

TO: PLANNING COMMISSION

**FROM: LISA ANDERSON-OGILVIE, AICP
DEPUTY COMMUNITY DEVELOPMENT AND PLANNING DIRECTOR AND
PLANNING ADMINISTRATOR**

**SUBJECT: STAFF REPORT FOR MINOR COMPREHENSIVE PLAN MAP AMENDMENT / ZONE
CHANGE CASE NO. CPC-ZC24-01; 650 15th SREET SE (AMANDA APPLICATION
NO. 23-122305-PLN)**

REQUEST

A consolidated Minor Comprehensive Plan Map Amendment from "Multiple-Family Residential" to "Industrial" and Zone Change from RM-II (Multiple-Family Residential II) to IG (General Industrial) for two properties approximately 0.99 acres in size and located 650 15th Street SE (Marion County Assessor's Map and Tax Lot Numbers: 073W26CD / 4900; 4800). (**Attachment A**)

APPLICANT: BRAND Land Use on behalf of the property owner

OWNER: Robert Bolt

PROCEDURAL FINDINGS

1. On November 13, 2023, Britany Randall, of BRAND Land Use, filed an application for a Comprehensive Plan Change, and Zone Change for two properties at 650 15th Street SE (Marion County Assessor's Map and Tax Lot Numbers 073W26CD / 4900; 4800) on behalf of the applicant and property owner Robert Bolt. After additional requested information was provided by the applicant, the application was deemed complete for processing on January 24, 2024.
2. When multiple land use applications are consolidated into a single application and one or more of the applications involved include a requirement for an open house and the other applications require a combination of neighborhood association contact or no neighborhood association contact, the entire consolidated application shall require an open house (see SRC 300.320[b][2]). Pursuant to SRC 300.320(f), when an open house is required for a land use application, an applicant may elect to present at a neighborhood association meeting in-lieu of arranging and attending an open house. On September 26, 2023, the applicant held an open house. Comments were provided at the applicant's open house and the applicant answered questions. Notice given as provided is included as **Attachment B**. The applicant has demonstrated compliance with the requirements of SRC 300.320(f).
3. Notice of the consolidated proposal was distributed to City Departments, neighborhood associations and public and private service providers on February 1, 2024.
4. Public notice of the proposal was provided pursuant to Salem Revised Code (SRC) requirements, on February 1, 2024.
5. Public notice was posted on the property by the applicant's representative on February 15, 2024.
6. The applicant has indicated that the property is not within a Homeowners Association (HOA).
7. DLCD Notice. State law (ORS 197.610) and SRC 300.620(b)(1) require the City to provide the

Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. Required notice of the proposed Comprehensive Plan Change and Zone Change application was provided to DLCD.

8. The public hearing on the application was scheduled for February 27, 2024.
9. 120-Day Rule. Pursuant to Oregon Revised Statutes (ORS) 227.128, amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule. In addition, the requested Quasi-Judicial Zone Change included with the application is similarly not subject to the 120-day rule because, pursuant to ORS 227.178(10), the zone change has been filed concurrently, and is being considered jointly, with the proposed comprehensive plan amendment.

SUMMARY OF RECORD

The following items are submitted to the record and are available: 1) all materials and testimony submitted by the applicant, including any applicable professional studies such as traffic impact analysis, geologic assessments, stormwater reports, and; 2) materials, testimony, and comments from public agencies, City Departments, neighborhood associations, and the public. All application materials are available on the City's online Permit Application Center at <https://permits.cityofsalem.net>. You may use the search function without registering and enter the permit number listed here: 23 122305.

BACKGROUND

Proposal

The applicant is requesting a Comprehensive Plan Map amendment and to change the zoning for their property located at 650 15th Street SE (tax lot 4900) and an unaddressed lot located across Leslie Street SE (tax lot 4800). The property was formerly zoned IG (General Industrial) and used as a bulk fuel storage site including underground tanks. In 2021 under the "Our Salem" code update to the City of Salem Comprehensive Plan Map, the property was changed from "Industrial" to "Multiple-Family Residential" and rezoned RM-II (Multiple-Family Residential II).

There is a deed restriction on the subject properties from the State of Oregon Department of Environmental Quality (DEQ) prohibiting the properties being developed for residential or agricultural uses. As the properties are prohibited from residential development, the purpose and intention of completing this Comprehensive Plan Map amendment and zone change application is to change the Comprehensive Plan Map designation back to "Industrial" and IG (General Industrial) zoning. No other development is proposed for the properties at this time.

The applicant's written statement summarizing each request and addressing compliance with the required approval criteria is included in the record.

FACTS AND FINDINGS

1. Salem Area Comprehensive Plan (SACP)

The Salem Area Comprehensive Plan (SACP) map designates the subject properties as "Multiple-Family Residential". The proposal includes changing the Comprehensive Plan designation of the subject property to their previous designation of "Industrial."

The Comprehensive Plan designations of surrounding properties include:

North: "Multiple-Family Residential"
South: Across Mission Street SE (OR-22E), "Single-Family Residential"
East: "Industrial Commercial" and "Multiple-Family Residential"
West: "Multiple-Family Residential"

Components of the Comprehensive Plan

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

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. Leslie Street SE, a Local Street, separates the two properties and 15th Street SE, a Local Street, abuts the property to the west.

Relationship to the Urban Service Area

The subject properties are located inside the Urban Service Area and adequate facilities are available. No UGA permit is required.

