plan also illustrates that the subject parcels are adjacent to existing public transportation and utilities services within Center Street NE. The area is currently transitioning to urban uses and densities as surrounding parcels annex into the city limits. As discussed above, the City’s Housing Needs Analysis indicates that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land when addressing single-family housing needs for the 20-year planning horizon. However, there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing multi-family housing needs through the year 2035. Therefore, for all of these reasons stated above, the proposed Multi-Family Residential map designation will provide for the logical urbanization of land.

(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
COMMENT:

The applicant has addressed how the proposed land use designation is consistent with applicable goals and policies of the Salem Area Comprehensive Plan and Statewide Planning Goals in the narrative provided below.

(E) The amendment is in the public interest and would be of general benefit.

COMMENT:

The attached Proposed Conceptual Plan illustrates how the proposed map amendments will help meet Salem’s identified housing needs (see Exhibit 6). In 2015, the City adopted a Housing Needs Analysis which determined that an additional 15,181 single-family detached and attached units, and 8,174 multi-family units, are needed in Salem by the year 2035. Based on the City’s analysis of the buildable land supply, it was determined that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land, however there is a 2,897 acre deficit of Multi-Family Residential designated land for the 20-year planning horizon. The applicant’s proposal to re-designate 2.45 acres of the subject site from Developing Residential to Multi-Family Residential provides a public benefit since it will help reduce the current deficit of multi-family land. When developed with an allowed use under the proposed RM-II zone, the subject site will address diverse housing needs within the community by providing additional multi-family housing options.

Chapter 260: Annexation Procedures

Section 260.010: Initiation of Annexations.

Annexation of territory into the City may be initiated by the Council upon its own motion, or by a petition submitted to the Council by owners of real property in the territory proposed to be annexed.

COMMENT:

The attached Annexation Petition indicates that this application has been initiated by both property owners within the annexation territory (see Exhibit 5).

Section 260.015: Enclave Annexations.

When a petition for annexation is filed, the Director may include areas adjacent to the territory proposed to be annexed as part of the proposed annexation if the failure to include the additional territory would result in the creation of an enclave and the requirements for consent elections set forth in ORS CH. 222 are met, or if the inclusion of the additional territory would eliminate existing enclaves.
COMMENT:

The submitted Aerial Photograph/Land Use Plan indicates that the subject site is located within an existing large enclave area (see Exhibit 6). The plan demonstrates that the proposed annexation will not result in the creation of a new enclave area.

Section 260.020: Voter Approval of Annexations; Exempt Annexations.

(a) Except as provided in subsection (b) of this section, all annexations shall be submitted to the voters of the City for their approval.

(b) Annexations made pursuant to annexation contracts effective prior to May 16, 2000, annexations necessitated by failing septic systems or health hazards, or annexations mandated by state law are exempt from voter approval.

COMMENT:

As permitted under Senate Bill 1573 (2016), this Annexation application is exempt from the voter annexation process since the applicant has provided current property deeds and all owners have signed the attached annexation petition (see Exhibits 3 and 5).

Section 260.030: Pre-application conference; filing deadline.

(a) Any person who wishes to petition for the annexation of territory shall participate in a pre-application conference not less than 60 days prior to the deadline for filing the petition. The purpose of the pre-application conference shall be to inform the person of the process for annexing territory into the City.

(b) Unless otherwise allowed by the Director, annexation petitions which propose a change to the comprehensive plan or zone designation for the territory pursuant to SRC 260.045(b) shall be filed not less than 315 days prior to the date of the election when the annexation is proposed to be submitted to the voters. Annexation petition which will have the comprehensive plan and zone designations applied pursuant to SRC 260.045(a) shall be filed not less than 240 days prior to the date of the election when the annexation is proposed to be submitted to the voters.

COMMENT:

As demonstrated by the attached City Pre-Application Conference Notes, the applicant attended a meeting with City staff on June 7, 2018 to discuss the submitted Annexation, Comprehensive Plan Map Amendment, and Zoning Map Amendment applications (see Exhibit 2). Since the applicant has provided a signed petition from all property owners within the annexation territory, this Annexation application is exempt from the voter annexation process.
Section 260.035: Annexation Petitions; Land Use Determination Application; Conceptual Plan.

(a) Petitions for annexation and applications for land use designations shall be on forms promulgated by the Director.

COMMENT:

As required, the applicant has submitted the City’s general Land Use Application form and Annexation Petition with this application packet (see Exhibits 1 and 5).

(b) A petition for annexation for which voter approval is required shall be accompanied by:

(4) An application for land use designations shall contain the following:

(D) If the petitioner proposes a comprehensive plan or zone designation which is different from the existing or equivalent comprehensive plan designation or equivalent zone designation, as set forth in Table 260-1, the land use designation application shall include:

(i) A conceptual plan, drawn to scale, including:

(a) The proposed zoning for the territory, and, if more than one zone is proposed for the territory, a legal description for each area with the proposed zoning;

COMMENT:

The attached Proposed Conceptual Plan illustrates how the applicant intends to develop the subject site. The attached Proposed Zoning Map indicates that the entire site will be zoned RM-II with the proposed map amendments (see Exhibit 6). In addition, the applicant has attached a Legal Description of Annexation Territory with this application packet (see Exhibit 4).

(b) A site map, showing general circulation patterns, location of land uses by general categories, the anticipated intensity of uses in each category, and approximate acreage for uses in each category. Categories of land uses may be
identified by any descriptive system or method generally acceptable by professionals engaged in the production of development master plans;

COMMENT:

As required, the attached Proposed Conceptual Plan identifies the proposed circulation pattern, intended multi-family use, anticipated density, and acreage of the subject site (see Exhibit 6).

(c) The location of all significant trees within the territory as defined in SRC chapter 808;

COMMENT:

The attached Existing Conditions Plan identifies the location of all significant trees as defined under this Section (see Exhibit 6).

(d) The location and proposed changes to any wells, septic tanks, drain fields, and easements within the territory; and

COMMENT:

All of the applicable information listed above has been provided on the attached Existing Conditions Plan (see Exhibit 6). When annexed into the city limits, the applicant will submit a subsequent Design Review application with a detailed development plan indicating how the site will be served by public utilities within Center Street NE.

(e) The location and proposed changes to creeks, drainage ways and courses, and riparian corridors.

COMMENT:

The attached Existing Conditions Plan indicates that the East Fork of the Little Pudding River is located along the east boundary of Tax Lot 3600 (see Exhibit 6). As required, the applicant will provide detailed plans with a future Design Review application to demonstrate how stormwater management meets City standards.

(c) A petition for annexation exempt from voter approval under SRC 260.020(b) shall contain the following:

(1) A legal description of the property proposed to be annexed, along with documentation of ownership;

(2) The notarized signatures of the landowner or
owners;

(3) A statement from the Oregon Department of Human Services, the Oregon Department of Environmental Quality or the county health department or sanitarian attesting to the failing septic system or health hazard and which otherwise complies with health hazard abatement law relative to annexation, a copy of the annexation contract, or documentation that the annexation is otherwise mandated by state law; and

(4) A consent and waiver of Ballot Measure 49 claims, as set forth under subsection (b)(5) of this section.

COMMENT:

As described above, the submitted Annexation Petition is exempt from the voter annexation process. This application packet includes a Legal Description of Annexation Territory and an Annexation Petition with notarized signatures for the property owners (see Exhibits 4 and 5). The subject site does not contain a failing septic system or Measure 49 claim, therefore these standards do not apply to the Annexation application.

(d) If the Council initiates an annexation at the request of a landowner, and a comprehensive plan or zone designation is proposed which is different from the existing or equivalent comprehensive plan designation or equivalent zone designation, as set forth in Table 260-1, the landowner shall, as a condition of the initiation and within 30 days of the date the Council initiates the annexation, provide a conceptual plan which complies with subsection (b)(4)(D) of this section. In addition, any annexation initiated upon the request of a landowner shall be specifically conditioned upon the execution of a consent and waiver of Ballot Measure 49 claims, as set forth under subsection (b)(5) of this section.

COMMENT:

The attached Annexation Petition requests City Council to initiate the voter exempt annexation process. Since this request is concurrent with Comprehensive Plan Map and Zoning Map Amendment applications, the applicant has submitted a Proposed Conceptual Plan (see Exhibit 6). The applicant has addressed how this plan meets the conceptual plan requirement of Section 260.035(b)(4)(D) in the narrative provide above. As mentioned above, a Measure 49 claim has not been filed for subject parcels.

Section 260.045: Land use designations.

(a) Territory annexed into the City shall be automatically given the City comprehensive plan designation and zoning
designation that is the equivalent to the applicable county zoning designations, as set forth in Table 260-1, unless one or more of the following apply:

(1) The petitioner requests a new comprehensive plan designation, or zone designation other than the equivalent City designation in Table 260-1, in the petition for annexation;

COMMENT:

Currently Tax Lots 3100 and 3200 are designated Multi-Family Residential on the City's Comprehensive Plan Map and are inconsistently zoned UD on Marion County’s Zoning Map. Tax Lots 3600 and 3801 are currently designated Developing Residential on the Comprehensive Plan Map and UD on the County Zoning Map. To help address the 2,897 acre deficit of Multi-Family Residential designated land, the applicant is proposing to concurrently change the Comprehensive Plan Map designation for Tax Lots 3600 and 3801 to Multi-Family Residential with the submitted Annexation application. To provide consistency with the City Zoning Map, the applicant is also proposing to concurrently rezone the entire site to RM-II when the parcels are annexed.

(b) If the new comprehensive plan designation is proposed, or a zoning designation is proposed for the territory that is different from the equivalent designation set forth in Table 260-1, the Planning Commission shall hold a public hearing to review the proposed designation, and shall make a recommendation to the Council whether, in light of the conceptual plan, to adopt the proposed designation, the equivalent designation, or a different designation. The Planning Commission’s review shall be based the following criteria:

(1) Whether the comprehensive plan and zone designation provides for the logical urbanization of land;

COMMENT:

The subject site is located within an enclave area between Salem-Keizer UGB and the city limits of Salem. The attached Existing Conditions Plan also illustrates that the subject parcels are adjacent to existing public transportation and utilities services within Center Street NE. The surrounding area is currently transitioning to urban uses and densities as nearby parcels annex into the city limits. As discussed above, there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing multi-family housing needs through the year 2035. Since the site can be easily served by public transportation and utility services, and contains large parcels which can be efficiently developed with a multi-family use, it is ideally suited for addressing the multi-family housing demand. For all of the reasons listed above, the proposed Comprehensive Plan Map and Zoning Map designations provide for the logical urbanization of land.

(2) Whether the comprehensive plan and zone designation is compatible with development
patterns in the nearby vicinity;

COMMENT:

As mentioned above, Tax Lots 3100 and 3200 are currently designated Multi-Family Residential on the Comprehensive Plan Map and the proposed RM-II zoning is consistent with this designation. Regarding the proposed Multi-Family Residential Comprehensive Plan designation and RM-II zoning for Tax Lots 3600 and 3801, the submitted plans demonstrate that the proposed designations are compatible with the existing land uses in the area. The attached Aerial Photograph/Land Use Plan illustrates that Tax Lots 7700, 7701, 3100, and 3200 are located to the north of Tax Lots 3600 and 3801 and are currently designated Multi-Family Residential. The plan also indicates that the majority of properties to the east and south of Tax Lots 3600 and 3801 contain rental housing units, which are a similar to the proposed apartments identified in the attached Proposed Conceptual Plan. Due the prominence of non-owner occupied housing in the area, and Multi-Family Residential designated properties to the north of Tax Lots 3600 and 3801, the proposed Comprehensive Plan Map and Zoning Map designations are compatible with the development pattern in the nearby vicinity.

