

HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

REVISED

Audiencia Pública

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

CASE NUMBER:

Comprehensive Plan Map Amendment / Zone Change / Subdivision / Class 2
Adjustment Case No. CPC-ZC-SUB-ADJ19-02

AMANDA APPLICATION NO:

19-103348-ZO, 19-133352-ZO, 19-103563-LD & 19-107563-ZO

HEARING INFORMATION:

Continued Hearing - Salem Planning Commission, <u>Tuesday, April 16, 2019</u>, 5:30 P.M., Council Chambers, Room 240, Civic Center, 555 Liberty Street SE. Salem, OR 97301

PROPERTY LOCATION:

2600 Center Street NE, Salem, OR 97301

OWNER(S):

Shannon Ryan for State of Oregon - DAS

APPLICANT(S):

Brian Moore for Mountain West Investment Corporation

AGENT(S):

Mark Shipman for Saalfeld Griggs PC

DESCRIPTION OF REQUEST:

SUMMARY: A Minor Comprehensive Plan Map Amendment and Zone Change from Public and Private Health Services to Single Family and Multi-Family Residential designations to allow for a future mixed density residential development, a subdivision to further divide the subject property into four lots, and an Adjustment to lot depth, connectivity, and setback requirements.

REQUEST: A Minor Comprehensive Plan Map Amendment from CSH (Community Services Health) to "Single Family Residential" and "Multi-Family Residential", a Zone Change from PH (Public and Private Health Services) to RS (Single Family Residential) and RM-II (Multi-Family Residential), and a Tentative Subdivision to further divide the property into four lots, with a Class 2 Adjustment request to:

- 1) To the lot depth standards in SRC 511.010(a), 514.010(b), and contained in Tables 511-2 and 514-2;
- 2) To connectivity standards in SRC 803.035(a); and
- 3) To zone-to-zone setback standards in SRC 514.010(b), and contained in Table 514-5.

For property approximately 47.37 acres in size, zoned PH (Public and Private Health Services), and located at 2600 Center Street NE - 97301 (Marion County Assessor's Map and Tax Lot number: 073W24C / 00100).

CRITERIA TO BE CONSIDERED:

Comprehensive Plan Change

Pursuant to SRC 64.025(e)(2), 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

- (i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is 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:
 - (aa) Whether there was a mistake in the application of a land use designation to the property;
 - (bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.
- (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;
- (C) The proposed plan map designation provides 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
- (E) The amendment is in the public interest and would be of general benefit.

ZONE CHANGE (Quasi-Judicial)

Pursuant to SRC 265.005(e), a *QUASI-JUDICIAL ZONE CHANGE* shall be granted if the following criteria are met:

- 1. A quasi-judicial zone change shall be granted if all of the following criteria are met:
 - **A.** The zone change is justified based on the existence of one or more of the following:
 - (i) A mistake in the application of a land use designation to the property:
 - (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.
 - **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.
 - **C.** The zone change complies with the applicable provisions of the Salem

- Area Comprehensive Plan.
- **D.** The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.
- 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.
- **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.
- **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.
- 2. The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

SUBDIVISIONS

Pursuant to SRC 205.010(d), a tentative subdivision plan shall be approved if all of the following criteria are met:

- (1) The tentative subdivision plan complies with the standards of this Chapter and with all applicable provisions of the UDC, including, but not limited to, the following:
 - (A) Lot standards, including, but not limited to, standards for lot area, lot width and depth, lot frontage and designation of front and rear lot lines.
 - **(B)** City infrastructure standards.
 - **(C)** Any special development standards, including, but not limited to, floodplain development, special setbacks, geological or geotechnical analysis, and vision clearance.
- (2) The tentative subdivision plan does not impede the future use or development of the property or adjacent land.
- (3) Development within the tentative subdivision plan can be adequately served by City infrastructure.
- (4) The street system in and adjacent to the tentative subdivision plan conforms to the Salem Transportation System Plan.
- (5) The street system in and adjacent to the tentative subdivision plan is designed so as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision.
- (6) The tentative subdivision plan provides safe and convenient bicycle and pedestrian access from within the subdivision to adjacent residential areas and transit stops, and to neighborhood activity centers within one-half mile of the development. For purposes of this criterion, neighborhood activity centers include, but are not limited to, existing or planned schools, parks, shopping areas, transit stops, or employment centers.
- (7) The tentative subdivision plan mitigates impacts to the transportation system consistent with the approved Traffic Impact Analysis, where applicable.
- (8) The tentative subdivision plan takes into account the topography and vegetation of the site so the need for variances is minimized to the greatest extent practicable.

- (9) The tentative subdivision plan takes into account the topography and vegetation of the site, such that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.
- (10) When the tentative subdivision plan requires an Urban Growth Preliminary Declaration under SRC Chapter 200, the tentative subdivision plan is designed in a manner that ensures that the conditions requiring the construction of on-site infrastructure in the Urban Growth Preliminary Declaration will occur, and, if off-site improvements are required in the Urban Growth Preliminary Declaration, construction of any off-site improvements is assured.

CLASS 2 ZONING ADJUSTMENT

Pursuant to SRC 250.005(d)(2), an application for a CLASS 2 ADJUSTMENT shall be granted if all of the following criteria are met:

- (A) The purpose underlying the specific development standard proposed for adjustment is:
 - (i) Clearly inapplicable to the proposed development; or
 - (ii) Equally or better met by the proposed development.
- (B) If located within a residential zone, the proposed development will not detract from the livability or appearance of the residential area.
- (C) If more than one adjustment has been requested, the cumulative effect of all the adjustments result in a project which is still consistent with the overall purpose of the zone.

HOW TO PROVIDE TESTIMONY:

Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.

HEARING PROCEDURE:

The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.

Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.

Following the close of the Public Hearing a decision will be issued and mailed to the applicant, property owner, affected neighborhood association, anyone who participated in the hearing, either in person or in writing, and anyone who requested to receive notice of the decision.

