



Staff Report

File #: 19-554

Version: 1

Date: 12/9/2019

Item #: 4.a.

TO: Mayor and City Council
THROUGH: Steve Powers, City Manager
FROM: Norman Wright, Community Development Director

SUBJECT:

Petitioner-Initiated Annexation of Territory Located at 4696 Center Street NE and 592 Hile Lane NE - 97301 (Annexation Case No. C-736)

Ward(s): 6

Councilor(s): Hoy

Neighborhood(s): ELNA

ISSUE:

Shall the City Council:

1. Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;
2. Determine that Annexation Case No. ANXC-736 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2019-16 ANX (Attachment 2);
3. Change the Salem Area Comprehensive Plan (SACP) map designation of the southern part of the Territory (592 Hile Lane NE and Marion County Assessor Map and Tax Lot 072W29BC03801) from "Developing Residential" to "Multi- Family Residential";
4. Change the zoning of the Territory from Marion County UD (Urban Development) to City of Salem RM-II (Multiple Family Residential II); and
5. Withdraw the Territory from Marion County Fire District #1 and the East Salem Sewer and Drainage District?

RECOMMENDATION:

1. Find that the Petitioners have signed a valid triple majority petition for annexation of the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;

2. Determine that Annexation Case No. ANXC-736 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2019-16 ANX (Attachment 2);
3. Change the Salem Area Comprehensive Plan (SACP) map designation of the southern part of the Territory (592 Hile Lane NE and Marion County Assessor Map and Tax Lot 072W29BC03801) from "Developing Residential" to "Multi- Family Residential";
4. Change the zoning of the Territory from Marion County UD (Urban Development) to City of Salem RM-II (Multiple Family Residential II); and
5. Withdraw the Territory from Marion County Fire District #1 and the East Salem Sewer and Drainage District.

SUMMARY:

This is a petitioner-initiated annexation of a 5.04-acre territory comprised of 4 tax lots at 4696 Center Street NE and 592 Hile Lane NE with a concurrent comprehensive plan change from "Developing Residential" to "Multi-Family Residential" for the southern area of the territory (592 Hile Lane NE and Marion County Assessor Map and Tax Lot 072W29BC03801), a zone change from Marion County UD (Urban Development) to RM-II (Multiple Family Residential II) for the entire territory, and withdrawal from the Marion County Fire District #1 and East Salem Sewer & Drainage District for the entire territory. A vicinity map is included as Attachment 1. A territory map and legal description are included in Attachment 2, Exhibit B.

FACTS AND FINDINGS:

1. The Petitioners have met the annexation, petition, application, information submission, fee, waiver, and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040.

The property owners, Brent Malcom, Arlena Malcom, and Center Street Holding LLC (Hans Thygeson), filed an application and petition for annexation of property approximately 5.04 acres in area.

The Territory consists of four tax lots: Marion County Assessor Map and Tax Lots 072W29BB03100, 072W29BB03200, 072W29BC03600, and 072W29BC03801. The owners requested annexation and submitted a valid triple majority annexation petition (Attachment 2, Exhibit A).

The triple majority requirements of ORS 222.170(1) are satisfied because the owners of the petitioned property represent 100 percent of the owners of the land to be annexed and own

100 percent of the land to be annexed, which is 100 percent of the assessed value of the territory.

State law (ORS 222.111 to 222.180) was amended in 2016 through Senate Bill 1573 to prohibit cities that have voter approved annexation from submitting an annexation decision to the voters if all of the owners of the property proposed to be annexed have submitted the annexation petition. The law further specifies that in order for the voter approval prohibition to apply, the territory proposed for annexation must be included within an urban growth boundary, be subject to an acknowledged comprehensive plan upon annexation, be contiguous to the city limits, and the proposal shall comply with all other requirements of the city's ordinances. The City of Corvallis filed a legal challenge to the new law asserting, among other challenges, that the law violates the home rule authority of cities. The circuit court rejected Corvallis's arguments, and dismissed the claims. That decision is currently on appeal to the Oregon Court of Appeals. The Court has issued a decision.

This annexation is subject to SB 1573 because all the owners of the property have applied for annexation.

The law prohibits a city only from referring the question of annexation to voters but does not mandate a city to annex a property simply because a petition has been received. The City Council, as the governing body, retains ultimate authority of whether to annex a property.

2. The territory consists of four tax lots. A single family dwelling and accessory structures are located at 592 Hile Lane NE, and an accessory structure is located at 4696 Center Street NE.
3. The territory is inside the Urban Growth Boundary (UGB) and contiguous on the north and east to the city limits. It abuts properties on the east that are zoned City of Salem RS (Single Family Residential) and on the south and west that are zoned Marion County UD (Urban Development). The territory has frontage on Center Street NE. Adjacent properties on the north side of Center Street NE are zoned City of Salem RS (Single Family Residential).
4. The SACP Map designates the northern area of the Territory as "Multi-Family Residential" and the southern area as "Developing Residential." The petitioner is requesting that the designation of the southern area be changed to "Multi-Family Residential" upon annexation.

The SACP designations for the surrounding area are:

North: Across Center Street NE, "Developing Residential" and "Single Family Residential"
South: "Developing Residential"
East: "Single Family Residential"
West: "Multi-Family Residential" and "Developing Residential"

The "Multi-Family Residential" designation is implemented in the City through the RD (Duplex Residential), RM-I (Multiple Family Residential I), RM-II (Multiple Family Residential II), and

RH (Multiple Family High-Rise Residential) zones.

The Territory is currently zoned Marion County UD (Urban Development). The petitioner is requesting that the zoning be changed to RM-II (Multiple Family Residential II).

Surrounding properties are zoned as follows:

North: Across Center Street NE, RS (Single Family Residential)

South: Marion County UD (Urban Development)

East: RS (Single Family Residential) and Marion County UD (Urban Development)

West: Marion County UD (Urban Development)

5. Under SRC 260.045, territory annexed into the City is automatically given the Salem Area Comprehensive Plan and zoning designations that are equivalent to the applicable county zoning designations in Table 260-1, unless the petitioner or City Council proposes a new Comprehensive Plan/zone designation or 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, there is no equivalent city zoning designation for the northern area of the territory with current Marion County UD (Urban Development) zoning designation and "Multi-Family Residential" comprehensive plan designation. The current Marion County UD zone is inconsistent with the current "Multi-Family Residential" comprehensive plan designation. For the northern area of the territory, the applicant is requesting a change in the zoning to RM-II (Multiple Family Residential), which is consistent with the current comprehensive plan designation.

In Table 260-1, the equivalent city zoning designation would be RA (Residential Agriculture) or RS (Single Family Residential) for the southern area of the territory with current Marion County UD (Urban Development) zoning designation and "Developing Residential" comprehensive plan designation. For the southern area of the territory, the applicant is requesting a new comprehensive plan designation of "Multi-Family Residential" and a new zoning designation of RM-II (Multiple Family Residential), which is consistent with the proposed comprehensive plan designation.

For annexations that propose a change in the comprehensive plan designation or zoning designation or a zoning designation that is different from the equivalent zoning designation

set forth in Table 260-1, SRC 260.045(b) provides that the Planning Commission shall hold a public hearing to review the proposed designations, and shall make recommendation to the Council whether to adopt the proposed designation, the equivalent designation, or a different designation. The Planning Commission's review shall determine whether the proposal meets the following criteria:

- (A) The comprehensive plan and zone designation provides for the logical urbanization of land;
- (B) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;
- (C) Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and
- (D) It is in the public interest that the proposed change be made.

The Planning Commission held a public hearing on August 6, 2019 to review the proposed designations. After receiving the staff report and public testimony, the Planning Commission granted a request to hold the record open for an additional seven days, allow an additional seven days for parties to respond to testimony submitted during that period, and allow an additional seven days for the applicant to rebut the testimony. On September 3, 2019, the Planning Commission granted the applicant's request to postpone deliberations, re-open the public hearing, and continue the public hearing to October 1, 2019. On October 1, 2019, the Planning Commission received testimony and granted the applicant's request for an additional seven days to submit final argument. On October 15, 2019, the Planning Commission held deliberations and voted unanimously to recommend that Council approve the requested Comprehensive Plan and zoning designations. The Planning Commission recommendation and findings of compliance with the applicable criteria are set forth in Attachment 3.

5. Public and Private Facilities and Services Comments

- A. The territory will be withdrawn from Marion County Fire District #1 upon annexation. The Salem Fire Department submitted comments indicating that the response time to this location is approximately five minutes 8 seconds from receipt of call. Primary fire protection and EMS service would be provided from Fire Station No. 10 located at 3611 State Street (Attachment 4).
- B. The Salem Police Department received notice of the proposal and submitted no comments.
- C. The Development Services Section of the Public Works Department submitted comments (Attachment 5) stating that the territory is located inside the Urban Service Area (USA) and adequate facilities are available. An Urban Growth Area Development

Permit would not be required if the applicant proposes to develop the property as defined in SRC Chapter 200.

- D. The Parks staff of the Public Works Department submitted comments (Attachment 6) stating that no land for parks would be required from the annexation and no pedestrian access to parks would be required.
- E. The Finance Division submitted comments regarding property tax limits, rates and other information related to the financial impacts of annexation (Attachment 7).
- F. Salem-Keizer School District received notice of the proposal and provided comments (Attachment 8) indicating that residential development of the territory could add 24 students to Auburn Elementary, 9 students to Houck Middle School, and 10 students to North Salem High School. The estimated cost of new school facilities to serve these students would be \$2,626,245.

6. Neighborhood Association and Citizen Comments

The City notified the East Lancaster Neighborhood Association (ELNA) of the proposed annexation. ELNA's comments and testimony to the Planning Commission regarding the proposed land use designations are summarized in Attachment 3. No additional comments were submitted by the Neighborhood Association prior to the deadline for preparation of this report.

Citizen comments and testimony to the Planning Commission regarding the proposed land use designations are summarized in Attachment 3. After the Planning Commission hearing was closed on October 1, and prior to the deadline for preparation of this report, staff received several emails (Attachment 9):

- One citizen disputed the applicant's comment that 12 residents of the adjacent manufactured home subdivision had no problem with the planned development and stated that only three people had signed the applicant's petition. The citizen provided a poll showing that three residents were in support, 12 were opposed, two did not care, and six persons' opinions were unknown.

Staff Response: Staff responded by email that the applicant had testified that he had met with 12 people, and 10 were in support or not objecting.

- The citizen provided an updated poll indicating that five residents of the adjacent manufactured home subdivision were in support, 11 were opposed, two did not care, and four persons' opinions were unknown.
- One citizen commented that she recalled that the applicant said that when he met with 12 people, 10 were in support or not objecting.

7. Salem Revised Code (SRC) 260.060(c) requires the Council to determine whether or not 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;
 - (2) The annexation will result in a boundary in which 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;
 - (4) The public interest would be furthered by the referral of the annexation to the voters.
 - (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;
 - (B) The comprehensive plan and zone designation is compatible with development patterns in the nearby vicinity;
 - (C) Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate; and
 - (D) It is in the public interest that the proposed change be made.

Attachment 2, Exhibit C contains findings demonstrating compliance with these criteria. In regard to the "public interest" criterion, because the annexation will not be referred to the voters, this criterion is not directly applicable. However, staff's proposed findings under this criterion conclude that the annexation itself is consistent with the Comprehensive Plan and would further the public interest.

8. As demonstrated by the Facts and Findings and the findings found in Attachment 2, Exhibit C, the proposed annexation and service district withdrawal conform to State law requirements and the criteria found in SRC 260.060(c). The annexation and application of City zoning of the Territory are consistent with the public interest.

For these reasons, staff recommends that the City Council:

1. Find that the Petitioners have signed a valid triple majority petition for annexation of

- the Territory, in conformance with Oregon Revised Statutes (ORS) Chapter 222;
2. Determine that Annexation Case No. ANXC-736 satisfies the criteria of Salem Revised Code (SRC) 260.060(c) and adopt Order No. 2019-16 ANX (Attachment 2);
 3. Change the Salem Area Comprehensive Plan (SACP) map designation of the southern part of the Territory (592 Hile Lane NE and Marion County Assessor Map and Tax Lot 072W29BC03801) from "Developing Residential" to "Multi-Family Residential";
 4. Change the zoning of the Territory from Marion County UD (Urban Development) to City of Salem RM-II (Multiple Family Residential II); and
 5. Withdraw the Territory from Marion County Fire District #1 and the East Salem Sewer and Drainage District.

BACKGROUND:

On March 27, 2019, Steve Kay of Cascadia Planning and Development Services submitted an annexation application signed by applicant Creations Northwest LLC (Hans Thygeson), Brent Malcom, and Arlena Malcom and a valid triple-majority annexation petition signed by property owners and petitioners, Center Street Holding LLC (Hans Thygeson), Brent Malcom, and Arlena Malcom. On the same date, Center Street Holding LLC paid the filing fee.

This petition has been scheduled for a public hearing before the City Council for December 9, 2019. Notice of the public hearing was duly mailed to those entitled to notice at least 10 days before the hearing in accordance with SRC 260.060(b) and published once a week for two successive weeks prior to the day of the hearing and posted in four public places for a like period in accordance with ORS Chapter 222.