2. Zoning

Zoning and Surrounding Land Use

The subject properties are zoned RM-II (Multiple-Family Residential II). The proposal includes changing the properties' zoning from RM-II back to the previous zoning designation of IG (General Industrial). Surrounding properties are zoned and used as follows:

North: RM-II (Multiple-Family Residential II)
South: Across Mission Street SE (OR-22), RS (Single-Family Residential)
East: IC (Industrial Commercial)
West: RM-II (Multiple-Family Residential II)

3. Existing Conditions

The subject properties are 0.25 acres in size (Marion County Assessor's Map and Tax Lot Number 073W26CD / 4900) and 0.74 acres in size (Marion County Assessor's Map and Tax Lot Number 073W26CD / 4800). The subject properties have street frontage along 15th Street SE and Leslie Street SE. Existing uses on the subject properties include a warehouse, a garage/shop, and office building located at 650 15th Street SE.

SRC Chapter 808, Trees: The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 20 inches or greater and most other trees with diameter-at-breast-height of 30 inches or greater), trees and native vegetation in

riparian corridors, and trees on lots and parcels greater than 20,000 square feet. Pringle Creek (Shelton Ditch) bisects the property located at 650 15th Street SE to the south with trees along both banks. The property across Leslie Street SE (tax lot 4800) does not contain any trees. Any Significant Trees on the property would be subject to the protections of SRC Chapter 808 upon development.

Wetlands and Waterways: The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property. Pringle Creek (Shelton Ditch) runs along the southern property boundary.

Floodplain: An existing floodway is located on the subject property as designated on the Federal Emergency Management Agency (FEMA) floodplain maps. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601.

Landslide Hazards: City records show there may be category 2 landslide hazard areas mapped on the subject property.

Infrastructure

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

Water:

- The subject property is located in the G-0 water service level.
- A 6-inch water main is located in 15th Street SE. Mains of this size generally convey flows of 300 to 600 gallons per minute.

Sewer:

- An 8-inch sewer main is located at the intersection of 15th Street SE and Oak Street SE, approximately 160-feet north of the subject property.

Storm Drainage:

- A 20-inch storm main is located in 15th Street SE.

Streets:

- 15th Street SE
 - Standard: This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - Existing Condition: This street is an undeveloped 60-foot-wide right-of-way abutting the subject properties.
- Leslie Street SE
 - Standard: This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - Existing Condition: This street is an undeveloped 60-foot-wide right-of-way abutting the subject properties.

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 will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Land Use History

CPC-ZC00-10: To change the Salem Area Comprehensive Plan designation from “Industrial” to “Industrial Commercial” and to change the zone from IG (General Industrial) to IC (Industrial Commercial) for the property located in the 1700 Block of Oak Street SE.

PAR02-10: To divide 126,542 square feet (2.90 acres) into three parcels with Parcel 1 proposed as 33,214 square feet (0.76 acres), Parcel 2 as 57,785 square feet (1.33 acres), and Parcel 3 as 35,543 square feet (0.81 acres) for property that is zoned IG (General Industrial) and located at the 1600 Block of Oak Street SE and the 600 Block of 17th Street SE.

CA-ZC21-01: 2021 Unified Development Code Update, “Our Salem” amendments to the Salem Revised Code (SRC) updating the Unified Development Code (SRC Title X) and other SRC Chapters; together with a proposed legislative zone change to change the zoning of specific properties within the downtown that are currently zoned RH (Multiple-Family High Rise Residential), CO (Commercial Office), and CR (Retail Commercial) to CB (Central Business District).

4. Public and Private Agency Review

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

City of Salem Building and Safety Division – Reviewed the proposal and indicated no concerns.

City of Salem Fire Department – Reviewed the proposal and indicated no concerns.

Development Services Division – Reviewed the proposal and provided a memo which is included as **Attachment C**.

5. Neighborhood Association and Public Comments

The subject property is located within the boundary of the Southeast Salem Neighborhood Association (SESNA).

Required Open House/Neighborhood Meeting

SRC 300.320 requires the applicant for a proposed minor amendment to the City's Comprehensive Plan Map to either arrange and attend an open house or present their proposal at a regularly scheduled meeting of the neighborhood association the property is located within. On September 26, 2023, the applicant's team held an open house. Documentation of the meeting is included in **Attachment B**.

Neighborhood Association Comments

Notice of the application was provided to the Southeast Salem Neighborhood Association (SESNA) pursuant to SRC 300.620(b)(2)(B)(vii), which requires notice to be sent to any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property. As of the date of completion of this staff report, no comments were received from the Neighborhood Association.

Public Comments

In addition to providing notice to the neighborhood association, notice was also provided, pursuant

to SRC 300.620(b)(2)(B)(iii), (viii), & (ix), to all property owners and tenants within 250 feet of the subject property and posted on the subject property. As of the date of completion of this staff report, no comments have been received.

Homeowners' Association

SRC 300.620(b)(2)(B)(vi) requires notice to be provided to any active and duly incorporated Homeowners' Association (HOA) applicable to the property. The subject property is not located within a Homeowners' Association.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR COMPREHENSIVE PLAN MAP AMENDMENT

6. Minor Comprehensive Plan Map Amendment Approval Criteria

Salem Revised Code (SRC) 64.025(e)(2) establishes the approval criteria for Minor Comprehensive Plan Map amendments. In order to approve a minor comprehensive plan map amendment, the Review Authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria.

The following subsections are organized with approval criteria shown in ***bold italic***, followed by findings evaluating the proposal's conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the comprehensive plan map amendment.