CASE MANAGER:

Aaron Panko, Planner III, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2356; E-mail: APanko@cityofsalem.net

NEIGHBORHOOD ORGANIZATION:

Northeast Salem Community Association (NESCA), Ian Johnson, Land Use Chair; Phone: (503) 990-4460; Email: johnson.ian.patrick@gmail.com; Northeast Neighbors (NEN), Nancy McDaniel, Land Use Chair; Phone: (503) 585-1669; Email: nanmcdann@yahoo.com.

DOCUMENTATION AND STAFF REPORT:

Copies of the application, all documents and evidence submitted by the applicant are available for inspection at no cost at the Planning Division office, City Hall, 555 Liberty Street SE, Room 305, during regular business hours. Copies can be obtained at a reasonable cost. The Staff Report will be available seven (7) days prior to the hearing, and will thereafter be posted on the Community Development website:

https://www.cityofsalem.net/Pages/planning-notices-decisions.aspx

ACCESS:

The Americans with Disabilities Act (ADA) accommodations will be provided on request.

NOTICE MAILING DATE:

March 27, 2019

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE. For more information about Planning in Salem:

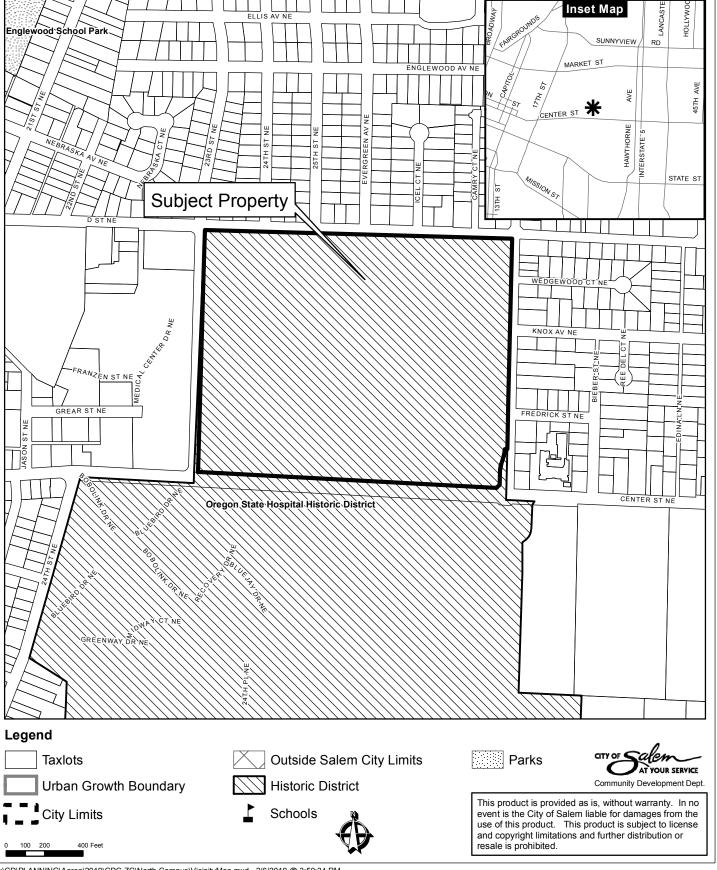
http://www.cityofsalem.net/planning

\\Allcity\amanda\AmandaForms\4430Type3-4HearingNotice.doc

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.

TTD/TTY telephone 503-588-6439 is also available 24/7

Vicinity Map 2600 Center Street NE



MOUNTAIN WEST INVESTMENT CORPORATION COMPREHENSIVE PLAN CHANGE/ZONE CHANGE **CONSOLIDATED WRITTEN STATEMENT**

OWNER:

State of Oregon, by and through the Department of Administrative Services 1225 Ferry Street SE Salem, OR 97301

APPLICANT:

Mountain West Investment Corporation 201 Ferry Street SE, Suite 400 Salem, OR 97301

APPLICANT'S REPRESENTATIVE:

Mark Shipman, Attorney Saalfeld Griggs PC Park Place, Suite 200 250 Church Street SE Salem, OR 97301 Phone: 503-399-1070

Email: mshipman@sglaw.com



SUBJECT PROPERTY INFORMATION:

The subject property is in the northeast portion of Tax Lot 100 of Marion County Assessor's Map No. 07-3W-24C, which tax lot is located near the intersection of "D" Street and Park Avenue NE in Salem, Oregon (herein the "Subject Property"). Marion County Assessor's Map No. 07-3W-24C is attached hereto as *Exhibit 1*. The total acreage of the Subject Property is approximately 17.3 acres.

The City of Salem (herein the "City") designates the Subject Property as "CSH - Community Service Hospital" on its Comprehensive Plan Map and it is zoned "PH - Public Health with Historic Overlay." (See Current Zoning Map, Exhibit 2).

The Subject Property is located within the City but is currently outside the City's Urban Service Area ("USA"). However, Owner requested an urban growth area preliminary declaration as part of its 2017 subdivision application to the City. Access to the Subject Property is provided via "D" Street NE and Park Avenue NE.

The properties surrounding the Subject Property have the following zoning designations:

Location	Comp Plan Designation	Zoning	Use
North (across "D" Street	Single Family Residential (SF)	RS (Single Family	Single Family
NE)		Residential	Dwellings
South (across Bittern	Community Service Hospital	PH – Public Health	Vacant
Street NE)	(CSH)	with Historic	
		Overlay	
East (across Park Avenue	Multi-Family Residential (MF)	RD (Duplex	Single Family
NE)		Residential) and	Dwellings and an
		RM-II (Multiple	Auto Repair Shop
		Family	
		Residential)	
West (across 25 th Street	Community Service Hospital	PH – Public Health	Rugby field /
NE)	(CSH)	with Historic	future public park
		Overlay	site; parking lot;
			state owned
			administrative
			offices; former
			nurse's dormitory

On January 7, 2019, Applicant and its representatives met with City Staff to discuss the development of the Subject Property. (See Pre-Application Summary Report, Exhibit 3).

