



Oregon
Theodore R. Kulongoski, Governor

Department of Land Conservation and Development

635 Capitol Street, Suite 150

Salem, OR 97301-2540

(503) 373-0050

Fax (503) 378-5518

www.lcd.state.or.us



NOTICE OF ADOPTED AMENDMENT

01/16/2013

TO: Subscribers to Notice of Adopted Plan
or Land Use Regulation Amendments

FROM: Plan Amendment Program Specialist

SUBJECT: City of Salem Plan Amendment
DLCD File Number 013-12

The Department of Land Conservation and Development (DLCD) received the attached notice of adoption. Due to the size of amended material submitted, a complete copy has not been attached. A Copy of the adopted plan amendment is available for review at the DLCD office in Salem and the local government office.

Appeal Procedures*

DLCD ACKNOWLEDGMENT or DEADLINE TO APPEAL: Friday, February 01, 2013

This amendment was submitted to DLCD for review prior to adoption pursuant to ORS 197.830(2)(b) only persons who participated in the local government proceedings leading to adoption of the amendment are eligible to appeal this decision to the Land Use Board of Appeals (LUBA).

If you wish to appeal, you must file a notice of intent to appeal with the Land Use Board of Appeals (LUBA) no later than 21 days from the date the decision was mailed to you by the local government. If you have questions, check with the local government to determine the appeal deadline. Copies of the notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR Chapter 661, Division 10). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

***NOTE:** The Acknowledgment or Appeal Deadline is based upon the date the decision was mailed by local government. A decision may have been mailed to you on a different date than it was mailed to DLCD. As a result, your appeal deadline may be earlier than the above date specified. **NO LUBA Notification to the jurisdiction of an appeal by the deadline, this Plan Amendment is acknowledged.**

Cc: Bryan Colbourne, City of Salem
Gordon Howard, DLCD Urban Planning Specialist
Angela Lazarean, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst
Gary Fish, DLCD Transportation Planner

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FORM

2

DLCD

Notice of Adoption

This Form 2 must be mailed to DLCD within **5-Working Days after the Final Ordinance is signed** by the public Official Designated by the jurisdiction and all other requirements of ORS 197.615 and OAR 660-018-000

☐ In person ☐ electronically ☐ mailed

SHUTTLE

DEPT OF

JAN 11 2013

LAND CONSERVATION AND DEVELOPMENT

DATE STAMP

For Office Use Only

Jurisdiction: **City of Salem**Local file number: **CPC-ZC-PAR12-08**Date of Adoption: **1/8/2013**Date Mailed: **1/10/2013**Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 10/31/2012☐ Comprehensive Plan Text Amendment☒ Comprehensive Plan Map Amendment☐ Land Use Regulation Amendment☒ Zoning Map Amendment☐ New Land Use Regulation☐ Other:

Summarize the adopted amendment. Do not use technical terms. Do not write "See Attached".

To change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and Multi-Family Residential and change the zone district from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) on property 45.42 acres in size, and located at the northwest corner of the intersection of Highway 22 & Cordon Road - 97317 (Marion County Assessor Map and Tax Lot numbers: 082W05 100,200,400,401,500.

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **Industrial**to: **Ind. Commercial & Multi-Family Res.**Zone Map Changed from: **IBC & IP**to: **IC & RM2**Location: **NW Corner of Hwy 22 & Cordon Rd SE**Acres Involved: **45**Specify Density: Previous: **NA**

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
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Was an Exception Adopted? ☐ YES ☒ NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

☒ Yes ☐ No

If no, do the statewide planning goals apply?

☐ Yes ☐ No

If no, did Emergency Circumstances require immediate adoption?

☐ Yes ☐ No

DLCD file No. 013-12 (19572) [17313]

Please list all affected State or Federal Agencies, Local Governments or Special Districts:

Local Contact: **Bryan Colbourne, Planner III**

Phone: (503) 540-2363 Extension:

Address: **555 Liberty St SE, Rm 305**

Fax Number: **503-588-6005**

City: **Salem**

Zip: **97301-**

E-mail Address: **bcolbourne@cityofsalem.net**

ADOPTION SUBMITTAL REQUIREMENTS

This Form 2 must be received by DLCD no later than 5 working days after the ordinance has been signed by the public official designated by the jurisdiction to sign the approved ordinance(s)
per ORS 197.615 and OAR Chapter 660, Division 18

1. This Form 2 must be submitted by local jurisdictions only (not by applicant).
2. When submitting the adopted amendment, please print a completed copy of Form 2 on light green paper if available.
3. Send this Form 2 and one complete paper copy (documents and maps) of the adopted amendment to the address below.
4. Submittal of this Notice of Adoption must include the final signed ordinance(s), all supporting finding(s), exhibit(s) and any other supplementary information (ORS 197.615).
5. Deadline to appeals to LUBA is calculated **twenty-one (21) days** from the receipt (postmark date) by DLCD of the adoption (ORS 197.830 to 197.845).
6. In addition to sending the Form 2 - Notice of Adoption to DLCD, please also remember to notify persons who participated in the local hearing and requested notice of the final decision. (ORS 197.615).
7. Submit **one complete paper copy** via United States Postal Service, Common Carrier or Hand Carried to the DLCD Salem Office and stamped with the incoming date stamp.
8. Please mail the adopted amendment packet to:

**ATTENTION: PLAN AMENDMENT SPECIALIST
DEPARTMENT OF LAND CONSERVATION AND DEVELOPMENT
635 CAPITOL STREET NE, SUITE 150
SALEM, OREGON 97301-2540**

9. **Need More Copies?** Please print forms on 8½ -1/2x11 green paper only if available. If you have any questions or would like assistance, please contact your DLCD regional representative or contact the DLCD Salem Office at (503) 373-0050 x238 or e-mail plan.amendments@state.or.us.

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE/ PARTITION CASE NO. CPC-ZC-PAR12-08

APPLICATION NOS. : 12-112922-ZO (Comprehensive Plan Change/Zone Change) & 12-112924-LD (Partition)

NOTICE OF DECISION DATE: January 10, 2013

REQUEST: A consolidated application to change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and Multi-Family Residential and change the zone district from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) and a 3-parcel partition on property 45.42 acres in size, and located at the northwest corner of the intersection of Highway 22 & Cordon Road SE - 97317 (Marion County Assessor's Map and Tax Lot numbers: 082W05 100, 200, 400, 401, & 500).

APPLICANT: JB AND B INVESTMENT GROUP LLC and
COLSON & COLSON CONSTRUCTION

LOCATION: NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY 22
& CORDON ROAD SE

CRITERIA: Salem Revised Code Chapters 63, 64 & 113

FINDINGS: The Planning Commission adopted the Facts and Findings in the staff report dated December 18, 2012.

DECISION: The Planning Commission **GRANTED** Comprehensive Plan Change/Zone Change/Partition CPC-ZC-PAR12-08 subject to the following amended conditions of approval:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Industrial" to "Industrial Commercial" and "Multi-Family Residential" be GRANTED.
- B. That the zone change request for the subject property from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) be GRANTED subject to the following conditions of approval:

Conditions 1 through 4 and 2 are conditions of development:

Condition 1. Dedicate land for right-of-way and construct local streets within the subject property to provide connectivity between Cordon Road, Old Macleay Road, Seattle Slew Drive, and Clydesdale Drive. Final street configurations shall be established at the time of Site Plan Review for each parcel.

Condition 2. Traffic impacts from future development on the subject property shall be limited to

a maximum of 16,654 average daily trips generated by the proposed use or uses.

Condition 3. ~~On the IC-zoned portion of the subject property, future land uses shall be limited to the uses identified in Exhibit 1.~~

Condition 4. ~~On the IC-zoned portion of the subject property, all future uses and development shall be required to adhere to the development standards identified in Exhibit 2.~~

C. That the requested 3-parcel partition be GRANTED subject to the following conditions of approval:

Conditions 5 through 9 shall be completed prior to final plat approval:

Condition 5. Consistent with the Preliminary Declaration for Urban Growth Area Development Permit 12-01, design all utilities (sewer, water, and storm drainage) to serve each parcel in compliance with PWDS with sufficient detail to determine points of disposal, required easements, and adequate assurances per ORS 92.090. Show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.

Condition 6. Design and construct the proposed extension of Gaffin Road SE as a local street through the subject property as shown on the applicant's Partition Plan.

Condition 7. Provide a pedestrian route through rights-of-way or access easements consistent with City Street Design Standards from the RM2-zoned portion of the subject property to Miller Elementary School at 1650 46th Place SE.

Condition 8. Provide a hydraulic analysis of the West Middle Fork Little Pudding River within the subject property to determine the 100-year water surface elevations and floodway boundary. Dedicate a drainage easement of a width that is the greatest of the following: the 100-year floodway; 15 feet from waterway centerline; or 10-feet from top of recognizable bank.

Condition 9. Provide a wetland determination and designate the wetland area on the final plat.

VOTE:

Yes 5 No 0 Absent 1 (Fry) Abstained 1 (Goss)



Jim Lewis, President, Salem Planning Commission

The rights granted by the attached for the **Partition** decision must be exercised by January 26, 2015, or this approval shall be null and void.

A copy of the decision is attached.

Application Deemed Complete: November 28, 2012

Public Hearing Date: December 18, 2012

Notice of Decision Mailing Date: January 10, 2013

Decision Effective Date: January 26, 2013


Case Manager: Bryan Colbourne, 503-540-2363, bcolbourne@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., January 25, 2013**. Any person who presented evidence or testimony at the hearing may appeal the decision. The appeal must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapters 63, 64 and 113. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

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TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Bryan Colbourne, Planner III

HEARING DATE: December 18, 2012

APPLICATION: Comprehensive Plan Change/Zone Change/Partition 12-08

LOCATION: Northwest corner of the intersection of Highway 22 & Cordon Road

SIZE: (Total Subject Property) 45.42 acres
(Area Subject to Re-zone) 45.42 acres
(Area Subject to Partition) 23.52 acres

REQUEST: A consolidated application to change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and Multi-Family Residential and change the zone district from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) and a 3-parcel partition on property 45.42 acres in size, and located at the northwest corner of the intersection of Highway 22 & Cordon Road - 97317 (Marion County Assessor's Map and Tax Lot numbers: 082W05 100, 200, 400, 401, & 500).

APPLICANT: JB and B Investment Group LLC & Colson and Colson Construction
Mark Grenz, Representative

APPROVAL CRITERIA: Comprehensive Plan Map Amendment: Salem Revised Code, Chapter 64
Zone Map Amendment: Salem Revised Code, Chapter 113
Partition: Salem Revised Code, Chapter 63

RECOMMENDATION: APPROVE subject to the following conditions:

Conditions 1 through 4 are conditions of development:

- Condition 1. Dedicate land for right-of-way and construct local streets within the subject property to provide connectivity between Cordon Road, Old Macleay Road, Seattle Slew Drive, and Clydesdale Drive. Final street configurations shall be established at the time of Site Plan Review for each parcel.
- Condition 2. Traffic impacts from future development on the subject property shall be limited to a maximum of 16,654 average daily trips generated by the proposed use or uses.

- Condition 3. On the IC-zoned portion of the subject property, future land uses shall be limited to the uses identified in Exhibit 1.
- Condition 4. On the IC-zoned portion of the subject property, all future uses and development shall be required to adhere to the development standards identified in Exhibit 2.

Conditions 5 through 9 shall be completed prior to final plat approval:

- Condition 5. Consistent with the Preliminary Declaration for Urban Growth Area Development Permit 12-01, design all utilities (sewer, water, and storm drainage) to serve each parcel in compliance with PWDS with sufficient detail to determine points of disposal, required easements, and adequate assurances per ORS 92.090. Show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.
- Condition 6. Design and construct the proposed extension of Gaffin Road SE as a local street through the subject property as shown on the applicant's Partition Plan.
- Condition 7. Provide a pedestrian route through rights-of-way or access easements consistent with City Street Design Standards from the RM2-zoned portion of the subject property to Miller Elementary School at 1650 46th Place SE.
- Condition 8. Provide a hydraulic analysis of the West Middle Fork Little Pudding River within the subject property to determine the 100-year water surface elevations and floodway boundary. Dedicate a drainage easement of a width that is the greatest of the following: the 100-year floodway; 15 feet from waterway centerline; or 10-feet from top of recognizable bank.
- Condition 9. Provide a wetland determination and designate the wetland area on the final plat.

APPLICATION PROCESSING

Subject Application

On August 13, 2012, Mark Grenz, on behalf of the applicant, JB & B Investment Group, filed an application for a consolidated Comprehensive Plan Change, Zone Change, and Partition on the subject property. After additional information was submitted, the application was deemed complete for processing on October 29, 2012. The public hearing for the application is scheduled for December 18, 2012.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes (ORS) 227.178). The 120-day rule does, however, apply to the partition and zone change portions of a consolidated application. The applicant submitted a waiver of the 120-day rule for the partition and zone change requests, pursuant to ORS 227.178(10). Therefore, the 120-day local processing deadline does not apply to this application.

Public Notice

1. Notice was mailed to property owners within 250 feet of the subject property on November 28, 2012 (Attachment 1).

2. The property was posted in accordance with the posting provision outlined in SRC 300.620.
3. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 45-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on October 29, 2012.

BACKGROUND INFORMATION

The subject property was designated Industrial in the 1980s as part of the "Project 90" Community Planning Process. Project 90 designated industrial corridors throughout the City for future uses such as high-technology electronics manufacturing. Although the subject property has now been reserved for industrial use for nearly thirty years, it has never developed for that purpose.

In March 2012 the applicant met with City Staff to discuss the possibility of rezoning the site to Industrial Commercial and Multiple Family Residential. On July 3, 2012, Urban Growth Area Development Permit 12-01 was approved for the property. UGA 12-01 outlines the needed facilities and improvements to develop the site.

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from "Industrial" to "Industrial Commercial" and "Multi-Family Residential" and the zone district from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential). In addition, the applicant requests a 3-parcel partition of Taxlot 100 (See Maps included in Attachment 1).

Neighborhood Association Comments

SRC 300.620(b)(2)(B)(iii) requires public notice be sent to "any City-recognized neighborhood association whose boundaries include, or are adjacent to, the subject property." The subject property is within the South East Mill Creek (SEMCA) Neighborhood Association. At the time of writing this staff report, no comments have been received from the neighborhood association.

Public Comments

At the time of writing this staff report, no comments have been received from adjoining property owners, or citizens at large.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (see Attachment 4). Public Works Department Staff reviewed the Transportation Planning Rule Analysis (TPR), dated October 11, 2012, that was submitted by the applicant and agree with the findings of the TPR that a "trip-cap" of 16,654 average daily trips should be imposed.

Police Department – The Police Department reviewed the proposal and indicated that they have no comments.

Community Development (Building and Safety Division) – The Building and Safety Division of the Community Development Department, reviewed the proposal and indicated they have no comments.

Fire Department – The Fire Department reviewed the proposal and indicated they have no comments.

Public and Private Agency Comments

Salem-Keizer Public Schools – The Salem-Keizer School District reviewed the proposal and submitted comments, which are included as Attachment 5. The comments state that the subject property is served by Miller Elementary, Houck Middle, and North Salem High Schools. The comments also state that there is sufficient capacity at all three assigned schools for the proposal and that the students residing at the future development at the site would be eligible for school transportation services.

The School District comments also state that the “developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development. . .”

Staff Response: In order to provide pedestrian access from the future multiple family residential development to area schools, staff recommends the following condition, to be completed prior to final plat approval, which will provide a safe pedestrian access to the public sidewalk system west of the site, and to Miller Elementary School:

Condition 7. Provide a pedestrian route through rights-of-way or access easements consistent with City Street Design Standards from the RM2-zoned portion of the subject property to Miller Elementary School at 1650 46th Place SE.

Marion County – Marion County reviewed the proposal and submitted comments, which are included as Attachment 6. The County expresses concern about “. . . the impact that development of this property will have on the function and viability of Cordon Road as a critical regional circumferential route with a future interchange.” In summary, the County supports the future development of an interchange between Cordon Road and Highway 22 (North Santiam Highway), and recommends that no new direct access to Cordon Road be allowed, even access in the form a fourth leg of the Gaffin / Cordon intersection, as proposed by the applicant. The County is concerned that creating a four way signalized intersection at Gaffin / Cordon will diminish the functionality of that future interchange, which would be located less than half a mile to the south.

Staff Response: The City acknowledges Marion County's concerns about how the proposal may affect Cordon Road. Maintaining the integrity of the Cordon Road's “parkway” status is also of great importance to the City of Salem. As part of the applicant's development plan, the only access to Cordon Road will be located opposite the existing intersection of Gaffin Road and will be signalized in the future to provide the maximum safety for vehicles using both the existing Gaffin Road as well as the new connection to the northwest. There are no new intersections being proposed.

Additionally, Condition 1 requires a public street connection to the northeast to connect back to Old Macleay Road at time of development. When this connection is made, the City will require the closure of the intersection of Old Macleay Road with Cordon Road to help improve the intersection spacing and eliminate local trips from using Cordon Road.

The City of Salem supports the construction of the interchange at Cordon Road and the North Santiam Highway, and understand the ramp terminal locations will likely be signalized. The City also recognizes the importance of the signal spacing and the ability to maintain progression along the corridor. The existing intersections and the future ramp terminal locations are already fixed due to existing development patterns. The spacing between Macleay Road, Gaffin Road, and the Ramp Terminals is approximately 1,300 feet, 1,400 feet and 800 feet respectively. This spacing in conjunction with a fiber optic interconnect and adaptive signal timing should yield adequate traffic progression.

As development is proposed on these sites, the County will receive notice of the Site Plan Review process and will be involved in the review of any Traffic Impact Analyses that may be required.

Salem Area Mass Transit District (Cherriots) – Salem Transit reviewed the proposal and indicated no concerns.

State of Oregon, Department of Land Conservation and Development (DLCD) – DLCD was notified of the proposal and submitted comments, which are included as Attachment 7. In summary, DLCD states that the proposal does not comply with Statewide Planning Goal 9 (Economic Development) or its implementing rule (OAR 660-009-0019(4)) because it changes more than two acres of industrial land to a non-industrial designation without supporting studies or other factual information demonstrating that the change is consistent with the Salem Area Comprehensive Plan. DLCD does not take issue with the change from “Industrial” to “Industrial Commercial”, but is concerned that the conversion of 10 acres from “Industrial” to “Multi-Family Residential” will result in a deficit of employment land, as required under Goal 9.