SRC 64.025(e)(2)(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.
- (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 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 the 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.***

Finding: The applicant will demonstrate that the proposed comprehensive plan amendment meets

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

As part of the “Our Salem” updates to the Salem Area Comprehensive Plan, the subject properties were redesignated from “Industrial” to “Multiple-Family.” Upon this designation, the applicant discovered there was a deed restriction placed on the properties by the State of Oregon Department of Environmental Quality (DEQ) prohibiting them from being developed for residential or agricultural uses. The deed restriction can be found in instrument number 2018-00022435; Section 3.2, which states:

Land Use Restrictions. The following operations and uses are prohibited on the Property:

- a. Residential use of any type; and*
- b. Agricultural (food-crop) use of any type.*

The deed restriction is due to the level of contaminants and potential for risk to human health. The property was used as a bulk fuel storage site with above ground storage tanks as well as underground storage tanks containing diesel and gasoline fuels. According to DEQ records, over the years of use, including a reported product spill in 1975, tank filling and dispensing caused soil contamination. In a “Conditional No Further Action Determination” from DEQ, dated September 10, 2018; ECSI #209 and LUST #24-10-0295 DEQ states that “It is assumed that the property will remain an industrial property.” The deed restriction provides the necessary justification that the property is better suited for the proposed zone and comprehensive plan designation. Under the current Comprehensive Plan and zoning designations, the properties cannot be developed to the intended uses within a multiple-family zone. The proposal meets this criterion.

SRC 64.025(e)(2)(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;

Finding: The properties are currently served by public facilities and are capable of continued use. This criterion is met.

SRC 64.025(e)(2)(C): The proposed plan map designation provides for the logical urbanization of land;

Finding: The properties have been developed with existing facilities for many decades. Any proposed future development would be subject to the DEQ deed restriction described above. The proposal meets this criterion.

SRC 64.025(e)(2)(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

The applicant’s written statement indicates that the request is in conformance with the Goals and Policies of the Salem Area Comprehensive Plan and all applicable land use standards imposed by state law and administrative regulation, which permit applications to be filed.

The proposal complies with the applicable intent statements of the Salem Area Comprehensive Plan (SACP) as follows:

Section 6: Community Engagement and Equity Goals and Policies

CE1 Community Engagement Goal: Engage the public in planning, investment, and policy decisions

and in the implementation of this Comprehensive Plan through inclusive, equitable, transparent, and collaborative processes that foster meaningful involvement from all members of the community.

Finding: The applicant participated in a publicly noticed neighborhood meeting on October 26, 2023, and held an open house on September 26, 2023. The proposal meets this goal.

Section 7: Housing Goals and Policies

H1 Housing Choice Goal: Promote a variety of housing options to meet the needs, abilities, and preferences of all current and future residents.

Finding: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H2 Housing Affordability Goal: Provide opportunities for housing that are affordable to current and future residents of all income levels.

Finding: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H3 Land Supply Goal: Provide a supply of residential land that accommodates the amounts and types of housing needed to meet the population forecast for the Salem Urban Area.

Findings: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H4 Complete Neighborhood Goal: Encourage housing that provides convenient access to jobs, services, and amenities that meets residents' daily needs.

Findings: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; therefore, this goal is not applicable.

H5 Livability and Sustainability Goal: Enhance Salem's neighborhoods to ensure that they are safe, welcoming, stable, sustainable, and attractive places to live.

Findings: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential uses; additionally, the prohibition of residential uses on this site, preventing the exposure of the community to contaminants, further ensures the City's neighborhoods are safe places to live. The proposal meets this goal.

Section 8: Economic Development and Employment

E1 Economic Development Goal: Strengthen and diversify the economy to enhance Salem's economic prosperity and resiliency.

Findings: The General Industrial zoning designation allows for a variety of commercial and industrial uses to take place and thereby provide diverse opportunities for employment opportunities. The proposal meets this goal.

E2 Land Supply Goal: Maintain an adequate supply of land to meet Salem's economic and employment needs.

Findings: The applicant is not proposing any employment designations for the property or

redevelopment of the properties at this time; however, the General Industrial zoning designation proposed will allow for economic and employment growth opportunities in the future. The proposal meets this goal.

E3 Access and Livability Goal: Promote a vibrant economy that increases access to jobs, goods, and services.

Findings: The applicant is not proposing any employment designations or redevelopment of the properties at this time; however, the General Industrial zoning designation will allow for economic growth opportunities in the future. The proposal meets this goal.

E4 Design Goal: Encourage commercial, mixed-use, and industrial development that creates safe, sustainable, attractive urban environments.

Findings: This goal will be met and implemented through the application of the IG zoning designation during future development of the properties. The proposal meets this goal.

Section 9: Land Use and Urbanization

L1 Urbanization and Growth Management Goal: Manage growth in the Salem Urban Area through cooperative efforts between the City of Salem, Marion and Polk counties, and other jurisdictions to provide area residents with a high quality of life, contain urban development, promote the City's efficient delivery of services, and preserve adjacent agricultural lands.

Findings: The subject properties are located within the limits of the City of Salem and within the Urban Growth Boundary, which contain urban development subject to the City's zoning code and development standards. The proposal meets this goal.

L3 Urban Development Goal: Ensure that future development within the Salem Urban Area is designed to respond to and enhance the surrounding environment, while accommodating growth.

Findings: No development is proposed with the application. This goal will be met and implemented through the application of the IG zoning designation during future development of the properties. The proposal meets this goal.

L4 Plan Administration Goal: Ensure the Salem Area Comprehensive Plan and its implementation tools advance the community's vision for the future and are consistent with state and federal regulations.