The Subject Property is located within the State Hospital and Penitentiary area, which is not a neighborhood in the City of Salem; however, it is adjacent to the North East Salem Community Association (NESCA) and near Northeast Neighbors (NEN) (herein collectively the "Associations"). Richard Berger, Project Manager for Applicant, attended multiple meetings for the Associations in 2018 to share information about this proposal. Both Associations and adjacent property owners have had an opportunity to provide input and comments on the project and will have further opportunities to do so as the application process moves forward.

PREVIOUS LAND USE ACTIONS:

In 2008, the Oregon State Hospital was listed on the National Register of Historic Places with the creation of the Oregon State Hospital Historic District. This historic district includes the former North Campus of the Oregon State Hospital (the "North Campus Property"). Therefore, the previous land use planning actions on the North Campus Property have primarily been related to the historic design review of modifications to the buildings and grounds since the North Campus Property was listed on the National Register. Notable past land use planning actions on the site include:

Legislative Approval for Demolition of Five Buildings (HCR16-01): In 2016, the Oregon State
Historic Preservation Office (SHPO) approved the demolition of four main buildings and one
minor building on the eastern half of the North Campus Property (Buildings #34, 35, 40, 50, and
77). This type of state level approval is an alternative historic review process allowed for historic
resources located on state-owned land, such as the North Campus Property. A memorandum of

understanding between the state and City was created outlining the mitigation requirements for this demolition.

- **Historic Design Review Case No. HIS16-21:** A 2016 approval to remove 46 existing trees due to their poor health or their proximity to buildings that were approved for demolition.
- Subdivision / Urban Growth Area Preliminary Declaration Case No. SUB-UGA 17-05: On August 14, 2017, the City issued a decision to allow Owner to subdivide the North Campus Property into 5 lots, one of which was designated as Lot 5 and consisted of 25.18 acres of property located on the east half of the North Campus Property ("Lot 5"). At the time of the subdivision/UGA approval, the buildings that had been located on the Lot 5 were either in the process of being demolished or already demolished and removed. A copy of the decision for SUB-UGA 17-05 is attached hereto as Exhibit 4.



BACKGROUND INFORMATION:

The North Campus Property consists of a single large state-owned unit of land, approximately 47 acres in size, and rectangular in shape with dimensions of approximately 1,600 feet east-west and 1,250 feet north-south. The Oregon State Hospital campus is adjacent to the south, across Center Street NE. The site is bound by Park Avenue NE on the east, "D" Street NE on the north, and 23rd Street NE on the West. There are several narrow private streets within the site, such as 25th Street NE, "B" Street NE, and

Bittern Street NE, which provide access to the various buildings and parking areas on the property. 25th Street NE runs through the entire site in a north-south direction.

The North Campus Property is relatively flat throughout, varying in elevation from a high point of approximately 206 feet above sea level near the eastern property line to a low point of approximately 190 feet in elevation at the southwest corner of the site. There are no mapped wetlands or floodplains on the Subject Property and the site is considered a low landslide risk according to the City's Landslide Hazards Ordinance, SRC Chapter 810.

The Subject Property was formerly a part of the North Campus of the Oregon State Psychiatric Hospital. In 2012, the hospital vacated the North Campus Property and consolidated all their operations to a newly rebuilt facility across Center Street NE to the south. Several former hospital buildings on Lot 5 were demolished in early 2017, leaving it clear of structures and ready for future redevelopment. There are two former hospital buildings remaining on the North Campus Property located southwest of the Subject Property, (1) the Dome Building near the southwest corner of the North Campus Property and, (2) the Yaquina Hall near the middle of the western half of the North Campus Property. The Dome Building is currently being used as administrative offices for a state agency. The Salem Housing Authority is in the process of acquiring the Yaquina Hall for a planned conversion of the former nurse's dormitory into 50 affordable housing units.

The North Campus Property has been state-owned land used for institutional purposes for over one hundred years. The southern half of the North Campus Property was annexed into the City in 1909 and the northern half was annexed in 1946, but the site is not within the City's USA. The surrounding land to the north and east is developed primarily with single family dwellings on individual lots mostly built in the mid twentieth century.

As stated above, the North Campus Property has tentative plat approval to be split into 5 separate lots. The Subject Property consists of approximately 17.3 acres of land located in the northern part of Lot 5, as it is shown on the tentative plat. The southern approximate 7.9 acres of Lot 5 will be retained by Owner for future office and commercial development.

SUMMARY OF PROPOSAL:

Applicant is proposing to rezone the Subject Property from Public Health with Historic Overlay ("PH") to Single Family Residential ("RS"), Multiple Family Residential ("RM-I"), and Multiple Family Residential ("RM-II") and to change the comprehensive plan designation from Community Service Hospital ("CSH") to Single Family Residential ("SF") and Multi-Family Residential ("MF") respectively as shown on the Proposed Zoning Map, Exhibit 5. The purpose of this combined request is to allow the Subject Property to be developed into approximately 50 single-family residences and 211 multi-family units.

Applicant is requesting that the comprehensive plan and zone change application requests go through the Collective (a.k.a. Consolidated) Process before the Planning Commission.

EXISTING SITE CONDITIONS:

The Subject Property has street frontage on "D" Street NE and Park Avenue NE, in addition to two private streets, 25th Street NE and Bittern Street NE. The site is currently undeveloped but has existing

trees on the perimeter and scattered trees throughout the Subject Property as shown on the Existing Conditions Plan attached hereto as **Exhibit 6**.

SITE PLAN:

A proposed (conceptual) site plan for the development of the Subject Property has been provided (*See Exhibit 7*).

SALEM TRANSPORTATION SYSTEM PLAN:

The Salem Transportation System Plan ("STSP") uses a Street Classification System to determine the functional classification of each street within the City's street system. "D" Street NE abuts the Subject Property to the north and Park Avenue NE abuts the Subject Property to the east. The functional classification for "D" Street NE is Minor Arterial, and the functional classification for Park Avenue NE is Collector. The intersection of "D" Street NE and Park Avenue NE is an all-way stop intersection controlled by stop signs.