Staff Response: A regional Economic Opportunities Analysis (EOA) and regional Housing Needs Analysis (HNA) were completed in 2011 for the region. Although these two studies have not yet been adopted by the City of Salem, the 2011 regional EOA demonstrates a surplus of industrial land and a need for commercial land in Salem. Similarly, the 2011 regional HNA demonstrates a lack of land designated for multiple family residential uses. The findings of both of these studies support Staff’s recommendation to approve of the subject application.

City Staff recently met with representatives of DLCD regarding the steps needed in order to adopt the Economic Opportunities Analysis and Housing Needs Analysis and fully comply with Goal 9 requirements. City Staff will continue to coordinate with DLCD on this matter.

Portland General Electric (PGE) – PGE reviewed the proposal and submitted the following comments:

PGE has not received any plans for a development yet. Development cost per current tariff and service requirements. 10 foot PUE required on all front street lots.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan Map designates the subject property as “Industrial”. The Comprehensive Plan designation of all surrounding properties are as follows:

Northeast: Across Old Macleay Road SE – “Industrial Commercial”

Northwest: “Industrial”, “Multi-Family Residential”, “Single Family Residential”, and “Developing Residential”

Southwest: Across Highway 22 – “Multi-Family Residential”

Southeast: Across Cordon Road SE – Outside City Limits

Neighborhood Plan: The property is located within the boundaries of the Southeast Mill Creek Neighborhood Association (SEMCA). SEMCA does not have a neighborhood plan.

Applicable Detail Plans

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function.

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. The subject property is located on Cordon Road SE, Macleay Road SE, Old Macleay Road SE, and two county roads (Seattle

Slew and Clydesdale Drives) stubbed at the northwest side of the property. At this location, Cordon Road SE is designated a 'Parkway', Macleay Road SE is designated a 'Minor Arterial', and Old Macleay Road SE, Seattle Slew and Clydesdale Drives are designated a 'Local' streets.

Zoning

The subject property is currently zoned IBC (Industrial Business Campus). Zoning of surrounding properties includes:

Northeast: Across Old Macleay Road SE – IC (Industrial Commercial)

Northwest: RA (Residential Agriculture), RM2 (Multiple Family Residential), and RS (Single Family Residential)

Southwest: Across Highway 22 – RA (Residential Agriculture) and RM2 (Multiple Family Residential)

Southeast: Across Cordon Road SE – Outside City Limits

Existing Site Conditions

The subject property is a relatively flat site, and consists of five lots totaling approximately 45.42 acres in size. The property has street frontage on Old Macleay Road SE to the east, Cordon Road to the south, and Hwy 22 to the west of the site. The West Middle Fork of the Little Pudding River runs through the property in a north-south direction.

The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. Compliance with the tree preservation requirements of SRC Chapter 68 (Preservation of Trees and Vegetation) and SRC Chapter 132 (Landscaping) is required. The applicant has provided an Exhibit M form with the Partition application that identifies a total of 27 trees (10-inch dba [diameter at breast height] or greater) on taxlot 100 (northeast parcel), with 22 trees proposed for removal, and 5 proposed for retention. A tree plan is not required in this case because the proposal is not a land division intended for single family or duplex development. The applicant's statement indicates that there are no Heritage or Significant trees on the property.

According to the Salem Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the subject property. Pursuant to SRC Chapter 126, the City sent a Wetland Land Use Notification to the Oregon Department of State Lands (DSL) on September 13, 2012, notifying DSL of this application. DSL will determine whether further permits or approvals are required and work directly with the property owner. The applicant has hired a professional to do a wetlands study on the site.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, no landslide hazards exist on the subject property and no geologic assessment or geotechnical report is required for development.

Applicant Submittal Information

An application for a Minor Comprehensive Plan Change must include a thorough statement addressing the approval criteria. Similarly, requests for a zone change must be supported by proof that it conforms to all applicable criteria imposed by the Salem Revised Code. The applicant submitted such statements and proof, which are included in their entirety as Attachment 2 to this staff report. Staff utilized the information from the applicant's statements to evaluate the applicant's proposal and to compose the facts and findings within the staff report.

FINDINGS APPLYING THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A COMPREHENSIVE PLAN AMENDMENT

Salem Revised Code (SRC) Section 64.040(g) defines a minor plan change as a single proceeding for amendment to the Comprehensive Plan affecting less than five (5) privately and separately owned tax lots. This request is a Category 4 minor plan change, which is a quasi-judicial act. The burden of proof in meeting the approval criteria rests with the proponent of the change (SRC 64.090(a)). Salem Revised Code Section 64.090(b) establishes the approval criteria for Comprehensive Plan Map amendments. In order to approve a quasi-judicial Plan Map amendment request, the decision-making authority shall make findings of fact based on evidence provided by the applicant that demonstrates satisfaction of all of the applicable criteria. The applicable criteria are shown below in **bold print**. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 2).

Criterion 1: Lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of the alternative sites are limited to one or both of the following:

- (A) **Size: Suitability of the size of the alternative sites to accommodate the proposed use;**
or
- (B) **Location: Suitability of the location of the alternative sites to permit the proposed use;**
or

Criterion 2: A major change in circumstances affecting a significant number of properties within the vicinity. Such change is defined to include and be limited to one or both of the following:

- (A) **The construction of a major capital improvement (e.g., an arterial or major collector, a regional shopping center, etc.) which was unanticipated when the Salem Area Comprehensive Plan or elements of the Comprehensive Plan were adopted or last amended; or**
- (B) **Previously approved plan amendments for properties in an area that have changed the character of the area to the extent that the existing designations for other properties in the area are no longer appropriate.**

The proposal must satisfy either Criterion 1A or 1B, or 2A or 2B. The applicant has chosen to address 1A and 1B.

Applicant's Statement: The site was chosen due to its size, location, existing level of development and access to major streets. In order to address these criteria, a vicinity for determining "suitable alternative sites" is necessary. Therefore, the vicinity has been determined to be within a specific triangle bounded by Interstate Highway 22, Lancaster Drive, and Cordon Road as shown.

Size: There is a lack of appropriately designated sites within this vicinity in the 45 acre range. There are no areas of IC zoning in the vicinity. There are no parcels the size of the subject property already zoned IC within the vicinity of the subject property. There are several large parcels within the vicinity that are zoned RM2. However, they are all fully developed. Therefore, there is no IC or vacant RM2 zoned properties within the vicinity.

The Salem-Keizer Metropolitan area Regional Economic Opportunities Analysis (EOA) report of May 2011 is the most recent updated land use study available that contains industrial and commercial land uses inventories. The EOA presents data for national, state, regional and local employment trends. The EOA reports that the national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services to increase. The state trends

follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase.

The EOA reports:

The EOA identified a deficit of general commercial land that must be addressed through local planning processes. Options for addressing the general commercial land deficit include accommodating general commercial demand within the existing UGB include through tools such as re-designation of industrial or other lands, redevelopment of sites with existing but low-density commercial development, mixed-use development, or infill of underused commercial sites. Jurisdictions are required to consider these options prior to considering an expansion of their UGB to meet these land deficiencies.

The applicant's proposal is to rezone the subject properties to IC and RM2. The rezoning will help to meet the needs of the City of Salem and the EOA. The IC zone is a zone that allows a broad range of uses. The IC zone can accommodate the needed commercial uses and the needed industrial uses within the city of Salem.

The applicant's proposal is to rezone the northern portion of Tax Lot 100 from IBC to RM2 to allow a higher density to be built on the site. According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 3,283 dwelling units and a deficit of 228 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The Mill Creek Industrial Employment Center that was created in 2005 is located to the southwest of the site. This site was created to transform 828-acres of undeveloped property owned by the State of Oregon into industrial land to meet regional needs. The Mill Creek site has established several large commercial/industrial uses on the property. This site makes up for the loss of the IBC zoning on the subject property.

This proposal will allow the developers to develop the site with a mixed-use feel. Multi-family units on a portion of Tax Lot 100 and commercial uses through the rest of the sites. Residents can live and work within their neighborhood.

According to the Comprehensive Plan and zoning maps, there are no IC zoned properties or vacant multifamily sites large enough for the project found in the vicinity of the Subject property. This is further evidence that there are no alternative sites that are appropriately designated in the vicinity of the subject property for "Industrial Commercial" or "Multi-Family Residential."

Location: The site is located at the intersection of Highway 22 and Cordon Road, near Kuebler Boulevard. Kuebler Boulevard is a major east-west link between Interstate Highway 5 and State Highway 22. The site has the advantage of high visibility to Highway 22 and Cordon Road. It is located in an area that can attract drive-by users. It has excellent access available to major roadways in the vicinity. On-site retail, service, commercial, and light industrial uses provided in this area can benefit workers and residents by reducing commuter traffic.

The location of the site provides the ability to develop industrial/commercial services because it is at a location that is very close to and accessible to the freeway and nearby residential neighborhoods in the surrounding area, including west of the freeway. At this proposed location, industrial/commercial services will be accessible from surrounding neighborhoods by multiple, alternate modes of transportation, including pedestrian, bicycle, and public transit when it becomes available. The nearest available bus routes are No. 16, on Lancaster Drive and Macleay Road, and No. 11 on Lancaster Drive.

The subject property is currently zoned IBC. The subject property has remained IBC for years, without any interest in development. The IBC zone and standards make it hard to develop or market

a site. Therefore, the applicant is requesting a change in zoning. The applicant's request will allow the developer/owner to develop the site with a boarder range of uses allowed in the IC zone. This is a proposal to create new industrial/commercial designated land, not to convert any existing industrially designated land or remove land from the industrial inventory. A portion of Tax Lot 100 will be converted to residential. However, this RM2 zoned portion will only [help contribute to] the needed housing type within the City of Salem.

There is a large IBC zoned property located to the east of the site across Old Macleay Road that will make up for the rezoning of the subject property. The vacant IBC property has not been developed as well, therefore, further justifying the need to rezone IBC property within the City limits and the subject property.

The Strategic Economic Development Corporation (SEDCOR) "Inventory of Available Industrial Land for Sale or Lease Updated December 19, 2008" lists four properties zoned IC that are for sale or lease.

Three of these properties are located on Portland Road NE and contain less than 5 acres each. One property of 12 acres is located on Fairview Industrial Drive. SEDCOR's corresponding document listing industrial buildings for sale or lease and updated as of January 5, 2009, lists six buildings for sale or lease on sites that are zoned IC. The buildings are located on Industrial Way NE, Front Street NE, Cherry Avenue NE, Portland Road NE, Fairview Industrial Drive SE and on Wilco Highway in Woodburn. None of these sites has the attributes that the subject property has, namely comparable size, direct visibility to Cordon Road, location near Kuebler Boulevard / Interstate Highway 22, and vacancy. The subject property is located in an area of the City that is expanding [and] has expanded its public facilities in order to accommodate growth.

Therefore, the subject property's location and size make it an ideal location for private "urban renewal" development as industrial/commercial and multi-family.

Access: The subject property is located along a major transportation corridor. It has frontage on Cordon Road, Old Macleay Road, and Highway 22. No direct access is available to Highway 22. However, new street improvements will facilitate access into the site. As required by Public Works, Gaffin Road will run through the subject property and be designated as a local street. The Gaffin Road extension will line up with the portion of the Gaffin Road located to the south of the subject property. New and improved access into any development on the Subject property is required to address safety, convenience, visibility grade, and other access issues.

Finding: The applicant's stated purpose for the comprehensive plan change/zone change request is to accommodate a wider range of commercial uses at the site, along with multi-family residential use. The applicant proposes an apartment complex at the site. The applicant has defined the "vicinity" for the purpose of this analysis, bounded by Highway 22 in the south, Lancaster Drive in west, Cordon Road along the east, and approximately Pennsylvania Avenue in the north. The vicinity is shown on the map on the Page 3 of the applicant's written statement. Staff finds that the vicinity is appropriate because it is functionally interconnected by the existing street system and by historical development patterns, and has logical boundaries that follow major thoroughfares. As demonstrated by the applicant, the other Industrial/Commercial and Multi-Family Residential designated properties within the vicinity are neither sized nor located appropriately to accommodate the applicant's proposed use. Staff review of this area led to the same conclusion as the applicant that there are no suitable alternative sites within the vicinity to accommodate the proposed apartment complex. This criterion has been met.

Criterion 3: The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals;

Applicant's Statement: The following Statewide Goals are reviewed as may be applicable to this proposal:

GOAL 1 – CITIZEN INVOLVEMENT

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, published in the newspaper, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission.

Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Finding: Appropriate notice was given, as outlined in this staff report, and satisfies Citizen Involvement described in Goal 1.

GOAL 2 – LAND USE PLANNING

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, the zone change considerations is part of this review.

Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change and zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

Finding: The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals.

GOAL 5 – OPEN SPACES, SCENIC AND HISTORIC AREAS, NATURAL RESOURCES

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According the City's March 23, 2012, pre-application letter, there are mapped wetlands on the subject property. The City notifies the Division of State Lands of any proposed land use activities within a wetland area. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

The City's pre-application letter indicated that there are no landslide risks on the subject property. A geological assessment is not required for this application.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions that enable him to explore potential redevelopment. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout. Supplemental photographs of the site have been included with the land use application.

Finding: Staff concurs with the applicant that there are no historic resources on the property. According to the Salem-Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the subject property. SRC Chapter 126 requires the City to send a Wetland Land Use Notification to the Oregon Department of State Lands (DSL) when a land use application or application for building permit is submitted for review. DSL will then determine whether further permits or approvals are required and work directly with the property owner.

The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. Compliance with the tree preservation requirements of SRC Chapter 68 (Preservation of Trees and Vegetation) and SRC Chapter 132 (Landscaping) is required. There is a riparian corridor on the subject property. Trees within this riparian corridor must be protected, pursuant to SRC Chapter 68.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, no landslide hazards exist on the subject property and no geologic assessment or geotechnical report is required for development.

The applicant has adequately demonstrated that the site can be developed for uses consistent with the Industrial Commercial designation while still adequately preserving the natural resources. The proposed plan map change is consistent with Goal 5.

GOAL 6 – WATER AND LAND RESOURCES QUALITY

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water, sewer and storm drainage will be supplied to the site via their March 23, 2012, pre-application conference letter to the applicant. The City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality prior to release. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Highway 22 and Cordon Road. These are the major traffic routes in the area. Cordon Road is designated as a Parkway in the Salem Transportation System Plan (STSP), and as such is defined to carry 30,000 to 60,000 vehicles per day. Highway 22 is a Freeway, with a design capacity of 50,000+ vehicles per day. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposal itself will not create a significant air quality impact because no development is planned at the present time. Also, part of the traffic generated by commercial uses on the site will be in place of traffic that would otherwise have to travel to similar services located elsewhere, and at greater distance; therefore any impact to air quality is expected to be relocated and not compounded.

The site is mostly vacant. There are no identified significant natural resources on the site. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. The land is currently zoned IBC, which allows heavier impact uses than the proposed IC zone does. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Finding: Staff concurs with the applicant. The sensitive wetland areas of the site will be protected from development. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to approved standards. The proposed plan and zone change will have no significant impact on the quality of the air, water or land.

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

The City's adopted Comprehensive Plan Physical Development Goal and Policies implements the Statewide Natural Hazards Goal by identifying areas subject to natural hazards such as flooding. SRC Chapter 69 and 77 implement the Comprehensive Plan Goal and Policies. The City's March 23, 2012, Pre-application conference summary letter indicated that there are no landslide risks on the site. A Geological Assessment is not required for regulated activities. A Comprehensive Plan Change/Zone Change is not a regulated activity pursuant to SRC 69.030. However, excavation, fills, construction of any building or structure for which permits in on are required is required to first obtain a permit or approval.

SRC 69.070 specifies the type of information a geological assessment is required to contain. SRC 69.080 specifies the type of information a geotechnical report is required to contain.

Natural drainage and run off due to redevelopment are addressed by the public construction storm drainage plans and roof drains for building permits for individual structures as part of the site development process. Any new construction is subject to engineered building foundations.

Finding: No known natural hazards exist on the subject property.

GOAL 8 – RECREATONAL NEEDS

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. Salem identifies programs, activities and policies relating to parks and recreational activities in the community. The City's needs for leisure areas and open space areas have been identified in its adopted plans. At the time of development, the Cordon Road proposal will provide improved public pedestrian connections via hard-surfaced sidewalks that are planned to further the City's planned connections to identified park sites. The proposed multi-family development that will be located on the northern portion of Tax Lot 100 will provide open space for recreational use. The Park and Recreation Master Plan map shows two existing parks located to the south and southwest of the site, Cascade Gateway Park and Bill Negel Park. Therefore, the proposal complies with this Goal.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 8.

GOAL 9 – ECONOMIC DEVELOPMENT

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to "Strengthen the economic base of the Salem area . . ." The proposal meets this goal because it does not change the plan designation from an industrial use to a non-industrial use, except for the 10.37 acres of the northern portion of Tax Lot 100. The remaining 12.7 acres of the site will be designated for industrial uses permitted within the IC zone. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for commercial and industrial uses along with new opportunity for the local labor force to obtain employment. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive and returns little value to the City because of the current IBC zone. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. The site will offer economic diversification because it will provide for the expansion of new industrial/commercial enterprises and will encourage

the location of new businesses. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents.

Data required by this Goal to address the proposed change, as required by OAR 660-009-0015, is available in the Economic Opportunity Analysis (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial land within the urban area for the 20 year planning period.

The EOA indicates that an increase in availability of commercial land would help to alleviate a deficit. According to the EOA, "of the available commercial vacant inventory, only 285 acres are available in lots or parcels that are more than 2 acres in size . . . this results in a shortfall of 122 acres needed for uses that require larger sites, including office parks and neighborhood retail centers." . . . "The Services sector is expected to show the greatest growth in jobs, at an average annual rate of 2.0%."

The "Industrial Commercial" designation along with the IC zoning designation offers a broad mix of employment uses are permitted in the IC zone, including agriculture, manufacturing and production, industrial service, warehouse and freight movement, and wholesale sales. Other allowed uses include office uses, public utilities such as the transportation, sewer, water and storm water infrastructure. Therefore, this proposal complies with Goal 9.