Findings: The applicant has provided responses to applicable statewide planning goals which demonstrates this comprehensive plan goal is met.

L5 Transportation and Land Use Coordination Goal: Coordinate transportation and land use planning efforts to ensure infrastructure improvements support development patterns, land use designations, and densities.

Findings: The applicant has provided a Transportation Planning Rule Analysis which indicates the proposed designation will have a significantly less of an impact on the transportation system than the current RM-II zoning. No development is proposed with the application; however, at such time, the properties will be subject to all applicable development standards of the Salem Revised Code. The proposal meets this goal.

Section 11: Natural Resources and the Environment

N1 Environmental Protection Goal: Protect and enhance the quality and function of Salem’s natural resources, ecosystems, and environment.

Findings: The subject property contains natural resources, including wetlands, riparian areas, and floodplain. No development is proposed with the application; however, at such time, the properties will be subject to all applicable development standards of the Salem Revised Code and by adhering to the DEQ deed restriction, the properties will not be developed in a way that diminishes the quality and function of the City’s natural resources, ecosystems, and environment. The proposal meets this goal.

N2 Urban Forest Goal: Preserve, increase, and enhance Salem’s urban forest.

Findings: No development is proposed with the application; however, at such time, the properties will be subject to all applicable development standards of the Salem Revised Code and by adhering to the DEQ deed restriction, the properties will not be developed in a way that decreases the City’s urban forest. The proposal meets this goal.

Section 14: Transportation

T4 Local Connectivity Goal: Provide an interconnected local street system that allows for dispersal of traffic, encourages a mix of travel modes, reduces the length of trips, and increases opportunities for people to walk and bike.

Findings: No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T5 Bicycle System Goal: Accommodate bicyclists of all ages and abilities by providing a well-connected system of on- and off-street bicycle facilities that will encourage increased ridership, safe bicycle travel, and active transportation and will support public health.

Findings: No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T6 Pedestrian System Goal: Accommodate pedestrians of all ages and abilities by providing a comprehensive system of connecting sidewalks, walkways, trails, and pedestrian crossings that will encourage and increase safe pedestrian travel and active transportation to support public health.

Findings: No development is proposed with the application that will affect the local street system; therefore, this goal is not applicable.

T7 Transit System Goal: Support a public mass transit system that provides convenient, robust, and accessible transit services to residents throughout the Salem Urban Area, particularly in transportation-disadvantaged areas.

Findings: No development is proposed with the application that will affect the public mass transit system; therefore, this goal is not applicable.

Section 16: Community Services and Historic Resources

CS 1 Community Spaces and Culture Goal: Foster development of community gathering spaces and other amenities that provide opportunities for people to socialize and celebrate together.

Findings: No development is proposed with the application; therefore, this goal is not applicable.

CS 3 Historic Preservation Goal: Identify, protect, and encourage the awareness and sensitive use of historic resources, places, archaeological sites and landscapes that contribute to the unique character and history of Salem.

Findings: No development is proposed with the application; therefore, this goal is not applicable

Statewide Planning Goals

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

Finding: In addition to holding a required open house, notice of the proposal was provided to the Southeast Salem Neighborhood Association (SESNA), surrounding property owners and tenants within the notification area, and posted on the property prior to the hearing. The Planning Commission will hold a public hearing to consider the request. The required open house, public notice, and public hearing process ensure all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

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

Finding: 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 to be in compliance with the Statewide Planning Goals.

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

Finding: No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code.

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

Finding: No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code.

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

Finding: Pringle Creek (Shelton Ditch) runs through tax lot 4900 and there are identified floodplain and floodway areas and landslide hazards. No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code.

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

Finding: The subject property is not within an identified recreation area, and no destination resort is planned for this property; therefore, this Goal is not applicable to this proposal.

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

Finding: The subject properties are currently developed with an industrial use, which provides economic opportunity to the City. The proposal meets this Goal.

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

Finding: As part of the “Our Salem” update to the Comprehensive Plan, the City redesignated and rezoned land to provide for additional multiple-family housing, as identified in the City’s 2016 Housing Needs Analysis. The City now exceeds its projected need for land designated for multiple-family housing and the proposed redesignation of the two properties totaling 0.99 acres will not significantly impact the City’s capacity to provide adequate buildable land for its housing needs. Additionally, due to the contamination of the soil, and as prohibited by the DEQ deed restriction, the subject properties are not suitable for residential uses, and for the health and wellbeing of the community, should not be utilized to meet the City’s housing needs. The proposal meets this Goal.

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

Finding: The subject properties are located within the Urban Service Area and are served by existing public facilities. No development is proposed with the application; any future development will be subject to the applicable standards of the Salem Revised Code. The proposal meets this Goal.

Statewide Planning Goal 12 – Transportation: *To provide and encourage a safe, convenient and economic transportation system.*

Finding: Goal 12 is implemented by the Transportation Planning Rule (TPR). In summary, the TPR requires local governments to adopt Transportation System Plans (TSPs) and requires local governments to consider transportation impacts resulting from land use decisions and development. The key provision of the TPR related to local land use decisions is Oregon Administrative Rule (OAR) 660-012-0060. This provision is triggered by amendments to comprehensive plans and land use regulations that “significantly affect” a surrounding transportation facility (road, intersection, etc.). Where there is a “significant effect” on a facility, the local government must ensure that any new allowed land uses are consistent with the capacity of the facility. In the context of a site-specific comprehensive plan change request, such as this proposal, a “significant effect” is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that “allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility,” or an amendment that would “reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP.”