(3) Whether the social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and

COMMENT:

The 2015 Housing Needs Analysis indicates that Salem’s population is projected to increase at a 1.25% average annual growth rate and will reach 269,274 residents by the year 2035. Based on the analysis of housing trends between the years 2000 and 2010, the number of owner-occupied housing units increased by 10%, while the number rental units increased by 17% during this time period. This trend has become even more pronounced during the past 8 years, as more of the Millennial generation have reached the age where they are living as independent adults. In recent years, mortgage interest rates and construction costs have climbed to the point where homeownership is out of reach for many younger adults. As a result, the demand for multi-family housing by the Millennial generation is significantly higher as compared to the demand for past generations. In addition, multi-family demand has increased as more of the Baby Boomer generation have become empty nesters and are choosing to downsize their living arrangements. While some Baby Boomers choose to move into smaller single-family dwellings, others are eliminating all home ownership responsibilities and move into apartment units.

The 2015 Housing Needs Analysis determined that an additional 8,174 multi-family units are needed in Salem by the year 2035 and that there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing those multi-family housing needs. As such, the applicant’s proposed Comprehensive Plan Amendment to re-designate 2.45 acres of the subject site to Multi-Family Residential is supported by current and projected demographic patterns. Based on the City’s analysis of the buildable land supply, it was determined that there is a 9,131 acre surplus of single-family designated land for the 20-year planning horizon. Therefore, since demographic patterns and housing needs have significantly altered in Salem, the current single-family designations for Tax Lot 3600 and 3801 are no longer appropriate.

(4) Whether it is in the public interest that the proposed change be made.
COMMENT:

As mentioned above, the City adopted a Housing Needs Analysis in 2015 which determined that an additional 15,181 single-family units, and 8,174 multi-family units, are needed in Salem by the year 2035. Based on the City’s analysis of the buildable land supply, it was determined that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land, however there is a 2,897 acre deficit of Multi-Family Residential designated land for the 20-year planning horizon. The applicant’s proposal to re-designate 2.45 acres of the subject site from Developing Residential to Multi-Family Residential provides a public benefit since it will help reduce the current deficit of multi-family land. When developed with an allowed use under the proposed RM-II zone, the proposed map amendments will serve the public interest by helping to meet Salem’s diverse housing needs and providing additional multi-family unit options for the community.


COMMENT:

The applicant intends to present the attached Proposed Conceptual Plan to both the Planning Commission and City Council. Therefore, this section does not apply to the submitted application.


(c) Criteria. The Council shall determine whether the proposed annexation meets the following criteria:

(1) The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable statewide planning goals;

COMMENT:

The applicant has addressed how the proposed land use designation is consistent with applicable goals and policies of the Salem Area Comprehensive Plan and Statewide Planning Goals in the narrative provided below.

(2) The annexation will result in a boundary in which services can be provided in an orderly, efficient, and timely manner;
COMMENT:

The subject site is located within an enclave area between Salem-Keizer UGB and the city limits of Salem. The surrounding area is currently transitioning to urban uses and densities as nearby parcels annex into the city limits. The attached Existing Conditions Plan illustrates that the subject parcels are adjacent to existing public transportation and utilities services within Center Street NE. When the parcels are annexed, the site will also have access to City fire and police services. The attached Proposed Annexation Map demonstrates that the annexation will not create an additional enclave area. As such, the annexation will result in a boundary where services can be provided in an orderly, efficient, and timely manner.

(3) The uses and density that will be allowed can be served through the orderly, efficient and timely extension of key urban facilities and services;

COMMENT:

As demonstrated by the attached Existing Conditions Plan, the subject parcels are adjacent to existing public transportation and utilities services within Center Street NE (see Exhibit 6). Public water can be looped through the annexation territory by connecting to the existing 12-in. main line in Center Street NE. Sanitary sewer can be provided to the subject site from the existing 12-in. line within Center Street. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site. The attached Transportation Planning Rule Analysis concludes that the trip demand is less than the expected day-to-day fluctuation in approaching traffic volumes, therefore the potential for an impact to the performance of the roadway is insignificant (see Exhibit 8) In addition, the report concludes that approval of map amendments will not affect the functional classification of Center Street NE. The proposed multi-family use can be adequately served by existing public transportation and utility services. The site also contains large parcels which can be economically developed with apartments. Therefore, the proposed use and density can be served through the orderly, efficient and timely extension of urban facilities and services.

(4) The public interest would be furthered by the referral of the annexation to the voters; and

COMMENT:

As mentioned above, the proposed annexation and map designations will serve the public interest by helping to address Salem’s deficient multi-family land use supply. With future development of the site, additional multi-family units will be provided for the community. The attached Annexation Petition includes all property owner signatures within the annexation territory, therefore it is exempt from the voter annexation process.

(5) For annexations that propose a change in the comprehensive plan designation or a zoning designation that is different from the equivalent zoning designation set forth in Table 260-1, that:

(A) The comprehensive plan and zone designation provides for the logical urbanization of land;
COMMENT:

The attached Aerial Photograph/Land Use Plan demonstrates that the subject site is located within the Salem-Keizer UGB and is contiguous to the city limits of Salem (see Exhibit 6). The aerial photograph also illustrates that the surrounding area is currently transitioning to urban uses. The attached Existing Conditions Plan indicates that the subject parcels are adjacent to existing public transportation and utilities services within Center Street NE. As discussed above, the City’s Housing Needs Analysis indicates that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land when addressing single-family housing needs for the 20-year planning horizon. However, there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing multi-family housing needs through the year 2035. For these reasons, the proposed Comprehensive Plan Map and Zoning Map designations provide for the logical urbanization of land.

(B) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;

COMMENT:

The attached Preliminary Plans demonstrate that the proposed designations are compatible with existing zoning and uses in the nearby vicinity. The attached Aerial Photograph/Land Use Plan illustrates that Tax Lots 7700, 7701, 3100, and 3200, located to the north of Tax Lots 3600 and 3801, are currently designated Multi-Family Residential (see Exhibit 6). The plan also indicates that the majority of properties to the east and south of Tax Lots 3600 and 3801 consist of rental housing units, which are similar to the proposed apartments use for the subject site. Due the prominence of non-owner occupied housing in the area, and Multi-Family Residential designated properties to the north of Tax Lots 3600 and 3801, the proposed Comprehensive Plan Map and Zoning Map designations are compatible with the area’s existing development pattern.

(C) Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and

COMMENT:

As mentioned above, the number of owner-occupied housing units increased in Salem by 10% between 2000 and 2010, while the number rental units increased by 17%. This trend has become even more pronounced during the past 8 years, as more of the Millennial generation have reached the age where they are living as independent adults. During this period, mortgage interest rates and construction costs have continued to climb to the point where home ownership is out of reach for many younger adults. This has resulted in a higher demand for multi-family housing by the Millennial generation than compared to past generations. In recent years, more of the Baby Boomer generation have become empty nesters and are choosing to downsize their living arrangements. While some Baby Boomers choose to move into smaller single-family dwellings, others desire to eliminate all home ownership responsibilities and are moving into apartment units.
The 2015 Housing Needs Analysis determined that an additional 8,174 multi-family units are needed in Salem by the year 2035 and that there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing those housing needs. As such, the applicant’s proposed Comprehensive Plan Amendment to re-designate 2.45 acres of the subject site to Multi-Family Residential is justified based on current and projected demographic patterns. The proposed map designations will not impact the City’s single-family land supply since it was determined in 2015 that there is a 9,131 acre surplus of single-family land for the 20-year planning horizon. Therefore, demographic patterns and housing needs have significantly altered in this and other neighborhoods in Salem, and as a result, the current Comprehensive Plan Map and Zoning Map designations for the site are no longer appropriate.

(D) It is in the public interest that the proposed change be made.

COMMENT:

Based on the City’s 2015 analysis of housing needs and buildable land supply, it was determined that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land. However, this study determined that there is a 2,897 acre deficit of Multi-Family Residential designated land for the 20-year planning horizon. The applicant’s proposal to re-designate 2.45 acres of the subject site from Developing Residential to Multi-Family Residential provides a public benefit since it will help reduce the current deficit of multi-family land. When developed with apartments under the proposed RM-II zone, the subject site will address diverse housing needs within the community by providing additional multi-family housing options.

Chapter 265: Zone Changes

Section 265.005: Quasi-judicial zone changes.

(a) Applicability. This section applies to any quasi-judicial zone change, other than a zone change by operation of law under SRC 265.015.

COMMENT:

Currently Tax Lots 3100 and 3200 are designated Multi-Family Residential on the City’s Comprehensive Plan Map and are inconsistently zoned UD in Marion County. Tax Lots 3600 and 3801 are currently designated Development Residential on the Comprehensive Plan Map and UD on the County Zoning Map. As indicated by the attached Proposed Zoning Map, the applicant is proposing to designate the entire site RM-II with the concurrent Annexation and Comprehensive Plan Map Amendment. The applicant is requesting approval of a quasi-judicial zone change, therefore this section applies to the submitted application.

(b) Standing to initiate quasi-judicial zone change. A quasi-judicial zone change may be initiated only by the Council, the Planning Commission, or the owner of the property subject to the proposed zone change, or that owner’s agent.
COMMENT:

As demonstrated by the attached application form, the property owners and applicant have initiated the proposed zone change.

(c) Procedure type. A quasi-judicial zone change is processed as a Type III procedure under SRC chapter 300.

COMMENT:

As required, this quasi-judicial zone change will be processed as a Type III procedure.

(d) Submittal requirements. In addition to the submittal requirements for a Type III application under SRC chapter 300, an application for a quasi-judicial zone change shall include the following:

(1) An existing conditions plan of a size and form and in the number of copies meeting the standards established by the Planning Administrator, containing the following information:

(A) The total site area, dimensions, and orientation relative to north;

(B) The location of existing structures and other improvements on the site, including accessory structures, fences, walls, and driveways, noting their distance from property lines; and

(C) The location of drainage patterns and drainage courses, if applicable;

COMMENT:

The attached Existing Conditions Plan demonstrates that all of the information listed above has been included with this application (see Exhibit 6).

(2) A traffic impact analysis, if required, in the format specified, and based on thresholds specified in standards established, by the Director.

COMMENT:

The attached Trip Generation Form indicates that a traffic impact analysis is not required for this minor map amendments application (see Exhibit 7). However, the applicant has submitted Transportation Rule Analysis for the proposed map amendments in accordance with the attached City Pre-Application Conference Report requirements (see Exhibits 2 and 8).

(e) Criteria.
(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 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

(ii) 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.

COMMENT:

As discussed above, the 2015 Housing Needs Analysis determined that Salem’s population is projected to increase at a 1.25% average annual growth rate and will reach 269,274 residents by the year 2035. The analysis found that between the years 2000 and 2010, the number of owner-occupied housing units increased by 10%, while the number rental units increased by 17%. This trend has become even more pronounced during the past 8 years as more of the Millennial generation has become independent adults. With higher interest rates and increased construction costs, the cost of home ownership has risen to the point where it is out of reach for many younger adults. As a result, the demand for multi-family housing has increased significantly. This multi-family housing need has compounded as many individuals in the Baby Boomer generation have become empty nesters and are choosing to downsize their homes. While some Baby Boomers choose to move into smaller single-family dwellings, others desire to eliminate all home ownership responsibilities and move into apartment units.