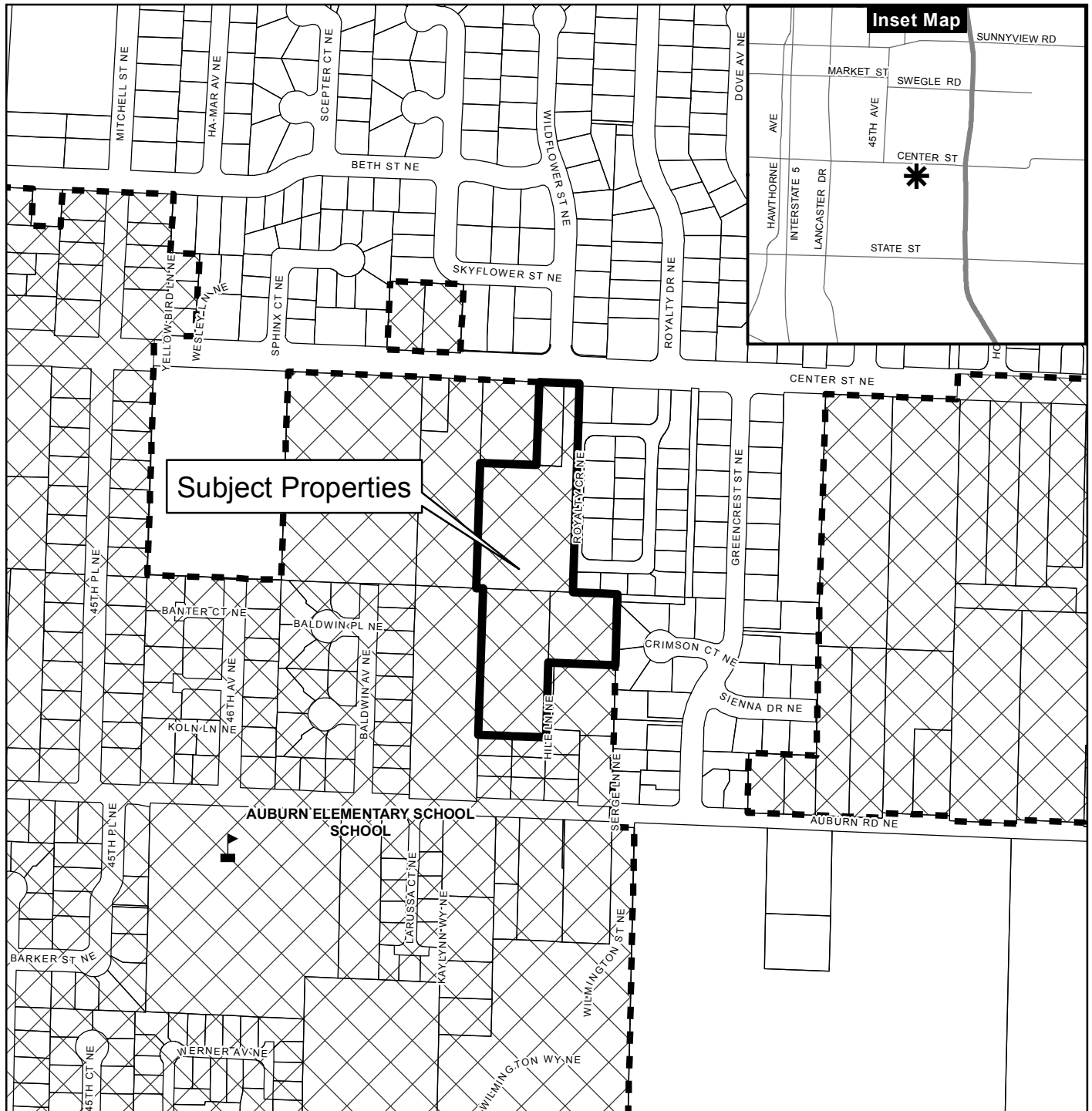
Pamela Cole
Planner II

Attachments:








1. Vicinity Map
2. Order No. 2019-16 ANX Adopting the Final Decision and Findings of Compliance
3. Planning Commission Recommendation on Land Use Designations
4. Fire Department Comments
5. Public Works Department Development Services Section Comments
6. Public Works Department Parks Comments
7. Finance Division Comments
8. Salem-Keizer School District Comments
9. Citizen Comments Received After the Planning Commission Hearing

Vicinity Map

4696 Center Street NE and 592 Hile Lane NE



Legend

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



0 100 200 400 Feet



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**BEFORE THE CITY COUNCIL
OF THE CITY OF SALEM, OREGON**

<p>IN THE MATTER OF THE PETITIONER-INITIATED ANNEXATION OF TERRITORY LOCATED AT 4696 CENTER STREET NE AND 592 HILE LANE NE</p>	<p>))))))</p>	<p>ORDER NO. 2019-16 ANX FINAL ORDER ADOPTING THE FINAL DECISION AND FINDINGS OF IN ANNEXATION CASE NO. C-736</p>
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Whereas, on December 9, 2019, after due notice was given, the City Council of the City of Salem held a public hearing to take testimony and evidence on annexation proposal C-736 (the Annexation Proposal), as required by SRC 260.060(a); and

Whereas, after receiving evidence and hearing testimony, and upon consideration of the Staff Report and Recommendation, and being fully advised, the City Council hereby finds that the Annexation Proposal complies with SRC 260.060(c); and

Whereas, the Petitioner has met the annexation petition, application, information submission, fee, waiver, and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040; and

Whereas, a triple majority consent petition for annexation of the Territory (Exhibit A) has been signed and the triple majority requirements of ORS 222.170(1) are satisfied because more than half of the owners of land in the Territory, who also own more than half of the land in the contiguous territory and of real property therein representing more than half of the assessed value of all real property in the contiguous territory have consented in writing to the annexation of their land in the Territory; and

Whereas, the annexation proposal meets the requirements of SRC 260.020(b) as a state-mandated annexation, and is therefore exempt from voter approval; and

Whereas, following the recommendation of the Planning Commission pursuant to SRC 260.045(b), the City Council has determined that the Comprehensive Plan designation of 592 Hile Lane NE (Marion County Assessor Map and Tax Lot Number 072W29BC03600) and Marion County Assessor Map and Tax Lot Number 072W29BC03801 will be changed to "Multi-Family Residential" and the zoning of the entire territory will be changed to City of Salem Multiple Family Residential II (RM-II); and

Whereas, the withdrawal of the Territory from Marion County Fire District #1 and the East Salem Sewer and Drainage District is in the best interest of the City; and

Whereas, this FINAL ORDER constitutes the final land use decision in the Annexation Proposal and any appeal hereof must be filed with the Oregon Land Use Board of Appeals within 21 days of the date that notice of this decision is mailed to persons with standing to

appeal, as provided in SRC 260.060(e).

NOW, THEREFORE, IT IS HEREBY ORDERED BY THE CITY COUNCIL OF THE CITY OF SALEM, OREGON:

Section 1: Proposed Annexation C-736, of the Territory more particularly described in the attached Exhibit B, which is incorporated herein by this reference, satisfies the criteria set forth in SRC 260.060(c) and is hereby approved based on the facts and findings stated in the attached Exhibit C, which is incorporated herein by reference.

Section 2: The Territory shall, pursuant to SRC 260.045, be designated "Multi-Family Residential" on the City of Salem Comprehensive Plan Map and be zoned City of Salem RM-II (Multiple Family Residential II).

Section 3: The Territory shall be withdrawn from Marion County Fire District #1 and the East Salem Sewer and Drainage District.

DATED this _____ day of _____, 2019.

ATTEST:

City Recorder
City of Salem

Checked by: P. Cole



PERMIT APPLICATION CENTER/CITY HALL
555 LIBERTY STREET SE/ROOM 320
SALEM, OREGON 97301
(503) 588-6256
Website: www.cityofsalem.net

RECEIVED
FEB 27 2019
[Signature]

ANNEXATION PETITION AND
CONSENT AND WAIVER OF BALLOT MEASURE 49 CLAIMS

TO: The Honorable Mayor and City Council of the City of Salem, Marion County, State of Oregon

BRENT AND ARLENA MALCOM AND
Petitioner(s): CENTER STREET HOLDING, LLC is/are the legal owner(s) or contract purchaser(s) of the following described real property (the Territory) comprising approximately 5.04 acres, and located outside of, but contiguous to, the corporate boundaries of the City of Salem:
T.L. 3100 AND 3200 OF T.M. 072W29BB AND
T.L. 3800 AND 3801 OF T.M. 072W29BC [add legal description or tax lot number]

Petitioner(s) respectfully request(s) that the Territory be annexed to the City of Salem, and by my/our signature(s) hereon, (does)(do) hereby consent to such annexation, and (does)(do) hereby request that the City Council take such steps as are necessary to determine whether the Territory should be annexed.

Petitioner(s) knowingly and willingly waive(s) any and all claims that I/we might assert against the City of Salem arising out of, or resulting from, or are in anyway connected to, those certain statewide initiative commonly known as Ballot Measure 49 or any successors thereto, and that might accrue as a result of the annexation of the territory into the City of Salem, or the imposition of City of Salem land use regulations pursuant thereto, whether the claims be past, present or future. Petitioner(s) hereby consent(s) to the imposition of such land use regulations that are in existence at the time of annexation, and to which the territory becomes subject as a result of the annexation into the corporate limits of the City of Salem.

Owner(s) or Contract Purchaser(s):
(Owner/Purchaser signatures)

Address:

CENTER STREET HOLDING LLC
(T.L. 3100, 3200, AND 3801)

14020 SE JOHNSON ROAD, STE 102
MILWAUKIE, OR 97267

BRENT AND ARLENA MALCOM
(T.L. 3600)

592 HILE LANE NE
SALEM, OR 97301

Turn over for petitioner statement and notarization of signature(s). Each owner must sign as a petitioner and each signature must be notarized.
Attach additional sheets as necessary.

CENTER STREET HOLDING, LLC

I, Hans Thygeson, Petitioner, upon oath or affirmation, say that I signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts, and I further affirm that, to the best of my knowledge, the petitioners constitute 100 percent of the owners of land in the territory proposed to be annexed and these owners also own 100 percent of the land in the territory and own real property in that territory representing 100 percent of the assessed value of all real property in the territory.

Hans Thygeson
Petitioner (Petitioner Signature)

Owner of T.L. 3100, 3200, and 3801

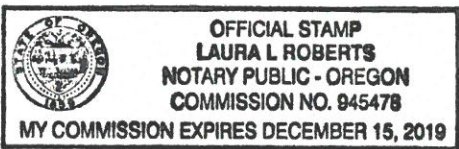
STATE OF OREGON)
COUNTY OF Clackamas) ss.

Signed and sworn to/affirmed before me on February 12th, 2019 by _____

Hans Thygeson
(Name of Person Signing)

Jana L Roberts
NOTARY PUBLIC FOR OREGON (Notary Signature)

My Commission expires: December 15, 2019



BRENT MALCOM
(NOTARY SEAL)

I, Brent Malcom, Petitioner, upon oath or affirmation, say that I signed freely, voluntarily, without undue influence of any nature and under no misrepresentation as to the facts, and I further affirm that, to the best of my knowledge, the petitioners constitute ~~100~~⁵⁰ percent of the owners of land in the territory proposed to be annexed and these owners also own ~~100~~⁵⁰ percent of the land in the territory and own real property in that territory representing ~~100~~⁵⁰ percent of the assessed value of all real property in the territory.

Brent L Malcom
Petitioner (Petitioner Signature)

50% owner T.L. 3600

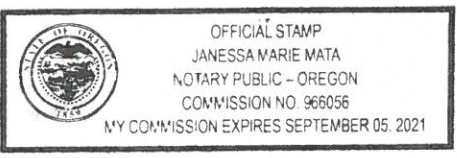
STATE OF OREGON)
COUNTY OF _____) ss.

Signed and sworn to/affirmed before me on February 25, 2019 by _____

Brent Malcom
(Name of Person Signing)

Janessa Marie Mata
NOTARY PUBLIC FOR OREGON (Notary Signature)

My Commission expires: 09/05/2021



(NOTARY SEAL)

4696 Center Street NE and 592 Hile Lane NE

All that real property described in Warranty Deeds Recorded in Reel 4137, Page 168, Reel 4137, Page 169, and Reel 2959, Page 355, Marion County Deed Records and being situated in the Northwest One-Quarter of Section 29, Township 7 South, Range 2 West, Willamette Meridian, Marion County, State of Oregon, and being more particularly described as follows:

Beginning at the Southwest Corner of Lot 10, Center View Estates, said point being an angle point in the Now Existing City Limits Line and running thence;

Along said Now Existing City Limits Line, and South line of said Center View Estates Plat, South $89^{\circ}07'24''$ East 121.37 feet, more or less, to the Northwest corner of Sienna Estates also being the Northeast corner of the lands described in Reel 2959, Page 355, and angle point in the Now Existing City Limits Line;

Thence along said Now Existing City Limits Line, the West line of Sienna Estates and the East line of the lands described in Reel 2959, Page 355, South $00^{\circ}02'18''$ East 192.50 feet, more or less, to the Southeast corner of the lands described in Reel 2959, Page 355;

Thence leaving the Now Existing City Limits Line along the South line of the lands described in Reel 2959, Page 355, North $89^{\circ}07'24''$ West 181.83 feet, more or less, to a point at the Southwest corner of Reel 2959, Page 355, said point also lying on the east line of the lands described in Reel 4137, Page 168;

Thence along said East line South $00^{\circ}02'18''$ East 202.68 feet, more or less, to the Southeast corner thereof, also being the Northeast corner of Red Cedar Estates;

Thence along the South line of said deed and the North line of Red Cedar Estates North $89^{\circ}25'48''$ West 181.87 feet, more or less, to the Southwest corner of said deed also being the Northwest corner of Red Cedar Estates;

Thence along the West line of said deed North $00^{\circ}01'50''$ West 396.15 feet, more or less, to the Northwest corner of said deed, also lying on the South line of Parcel 1 of Reel 4137, Page 169;

Thence along said South line North $89^{\circ}07'24''$ West 18.18 feet, more or less to the Southwest corner of said Parcel 1;

Thence along the most Westerly West line of said Parcel 1 North $00^{\circ}01'50''$ West 338.89 feet, more or less, to the most Westerly Northwest corner of said Parcel 1;

Thence along the most Southerly North line of said Parcel 1 South $89^{\circ}07'24''$ East 152.47 feet, more or less, to the Southwest corner of Parcel 2 of Reel 4137, Page 169;

Thence along the West line of said Parcel 2 North $00^{\circ}01'50''$ West 224.73 feet, more or less, to the South Right of Way line of Center Street NE and Now Existing City Limits Line;

Thence along the Now Existing City Limits Line and said South Right of Way South $89^{\circ}07'24''$ East 108.00 feet, more or less, to a point on the East line of Hereinabove stated Parcel 1, said point also being an angle point in the Now Existing City Limits Line;