Finding: The proposed change will allow for an increased mix of potential uses to provide a more diverse range of economic opportunities. A regional Economic Opportunities Analysis (EOA) and regional Housing Needs Analysis (HNA) were completed in 2011 for the region. Although these two studies have not yet been adopted by the City of Salem, the 2011 regional EOA demonstrates a surplus of industrial land and a need for commercial land in Salem. Similarly, the 2011 regional HNA demonstrates a lack of land designated for multiple family residential uses. The findings of both of these studies support Staff's recommendation to approve of the subject application.

City Staff recently met with representatives of DLCD regarding the steps needed in order to adopt the Economic Opportunities Analysis and Housing Needs Analysis and fully comply with Goal 9 requirements. City Staff will continue to coordinate with DLCD on this matter.

GOAL 10 – Housing

The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

The re-designation of this site does not eliminate the ability of the site to be developed as residential because single and multi-family uses are conditional uses in the IC zone. Furthermore, the northern portion of Tax Lot 100 is proposed to be rezoned from IBC to RM2 as part of this application. That 10.37 acres will be developed as a multi-family development. Therefore, adding to the housing needs of the City of Salem. The Comprehensive Plan does project a need for residential units. The applicant's proposal is to rezone the northern portion of Tax Lot 100 from IBC to RM2 to allow a higher density to be built on the site. According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 3,283 dwelling units and a deficit of 228 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

Finding: The proposed Comprehensive Plan Change and Zone Change will increase the amount of Multi-Family Residential designated land within the City, thereby assisting the City in providing for its projected housing needs. Staff concurs with applicant and finds that the proposal is consistent with Goal 10.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

The City's adopted Comprehensive Plan Growth Management, Commercial, Industrial, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public

services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools. Typically, industrial/commercial development does not add to student population. However, the northern portion of Tax Lot 100 is proposed to be rezoned as RM2 and developed as multi-family residential. Therefore, adding students to the neighborhood schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Finding: The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. The previously approved preliminary declaration of UGA development permit No. 12-01 identifies the requirements to provide the necessary public services and utilities to serve a range of uses allowed under both the existing Industrial Plan map designation and the proposed Industrial Commercial designation at this site. The proposal is consistent with this goal.

GOAL 12 – TRANSPORTATION

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The site is located at the intersection of Highway 22 / Cordon Road, near Kuebler Boulevard. Kuebler Boulevard is a major east-west link between Interstate Highway 5 and State Highway 22. The major streets are in place due to previous development.

The subject property is located along a major transportation corridor. It has frontage on Cordon Road, Old Macleay Road, and Highway 22. No direct access is available to Highway 22. However, new street improvements will facilitate access into the site. As required by Public Works, Gaffin Road will run through the subject property and be designated as a local street. The Gaffin Road extension will line up with the portion of the Gaffin Road located to the south of the subject property. New and improved access into any development on the subject property is required to address safety, convenience, visibility, grade, and other access issues.

The proposed map amendment will not significantly affect Cordon Road or Old Macleay Road as these facilities are planned with functional classifications and performance standards to accommodate

the vehicle trip generation for a designated "Parkway" and "local street". The applicant's Transportation Planning Rule analysis will address this goal because it addresses if a "significant affect" is identified and what the mitigation should be.

A TIA is being prepared for the project and will be submitted to the City of Salem when complete.

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 for a comprehensive plan change is required to submit a Transportation Planning Rule (TPR) analysis to demonstrate that their request will not have a "significant effect" on the surrounding transportation system, as defined above.

There are two methods commonly used to assure that there is no "significant affect" as a result of a comprehensive plan change. The first method is to limit the amount of anticipated traffic from future allowed uses. Under this approach, a condition of approval is typically placed on the decision, which limits development on the subject property to the same or less than anticipated amounts of traffic from allowed uses under the existing comprehensive plan map designation (a trip-cap). The second method is to mitigate transportation facilities that are significantly affected, if there is a resulting increase in possible traffic. The applicant in this case has requested use of the first method.

The applicant's TPR analysis, dated October 11, 2012 (Attachment 3) determines the number of trips that could be generated from the site under the existing comprehensive plan map designation of Industrial. The analysis recommends that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal to or less than currently could be generated by allowed uses in the Industrial designation, which the analysis estimates to be 16,654 average daily trips.

The City Traffic Engineer has reviewed the TPR Analysis that was submitted by the applicant and agrees with its findings. The proposed Comprehensive Plan Change and Zone Change will not have a "significant affect" on the transportation system as defined by OAR 660-012-0060, when conditioned to limit the vehicle trips generated by future uses at the site to a maximum of 16,654 average daily trips. Staff recommends this condition of zone change approval, as stated later in this report. The condition will mitigate the impacts of the proposal and satisfy Goal 12.

GOAL 13 – ENERGY CONSERVATION

The City's adopted Comprehensive Plan General Development, Urban Growth, Growth Management, Commercial, Industrial and Transportation Goal and Policies implements the Statewide Energy Conservation Goal by encouraging conservation practices, alternative sources of energy and efficient use of energy. The site is located within the City limits and within proximity to City facilities which can be extended to serve any new development.

Development of the vacant site continues to provide for the orderly and economic extension of public facilities and services and thus is economically provided. The existing transportation network

surrounding the subject property is in place. The transportation system provides efficient and convenient linkages for both motorized and non-motorized forms of transportation. Up-to-date building construction codes provide for energy-saving devices and conservation for any new structures. The Comprehensive plan identifies the need for public education, incentive and enforcement programs that encourage lower and alternative energy consumption costs.

The subject property is located very close to major arterial and major streets that provide direct access to Highway 22 and Kuebler Boulevard. New construction provides the opportunity to provide improved construction and building techniques which improves and conserves energy uses of the new building.

Finding: The proposal, when developed, will reduce the distances traveled by customers and potential employees by providing a new, convenient location for commercial services and employment opportunities. This will serve to reduce the energy used by area residents and is consistent with the energy conservation requirements of this Goal.

GOAL 14 – URBANIZATION

The City's adopted Comprehensive Plan Urban Growth Management Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City and UGB. The subject property is within the City and the UGB and is located in an urbanizing area of the city. The Comprehensive Plan Change/Zone Change advance the SACP by facilitating productive use of the site which is mostly underused. Since infrastructure is needed to serve development, the change in Plan designation will call for the extension of new sewer and water mains and construction of upgraded facilities. These can only happen by increasing the opportunity for development to pay for these infrastructure improvements which are appropriate for an urbanizing area.

The subject property is within a developing area of the City and outside the urban service area. UGA 12-01 identifies the needed facilities for the area. Specific development triggers specific facilities that are required to be connected to existing systems for looped service.

Finding: Staff concurs with the facts provided by the applicant. The proposal does not affect the Urban Growth Boundary and is consistent with the goal to maintain a compact and efficient urban area. This proposal complies with Goal 14.

In conclusion, considering the facts, evidence, and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

Criterion 4: The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the plan map.

Applicant's Statement: The subject property is in an area characterized by single family uses, vacant land and industrial uses. The surrounding County properties are mostly in residential or industrial uses. The character of the area is changing from rural residential to more intense urban development and will continue to do so once major public facilities are installed.

New development on the site will be according to minimum City landscaping and bufferyard standards and other improvement standards. By meeting these requirements at the development stage, the development will meet the City's adopted community development standards which are designed to make abutting land uses compatible with each other. The development of this site is subject to City codes as well as market forces which dictate an attractive, easily accessible project in order to attract both investors and customers. In addition, consistency will be achieved by new modern building facades and new landscaping that is necessary to meet the real estate demand for updated properties.

Development standards of the City further direct harmonious design with regard to the amount and direction of outdoor lighting, bufferyards, restriction of bill boards, improved access, street

improvements, paved parking lots and paved surfaces to limit dust. Transportation facilities are in place.

Finding: The land use pattern shown on the plan map for the greater area surrounding the site includes multi-family residential lands immediately to the northwest and north, and a large area of single family residential land farther to the northwest and north. The lands to the east and south east are generally designated Industrial. To the south, across Highway 22, there is a large area of Multi-family residential land.

Considering this pattern of land use in the greater area, the proposed change to Industrial Commercial will be a logical transition between the residential uses to the west and the industrial lands east of Cordon Road. The subject site is located along major thoroughfares, and the immediate area generally lacks commercial services. Regarding the proposed 10 acres of multi-family residential land, there are already several large multi-family designated properties abutting to the northwest, containing recently developed apartment complexes. More multi-family land exists farther to the north, across Macleay Road and to the south, across Highway 22. Therefore, the proposed 10 acres will be a logical extension of a well-established pattern of multi-family residential lands surrounding the subject property. Higher density residential use at this site makes sense due to the close proximity of schools and transit to the west. The proposed commercial services will complement future apartments at the site, by providing convenient services. The residential and commercial will be appropriately buffered through use of setbacks, landscaping, and screening, as required by the Salem Landscaping Code and Design Review program.

Based on these findings and the reasons provided by the applicant, above, the proposed plan map amendment to Industrial Commercial and Multi-Family Residential is consistent with the surrounding land use pattern, and is a logical and harmonious change given the surrounding mix of uses. This criterion is met.

Criterion 5: The proposed change conforms to all criteria imposed by applicable goals and policies of the Comprehensive Plan in light of its intent statements; and

Applicant's Statement: The SACP indicates that *"Some of the reasons for converting urbanizable land to urban land are to (1) provide for the orderly and economic extension of public facilities and services, (2) provide adequate land area for a variety of housing types and locations, and (3) maintain an adequate supply of serviced or serviceable undeveloped land to meet the market demand for a variety of uses."* Development of the subject property is subject to the City's Growth Management standards under Salem Revised Code Chapter 66 which identifies linking water, sewer, storm drain and park facilities needed to serve the site.

The SACP Goal for "Commercial Development" is "To maintain and promote the Salem urban area as a commercial center for the Marion-Polk".

The SACP Goal for "Industrial Development" is *"To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution."*

The SACP states that one of the intents of the "Residential Development" goals is, *"To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing."*

The proposal is to change the zoning for approximately 45.42 acres from IBC (Industrial Business Campus) & IP (Industrial Park) to RM2 (Multi-Family Residential) and IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Industrial" to "Industrial Commercial" and RM2 (Multi-Family Residential).

Therefore, the proposal complies with these "Residential", "Commercial" and "Industrial" Goals of the SACP by creating an area that promotes commercial and residential services, which strengthens the economic base by providing employment, goods and services, and a needed housing type. The

proposed re-designation and concurrent re-zoning will result in a coordinated Comprehensive Plan designation and zoning district as is required by the Plan and Code Coordination Policy. The proposal is therefore, consistent with this policy and necessary to assure conformance between the SACP and the underlying zoning district.

The General Development policies are met because the land use decision is consistent with the State Land Use Goals. The EOA provides a detailed look at economic growth areas and projects that the service sector is projected to growth. The proposal for an "Industrial Commercial" SACP designation and a concurrent IC (Industrial Commercial) zone permit uses on the subject property that will accommodate the projected fastest growing employment sector. The optimal use of the land is enhanced by siting buildings, internal transportation, and landscaping in such a way as to maximize the comfort and convenience for those working and using the subject property.

The Needed Housing Analysis provides a look at the types of needed housing within the City of Salem, to meet State wide goals. As outlined above, multi-family housing is needed. Therefore, the rezoning of a portion of the site to RM2 will help promote a higher density of housing on the site, while meeting the housing needs of the City of Salem.

The proposal meets the Economic Development Goal to strengthen the economic base of the Salem area by creating an opportunity for jobs and economic growth. This proposal will allow a development that will add to the employment opportunities of the Salem area in a sector with the highest predicted rate of growth. It is not an expansion of an existing industrial enterprise; rather it is the establishment of a commercial enterprise on a property where no industrial or commercial activity is taking place despite being within the City limits and adjacent to the freeway.

Therefore, the proposal complies with the applicable goals and policies of the Salem Area Comprehensive Plan. The Plan recognizes the need to remain responsive to changing and evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant's statements above, the proposal is consistent with the Goals and Policies of the SACP. Considering the facts, evidence and reasons presented the proposed Comprehensive Plan Map change conforms to all applicable local and Statewide Planning Goals.

Finding: Staff concurs that the proposal complies with the applicable goals and policies of the Salem Area Comprehensive Plan (SACP). The Plan recognizes the need to remain responsive to changing and evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant's statements above, the proposal is consistent with the Goals and Policies of the SACP. Considering the facts, evidence, and reasons presented, the proposed Comprehensive Plan Map change from "Industrial" to "Industrial Commercial" and "Multi-Family Residential" conforms to all applicable goals and policies of the Comprehensive Plan.

Criterion 6: The proposed change benefits the public.

Applicant's Statement: The public is benefitted by creating a well-located parcel of industrial commercial land and a residential development; it will increase the City and State tax base; it will enable the region to respond to a need for employment opportunities and family-wage jobs; will provide for a combination of uses such as light manufacturing, office, retail and service uses; will facilitate the construction of infrastructure improvements; be an attractive and efficient development; will identify and mitigate any hazards areas in reasonable and a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, access, internal circulation, public facilities, topography, drainage, and access. The developer has some leeway to address mixed uses, building placement, driveways, and parking further along at the building permit stage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular and pedestrian circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and industrial/commercial needs, and by providing a logical transition from developing uses to future employment uses, the proposed change benefits the public.

Finding: Staff concurs with the facts presented by the applicant's representative as stated above and concludes that the proposed Comprehensive Plan change satisfies this approval criterion.

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

The following analysis addresses the re-zoning of the subject property from IP (Industrial Park) and IBC (Industrial Business Campus) to IC (Industrial Commercial) and RM2 (Multi-Family Residential).

SRC Chapter 113.150 provides the criteria for approval for Zone Map amendments. In order to approve a quasi-judicial Zone Map amendment request, the administrative body shall make findings based on evidence provided by the applicant demonstrating that all the following criteria and factors are satisfied. The extent of the consideration given to the various factors set forth below will depend on the nature and circumstances of each individual case. Unless any of the factors are deemed irrelevant, something more than an unsupported conclusion is required, but the degree of detail in the treatment of relevant factors depends on the degree of proposed change or deviation, and the scale and intensity of the proposed use or development. The requisite degree of consideration is directly related to the impact of the proposal: the greater the impact of a proposal in an area, the greater is the burden on the proponent.

The applicable criteria and factors are stated below in **bold** print. Following each criterion is a response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria (Attachment 2).

Applicant's Opening Statement: The intent and purpose of a zone change is described in SRC 113.100(a). In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

The subject property is currently zoned IBC and IP but is underdeveloped, due to the zoning.

This zone change is requested in order to allow a use of the site that will expand the types of uses for which the site can be developed. The proposed IC and RM2 zones will implement the requested "Industrial Commercial" and "Multi-Family Residential" SACP map designation.

Criterion (a): The applicant for any quasi-judicial zone change . . . has the burden of proving justification for the change. The greater the impact of the proposed zone change on the area, the greater the burden of proving the justification on the proponent.

Applicant's Statement: The burden of proof for the change has been presented by the applicant in the materials submitted with the application. Provisions of public facilities linking this site to other major facilities will be identified within UGA 12-01. The applicant's TPR identifies the impact of the proposal on State land use Goal 12.

Other aspects of the proposal namely identifying and addressing specific impacts on land uses, topography, access, etc. are discussed in this report. Further compliance with City codes and applicable State requirements will occur as the development progresses towards actual construction permits, linking facilities identified by the UGA permit, etc. Therefore, this criterion is met

Criterion (b): The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the Comprehensive Plan in light of their intent

statements; those portions of adopted neighborhood plans that are part of the Comprehensive Plan; and any standards imposed by state land use law. . . .

Applicant's Statement: 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 Subject property is within the boundaries of Southeast Mill Creek Association, however, there is no adopted neighborhood plan for the area. Any proposed industrial/commercial and residential development will be reviewed for conformance with the standards of the Salem Zoning Code and Design Handbook. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan Growth Management, industrial/commercial, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: The subject property is currently vacant. The zone change will promote infill development with the development of a property that is already served by City Services and all transportation to be developed with industrial/commercial uses and a higher density of residential housing that is needed in this area.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 3,283 dwelling units and a deficit of 228 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Circulation System and Through Traffic: The subject property is located along Cordon Road, Hwy 22, and Old Macleay Road and needed improvements will be made if required. The major streets are in place due to previous development.

Alternative Housing Patterns: The properties to the north are developed as a multi-family development and single family dwellings. The property to the southwest is zoned for single family development and multi-family development. In order to provide an alternative housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing within the northern portion of Tax Lot 100.

Requests for Rezoning: The subject property is designated for an Industrial Business Campus. A zone that is not market friendly and therefore is not in demand. All public facilities and services are available to the site. The rezone to IC and RM2 will help utilize an underdeveloped property. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design and commercial standards. The applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 148 and the City of Salem Design Handbook. As required by code, the applicant will submit a Design Review and Site Plan Review application for development of the site.

The applicant has presented evidence sufficient to prove compliance with these standards. Therefore, this criterion is met.

Finding: Staff concurs. The proposed Comprehensive Plan and zone change have been shown to conform to the Salem Area Comprehensive Plan (SACP), as outlined above and earlier in this report.

Criterion (b): . . . In addition, the following factors should be evaluated by the Review Authority, and shall be addressed in the decision:

Factor 1: The existence of [a] mistake in the compilation of any map, or in the application of a land use designation to the property;

Applicant's Statement: There is no identified mistake in the compilation of the electronic or historical zoning map for this area. The issue is not whether a mistake in the map making process has been made but rather that the existing zoning does not reflect the need for IBC zoning. The need for IBC zoning no longer exists in this location and under current site conditions. The code allows for comprehensive plan and zoning modifications when a change of circumstance has occurred, and this more aptly describes the circumstances surrounding this particular case. A change in circumstances rather than mapping errors has occurred. The property has not developed as IBC, nor has there been any interest shown in developing the site within the permitted uses of the IBC zone. There is no mapping mistake identified for the subject property. Therefore, this criterion is met.

Finding: Staff has found no mistakes in the application of the Comprehensive Plan designation or zone of the subject property. This factor has been addressed and is not applicable.