The 2015 Housing Needs Analysis determined that an additional 8,174 multi-family units are needed in Salem by the year 2035 and that there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing those multi-family housing needs. As such, the applicant’s proposed Comprehensive Plan Amendment to re-designate 2.45 acres of the subject site to Multi-Family Residential is supported by current and projected demographic patterns. The proposed multi-family designation will not impact the ability for the City to address single-family housing needs since there is a 9,131 acre surplus of single-family land for the 20-year planning horizon. Based on these factors, the proposed RM-II zone is better suited for the site than the existing UD zone.
COMMENT:

In 2015, the City determined that there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing housing needs for the 20-year planning horizon. To address the growing demand multi-family housing, the City adopted a Housing Needs Analysis Acceptance and Work Plan in 2016. This plan includes the objective to redesignate and rezone land for additional multi-family housing in Salem.

The proposed RM-II zoning not only helps address Salem’s significant multi-family land deficiency, but the designation is also compatible with the existing land use pattern for the area. The attached Aerial Photograph/Land Use Plan illustrates that Tax Lots 7700, 7701, 3100, and 3200 are currently designated Multi-Family Residential on the Comprehensive Plan Map. The plan also indicates that the majority of properties to the east and south of the site consist of rental housing units, which are similar to the proposed apartments use. For these reasons, the proposed RM-II zone is equally or better suited for the property than the existing UD zone.

(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.

COMMENT:

The City’s 2015 Housing Needs Analysis determined that an additional 15,181 single-family units, and 8,174 multi-family units, are needed in Salem by the year 2035. Based on the City’s analysis of the buildable land supply, it was determined that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land, however there is a 2,897 acre deficit of Multi-Family Residential designated land when meeting housing needs during the 20-year planning horizon. The applicant’s proposal to re-designate 2.45 acres of the subject site from Developing Residential to Multi-Family Residential provides a general benefit to the community since it will help reduce the current deficit of multi-family land. When the site is developed with apartments as illustrated on the attached Proposed Conceptual Plan, the proposed RM-II zoning will serve the public interest by providing additional multi-family unit options for Salem’s residents (see Exhibit 6).

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

COMMENT:

The applicant has addressed how the Zoning Map Amendment application complies with applicable provisions of the Comprehensive Plan in the narrative provided below.

(D) The zone change complies with applicable statewide planning goals and applicable administrative rules adopted by the Department of Land Conservation and Development.
COMMENT:

The applicant has addressed how the proposed zone change complies with applicable Statewide Planning Goals in the narrative provided below. The applicant has also addressed how the Zoning Map Amendment application complies with OAR 660-012-0060 and Transportation Planning Rule criteria in the attached Transportation Planning Rule Analysis (see Exhibit 8).

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

COMMENT:

As demonstrated by the attached Proposed Zoning Map, the applicant is not proposing a change the site’s zoning from an industrial designation to a non-industrial designation, or from a commercial designation to a non-commercial designation. Therefore, this section does not apply.

(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.
COMMENT:

The attached Transportation Planning Rule Analysis describes how the subject site is capable of being served with public transportation facilities under the proposed RM-II zoning (see Exhibit 8). As illustrates by the attached Existing Conditions Plan and Proposed Conceptual Plan, consolidated access for the future multi-family use will be from Center Street NE, across from the Wildflower Street NE intersection. Per the City’s TSP, Center Street NE is a major arterial roadway, which is intended to accommodate between 15,000 and 50,000 vehicles per day. When maximizing the potential dwelling unit density for Tax Lots 3600 and 3801 under the proposed map designation, the average daily traffic (ADT) on Center Street would be increased from 9,012 to 9,249 vehicles per day. In addition, the PM peak hour two-way approaching traffic volume would be increased from 865 to 887 vehicles per hour. The report concludes that the trip demand is less than the expected day-to-day fluctuation in approaching traffic volumes, therefore the potential for an impact to the performance of the roadway is insignificant. In addition, the report concludes that approval of the Zoning Map Amendment will not affect the functional classification of Center Street NE.

(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.

COMMENT:

As discussed above, the attached Transportation Planning Rule Analysis indicates that the existing transportation system is capable of serving uses allowed by the proposed RM-II zone (see Exhibit 8). The Existing Conditions Plan also indicates public utilities are located in the vicinity of the subject site and can serve the proposed multi-family use when the parcels are developed. Public water can be looped through the annexation territory by connecting the existing 12-in. main line in Center Street NE. Sanitary sewer can also be extended to the subject site from the existing 12-in. line within Center Street. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site.

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

COMMENT:

The plan also indicates that the majority of properties to the east and south of the subject site consist of detached rental housing units, which are a similar to the proposed apartments identified on the attached Proposed Conceptual Plan (see Exhibit 6). Due the presence of non-owner occupied housing in the area, and the location of existing Multi-Family Residential designated properties along Center Street NE, the proposed RM-II zoning is compatible with the existing land use pattern in the area.

Section 265.025: When Zone Change Requires Comprehensive Map Amendment.

A zone change may require an amendment to the comprehensive plan map. A zone change requires an amendment to the comprehensive plan map when the zone proposed with the change requires a different corresponding
If an amendment to the comprehensive plan map is required, the zone change and comprehensive plan map amendment shall be consolidated under SRC chapter 300.

COMMENT:

The attached Preliminary Plans indicate that Tax Lots 3100 and 3200 of Tax Map 072W29BB are currently zoned UD in Marion County and are designated Multi-Family Residential on the City’s Comprehensive Plan Map. Tax Lots 3600 and 3801 of Tax Map 072W29BC are zoned UD and are designated Developing Residential on the Comprehensive Plan Map. The applicant is requesting a concurrent Comprehensive Plan Map Amendment to change the designation of Tax Lots 3600 and 3801 to Multi-Family Residential. In addition, the applicant is requesting a Zoning Map Amendment to change the designation of the entire site to RM-II when the parcels are annexed (see Exhibit 6). As required, the map amendments applications have been consolidated under the standards of Chapter 300.

B. SALEM COMPREHENSIVE POLICIES PLAN

Chapter IV: Salem Urban Area Goals and Policies

GENERAL

A. GENERAL DEVELOPMENT

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

Optimal Use of the Land

7. Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acre of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.
COMMENT:

The applicant is proposing a Comprehensive Plan Map Amendment to change the designation of Tax Lots 3600 and 3801 from Developing Residential to Multi-Family Residential. In addition, the applicant is requesting a Zoning Map Amendment to change the designation of the entire site from UD to RM-II with the proposed annexation of the parcels (see Exhibit 6). The attached Proposed General Land Use illustrates that the applicant intends to optimize the use of the site when it is zoned for multi-family housing (see Exhibit 6). As required, the proposed apartments meet the RM-II density standard of 12-28 dwelling units per acre. The attached Existing Conditions Plan indicates that the subject site is fairly flat and contains the East Fork of the Little Pudding River along the east boundary of Tax Lot 3600. As required, future development of the site will minimize erosion, adverse alteration of natural terrain, and other adverse effects to the parcel’s drainageway, topography, and soil conditions.

C. URBAN GROWTH

GOAL: 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.

Annexation

1. Marion and Polk Counties should encourage the orderly annexation to the City of Salem of the land within the Salem urban area.

COMMENT:

The subject site is located within an existing enclave area between Salem-Keizer UGB and the city limits of Salem. The surrounding area is currently transitioning to urban uses and densities as nearby parcels annex into the city limits. The attached Existing Conditions Plan illustrates that the subject parcels are adjacent to existing public transportation and utilities services within Center Street NE. When the parcels are annexed, the site will also have access to City fire and police services. The attached Proposed Annexation Map demonstrates that the annexation will not create a new enclave area. As required, Marion County will provide feedback regarding the annexation proposal so that urbanization occurs in an orderly manner.

UGB is Urbanizable

3. Urbanizable areas within the urban growth boundary shall be considered as available for annexation and urban development.

COMMENT:

The attached The Aerial Photograph/Land Use Plan illustrates that the site is located within the Salem-Keizer UGB. Therefore, the subject parcels are considered available for annexation. The submitted Existing Conditions Plan demonstrates that the parcels are urbanizable and transportation and utility services can be extended from Center Street NE (see Exhibit 6)

D. GROWTH MANAGEMENT
GOAL: 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 by:

b. Planning and developing a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban development.

**Development Guided by Growth Management**

1. Unless the City of Salem finds that existing water and sewer facilities have adequate capacity to accommodate new growth, the conversion of urbanizable land within the Salem urban area to urban uses shall be guided by a growth management program which provides for the orderly and economically efficient extension of public facilities and services, while taking into consideration the need for an adequate supply of land to meet future development requirements. The growth management program shall encourage the development of vacant lands that have urban services before the extension of services beyond presently served areas.

COMMENT:

The attached Existing Conditions Plan demonstrates that the subject site is adjacent to Center Street NE, where it has access to public transportation and utility services with adequate capacity to serve multi-family uses under the proposed RM-II zone. Public water can be extended through the annexation territory by connecting to the existing 12-in. main line in Center Street NE. Sanitary sewer can be provided to the subject site from an existing 12-in. line within Center Street. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site. The attached Transportation Planning Rule Analysis also indicates that the existing transportation system has the capacity to accommodate a multi-family use on the subject site (see Exhibit 8).

**Sizing Facility Extensions**

4. The extension of sewer, water, storm drainage, and transportation facilities within the Salem urban area shall be in conformity with the adopted growth management program. Public water and sewer facilities shall be sized and constructed to serve the areas within the urban growth boundary.

COMMENT:

As required, detailed plans will be submitted with a future Design Review application to demonstrate that the extension of utility and transportation facilities conforms to City standards.
5. The extension of sewer, water, storm drainage, transportation and other facilities and services shall be designed and coordinated to accommodate densities cited in the Public Facilities Plan.

COMMENT:

The attached City Pre-Application Conference Notes indicates that public sanitary sewer and water services can accommodate future development of the site under the proposed RM-II zone (see Exhibit 2). The applicant has also submitted the attached Transportation Planning Rule Analysis which indicates that the existing transportation system can accommodate permitted densities under the proposed Multi-Family Residential designation (see 8).

Development Requiring Water and Sewer

7. Within the Salem urban area, residential subdivisions, mobile home parks, multi-family residential, commercial and industrial development shall be permitted only within the County service districts or within the City of Salem where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted growth management program. Exceptions to this policy may only be permitted if mutually agreed to by the City and the appropriate County.

COMMENT:

The Public Works recommendations included with the attached City Pre-Application Conference Notes indicate that the subject site is located inside the Urban Service Area and adequate public facilities are available. Therefore, an Urban Growth Area Permit is not required for the proposed Annexation, Comprehensive Plan Map, and Zoning Map Amendment applications (see Exhibit 2).

Infill on Facilities

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.

COMMENT:

The attached Existing Conditions Plan illustrates that the subject site is located adjacent to existing public transportation and utilities services within Center Street NE (see Exhibit 6). The surrounding area is currently transitioning to urban uses and densities as nearby parcels annex into the city limits. Since the subject parcels are easily served by existing public transportation and utility services, and the site contains large parcels which can be efficiently developed with a multi-family use, the properties are ideally suited for addressing the City’s current multi-family housing demand.

Facility Responsibility

11. Where development creates a demand for new or expanded facilities and services, a share of the costs of new or expanded
facilities and services should be borne by the new development itself.

COMMENT:

The attached City Pre-Application Conference Notes and Transportation Planning Rule Analysis indicate that existing public utility and transportation facilities in the vicinity of the site have the capacity to serve the proposed development. If it is found that existing facilities and services must be expanded, the developer will pay a proportional share of the costs to expand those facilities and services.

HOUSING

E. RESIDENTIAL DEVELOPMENT

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

In meeting this goal, residential development shall:

a. Encourage the efficient use of developable residential land;

b. Provide housing opportunities for Salem’s diverse population; and

c. Encourage residential development that maximizes investment in public services.