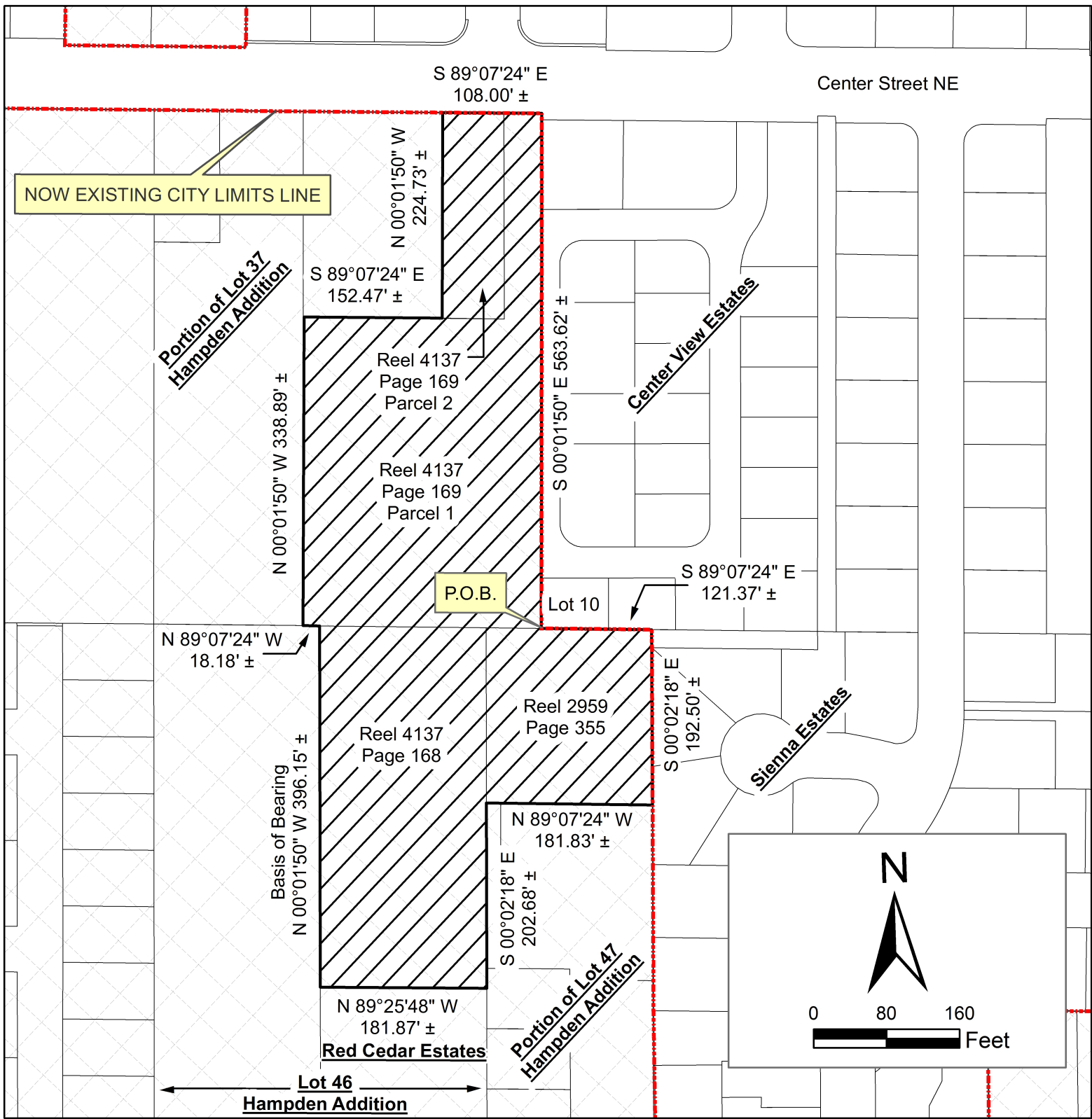
Thence along the Now Existing-City Limits Line and the West line of said Parcel 1 South
.00°01'50" East 563.62 feet, more or less, to the Point of Beginning, containing 5.04
Acres of land more or less.

The Basis of Bearing for this description was held as the West line of the lands described in Reel
4137, Page 168.



Approved: (BL)
Date: 8/15/19
Annexation No.: C-736

DOR No.: 24-P253-2019
DOR Date: 09/05/2019



NOTE: BASIS OF BEARINGS -
West Line of Reel 4137 Page 168

± = More or Less Distance

P.O.B. = Point of Beginning

 Property in Marion County

 PROPERTY PROPOSED TO BE ANNEXED INTO CITY

EXHIBIT MAP

TOWNSHIP 7 SOUTH, RANGE 2 WEST, SECTION 29,
WILLAMETTE MERIDIAN

**CITY OF SALEM, OREGON
PUBLIC WORKS DEPARTMENT**

4696 Center Street NE and 592 Hile Lane NE

CITY OF SALEM ORDINANCE NO. _____

ANNEXED: _____

CONTAINING 5.04 Acres

ADJACENT TO WARD 6

CASE NO. C-736

TRACT NO. _____

**EXHIBIT C, ORDER NO. 2019-16 ANX,
FINDINGS:
COMPLIANCE OF ANNEXATION C-736
WITH SRC CHAPTER 260 AND 260.060(c)**

1. **The proposed petitioner-initiated annexation of that certain real property located at 4969 Center Street NE and 592 Hile Lane NE (Territory) and more specifically described in Exhibit B, Council Order in Annexation Case No. C-736, conforms to the following criteria found in SRC 260.060(c):**

Criterion 1: The proposed land use designations are consistent with the Salem Area Comprehensive Plan and applicable Statewide Planning Goals.

Under Salem Revised Code (SRC) 260.045, territory annexed to the City is automatically given the Salem Area Comprehensive Plan and zoning designations that are equivalent to the applicable County zoning designations, as set forth in Table 260-1, unless the petitioner or City Council proposes a new Comprehensive Plan/zone designation under SRC 260.045(a).

SRC 260.045(a)(1) allows the petitioner to request a new Comprehensive Plan designation and zoning designation other than the equivalent city designation in Table 260-1 in the petition for annexation. The petitioner requests a Comprehensive Plan Change to "Multi-Family Residential" for the southern part of the Territory (592 Hile Lane NE and Marion County Assessor Map and Tax Lot Number 072W29BC03801) and a zone change to City of Salem RM-II (Multiple Family Residential II) for the entire Territory.

Pursuant to SRC 260.045(b), the Planning Commission, on August 6, 2019, held a public hearing to review the proposed designations, received testimony, and granted a request to hold the record open for an additional seven days, allow an additional seven days for parties to respond to testimony submitted during that period, and allow an additional seven days for the applicant to rebut the testimony; on September 3, 2019, granted the applicant's request to postpone deliberations, re-open the hearing, and continue the public hearing to October 1, 2019; on October 1, 2019, received testimony and granted the applicant's request for an additional seven days to submit final argument; and, on October 15, 2019, held deliberations. The Planning Commission recommended that the City Council adopt the proposed designations based on the petitioner meeting the Comprehensive Plan Change/Zone Change criteria of SRC 260.045(b)(1) through (4). The proposed designations are adopted by the City Council. These land use designations are consistent with the SACP and applicable Statewide Planning Goals as demonstrated by the following findings.

- A. **Statewide Planning Goals** -- Statewide Planning Goals applicable to the proposed annexation are:

- (1) GOAL 10. Housing. Goal 10 requires provisions for housing to**

meet the needs of residents. The proposed annexation will increase the city's inventory of buildable lands for multi-family residential use. The increased inventory of land is a positive factor in providing for housing variety and availability. The location is in close proximity to existing residential development and is appropriate for such housing. The proposed annexation is consistent with Goal 10.

- (2) **GOAL 11. Public Facilities and Services.** Goal 11 requires a plan or program for orderly and efficient arrangements of public facilities. The city adopted a Public Facilities Plan (the Plan) consistent with Goal 11. The city applies the Plan to development of property within the city to achieve a timely, orderly and efficient arrangement of public facilities and services in a manner that supports both existing and planned growth. The Plan is implemented by the city's adopted master plans, Capital Improvement Plan (CIP), and the Urban Growth Management Process set forth in SRC Chapter 200. The Territory is inside of the Salem Urban Service Area (USA). An Urban Growth Area Preliminary Declaration is not required if the applicant proposes to develop the property as defined in SRC Chapter 200. The proposed annexation is consistent with Goal 11.
- (3) **GOAL 12. Transportation.** Goal 12 requires a jurisdiction to adopt a Transportation System Plan (TSP) that provides a safe, convenient and economic transportation system. The City has adopted a transportation plan acknowledged by the Oregon Department of Land Conservation and Development (DLCD) to further this goal. The TSP is applied to the transportation elements of new development under SRC Chapter 200 and other provisions of the Salem Area Comprehensive Plan and Zoning Code and to the transportation elements of the city's adopted master plans, the CIP, etc. as set forth in the discussion of Goal 11 above to provide safe and convenient pedestrian, bicycle, and vehicular circulation that is consistent with the TSP and the requirements of the State Transportation Planning Rule. As described in the finding for Goal 11 compliance above, and as described in the discussion of Criterion 3 below, the Territory will comply with Goal 12 when any new development occurs, and will be served by facilities compliant with Goal 12 to the extent that transportation-related improvements occur under the city's adopted master plans, the CIP, SRC Chapter 200 and the Zoning Code. The proposed annexation is consistent with Goal 12.
- (4) **GOAL 14. Urbanization.** Goal 14 mandates provisions for an orderly and efficient transition from rural to urban land use. The Territory is within the Salem-Keizer Urban Growth Boundary (UGB), which, by definition, makes this territory "urbanizable." The incorporation of contiguous areas, including the Territory, into the overall composition of the city provides order and efficiency in the provision of municipal facilities and services as well as in the facilitation of orderly urbanization. This is because the Salem Area Comprehensive Plan (SACP), Zoning Code and other applicable implementation measures have been acknowledged as being in compliance with Goal 14 and these measures will be made applicable to the Territory upon annexation. The applicable implementation measures are designed to

provide order and efficiency in the provision of facilities and services, and to facilitate orderly urbanization by uniformly integrating the Territory into the City's municipal facilities and services system. This integration would provide for a uniform rather than an isolated, discontinuous, and fragmented system of services provided to areas not within the Salem city limits. The application of the city's Goal 14 acknowledged Salem Area Comprehensive Plan, Master Plans, and implementation ordinances to the Territory furthers the conversion of urbanizable land to urban uses consistent with Goal 14 for the reasons cited above. The proposed annexation is consistent with Goal 14.

In summary, the proposed annexation is consistent with the applicable Statewide Goals.

B. Salem Area Comprehensive Plan (SACP) -- The SACP goals, policies and intent statements applicable to the proposed annexation are:

- (1) SACP Chapter II (Definitions and Intent Statements), Section A (Land Use Map), Subsection 3 (Plan Map Designations), Part a (Residential), Subpart 2 “Multi-Family Residential,” (SACP pages 4-6):** The “Multi-Family Residential” designation is characterized by a mixture of housing types.

The future use of these areas is primarily residential in nature. The City's RM-II (Multiple Family Residential II) zone implements this Plan map designation by providing additional land used primarily for residential uses. The Territory to be annexed has the characteristics of the RM-II zone with predominantly residential use. The Territory is not currently served by public sewer and water facilities, but these facilities are located in Center Street NE. This is also consistent with the surrounding zoning and land use of the area. The Territory zoning will be RM-II (Multiple Family Residential II). The proposed annexation is consistent with the above SACP provision.

- (2) SACP Chapter II (Definitions and Intent Statements), Section A (Land Use Map), Subsection 3 (Plan Map Designations), Part a (Residential), Subpart 4 (Conversion of Developing Residential or Urbanizable Areas to Urban Development) (SACP page 7):** Urbanizable lands located outside the city limits must be annexed to the city to receive urban services. Some of the reasons for converting urbanizable land to urban land include: (1) providing for the orderly and economic extension of public facilities and services; (2) providing adequate land area for a variety of housing types and locations; and (3) maintaining an adequate supply of serviced or serviceable undeveloped land to meet the market demand for a variety of uses.

Annexation of the Territory allows for the future extension of public facilities and services consistent with the Salem Urban Growth Management Program through the master planning, CIP and SRC Chapter 200 (UGA) processes. Publicly funded capital improvements will depend on funding availability. Most new development in newly annexed areas requires developer responsibility for extending public

facilities as part of a common city infrastructure under an orderly plan for their extension. In addition, annexation of the Territory with RM-II (Multiple Family Residential II) zoning will provide the city with additional land area that expands the availability of a variety of housing types and locations within the city. The proposed annexation is consistent with the above SACP provision.

- (3) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section A (Coordination Policies), Subsection 6 (Annexation Coordination) (SACP page 23):** The city must provide an opportunity for the affected county to comment on proposals for annexation of territory to the City of Salem.

Marion County was notified of the annexation and provided an opportunity to comment on the annexation. The County did not indicate any objections to the annexation. The County submitted comments to the Planning Commission requesting that no access to the Territory be allowed to Auburn Road NE. Therefore, the intent of the policy is met. The proposed annexation is consistent with the above SACP provision.

- (4) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 1 (Annexation) (SACP page 26):** Marion and Polk Counties should encourage the orderly annexation to the City of Salem of land within the Salem Urban Area.

The Territory is located within the Salem Urban Area and is contiguous to the city limits. Annexation of the Territory allows for the orderly annexation of urbanizable land to the City of Salem. The proposed annexation is consistent with this policy.

- (5) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section C (Urban Growth), Subsection 3 (UGB is Urbanizable) (SACP page 26):** Territory is considered available for annexation and development to the extent that it is urbanizable and located within the UGB.

The Territory is considered urbanizable because it is located within the UGB, and all needed facilities to support urban development are or can be made available under the City's existing public facilities plans and urban growth management program. Therefore, the Territory is considered available for annexation. The proposed annexation is consistent with the above SACP provision.

- (6) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 1 (Development Guided by Growth Management) (SACP page 27):** The conversion of urbanizable land shall be guided by the Growth Management Program (SRC Chapter 200).

SRC Chapter 200 establishes a comprehensive growth management program for the City of Salem. The Territory would lie within the Salem Urban Area, as defined by SRC Chapter 200. Conversion of the Territory to urban uses will be guided by the City's growth management

program. The proposed annexation is consistent with the above SACP provision.

- (7) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 3 (Programming Development) (SACP pages 28):** The City shall provide levels of services to city residents consistent with community needs as determined by the City Council, within the financial capability of the city, and subject to relevant legal constraints on revenues and their applications. Considerations for the programming of development are: (a) The financial capability of the city to provide certain facilities and services as authorized through the budgetary process; (b) The technical requirements of public facility master plans; (c) The need for sufficient amounts of buildable land to maintain an adequate supply in the marketplace; and (d) The willingness of the development community to assume the burden of funding the cost of providing certain facilities.

These criteria are factored into the proposed annexation because the Growth Management Program imposes an equitable share of public facility costs on new development by requiring provisions for required facilities by the developer and/or system development charges in connection with the provision of required facilities by the City. Therefore, this policy is satisfied. The proposed annexation is consistent with the above SACP provision.