RELATIONSHIP TO URBAN SERVICE AREA (USA):

The Subject Property is outside of the City's USA. The Property Owner has applied for and received approval of an urban growth area preliminary declaration in SUB-UGA 17-05 (See Exhibit 4).

INFRASTRUCTURE:

While the Subject Property is outside of the City's USA, as identified in SUB-UGA 17-05, there are adequate public services in the area that will provide public services to the Subject Property as identified below:

Water:

The Subject Property is located within the G-0 water service level.

A 24-inch steel water line is located in D Street NE. Mains of this size generally convey flows of 8,500 to 19,700 gallons per minute.

A 10-inch water line is located in Park Avenue NE. Mains of this size generally convey flows of 1,500 to 3,400 gallons per minute.

Sewer:

The North Campus Property site is currently served by a private sewer system that is combined with the discharge for the South Campus site, as referenced in the SUB-UGA 17-05 Decision.

A 4-inch sewer line is located in Park Avenue NE.

A 10-inch sewer line is located in D Street NE.

Storm Drainage:

A 6-inch storm line is located in Park Avenue NE.

A 12-inch storm line is located in D Street NE.

An abandoned 6-inch storm line bisects the property. The pipe remains in place but is no longer in service.

Streets:

D Street NE

Existing Conditions - This street has an approximate 40-foot improvement within 50-foot-wide right-of-way abutting the Subject Property.

Standard - This street is designated as a minor arterial street in the STSP. The standard for this street classification is a 46-foot-wide improvement within a 72-foot-wide right-of-way.

Park Avenue NE

Existing Conditions - This street has an approximate 30-foot improvement within a 40-foot-wide right-of-way abutting the Subject Property, with the exception of the improved intersection at Park Avenue NE and Center Street NE.

Standard - This street is designated as a collector street in the STSP. The standard for this street classification is a 34-foot-wide improvement within a 60-foot- wide right-of-way.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN MAP (MINOR) AMENDMENT

CHAPTER 64 COMPREHENSIVE PLANNING

Sec. 64.025. - Plan map amendments.

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

<u>Proposed Finding</u>: The Single Family Residential and Multi-Family comprehensive plan designation are equally or better suited for the Subject Property than the Community Service Hospital designation. The Community Service Hospital designation is intended to provide for a hospital facility, site/services which place higher demands on public facilities, the environment, and vehicular traffic. The Subject Property was formerly the North Campus of the Oregon State Psychiatric Hospital. In 2012, the hospital vacated the Subject Property and consolidated all their operations to a newly rebuilt facility across Center Street NE to the south. Several former hospital buildings on the east side of the Subject Property were demolished in early 2017, leaving the Subject Property, clear of structures and ready for future redevelopment.

The location of the Subject Property, as well as the surrounding uses, makes it well-suited for Single Family Residential and Multi-Family designation as proposed due to the surrounding uses, and the proposed mixed use development that the Owner intends to develop to the south of the Subject Property, the Applicant's proposed designation is equally or better suited for the Subject Property.

(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;

<u>Proposed Finding</u>: The Subject Property is located outside of the City's USA. However, as noted in SUB-UGA 17-05, public facilities are available to serve the Subject Property. The proposed change will allow for the Applicant to develop the Subject Property in accordance with the applicable development standards of the Unified Development Code, which will include either extending public facilities to the Subject Property, or upgrading existing public facilities abutting the Subject Property to current City standards as required in SUB-UGA 17-05. Therefore, the Subject Property will be served by existing public facilities necessary to support the uses allowed by the proposed Single Family Residential and Multi-Family Residential designations. This criterion is satisfied.

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

<u>Proposed Finding</u>: The proposed plan map designation will provide for the logical urbanization of the Subject Property. The plan change to the Single Family Residential and Multi-Family designations will enable the redevelopment of the Subject Property, and will allow the Applicant to develop needed housing in the form of single family and multi-family housing. This criterion is satisfied.

(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

<u>Proposed Finding</u>: The Applicant's compliance with the applicable goals and policies of the comprehensive plan (map) amendment are addressed as follows:

<u>Salem Urban Area Goals and Policies, Residential Development Goal (Page 30, Salem Comprehensive Policies Plan):</u>

Policy E.3. The City shall encourage the (In-fill) development of passed-over or underutilized land.

<u>Proposed Finding</u>: In 2012 the State of Oregon vacated the Subject Property and consolidated all of the State Hospital operations to a newly rebuilt facility across Center Street NE to the south. Several buildings on the Subject Property were demolished and the site was cleared of all structures in anticipation for redevelopment. The Subject Property is considered an in-fill property. While it has not been passed over or underutilized, the redevelopment of the Subject Property will enhance and further stabilize the northeast neighborhood surrounding it.

Policy E.7. Residential neighborhoods shall be served by a multi-modal transportation system.

<u>Proposed Finding</u>: The current and proposed (Subject Property) residential neighborhoods will be served by a transportation system that provides access for pedestrian, bicycles, and vehicles. The local streets (Park Avenue NE, 25th Street NE, B St. NE) will all collect pedestrians, bicyclists, and automobiles and distribute them out to Center and D Street NE, where sidewalks, bicycle lanes, and bus stops will help dispersal of traffic from the neighborhood.

Cherriots Bus Route 5 services Center St. NE and has 4 stops (inbound and outbound) located relatively close to the Subject Property: (1) Center Street NE at 27th Place NE, (2) Center Street NE at Park Avenue NE, (3) Center Street NE at Edina Lane NE, and (4) Center Street NE at Vineyard Avenue NE.

Policy E.8. Residential areas shall be protected from more intensive land use activity in abutting zones.