Factor 2: A change in the social, economic, or demographic patterns of the neighborhood or the community;

Applicant's Statement: The economic, demographic, and social nature of this area is in the process of changing. The County and City zone maps show that changes have occurred in bringing this vicinity more to industrial, commercial, and residential. The proposed zone change fits the development pattern of the vicinity. Therefore, this criterion is met.

Finding: Since Industrial zoning was applied to the land along Cordon Road in the early 1980s, there have been a series of rezones approved for a large area immediately to the northwest of the subject property from IBC to RS and RM2. The economic pattern of the wider Salem community with regard to industrial property has been a trend toward warehouse, distribution, and flexible commercial/industrial spaces, and not the sort of manufacturing uses originally envisioned for the IBC zone. The re-designation of the subject property to IC zoning reflects this economic pattern in the Salem community. The re-designation of 10 acres to RM2 zoning will provide needed multiple family residential housing and also reflects the changing social and demographic patterns of the Salem community. This factor has been addressed.

Factor 3: A change of conditions in the character of the neighborhood;

Applicant's Statement: The character of the neighborhood in the vicinity of the subject property is changing. This is evidenced by the current land uses.

This area is a changing area with properties changing to multi-family and industrial/commercial. The IBC zone is an underutilized zone in the City of Salem. Rezoning the subject property will allow the

developer to develop the site with multi-family, commercial, and industrial uses. All of the uses are consistent with the surrounding neighborhood.

Therefore, the rezoning of the site will be consistent with the existing and future uses within this neighborhood. The residential development will be consistent with the neighborhoods, while providing a higher density of a needed housing type in the area. While providing commercial uses to service the surrounding residential areas.

The development will also meet Design Standards that are consistent with and enhance the character [of the] neighborhood.

Finding: Staff concurs that uses in the vicinity have shifted from acreage residential property to a mix of single family and multi-family residential developed at urban densities. At the same time, the land to the east and southeast has converted from State-owned institutional and agriculture use to large scale industrial use. Considering this change in conditions, reconsideration of the land use designations for the long-vacant Cordon Road industrial lands, of which this site is a part, is appropriate at this time. This factor has been addressed.

Factor 4: The effect of the proposal on the neighborhood;

Applicant's Statement: A mixed industrial/commercial [site] with a multi-family development should have a positive effect on the neighborhood by providing a logical transition from the existing and future development pattern, while recognizing the physical characteristics of the site and the necessary provision of public facilities and services. All necessary public facilities are required to be made available to the subject property, and adequate transportation facilities are already in place.

Impacts will not occur until actual development occurs and will include increased traffic from the site, visual differences due to new structures, new public facilities installation, paving and landscaping where the existing site is predominately a grassy field. An overall positive finding can be made that the effects of the proposal are appropriate considering the impact on the existing neighborhood, the physical characteristics of the site, and the availability of public facilities and services to be extended upon development.

Finally, there are no foreseeable adverse effects of the proposal to adjacent properties. The adjacent properties have public street frontage on and access to major streets. The proposal has identified changes that are likely to occur on the subject property as the result of the proposed land use changes and has identified how these changes will or will not impact the area and any appropriate mitigation. Interior site development standards are specified by code and can be met upon development. Therefore, this criterion is met.

Finding: The proposal's effects on the neighborhood will be to develop a currently vacant tract of land with commercial services and new apartment complex. New streets and traffic signal will also be added to the neighborhood. These effects have been considered and Staff generally concurs with the applicant's conclusion that the neighborhood will not be significantly changed by the proposed change in land use designation for the subject property. However, staff did review traffic impacts and the potential mix of uses allowed under the requested IC zoning and recommends several mitigating conditions, which are outlined below.

As specified in the Local Street Connectivity Element of the Salem TSP, the applicant shall be required to construct local streets within the subject property to provide connectivity between Cordon Road, Old Macleay Road, Seattle Slew Drive, and Clydesdale Drive.

Final street configuration for internal streets within the subject property and other site-specific infrastructure requirements for each parcel will be addressed in the Site Plan Review process in SRC Chapter 163. To ensure compliance with the Local Street Connectivity Element of the Salem TSP,

Staff recommends the following condition, to be completed at time of site plan review as the property develops:

- Condition 1.** Dedicate land for right-of-way and construct local streets within the subject property to provide connectivity between Cordon Road, Old Macleay Road, Seattle Slew Drive, and Clydesdale Drive. Final street configurations shall be established at the time of Site Plan Review for each parcel.

Of particular concern to Staff was the effect of increased traffic to the site and neighborhood because of the new uses permitted by the IC zone. The applicant 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 affect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings that recommend limiting the development on the 45.42 acre site to 16,654 vehicles per day. Therefore, staff recommends the following condition, based on the applicant's statement (Attachment 2) and Transportation Planning Rule (TPR) Analysis (Attachment 3):

- Condition 2.** Traffic impacts from future development on the subject property shall be limited to a maximum of 16,654 average daily trips generated by the proposed use or uses.

Staff also recommend the following two conditions, which require the proposed IC lands to adhere to the use and development standards of the draft updated IBC zone that was developed as part of the Unified Development Code (UDC) project, but is not yet adopted:

- Condition 3.** On the IC-zoned portion of the subject property, future land uses shall be limited to the uses identified in Exhibit 1.
- Condition 4.** On the IC-zoned portion of the subject property, all future uses and development shall be required to adhere to the development standards identified in Exhibit 2.

The updated IBC zone provisions used in Exhibits 1 and 2 were developed with the input of community stakeholders during the UDC outreach process in an effort to make the IBC zone more relevant to current economic trends. The uses and standards contained in Exhibits 1 and 2 are intended to allow a wider range of commercial office and service uses than is currently allowed under the site's the IP and IBC zoning, while restricting the number of high traffic-generating retail uses so as to minimize the impacts to the surrounding neighborhood.

Based on these findings, and with the recommended conditions of approval, the proposal satisfies this criterion.

- Factor 5:** The physical characteristics of the subject property, and public facilities and services; and

- Factor 6:** Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change;

Applicant's Statement: There are no unusual or unforeseen conditions affecting the subject property which make the need for additional review apparent at this time. The CPC/ZC process is the beginning of the review process for development of this site. However the applicant will address any other factors related to public health, safety, and general welfare deemed relevant. The conditions include but may not be limited to: increased traffic, noise, increased hard surfaces, new landscaping and disruptions to the site due to construction. All public facilities can be provided to the subject property as needed.

The standards of the zone and the public works requirements for public health and safety should effectively address any concerns regarding public health and safety. [The] Public Works Department will review and address applicable public facility improvements needed for the level of development as specified in UGA 12-01. Sanitary sewer and water can be provided to establish the necessary linkages required for emergency vehicle access and water for fire-fighting purposes. No adverse effects should occur due to storm drainage and sewage considerations. No separate biological studies are needed to determine sensitive habitat areas as none exist. The site's physical attributes and natural or scenic views have to be considered in the development of the site. A landscaping plan with irrigation is required to be submitted with a building permit application. Improved pedestrian access to the public sidewalks system facilitates the State's Transportation Planning Rule by creating an environment where access to mass transit is encouraged and can be incorporated into any on-site development.

There are no major impacts that can be identified that cannot be addressed by applying the underlying development standards in the zone code or by the STSP for development of the property.

The proposed change will not negatively affect the public health, safety and general welfare of people working or residing in the area. Therefore, this criterion is met.

Finding: Staff concurs with the statements submitted by the applicant's representative as set forth above and concludes that each of the factors have been addressed, therefore the proposed zone change conforms to the criteria for zone change approval of SRC 113.150.

FINDINGS APPLYING TO THE APPLICABLE SALEM REVISED CODE CRITERIA FOR A PARTITIONING

Salem Revised Code (SRC) Chapter 63.047(b) and 63.051 set forth the criteria that must be met before approval can be granted to a partition request. This staff report addresses the approval criteria of SRC 63.047 (Decision of the Planning Administrator for a Partition) and evaluates the considerations of SRC 63.051 (Purpose of Tentative Plan Review; Requirements and Conditions).

The following subsections are organized with approval criteria shown in bold, followed by findings of fact upon which the Planning Administrator's decision is based. The requirements of SRC 63.051 are addressed within the specific findings which evaluate the proposal's conformance with the criteria of SRC 63.047. Lack of compliance with the following land division standards is grounds for denial of the tentative plan or for the issuance of certain conditions necessary to more fully satisfy such standards. The applicant's proposed partition, for the purpose of dividing the subject property as described above, was reviewed for compliance with the following standards and, as detailed in the facts and findings of this staff report including all attachments hereto, is consistent as proposed and with conditions of approval.

SRC 63.047(b)(1): Approval of a tentative partition plan does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto.

Applicant's Statement: Approval of the proposed partition does not impede future use of the remainder of the subject property or adjoining lands. The subject and adjoining properties have improved access to Cordon Road to the south and Gaffin Road that will run through Tax Lot 100. There is sufficient frontage along Cordon Road and proposed Gaffin Road (as shown on the site plan) to provide access to the site.

All three Parcels along with surrounding parcels have access or will have access when developed. Therefore, the approval does not impede future use of the remainder. The proposal provides for further development of the site consistent with current zoning standards.

Finding: The proposed partition of Taxlot 100 will not impede the future use of the remainder of the property, as there are proposed internal streets that will provide access to the future developments on the three parcels. The adjoining properties are developed with existing single family dwellings and

apartments and have improved access to public streets. The proposed configuration of parcels allows for the future development of the site consistent with current zoning standards. The proposed internal street is adequate to provide safe, orderly, and efficient circulation of traffic to the proposed partition.

SRC 63.047(b)(2): Provisions for water, sewer, streets, and storm drainage facilities comply with the City's public facility plan.

Applicant's Statement: The Salem Public Works Department reviewed the proposal during the pre-application process and with the approval of UGA 12-01, and determined that water, sewer, streets, and storm drainage facilities can be provided to the proposed parcels in compliance with the City's public facility plans. While SRC Chapter 63 does not require submission of facility construction plans prior to tentative partition plan approval, utility plans have been provided as part of the Site Plan Review application.

The property is outside the Urban Services Area (USA), therefore, partitioning the property requires a UGA Preliminary Declaration. UGA 12-01 was issued on July 3, 2012.

General Circulation: The proposed partition will result in the creation of three parcels (Parcels 1, 2, and 3). Vehicular access to the proposed parcels will be taken from Gaffin Road running through the site to Cordon Road. The Gaffin Road extension will provide safe and efficient access to the Parcels and the surrounding Parcels to the west, along with the existing street system, by providing direct access to the site and to Cordon Road.

Boundary Streets: There are two streets abutting the subject property, Old Macleay Road to the east, which is designated as a 'local' street and Cordon Road to the south, which will be designated as a 'Parkway' street in the Salem Transportation System Plan (TSP). Standards for these streets have been outlined in UGA 12-01. Partitioning does not trigger additional street improvements.

Internal Streets: Gaffin Road extension will run through Tax Lot 100. This street will be designated as a 'local' street. Required improvements to the Gaffin Road extension have been outlined in UGA 12-01.

Transportation Planning Rule Review: The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed partition is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

(a) Mass Transit: The nearest transit service available to the site is provided via Route 16 (Four Corners) on Macleay Road located to the north of the site. '

(b) Pedestrian Connectivity: The applicant will be required to go through the Design Review process and Site Plan Review process for the development of this site. Improved pedestrian access will be reviewed on the Site Plan Review and Design Review plans when submitted.

As an infill proposal, the transportation network in the area is already established. Connections to the existing system are provided by existing streets and access to serve the new parcels. The Gaffin Road extension will help to provide additional needed connections for the site. The Subject property, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

The comments provided by the Public Works Department in the pre-application conference (Pre-App 11-43) and in issued UGA 12-01 indicated there are adequate public facilities to serve the proposed development. Compliance with the requirements identified in the memo satisfies this criterion.

Finding: The water, sewer, and storm infrastructure is available and is adequate to serve future development. Site specific infrastructure requirements are identified in the Preliminary Declaration for Urban Growth Area No. 12-01 issued June 29, 2012.

Right-of-way dedication is based on Public Works Department Policy GM 4-11. New vehicle trips are the primary factor in calculating right-of-way requirements. Because the proposed partition does not create vehicle trips, no right-of-way dedication is required in conjunction with the partition.

63.047(b)(3): The tentative plan complies with all applicable provisions of the Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in the chapter.

Applicant's Statement: The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area

Comprehensive Plan land use goals, and governs development of property within the city limits. The partitioning process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed partition meets all applicable provisions of the Salem Revised Code. There are no variances requested.

The proposed parcels meet SRC Chapter 63 (Subdivision), Chapter 156 (Industrial Business Campus), IC (Industrial Commercial) and Chapter 148 (Multi-Family Residential) minimum lot size, dimension, and street frontage standards. The three parcels, as proposed in the tentative partition plan, are suitable for the general purpose for which they are intended to be used. The parcels are of size and design as not to be detrimental to the public health, safety, or welfare.

The parcels can be adequately served with water, sanitary sewer and storm drainage facilities. The partition can also be served with other utilities appropriate to the nature of the development. The Urban Growth Management Program, detailed in SRC Chapter 66, requires that prior to development of property outside of the Salem Urban Service Area; an Urban Growth Area (UGA) Development Permit must be obtained. UGA 12-01 was issued by the City of Salem Public Works Department on July 3, 2012.

Additional reviews occur at the time of building permits, design review, and site plan review application to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final partition plat. SRC 148.240(c) states that, "lots subdivided or partitioned after January 1, 1999 shall not be smaller than 20,000 square feet, unless the lots created after such date are restricted to contain two or more attached units per lot, are used for townhouse development, or are used for non-residential permitted uses."

As stated above, all three parcels will be greater than 20,000 square feet in size, [thereby] meeting the code requirements.

Finding: The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals and governs development of property within the City limits. The partitioning process reviews development for compliance with City standards and requirements contained in the Subdivision Code, Zoning Code, Salem Transportation System Plan and the Water, Sewer, and Storm Drain System Master Plans. As conditioned, the proposed partition meets all applicable provisions of the Salem Revised Code.

Compliance with conditions of tentative partition plan approval is checked prior to City Staff signing the final partition plat.

SRC Chapter 63 (Subdivisions): The intent of the Subdivision Code (SRC Chapter 63) is to provide for orderly development through the application of appropriate standards and regulations. The

applicant met all application submittal requirements necessary for adequate review of the proposed partitioning. As proposed, and with conditions of approval, the proposed partition conforms to all applicable SRC Chapter 63 requirements.

Parcel Configuration & Access: The proposed internal local street, which will form the forth leg of the intersection of Cordon and Gaffin Roads, is adequate to provide safe, orderly, and efficient circulation of traffic to the proposed partition.

Condition 6. Design and construct the proposed extension of Gaffin Road SE as a local street through the subject property as shown on the applicant's Partition Plan.

Connectivity: SRC 63.051(a)(2) states that: "*The proposed street system in and adjacent to a subdivision or partition conforms to the Salem Transportation System Plan adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition.*"

As specified in the Local Street Connectivity Element of the Salem TSP, the applicant shall be required to construct local streets within the subject property to provide connectivity between Cordon Road, Old Macleay Road, Seattle Slew Drive, and Clydesdale Drive. The applicant's tentative partition plan shows an internal street to serve each parcel within the partition and to provide connectivity to the southwest. An internal street providing a connection between Old Macleay Road and Cordon Road shall be constructed within Proposed Parcel 2 at the time of Site Plan Review. Therefore, Condition 1 requires additional street connectivity, to be provided at time of development of each parcel. While Condition 7 required pedestrian connectivity from the RM2-zoned Parcel 1 to the adjoining neighborhood to the northwest at time of final partition plat. To ensure this takes place, Staff recommends the following condition:

Condition 7. Provide a pedestrian route through rights-of-way or access easements consistent with City Street Design Standards from the RM2-zoned portion of the subject property to Miller Elementary School at 1650 46th Place SE.

Adequate Utilities: Public Works staff has analyzed the proposed development for compliance with applicable provisions of SRC Chapters 21, 63, 65-66, 69-70, 72-78, 80, and 140. The water, sewer, and storm infrastructure is available along the perimeter of the site. Design of utility infrastructure to serve each parcel shall be provided as a condition of final plat approval. Preliminary Declaration for Urban Growth Area No. 12-01 issued June 29, 2012, identifies public water, sewer and storm improvements required to fully serve each parcel proposed.

To ensure that all necessary utility easements are provided, and that water, sewer, and storm connections for each parcel are designed prior to plat approval, the following condition shall apply:

Condition 5. Consistent with the Preliminary Declaration for Urban Growth Area Development Permit 12-01, design all utilities (sewer, water, and storm drainage) to serve each parcel in compliance with PWDS with sufficient detail to determine points of disposal, required easements, and adequate assurances per ORS 92.090. Show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.

Hazards, Site Disruption, and Limitations to Development: Planning staff reviewed the proposed partition to ensure that the applicant has adequately mitigated any possible natural or fabricated hazards and limitations to development, including topography and vegetation of the site.

According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, no landslide hazards exist on the subject property and no geologic assessment or geotechnical report is required for development.

According to the Salem Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the subject property. Pursuant to SRC Chapter 126, the City sent a Wetland Land Use Notification to the

Oregon Department of State Lands (DSL) on September 13, 2012, notifying DSL of this application. DSL will determine whether further permits or approvals are required and work directly with the property owner. The applicant is required to verify mapped wetland area(s) and show all existing wetlands noted in the local wetland inventory on the plat per Division of State Lands requirements. The applicant has hired a professional to do a wetlands study on the site.

SRC 63.051(a)(7) requires that *"adequate measures have been planned to alleviate identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback."*

Prior to any ground disturbing activity, permits shall be required and obtained from the Public Works Director for any excavation work adjoining a public right-of-way, or adjoining or within an easement (or future right-of-way or easement), or within or adjoining a designated waterway, or within a floodplain overlay zone (SRC 65.040).

The applicant shall be required to design and construct a storm drainage system at the time of development. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 66.020(a) and limit runoff to quantities not exceeding the pre-developed runoff conditions as specified in an agreement between Salem, Keizer, and Marion County. As described in the following conditions of approval, prior to final the applicant shall submit to the Public Works Department an analysis of the existing and proposed drainage for all parcels that includes an evaluation of the connection to an approved point of disposal.

Condition 8. Provide a hydraulic analysis of the West Middle Fork Little Pudding River within the subject property to determine the 100-year water surface elevations and floodway boundary. Dedicate a drainage easement of a width that is the greatest of the following: the 100-year floodway; 15 feet from waterway centerline; or 10-feet from top of recognizable bank.