- (8) **SACP Chapter IV (Salem Urban Area Goals and Policies), Section D (Growth Management), Subsection 7 (Development Requiring Water and Sewer) (SACP page 29):** Development will only be allowed within the city limits where public sewer and water services are available and other urban facilities are scheduled pursuant to an adopted Growth Management Program.

The City of Salem adopted a Growth Management Program (SRC Chapter 200) that applies to the development of the Territory in the future. City services can be provided to the Territory in the future pursuant to the city's Growth Management Program. The proposed annexation is consistent with the above SACP provision.

In summary, the proposed annexation is consistent with the applicable provisions of the SACP.

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

The annexation of unincorporated territory contiguous to the city limits will result in urban services being provided in a more orderly, efficient and timely manner. Unincorporated territory adjacent to the city limits prevents the orderly expansion of city services because gaps are created in the city's infrastructure, and services within those gaps must be provided by the county, or by the city pursuant to intergovernmental or other agreements. This results in inefficiencies due to discontinuous and fragmented methods of providing infrastructure and inefficiencies, as well as additional delays for any development proposal. The boundary resulting

from the proposed annexation will provide a more compact and efficient urban form for providing urban services, because the services will be integrated into the existing city infrastructure, and potential jurisdictional conflicts will not exist. The proposed annexation complies with this criterion.

Criterion 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;

Comments provided by the various city departments indicate that the Territory in the proposed annexation may be served through the orderly, efficient and timely extension of key urban facilities and services as outlined in the city's adopted master plans, CIP and public works and parks design and construction standards. No improvements to urban facilities and services are needed at this time to serve the Territory.

If new development is proposed for the Territory, additional urban facilities and services will be required and will be provided in accordance with the city's adopted master plans, CIP and Urban Growth Management process as set forth in SRC Chapter 200. The territory proposed for annexation lies inside the Urban Service Area. Pursuant to the City's adopted growth management program found in SRC Chapter 200, future development of the Territory is not required to obtain an Urban Growth Area (UGA) Permit to provide adequate public facilities, including water, sewer, stormwater, transportation, and park services that may be necessitated by the proposed new development. If such facilities are not provided at public expense under the city's adopted master plans, the CIP, etc., they will be provided at the developer's expense at the time of development. The proposed annexation complies with this criterion.

Criterion 4: The public interest would be furthered by the referral of the annexation to the voters.

The Petitioner has met the annexation, petition, application, information submission, fee, waiver and all other requirements for petitioner-initiated annexations including, but not limited to, those found in ORS Chapter 222, SRC Chapter 260, SRC 260.030, SRC 260.035, and SRC 260.040. A valid triple majority consent petition for annexation of the Territory has been signed and, thus, there is no need to hold an election in the Territory to be annexed. Annexations applied for after May 16, 2000 require approval of the voters of the city under Section 61 of the Salem City Charter and SRC 260.020. Pursuant to SRC 260.020(b), however, annexations mandated by state law are exempt from voter approval. Therefore, the city is not required to refer this proposed annexation to the voters. Regardless of this, the proposed annexation of the Territory conforms to the Salem Area Comprehensive Plan. Services can be provided consistent with the city's adopted master plans and Public Works design and construction standards. The annexation of unincorporated territory contiguous to the city limits will result in urban services being provided in a more orderly, efficient and timely manner. Therefore, although this proposed annexation is exempt from a referral to the voters, the proposal still meets the intent of this criterion, to be in the "public interest", for the reasons stated above.

2. State Law.

According to SRC 260.020(b), annexations mandated by state law may be decided by a vote of the City Council without a city-wide election on that issue. State law (ORS 222.111 to 222.180) was amended in 2016 through Senate Bill 1573 to require a city whose laws require a petition proposing annexation of territory to be submitted to the electors of the city to annex the territory without a vote upon receipt of petition for annexation submitted by all owners of land in the territory, provided that (1) the territory is included within the urban growth boundary of the city; (2) the territory is, or will be, subject to the acknowledged comprehensive plan of the city; (3) at least one parcel in the territory is contiguous to the city limits; and (4) the proposal conforms to all other requirements of city's ordinances.

The annexation petition was signed by all owners. The territory is located within the urban growth boundary and is subject to the Salem Area Comprehensive Plan. The property of four contiguous parcels is contiguous to the city limits. The proposal conforms to all other requirements of the city's ordinances. The proposed annexation complies with this criterion.

3. The proposed withdrawal of the Territory more specifically described in Exhibit B conforms to the following criteria found in SRC 260.065:

When withdrawal from a special service district is not automatic, the City Council shall decide on withdrawal from those special service districts. These withdrawals shall be made according to applicable state statutes governing the specific withdrawal.

The City will withdraw the Territory from Marion County Fire District #1 and replace those services with service from the City of Salem Fire Department. The City will withdraw the Territory from East Salem Sewer and Drainage District and replace those services with service from the City.

ORS 222.520 establishes the process by which the Territory may be withdrawn from the Marion County Fire District #1 and East Salem Sewer and Drainage District at the same time as the annexation.

No comprehensive plan provision or implementing ordinance of the City applies to the withdrawal decision, and none is amended in the process of making the decision. In addition, the decision to withdraw territory and serve the territory with city-supplied urban services rather than district-supplied services, does not have significant impacts on present or future land uses. Consequently, the withdrawal decision is not the kind of decision that requires application of land use laws.

*Si necesita ayuda para comprender esta informacion,
por favor llame 503-588-6173*

RECOMMENDATION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC19-07

APPLICATION NO. : 19-108038-ZO & 19-108039-ZO

NOTICE OF RECOMMENDATION MAILING DATE: OCTOBER 22, 2019

SUMMARY: A request for a comprehensive plan change to Multi-Family Residential and zone change to RM2 (Multiple Family Residential 2) concurrent with a proposed petitioner-initiated, voter-exempt annexation of property at 4696 Center St NE and 592 Hile Lane NE.

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)

LOCATION: 4696 Center Street NE & 592 Hile Lane NE

CRITERIA: Salem Revised Code Chapter 260.045(b)(1)-(4)

FINDINGS: The facts and findings are in the attached document dated October 22, 2019.

RECOMMENDATION: Based upon the foregoing findings and conclusions, the Planning Commission RECOMMENDS to City Council that upon annexation:

- A. The Salem Area Comprehensive Plan Map Change from "Developing Residential" to "Multi-Family Residential" be GRANTED for the properties at 592 Hile Lane NE (Marion County Assessor Map and Tax Lot 072W29BC03600) and Marion County Assessor Map and Tax Lot 072W29BC03801 and
- B. The zone change request from Marion County UD (Urban Development) to City of Salem RM2 (Multiple Family Residential 2) be applied, contingent on approval of the "Multi-Family Residential" Comprehensive Plan Map designation for the properties at 592 Hile Lane NE (Marion County Assessor Map and Tax Lot 072W29BC03600) and Marion County Assessor Map and Tax Lot 072W29BC03801.


**NOTICE OF
RECOMMENDATION**

PLANNING DIVISION
555 LIBERTY ST. SE, RM 305
SALEM, OREGON 97301
PHONE: 503-588-6173
FAX: 503-588-6005



VOTE:

Yes 7 No 0 Abstain 0 Absent 1 (Levin)



Chane Griggs, President
Salem Planning Commission

Case Manager: Pamela Cole, pcole@cityofsalem.net, 503-540-2309

The Salem City Council will hold a public hearing to receive additional evidence and testimony, and this recommendation of the Planning Commission and staff. After due deliberation, the City Council will make a final decision on the application. The appeal of the Council decision would be to the Oregon Land Use Board of Appeals. The appeal period is 21 days from the decision mailing date.

The complete case file, including findings, conclusions and conditions of approval, if any, are available for review at the Planning Division office, Room 305, City Hall, 555 Liberty Street SE, during regular business hours.

FACTS & FINDINGS

COMPREHENSIVE PLAN MAP AMENDMENT FROM “SINGLE FAMILY RESIDENTIAL” TO “MULTI-FAMILY RESIDENTIAL”, AND A ZONE CHANGE FROM UD (URBAN DEVELOPMENT) TO RM-II (MULTIPLE FAMILY RESIDENTIAL-II) CASE NO. CPC-ZC19-07

OCTOBER 22, 2019

PROCEDURAL FINDINGS

1. 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, which is under consideration to be annexed to the City of Salem. A vicinity map is included as **Attachment A**.
2. The consolidated application was deemed complete for processing on June 10, 2019. The public hearing on the application was scheduled for August 6, 2019. 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 July 24, 2019.
3. State law (ORS 197.610) and SRC 300.602(b)(1) requires 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.
4. On August 6, 2019, the Planning Commission held a public hearing on the consolidated applications, received testimony, and granted a request to hold the record open for an additional seven days, allow an additional seven days for parties to respond to testimony submitted during that period, and allow an additional seven days for the applicant to rebut the testimony.
5. On September 3, 2019, the Planning Commission granted the applicant's request to postpone deliberations, re-open the public hearing, and continue the public hearing to October 1, 2019.
6. On October 1, 2019, the Planning Commission received testimony and granted the applicant's request for an additional seven days to submit final argument.
7. On October 15, 2019, the Planning Commission held deliberations and voted unanimously to grant the requested Comprehensive Plan Change and Zone Change and forward its recommendation to City Council.
8. Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes [ORS] 227.128). The request for a Zone Change included in this consolidated application is subject to the 120-day rule. The original

state-mandated 120-day deadline to issue a final local decision for the Zone Change was October 8, 2019. Due to the requests to leave the record open and re-open and continue the public hearing, the deadline has been extended to December 3, 2019.

BACKGROUND/PROPOSAL

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 RM-II (Multiple Family Residential-II); 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 RM-I (Multiple Family Residential-I) or Marion County zoning of RM (Multiple Family Residential) with an equivalent City zone of RM-I (Multiple Family Residential-I) or RM-II (Multiple Family Residential-II).

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." A map of the existing and proposed zoning designations is included as **Attachment B**.

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 “Multi-Family Residential” in the southern part of the annexation territory along with the request for the city zoning designation of RM-II (Multiple Family Residential-II). A map of the existing and proposed comprehensive plan designations is included as **Attachment C**.

The applicant's written statement summarizing the request and addressing compliance with the required approval criteria is included as **Attachment D**. A preliminary map of the annexation territory was prepared by the City Surveyor’s office and is included as **Attachment E**.

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 is tentatively scheduled for December 2, 2019. The Council has the authority in SRC 260.060(d) to adopt, modify, or reject the Planning Commission’s recommendation for land use designations.

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.

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.

SUBSTANTIVE FINDINGS

1. Salem Area Comprehensive Plan (SACP)

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 (592 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”

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.

2. **Zoning**

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); manufactured homes on individual lots and single family dwellings
West: Marion County UD (Urban Development); single family dwellings

3. **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.

4. Infrastructure

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 subject property.

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.

Transportation Planning Rule:

A Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060) is needed 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. The Assistant City Traffic Engineer has reviewed this proposal and recommends that this criterion has been met.

5. Natural Features

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: Grading and construction activities within wetlands are regulated by the Oregon Department of State Lands (DSL) and US Army Corps of Engineers. State and Federal wetlands laws are also administered by the DSL and Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. 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.

6. Neighborhood Association Comments

The subject property is located within the boundaries of the East Lancaster Neighborhood Association (ELNA). ELNA was mailed notice of the proposal.

At the August 6, 2019 public hearing, ELNA provided testimony and a written statement (**Attachment F**) summarized below and indicated that the ELNA board voted unanimously to oppose the application and zone change to RM-II.

- The applicant did not contact ELNA.

Response: The Planning Commission left the record open and delayed deliberations until September 3, 2019. During the open record period, the applicant requested re-opening the hearing and continuing it to October 1, 2019 to allow the applicant to attend the September 5, 2019 ELNA meeting and discuss the proposal with neighbors. The applicant attended the ELNA meeting.

- RM-II density and three-story buildings are not appropriate in the area.

Response: The proposed zone would allow 12 to 28 units per acre (approximately) and building heights of up to 50 feet. The layout and actual number of units would depend on the applicant's ability to provide required elements such as parking, open space, setbacks, etc. The applicant has indicated that three-story buildings are likely to be proposed, with an average height of approximately 35 feet.

- Other development is proposed in the area, including the Pictsweet property expected to bring over 650 single family homes, and the traffic

will strain roads in the area. The proposed development will exacerbate congestion and danger to pedestrians.

Response: The Assistant City Traffic Engineer reviewed the applicant's Transportation Planning Rule Analysis and concurred that the proposal would not have a significant effect on the transportation system.

- There are no sidewalks on this section of Center Street and no crosswalks planned in future street improvements. Safety for pedestrians and school children is a major concern. This complex will add cars which exit onto Center and add to traffic that children will encounter when they walk to school.

Response: If the property is annexed, requirements for sidewalks and/or crosswalks will be addressed during site plan review.

- The soil type suggests water issues and the property should be reviewed by State Lands Division prior to permits. Flooding happens with some frequency in the area. Some places have a shallow water table. This area contains headwaters of the East Fork of the Little Pudding River. Homes have sump pumps due to the shallow water table. The area experienced flooding in 1996. If the City issues permits to build on such land it becomes their liability if there is flooding that damages homes.

Response: The Salem-Keizer Local Wetland Inventory shows hydric soils mapped on the property, and a segment of the East Fork Little Pudding River is mapped as a linear wetland area along the east property line of 592 Hile Lane NE. If the property is annexed, notification to the Division of State Lands will be required, the property would be subject to the City's stormwater regulations at the time of a development application, and detailed stormwater designs would be required.

- Schools are near capacity. With the (Pictsweet) Planned Unit Development and this zone request, they will be well over capacity.

Response: The Salem-Keizer School District commented that development of 120 units on the subject property would bring a total of 43 new students; combined with other potential additional students resulting from land use cases over the previous two calendar years, these potential students would bring Auburn Elementary to 99% of capacity, Houck Middle School to 87% of capacity, and North Salem High School to 99% of capacity.

At the October 1, 2019 public hearing, ELNA provided testimony and a written statement summarized below.

- ELNA submitted documentation related to erosion and flooding of the Greencrest Drainage Ditch east of the subject property in the 1990s, suggested that the City's maps may be wrong, and stated that the Greencrest work was not done properly and the City had to pay for repairs.

Response: The Public Works Department memorandum indicates that storm infrastructure is available within surrounding streets/areas and appears to be adequate to serve the proposed development. Stormwater requirements for the subject property will be addressed at the time of development.

- The height of the potential development would take away sunsets and daylight and change the views and character of the neighborhood.

Response: The City does not have development standards protecting views.