Establishing Residential Uses

1. The location and density of residential uses shall be determined after consideration of the following factors;

a. The type and distribution of housing units required to meet expected population growth within the Salem urban growth boundary.

COMMENT:

The 2015 Salem Housing Needs Analysis indicates that the City’s population is projected to increase at a 1.25% average annual growth rate and will reach 269,274 residents by the year 2035. This study determined that an additional 15,181 single-family detached and attached units, and 8,174 multi-family units, are needed in Salem by the year 2035. Based on the City's analysis of the buildable land supply, it was determined that there is a 9,131 acre surplus of Single-Family and Developing Residential designated land. However, there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing multi-family housing needs.
The submitted Proposed Conceptual Plan indicates that the applicant is intending to develop apartment units on the subject site under the proposed RM-II zoning. The proposed Multi-Family Residential designation will promote greater housing diversity in Salem and will be compatible with area’s existing land use pattern. The site is ideally suited for addressing the City’s multi-family housing demand since it easily served by public transportation and utility services within Center Street NE, and it contains large parcels which can be efficiently developed with higher density use. As such, the address Salem’s expected population growth.

b. The capacity of land resources given slope, elevation, wetlands, flood plains, geologic hazards and soil characteristics.

COMMENT:

The submitted Existing Conditions Plan indicates that the subject site is fairly flat and does not contain geological hazards (see Exhibit 6). City maps do not indicate that the presence of wetlands, floodplains, or adverse soil conditions on the subject parcels.

c. The capacity of public facilities, utilities and services. Public facilities, utilities and services include, but are not limited to municipal services such as water, sanitary and storm sewer, fire, police protection and transportation facilities.

COMMENT:

The attached Existing Conditions Plan demonstrates that the subject site is adjacent to Center Street NE, where it has access to adequate public transportation and utility services for the proposed multi-family use. Public water can be extended through the annexation territory by connecting to the existing 12-in. main line in Center Street NE. Sanitary sewer can be provided to the subject site from the existing 12-in. line within Center Street. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site. The attached Transportation Planning Rule Analysis also indicates that the existing transportation system has the capacity to accommodate a multi-family use on the subject site (see Exhibit 8). When the parcels are annexed, the site will also have access to City fire and police services.

d. Proximity to services. Such services include, but are not limited to, shopping, employment and entertainment opportunities, parks, religious institutions, schools and municipal services. Relative proximity shall be determined by distance, access, and ability to provide services to the site.
COMMENT:

The subject site is favorably located approximately 0.7 miles from the intersection of Center Street NE and Lancaster Drive, where there are abundant services. A variety of restaurants and Roth’s grocery story shopping is available on the east side of the intersection, and the Willamette Town Center Mall and movie theater center are located on the west side of Lancaster Drive. Transit services to Lancaster Drive are available from a bus stop at Center Street NE and Royalty Drive NE, just 250 feet east of the subject site.

e. The character of existing neighborhoods based on height, bulk and scale of existing and proposed development in the neighborhood.

COMMENT:

The applicant’s Proposed Conceptual Plan indicates that the applicant is intending to develop several apartment buildings with surface parking lots on the subject site under the proposed RM-II zoning. The attached Proposed Comprehensive Plan Map indicates that Tax Lots 3100 and 3200 in the northern portion of the site, as well as adjacent Tax Lots 7700 and 7701, are currently designated Multi-Family Residential. The attached Aerial Photograph/Land Use Plan also demonstrates that the majority of properties to the east and south of the site consist of rental housing units, which are similar in use to the proposed apartments (see Exhibit 6). Due the presence of non-owner occupied housing in the area, and the location of Multi-Family Residential designated properties along Center Street NE, the proposed Comprehensive Plan Map and Zoning Map designations are compatible with the existing land use pattern in the area. As required, the proposed multi-family use will be appropriately scaled and will include perimeter landscaping and screening to ensure that the development fits in well with the surrounding neighborhood.

f. Policies contained in facility plans, urban renewal plans, residential infill studies and neighborhood and specific development plans.

COMMENT:

The subject site is not specifically mentioned in facility plans, urban renewal plans, residential infill studies, or neighborhood and specific development plans. As mentioned in the attached City Pre-Application Conference Report, the subject can be served with public water from the existing 12-in. main line within Center Street NE (see Exhibit 2). Sanitary sewer can also be provided to the subject site from the existing 12-in. line within Center Street. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site. The attached Transportation Planning Rule Analysis indicates that the existing transportation system has the capacity to accommodate a multi-family use on the subject site (see Exhibit 8).

g. The density goal of General Development Policy 7.
COMMENT:

General Development Policy 7 states that the cumulative density goal for all new residential development is 6.5 dwelling units per acre. As stated previously, the applicant is proposing a Comprehensive Plan Map Amendment to change the designation of Tax Lots 3600 and 3801 from Developing Residential to Multi-Family Residential. In addition, the applicant is requesting a Zoning Map Amendment to change the designation of the entire site from UD to RM-II with the proposed annexation of the parcels (see Exhibit 6). The attached Proposed General Land Use illustrates that the applicant intends to optimize the use of the site when it is zoned for multi-family housing (see Exhibit 6). Therefore, the proposed apartment use will meet the required RM-II density standard of 12-28 dwelling units per acre.

Facilities and Services Location

2. Residential uses and neighborhood facilities and services shall be located to:
   a. Accommodate pedestrian, bicycle and vehicle access;
   b. Accommodate population growth;
   c. Avoid unnecessary duplication of utilities, facilities and services; and
   d. Avoid existing nuisances and hazards to residents.

COMMENT:

The subject site is located within an existing enclave area between Salem-Keizer UGB and the city limits of Salem. The surrounding area is currently transitioning to urban residential uses as nearby parcels annex into the city limits. The attached Existing Conditions Plan also illustrates that the subject parcels are adjacent to existing public transportation and utilities services within Center Street NE. The attached Transportation Planning Rule Analysis concludes that the trip demand with the proposed map amendments is less than the expected day-to-day fluctuation in approaching traffic volumes, therefore the potential impacts to existing transportation system is insignificant (see Exhibit 8) In addition, the report concludes that approval of the map amendments will not affect the functional classification of Center Street NE. The attached Proposed Conceptual Plan illustrates how the proposed multi-family use can accommodate pedestrian, bicycle, and vehicle access within the development (see Exhibit 6). Since the subject parcels can be easily served by public transportation and utility services, and the site contains large parcels which can be efficiently developed with a multi-family use, the properties are ideally suited for accommodating Salem’s population growth and deficient multi-family housing land supply.

Multi-Family Housing

6. Multi-family housing shall be located in areas proximate to existing or planned transportation corridors, public facilities and services:
   a. To encourage the efficient use of residential land and
public facilities, development regulations shall require minimum densities for multiple family development zones;

COMMENT:

The attached Existing Conditions Plan illustrates that the subject parcels are located adjacent to existing public transportation and utility facilities within Center Street NE. The Proposed General Land Use illustrates that the applicant intends to optimize the use of the site when it is zoned for multi-family housing, and future development of the parcels will meet the RM-II density standard of 12-28 dwelling units per acre (see Exhibit 6).

b. Development regulations shall promote a range of densities that encourage a variety of housing types;

COMMENT:

As indicated by the attached Proposed Zoning Map, the applicant is proposing to designate the site RM-II when annexed in the city limits of Salem. The proposed zone provides a density standard of 12-28 dwelling units per acre to encourage a variety of housing types.

c. Multiple family developments should be located in areas that provide walking, auto or transit connections to:

(1) Employment centers;
(2) Shopping areas;
(3) Transit service;
(4) Parks;
(5) Public buildings.

COMMENT:

The proposed Multi-Family Residential designated parcels are located approximately 0.7 miles from the intersection of Center Street NE and Lancaster Drive, where there are abundant services and employment opportunities. A variety of restaurants and a Roth’s grocery store are located on the east side of the intersection. The Willamette Town Center Mall, DMV office, and a movie theater center are located on the west side of Lancaster Drive. In addition to the automobile connection, bus route transit services to Lancaster Drive are available from a bus stop at Center Street NE and Royalty Drive NE, just 250 feet east of the subject site.

Circulation System and Through Traffic

7. Residential neighborhoods shall be served by a transportation system that provides access for pedestrian, bicycles, and vehicles while recognizing the neighborhoods physical constraints and transportation service needs:
a. The transportation system shall promote all modes of transportation and dispersal rather than concentration of through traffic;

COMMENT:

The attached Existing Conditions Plan indicates that the subject site abuts Center Street NE, which is designated a Major Arterial Street in the City’s TSP (see Exhibit 6). Currently, the portion of Center Street NE adjacent to the subject site does not meet City standards. As required, when the subject properties are developed with a multi-family use, additional right-of-way and street improvements will be installed along the Center Street NE frontage to meet City standards.

b. Through traffic shall be addressed by siting street improvements and road networks that serve new development so that short trips can be made without driving;

COMMENT:

As mentioned above, the subject site is located on a bus route that provides service to the Willamette Town Center and other services on Lancaster Drive. When street frontage improvements are installed with development of the subject site and other properties along Center Street NE, pedestrian and bicycle facilities will provide connections from the site to restaurants, shopping, public services, entertainment, and employment centers in the vicinity of Lancaster Drive.

c. The transportation system shall provide for a network of streets fitted to the terrain with due consideration for safety, drainage, views, and vegetation.

COMMENT:

The attached Proposed Conceptual Plan indicates that the proposed multi-family residential use will have consolidated access from Center Street NE (see Exhibit 6). As required, the City’s existing transportation system has been fitted to the terrain with consideration for safety, drainage, views, and vegetation in the vicinity of the subject site.

Requests for Rezonings

10. Requests for rezonings to higher density residential uses to meet identified housing needs will be deemed appropriate provided:

a. The site is so designated on the comprehensive plan map;
COMMENT:

The attached Preliminary Plans indicate that Tax Lots 3100 and 3200 of Tax Map 072W29BB are currently zoned UD in Marion County and are designated Multi-Family Residential on the City's Comprehensive Plan Map. Tax Lots 3600 and 3801 of Tax Map 072W29BC are zoned UD and are designated Developing Residential on the Comprehensive Plan Map. The applicant is requesting a concurrent Comprehensive Plan Map Amendment to change the designation of Tax Lots 3600 and 3801 to Multi-Family Residential. In addition, the applicant is requesting a Zoning Map Amendment to change the designation of the entire site to RM-II when the parcels are annexed (see Exhibit 6). As required, the proposed RM-II zoning is consistent with the existing and proposed Multi-Family Residential designation.

b. Adequate public services are planned to serve the site;

COMMENT:

As demonstrated by the attached Existing Conditions Plan, the subject parcels are located adjacent to existing public transportation and utilities services within Center Street NE (see Exhibit 6). Per the attached City Pre-Application Conference Report, public water can be provided by connecting to the existing 12-in. main line in Center Street NE (see Exhibit 2). Sanitary sewer can be provided to the subject site from the existing 12-in. line within Center Street. Stormwater can be managed by detaining runoff from impervious surfaces and releasing it at the pre-development rate into the East Fork of the Little Pudding River along the eastern boundary of the site. The attached Transportation Planning Rule Analysis concludes that the trip demand for the proposed RM-II zoning is less than the expected day-to-day fluctuation in approaching traffic volumes, therefore the potential impact to the performance of the roadway is insignificant (see Exhibit 8). In addition, the report concludes that approval of the map amendments will not affect the functional classification of Center Street NE. Therefore, the subject site will be adequately served with public services under the proposed RM-II zoning.

c. The site's physical characteristics support higher density development; and

COMMENT:

The site's physical characteristics will support a multi-family use for a number of reasons. The attached Existing Conditions Plan illustrates that the site is fairly flat and does not contain hazardous areas. Water, sanitary sewer, and transportation facilities within the adjacent Center Street NE right-of-way have the capacity to serve a multi-family use. In addition, stormwater management can be provided by treating, detaining, and releasing stormwater in the East Fork of the Little Pudding River along the east boundary of the site. In addition, the subject site contains large parcels which can be efficiently developed with a higher density multi-family development.

d. Residential Development Policy 7 is met.
COMMENT:

Residential Development Policy 7 states that the cumulative density goal for all new residential development is 6.5 dwelling units per acre. In addition, the policy indicates that future development should avoid adverse effects to drainageways, topography, and soil conditions. As stated previously, the applicant is proposing a Comprehensive Plan Map Amendment to change the designation of Tax Lots 3600 and 3801 from Developing Residential to Multi-Family Residential. The applicant is also requesting a Zoning Map Amendment to change the designation of the entire site from UD to RM-II with the proposed annexation of the parcels (see Exhibit 6). The attached Proposed General Land Use illustrates that the applicant intends to optimize the use of land when it is zoned for multi-family housing (see Exhibit 6). As required, the proposed apartments meet the required RM-II density standard of 12-28 dwelling units per acre. Future development of the site will minimize erosion, adverse alteration, or other adverse effects to the on-site drainageway in accordance with Policy 7.