Condition 9. Provide a wetland determination and designate the wetland area on the final plat.

SRC Chapter 64 (Comprehensive Planning): The partition, as proposed and with conditions of approval, conforms to the Salem Area Wastewater Management Master Plan, the Stormwater Master Plan, the Water System Master Plan, and the Salem Transportation System Plan adopted under SRC 64.230.

SRC Chapter 65 (Excavation and Fills): The provisions of SRC Chapter 65 ensure that any excavation or fill adjacent to public right-of-way or within a public easement, designated waterway, or floodplain overlay zone creates no imminent danger to public safety or public facilities and does not create a public nuisance. SRC Chapter 65 also prohibits excavation or fill that causes surface drainage to flow over adjacent public or private property in a volume or location materially different from that which existed before the grading occurred.

SRC Chapter 66 (Urban Growth Management): The Urban Growth Management Program, detailed in SRC Chapter 66, requires that an Urban Growth Area (UGA) Development Permit must be obtained prior to development of property outside of the Salem Urban Service Area. The subject property is located outside the City's Urban Service Area. A UGA preliminary declaration (UGA 12-01) was issued on July 3, 2012.

SRC Chapter 68 (Preservation of Trees and Vegetation): The City's tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet. Compliance with the tree preservation requirements of SRC Chapter 68 (Preservation of Trees and Vegetation) and SRC Chapter 132 (Landscaping) is required. The applicant has provided an Exhibit M form with the Partition application that identifies a total of 27 trees (10-inch dba [diameter at breast height] or greater) on taxlot 100 (northeast parcel), with 22

trees proposed for removal, and 5 proposed for retention. A tree plan is not required in this case because the proposal is not a land division intended for single family or duplex development. The applicant's statement indicates that there are no Heritage or Significant trees on the property.

SRC Chapter 69 (Landslide Hazards): As already stated above, according to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, no landslide hazards exist on the subject property and no geologic assessment or geotechnical report is required for development.

SRC Chapter 148 (Multiple Family Residential): The proposed RM2 parcel (arcel 1) has been reviewed for compliance with the applicable development standards of SRC Chapter 148, and Staff finds that the proposal satisfied such standards. Parcel 1 is of a size and configuration to reasonably meet all development standards of SRC Chapter 148.

SRC Chapter 155 (Industrial Commercial): Staff recommends that the proposed IC-zoned land be subject to the use and development standards of Exhibits 1 and 2. The subject property is of a size and configuration to reasonably meet all such use and development standards.

RECOMMENDATION

Staff recommends that the Planning Commission adopt the facts and findings of the staff report and **APPROVE**, by resolution, the following actions for Comprehensive Plan Change / Zone Change / Partition 12-08 on property 45.42 acres in size, and located at the northwest corner of the intersection of Highway 22 & Cordon Road - 97317 (Marion County Assessor's Map and Tax Lot numbers: 082W05 / 100, 200, 400, 401, & 500):

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from "Industrial" to "Industrial Commercial" and "Multi-Family Residential" be GRANTED.
- B. That the zone change request for the subject property from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) be GRANTED subject to the following condition of approval:

Conditions 1 through 4 are conditions of development:

- Condition 1. Dedicate land for right-of-way and construct local streets within the subject property to provide connectivity between Cordon Road, Old Macleay Road, Seattle Slew Drive, and Clydesdale Drive. Final street configurations shall be established at the time of Site Plan Review for each parcel.
- Condition 2. Traffic impacts from future development on the subject property shall be limited to a maximum of 16,654 average daily trips generated by the proposed use or uses.
- Condition 3. On the IC-zoned portion of the subject property, future land uses shall be limited to the uses identified in Exhibit 1.
- Condition 4. On the IC-zoned portion of the subject property, all future uses and development shall be required to adhere to the development standards identified in Exhibit 2.

- C. That the requested 3-parcel partition be GRANTED subject to the following condition of approval:

Conditions 5 through 9 shall be completed prior to final plat approval:

- Condition 5. Consistent with the Preliminary Declaration for Urban Growth Area Development Permit 12-01, design all utilities (sewer, water, and storm drainage) to serve each parcel in compliance with PWDS with sufficient detail to determine points of disposal, required easements, and adequate assurances per ORS 92.090. Show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.
- Condition 6. Design and construct the proposed extension of Gaffin Road SE as a local street through the subject property as shown on the applicant's Partition Plan.
- Condition 7. Provide a pedestrian route through rights-of-way or access easements consistent with City Street Design Standards from the RM2-zoned portion of the subject property to Miller Elementary School at 1650 46th Place SE.
- Condition 8. Provide a hydraulic analysis of the West Middle Fork Little Pudding River within the subject property to determine the 100-year water surface elevations and floodway boundary. Dedicate a drainage easement of a width that is the greatest of the following: the 100-year floodway; 15 feet from waterway centerline; or 10-feet from top of recognizable bank.
- Condition 9. Provide a wetland determination and designate the wetland area on the final plat.

- Exhibits:**
1. IC Zone Use Exhibit
 2. IC Zone Development Standards Exhibit

- Attachments:**
1. Public Hearing Notice and Map
 2. Applicant's Statement Addressing Comprehensive Plan Change/Zone Change/Partition Approval Criteria
 3. Transportation Planning Rule Analysis, dated October 11, 2012
 4. Public Works Department Comments
 5. Letter from Salem-Keizer Public Schools
 6. Letter from Marion County
 7. Letter from State of Oregon, Department of Land Conservation and Development

Prepared by: Bryan Colbourne, Planner III



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Exhibit 1 – IC (Industrial Commercial) Uses

Where used in this exhibit, "District" means the property re-zoned to IC as part of Case No. CPCZCPAR12-08.

(a) Uses.

The Permitted (P), Conditional (C), and Prohibited (N) uses in the District are set forth in Table 1. Detailed descriptions of each use listed in Table 1 are provided in Section (d) of this exhibit. A **Permitted Use (P)** is a use that is allowed outright in the zone. A **Conditional Use (C)** is a use that is not allowed outright in the zone, but may be allowed through discretionary approval pursuant to the Conditional Use process established in the Salem Revised Code. A **Prohibited Use (N)** is a use that is not allowed in the zone under any circumstances, unless the use has non-conforming status.

Table 1: Uses		
Use	Status	Limitations & Qualifications
Household Living		
Single Family	N	
Two Family	N	
Multiple Family	N	
Group Living		
Room and Board	N	
Residential Care	N	
Nursing Care	N	
Lodging		
Short-Term Commercial Lodging	P	Short-Term Commercial Lodging is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit; provided, however, a single establishment may accommodate up to 100 guest rooms, regardless of total floor area.
Long-Term Commercial Lodging	N	
Non-Profit Shelters	N	
Retail Sales and Service		
Eating and Drinking Establishments	P	Eating and Drinking Establishments are permitted, unless noted below, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	Drive-in or drive-through facilities.
Retail Sales	P	The following Retail Sales activities are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit: <ul style="list-style-type: none"> ▪ Photocopying and blueprinting. ▪ Office supplies.
	N	All other Retail Sales.
Personal Services	N	
Postal Services and Retail Financial Services	P	Postal Services and Retail Financial Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Business and Professional Services		
Office	P	
Audio/Visual Media Production	P	Audio/Visual Media Production is permitted, provided it is within an enclosed building.
Laboratory Research and Testing	P	Laboratory Research and Testing is permitted, provided it is within an enclosed building.
Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services		

Table 1: Uses

Use	Status	Limitations & Qualifications
Motor Vehicle and Manufactured Dwelling and Trailer Sales	N	
Motor Vehicle Services	P	Gasoline service stations are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Motor Vehicle Services.
Commercial Parking	N	
Park-and-Ride Facilities	N	
Taxicabs and Car Services	N	
Heavy Vehicle and Trailer Sales	P	Heavy equipment rental and leasing is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Heavy Vehicle and Trailer Sales.
Heavy Vehicle and Trailer Service and Storage	N	
Recreation, Entertainment, and Cultural Services and Facilities		
Commercial Entertainment – Indoor	P	Health clubs, gyms, and membership sports and recreation clubs are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit; provided however, no single establishment may occupy more than 50,000 square feet of total floor area.
	N	All other Commercial Entertainment – Indoor.
Commercial Entertainment – Outdoor	N	
Major Event Entertainment	N	
Recreational and Cultural Community Services	N	
Parks and Open Space	P	
Non-Profit Membership Assembly	N	
Religious Assembly	N	
Health Services		
Medical Centers/Hospitals	N	
Outpatient Medical Services and Laboratories	P	Outpatient Medical Services and Laboratories are allowed, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Educational Services		
Day Care	P	Child day care services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
	N	All other Day Care.
Basic Education	N	
Post-Secondary and Adult Education	P	Post-Secondary and Adult Education is permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Civic Services		
Governmental Services	N	
Social Services	N	
Governmental Maintenance Services and Construction	N	
Public Safety		
Emergency Services	P	Emergency Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Detention Facilities	N	
Military Installations	N	
Funeral and Related Services		
Cemeteries	N	

Table 1: Uses

Use	Status	Limitations & Qualifications
Funeral and Cremation Services	N	
Construction Contracting, Repair, Maintenance, and Industrial Services		
General Repair Services	P	General Repair Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Building and Grounds Services and Construction Contracting	P	Buildings and Grounds Services and Construction Contracting are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Cleaning Plants	N	
Industrial Services	P	Industrial Services are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Whole Sales, Storage, and Distribution		
General Wholesaling	P	General Wholesaling is permitted, provided it is within an enclosed building.
Heavy Wholesaling	P	Heavy Wholesaling is permitted, provided it is within an enclosed building.
Warehousing and Distribution	P	Warehousing and Distribution is permitted, provided it is within an enclosed building.
Self-Service Storage	P	Self-Service Storage is permitted, provided it is within an enclosed building.
Manufacturing		
General Manufacturing	P	General Manufacturing is permitted, provided it is within an enclosed building. Retail sales of products manufactured on the site are permitted.
Heavy Manufacturing	N	
Printing	P	Printing is permitted, provided it is within an enclosed building. Retail sales of products manufactured on the site are permitted.
Transportation Facilities		
Aviation Facilities	C	Helicopter landing areas, with or without passenger and freight terminal facilities.
	N	All other Aviation Facilities.
Passenger Ground Transportation Facilities	P	Transit stop shelters.
	N	All other Passenger Ground Transportation Facilities.
Marine Facilities	N	
Utilities		
Basic Utilities	P	
Drinking Water Treatment Facilities	C	
Power Generation Facilities	C	
Data Center Facilities	P	Data Center Facilities are permitted, provided they are within an enclosed building.
Fuel Dealers	P	Fuel Dealers are permitted, subject to the "Limitations on Uses" of Section (b) of this Exhibit.
Waste-Related Facilities	N	
Mining and Natural Resource Extraction		
Petroleum and Natural Gas Production	N	
Surface Mining	N	
Farming, Forestry, and Animal Services		
Agriculture	P	
Forestry	N	

Table 1: Uses

Use	Status	Limitations & Qualifications
Agriculture and Forestry Services	N	
Keeping of Livestock and Other Animals	N	
Animal Services	N	
Other Uses		
Temporary Uses	N	
Home Occupations	N	
Historic Resource Adaptive Reuse under SRC Chapter 230	N	

(b) Limitations on Uses. Where a use is allowed subject to the provisions of this subsection, the use shall conform to the following additional limitations:

- (1) Unless otherwise provided, the use shall be limited to no more than 10,000 square feet of total floor area per lot.
- (2) Buildings fronting a street and within fifty feet of an abutting property shall have glass frontage not less than thirty-five percent of the area of the street front wall.
- (3) Outdoor storage areas shall:
 - (A) Be no more than 3,000 square feet per building and shall not be aggregated with the storage of another building;
 - (B) Be enclosed with a minimum six-foot-high sight-obscuring fence or wall;
 - (C) Have at least one side conterminous with the building which it serves; and
 - (D) Have no opening within fifty feet and visible from any property boundary.

(c) How to Classify Uses.

- (1) **Classifying "Use"** The principal activity or principal activities that occur upon a property establish the use. A principal activity falls within a specific use when the principal activity possesses the characteristics of the use.
- (2) **Classifying "Accessory Uses"** Accessory activities that are clearly incidental, subordinate to, dependent upon, and conducted in support of one or more principal activities on a property are accessory uses. Accessory uses must be located on the same lot, and must be operated under the same ownership, as the principle activity. To determine whether an activity is clearly incidental, subordinate to, dependent upon, and conducted in support of another activity the following factors shall be considered:
 - (A) The location and arrangement of the activity on the site, and/or its arrangement within a building, in comparison to other activities on the property;
 - (B) The relative amount of site or floor space and equipment devoted to the activity in comparison to other activities on the site and/or in the building;
 - (C) The relative amounts of sales from the activity in comparison to other activities on the property;
 - (D) The relative number of employees for the activity in comparison to other activities on the property.
 - (E) Whether the activity would likely be found independent of the other activities on the property.
 - (F) Whether the activity aids or contributes to other activities on the property or carries on the function of other activities on the property.
 - (G) The relative number of vehicle trips generated by the activity in comparison to other activities on the property.
 - (H) Whether the activity will have its own signage;
 - (I) How the activity advertises itself in comparison to other activities on the property;

(J) The hours of operation of the activity in comparison to other activities on the property.

(3) Application of Regulations. When there are multiple uses on a property, each use must comply with the regulations that are specific to that use. An accessory use is considered a part of the use and is subject to the same regulations as the use.

(4) Similar Use Determination. If a specific activity cannot be readily classified as falling within a use, the Planning Administrator will determine which use the activity falls within. The Planning Administrator may refer the determination of which use the activity falls within to the Planning Commission. The criteria for the determination shall be whether the activity possesses the characteristics of the use. The Planning Commission's determination is a Type III procedure under SRC Chapter 300.

(5) Activities in Right-of-Way. Activities allowed in right-of-way are generally not considered a "use" for purposes of classification under this Chapter.

(d) Use Classifications. Each use described below includes Characteristics and Examples, and may also include Exceptions. The purpose of Characteristics, Examples, and Exceptions is as follows:

(1) Characteristics. The "characteristics" define and describe the essential features, nature of operation, and impacts generally associated with a specific use.

(2) Examples. The "examples" provide a list of activities that fall within a specific use. The list of examples is not exhaustive and is intended to illustrate typical activities that possess the characteristics of the use.

(3) Exceptions. The "exceptions" identify specific activities that possess some of the characteristics of one use but more appropriately fall within another use. The list of exceptions is exhaustive and is not intended to illustrate typical activities.

Household Living. Household Living consists of the residential occupancy of an owner-occupied or rented dwelling unit on a wholly or primarily non-transient, long-term basis, typically more than twenty-eight days by a family.

Single Family.

Characteristics. Single family is characterized by the residential occupancy of a single dwelling unit on an individual lot or space by a family. Single family dwelling units can be detached, attached at the common lot line, or built contiguous with only one side lot line.

Examples. Single family detached dwelling; zero side yard dwelling; townhouse; manufactured dwelling; manufactured dwelling park; residential home, as defined under ORS 197.660; secondary dwelling.

Two Family.

Characteristics. Two family is characterized by the residential occupancy of two dwelling units on an individual lot by two families.

Examples. Duplex; two family shared dwelling; cottage housing; two dwellings units on one lot.

Multiple Family.

Characteristics. Multiple family is characterized by the residential occupancy of three or more dwelling units on an individual lot by three or more families.

Examples. Apartments; cottage housing.

Group Living. Group Living consists of the residential occupancy of a structure on a wholly or primarily non-transient, long term basis, typically more than twenty-eight days, by a group of people not meeting the characteristics of Household Living, either because the structure does not provide self-contained dwelling units or because the dwelling is occupied by a group of people who do not meet the definition of family, or both. Group Living facilities generally include

common facilities that are shared by residents, including, but not limited to, facilities for dining, for social and recreational activities, and for laundry.

Room and Board.

Characteristics. Room and Board is characterized by Group Living facilities where no personal care, training, and/or treatment requiring a license from the State of Oregon is provided.

Examples. Dormitories; fraternities and sororities; monasteries and convents; communes; co-housing or cooperatives that do not meet the definition of household living; single-room occupancy housing for long-term residency where self-contained dwelling units are not provided.

Exceptions. All lodging where tenancy is typically arranged for less than twenty eight days is included in Lodging.

Residential Care.

Characteristics. Residential Care is characterized by Group Living facilities where any combination of personal care, training, or treatment is provided to children, the elderly, or individuals with disabilities or limits on the ability for self-care, but where medical care is not a major element.

Examples. Residential facilities, as defined in ORS 197.660; orphanages; group foster homes for six or more individuals; homes for the deaf or blind; housing for persons enrolled in work release programs; assisted living facilities; permanent supportive housing facilities where self-contained dwelling units are not provided.

Exceptions.

(A) Residential homes providing care and/or training for five or fewer individuals are included in Household Living.

(B) Homeless shelters are included in Lodging: Shelters.

(C) Facilities for people who are under judicial detainment with twenty-four hour supervision are included in Public Safety: Detention Facilities.

(D) In-patient rehabilitation and recuperative care provided in a hospital setting is included in Health Services: Medical Centers/Hospitals.

Nursing Care.

Characteristics. Nursing Care facilities are characterized by Group Living facilities that are licensed by the state to provide treatment. Patients in these facilities require some nursing care, including the administration of medications and treatments or the supervision of self-administered medications in accordance with a physician's orders.

Examples. Hospice care; nursing homes; convalescent homes; rest homes; in-patient rehabilitation and recuperative care.

Exception. Family child care homes are included in Day Care.

Lodging. Lodging consists of the occupancy of living accommodations on a temporary basis.

Short-Term Commercial Lodging.

Characteristics. Short-Term Commercial Lodging is characterized by lodging establishments that are commercially owned and operated, and provide living accommodations for typically less than twenty-eight days.

Examples. Bed and breakfasts; hostels; hotels; inns; motels.

Long-Term Commercial Lodging.

Characteristics. Long-Term Commercial Lodging is characterized by lodging establishments that are commercially owned and operated and provide living accommodations for typically more than twenty-eight days, but are not intended to be a permanent place of abode.

Examples. Residential hotel; studio hotel.