7. Public Comments

All property owners and tenants within 250 feet of the subject property were mailed notice of the proposal.

Prior to the August 6, 2019 staff report, comments were received from two citizens:

- 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 it 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?

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. 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=TITXU_NDECO_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=TITXU_NDECO_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.

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

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.

At the August 6, 2019 public hearing, additional testimony was received from three citizens and is summarized below.

- *Concerns over traffic and noise.* One citizen testified that a subdivision was approved to the west and the Pictsweet development is proposed to the east, increasing traffic and noise. Another testified that current traffic makes Center Street difficult to cross, and there are no crosswalks in the area.

Response: The Public Works Department reviewed the applicant's TPR analysis and found that the proposal would have no significant impact on the existing transportation network. Access would be from Center Street NE. If the property is annexed, Public Works will determine the traffic study requirements and possible mitigation requirements when a land use application is submitted; development after annexation would be subject to City noise standards.

- *Concerns over property values.* One citizen who lives near the proposed development commented that the proposed buildings would affect his enjoyment of the area and would reduce property values.

Response: The approval criteria for a comprehensive plan change / zone change do not address possible effects on property values.

Between the August 6, 2019 public hearing and the staff report dated September 24, 2019, additional testimony included:

- *Objections to the applicant's conceptual plan, suggestions for other designs, and requests to view a portfolio of the applicant's completed projects.* Several comments include objections to the setbacks and building heights depicted on the applicant's conceptual plan that indicates preliminary locations of buildings and parking and vehicle use areas. Several citizens have provided suggested layouts for two-story townhouse style / condominium style units rather than apartments to reduce the height of buildings, reduce construction costs, provide owner-occupied units, reduce traffic flow onto Center Street NE and provide access to Auburn Road NE, and provide sidewalks along an interior roadway.

Response: The Planning Commission is not reviewing the applicant's conceptual

plan. The current application is only for the comprehensive plan and zoning designations that would be applied upon annexation. If the property is annexed, the property will be subject to the City's development standards and other regulations that are applicable at the time of any future land use application. If the proposed Comprehensive Plan and Zone designations are approved, and the property is developed with apartments, the development would be subject to site plan review, multi-family design review guidelines or standards, parking and vehicle use standards, landscaping standards, and development standards of the applicable zone. These processes, guidelines, and standards ensure compatibility of the development with the neighboring properties.

Current multi-family design review standards would require a building setback of at least one foot for each foot of building height from property zoned RA (Residential Agriculture) and RS (Single Family Residential); for a three-story building approximately 35 feet in height, the minimum setback would be 35 feet. The proposed zoning would allow townhouse-style development and condominiums. Marion County has testified that no access will be allowed from this property to Auburn Road NE. Future multi-family development would be required to provide sidewalks within the subject property.

- *Requests for specific types of fencing or walls and landscaping.* Several citizens have requested masonry walls along the east property line to provide safety, reduce noise, provide durability, and protect against driver errors; another has requested removable vinyl fencing for cost effectiveness and to allow maneuverability for future removal of manufactured homes. Several citizens have requested specific types of landscaping such as arborvitae hedges along the east property line for noise abatement and screening.

Response: If the property is annexed, the property will be subject to the City's development standards and other regulations that are applicable at the time of any future land use application. Current multi-family design review standards for development abutting property zoned RA (Residential Agriculture) and RS (Single Family Residential) would require a combination of landscaping and screening. This would include a minimum of one tree, not less than 1.5 inches in caliper, for every 30 linear feet of abutting property width in addition to a minimum six-foot tall, decorative, sight-obscuring fence or wall constructed of materials commonly used in the construction of fences and walls, such as wood, stone, rock, brick, or other durable materials; chainlink fencing with slats would not be allowed to satisfy this standard.

- *Requests for a reduction in density.* Several citizens have requested a reduction in the proposed density to provide more open space and greater setbacks.

Response: If the property is annexed, the property will be subject to the City's development standards and other regulations that are applicable at the time of any future land use application. The proposed RM2 (Multiple Family Residential

II) zoning currently allows 12 to 28 units per acre. Other zones consistent with the “Multi-Family Residential” comprehensive plan designation for the northern area of the property would be RM1 (Multiple Family Residential I, allowing 8 to 14 units per acre), or RH (Multiple Family High-Rise Residential, with no specified maximum density).

Any multiple family residential development abutting the RA or RS zone would be subject to interior side and rear setbacks based on height under the applicable multi-family design review guidelines or standards, as noted above, and subject to the open space requirements, with standards that currently require a minimum of 30 percent of the gross site area to be designated and permanently reserved as common open space. The proposed RM2 zone currently allows lot coverage of up to 50 percent by buildings and accessory structures. In contrast, the RS (Single Family Residential) zone currently allows lot coverage of 60 percent, interior side setbacks of 5 feet, and interior rear setbacks of 14 feet for one-story dwellings or 20 feet for two-story or taller dwellings.

- *Requests for a utility easement separating the subject property from the abutting property.* A citizen requested a three-foot utility easement along the property line separating the northern area of the subject property from the adjacent property to protect existing water lines and other utilities.

Response: Staff encouraged the affected property owners to work together to determine whether a utility easement is necessary.

- *Requests for stormwater studies and designs.* A citizen stated that water ponds in areas of the subject property and requested a geotechnical report for subsurface water and a determination of stormwater flow.

Response: The subject property is not identified as wetland on the City’s maps. A segment of the East Fork Little Pudding River runs along a portion of the east property line of 592 Hile Street NE. A detailed stormwater study and design are not required with the current application for land use designations. If the property is annexed, future development will be subject to City stormwater regulations at the time of application, and detailed stormwater designs will be required before building permits may be issued.

- *Requests for a Transportation Impact Analysis (TIA) and traffic mitigation measures.* Several citizens requested a TIA to address ingress and egress of emergency vehicles within the subject property and the impacts of traffic from the proposed development on adjacent streets. One requested traffic signals, turn lanes, and “No Parking” signs.

Response: The Planning Commission is not reviewing the applicant’s conceptual plan, including interior traffic circulation. The current application is only for the comprehensive plan and zoning designations that would be applied upon

annexation, and the applicant's Transportation Planning Rule analysis is sufficient for this application. If the property is annexed, the property will be subject to City regulations that are applicable at the time of any future land use

application, including requirements for emergency vehicle access and requirements for further analysis of traffic impacts or traffic mitigation.

After the September 24, 2019 staff report was made available for the October 1 meeting, and at the October 1, 2019 public hearing, two citizens provided testimony summarized below.

- *Concerns over crime and traffic.* A citizen requested that the Police Department should be present at the hearing for input with regard to crime/density and traffic.

Response: Approval criteria for this application 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 proposed development would exceed what would otherwise occur from any other legal development of property within the City. Theft or other illegal activity is a police matter and should be addressed by the Salem Police Department, which has law enforcement jurisdiction over the subject property and vicinity.

- *Objections to applicant's attempt to solicit signatures on a petition in favor of the development.* Two citizens reported that the applicant's representatives visited the Center View Estates neighborhood to discuss questions and concerns, explain what the developer was doing, attempt to allay concerns, and request signatures on a petition in favor of the development. One of them indicated that a sign was posted at the entrance of the park prohibiting trespassing and soliciting. One of them was concerned that this effort may have taken advantage of elderly persons, did not show concern for the community, was unprofessional at the least, and somewhat underhanded at the worst.

Response: The applicant confirmed that representatives spoke with residents of the community, submitted a petition signed by five persons, and apologized.

- *Concerns that three-story buildings near the property line would deprive persons of their privacy.* One citizen testified that their properties only 20 feet from the property line would lose privacy if three-story buildings are constructed and stated that this would be thoughtless and nearly unconscionable and shows a lack of concern for the neighbors and community. He requested two-story buildings.

Response: The Planning Commission is not reviewing the applicant's conceptual plan. The current application is only for the comprehensive plan and zoning designations that would be applied upon annexation. If the property is annexed, the property will be subject to the City's development standards and other

regulations that are applicable at the time of any future land use application. The current design standards for multi-family development would require a 35-foot setback from the side and rear property lines for three-story buildings that would be approximately 35 feet in height. Landscaping including trees would also be required along the property line to increase privacy. If the zone change is not approved and the property is developed with single family dwellings, maximum height would be 35 feet (equivalent to three stories), minimum side setbacks would be five feet, and minimum rear setbacks would be 14 feet for one-story and 20 feet for two-story or taller dwellings.

- *Requests for a townhouse design.* One citizen proposed an alternate design with two-story owner-occupied townhouses that would be subject to a homeowners' association with covenants, codes, and restrictions rather than apartments and suggested that this would promote a more responsible community, improve circulation, and reduce traffic flow onto Center Street NE. She suggested a left-turn lane onto Center Street NE, a sales office/meeting room near Center Street NE, and buildings placed near the center of property.

Response: The Planning Commission is not reviewing the applicant's conceptual plan. The current application is only for the comprehensive plan and zoning designations that would be applied upon annexation. If the property is annexed, the property will be subject to the City's development standards and other regulations that are applicable at the time of any future land use application.

8. City Department Comments

- A. The Building and Safety Division reviewed the proposal and had no concerns.
- B. The Fire Department reviewed the proposal and submitted comments indicating no concerns with the proposed Comprehensive Plan and zone change, and that after annexation, and that items including Fire Department access and water supply will be addressed at the time of building permit plan review.
- C. The Public Works Department, Development Services Section, reviewed the proposal and submitted comments included as **Attachment G**.

9. Public Agency & Private Service Provider Comments

Notice of the proposal was provided to public agencies and to public & private service providers.

- A. PGE commented "Development costs per current tariff and service requirements. Ten-foot public utility easement required on all front street lots."
- B. Marion County Public Works submitted comments requesting that all access to the subject properties should be required to be taken from Center Street NE

- C. (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).

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.

- D. Salem Keizer Public Schools, Planning and Property Services, submitted a memorandum 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.

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.

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 findings relative to the changes requested.

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

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 RM-II 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 RM-II 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;

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 RM-II 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 RM-II 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 RM-II 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

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.

Finding: 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 provided a Transportation Planning Rule Analysis 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, the Planning Commission concludes that the proposed Comprehensive Plan Map Amendment and Zone Change satisfy the applicable criteria contained under SRC 260.045(b) for approval.

- Attachments:
- A. Vicinity Map
 - B. Existing and Proposed Zoning
 - C. Existing and Proposed Comprehensive Plan Map Designations
 - D. Applicant’s Written Findings
 - E. Annexation Territory Map

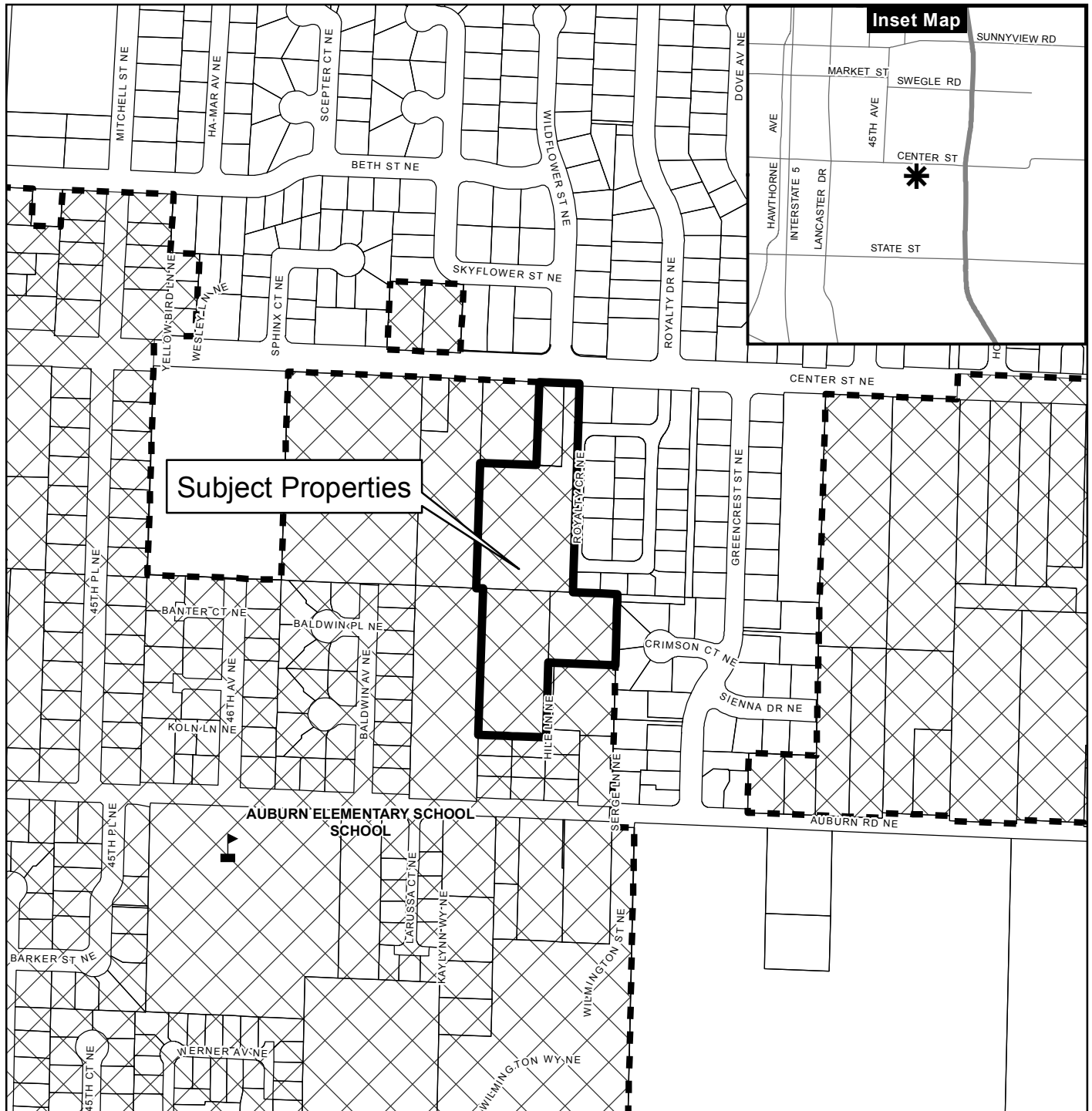
F. ELNA Comments Dated August 6, 2019
G. Public Works Department Memo

Prepared by Pamela Cole, Planner II








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Decisions\CPC-ZC19-07 (PC Facts and Findings).pjc.docx