The applicant has submitted a TPR analysis as required by the Transportation Planning Rule (OAR 660-012-0060) which demonstrates that the proposed CPC/ZC will not have a significant impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis and findings. The proposal meets this Goal.

Statewide Planning Goal 13 – Energy Conservation: *Requires local governments to consider the effects of its comprehensive planning decision on energy consumption.*

Finding: Any future development of the property will be required to be built to comply with current energy standards. The proposal meets this Goal.

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

Finding: The subject property is located within the Urban Growth Boundary (UGB), and public facilities required to serve future development are available. Existing transportation and utility infrastructure is available in the vicinity. The proposed Comprehensive Plan Map amendment will allow for the efficient use and development of the properties and will allow the efficient use of urbanized land within the UGB in compliance with Goal 14.

Statewide Planning Goal 15 – Willamette Greenway; Goal 16 – Estuarine Resources; Goal 17 – Coastal Shorelands; Goal 18 – Beaches and Dunes; and Goal 19 – Ocean Resources

Finding: The Salem Area Comprehensive Plan is consistent with Statewide Planning Goals. The Comprehensive Plan policies have been addressed above, therefore consistent with Statewide Planning Goals.

SRC 64.025(e)(2)(E): *The amendment is in the public interest and would be of general benefit.*

Finding: Due to the DEQ deed restriction, the properties are prohibited from being developed for residential or agricultural uses. The proposed change from a Multiple-Family Residential designation will help to encourage and promote the wider use of the existing properties more compatible with their former Industrial designations. The uses allowed by the Comprehensive Plan Change and Zone Change will allow for future industrial development of the property benefiting the public. The proposal satisfies this criterion.

FINDINGS ADDRESSING APPLICABLE SALEM REVISED CODE APPROVAL CRITERIA FOR QUASI-JUDICIAL ZONE CHANGE

7. Quasi-Judicial Zone Change Approval Criteria

The following analysis addresses the proposed zone change for the subject properties from RM-II “Multiple-Family Residential II” to IG “General Industrial.”

SRC Chapter 265.005(e) provides the approval criteria for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial zone change, the Review Authority shall make findings of fact based on evidence provided by the applicant demonstrating that all the following applicable criteria are met. The extent of the consideration given to the various criteria set forth below depends on the degree of impact of the proposed change. The greater the impact of a proposal on the area, the greater the burden on the applicant to demonstrate the zone change is appropriate. The following subsections are organized with approval criteria shown in **bold italic**, followed by findings evaluating the proposal’s conformance with the criteria. Lack of compliance with the following criteria is grounds for denial of the zone change, or for the issuance of certain conditions to ensure the criteria are met.

SRC 265.005(e)(1)(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 zone would be compatible with the vicinity’s development pattern; or**
- (iii) A demonstration that the proposed zone change is equally or better suited for the**

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

Finding: The applicant will demonstrate that the proposed zone change is justified based on criterion (i) *A mistake in the application of a land use designation to the property, was made.*

As part of the “Our Salem” updates to the Comprehensive Plan, the subject properties were rezoned from IG (General Industrial) to RM-II (Multiple-Family Residential II). Upon this designation, the applicant discovered there was a deed restriction placed on the properties by the State of Oregon Department of Environmental Quality (DEQ) prohibiting them from being developed for residential or agricultural uses. The deed restriction can be found in instrument number 2018-00022435; Section 3.2, which states:

Land Use Restrictions. The following operations and uses are prohibited on the Property:

- a. Residential use of any type; and*
- b. Agricultural (food-crop) use of any type.*

The deed restriction is due to the level of contaminants and potential for risk to human health. The property was used as a bulk fuel storage site with above ground storage tanks as well as underground storage tanks containing diesel and gasoline fuels. According to DEQ records, over the years of use, including a reported product spill in 1975, tank filling and dispensing caused soil contamination. In a “Conditional No Further Action Determination” from DEQ, dated September 10, 2018; ECSI #209 and LUST #24-10-0295 DEQ states that “It is assumed that the property will remain an industrial property.” The deed restriction provides the necessary justification that the property is better suited for the proposed zone designation. Under the current zoning designation, the properties cannot be developed to the intended uses within a multiple-family zone. The proposal meets this criterion.

(B) If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.

Finding: The proposal is not a City-initiated zone change; therefore, this criterion is not applicable.

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

Finding: Findings addressing the minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the applicable provisions of the Salem Area Comprehensive Plan for this consolidated application. 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.

Finding: Findings addressing the minor comprehensive plan map criterion SRC 64.025(e)(2)(D), included above in this report, address the conformance of the proposal with the applicable provisions of the Statewide Planning Goals for this consolidated application. The proposal satisfies this criterion.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its 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 rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

Finding: The property currently has a multiple-family comprehensive plan map designation, which is not an industrial, commercial or employment designation. The proposal does not include a change from an industrial, commercial, or employment designation to a non-industrial, commercial, or employment designation; therefore, this criterion is not applicable.

(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: As demonstrated by the TPR analysis, the proposed zone change will not significantly affect a transportation facility. The proposal satisfies this criterion.

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included above in this report, address the public facilities and services available to support industrial uses allowed on the subject property as a result of the proposed zone change. The proposal satisfies this criterion.