PUBLIC SERVICES AND FACILITIES

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.

Connectivity and Circulation

5. The vehicle, transit, bicycle, and pedestrian circulation systems shall be designed to connect major population and employment centers in the Salem Urban Area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

COMMENT:

The proposed multi-family residential use will have adequate access to employment centers, shopping, schools, and other activity centers in the vicinity of the site. The subject property is located approximately 0.7 miles from the intersection of Center Street NE and Lancaster Drive, where there are abundant services. A variety of restaurants and the Roth’s grocery store is located on the east side of the intersection, and the Willamette Town Center Mall and movie theater are located on the west side of Lancaster Drive. Transit services to Lancaster Drive are available from a bus stop at Center Street NE and Royalty Drive NE, just 250 feet east of the subject site. The subject property is also located within 0.3 miles of Auburn Elementary School and Auburn Park to the south of the site. As demonstrated by the attached Proposed Conceptual Plan, frontage improvements along Center Street NE will be installed with the proposed multi-family use to facilitate improved bicycle and pedestrian travel to these activity centers.

Growth Management

8. The construction of transportation facilities shall be timed to coincide with community needs, and shall be implemented in such a way as to minimize impacts on existing development.
COMMENT:

The Existing Conditions Plan indicates that the subject site is located adjacent to Center Street NE. When the site is developed with the proposed multi-family use, concurrent street frontage improvements will be installed along the property’s frontage to meet Major Arterial Street standards.

9. Improvements to the transportation system, in addition to those in or abutting a development, may be required as a condition of approval of subdivisions and other intensifications of land use.

COMMENT:

At this time, the applicant is not proposing to develop the subject site. When detailed plans are submitted for Design Review, conditions of approval can be issued by the City to ensure that required improvements to the transportation system are completed.

10. To mitigate traffic impacts placed on areawide transportation facilities by new development, Transportation System Development Charges, as defined by Oregon Revised Statutes and local government ordinances, may be collected.

COMMENT:

As required, Transportation SDCs will be paid by the applicant when future development of the site occurs.

Accessibility for People with Disabilities

16. The transportation system shall be designed with consideration of the needs of people with disabilities by meeting the requirements set forth in the Americans With Disabilities Act.

COMMENT:

As required, transportation system improvements associated with the proposed multi-family use will be designed to meet ADA standards.

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.

Park Acquisition and Development

1. Public parks shall be acquired and developed as recommended by the Comprehensive Park System Master Plan. Early
acquisition of park sites shall be considered in anticipation of future needs and to minimize land costs as described in the Urban Growth Management Program.

COMMENT:

The City’s Comprehensive Park System Master Plan does not identify the subject property as a potential park site, therefore the proposed multi-family designation meets the above goal and policy.

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.

Acquisition Sites

4. Acquisition of school sites should be coordinated with the cities and Counties to further the joint acquisition and development of park and school sites and to permit the joint use of school and park facilities.

COMMENT:

The subject site has not identified as a public park or school site, therefore the proposed multi-family designation meets the above goal and policy.

NATURAL RESOURCES

N. SCENIC AND HISTORIC AREAS, NATURAL RESOURCES AND HAZARDS

GOAL: To conserve open space, protect natural, historic, cultural and scenic resources, and to protect life and property from natural disasters and hazards.

Natural, Ecological, Historic and Scenic Areas

3. Identified areas of significant architectural, archeological, natural, ecological, historic or scenic value, which have been so designated and approved by the appropriate governing body, shall be protected for future generations. Where no conflicting uses have been identified, such resources shall be managed to preserve their original character. When conflicting uses are identified, resources shall be protected by acquisition or by plans which limit the intensity of development and promote conservation of these resources.
COMMENT:

The subject site is not located within an area with significant architectural, archeological, natural, ecological, historic or scenic value. Therefore, the proposed multi-family designation meets this goal and policy.

**Drainage Courses**

4. Storm water storage facilities shall be located, designed, and maintained in accordance with the Storm Water Master Plan and the Comprehensive Parks System Master Plan in order to facilitate joint use of such facilities to the extent possible.

COMMENT:

There are no existing or proposed public stormwater storage facilities on the subject site. Therefore, the proposed multi-family designation meets this policy.

**Waterways**

5. Waterways shall be protected, preserved, and maintained as drainage courses and scenic, recreational, and natural resources. These characteristics shall be considered during the development review process. Public access to waterways for maintenance purposes should be provided.

COMMENT:

As identified on the attached Existing Conditions Plan, the East Fork of the Little Pudding River is located along the east boundary of the site. As required, the waterway will be protected in accordance with City standards when the site is developed.

**Wildlife Habitats**

6. Identified significant wildlife habitats shall be protected and managed in accordance with State wildlife management practices. The importance of riparian vegetation as wildlife habitat shall be considered during the development review process.

COMMENT:

There are no identified significant wildlife habitats on the subject site. Therefore, the proposed multi-family designation conforms to this policy.

**Flood Hazards**

7. Development in the floodplain shall be regulated to preserve and maintain the capability of the floodplain to convey the flood water discharges and to minimize danger to life and
The subject site does not contain a floodplain area, therefore the proposed multi-family use conforms to this policy.

**Geologic Hazards**

8. Development in areas identified as geologically hazardous shall be prohibited, or permitted only to the extent the hazard is correctable without impairing other properties.

**COMMENT:**

The subject site does not contain a geological hazard, therefore the proposed multi-family designation conforms to this policy.

**Historic Sites and Structures**

10. The historic, cultural and architectural character of structures identified in the National Register of Historic Places and structures designated as historic buildings pursuant to the City's land use shall be preserved. Preservation is achieved by limiting those uses that conflict with the historic resource, identified to be building alteration and demolition. The City’s land use regulations the process for alteration/demolition review and limitation, as well as the procedure for making additional designations.

**COMMENT:**

The subject site does not contain historic sites or structures, therefore the proposed multi-family use conforms to this policy.

**Wetlands**

11. Salem urban area wetlands shall be identified, inventoried, and documented as to their significance as a resource. Such activities shall be coordinated among the jurisdictions. Appropriate comprehensive plan policies and development regulations shall be adopted by the next periodic review. In the interim development in areas identified as wetlands shall be permitted only to the extent granted by State and Federal regulatory agencies.
COMMENT:

The City’s Local Wetland Inventory does not identify wetland areas on the subject site, therefore the proposed multi-family designation conforms to this policy.

C. OREGON STATEWIDE PLANNING GOALS

Goal 1: Citizen Involvement

Summary: Goal 1 calls for "the opportunity for citizens to be involved in all phases of the planning process." It requires each city and county to have a citizen involvement program containing six components specified in the goal. It also requires local governments to have a committee for citizen involvement (CCI) to monitor and encourage public participation in planning.

COMMENT:

The requested land use actions are to annex the entire site into the City of Salem, change the Comprehensive Plan Map designation of Tax Lots 3600 and 3801 to Multi-Family Residential, and designate the site as RM-II on the Zoning Map. As required, citizens will have the opportunity to comment on the proposed map amendments at public hearings before the Planning Commission and City Council.

Goal 2: Land Use Planning

Summary: Goal 2 outlines the basic procedures of Oregon's statewide planning program. It says that land use decisions are to be made in accordance with a comprehensive plan, and that suitable "implementation ordinances" to put the plan's policies into effect must be adopted. It requires that plans be based on "factual information"; that local plans and ordinances be coordinated with those of other jurisdictions and agencies; and that plans be reviewed periodically and amended as needed. Goal 2 also contains standards for taking exceptions to statewide goals. An exception may be taken when a statewide goal cannot or should not be applied to a particular area or situation.

COMMENT:

As required, the applicant’s narrative addresses how the proposed land use changes meet applicable goals and policies of the City of Salem Comprehensive Plan. The applicant’s proposal does not require that an exception be granted to any of the Statewide Planning Goals.

Goal 3: Agricultural Lands

Summary: Goal 3 defines "agricultural lands." It then requires counties to inventory such lands and to "preserve and maintain" them through farm zoning. Details on the uses allowed in farm zones are found in ORS Chapter 215 and in Oregon Administrative Rules, Chapter 660, Division 33.
COMMENT:

The subject site is currently located within the City of Salem Urban Growth Boundary. Since the site is not classified as “agricultural lands”, the proposed Multi-Family Residential designation is consistent with Goal 3.

Goal 4: Forest Lands

Summary: This goal defines forest lands and requires counties to inventory them and adopt policies and ordinances that will "conserve forest lands for forest uses."

COMMENT:

The attached Aerial Photograph/Land Use Plan illustrates that the site is fairly flat and a number of trees are located near the two existing dwellings. Since the subject property does not include designated forest lands, Goal 4 is not applicable to the proposed map amendments.

Goal 5: Open Spaces, Scenic and Historic Areas and Natural Resources

Summary: Goal 5 covers more than a dozen natural and cultural resources such as wildlife habitats and wetlands. It establishes a process for each resource to be inventoried and evaluated. If a resource or site is found to be significant, a local government has three policy choices: preserve the resource, allow proposed uses that conflict with it, or strike some sort of a balance between the resource and the uses that would conflict with it.

COMMENT:

The subject site does not contain any identified natural and cultural resources, wildlife habitats, or wetland areas. As indicated by the attached Existing Conditions Plan, the subject site is fairly flat and contains the East Fork of the Little Pudding River along the east boundary of Tax Lot 3600. At this time, the applicant is requesting approval of concurrent Annexation, Comprehensive Plan Map Amendment, and Zoning Map Amendment applications. As required, future development of the site will minimize erosion, adverse alteration, or other adverse effects to the drainageway.

Goal 6: Air, Water and Land Resources Quality

Summary: This goal requires local comprehensive plans and implementing measures to be consistent with state and federal regulations on matters such as groundwater pollution.
COMMENT:

If the proposed Multi-Family Residential designation is approved, specific site development plans will be submitted for land use review. Under the City’s Design Review process, future development will be conditioned to demonstrate compliance with local, state, and federal air, water, and land resource quality standards.

Goal 7: Areas Subject To Natural Disasters and Hazards

Summary: Goal 7 deals with development in places subject to natural hazards such as floods or landslides. It requires that jurisdictions apply “appropriate safeguards” (floodplain zoning, for example) when planning for development there.

COMMENT:

City maps indicate that the subject site does not contain any steeply sloping areas or floodplains, and the property is not subject to other natural disasters and hazards. Therefore, the proposed Comprehensive Plan Map and Zoning Map amendments are consistent with Goal 7.