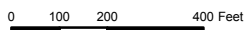
Vicinity Map

4696 Center Street NE and 592 Hile Lane NE

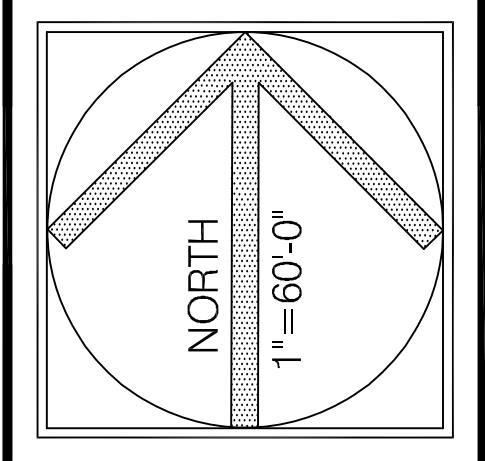


Legend

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



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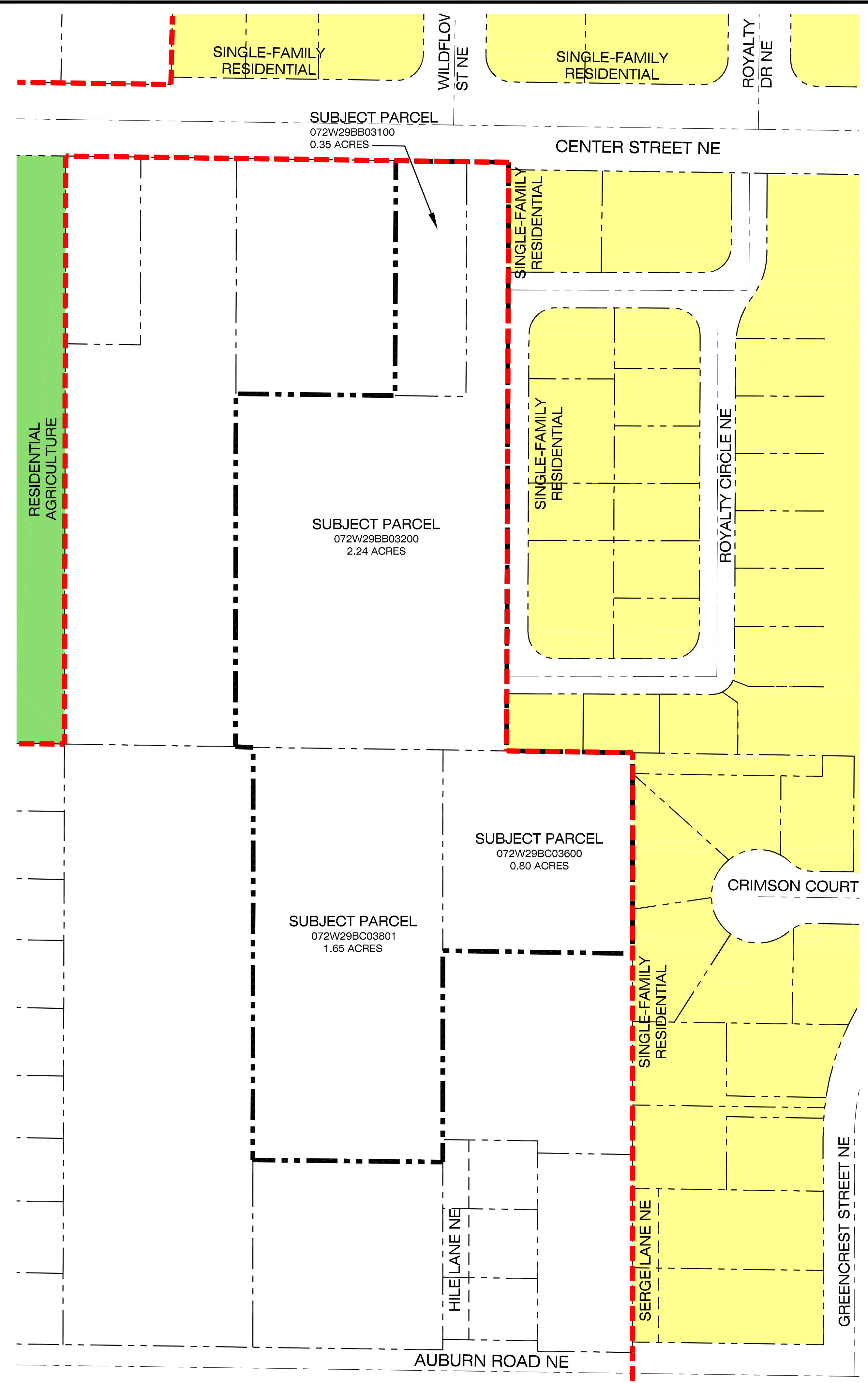
CITY OF SALEM LAND USE APPLICATION
CENTER STREET MAP AMENDMENTS
 T.L. 3100 & 3200 OF T.M. 72W29BB / T.L. 3600 & 3801
 OF T.M. 72W29BC, MARION COUNTY, OREGON

PROPOSED
 ZONING MAP

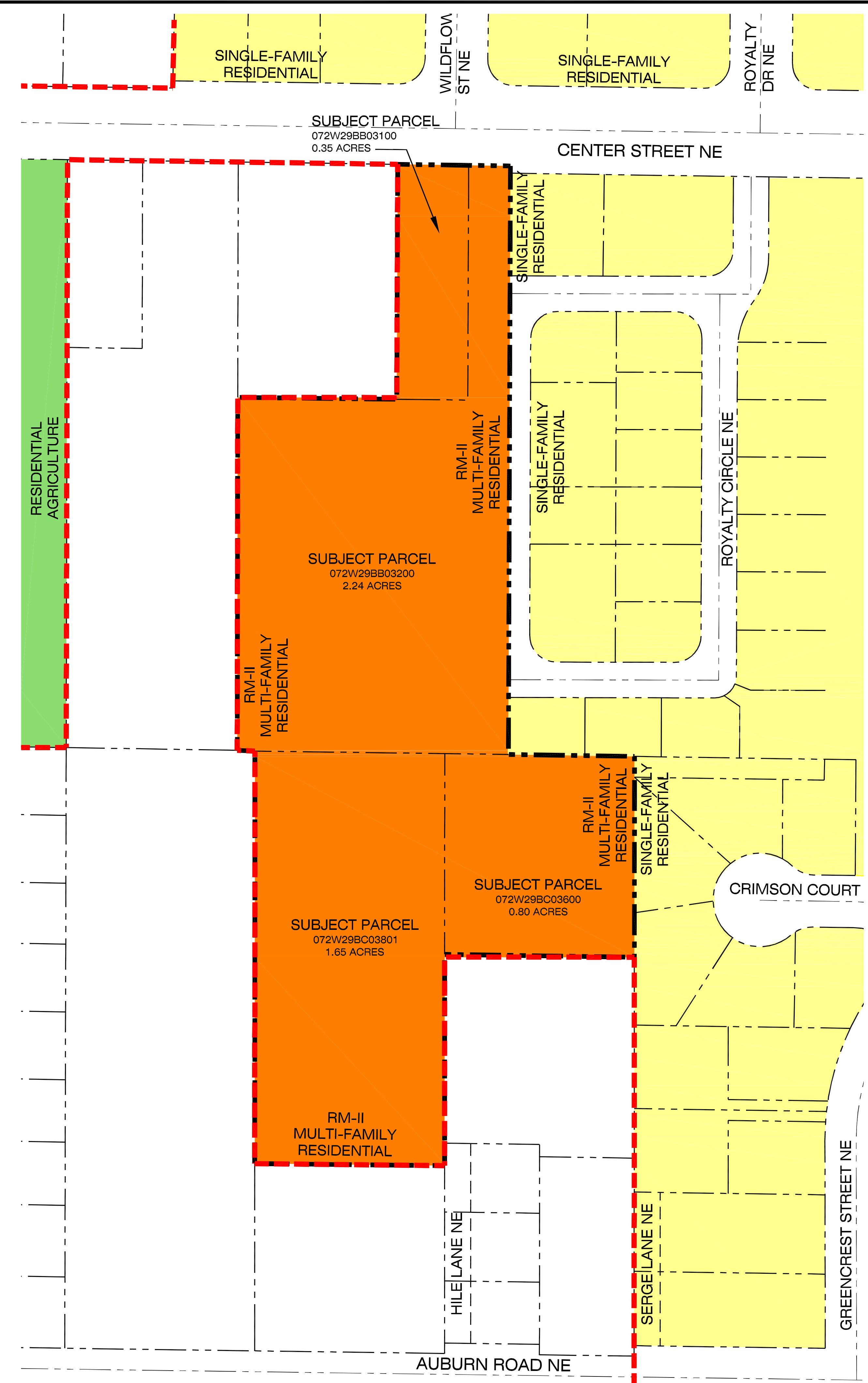
FEBRUARY 15, 2019
 REVISIONS



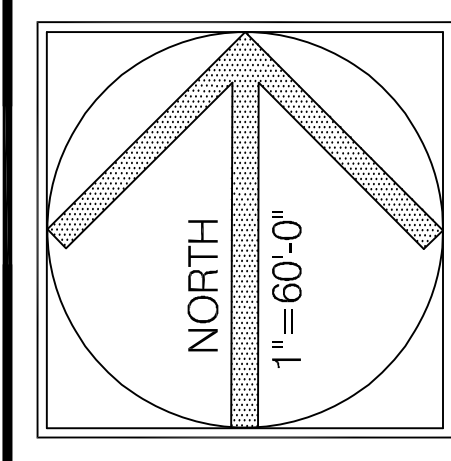
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 SHEET 7 OF 8