CONCLUSION

Based on the facts and findings presented herein, Staff concludes the proposed Minor Comprehensive Plan Map Amendment and Zone Change, for the subject properties located 650 15th Street SE (Marion County Assessor's Map and Tax Lot Numbers: 073W26CD / 4900; 4800) satisfy the applicable criteria contained under SRC 64.025(e)(2) and SRC 265.005(e)(1) for approval.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE** the following actions for the subject properties located at 650 15th Street SE (Marion County Assessor's Map and Tax Lot Numbers: 073W26CD / 4900; 4800)

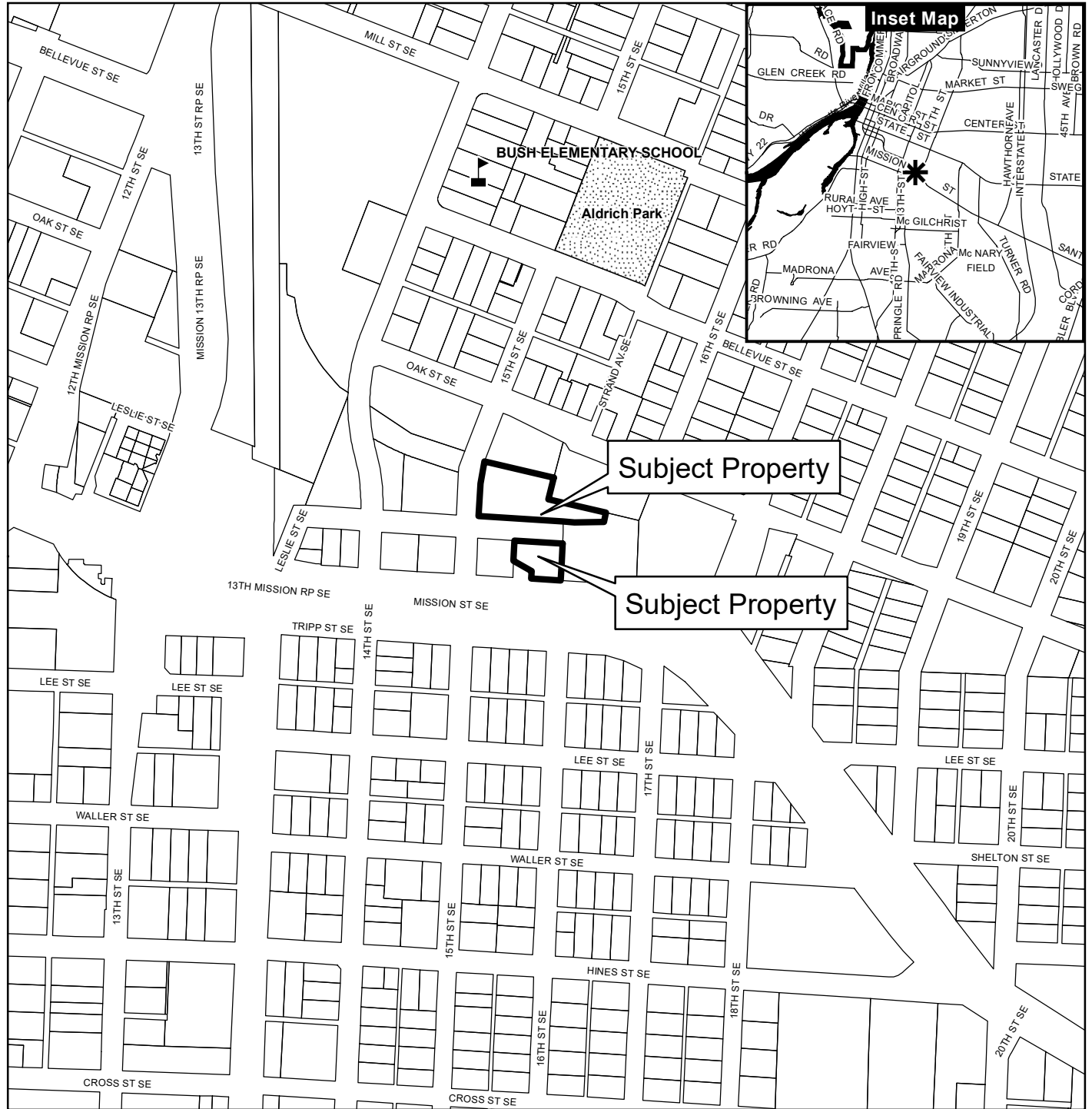
- A. APPROVE Minor Comprehensive Plan Map Amendment from "Multiple-Family Residential" to "Industrial"; and
- B. APPROVE Zone Change from RM-II (Multiple-Family Residential II) to IG (General Industrial)

Attachments:








- A. Vicinity Map, Comprehensive Plan Map and Zoning Map
- B. Open House Materials
- C. Development Services Memo