Non-profit Shelters.

Characteristics. Non-Profit Shelters are characterized by lodging establishments providing overnight sleeping accommodations and temporary shelter for the homeless and other vulnerable populations. Individual bath and cooking facilities may or may not be provided.

Examples. Homeless shelters; congregate shelters.

Exceptions.

(A) Temporary emergency housing is included in Temporary Uses.

(B) Facilities for people who are under judicial detainment with twenty-four hour supervision are included in Public Safety: Detention Facilities.

Retail Sales and Service. Retail Sales and Service consists of the sale, lease, or rental of products or services to the general public for personal or household use. Customers typically come to the site to obtain goods or services. Some delivery or shipping may also be included.

Eating and Drinking Establishments.

Characteristics. Eating and Drinking Establishments are characterized by the preparation and sale of food and non-alcoholic beverages for consumption on the premises and/or take-away/delivery service and/or the sale of alcoholic beverages for on-site consumption.

Examples. Brew pubs, taverns, and bars; cafes and restaurants; coffee shops; delicatessens; drive-up or drive-through fast food restaurants.

Exceptions.

(A) Breweries, wineries, distilleries, and cider houses where on-site food and/or beverage consumption is not the primary activity are included in Manufacturing: General Manufacturing.

(B) Entertainment establishments are included in Recreation, Entertainment, and Cultural Services: Commercial Entertainment – Indoor.

(C) Commercial or industrial catering kitchens where food is prepared and delivered off-site are included in Manufacturing: General Manufacturing.

(D) Bars and restaurants owned and operated by civic, social, or fraternal organizations for use by their members are included in Recreation, Entertainment, and Cultural Services: Non-Profit Membership Assembly.

(E) Restaurants and other eating and drinking establishments associated with a truck stop are considered accessory to the truck stop, which is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales, Service, and Storage.

(F) Mobile food units are included in Temporary Uses.

Retail Sales.

Characteristics. Retail Sales is characterized by the sale, lease, or rental of products directly to final consumers, but may include the sale, lease, or rental of products to contractors. Visits by customers are generally not scheduled. Stores are typically open to the general public.

Examples. Appliance stores; auto supply stores; bicycle shops; book stores; candy stores; clothing, footwear, and apparel stores; catering establishments; commercial art galleries; consignment shops; convenience stores; copy shops; costume or formal wear rental; department stores; drug stores; electronics stores; fruit and vegetable markets; furniture, lighting, and home furnishing stores; furniture rental; grocery stores; hardware stores; health and beauty stores; lawn and garden supply stores; liquor stores; lumber and building materials stores; meat and seafood markets; paint stores; pawn shops; retail bakeries; retail nurseries; retail photocopying and blueprinting; sporting goods stores; tobacco stores; pet stores; video rental.

Exceptions.

- (A) Gasoline stations are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.
- (B) Truck stops are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.
- (C) Sales, leasing, and rental of new and used vehicles, including, but not limited to, automobiles, trucks, motorcycles, boats, and recreational vehicles, are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle and Manufactured Dwelling and Trailers Sales.
- (D) Lumber yards and other building material businesses that sell primarily to contractors are included in Wholesale Sales, Storage, and Distribution.
- (E) Sales, rental, and leasing of heavy trucks and trailers are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.
- (F) Establishments selling to the general public exclusively through online, phone, or mail-order sales with little or no provision for on-site sales to the general public are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.
- (G) Portable toilet rental and leasing is include in Construction Contracting, Repair, Maintenance, and Industrial Services: Buildings and Grounds Services and Construction Contracting.

Personal Services.

Characteristics. Personal Services are characterized by establishments that provide non-medical services to individuals involving either the intellectual or manual personal labor of the server, rather than a saleable product of the server's skill. Services may be performed on a customer's person or personal items. Services may include repair, maintenance, or cleaning of clothing and/or accessories and/or non-medical aesthetic or personal care treatments to humans. These services typically are provided directly to consumers.

Examples. Barber shops; beauty salons; garment alteration; jewelry and watch repair; laundromats; laundry and dry cleaning establishments where customers typically bring items to the site for cleaning; photograph portrait studios; shoe repair; spas; tailors and seamstresses; tattoo/piercing parlors.

Exceptions.

- (A) Industrial laundries and dry cleaning plants where customers do not typically come to the site and linen and diaper services where items are generally delivered to the customer off-site are included in Construction Contracting, Repair, Maintenance, and Industrial Services: Cleaning Plants.
- (B) Repair of personal and household items other than clothing and accessories is included in Construction Contracting, Repair, Maintenance, and Industrial Services: General Repair Services.
- (C) Establishments providing day time supervision for persons of any age are included in Education Services: Day Care.
- (D) Pet grooming and other animal care services are included in Farming, Forestry, and Animal Services: Animal Services.

Postal Services and Retail Financial Services.

Characteristics. Postal and Retail Financial Services are characterized by establishments that provide postal or financial services directly to clients or customers on the site. Services may also be provided remotely, without direct face-to-face customer interaction. Physical products are generally not sold on the site except for incidental sale of supplies directly related to postal or financial services.

Examples. Banks; credit unions, money transfer; check cashing; customer-oriented post offices; customer-oriented private mail or package delivery service locations; credit agencies engaging in lending transactions with consumers.

Exceptions.

(A) Bank headquarters and corporate offices of financial services companies where customers do not typically come to the site are included in Business and Professional Services: Office.

(B) Central postal distribution centers are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

(C) Pawn shops and consignment stores are included in Retail Sales and Service: Retail Sales.

Business and Professional Services. Business and Professional Services consists of establishments that generally provide professional services or produce intellectual property, rather than physical goods. While intellectual property produced may be recorded onto physical media such as paper or electronic storage, the production of the content is the primary activity, rather than the transfer of the content onto the physical media. Business and Professional Services uses generally do not sell, rent, lease, or provide repair or maintenance services for physical products to customers. While customers or clients may come to the site on occasion, generally by appointment, the customer or client does not need to be present on the site in order to receive services.

Office

Characteristics. Office is characterized by establishments that provide business and professional services to individuals, public or non-profit entities, and/or businesses in an enclosed building, generally in an office environment. There are few visits by the general public, and little walk-in traffic. Those who come to the site are mostly employees, and, to a lesser extent, clients. Laboratory research is not a major component of the activities on-site.

Examples. Accountants and tax services; advertising agencies; architects; bank offices and headquarters; business associations; call centers; commercial photography studios; computer system design and computer programming; corporate offices and headquarters; data processing; engineers; financial businesses such as lenders and holding and investment offices; graphic and industrial design; insurance carriers, agents, and brokers; landscape architects; lawyers; lobbyists; planners; post-production and distribution services for audio-visual media where not associated with production/filming/broadcasting; professional membership organizations; real estate agents; scientific and technical services; software and internet content development and publishing; telemarketing or customer support centers; temporary employment agencies; title companies; travel agencies; distance education and distance learning.

Exceptions.

(A) Branch banks, credit unions, and other similar financial institutions where customers come to the site on a regular basis are included in Retail Sales and Service: Postal and Retail Financial Services.

(B) Producing and recording audio or visual media is included in Business and Professional Services: Audio/Visual Media Production.

(C) Commercial and non-commercial research and testing conducted in a laboratory environment is included in Business and Professional Services: Laboratory Research and Testing.

(D) Facilities dedicated to data storage and transmission where employees are not regularly present on site are included in Utilities: Data Center Facilities.

Audio/Visual Media Production.

Characteristics. Audio/Visual Media Production is characterized by business and professional services related to the recording, production, and/or broadcasting of audio and/or visual media. Audio/Visual Media Production typically involves a studio and/or set where production is staged. Productions may be recorded or

broadcast live. In most cases, the public does not come to the site, although some studios may provide for a live audience.

Examples. Movie production facilities; music recording studios; television and radio recording and broadcast studios.

Exceptions.

(A) Film and tape distribution associated with television, recording, or movie production and post-production editing of audio and/or visual content that is separate from the production or recording of that content is included in Office.

(B) Wireless telecommunication facilities, AM and FM antennae, and TV antennae, including antenna, structures, equipment, and appurtenances are included in Utilities: Wireless Communication Facilities.

Laboratory Research and Testing.

Characteristics. Laboratory Research and Testing is characterized by business services related to commercial and non-commercial research and testing conducted in a laboratory environment. Primary data is generated on-site.

Examples. Biological, physical, or chemical research; engineering laboratory research; food testing; materials testing; product testing; and water quality testing.

Exceptions.

(A) Testing of cars and trucks, including pollution testing, safety tests, and aerodynamic testing, is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

(B) Medical laboratories are included in Health Services: Outpatient Medical Services and Laboratories.

Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services. Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services consists of the sale, rental, and leasing of motor vehicles, trailers, and manufactured dwellings; the servicing and non-accessory storage of motor vehicles; and vehicles for hire with drivers. Motor vehicles include automobiles, trucks, motorcycles, boats, recreational vehicles, other personal transportation vehicles, buses, and motorized non-road vehicles.

Motor Vehicle and Manufactured Dwelling and Trailer Sales.

Characteristics. Motor Vehicle and Manufactured Dwelling and Trailer Sales is characterized by the sales, leasing, and rental of new and used motor vehicles, other than heavy trucks and non-road motorized commercial vehicles, manufactured dwellings, and trailers. Motor Vehicle and Manufactured Dwelling and Trailer Sales typically requires extensive indoor and/or outdoor display or storage areas. Customers typically come to the site to view, select, purchase, and/or pick up the vehicles, manufactured dwellings, or trailers.

Examples. Sales, leasing, and rental of new and used motor vehicles including automobiles, trucks, motorcycles, motorized boats, recreational vehicles, and other personal transportation vehicles; car rental agencies; manufactured dwelling and pre-fabricated structure sales and display sites; sales, leasing, or rental of trailers.

Exceptions.

(A) Heavy truck and heavy equipment sales, leasing, and rental are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.

(B) Auto supply stores are included in Retail Sales and Services: Retail Sales.

(C) Sales of used motor vehicle parts is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

(D) Wholesale sales of motor vehicles, manufactured dwellings, and trailers is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling or General Wholesaling, dependent upon whether the activity occurs entirely within an enclosed building.

(E) Temporary motor vehicle and recreational vehicle sales are included in Temporary Uses.

Motor Vehicle Services.

Characteristics. Motor Vehicle Services are characterized by the repair, testing, maintenance, cleaning, storage, and provision of other services for motor vehicles, other than heavy trucks and heavy equipment. Vehicles may be brought to the site by customers or by a towing service. If motor vehicle parts are sold, they are typically installed on-site.

Examples. Auto body shops; auto glass repair; automotive paint shops; automotive repair shops; car washes; gasoline stations and unattended card-key stations; motorcycle repair shops; quick lubrication services; testing of cars and trucks, including pollution and safety testing; tire sales and installation shops; towing services; vehicle engine, transmission and muffler repair shops; and vehicle upholstery and detailing shops.

Exceptions.

(A) Truck stops are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(B) Heavy truck and heavy equipment repair and service are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service, and Storage.

(C) Vehicle salvage and wrecking is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

Commercial Parking.

Characteristics. Commercial Parking is characterized by parking facilities, contained either in structures or on surface lots, where such parking is not exclusively accessory to a specific use and is not needed to meet the minimum off-street parking requirement for the specific use. A fee may or may not be charged.

Examples. Commercial shuttle parking; parking structures/garages; public garages as defined in SRC Chapter 110; short and long term fee parking garages and surface parking lots; facilities that provide both accessory parking for a specific use and paid parking for patrons not connected to the use.

Exceptions.

(A) Parking facilities that are accessory to a use, but which charge the public to park for occasional events nearby are not considered Commercial Parking facilities.

(B) Public park-and-ride facilities are included in Park-and-Ride Facilities.

(C) Joint use of parking areas by multiple uses is considered accessory to those uses.

Park-and-Ride Facilities.

Characteristics. Park-and-Ride Facilities are characterized by parking spaces owned or leased by a public agency for use by transit riders or ride-share participants. Park-and-Ride Facilities may be located on their own lot or may consist of shared parking spaces associated with another use.

Examples. Parking spaces leased to or shared with a public agency for the exclusive or shared use by transit patrons or ride-share participants; parking lots for the exclusive use of transit riders or ride-share participants.

Taxicabs and Car Services.

Characteristics. Taxicabs and Car Services are characterized by establishments providing light- and medium-duty vehicles for hire with drivers. On-site activities are generally limited to storage and maintenance of fleet vehicles; dispatch; and administration. Customers rarely, if ever, come to the site, but typically are picked up from and driven to locations off-site. Services may or may not be scheduled.

Services may be provided to the general public or to employees, customers, or clients of one or more businesses or institutions.

Examples. Armored car service, taxicab operators; town car, chauffeur, and limousine services; companies operating small shuttle-buses; airport shuttle services; storage and dispatch for shuttle services serving one or more businesses or institutions where such storage and dispatch takes place on a separate site from the use(s) served; dispatch facilities for dial-a-ride and other demand-responsive shuttle services operated by public agencies using light- and medium-duty vehicles.

Exceptions.

(A) Facilities for the maintenance, storage, and/or dispatch of vehicles requiring a commercial driver license, including school buses, are included in Heavy Vehicle and Trailer Service and Storage.

(B) Shuttle bus, taxicab, or town car services that serve a particular use and are contained on the same site as that use are considered accessory to that use.

(C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

Heavy Vehicle and Trailer Sales.

Characteristics. Heavy Vehicle and Trailer Sales is characterized by establishments providing for the sales, rental, or leasing of heavy vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles, heavy-duty trailers, and heavy equipment are often stored on-site, often outside.

Examples. Heavy truck rental and leasing; moving truck rental, with or without drivers; sales, rental, and leasing of heavy trucks and heavy equipment, tractors and related mobile farming equipment, vehicles requiring a commercial driver license, and heavy-duty trailers

Exceptions. Sales of, industrial and farm equipment is included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

Heavy Vehicle and Trailer Service and Storage.

Characteristics. Heavy Vehicle and Trailer Service and Storage is characterized by facilities providing for the service, maintenance, and/or storage of heavy motor vehicles, heavy-duty trailers, and heavy equipment. In most cases, the general public rarely, if ever, comes to the site. Heavy vehicles and heavy equipment, are often stored on-site, often outside.

Examples. Storage and maintenance facilities for buses, including those owned and operated by public transit agencies and school transportation service providers; storage and maintenance facilities for establishments that collect solid waste; repair and maintenance of tractors and related mobile farming equipment; repair and maintenance services for heavy vehicles and heavy equipment; truck driver and heavy equipment operation training schools; truck stops;

Exceptions. Repair and maintenance of industrial, and farm equipment is included in Construction Contracting, Repair, Maintenance, and Industrial Services: Industrial Services.

Recreation, Entertainment, and Cultural Services and Facilities. Recreation, Entertainment, and Cultural Services and Facilities consists of facilities providing recreation, entertainment, and/or cultural enrichment services. These services and facilities may be either participant-oriented, with spectators incidental and present on a nonrecurring basis, or event-oriented, drawing people to observe specific meetings, events or shows. In both cases customers come to the site to partake in the activities. Food and beverage sales, if present, are incidental.

Commercial Entertainment – Indoor.

Characteristics. Commercial Entertainment – Indoor is characterized by the provision of sports, entertainment, or recreational activities in an enclosed facility by a for-profit business.

Examples. Video arcades; bowling alleys; dance halls; dance studios and dance schools; indoor pools other than those primarily used for spectator-oriented competition; indoor firing ranges; nightclubs and late night entertainment establishments; indoor paintball or laser tag facilities; physical fitness facilities, health clubs, yoga studios, and gymnasiums; indoor skating rinks; indoor courts or other facilities for team sports other than those primarily used for spectator-oriented competition; small rentable event spaces; movie theaters; membership sports and recreation clubs; concert halls, theaters, and other music and performing arts venues.

Exceptions. Performance, meeting, and conference venues designed to accommodate three hundred or more people are classified as Major Event Entertainment.

Commercial Entertainment – Outdoor.

Characteristics. Commercial Entertainment – Outdoor is characterized by the provision of sports or recreation primarily by and for participants in an open, outdoor facility, operated by a for-profit business. Spectators are incidental and present on a nonrecurring basis.

Examples. Recreational vehicle parks; campgrounds; miniature golf courses; swimming pools; tennis courts; skateboard parks; outdoor swimming pools; amusement parks; sports fields other than those primarily used for spectator-oriented competition; membership sports and recreation clubs; driving ranges; golf courses; drive-in movie theaters.

Exceptions.

(A) Outdoor facilities that are minimally developed with structures and not generally staffed, such as nature parks, recreational trails, and arboreta, are included in Recreation, Entertainment, and Cultural Services and Facilities: Parks and Open Space.

(B) Outdoor participant-oriented recreational facilities of a public or non-profit nature are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

Major Event Entertainment.

Characteristics. Major Event Entertainment is characterized by activities and structures that draw large numbers of people to specific events or shows. Activities are generally of a spectator nature. Events may be live or previously recorded, and may take place in an enclosed structure, a partially-enclosed structure, or entirely outdoors. The number of people who come to the site as spectators, audience, or attendees is greater than the number there to produce the event. The facilities receive little or no use for other than scheduled events other than for practice or rehearsal purposes.

Examples. Athletic and sports stadiums; facilities for major athletic competitions; race tracks; fairs; expositions; major conventions and exhibitions.

Exceptions.

(A) Banquet halls that are part of hotels or restaurants are accessory to those uses.

(B) Movie theaters are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor.

(C) Drive-in movie theaters are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Outdoor.

(D) Concert halls, theaters, and other music and performing arts venues are included in Commercial Entertainment – Indoor.

(E) Performance, meeting, and conference venues designed to accommodate fewer than 300 people are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor.

Recreational and Cultural Community Services.

Characteristics. Recreational and Cultural Community Services are characterized by indoor and outdoor services and facilities typically of a public or non-profit nature providing a range of on-going, on-site recreational and cultural services to the public. Services or activities are generally provided on an on-going basis, not just for special events. Recreational and Cultural Services generally have employees on-site during open hours.

Examples. Aquariums; art museums; community centers; golf courses; libraries; museums; zoological gardens; senior centers; youth clubs; indoor and outdoor swimming pools, spectator-oriented ball fields and tennis courts designed to accommodate less than 300 spectators, when operated by the City or a non-profit community club or association.