Goal 8: Recreation Needs

Summary: This goal calls for each community to evaluate its areas and facilities for recreation and develop plans to deal with the projected demand for them. It also sets forth detailed standards for expedited siting of destination resorts.

COMMENT:

The City’s Comprehensive Park System Master Plan does not identify the subject property as a potential park site. When a specific development proposal is submitted for the site, the City’s land use review process will ensure that adequate open space and landscaping are provided for the multi-family residential community.

Goal 9: Economic Development

Summary: Goal 9 calls for diversification and improvement of the economy. It asks communities to inventory commercial and industrial lands, project future needs for such lands, and plan and zone enough land to meet those needs.

COMMENT:

The applicant is proposing to change the Comprehensive Plan Map designation for Tax Lot 3600 and 3801 from Single-Family Residential to Multi-Family Residential. In addition, the applicant is proposing to change the entire site’s zoning from UD to RM-II. Since this proposal does not involve designated commercial or industrial lands, the proposed Comprehensive Plan Map and Zoning Map amendments are consistent with Goal 9.
Goal 10: Housing

Summary: This goal specifies that each city must plan for and accommodate needed housing types, such as multifamily and manufactured housing. It requires each city to inventory its buildable residential lands, project future needs for such lands, and plan and zone enough buildable land to meet those needs. It also prohibits local plans from discriminating against needed housing types.

COMMENT:

To help address the City's 2,897 acre deficit of Multi-Family Residential designated land for the 2035 planning horizon, the applicant is proposing to annex the site and designate Tax Lots 3600 and 3801 as Multi-Family Residential on the City's Comprehensive Plan Map. In addition, to allow for more diversity of housing types, the applicant is proposing to designate the entire site RM-II on the City's Zoning Map. While the current land designation allows single-family detached lots, the proposed designation will allow a greater variety of housing types including smaller single-family detached lots, townhomes, condominiums, and apartment units. Therefore, the proposed Comprehensive Plan and Zoning Map amendments comply with Goal 10.

Goal 11: Public Facilities and Services

Summary: Goal 11 calls for efficient planning of public services such as sewers, water, law enforcement, and fire protection. The goal's central concept is that public services should to be planned in accordance with a community's needs and capacities rather than be forced to respond to development as it occurs.

COMMENT:

As demonstrated by the attached Existing Conditions Plan, public utilities are in the vicinity of the subject site and can be extended to serve the proposed Multi-Family Residential designation. With annexation of the property, the site will also have access to City fire and police services. Therefore, the proposed map amendments comply with Goal 11.

Goal 12: Transportation

Summary: The goal aims to provide "a safe, convenient and economic transportation system." It asks for communities to address the needs of the "transportation disadvantaged."
COMMENT:

As demonstrated by the attached Existing Conditions Plan, transportation facilities currently serve the site and can be extended with future development of the subject parcels (see Exhibit 3). The northern boundary of the site fronts Center Street NE, which is currently designated as a Major Arterial Street. The attached Proposed Conceptual Plan indicates that the applicant is intending to provide consolidated access to this roadway for the proposed multi-family use (see Exhibit 6). The attached Transportation Planning Rule Analysis concludes that the trip demand for the proposed use is less than the expected day-to-day fluctuation in approaching traffic volumes, therefore potential impacts to the performance of the roadway are insignificant (see Exhibit 8). In addition, the report indicates that approval of the map amendments will not affect the functional classification of Center Street NE. Therefore, with approval of the submitted application, the existing transportation system will continue to provide safe, convenient, and economic transportation facilities for neighborhood residents.

Goal 13: Energy

Summary: Goal 13 declares that "land and uses developed on the land shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles."

COMMENT:

This proposed map amendments do not significantly affect Goal 13. A discussion of energy conservation is provided under Goal 14 below.

Goal 14: Urbanization

Summary: This goal requires cities to estimate future growth and needs for land and then plan and zone enough land to meet those needs. It calls for each city to establish an "urban growth boundary" (UGB) to "identify and separate urbanizable land from rural land." It specifies seven factors that must be considered in drawing up a UGB. It also lists four criteria to be applied when undeveloped land within a UGB is to be converted to urban uses.

Land Need

Establishment and change of urban growth boundaries shall be based on the following:

(1) Demonstrated need to accommodate long range urban population, consistent with a 20-year population forecast coordinated with affected local governments; and
COMMENT:

When the City of Salem Housing Needs Analysis was last updated in 2015, the City determined residential land needs for a 20-year planning horizon. During this planning period, Salem’s population is projected to increase at a 1.25% average annual growth rate and will reach 269,274 residents by the year 2035. The analysis determined that an additional 8,174 multi-family units are needed in Salem by the year 2035 and that there is a 2,897 acre deficit of Multi-Family Residential designated land when addressing multi-family housing needs. As such, the applicant’s proposed Comprehensive Plan Amendment to re-designate 2.45 acres of the subject site to Multi-Family Residential is justified based on current and projected demographic patterns.

(2) Demonstrated need for housing, employment opportunities, livability or uses such as public facilities, streets and roads, schools, parks or open space, or any combination of the need categories in this subsection (2).

COMMENT:

Based on the 2015 analysis of current and future housing trends, it was discovered that multi-family housing needs were significantly increasing in the community. Between the years 2000 and 2010, while the number of owner-occupied housing units increased by 10%, while the number rental units increased by 17%. This trend has become even more pronounced over the last 8 years as more of the Millennial generation has become independent adults. With higher interest rates and increased construction costs, the cost of home ownership has risen to the point where it is out of reach for many younger adults. During this same time period, more of the Baby Boomer generation have become empty nesters and are choosing to downsize the homes. While some Baby Boomers choose to move into smaller single-family dwellings, other desire to eliminate all home ownership responsibilities and move into apartment units. Instead of building only single-family homes on traditionally large lots, many developers are now providing additional options for the residential communities including single-family homes on smaller lots, townhomes, senior housing options, and apartments. The proposed RM-II zoning allows the opportunity to address current multi-family housing needs in Salem.

Boundary Location

The location of the urban growth boundary and changes to the boundary shall be determined by evaluating alternative boundary locations consistent with ORS 197.298 and with consideration of the following factors:

(1) Efficient accommodation of identified land needs;

COMMENT:

The proposed Multi-Family Residential designation will allow the site to be developed at a higher density than the current Developing Residential designation. As a result, the proposed map amendment provides more efficient utilization of land and will reduce the per unit cost of public facilities and services.

(2) Orderly and economic provision of public facilities and services;
COMMENT:

The subject site is currently located within Salem’s UGB. As demonstrated by the attached Existing Conditions Plan, public transportation and utilities are available to the site from Center Street NE. When the parcels are annexed, the site will also have access to City fire and police services.

(3) Comparative environmental, energy, economic and social consequences; and

COMMENT:

The proposed Multi-Family Residential designation will have positive consequences for the environment. With approval of the map amendments, the site can be developed at a higher density than under the existing Developing Residential designation. By developing the site with more efficient housing types, there will be less pressure to expand the Urban Growth Boundary, and will reduce impacts to agricultural and environmental resources which surround the urban area. The proposed land designation will also have positive social and economic consequences. By locating multi-family housing on a transit corridor, and within a short distance of commercial uses and employment centers to the west of the site, residents can conveniently reach these amenities. In addition, with the development of more compact housing in close proximity to Auburn Elementary School and Auburn Park south of the site, increased energy savings and social benefits will be attained as compared to the existing Developing Residential designation.

(4) Compatibility of the proposed urban uses with nearby agricultural and forest activities occurring on farm and forest land outside the UGB.

COMMENT:

The subject site is not located near the fringe of the Urban Growth Boundary or near agricultural or forest activities. Therefore, this subsection of Goal 14 does not apply to this application.

IV. SUMMARY AND CONCLUSIONS

Based on the above findings, the applicant has demonstrated compliance with applicable sections of the Salem Revised Code, Salem Comprehensive Policies Plan, and Oregon Statewide Planning Goals. Therefore, the applicant requests that the concurrent Annexation, Comprehensive Plan Map Amendment, and Zoning Map Amendment applications be approved.
VI. EXHIBITS

1. Application Form

2. City Pre-Application Conference Report

3. Property Deeds and Easements

4. Legal Description of Annexation Territory

5. Annexation Petition

6. Preliminary Plans
   
   Sheet P1.0: Cover Sheet and Existing Conditions Plan
   Sheet P1.1: Existing Conditions North Detail
   Sheet P1.2: Existing Conditions South Detail
   Sheet P2.0: Aerial Photograph/Land Use Plan
   Sheet P3.0: Proposed Annexation Map
   Sheet P4.0: Proposed Comprehensive Plan Map
   Sheet P5.0: Proposed Zoning Map
   Sheet P6.0: Existing Conditions/Demolition Plan
   Sheet P6.1: Proposed Conceptual Plan

7. Trip Generation Estimate

8. Transportation Planning Rule Analysis

9. Statement of Availability of Services

10. Annexation Questionnaire
MEMO

TO: Pamela Cole, Planner II
Community Development Department

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

DATE: July 1, 2019

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 19-07 (19-108038-ZO)
4696 CENTER STREET NE
CHANGE DEVELOPING RESIDENTIAL TO MULTI-FAMILY

PROPOSAL

A comprehensive plan change from Developing Residential to Multi-Family Residential and zone change from Marion County UD (Urban Development) to RM2 (Multiple Family Residential 2), concurrent with a petitioner-initiated voter-exempt annexation and withdrawal from the Marion County Fire District #1, for multiple properties with combined area of 5.04 acres, designated Developing Residential and Multi-Family Residential in the SACP, zoned Marion County UD (Urban Development), and located at 4696 Center St NE and 592 Hile Lane NE (Marion County Assessor Map and Tax Lot Numbers: 072W29BB03100, 072W29BB03200, 072W29BC03801, and 072W29BC03600).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to Public Works infrastructure.

FACTS

Public Infrastructure Plan—The Water System Master Plan, Wastewater Management Master Plan, and Stormwater Master Plan provide the outline for facilities adequate to serve the proposed zone.

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed Comprehensive Plan Change / Zone Change (CPC/ZC) will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Code authority references are abbreviated in this document as follows: Salem Revised Code (SRC); Public Works Design Standards (PWDS); and Salem Transportation System Plan (Salem TSP).
Urban Growth Area Development—The subject property is located inside the Urban Service Area and adequate facilities are available. An UGA permit is not required.

Streets

At the time of development street improvements and/or right-of-way dedication will be required.

1. Center Street NE

   a. Standard—This street is designated as a Major Arterial street in the Salem Transportation System Plan. The standard for this street classification is a 68-foot-wide improvement within a 96-foot-wide right-of-way.

   b. Existing Conditions—This street has an approximate 48-foot improvement within a 76-foot-wide right-of-way abutting the subject property. Marion County Assessor maps show that the existing half-width right-of-way abutting the subject property is 40 feet.

   c. Special Setback—The frontage of the subject property has a special setback equal to 48 feet from centerline of Center Street NE.

2. Hile Lane NE (private)

   a. Existing Condition—This street is designated as private in Marion County and has an approximate 15-foot improvement on private property.

Storm Drainage

1. Existing Condition

   a. A ditch that flows west is located in Center Street NE.

Water

1. Existing Conditions

   a. The subject property is located in the G-0 water service level.

   b. A 12-inch public water main is located in Center Street NE.

Sanitary Sewer

1. Existing Sewer

   a. A 12-inch sewer main is located in Center Street NE.
Natural Resources

Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property.

CRITERIA AND FINDINGS

SRC 260.045(b)(1)—Whether the comprehensive plan and zone designation provides for the logical urbanization of land.