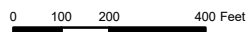
Prepared by Peter Domine, Planner II

Vicinity Map 650 15th Street SE



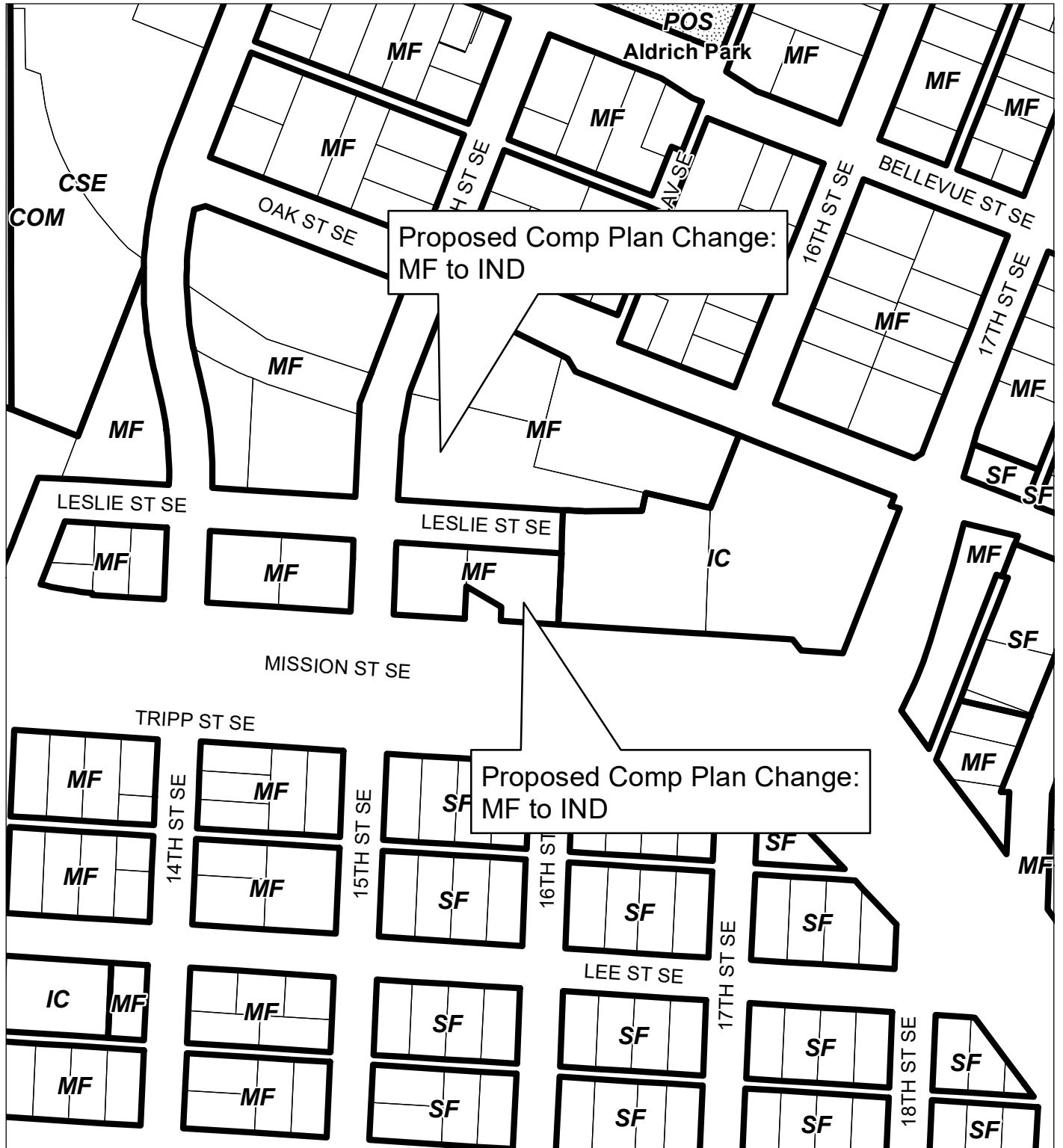
Legend

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



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Proposed Comprehensive Plan Change 650 15th Street SE



Legend

- SF Comprehensive Plan
- Urban Growth Boundary
- Outside Salem City Limits
- Taxlots
- Parks
- 🏫 Schools

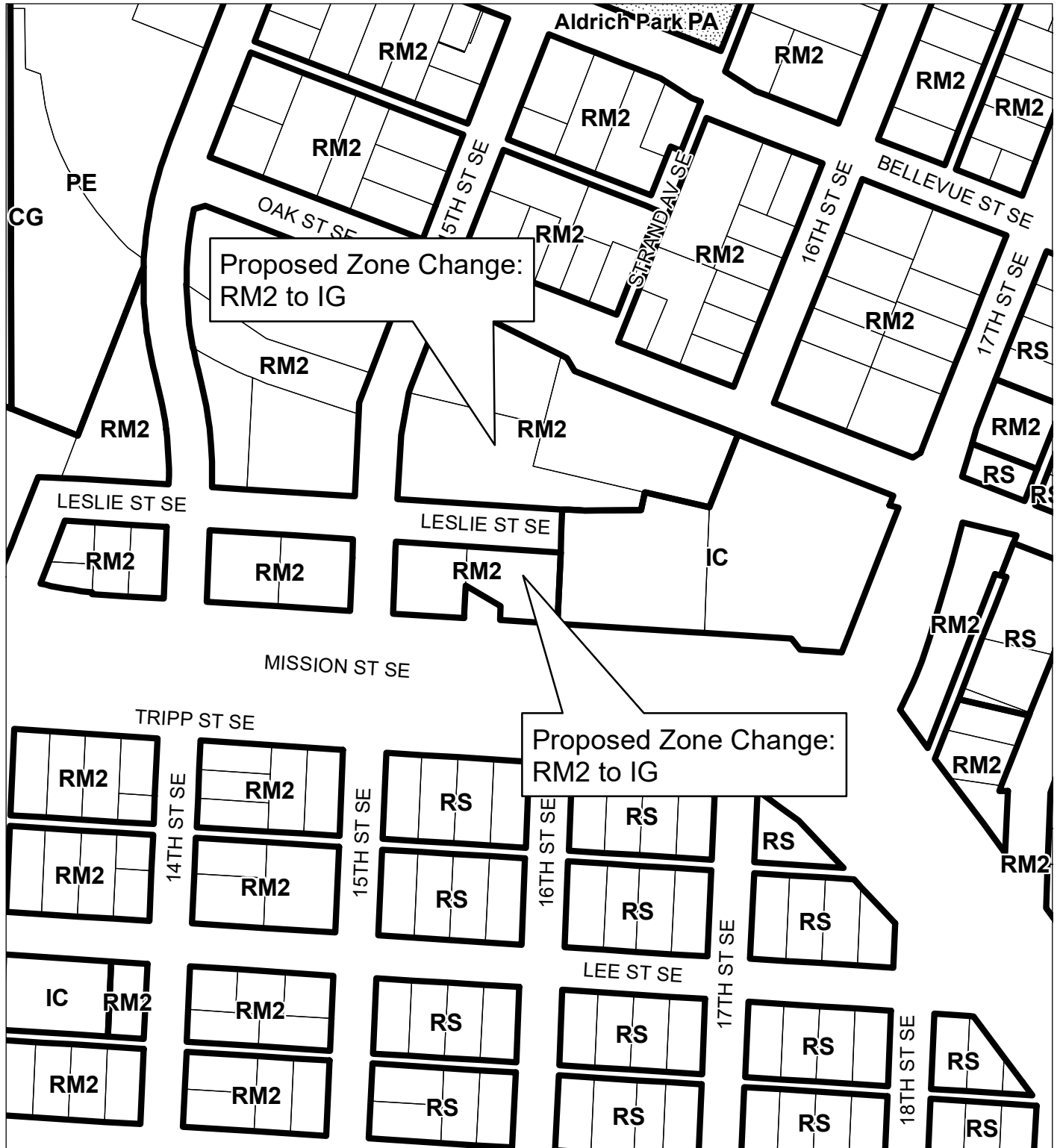
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CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