EXISTING ZONING MAP



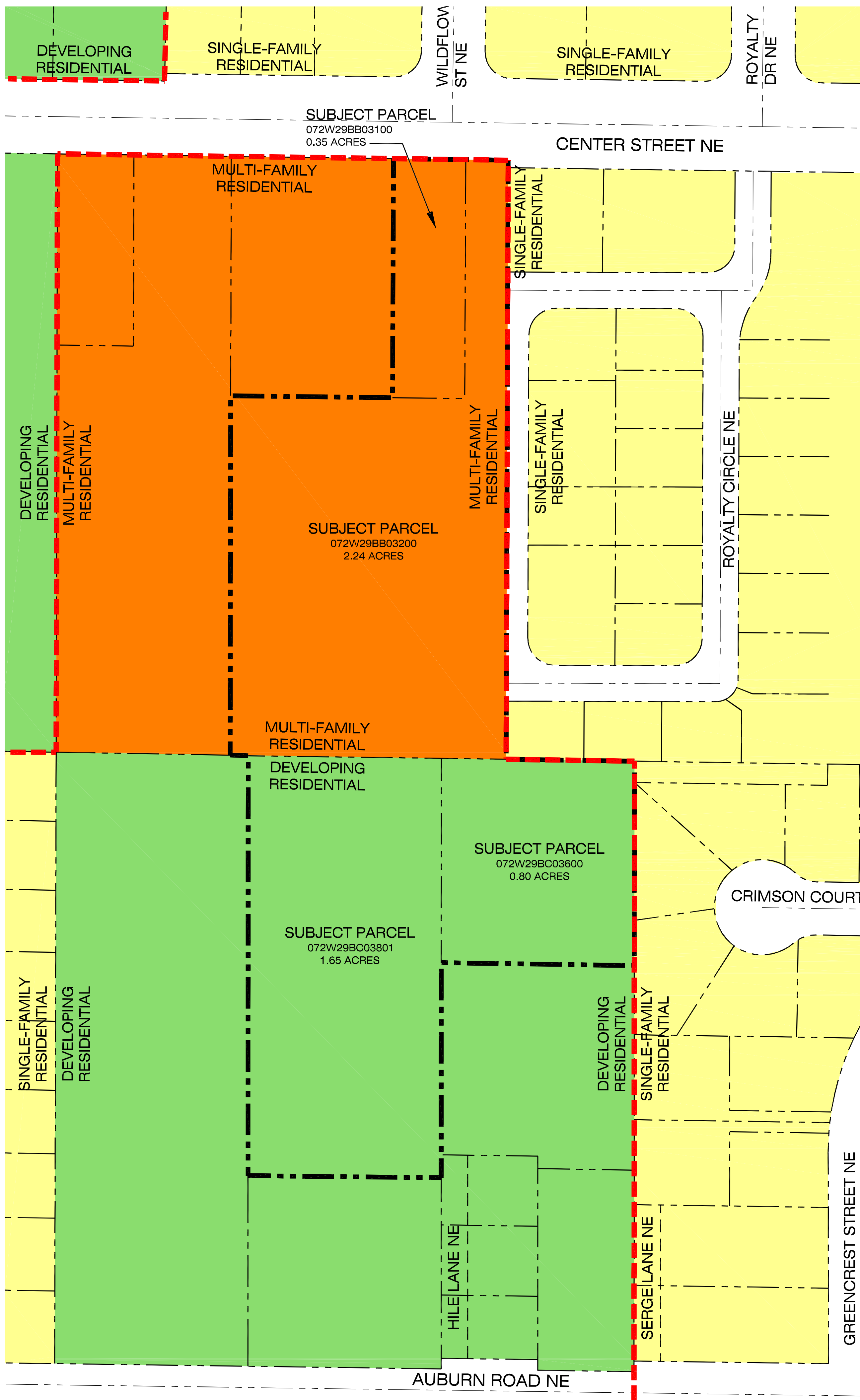
PROPOSED ZONING MAP



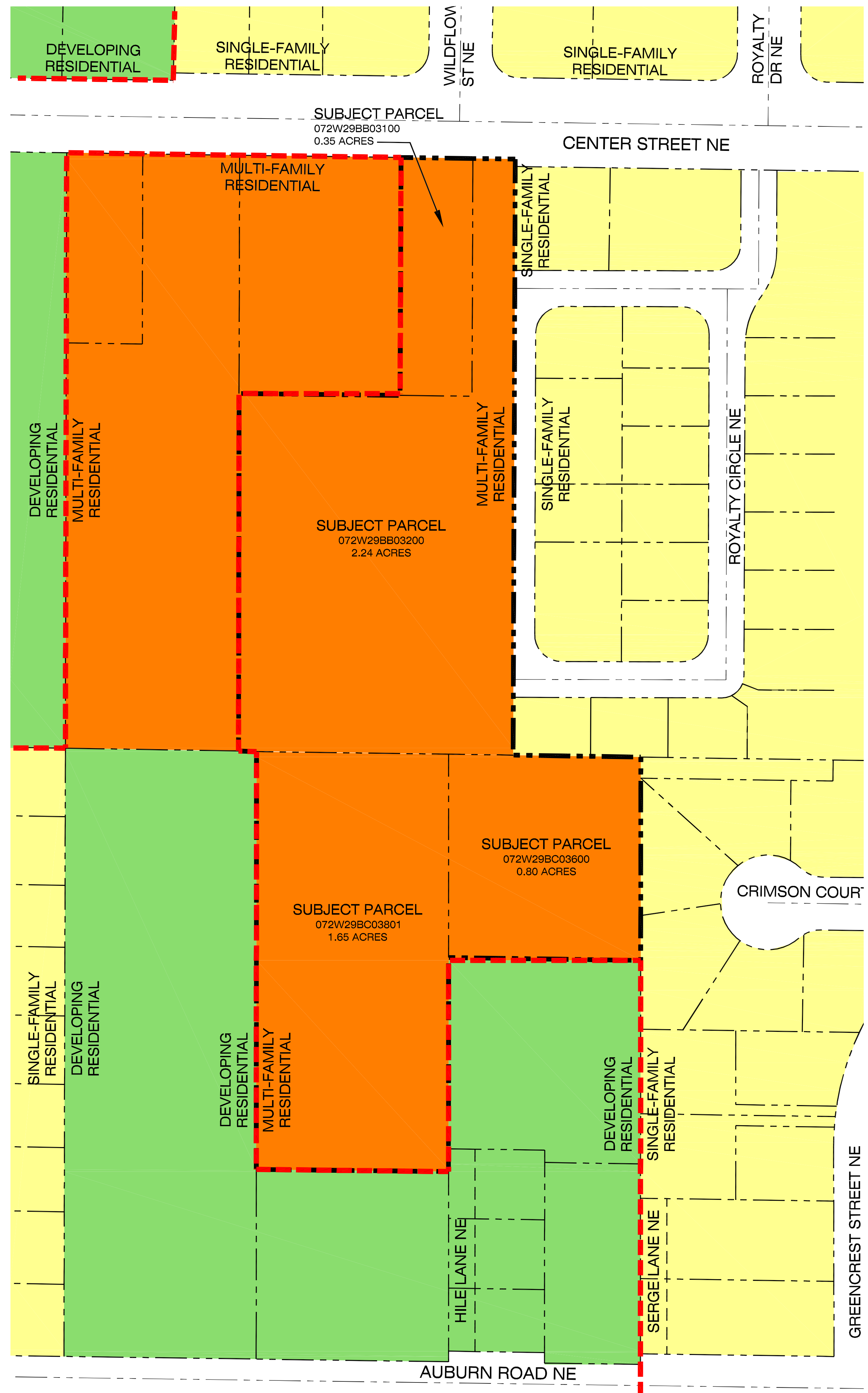
CITY OF SALEM LAND USE APPLICATION
CENTER STREET MAP AMENDMENTS
 T.L. 3100 & 3200 OF T.M. 72W29BB / T.L. 3600 & 3801
 OF T.M. 72W29BC, MARION COUNTY, OREGON

PROPOSED
 COMPREHENSIVE
 PLAN MAP

FEBRUARY 15, 2019
 REVISIONS



EXISTING COMPREHENSIVE PLAN MAP



PROPOSED COMPREHENSIVE PLAN MAP



PO Box 1920, Silverton, OR 97381
www.cascadiapd.com / 503-804-1089

**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 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 home ownership 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.

Section 260.050: Modification of Conceptual Plan after Planning Commission Recommendation.

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.

Section 260.060: Council Review of Proposed Annexations.

(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

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.

(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:

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 a 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

plan map designation. 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.

Coordinated with Public Facilities Plan

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 store 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 to 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**

property.

COMMENT:

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:

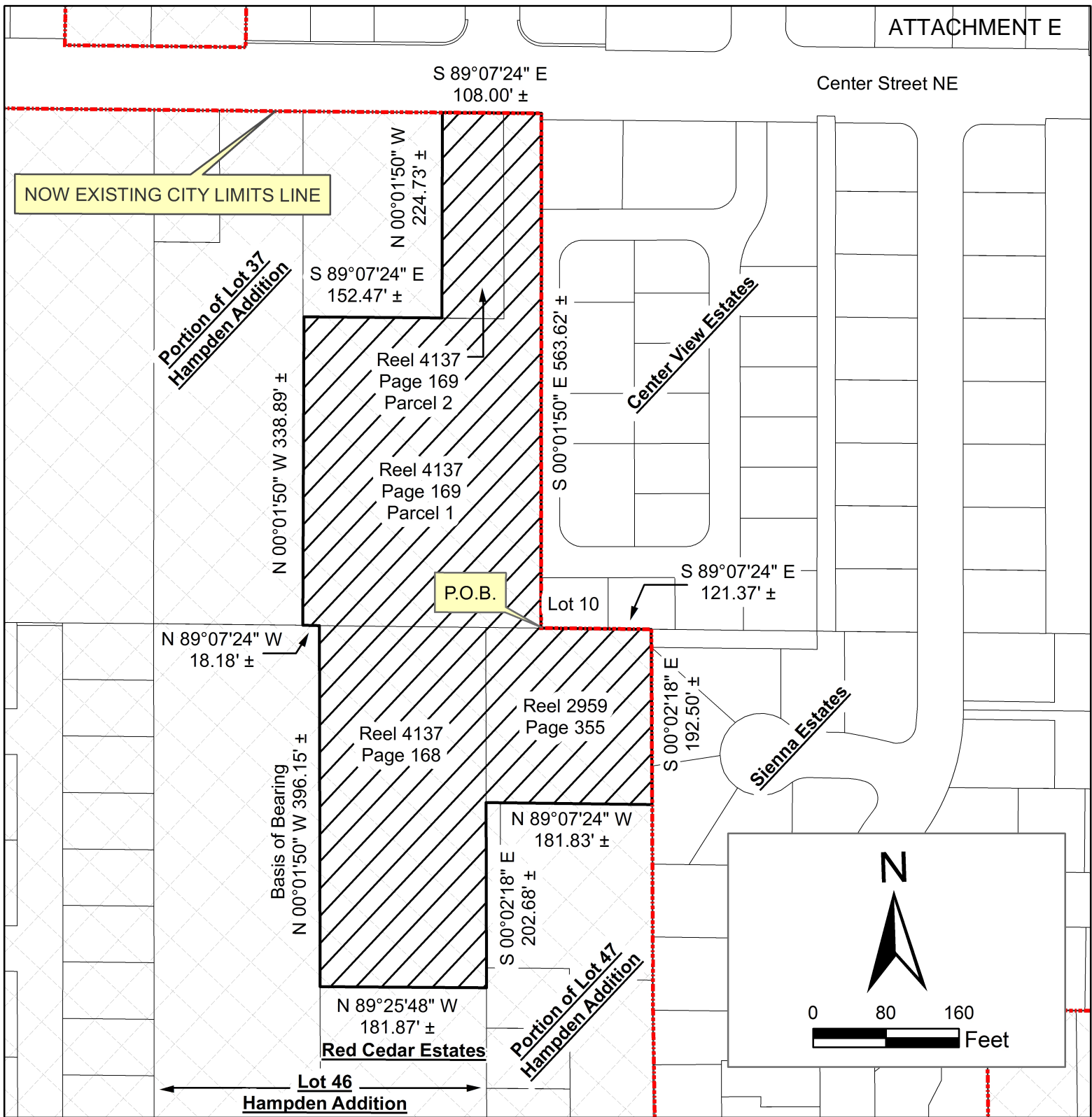
The subject site is not located near the fringe of the Urban Growth Boundary or near agricultural or forest activities. Therefore, this subsection of Goal 14 does not apply to this application.

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**



NOTE: BASIS OF BEARINGS -
West Line of Reel 4137 Page 168

± = More or Less Distance

P.O.B. = Point of Beginning

 Property in Marion County

 PROPERTY PROPOSED TO BE ANNEXED INTO CITY

EXHIBIT MAP

TOWNSHIP 7 SOUTH, RANGE 2 WEST, SECTION 29,
WILLAMETTE MERIDIAN

**CITY OF SALEM, OREGON
PUBLIC WORKS DEPARTMENT**

4696 Center Street NE and 592 Hile Lane NE

CITY OF SALEM ORDINANCE NO. _____

ANNEXED: _____

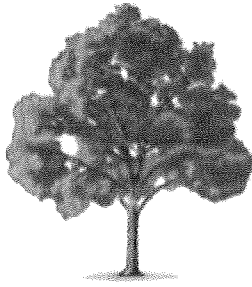
CONTAINING 5.04 Acres

ADJACENT TO WARD 6

CASE NO. C-736

TRACT NO. _____

CITY OF SALEM	
HEARINGS OFFICER	_____
PLANNING COMMISSION	<input checked="" type="checkbox"/>
OTHER:	_____
EXHIBIT:	<u>1</u>
CASE NO:	<u>CPC-2019-07</u>
DATE:	<u>8-6-19</u>



EAST LANCASTER NEIGHBORHOOD ASSOCIATION (ELNA)

August 6, 2019

To: Salem Planning Commission
From: Susann Kaltwasser, ELNA
RE: Comprehensive Plan Change / Zone Change Case No. 19-07
4696 Center Street NE and 592 Hile Lane NE

ELNA discussed the application on Thursday, August 1 at their regular meeting. Several concerns were expressed that I wish to share.

First, the applicant never contacted the NA to ask to present their case. The application does not contain very much information to help understand the purpose or goals of this project.

Second, the staff report did not become available until the morning of the meeting on August 1. So, there was limited time to read it, let alone ask questions for clarification. As a result our observations are preliminary and I ask that the record be left open for further comments.

Third, in reading the application the neighbors feel that the request for a zone change to RM2 is not appropriate in this area. There are several existing multifamily complexes in this vicinity, but none are high density complexes. None are three stories tall. Even if permitted by the code, the character of the neighborhood is not compatible with this density. It is mostly single family homes and some mobile homes. This kind of apartment would be divergent from what is there now.

Fourth, there is a lot of development that is coming in the near future to this part of east Salem. The former Pictsweet property which is 125 acres is in the process of being developed into a very large PUD. It is expected to bring over 650 single family homes at a density of about 8 units per acre. The traffic it will generate is going to put a real strain on the roads in the area. This development at a higher density than all the other surrounding area will exasperate the situation of congestion and danger to pedestrians.

There are no sidewalks in this section of Center Street. We welcome the future development of street improvements that are coming through the efforts of Marion County and the City, but it is not going to add capacity. There are no crosswalks planned in these improvements.

Fifth, while there are no identified wetlands on this property, it does have soil type that suggest there might be water issues. It should be ordered that the property be reviewed by State Lands Division prior to issuing permits. We make this suggestion, because experience has been that flooding happens with some frequency in this area. Some places seem to have underground streams and in winter the water table is very shallow.

It should be recognized that this part of Salem contains the actually headwaters of the East Fork of the Little Pudding River. Historically the entire area was crisscrossed with multiple small streams and winter lakes. Over the years the County has tried to channelize the area to create drainage. But Nature has its own agenda and building on the land has revealed it is not so easy. We have lots of homes that have sump pumps due to the shallow water table. In 1996 the area experiences flooding. I put this into the official record in order that it be known to all that if the City issues permits to build on such land it becomes their liability if there is flooding that damages homes. Something that has happened before.

Finally, safety for pedestrians and school children is a major concern. Currently there are no crosswalks along Center Street and none are planned. Right now children must cross Center Street to reach Auburn School. While this complex is south of Center and it won't add school children who need to cross, it will add cars who will exit onto Center and add to the traffic that the children from the north side will have to encounter when they walk to school. There is no crosswalk currently or in future plans.

Our local schools are near capacity. 97% full. With the PUD development and this higher density RM2 Zone request, they will be well over capacity in short order.

Therefore, the ELNA board voted unanimously to oppose the application and zone change to RM2 application.


It does not fit with the character of the area, it contributes to an already existing dangerous street and it puts unnecessary strain on our schools.

One question that we did not discuss, but have a standing policy is to support annexation of small parcels such as this to the City. ELNA would like to see all areas of east Salem within the Urbani Growth Boundary to be brought into the City of Salem. But not at this high density. If the applicant were to change their request to single family or lower density RM, we might reconsider our vote.



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.

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

MEMORANDUM



To: Pamela Cole, Case Manager

From: Greg Hadley, Assistant Chief

Date: November 15, 2019

Subject: Annexation ANXC-736, 4696 Center Street NE and 592 Hile Lane NE

Background:

Per your request for comments related to the above-referenced annexation, the Salem Fire Department offers the following comments:

Findings:

The Salem Fire Department estimates response times to 4696 Center Street NE and 592 Hile Lane NE to be 5 minutes 08 seconds from receipt of call. Primary fire protection and emergency medical services would be Fire Station #10, located at 3611 State Street. Secondary emergency response would be from Fire Station #3 located at 1884 Lansing Ave NE.

EOR



MEMO

TO: Pamela Cole, Planner II
Community Development Department

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

DATE: November 21, 2019

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

PROPOSAL

Petitioner initiated annexation with concurrent comprehensive plan change to Multi-Family Residential for the southern area of the property, zone change to RM2 (Multiple Family Residential 2), and withdrawal from the Marion County Fire District #1 and East Salem Sewer & Drainage District for property at 4696 Center Street NE and 592 Hile Lane NE.

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.

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 TSP. 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

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

Water

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- 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 260.060(c)(5)(A)—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



MEMO

TO: Pamela Cole
Community Development Department

FROM: Toni Whitler
Public Works Department

DATE: November 19, 2019

SUBJECT: **Annexation ANXC-736, 4696 Center Street NE and 592 Hile Lane NE**

Park Service and Pedestrian Access

No City park is impacted by this annexation. The proposed, combined annexation lot size is 5.04 acres. While a neighborhood park need is identified in the Comprehensive Parks System Master Plan, no land is available for park development from this annexation and no pedestrian access to parks is required.

Finance Department

555 Liberty ST SE, RM 230



To: Pamela Cole, Case Manager
From: Kelli Blechschmidt, Administrative Analyst I
Date: November 15, 2019
Subject: Tax Analysis for Annexation C-736

The amount of property tax levied each year against a parcel of real estate is the product of the parcel's assessed value and its total tax rate. While annexation does not affect assessed value, annexation can have a significant impact on a parcel's total tax rate.