Exceptions.

(A) For-profit recreational enterprises, such as amusement parks and membership sports and recreation clubs, are included in Recreation, Entertainment, and Cultural Services and Facilities: Commercial Entertainment – Indoor or Commercial Entertainment – Outdoor.

(B) Large-scale event-oriented uses are included in Recreation, Entertainment, and Cultural Services and Facilities: Major Event Entertainment.

Parks and Open Space.

Characteristics. Parks and Open Space is characterized by publicly owned land and outdoor facilities that provide for recreation, or land that provides for the preservation of natural resources.

Examples. Arboreta; botanical garden; nature parks and preserves; parks; recreational trails; playgrounds; ball fields; outdoor tennis courts, community garden.

Exceptions.

(A) Land used for the burial of the dead is included in Funeral and Related Services: Cemeteries.

(B) Outdoor performance or event structures designed to host major events are included in Recreation, Entertainment, and Cultural Services and Facilities: Major Event Entertainment.

Non-Profit Membership Assembly.

Characteristics. Non-Profit Membership Assembly is characterized by facilities for the assembly of members of civic, social, fraternal, or other non-profit membership groups. Activities on-site often include membership meetings as well as social, philanthropic and/or recreational functions and activities primarily for members of the organization.

Examples. Meeting places for civic clubs, fraternal, or veteran organizations; grange halls; bars and restaurants owned and operated by civic, social, or fraternal organizations for use by their members.

Religious Assembly.

Characteristics. Religious Assembly is characterized by facilities for worship services. Religious Institutions typically are designed to provide for the assembly of persons for the purpose of religious exercise.

Examples. Churches; mosques; synagogues; temples.

Exceptions.

- (A) Religious Assembly that includes residential housing of their members, such as convents and monasteries are included in Residential: Group Living – Room and Board.
- (B) Schools operated by religious organizations are included in Education Services: Basic Education.
- (C) Child care services operated by religious organizations other than those provided for congregants during worship services and church activities are included in Education Services: Day Care.

Health Services. Health Services consists of prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care personnel. Except for medical and dental laboratories, which may have little direct contact with patients, patients typically come to the site to receive health and/or dental services from licensed professionals.

Medical Centers/Hospitals.

Characteristics. Medical Centers / Hospitals are characterized by facilities that provide health services to inpatients and the specialized accommodation services required by inpatients. Medical Centers/Hospitals may also provide outpatient services as a secondary activity. Institutions that fall within this category are accredited by state and national agencies. Emergency services are generally included.

Examples. Free-standing inpatient hospitals; psychiatric and substance abuse hospitals primarily engaged in providing diagnostic, medical treatment, and monitoring services for inpatients who suffer from mental illness or substance abuse disorders; medical complexes that include inpatient hospitals; hospitals or medical centers associated with a university or medical school.

Exceptions.

- (A) Free-standing medical clinics without inpatient services are included in Health Services: Outpatient Medical Services and Laboratories.
- (B) Medical office buildings that provide outpatient care and urgent medical care, and which are not located on a medical center campus are included in Health Services: Outpatient Medical Services and Laboratories.

Outpatient Medical Services and Laboratories.

Characteristics. Outpatient Medical Services and Laboratories are characterized by prevention, diagnosis, treatment, and rehabilitation services provided by physicians, dentists, nurses, and other health care professionals that are provided on an out-patient basis and medical testing and analysis services. Patients generally do not spend more than twenty-four hours at a time. Emergency services are generally not provided, although urgent care may be included.

Examples. Offices of doctors, nurses, physicians' assistants, dentists, chiropractors, optometrists, podiatrists, audiologists, dieticians, midwives, naturopaths, occupational and physical therapists, psychologists, psychiatrists, speech therapists, osteopathic doctors, and acupuncturists; medical and dental laboratories; blood banks; outpatient drug or alcohol treatment clinics; kidney dialysis centers; outpatient urgent care facilities; rehabilitation centers; orthotic and prosthetic services.

Exceptions.

- (A) Skilled nursing care facilities are included in Group Living: Nursing Care.
- (B) Hospitals are included in Health Services: Medical Centers/Hospitals.
- (C) Medical equipment and supplies manufacturing is included in Manufacturing: General Manufacturing.
- (D) Cosmetology services are included in Retail Sales and Services: Personal Services.

(E) Home health care services provided to individuals in their own homes is considered accessory to Household Living.

Education Services. Education Services consists of educational instruction and/or daytime supervision of people of any age. Services are primarily provided by students or those supervised coming to the site.

Day Care.

Characteristics. Day Care is characterized by the day or evening supervision of children and/or adults who need assistance or supervision outside of the individual's home or that of a family member. Educational services may or may not be included. A fee is generally charged for services. Individuals supervised come to the site, but do not stay overnight.

Examples. Adult day care centers; adult day care homes; child day care centers; child day care homes; Registered Head Start programs; nursery schools; preschools.

Exceptions. Babysitting, as defined in SRC Chapter 110, and care given by an individual's parents, guardians, or relatives are accessory to Household Living.

Basic Education.

Characteristics. Basic Education is characterized by institutions that are licensed by the State to provide comprehensive state-mandated basic education primarily to minors. Students generally come to the site to receive instruction, although some distance learning may be included. Instruction generally takes place within one or more enclosed buildings.

Examples. Public and private primary, elementary, middle, and high schools; charter schools; alternative education schools and programs approved by the School District; state-recognized secondary school Career and Technical Education programs (vocational high schools).

Exceptions.

(A) Head Start programs are included in Education Services: Day Care.

(B) Adult basic education programs leading to a General Equivalency Diploma (GED) are included in Education Services: Post-Secondary and Adult Education.

Post-Secondary and Adult Education.

Characteristics. Post-Secondary and Adult Education is characterized by institutions offering advanced education and training to adults. Basic primary and secondary education is not provided except instruction for adults seeking a General Equivalency Diploma (GED). Post-Secondary and Adult Education institutions generally provide instruction leading to a degree, certificate, or license, but may also provide non-degree programs. Instruction generally takes place on-site within one or more enclosed buildings; however, some distance learning and/or outdoor instruction may also be included.

Examples. Community colleges; language schools; liberal arts colleges; medical and nursing schools not associated with a medical center; seminaries; universities; adult basic education programs leading to a General Equivalency Diploma (GED).

Exceptions.

(A) Post-Secondary and Adult Education institutions that are entirely distance learning based are included in Business and Professional Services: Office.

(B) Trade schools providing training in the operation of vehicles requiring a Commercial Driver License or heavy equipment are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(C) Aviation schools are included in Transportation Facilities: Aviation Facilities.

Civic Services. Civic Services consists of governmental or non-profit entities providing services related to the administration of the government or providing social assistance.

Governmental Services.

Characteristics. Governmental Services are characterized by the administration of the government, typically provided by a public body.

Examples. City hall; courts; other government offices.

Exceptions.

(A) The provision of emergency services for police protection and fire and life safety are included in Public Safety: Emergency Services.

(B) Government functions related to the detention and correction of offenders are included in Public Safety: Detention Facilities.

(C) Libraries, community centers, and other recreational and cultural enrichment services provided by public or non-profit agencies are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

(D) Government offices concerned with the direct delivery of social services to clients or the general public, including, but not limited to, issuing of welfare aid, rent supplements, food stamps, and eligibility casework, are included in Civic Services: Social Services.

(E) Schools and educational services provided by public or non-profit agencies are included in Educational Services.

(F) Facilities supporting off-site property and building improvement, construction, or maintenance of public assets are included in Civic Services: Governmental Maintenance Services and Construction.

Social Services.

Characteristics. Social Services are characterized by the provision of on-going social services to clients or the general public on-site by organizations or agencies of a public or non-profit nature. Clients or those seeking services typically go to the site to receive aid. Services are generally targeted to one or more vulnerable populations and are often provided free of charge.

Examples. Individual and family counseling services; referral services for those in need; job training, vocational rehabilitation and habilitation services for the unemployed, the underemployed, and the disabled; government and non-profit offices issuing welfare aid, rent supplements, and food stamps and providing case management for such programs; meal delivery programs; probation and parole offices; facilities providing daytime shelter for the homeless and at-risk populations, other than medical services; organizations providing legal and supportive services for immigrants.

Exceptions.

(A) Administrative offices of social service organizations or agencies and offices of non-profit organizations where direct interaction with clients generally does not take place on-site are classified as Business and Professional Services: Office.

(B) Community, senior and youth centers serving the general population are included in Recreation, Entertainment, and Cultural Services and Facilities: Recreational and Cultural Community Services.

(C) Adult day care and child day care centers and homes are included in Education Services: Day Care.

(D) Homeless shelters providing overnight lodging are included in Lodging: Non-Profit Shelters.

(E) Temporary emergency housing is included in Temporary Uses

(F) On-going free health clinics serving at-risk populations where provision of medical services is the primary activity on-site are included in Health Services: Outpatient Medical Services and Laboratories.

Governmental Maintenance Services and Construction.

Characteristics. Governmental Maintenance Services and Construction is characterized by facilities supporting off-site property and building improvement, construction, or maintenance of public assets. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, minor assembly or preparation of materials, repair and maintenance of machinery and heavy equipment and other services primarily related to management of public assets.

Examples. Government motor pools; shops facilities; storage yards.

Public Safety. Public Safety consists of facilities that provide for the safety and security of the general public through emergency and disaster response, national defense, or detention for law enforcement purposes.

Emergency Services.

Characteristics. Emergency Services is characterized by services and facilities that provide police protection and fire and life safety to residents of the community. Emergency response vehicles and personnel are typically dispatched from these facilities and stationed on-site when not responding to a call. Facilities may be staffed up to twenty-four hours a day and may provide sleeping and eating facilities, as well as office space for employees on duty.

Examples. Ambulance stations and facilities; police stations; fire stations; highway patrol facilities; Marshals' offices; Sheriffs' offices; State police facilities.

Detention Facilities.

Characteristics. Detention Facilities are characterized by facilities for the confinement of persons within the criminal justice system where inmates and detainees are under twenty-four hour supervision.

Examples. State penitentiary; correctional boot camps; holding cells, jails and prisons; juvenile detention homes and reformatories.

Exceptions. Housing for persons enrolled in work release programs is considered a Residential use.

Military Installations.

Characteristics. Military Installations are characterized by facilities for the operations of the armed forces, including facilities to house, equip, and train enlisted members of the armed forces. Military Installations are operated by a division of the Oregon Military Department or the United States Department of Defense.

Examples. Armories and training centers for the Oregon National Guard; US Army, Navy, Marines, and Air Force bases.

Exceptions.

(A) Recruitment centers for the armed forces where no training, weapons storage, or troop housing takes place on site are included in Civic Services: Governmental Services.

(B) Administrative offices related to the armed forces or the U.S. Army Corps of Engineers where little interaction with the public takes place and where no troop training or housing or weapons storage takes place on site are included in Civic Services: Governmental Services.

(C) Aeronautics facilities associated with the military are included in Transportation Facilities: Aviation Facilities.

Funeral and Related Services. Funeral and Related Services consists of services and facilities engaged in preparing the dead for burial; conducting funerals, cremations, and burials; and providing land for the permanent disposition of remains.

Cemeteries.

Characteristics. Cemeteries are characterized by the provision of land for the permanent disposition of human or animal remains.

Examples. Cemeteries, animal cemeteries, mausoleums, columbaria.

Funeral and Cremation Services.

Characteristics. Funeral and Cremation Services are characterized by establishments engaged in preparing the remains of the dead for permanent disposition and arranging, managing, and conducting funerals, wakes, and burials.

Examples. Funeral homes or parlors; crematories; taxidermists.

Construction Contracting, Repair, Maintenance, and Industrial Services. Construction Contracting, Repair, Maintenance, and Industrial Services consists of construction and maintenance of buildings and grounds and the repair and maintenance of consumer, business, and industrial products and equipment other than the repair of motor vehicles and trailers. Services are generally provided by traveling to the customer or by the delivery of items to the site for repair.

General Repair Services.

Characteristics. General Repair Services are characterized by the repair and maintenance of light business equipment, consumer products, and personal and household items, other than clothing and accessories. Repair and maintenance activities may take place on the subject site or may take place at the customer's location.

Examples. Furniture re-upholstery and repair; appliance repair; bicycle and other sporting goods repair and service; repair services for consumer electronics; musical instrument repair; copier, computer, printer, telephone, fax machine, and other office equipment repair and service.

Exceptions.

(A) Motor vehicle repair is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

(B) Watch and jewelry repair and clothing alteration and repair are included in Retail Sales and Services: Personal Services.

Building and Grounds Services and Construction Contracting.

Characteristics. Building and Grounds Services and Construction Contracting is characterized by establishments engaged in off-site property and building improvement, construction, or maintenance. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, and minor assembly or preparation of materials.

Examples. Construction contractors; landscape, lawn and garden services; pest control services; window cleaning services; janitorial services; portable toilets rental and leasing; upholstery and carpet cleaning; excavation and demolition services; water well drilling; specialty trade contractors including glass and glazing contractors, plumbing, electrical, carpentry, painting and paper hanging, heating, ventilation, air conditioning, roofing, siding, sheet metal work, masonry, stone, tile work, flooring, plastering, drywall, insulation, and concrete work; service and storage yards.

Exceptions.

(A) Building and grounds maintenance services based on the same site where services are provided are considered accessory to the primary use.

(B) Sites used primarily for the storage of heavy equipment are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(C) Building and grounds services conducted entirely in an office environment without outdoor storage are included in Business and Professional Services: Office.

Cleaning Plants.

Characteristics. Cleaning Plants are characterized by dry cleaning and laundry service facilities that clean items transported to and from the site by the company or a third party rather than by the customer. Customers rarely, if ever, come to the site.

Examples. Dry cleaning plants; industrial laundries; diaper services; linen supply services.

Exceptions. Laundry and cleaning service establishments that provide for customer drop off and/or pick up on-site and serve the general public are included in Retail Sales and Service: Personal Services.

Industrial Services.

Characteristics. Industrial Services are characterized by establishments providing repair and maintenance of industrial machinery and equipment and other services primarily to industrial businesses.

Examples. Commercial and industrial machinery and equipment repair and maintenance, except automotive and electronic; industrial fan rebuilding and repair; precision machinery component repair; welding repair.

Exceptions. Repair of heavy vehicles and trailers is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

Wholesale Sales, Storage, and Distribution. Wholesale Sales, Storage, and Distribution consists of facilities for the storage, transfer, distribution, repackaging, or wholesale sales of physical goods or personal property other than live animals.

General Wholesaling.

Characteristics. General Wholesaling is characterized by sales of physical products primarily to customers other than the general public, including retailers; other wholesalers; and industrial, commercial, institutional, farm, or business users. The general public rarely comes to the site. Products are generally stored on-site, and may also be assembled, sorted, graded and/or re-packaged on-site. For establishments primarily engaged in sales to industrial, commercial, institutional, farm, or business users, activities on the site may also include on-site sales or order taking display areas. Products may be picked up on-site or delivered to the purchaser. General Wholesaling takes place entirely within an enclosed building and does not include the sale of dangerous, toxic, or potentially contaminating products.

Examples. Wholesale sales of automobiles and other motor vehicles, manufactured dwellings, and trailers, when stored inside; sale of supplies, light-duty equipment, store fixtures, and other business needs primarily to industrial, commercial, institutional, farm, or business users; sale of any products that are not dangerous, toxic, or potentially contaminating primarily to retailers or other wholesalers.

Exceptions.

(A) Wholesale sales of dangerous, toxic, or potentially contaminating products and those requiring outdoor storage are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

(B) Wholesale sales of livestock and other live animals are included in Farming, Forestry, and Animal Services: Keeping of Livestock and Other Animals.

(C) Firms that engage in sales on a membership basis are included in Retail Sales and Service: Retail Sales or Wholesale Sales, Storage, and Distribution: Wholesale Sales, based on the characteristics of the business activity.

(D) Establishments that are primarily storing and distributing goods with little on-site business activity are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

Heavy Wholesaling.

Characteristics. Heavy Wholesaling is characterized by sales of physical products that are dangerous, toxic, or potentially contaminating, or that require outdoor storage, primarily to customers, other than the general public, including retailers; other wholesalers; and industrial, commercial, institutional, farm, or business users. The general public occasionally comes to the site. Products are generally stored on-site, and may also be assembled, sorted, graded and/or re-packaged on-site. Activities on the site may also include on-site sales or display areas. Products may be picked up on-site or delivered to the purchaser.

Examples. Wholesale sales of automobiles and other motor vehicles, manufactured dwellings, and trailers, where stored outside, monuments and grave markers, metals, coal, and other minerals and ores, ammunition and firearms, petroleum and petroleum products, and chemicals; sales of logs, timber products, wood, wood chips, nursery stock, and lumber and construction materials requiring outdoor storage primarily to businesses, contractors, farm users, retailers, and/or other wholesalers; metals service centers and offices; grain elevators for the wholesale sale of agricultural products; recovery and wholesale sales of used motor vehicle parts, including junkyards and vehicle salvage; processing and wholesale sales of scrap and waste materials, including wrecking yards (scrap dealers); industrial equipment.

Exceptions.

(A) Wholesale sales of livestock and other live animals are included in Farming, Forestry, and Animal Services: Keeping of Livestock and Other Animals.

(B) Firms that are primarily storing and distributing goods with little on-site business activity are included in Warehousing and Distribution.

(C) Sales of heavy vehicles, heavy-duty trailers, and heavy equipment is included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Sales.

Warehousing and Distribution.

Characteristics. Warehousing and Distribution is characterized by the storage and/or distribution of goods or personal property. Goods are generally delivered to other firms or the final consumer. Except for some will-call pickups, there is little on-site sales.

Examples. Central postal distribution centers; cold storage plants and frozen food lockers; free standing warehouses associated with retail stores such as furniture or appliance stores; grain terminals; catalog and mail order houses; distribution facilities for internet retailers; distribution centers; major post offices and postal distribution centers; stockpiling of sand, gravel, bark dust, or other aggregate and landscaping materials; truck or rail freight terminals; weapon and ammunition storage; repossession service.

Exceptions.

(A) Uses that involve the transfer or storage of solid or liquid wastes are included in Utilities: Waste-Related Facilities.

(B) Oil and gasoline storage caverns and petroleum and chemical bulk stations and terminals are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

Self-service Storage.