<u>Proposed Finding</u>: Existing residential neighborhoods will be protected by the retention of the existing street trees on the Subject Property, particularly along Park Avenue NE where the proposed multi-family residential project will be located. In addition, as a part of the multi-family residential project, additional landscaping will be required pursuant to the Salem Revised Code (SRC) that will further buffer and protect the single family residential neighborhood to the east from the proposed multi-family development to the west across Park Avenue NE, and the Applicant is proposing to limit the height of the multi-family residential dwelling units within 50' of Park Avenue NE to only two (2) stories in height.

<u>Proposed Finding</u>: The Applicant's compliance with the applicable goals and policies of the Statewide Planning Goals are addressed as follows:

Goal 1. Citizen Involvement.

<u>Proposed Finding</u>: A public hearing notice will be mailed to the affected property owners - all property owners within 250 feet of the Subject Property, and to the

Northeast Salem Community Association (NESCA). The Applicant's Project Manager also met with the Associations multiple times to gather input and feedback in 2018. This satisfies Citizen Involvement described in Goal 1.

Goal 2. Land Use Planning

<u>Proposed Finding</u>: The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The Oregon Land Conservation and Development Commission has acknowledged the Salem Area Comprehensive Plan ("**SACP**") to be in compliance with the Statewide Planning Goals. Goal 2 is satisfied as to this proposal.

Goal 3. Agricultural Lands

<u>Proposed Finding</u>: The proposed plan amendment does not affect the inventory of agricultural lands. Thus, Goal 3 is not applicable to this proposal.

Goal 4. Forest Lands

<u>Proposed Finding</u>: The proposed plan amendment does not affect the inventory of forest lands. Thus, Goal 4 is not applicable to this proposal.

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

<u>Proposed Finding</u>: There are no known scenic, natural, or cultural resources on the Subject Property. The Subject Property is currently listed on the National Register of Historic Places with the creation of the Oregon State Hospital Historic District. The property owner is in the process of removing the Subject Property from the National Register of Historic Places. Until that time, any development applications will be reviewed for compliance with the City's tree preservation ordinance, and historic preservation ordinance. As proposed, this application is consistent with Goal 5.

Goal 6. Air, Water and Resources Quality.

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

The effects of using the Subject Property for residential activities on air, water, and land resources will be similar to those of other similar residential activities in the City. The effects of urban development are anticipated on lands that are within the City.

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

Goal 7. Areas Subject to Natural Hazards.

<u>Proposed Finding</u>: There are no known natural hazards existing on the Subject Property. The City's tree protection, and other development standards will be applied during review of consolidated applications through the future detailed subdivision for the single family dwellings, design and site plan review process for the multi-family units. As proposed, this application is consistent with Goal 7.

Goal 8. Recreational Needs.

<u>Proposed Finding</u>: The Subject Property is not within a designated or identified open space area and does not contain any structures subject to historic review. Furthermore, the Subject Property does not contain any wildlife habitat, groundwater resources, or natural areas. Therefore, Goal 8 is not applicable to this proposal.

Goal 9. Economic Development

<u>Proposed Finding</u>: The Subject Property is not within a designated or identified commercial area and is not identified as employment lands. Therefore, Goal 9 is not applicable to this proposal.

Goal 10. Housing

<u>Proposed Finding</u>: The City has accepted a Housing Needs Analysis (HNA) prepared in 2015 which includes a Buildable Land Inventory identifying a surplus of approximately 1,975 acres for single family residential development and a deficit of land available for multifamily residential development. In order to address the deficit in land for multifamily development, the proposal would convert 7 of the 17 acres to a single family designation to allow the development of a 50 lot subdivision. The proposal would also convert 8.27 acres to high density multi-family designation, and 2 acres to medium density multifamily designation, that will allow a 211 unit multi-family development that will help reduce the City's deficit for multifamily designated, zoned, and developed land. This proposal will improve the City's ability to provide for its housing needs and is therefore consistent with Goal 10.

Goal 11. Public Facilities and Services

<u>Proposed Finding</u>: The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an USA boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan. While the Subject Property is located outside of the current USA boundary, Applicant applied for inclusion into the

USA in its 2017 Subdivision and Urban Growth Area Preliminary Declaration Application (City's Case No. SUB-UGA 17-05), and has identified that adequate public services are available to serve the Subject Property for the proposed development. Goal 11 is satisfied.

Goal 12. Transportation

Proposed Finding: The SACP contains transportation policies pertaining to the provision of a balanced, multimodal transportation system for the City's USA that supports the safe and efficient movement of goods and people. The City has also adopted the STSP as a supplement to the SACP, which considers all transportation modes, is based on an inventory of transportation needs, encourages sustainability, facilitates the economic flow of goods and services, and conforms to the SACP and the Regional Transportation System Plan. The Applicant hired DKS Engineering to perform a Transportation Planning Rule Evaluation (the "TPR Evaluation") which is attached hereto and incorporated herein by this reference as Exhibit 9. The TPR Evaluation is based on a traffic impact analysis (the "TIA") which was performed by DKS Engineering for the Property Owner in November of 2016, which is attached hereto and incorporated herein by this reference as **Exhibit 10**. The results of the TPR Evaluation indicate that the proposed residential zoning (RS, RM-I, RM-II) would generate approximately 6,143 fewer daily trips than the existing PH zone. The requirements of Oregon Administrative Rule (OAR) 660-012-0060, the Transportation Planning Rule (TPR), must be met for proposed changes in land use zoning. The intent of the TPR (OAR 660-12-0060) is to ensure that future land use and traffic growth is consistent with transportation system planning and does not create a significant effect on the surrounding transportation system beyond currently allowed uses. Based on the reasonable worst-case trip generation evaluation, the proposed zone change would reduce the daily trip potential. Therefore, the zone change would not contribute to a significant effect on the transportation system and would be consistent with the TPR requirements. Therefore, this application is consistent with Goal 12.

Goal 13. Energy Conservation

<u>Proposed Finding</u>: This application will, to the maximum extent possible, seek to recycle and re-use vacant land and replace former uses which were not energy efficient. The new residential uses will be built to current energy efficiency standards. This conversion will result in a more energy efficient use of the Subject Property. Therefore, this Application is consistent with Goal 13.