Finding—Logical urbanization requires the provision of adequate city infrastructure. The applicant has submitted a TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings that the proposed change will not have a significant impact on the existing transportation system.

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

Prepared by: Jennifer Scott, Program Manager
cc: File
July 16, 2019

Via email: PCole@cityofsalem.net
Pamela Cole, Planner II, City of Salem
555 Liberty Street SE
Salem OR 97301-3053

RE: RFC: CPC-ZC19-07; 4696 Center St NE and 592 Hile Lane NE
Tax Lots 072W29BB03100, 072W29BB03200, 072W29BC03801, and
072W29BC03600

Dear Pamela,

We have received City notice for the above referenced properties. The proposal will amend the comprehensive plan to Multi-Family Residential and change the zone to RM2 concurrent with annexation of a total of approximately 5 acres of combined parcels. Our background and requested condition are as follows:

**BACKGROUND**

- Marion County GIS records indicate Center Street NE right-of-way fronting the subject property is under City maintenance, and therefore under City jurisdiction for permitting.
- Marion County GIS records indicate Auburn Road NE right-of-way, from which Hile Lane takes access, is under County maintenance, and therefore under County jurisdiction for permitting.
- **Tax lot 072W29BC03600 derives its public street access from Hile Lane.**

**REQUESTED CONDITION**

A. **All access to the subject properties should be required to be taken from Center Street.**

B. **Applicant should be required to obtain an Access Permit from the County for records closure of the Hile Lane access to tax lot 072W29BC03600.**

General comments or questions regarding this transmittal can be directed to the undersigned at mhepburn@co.marion.or.us or call the main number noted above.

Sincerely,

Max Hepburn
Civil Engineering Associate II

MH:ds
June 24, 2019

Pamela Cole, Case Manager
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

RE: Land Use Activity Case No. CPC-ZC19-07, 4696 Center St. NE & 592 Hile Ln. NE

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

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

<table>
<thead>
<tr>
<th>School Name</th>
<th>School Type</th>
<th>Grades Served</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn</td>
<td>Elementary</td>
<td>K thru 5</td>
</tr>
<tr>
<td>Houck</td>
<td>Middle</td>
<td>6 thru 8</td>
</tr>
<tr>
<td>North Salem</td>
<td>High</td>
<td>9 thru 12</td>
</tr>
</tbody>
</table>

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT
The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District’s adopted Facility Plan.
<table>
<thead>
<tr>
<th>School Name</th>
<th>School Type</th>
<th>School Enrollment</th>
<th>School Design Capacity</th>
<th>Enroll./Capacity Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn</td>
<td>Elementary</td>
<td>687</td>
<td>718</td>
<td>96%</td>
</tr>
<tr>
<td>Houck</td>
<td>Middle</td>
<td>1,055</td>
<td>1,224</td>
<td>86%</td>
</tr>
<tr>
<td>North Salem</td>
<td>High</td>
<td>1,837</td>
<td>1,879</td>
<td>98%</td>
</tr>
</tbody>
</table>

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE
The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 2014 to determine an estimate of students per residence, for the Salem-Keizer area, in each of the four housing types. Since the results are averages, the actual number of students in any given housing type will vary. The table below represents the resulting estimates for the subject property:

<table>
<thead>
<tr>
<th>School Type</th>
<th>Qty. of New Residences</th>
<th>Housing Type</th>
<th>Average Qty. of Students per Residence</th>
<th>Total New Students</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>120</td>
<td>MF</td>
<td>0.201</td>
<td>24</td>
</tr>
<tr>
<td>Middle</td>
<td>120</td>
<td>MF</td>
<td>0.077</td>
<td>9</td>
</tr>
<tr>
<td>High</td>
<td>120</td>
<td>MF</td>
<td>0.084</td>
<td>10</td>
</tr>
</tbody>
</table>

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT
To determine the impact of the new residential development on school enrollment, the School District compares the school capacity to the current enrollment plus estimates of potential additional students resulting from land use cases over the previous two calendar years. A ratio of the existing and new students is then compared with the school design capacity and expressed as a percentage to show how much of the school capacity may be used.

<table>
<thead>
<tr>
<th>School Name</th>
<th>School Type</th>
<th>School Enrollment</th>
<th>New Students During Past 2 yrs</th>
<th>New Student from this Case</th>
<th>Total New Students</th>
<th>School Design Cap.</th>
<th>Enroll./Cap. Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn</td>
<td>Elem.</td>
<td>687</td>
<td>0</td>
<td>24</td>
<td>24</td>
<td>718</td>
<td>99%</td>
</tr>
<tr>
<td>Houck</td>
<td>M.d.</td>
<td>1,055</td>
<td>1</td>
<td>9</td>
<td>10</td>
<td>1,224</td>
<td>87%</td>
</tr>
<tr>
<td>North Salem</td>
<td>High</td>
<td>1,837</td>
<td>11</td>
<td>10</td>
<td>21</td>
<td>1,879</td>
<td>99%</td>
</tr>
</tbody>
</table>

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE
Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the
path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

<table>
<thead>
<tr>
<th>School Name</th>
<th>School Type</th>
<th>Walk Zone or Eligible for School Transportation</th>
</tr>
</thead>
<tbody>
<tr>
<td>Auburn</td>
<td>Elementary</td>
<td>Walk Zone</td>
</tr>
<tr>
<td>Houck</td>
<td>Middle</td>
<td>Eligible for School Transportation</td>
</tr>
<tr>
<td>North Salem</td>
<td>High</td>
<td>Eligible for School Transportation</td>
</tr>
</tbody>
</table>

*Table 5*

**ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT**

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

<table>
<thead>
<tr>
<th>School Type</th>
<th>Number of Students</th>
<th>Estimate of Facility Cost Per Student*</th>
<th>Total Cost of Facilities for Proposed Development*</th>
</tr>
</thead>
<tbody>
<tr>
<td>Elementary</td>
<td>24</td>
<td>$51,123</td>
<td>$1,226,952</td>
</tr>
<tr>
<td>Middle</td>
<td>9</td>
<td>$60,232</td>
<td>$542,088</td>
</tr>
<tr>
<td>High</td>
<td>10</td>
<td>$69,342</td>
<td>$69,342</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td>$2,462,460</td>
</tr>
</tbody>
</table>

*Table 6*

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2018 Second Quarter.

**ADDITIONAL COMMENTS:**

1. The School District has buried fiber lines along Auburn Rd. NE, just to the south of the subject property. Prior to digging in the area, contact the Utility Notification Center for utility locates.

2. If walking access can be made from the southern end of the property to Hile Ln. it would make a better walk path for elementary students to school and increase options to access school buses for middle and high school students.
Sincerely,

David Fridenmaker, Manager
Planning and Property Services

c: Mike Wolfe, Chief Operations Officer, David Hughes, Manager – Custodial, Property and Auxiliary Services, Michael Shields, Director of Transportation
In an effort to analyze the Transportation Planning Rule (TPR) criteria and to document the potential for a “significant affect” identified in the Oregon Administrative Rules for zoning and comprehensive plan amendments contained within OAR 660-012-0060(1), I am supplying this memorandum which summarizes the trip generation potential and the potential for an identifiable impact to the transportation system associated with approval of the subject land use applications. The subject land use applications include: zoning and comprehensive plan map amendments and annexation of the subject properties into the City of Salem’s jurisdiction. The land use applications will allow the subject properties to be developed consistent with the City of Salem’s RMII (multi-family residential 2) zoning map designation and MF (multi-family) residential comprehensive plan map designation. In analyzing the traffic conditions to determine if approval of the land use applications could result in a significant affect as required for transportation planning rule analysis, a comparison of the potential trip generation from build-out of the reasonable worst case land use and development scenario allowed outright by City Development Code for the existing zone and plan designations (after annexation) is made to the potential build-out trip generation potential associated with the reasonable worst case development scenario of the proposed change to the City of Salem multi-family residential 2 (RMII) zone and multi-family (MF) plan designation. Because the land use applications include a site plan with a development scenario, development of the site with the proposed land use change assumptions is assumed to a reasonable worst-case development scenario. The current zoning and plan designations would allow a portion of the site currently identified on the Salem Comprehensive Plan Map as DR (developing residential) land, that is required to meet this TPR analysis criteria for the proposed multi-family use, to be developed with single family residential uses after the annexation procedures that would not otherwise require a TPR analysis. Annexation into the City’s zoning jurisdiction would result in automatic rezoning to the equivalent City zone as the land’s existing Marion County zone.
Background Conditions

The subject land use applications for the proposed zone change and comprehensive plan amendment are required to address the statewide transportation planning rule criteria described in OAR 660-012-0060(1), because the proposed development of tax lot 3801 and 3600 will require a change of zoning and comprehensive plan map designations to accompany the proposed annexation to develop those properties with uses consistent with a multi-family type of use. Under current City of Salem development code criteria described within Title X, Chapter 260, Table 260-1, annexation of land designated as Developing Residential (DR) on the Salem Comprehensive Plan Map and/or as Urban Development (UD) land on the Marion County Zoning Map would automatically be re-zoned to the City of Salem equivalent zoning, which would be RA (Residential Agricultural) or RS (Single Family Residential). The two properties described herein are currently identified on the Salem Comprehensive Plan Map as DR designated land and on the Marion County Zoning Map as UD (Urban Development) land. The development plan may or may not include tax lot 3600, as that property is not currently owned by the same owner entity (developer) of tax lot 3801, but its purchase is currently in the negotiation process and may be included in the land use application.

The site currently consists of 1.65 acres of land on tax lot 3801, and 0.80 acres of land on tax lot 3600 of tax map 072W29BC. The development plan also includes land on tax lots 3100 and 3200 of tax map 072W29BB that are currently designated as multi-family residential land on the Salem Comprehensive Plan Map that will come into the City's jurisdiction as RMII with annexation, and do not require a zone change or comprehensive plan amendment nor a formal transportation planning rule analysis per OAR 660-012-0060(9).

Under City of Salem Development Code Criteria, Title X, Chapter 511, after annexation tax lots 3801 and 3600 would be zoned and designated for single family residential uses, with a minimum lot size of 4,000 square feet per lot. Assuming 25 percent of the land is utilized for transportation and other City infrastructure necessary to develop the land for residential uses, the net land available for single family residential uses in a reasonable worst-case development scenario would be approximately 1.84 acres. At 1.84 acres, tax lots 3801 and 3600 could support approximately 20 total single family residences. (1.84 net acres x 43,560 square feet/acre ÷ 4,000 SF/single family residence = 20)

Proposed Conditions

As described previously, the proposed changes to the zoning map and comprehensive plan map designations would allow the site to be developed with a multi-family use. A preliminary site plan provided by the applicant includes two apartment buildings on tax lot 3801 and potentially one building on tax lot 3600, if it is acquired and included in the development applications. Each of the buildings includes 24 apartment units, for a total of up to 72 apartment units on tax lots 3801 and 3600.

Trip Generation

To project the potential trip generation for the existing land use's reasonable worst-case post-development scenario and compare to the post-development conditions associated with the proposed changes to allow multi-family development and satisfy the required Transportation Planning Rule significant affect analysis criteria, a reference was made to Trip Generation, 10th Edition, published by the Institute of Transportation Engineers (ITE). The uses displayed in the table below are based on potential development of the land under land use permissions of the zoning designation after annexation brings the land into the City of Salem, consistent with the highest reasonable trip
generators permitted outright as identified in Salem Development Code, Title X, Chapter 511 and Chapter 514.