The following four tables show the expected impact of annexation on the total tax rate of each parcel in the subject case. Three tax lots (072W29BB03100, 072W29BB03200 and 072W29BC03801) are located on situs address 4696 Center St NE while one tax lot (072W29BC03600) is located at 592 Hile Ln NE. The first three tables display the property tax impact on the lots located at 4696 Center St NE while the last depicts the impact on the single lot located at 592 Hile Ln NE.

TAX RATE IMPACT OF ANNEXATION

Annexation case

C-736

Tax lot

072W29BB03100

Description	Before Annexation	After Annexation	Change
Tax code area	92400213	92401000	
Government			
Marion County	\$ 3.0252	\$ 2.8262	
City of Salem	-	5.4704	
Urban Renewal	-	0.9825	
Other government	2.8472	0.8854	
Total government	5.8724	10.1645	73%
Schools			
Salem SD 24J	4.5210	4.2411	
Chemeketa	0.6259	0.5873	
Willamette ESD	0.2967	0.2787	
Total schools	5.4436	5.1071	-6%
Bonds			
Marion County	-	-	
City of Salem	-	1.1529	
Salem SD 24J	2.6284	2.6098	
Chemeketa	0.2627	0.2609	
Other bonds	0.2884	-	
Total bonds	3.1795	4.0236	27%
Other			
Local options	0.7100	-	
UR Special Levy	-	0.2424	
Total other	0.7100	0.2424	-66%
Total tax rate	\$ 15.2055	\$ 19.5376	28%

Total tax levy = total tax rate x (assessed value / 1,000).

Tax rates presented here assume no compression.

Source: County Assessor

TAX RATE IMPACT OF ANNEXATION

Annexation case

C-736

Tax lot

072W29BB03200

Description	Before Annexation	After Annexation	Change
Tax code area	92400213	92401000	
Government			
Marion County	\$ 3.0252	\$ 2.8262	
City of Salem	-	5.4704	
Urban Renewal	-	0.9825	
Other government	2.8472	0.8854	
Total government	5.8724	10.1645	73%
Schools			
Salem SD 24J	4.5210	4.2411	
Chemeketa	0.6259	0.5873	
Willamette ESD	0.2967	0.2787	
Total schools	5.4436	5.1071	-6%
Bonds			
Marion County	-	-	
City of Salem	-	1.1529	
Salem SD 24J	2.6284	2.6098	
Chemeketa	0.2627	0.2609	
Other bonds	0.2884	-	
Total bonds	3.1795	4.0236	27%
Other			
Local options	0.7100	-	
UR Special Levy	-	0.2424	
Total other	0.7100	0.2424	-66%
Total tax rate	\$ 15.2055	\$ 19.5376	28%

Total tax levy = total tax rate x (assessed value / 1,000).

Tax rates presented here assume no compression.

Source: County Assessor

TAX RATE IMPACT OF ANNEXATION

Annexation case

C-736

Tax lot

072W29BC03801

Description	Before Annexation	After Annexation	Change
Tax code area	92400213	92401000	
Government			
Marion County	\$ 3.0252	\$ 2.8262	
City of Salem	-	5.4704	
Urban Renewal	-	0.9825	
Other government	2.8472	0.8854	
Total government	5.8724	10.1645	73%
Schools			
Salem SD 24J	4.5210	4.2411	
Chemeketa	0.6259	0.5873	
Willamette ESD	0.2967	0.2787	
Total schools	5.4436	5.1071	-6%
Bonds			
Marion County	-	-	
City of Salem	-	1.1529	
Salem SD 24J	2.6284	2.6098	
Chemeketa	0.2627	0.2609	
Other bonds	0.2884	-	
Total bonds	3.1795	4.0236	27%
Other			
Local options	0.7100	-	
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Total tax rate	\$ 15.2055	\$ 19.5376	28%

Total tax levy = total tax rate x (assessed value / 1,000).

Tax rates presented here assume no compression.

Source: County Assessor

TAX RATE IMPACT OF ANNEXATION

Annexation case

C-736

Tax lot

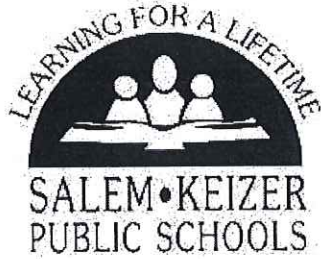
072W29BC03600

Description	Before Annexation	After Annexation	Change
Tax code area	92400213	92401000	
Government			
Marion County	\$ 3.0252	\$ 2.8262	
City of Salem	-	5.4704	
Urban Renewal	-	0.9825	
Other government	2.8472	0.8854	
Total government	5.8724	10.1645	73%
Schools			
Salem SD 24J	4.5210	4.2411	
Chemeketa	0.6259	0.5873	
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Total other	0.7100	0.2424	-66%
Total tax rate	\$ 15.2055	\$ 19.5376	28%

Total tax levy = total tax rate x (assessed value / 1,000).

Tax rates presented here assume no compression.

Source: County Assessor



DAVID FRIDENMAKER, Manager
 Facility Rental, Planning, Property Services
 3630 State Street, Bldg. C ● Salem, Oregon 97301-5316
 503-399-3335 ● FAX: 503-375-7847

Christy Perry, Superintendent

November 19, 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. ANXC-736, 4696 Center St. NE, 592 Hile Lane 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:

School Name	School Type	Grades Served
Auburn	Elementary	K thru 5
Houck	Middle	6 thru 8
North Salem	High	9 thru 12

Table 1

SCHOOL CAPACITY & CURRENT ENROLLMENT

The School District has established school capacities which are the number of students that a particular school is designed to serve. Capacities can change based on class size. School capacities are established by taking into account core infrastructure (gymnasium, cafeteria, library, etc.) counting the number of classrooms and multiplying by the number of students that each classroom will serve. A more detailed explanation of school capacity can be found in the School District's adopted Facility Plan.

School Name	School Type	School Enrollment	School Design Capacity	Enroll./Capacity Ratio
Auburn	Elementary	603	718	84%
Houck	Middle	1,074	1,224	88%
North Salem	High	1,889	1,879	101%

Table 2

POTENTIAL ADDITIONAL STUDENTS IN BOUNDARY AREA RESULTING FROM APPROVAL OF LAND USE CASE

The School District anticipates the number of students that may reside at the proposed development based on the housing type, single family (SF), duplex/triplex/four-plex (DU), multi-family (MF) and mobile home park (MHP). The School District commissioned a study by the Mid-Willamette Valley Council of Governments in 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:

School Type	Qty. of New Residences	Housing Type	Average Qty. of Students per Residence	Total New Students
Elementary	120	MF	0.201	24
Middle	120	MF	0.077	9
High	120	MF	0.084	10

Table 3

POTENTIAL EFFECT OF THIS DEVELOPMENT ON SCHOOL ENROLLMENT

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

School Name	School Type	School Enrollment	New Students During Past 2 yrs	New Student from this Case	Total New Students	School Design Cap.	Enroll./Cap. Ratio
Auburn	Elem.	603	123	24	147	718	105%
Houck	Mid.	1,074	82	9	91	1,224	95%
North Salem	High	1,889	97	10	107	1,879	106%

Table 4

ESTIMATE OF THE EFFECT ON INFRASTRUCTURE – IDENTIFICATION OF WALK ZONES AND SCHOOL TRANSPORTATION SERVICE

Civic infrastructure needed to provide connectivity between the new residential development and the schools serving the new development will generally require roads, sidewalks and bicycle lanes. When developing within one mile of school(s), adequate pathways to the school should be provided that would have raised sidewalks. If there are a large number of students walking, the sidewalks should be wider to accommodate the number of students that would be traveling the

path at the same time. Bike lanes should be included, crosswalks with flashing lights and signs where appropriate, traffic signals to allow for safe crossings at busy intersections, and any easements that would allow students to travel through neighborhoods. If the development is farther than one mile away from any school, provide bus pullouts and a covered shelter (like those provided by the transit district). Locate in collaboration with the District at a reasonable distance away from an intersection for buses if the distance is greater than ½ mile from the main road. If the distance is less than a ½ mile then raised sidewalks should be provided with stop signs where students would cross intersections within the development as access to the bus stop on the main road. Following is an identification, for the new development location, that the development is either located in a school walk zone or is eligible for school transportation services.

School Name	School Type	Walk Zone or Eligible for School Transportation
Auburn	Elementary	Walk Zone
Houck	Middle	Eligible for School Transportation
North Salem	High	Eligible for School Transportation

Table 5

ESTIMATE OF NEW SCHOOL CONSTRUCTION NEEDED TO SERVE DEVELOPMENT

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

School Type	Number of Students	Estimate of Facility Cost Per Student*	Total Cost of Facilities for Proposed Development*
Elementary	24	\$54,925	\$1,318,200
Middle	9	\$64,045	\$576,405
High	10	\$73,164	\$731,640
TOTAL			\$2,626,245

Table 6

*Cornerstone Management Group, Inc. estimates based on RLB cost index average, 2019 First Quarter.

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 provided from the southern end of the property to Hile Lane, it would make a shorter 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

Pamela Cole

From: Terrence Pohl <terrence_pohl@comcast.net>
Sent: Tuesday, October 01, 2019 8:07 PM
To: Pamela Cole; Alain Cailer
Cc: Pat Mick; Debbie Debber; Susann Kaltwasser
Subject: Incorrect Statement
Attachments: Poll.pdf

I apologize for attempting to speak out of order at the planning meeting this evening. I would like to enter the attached poll of our community to refute the statement made by Hans Thygesen that he had 12 residents of Center View Estates who had no problems with his planned development. He actually had only 3 people sign his 'petition'. As can be seen there 12 of use who are against his conceptual design proposal. Doug Debber spoke to his tactics and our President wrote him to cease and desist.

Terrence Pohl

October 1

		For	Unknown	Against	Don't care
604	Carver		0		
608	Carsley				1
613	Debber			1	
619	Mick			1	
629	Lumley	1			
639	Pohl			1	
642	Maerki	1		1	(?)
648	Ellis			1	
652	Owens		0		
658	Curtis			1	
662	Kler			1	
663	Agee		0		
668	Best		0		
669	Wilson			1	
672	Sellers		0		
673	Reed		0		
679	Palmer			1	
682	Hames			1	
683	Webster	1			
688	Grumbling			1	
689	Blower			1	
698	Hunter				1
	Total	3	6	12	2

Pamela Cole

From: Lorrie Grumbling <grumbling@sbcglobal.net>
Sent: Wednesday, October 02, 2019 4:47 PM
To: Terrence Pohl
Cc: Pamela Cole; Alain Cailer; Pat Mick; Debbie Debber; Susann Kaltwasser; Sharon Maerki
Subject: Re: Incorrect Statement

Hi,

I recall hearing Hans T. say exactly what Pamela Cole commented in her reply below.
"My recollection is that he said that when he met with 12 people, 10 were in support or not objecting."

Thanks,
Lorrie Grumbling
688 Royalty Circle NE

Sent from my iPhone

On Oct 2, 2019, at 2:16 PM, Terrence Pohl <terrence_pohl@comcast.net> wrote:

Ok, I updated my poll to move some of the unknowns to 'for' . Sharon Maerki's daughter spoke against at the first meeting so I assumed that they both were against (bad assumption). So the 'against' total is now 11.

The remaining names on Hans's petition are in our park, but did not sign.

Thank you again for working with us.

From: Pamela Cole
Sent: Wednesday, October 2, 2019 1:35 PM
To: Terrence Pohl
Subject: RE: Incorrect Statement

He submitted a copy of the petition at the hearing last night, so it is also part of the record that will go to Council. A copy is attached.

My recollection is that he said that when he met with 12 people, 10 were in support or not objecting. I believe he was referring to 12 people he met at the Neighborhood Association meeting rather than 12 people who signed the petition.

-Pamela | 503-540-2309

From: Terrence Pohl <terrence_pohl@comcast.net>
Sent: Wednesday, October 02, 2019 12:52 PM
To: Pamela Cole <PCole@cityofsalem.net>

Cc: Alain Cailer <AMlcompany@gmail.com>; Pat Mick <pmick715@gmail.com>; Debbie Debber <debberdebbie@gmail.com>; Susann Kaltwasser <sussann@kaltwasser.com>

Subject: Re: Incorrect Statement

Thank you very much. There is a typo however, near the end: it should read "there are 12 of us" instead of "there 12 of use"

As Hans Thygesen had stated that he had 12 signatures on his petition, I would assume that he would have to provide them to the council.

From: Pamela Cole

Sent: Wednesday, October 2, 2019 11:55 AM

To: Terrence Pohl ; Alain Cailer

Cc: Pat Mick ; Debbie Debber ; Susann Kaltwasser

Subject: RE: Incorrect Statement

Although these comments were submitted too late for the Planning Commission to consider in their 10/15 deliberations, we will inform City Council of these comments in the staff report for the Annexation public hearing.

We have not scheduled the Council hearing since we are waiting for the Planning Commission recommendation. The tentative date for the Council hearing is November 12 or November 25.

Pamela Cole

Planner II

City of Salem | Community Development Department

555 Liberty St SE, Suite 305, Salem OR 97301

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From: Terrence Pohl <terrence_pohl@comcast.net>

Sent: Tuesday, October 01, 2019 8:07 PM

To: Pamela Cole <PCole@cityofsalem.net>; Alain Cailer <AMlcompany@gmail.com>

Cc: Pat Mick <pmick715@gmail.com>; Debbie Debber <debberdebbie@gmail.com>; Susann Kaltwasser <sussann@kaltwasser.com>

Subject: Incorrect Statement

I apologize for attempting to speak out of order at the planning meeting this evening. I would like to enter the attached poll of our community to refute the statement made by Hans Thygesen that he had 12 residents of Center View Estates who had no problems with his planned development. He actually had only 3 people sign his 'petition'. As can be seen there 12 of use who are against his conceptual design proposal. Doug Debber spoke to his tactics and our President wrote him to cease and desist.

Terrence Pohl

<Poll.pdf>

October 2

		For	Unknown	Against	Don't care
604	Carver	1			
608	Carsley				1
613	Debber			1	
619	Mick			1	
629	Lumley	1			
639	Pohl			1	
642	Maerki	1			
648	Ellis			1	
652	Owens	1			
658	Curtis			1	
662	Kler			1	
663	Agee		0		
668	Best		0		
669	Wilson			1	
672	Sellers		0		
673	Reed		0		
679	Palmer			1	
682	Hames			1	
683	Webster	1			
688	Grumbling			1	
689	Blower			1	
698	Hunter				1
	Total	5	4	11	2