Goal 14. <u>Urbanization</u>

<u>Proposed Finding</u>: This proposal does not include land located outside of the Urban Growth Boundary ("*UGB*") or include the extension of services to properties outside the UGB, thus, Goal 14 is not applicable to this application.

Goals 15. <u>Willamette River Greenway</u>; 16. <u>Estuarine Resources</u>; 17. <u>Coastal Shoreland</u>s; 18. <u>Beaches and Dunes</u>; and 19. <u>Ocean Resources</u>.

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

Based on the findings contained above, this proposal to amend the comprehensive plan map designation from Community Service Hospital to Single Family Residential, and Multi-Family Residential is consistent with the applicable Statewide Planning Goals.

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

<u>Proposed Finding</u>: The amendment is in the public interest and will be of general benefit because it will allow for the redevelopment of the Subject Property to provide needed single and multi- family housing. The proposed single family and multi-family development will result in a net benefit to the community as a whole. This criterion is satisfied.

FINDINGS APPLYING TO THE NEIGHBORHOOD PLANS

Proposed Finding: The Subject Property is located outside, but near two Salem neighborhoods, the Northeast Neighbors (NEN) and the Northeast Salem Community Association (NESCA). NEN and the Southeast Salem Neighborhood Association (SESNA) have an approved neighborhood plan, which was adopted by the City Council in February of 2015, the boundary of which lies west of Center Street NE. Also, NESCA, and the Lansing Neighborhood Associations have an approved neighborhood plan - the NESCA-Lansing Neighborhood Plan, which was adopted by the City Council in December of 2017. The NESCA-Lansing plan area lies adjacent to the Subject Property with D Street NE abutting on the north, and Park Ave NE abutting to the east. Both plans have similar Policies and Recommended Actions pertaining to the North Campus property. While none of the Policies or Recommended Actions in either plan act as mandatory approval criteria to the Applicant's proposed request, the Applicant's proposal nevertheless conforms to the aspirational Policies and Recommended Actions found in the NEN-SESNA and NESCA-Lansing Neighborhood Plans. Due to the duplication of the Policies and Actions found in each plan, the Applicant has addressed the NESCA-Lansing Policies and Recommended Actions below.

NESCA-Lansing Policies and Recommended Actions

- P14.1 Pedestrian and bicycle access to, through, and along the North Campus site should be provided with the redevelopment of the property to facilitate safe travel by those on foot and bike.
- P14.2 Traffic generated from the redevelopment of the North Campus site should be mitigated to minimize negative impacts on surrounding streets and neighborhoods.

Pedestrian and bicycle access to, through and along the North Campus site will be provided as a part of the Applicant's redevelopment of the Subject Property. One key bike/ped accessway will be a new path that will run from D Street NE on the north, southerly through the single family residential subdivision, the multi-family residential development, and is intended to follow through to Center Street NE. This proposed path through the Applicant's property can be best seen in the conceptual site plan, Exhibit 6. Traffic generated from the redevelopment of the Subject property will flow westerly to 25th Street NE, and easterly to Park Avenue NE from both 25th Street NE and Park Avenue NE traffic will be able to venture north to D Street NE and then continue east or west, or the traffic will be able to flow south to Center Street NE. The traffic movements from the Subject Property to Park Avenue NE, will have the same ability to move north or south on Park Avenue NE, and then east/west along D Street NE, or Center Street NE. The proposed ingress and egress out of the single family residential and multi-family residential are designed in a manner in order to minimize negative impacts to surrounding streets and neighborhoods from the anticipated traffic.

- A14.1 The North Campus site should be redeveloped into a mix of compatible uses that complement the surrounding neighborhoods in scale and provide useful services. Uses should include small-scale neighborhood serving retail businesses and services as well as a variety of housing types such as single-family and two-family homes, townhouses, and small apartment buildings.
- A14.2 The layout and design of development on the North Campus site should be sensitive to the scale of surrounding neighborhoods. Lower-density housing, for example, should be located closer to D and Park Streets NE, and taller, higher-intensity housing, mixed- use development, and commercial uses should be located closer to Center Street NE.
- A14.3 Primary vehicular access to the North Campus site should be located on Center and 23rd streets NE, as opposed to Park and D streets NE, to minimize negative traffic impacts on adjacent residential neighborhoods.
- A14.4 Ample open space should be preserved and established on the North Campus site to serve future residents or employees on the property and surrounding neighborhoods. Open spaces should include a City park at the northwest corner of the property at D and 23rd streets NE and opportunities for passive recreation.

The North Campus site will be redeveloped into a mix of compatible uses. Current plans call for Lot 1 (Dome property) to be retained by the State of Oregon for redevelopment. Lot 2 is under contract with the City of Salem's Housing Authority to be redeveloped for an affordable housing project. Lot 3 will be used for parking for Lots 2 and 4. The City is looking to develop Lot 4 into a park. Lot 5 will be developed for single family on the north, and multi-family in the center; and on the south end, the State of Oregon is looking to redevelop for compatible commercial uses. Thus, there will be a variety of housing types, recreational uses, future office and commercial uses all of which will complement and be sensitive to the surrounding neighborhood in scale and density. Primary vehicle access will be

off of B Street, 23rd Street, 25th Street NE, and Park Avenue NE, all of which will be developed to minimize traffic on adjacent neighborhoods.

- A14.5 Existing mature trees on the North Campus site, including those along the perimeter, should be preserved to the extent possible. If trees cannot be preserved, new trees should be planted to replace them. Replacement trees at the site's perimeter should be replanted in the same location near the street curbs, where possible.
- A14.7 New development on the North Campus site should be designed to encourage alternative modes of transportation and associated amenities to support those modes such as benches and bike racks. Buildings with ground-floor commercial businesses, for example, should be located adjacent to sidewalks, and expanses of parking lots should be avoided.