### REASONABLE WORST CASE TRIP GENERATION

<table>
<thead>
<tr>
<th>Land Use</th>
<th>Land Use Code</th>
<th>Units</th>
<th>QTY</th>
<th>Average Rate (trips/unit)</th>
<th>Trips</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>PM Peak Hour</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Residential (RS zone, DR Designation, w/annexation)</td>
<td>210</td>
<td>Dwellings</td>
<td>20</td>
<td>*</td>
<td>22</td>
</tr>
<tr>
<td>Multi-Family Housing (Mid-Rise) (Proposed RMII zone and MF designation w/annexation)</td>
<td>221</td>
<td>Dwelling Units</td>
<td>72</td>
<td>0.44**</td>
<td>32</td>
</tr>
<tr>
<td><strong>Average Daily Traffic (ADT)</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Single Family Residential (RS zone, DR Designation)</td>
<td>210</td>
<td>Dwellings</td>
<td>20</td>
<td>*</td>
<td>237</td>
</tr>
<tr>
<td>Multi-Family Housing (Mid-Rise) (Proposed RMII zone and MF designation w/annexation)</td>
<td>221</td>
<td>Dwelling Units</td>
<td>72</td>
<td>**</td>
<td>391</td>
</tr>
</tbody>
</table>

*Fitted Curve equations: PM rate: \( \ln(T) = 0.96\ln(x)+0.20 \); ADT: \( \ln(T) = 0.92\ln(x) + 2.71 \)

**Fitted Curve equations: PM Rate: N/A – \( R^2<0.75 \) – don’t use eqn; ADT: \( T=5.45(x) -1.75 \)

As shown in the table, after annexation and automatic rezoning to the City of Salem’s RS single family residential zoning and SF comprehensive Plan Map designation, the existing land subject to the transportation planning rule analysis criteria could produce up to 22 vehicle trips during the PM peak hour of the transportation system, and up to 237 daily trips in a post-development reasonable worst-case scenario. After annexation with the proposed RMII zoning and MF designation, the land could support up to 32 vehicle trips during the PM peak hour of the transportation system and up to 391 daily trips. The difference in zoning and use permissions after annexation in terms of trip generation in the post-development scenarios would account for up to 10 additional PM Peak hour vehicle trips (32-22 pm trips) and up to 154 additional average daily trips (391-237ADT) with the proposed RMII zoning and MF use designation.

**Transportation System**

Post-development traffic generated by the site would use a driveway to be located on Center Street NE between Sphinx Ct NE and Wildflower St NE as the primary access to/from the site and as the primary route from the site to access the local transportation system. Center Street NE in the vicinity of the site currently consists of varying pavement widths that accommodate one through travel lane and a bike lane in each direction, some intersections developed with left-turn pockets, and with some curbed sections along the north side and open shoulders and ditches for drainage along the south side. The roadway runs east and west in this area and has a posted speed of 45 mph (dropping to 35 about ¼ mile to the west of the site). Center Street is functionally classified in the City of Salem Transportation System Plan (TSP) as a Major Arterial roadway. The TSP identifies typical arterial roadways as serving traffic levels between 15,000 and 50,000 vehicles per day and as having two or more travel lanes in each direction with left-turn pockets and/or raised medians and/or center two-way left-turn lane(s) where appropriate (TSP Table 3-1; page 3-6).
To provide an analysis of the transportation system to support the proposed change in land use permissions permitted outright by City of Salem Development code, a tube counter was deployed to determine the approximate level of traffic currently using Center Street NE near the site. The tube counter was deployed by Gary's Traffic Data between 12:45 PM on Monday November 29th, 2018 and 1:00 PM on Monday December 3rd, 2018. The tube counter was placed between Sphinx Ct. NE and Wildflower St. NE. The results of the tube counter indicate that the approximate one-week average daily two-way traffic during the data collection period was 9,012 average vehicles per day. As described in the trip generation section above, the net difference in daily traffic with the proposed changes in use permissions to allow multi-family development on the subject properties would include up to 154 daily trips that could be distributed evenly east and west on Center Street NE (72 daily vehicle trips east and 72 west), with up to 10 of those vehicle trips occurring during the PM peak hour (5 vehicle trips distributed east and 5 distributed to the west). The collected tube count data was stored in 15-minute intervals that indicated an average typical weekday PM peak hour approaching two-way traffic volume of 865 vehicles. Adding the trip generation totals from the background conditions (i.e. build-out of the property with single family residential uses) to the collected traffic data, the ADT would be increased from 9,012 vehicles per day to 9,249 VPD (9,012 + 237 = 9,249), and the PM peak hour two-way approaching traffic volume would be increased from to 865 vehicles per hour to 887 VPH (865 + 22 = 887).

With the potential for an additional 154 average daily trips associated with the proposed change in zoning and plan designation after annexation to support multi-family residential development on the site, the background build condition (annexation and development without zone and comprehensive plan amendments) ADT traffic volume would be increased from 9,249 vehicles per day to 9,403 vehicles per day, which would represent an increase of approximately 1.7 percent. Similarly, the background two-way PM peak hour approaching traffic volume would be increased from 887 VPH to 897 VPH, which would represent an increase of approximately 1.1 percent. Day-to-day fluctuations in ADT and peak hour approaching traffic volumes generally vary by up to 10 percent on typical interior weekdays. As described herein, the potential for an increase in traffic associated with the proposed change in zoning and comprehensive plan designations would be significantly less than the typical day-to-day fluctuations in approaching traffic volumes at the site, which indicates that the potential for a significant affect with the incremental traffic from the proposed changes in land use permissions is negligible and therefore insignificant.

To demonstrate consistency with the current adopted transportation system plan (February 2016), a reference was made to the United States Census Bureau’s webpage (https://www.census.gov/quickfacts/fact/table/salemcityoregon/PST120217) and to the most recent update to Salem TSP (Feb. 2016). From the US Census data, it was determined that the population of Salem grew from 154,728 in April 2010 to 169,798 in July 2017, for an overall growth of 9.74 percent for the seven-year period. Assuming similar growth to the TSP’s year 2035 horizon year, the population’s average annual growth rate (AAGR) would be approximately 1.39 percent/year. Assuming this growth rate would translate to an equally proportionate transportation system demand AAGR, the tube count traffic data collected near the site on Center Street NE was assumed to grow proportionately to an ADT of 11,144 by the end of the TSP’s identified 2035 horizon year, and in that same period the PM peak hour traffic volume would be projected to grow to 1,070 VPH. In the future year ADT and PM peak hour scenarios, the additional traffic from the proposed zone change and comprehensive plan amendment would result in a lesser percentage increase over the background build traffic conditions, with the ADT representing an increase of 1.3 percent and the PM peak hour representing an increase of 0.9 percent. Both the ADT and PM peak hour incremental increases in traffic with approval of the zone change and comprehensive plan amendment would be significantly
less than the typical expected day-to-day fluctuations in daily and peak hour traffic and would be negligible and insignificant.

Transportation Planning Rule Significant Effect Criteria

Oregon Administrative Rule (OAR) 660-012-0060 Plan and Land Use Regulation Amendments, states:

660-012-0060 (1): If an amendment to a functional plan, an acknowledged comprehensive plan, or a land use regulation (including a zoning map) would significantly affect an existing or planned transportation facility, then the local government must put in place measures as provided in section (2) of this rule, unless the amendment is allowed under section (3), (9) or (10) of this rule. A plan or land use regulation amendment significantly affects a transportation facility if it would:

(a) Change the functional classification of an existing or planned transportation facility (exclusive of correction of map errors in an adopted plan);
(b) Change 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) Types or levels of travel or access that are inconsistent with the functional classification of an existing or planned transportation facility;
   
   (B) Degrade the performance of an existing or planned transportation facility such that it would not meet the performance standards identified in the TSP or comprehensive plan; or
   
   (C) Degrade the performance of an existing or planned transportation facility that is otherwise projected to not meet the performance standards identified in the TSP or comprehensive plan.

Finding: As described previously, the effect of adding the additional incremental portion of traffic that could result from the proposed zone change and comprehensive plan amendment that would not otherwise be permitted outright by City of Salem Development Code with annexation into the City is less than the typical day-to-day fluctuation in approaching traffic volumes during average daily traffic conditions and during PM peak hour traffic conditions for the current year 2018 conditions, and for the TSP's identified future year 2035 plan horizon. With a trip demand less than the expected day-to-day fluctuation in approaching traffic volumes, the site's incremental contribution to traffic is considered negligible, since the additional development traffic added to any collected approaching traffic count volumes could be less than the collected traffic count volumes on a separate typical day of data collection; therefore the potential for an impact to the performance (level of service and/or V/C) is considered insignificant.

Center Street NE is identified as a major arterial roadway, which is intended to accommodate between 15,000 and 50,000 vehicles per day in the adopted TSP (Table 3-1, Feb. 2016). The addition of incremental site traffic would not result in changing the functional classification of the roadway based on average daily traffic and the type of traffic generated in the post-development conditions (residential), and approval of the land use applications to change the zoning and comprehensive plan designations will not result in a change to the standards implementing future improvements to the roadway. OAR 660-12-0060(1) is found to be satisfied, since the additional incremental traffic resulting from approval of the land use applications will not affect the functional classification of Center Street NE.

To support the conclusion that the incremental traffic resulting from approval of the proposed land use applications is negligible and insignificant, a reference was made to the Oregon Department of Transportation’s Development Review Guidelines (May 4, 2017). The ODOT Development Review
Guidelines discuss how ODOT reviews certain land use applications involving comprehensive plan amendments and zone changes (as well as many other applications). Section 3.2 discusses the Oregon Highway Plan, Policy 1F, where ODOT may approve small increases in traffic resulting from zone changes and/or comprehensive plan amendments on state highways even when identified facilities are failing or are predicted to fail. ODOT identifies a small increase in traffic as:

- Any proposed amendment that does not increase the average daily trips by more than 400.
- Any proposed amendment that increases the average daily trips by more than 400 but less than 1001 for state facilities where:
  - The annual average daily traffic is less than 5,000 for a two-lane highway
  - The annual average daily traffic is less than 15,000 for a three-lane highway
  - The annual average daily traffic is less than 10,000 for a four-lane highway
  - The annual average daily traffic is less than 25,000 for a five-lane highway
- If the increase in traffic between the existing plan and the proposed amendment is more than 1000 average daily trips, then it is not considered a small increase in traffic and the amendment causes further degradation of the facility and would be subject to existing processes for resolution."

By comparison to the ODOT “small increase” applicability criteria, the proposed zone change and comprehensive plan amendments would be considered a small increase in traffic, since the changes would result in up to 154 additional daily trips. Per the ODOT small increase criteria, if Center Street NE were an ODOT facility and was identified to be failing or projected to fail to meet the identified performance standards, the proposal to change the zoning and comprehensive plan designation would be approvable. Center Street NE has not been identified to fail or projected to fail in the future (in this document) per City of Salem Standards, and Center Street NE is not an ODOT facility.

Conclusion

The TPR analysis herein indicates that the criteria of the applicable Oregon Administrative Rule OAR 660-012-0060(1) are satisfied with approval of the proposed zone change and comprehensive plan amendment, since the potential increase in average daily and peak hour traffic resulting from the approvals is considered to be negligible, and will not result in a significant affect on existing or planned transportation facilities in the current year or at the end of the year 2035 planning horizon year identified in the current adopted City of Salem Transportation System Plan. The development plan and land use applications for the subject zone change and comprehensive plan amendment with annexation could include both the subject parcels of land located on tax lots 3801 and 3600 of 072W29BC, as discussed throughout this document, or only tax lot 3801 if the owner is unable to agree to terms for tax lot 3600's purchase, and the resulting incremental traffic would be negligible with either development approval scenario approval.

Please do not hesitate to contact me with any questions, or if I can provide any additional assistance.

Attachments: 1 – Tube Count Data