Proposed Zone Change 650 15th Street SE



Legend

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

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

Notice of an Open House

To discuss the following land use applications for 650 15th Street SE, Salem, OR:

1. Comprehensive Plan Amendment; and
2. Zone Change from RM-II to IC

Meeting Location:

Capital Park Wesleyan Church

410 19th Street Southeast, Salem, OR, 97301

Meeting Date and Time:

Tuesday, September 26, 2023, at 7:00 PM PST

For additional information please contact BRAND Land Use, LLC

503-509-4275 or Lindsey@brandlanduse.com



MEMO

TO: Peter Domine, Planner II
Community Planning and Development Department

FROM: Laurel Christian, Infrastructure Planner II
Community Planning and Development Department

DATE: February 15, 2024

SUBJECT: **Infrastructure Memo**
CPC-ZC24-01 (23-122305-PLN)
650 15th Street SE
Comprehensive Plan Change / Zone Change

PROPOSAL

A consolidated Minor Comprehensive Plan Map Amendment from "Multiple Family Residential" to "Industrial" and Zone Change from RM-II (Multiple Family Residential II) to IG (General Industrial) for two properties approximately 0.99 acres in size and located 650 15th Street SE (Marion County Assessor Map and Tax Lot Numbers: 073W26CD / 4900; 4800).

SUMMARY OF FINDINGS

The proposed development meets applicable criteria related to public 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 CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060.

Urban Growth Area Development Permit - The subject property is located inside the Urban Service Area and adequate facilities are available. No UGA permit is required.

Streets

1. 15th Street SE

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions—This street is an undeveloped 60-foot-wide right-of-way abutting the subject properties.
2. Leslie Street SE
- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street classification is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
 - b. Existing Conditions— This street is an undeveloped 60-foot-wide right-of-way abutting the subject properties.

Storm Drainage

1. Existing Conditions
 - a. A 20-inch storm main is located in 15th Street SE.

Water

1. Existing Conditions
 - a. The subject property is located in the G-0 water service level.
 - b. A 6-inch water main is located in 15th Street SE. Mains of this size generally convey flows of 300 to 600 gallons per minute.

Sanitary Sewer

1. Existing Conditions
 - a. An 8-inch sewer main is located at the intersection of 15th Street SE and Oak Street SE, approximately 160-feet north of the subject property.

Natural Resources

1. Wetlands—The Salem-Keizer Local Wetland Inventory (LWI) shows that there are hydric soils and/or linear wetland area(s) mapped on the property. Pringle Creek runs along the southern property boundary.
2. Floodplain—An existing floodway is located on the subject property as designated

on the Federal Emergency Management Agency (FEMA) floodplain maps. Development within the floodplain requires a floodplain development permit and is subject to the requirements of SRC Chapter 601.

3. Landslide Hazards—City records show there may be category 2 landslide hazard areas mapped on the subject property.

CRITERIA AND FINDINGS

Criteria: SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

Finding: The applicant has submitted a Transportation Planning Rule (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 impact on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis and findings.

Criteria: SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding: There are public water and stormwater mains abutting the development site which are available to serve existing and future uses on the subject property. There are no public sewer mains abutting the subject property. The nearest public sanitary sewer main is located at the intersection of 15th Street SE and Oak Street SE, approximately 160-feet north of the subject property. The subject property is capable of being served through extension of public sewer from the intersection of 15th Street SE and Oak Street SE to the boundary of the property as specified in existing infrastructure master plans.

The subject property abuts two existing undeveloped public rights-of-way, 15th Street SE and Leslie Street SE. Boundary Street improvements to these undeveloped rights-of-way may be required under SRC Chapter 803 at time of development.

The subject properties are capable of being served with necessary public facilities to support the uses allowed by the proposed zone; site-specific street and infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Laurel Christian, Infrastructure Planner II
cc: File