The Applicant intends to retain the existing mature trees along the perimeter of the Subject Property. Some of the trees, particularly along the northwesterly portion of 25th Street NE (adjacent to the Subject Property) may need to be removed due to disease and being in poor health. To the extent these trees may need to be removed in the future, they will be replaced with new street trees, by the Applicant, as a part of the detailed subdivision application. As noted elsewhere in this written statement the new development on the Subject Property will be designed to accommodate and encourage alternative forms of transportation.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A ZONING MAP AMENDMENT

CHAPTER 265 ZONE CHANGES

Sec. 265.005. - Quasi-judicial zone changes.

- (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 mistake in the application of a land use designation to the property;
 - (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.

Proposed Finding: The proposed zone change is justified based on SRC

265.005(e)(1)(A)(iii). The Single-Family Residential and Multiple Family Residential zones are equally or better suited for the Subject Property than the Public Health zone. The Public Health zone is intended to provide for a hospital facility, site/services which place higher demands on public facilities, the environment, and vehicular traffic. The Subject Property was formerly the North Campus of the Oregon State Psychiatric Hospital. In 2012, the hospital vacated the Subject Property and consolidated all their operations to a newly rebuilt facility across Center Street NE to the south. The State clearly manifested its intent to no longer utilize the North Campus for hospital uses. Several former hospital buildings on the east side of the subject property were demolished in early 2017, leaving the Subject Property, clear of structures and ready for future redevelopment.

The location of the Subject Property, as well as the surrounding uses, makes it ideally suited for Single-Family Residential, and Multiple Family Residential as proposed. The physical characteristics of the Property, and the proposed mixed use development that the Property Owner intends to develop to the south of the Subject Property also contribute to its overall suitability. The Applicant's proposed zone change is equally or better suited for the Subject Property.

(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.

<u>Proposed Finding</u>: This proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

<u>Proposed Finding</u>: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the SACP for this consolidated P change and zone change request. The proposal satisfies this criterion.

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

<u>Proposed Finding</u>: Findings addressing the applicable Statewide Planning Goals and Oregon Administrative Rules for this comprehensive plan change and zone change request were included earlier in this report. The proposal satisfies this criterion.

(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.

<u>Proposed Finding</u>: The proposed zone change is from PH (Public Health with Historic Overlay) to RS (Single Family Residential), RM-I (Multiple Family Residential), and RM-II (Multiple Family Residential). No industrial Comprehensive Plan designations or zoning districts are involved in the proposal. The existing designation is not a commercial or employment designation. Therefore, this criterion 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.

<u>Proposed Finding</u>: The Applicant has submitted a TPR Evaluation (Exhibit 9) in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The TPR Evaluation is required to demonstrate that the proposed Comprehensive Plan Change and Zone Change will not have a significant effect on the transportation system as defined by OAR 660-012-0060. In this case, the TPR Evaluation shows that the proposed residential zoning (RS, RM-I, RM-II) would generate approximately 6,143 fewer daily trips than the existing PH zone. Therefore, the proposed zone change will not significantly affect the transportation system.

(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.

<u>Proposed Finding</u>: Findings addressing the Comprehensive Plan Change criterion (SRC 64.025(e)(2)(B)), included earlier in this report, address the public facilities and services available to support residential uses allowed on the Subject Property. The proposal satisfies this criterion.

Based on the findings contained above, this proposal to change the zoning from PH to RS, RM-I, and RM-II is consistent with the applicable approval criteria for a zone change.

CONCLUSION

Based on the findings contained in this consolidated written statement, Applicant has satisfactorily addressed the applicable criteria for granting an approval of this consolidated land use application to change the comprehensive plan designation from Community Service Hospital (CSH) to Single Family Residential (SF) and Multi-Family Residential (MF), and to change the zoning from Public Health with Historic Overlay {PH) to Single Family Residential (RS), Multiple Family Residential I (RM-I), and Multiple Family Residential II (RM-II), as described in this application.

EXHIBIT LIST

- Exhibit 1 Assessor's Map
- Exhibit 2 Current Zoning Map
- Exhibit 3 Pre-Application Summary Letter
- Exhibit 4 Decision for SUB-UGA 17-05
- Exhibit 5 Proposed Zoning Map
- Exhibit 6 Existing Conditions Plan
- Exhibit 7 Proposed (Conceptual) Site Plan
- Exhibit 8 Vesting Deed to State of Oregon
- Exhibit 9 DKS TPR Letter
- Exhibit 10 DKS TIA

EXHIBIT 2

Current Zoning Map

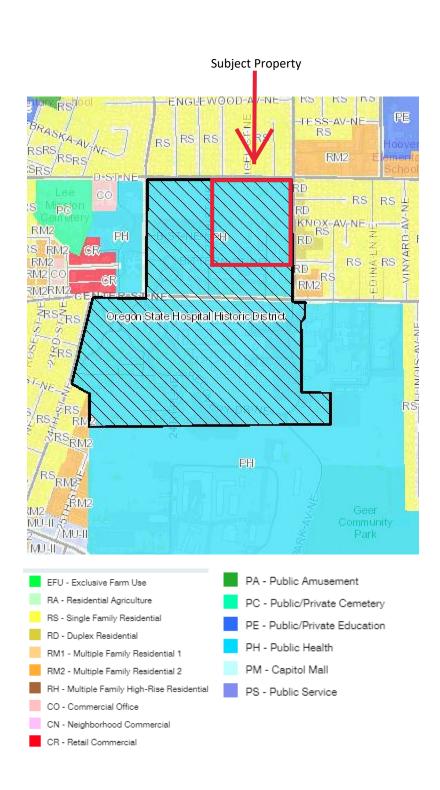
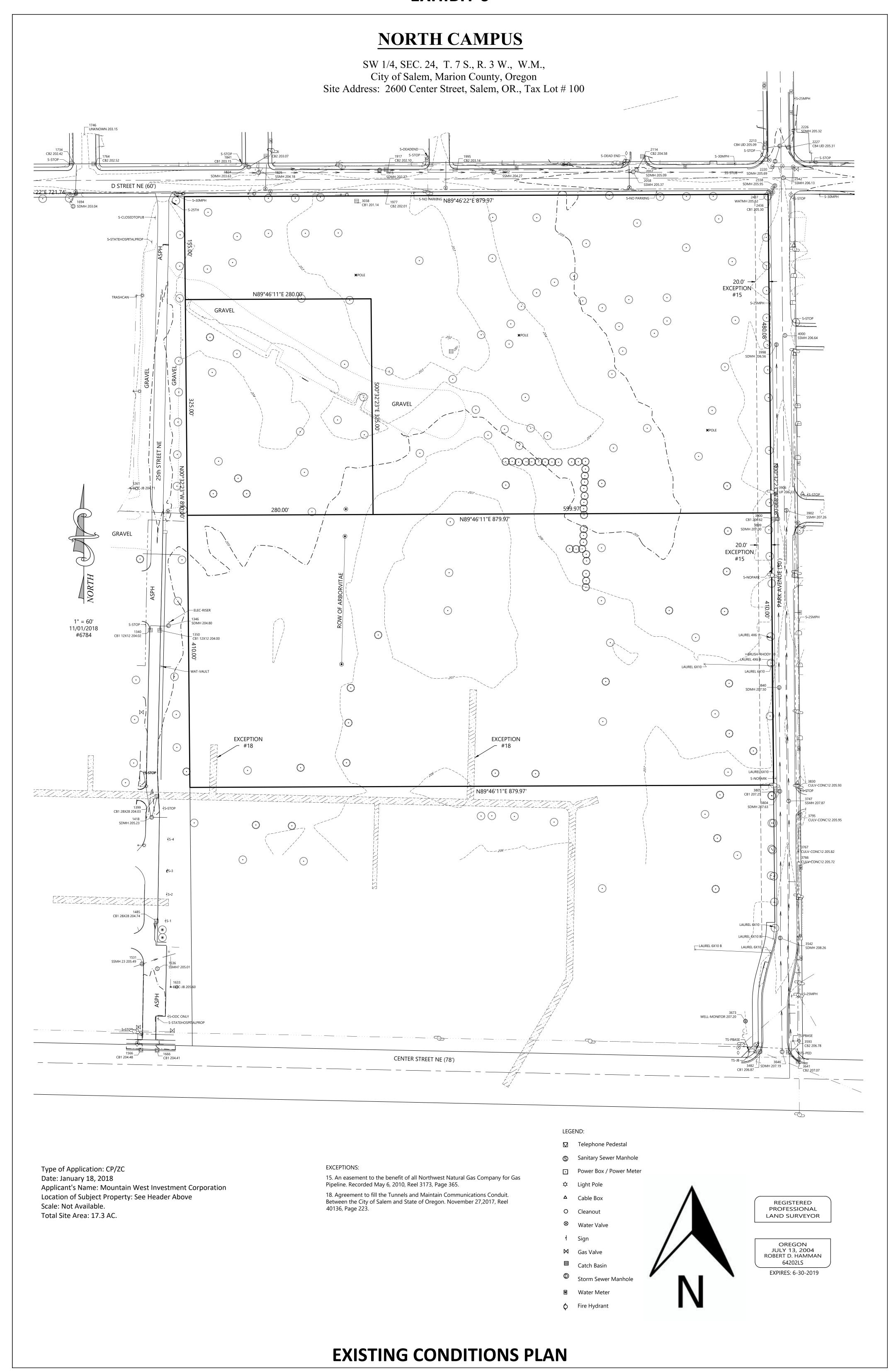


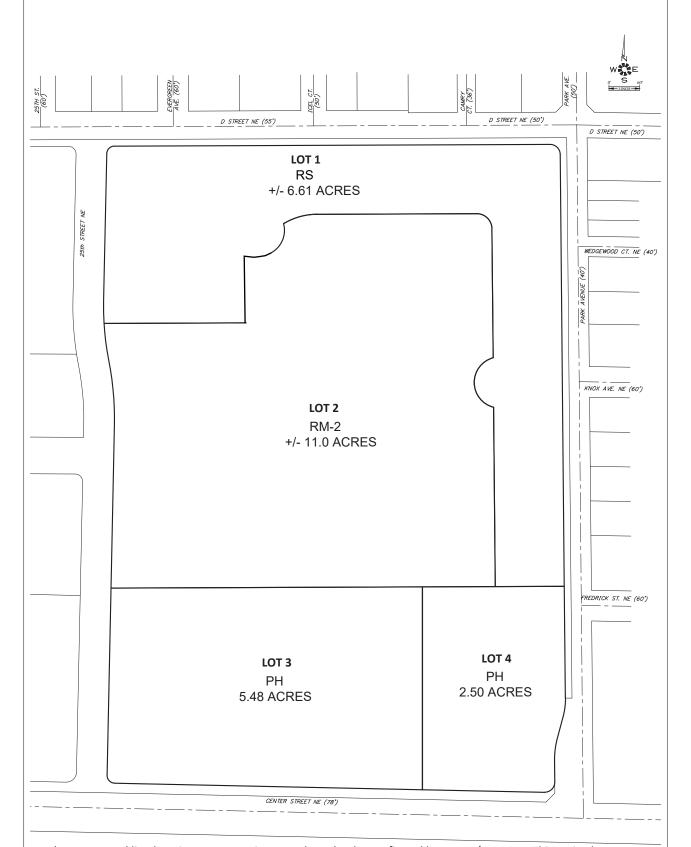
EXHIBIT 6



NORTH CAMPUS

SW 1/4, SEC. 24, T. 7 S., R. 3 W., W.M. CITY OF SALEM, MARION COUNTY, OREGON Site Address: 2600 Center Street, Salem, OR., Tax Lot # 100

Proposed (Revised) Zoning & Large Lot Subdivision Map*



^{*}Acreages and line location are approximate and need to be confirmed by survey/surveyor. This revised Large Lot Subdivision & Zoning Map is being submitted to conform to proposed Condition of Approval #1 in CPC-ZC-SUB 19-02 Staff Report.

ZONE