Characteristics. Self-service Storage is characterized by facilities that lease space to individuals, usually storing household goods, or to businesses, usually storing excess inventory or supplies or archived records. The storage areas are designed to allow private access by the tenant for storing or removing personal property. Generally, few, if any, employees work at a the site.

Examples. Single story and multistory facilities that provide individual storage areas for rent.

Exceptions.

(A) On-site storage units provided to owners or tenants of a residential or office building are considered accessory to the primary use.

(B) A transfer and storage business where there are no individual storage areas, or where employees are the primary movers of the goods to be stored, is included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

Manufacturing. Manufacturing consists of the production, processing, fabrication, packaging, or assembly of goods. Natural, man-made, raw, secondary, or partially completed materials may be used in the manufacturing process. Products may be finished or semi-finished and are generally made for the wholesale market, for transfer to other plants, or to order for firms or consumers. Goods are generally not displayed or sold on site, but if so, they are a subordinate part of sales. Relatively few customers come to a manufacturing site.

General Manufacturing.

Characteristics. General Manufacturing is characterized by the production, processing, fabrication, assembly, or packaging of primarily finished products for entry into the stream of commerce for ultimate sale to the end user. Materials used generally include semi-finished products produced in Heavy Manufacturing industries; and may include some small amounts of natural and/or raw materials. Products produced can be of any size, but are generally smaller than those produced in Heavy Manufacturing. Production does not involve significant impacts on adjacent properties due to noise, vibration, dust, smoke, fumes, or noxious odors; and is not dangerous or polluting. General Manufacturing uses may require large, medium, or small scale facilities and the work, and the storage of product, may be conducted either inside or outside. Products are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

Examples. Breweries, wineries, distilleries, and cider houses where on-site food and/or beverage consumption is not the primary activity; commercial or industrial catering kitchens where food is prepared and delivered off-site; manufacturing of apparel; food, beverage and related products; pharmaceuticals; production or assembly of equipment, machinery, and fabricated products; wood, plastic, metal, ceramic, rubber, textile, and leather products; chemical products manufacturing that does not involve, or that does not have, significant impacts on adjacent properties due to noxious odors, noises, dust, smoke vibrations, or potential danger; computer and electronic products; sign manufacturing.

Exceptions.

(A) The production of printed materials is included in Manufacturing: Printing.

(B) Wineries, breweries, distilleries, or cider houses that are accessory to establishments for on-site retail food and/or beverage consumption are classified under Retail Sales and Services: Eating and Drinking Establishments.

(C) Cafeteria food service contractors that prepare food for on-site consumption in a cafeteria primarily for use by employees of another company are considered accessory to the use.

(D) The small scale production of handcrafted goods to be sold primarily on-site and to the general public is included in Retail Sales and Services: Retail Sales.

(E) Manufacture and production of products from composting organic material is included in Utilities: Waste-Related Facilities.

Heavy Manufacturing.

Characteristics. Heavy Manufacturing is characterized by the production or processing of finished or semi-finished products that are generally made for the wholesale market and for the transfer to other plants to be used in the further manufacturing of other, more complex products, or the wholesale market. Materials used generally include large amounts of natural and/or raw materials obtained from extractive industries or agricultural/forestry production; or materials that are

potentially hazardous or explosive. Products produced are typically heavy in weight and large in size or volume. Production may involve significant impacts on adjacent properties due to noise, vibration, dust, smoke, fumes, or noxious odors; and may be dangerous or polluting. Heavy Manufacturing uses typically require large-scale facilities and a substantial portion of the work, and the storage of product, may be conducted outside. Products are generally not displayed or sold on site, but if so, they are a subordinate part of sales.

Examples. Petroleum and coal products manufacturing; primary metal manufacturing; animal slaughtering, processing; meat packing; pulp, paper, and paperboard mills; leather tanning; production of asphalt, cement and concrete products, lime and gypsum products, and other nonmetallic mineral products; starch and vegetable fats and oils manufacturing; sawmills; explosives, ordnance, small arms, and ammunition manufacturing; chemical products manufacturing.

Printing.

Characteristics. Printing is characterized by the production of printed material for wholesale distribution. Printing physically takes place on site. Customers generally do not come to the site.

Examples. Book binding; newspaper, magazine and book publishing and printing; and printing maps, directories, calendars, and blank books, commercial printing.

Exceptions.

(A) Publishing activities without physical printing on site are included in Business and Professional Services: Office.

(B) Retail photocopying services are included in Retail Sales and Services: Retail Sales.

Transportation Facilities. Transportation Facilities consists of terminals, stations, and on-site support facilities primarily concerned with the movement of goods and people, at which people and/or goods embark, disembark, or transfer.

Aviation Facilities.

Characteristics. Aviation Facilities are characterized by facilities for the sales, rental, operation of airplanes, jets, helicopters, and gliders. The airside portion of such facilities may be improved or unimproved and air transportation services may be scheduled or unscheduled. Aviation facilities may be for commercial carriers or for shared use by private aircraft. Support facilities at airports may include hangars, aircraft maintenance and refueling facilities, and accommodations for passengers and cargo.

Examples. Air passenger and air freight services and facilities/terminals; airports; air strips, glider facilities, helicopter landing facilities; aviation schools; hangars.

Passenger Ground Transportation Facilities.

Characteristics. Passenger Ground Transportation Facilities are characterized by terminals, stations, or support facilities for passenger ground transportation services, including, but not limited to bus or rail, serving a local, suburban, intercity, or regional market area.. Passenger Ground Transportation Facilities are generally located along, or at the terminus of, a particular route and allow passengers access to transportation. Support facilities, such as shelters, ticket offices, waiting rooms, and benches, may be provided to help ensure passenger comfort.

Examples. Train or bus stations, stops or terminals; transit centers; multi-modal passenger facilities.

Exceptions.

(A) Storage yards and maintenance facilities for buses and other large passenger transportation vehicles are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Heavy Vehicle and Trailer Service and Storage.

(B) Transportation facilities dedicated to the movement of freight rather than passengers are included in Wholesale Sales, Storage, and Distribution: Warehousing and Distribution.

(C) Taxi stands where passengers are picked up or dropped off by taxicabs and car services are considered accessory to the primary use.

(D) Park-and-ride facilities owned or leased by a public agency for use by transit riders or ride-share participants are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Park-and-Ride Facilities.

Marine Facilities

Characteristics. Marine facilities are characterized by terminals, stations, or support facilities for passenger or freight marine transportation, as well as docks, moorings, storage, and other water-dependent facilities for boats. Facilities may be present to allow passengers to safely access transportation. Support facilities, such as shelter, ticket offices, waiting rooms, and benches may be provided to help ensure passenger comfort, but may only include water-related uses.

Examples. Ferry landings, marine freight services and facilities/terminals, ports, boat houses, marinas, landings, landing piers.

Utilities. Utilities consists of facilities and infrastructure for providing utility services, including, but not limited to, water, gas, sanitary sewer, storm sewer, electricity, communications, and solid waste.

Basic Utilities.

Characteristics. Basic Utilities are characterized by the physical facilities for infrastructure for providing utility services, including, but not limited to water, natural gas, sanitary sewer, storm sewer, electricity, and communications. Facilities are not regularly occupied by employees, and generally do not include parking areas, or vehicle, equipment, or material storage areas.

Examples. Pump stations, reservoirs, service poles, underground transmission facilities, substations, and related physical facilities; electric substations; pump stations; transmission and service poles; un-staffed water filtration equipment; water storage facilities.

Exceptions.

(A) Power generation facilities and equipment are included in Utilities: Power Generation Facilities.

(B) Drinking water treatment plants that are staffed on a regular basis are included in Utilities: Drinking Water Treatment.

(C) Wastewater treatment plants are included in Utilities: Waste-Related Facilities.

(D) Utility offices, other than those associated with power, sewer treatment, or water treatment plants, conducted entirely within an office environment without storage of materials and equipment are included in Business and Professional Services: Office.

Drinking Water Treatment.

Characteristics. Drinking Water Treatment is characterized by facilities that filter and/or treat water for public distribution. They are typically staffed on a regular basis.

Examples. Drinking water treatment plants.

Exceptions. Water filtration facilities that are not staffed, such as those associated with emergency water sources, are included in Utilities: Basic Utilities.

Power Generation Facilities.

Characteristics. Power Generation Facilities are characterized by the commercial conversion of energy, such as hydroelectric, fossil fuels, nuclear power, and solar power, into electrical energy and/or heat. Power Generation Facilities produce

electric energy and provide electricity to transmission systems or to electric power distribution systems. Power Generation Facilities may also produce thermal energy to fuel mechanical processes or to heat buildings or water.

Examples. Hydroelectric power plants; power plants that burn fossil fuels, large-scale photovoltaic power stations; co-generation plants.

Exceptions.

(A) Establishments primarily engaged in operating trash incinerators that also generate electricity are included in Utilities: Waste Related Facilities.

(B) Small-scale private power generation equipment, such as roof-top solar and emergency generators, that is sized to meet the needs of the primary use is considered accessory to the primary use.

Data Center Facilities

Characteristics. Data Center Facilities are characterized by facilities that physically house equipment dedicated to data storage and/or transmission, such as computer systems and as telecommunications and storage systems, that serves users beyond those present on the site. Facilities may not regularly have employees on-site. Facilities often include redundant or backup power supplies, redundant data communications connections, environmental controls (e.g., air conditioning, fire suppression) and security devices.

Examples. Computer center; data storage and hosting facility; server farm; data farm; data warehouse; co-location facility; co-located server hosting facility; telecommunication hotel; carrier hotel; telecommunications carriers.

Exceptions.

(A) Data storage and transmission equipment that serves the use on-site is not considered a use.

Fuel Dealers.

Characteristics. Fuel dealers are characterized by establishments that provide delivery of fuels and lubricants to the direct customer.

Examples. Heating oil; lubricants.

Exceptions. Vehicle fuel dealers are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Services: Motor Vehicle Services.

Waste-Related Facilities.

Characteristics. Waste-Related Facilities are characterized by establishments that receive solid or liquid wastes from others for disposal on the site, transfer to another location, or processing for re-use; uses that collect sanitary wastes; or uses that manufacture or produce goods or energy from the biological decomposition of organic material.

Examples. Energy recovery plants; hazardous waste collection facilities; limited use landfills; materials recovery facilities; recycling depots; sanitary landfills; solid waste transfer stations; waste composting; wastewater treatment plants.

Exceptions.

(A) Disposal of clean fill, as defined in OAR 340-098-0030, is not considered to be a use.

(B) Sewer pump stations and sewer lines outside of the public right-of-way are categorized under Utilities: Basic Utilities.

(C) Structures maintained solely to provide shelter for recyclable material (such as paper, tin cans, and bottles) deposited by members of the public and collected at regular intervals for further transfer or processing elsewhere are considered accessory to the use.

(D) Scrap dealers and establishments primarily engaged in salvage and/or wrecking of automobiles, trucks, machinery, or similar items are included in Wholesale Sales, Storage, and Distribution: Heavy Wholesaling.

Mining and Natural Resource Extraction. Mining and Natural Resource Extraction consists of the extraction of natural resources from the earth.

Petroleum and Natural Gas Production.

Characteristics. Petroleum and Natural Gas Production is characterized by the operation of oil and gas field properties. Petroleum and Natural Gas Production includes the production of oil through mining and extraction of oil from oil shale and oil sands and the production of gas and hydrocarbon liquids through gasification, liquid fraction, and pyrolysis of coal at the mine site; the operation of oil and gas wells for others on a contract or fee basis; and the provision of oil field services for operators on a contract or fee basis.

Examples. Spudding in, drilling in, re-drilling, and directional drilling; and all other activities in the preparation of oil and gas up to the point of shipment from the producing property; drilling, completing, and equipping wells; exploration for crude petroleum and natural gas; operation of separators, emulsion breakers, desilting equipment, and field gathering lines for crude petroleum.

Surface Mining.

Characteristics. Surface mining is characterized by all or any part of the process of mining minerals by the removal of overburden and the extraction of natural mineral deposits thereby exposed by any method by which more than five thousand cubic yards of minerals are extracted or by which at least one acre of land is affected within a period of twelve consecutive calendar months.

Examples. Gravel mining, open-pit mining operations, auger mining operations, processing, surface impacts of underground mining, production of surface mining refuse, the construction of adjacent or off-site borrow pits (except those constructed for use as access roads).

Exceptions.

(A) Excavations of sand, gravel, clay, rock or other similar materials conducted by the landowner or tenant for the primary purpose of construction, reconstruction or maintenance of access roads on the same parcel or on an adjacent parcel that is under the same ownership as the parcel that is being excavated is considered accessory to the use.

(B) Excavation or grading operations reasonably necessary for farming are included in Farming, Forestry, and Animal Services: Agriculture.

(C) Removal of rock, gravel, sand, silt or other similar substances removed from the beds or banks of any waters of the state pursuant to a permit issued under ORS 196.800-196.900 is not considered a use.

Farming, Forestry, and Animal Services. Farming, Forestry, and Animal Services consists of the propagation, cultivation, and/or harvesting of plants and animal husbandry, breeding, boarding, grooming, and care.

Agriculture.

Characteristics. Agriculture is characterized by the growing, producing, or keeping of plants for commercial purposes. Agriculture may include activity taking place in a greenhouse, frame, cloth house, lath house, or outdoors.

Examples. Crop production; growing cultured Christmas trees as defined in ORS 215.203; orchards; propagation of ornamental plants and other nursery products, such as bulbs, florists' greens, flowers, shrubbery, flower and vegetable seeds and plants, and sod; truck gardening; wholesale plant nurseries.

Exceptions. Plant nurseries that are oriented to retail sales are included in Retail Sales and Service: Retail Sales.

Forestry.

Characteristics. Forestry is characterized by the propagation or harvesting of timber and forest products.

Examples. Timber tracts and forest nurseries; gathering of forest products such as bark, cones, seeds, or fungi.

Exceptions. Growing cultured Christmas trees as defined in ORS 215.203 is included in Farming, Forestry, and Animal Services: Agriculture.

Agriculture and Forestry Services.

Characteristics. Agriculture and Forestry Services are characterized by establishments providing management and services to the agricultural and forestry industries. Services are generally provided off-site provided by traveling to the customer's property. On-site activities are generally limited to administration, dispatch, indoor or outdoor storage of equipment and supplies, fleet vehicle storage, and minor assembly or preparation of materials.

Examples. Soil preparation services; crop planting, cultivating, and harvesting; preparation of crops for market, such as cleaning, grading, shelling, and drying; farm labor and farm management services; forest fire fighting, forest fire prevention, forest pest control, and reforestation services.

Keeping of Livestock and Other Animals.

Characteristics. Keeping of Livestock and Other Animals is characterized by the keeping, breeding, boarding, grazing, or feeding of dogs, equines, cattle, swine, sheep, goats, poultry or other animals, or the propagation, cultivation, maintenance and harvesting of aquatic species for a commercial purpose or a private, non-commercial use. Commercial purposes means conduct of the activity to obtain a profit.

Examples. Animal shelters; breeding and boarding kennels; dairies; egg production facilities, broiler facilities, poultry hatcheries, apiaries; establishments primarily engaged in buying and/or marketing livestock such as livestock auctions; feedlots; keeping of miniature swine; ranches; riding stables.

Exceptions. The keeping of household pets is considered accessory to Residential uses.

Animal Services.

Characteristics. Animal Services is characterized by veterinary, grooming and other services for pets, livestock, and other animals.

Examples. Animal day care; animal grooming; veterinary services; wildlife rehabilitation facilities.

Exceptions. Pet stores are included in Retail Sales and Services: Retail Sales.

Other Uses.

Temporary Uses.

Characteristics. Temporary Uses are characterized by activities that are inherently temporary in nature, such as uses that are seasonal or directed toward a specific event; uses which are occasioned by an unforeseen event; uses associated with the process of development; and uses that are mobile.

Examples. Mobile food units; residential sales/development office; temporary motor vehicle and recreational vehicle sales; seasonal sales.

Home Occupations.

Characteristics. Home Occupations are characterized by any business or professional activity conducted by a resident within a building used for Household Living, or within an accessory structure thereto, which is clearly accessory and subordinate to the residential use of the building and its premises. Home Occupations maintain the essential residential character of the building and its

premises and do not to give the outward appearance, nor manifest any characteristic, of a business.

Examples. Dressmaker, lawyer, public accountant, artist, caterer, writer, teacher, musician, home office of a physician, dentist, or other practitioner of any of the healing arts, or practices of any art or craft.

Exceptions.

(A) Automotive repair, body work, painting, and other Motor Vehicle Services are included in Motor Vehicle, Trailer, and Manufactured Dwelling Sales and Service: Motor Vehicle Services.

(B) Small engine repair, appliance repair, and other General Repair Services are included in Construction Contracting, Repair, Maintenance, and Industrial Services: General Repair Services.

(C) Salvaging, sorting, and recycling of discarded materials and other Waste-Related Facilities are included in Utilities: Waste-Related Facilities.

Exhibit 2 – IC (Industrial Commercial) Development Standards

Where used in this exhibit, The "District" means the property re-zoned to IC as part of Case No. CPCZCPAR12-08. "Internal Street" means a street which is not an arterial or collector street, which has no or only one actual or proposed connection to an existing or proposed street at the boundaries of the District, or which is a loop street entirely within the District.

(a) Lot Standards. Lots shall conform to the standards set forth in Table 2

Table 2: Lot Standards		
Requirement	Standard	Limitations & Qualifications
Lot Area		
All Uses	None	
Lot Width		
All Uses	None	
Lot Depth		
All Uses	None	
Street Frontage		
All Uses	Min. 16 ft.	

(b) Land Division. In addition to any other applicable subdivision approval criteria set forth in the Salem Revised Code, the District shall not be divided unless the following criteria are met:

- (1) The configuration of the lots does not require the creation of other smaller lots as the only way to develop the remainder of the District;
- (2) The lot is complementary and compatible to other uses within the District; and
- (3) The lot does not preclude expansion of existing industries.

(c) Setbacks. Setbacks within the District shall be provided as set forth in Tables 3 and 4.

Table 3: Setbacks		
Requirement	Standard	Limitations & Qualifications
ABUTTING STREET		
<i>Buildings</i>		
All Uses	Min. 20 ft.	Applicable where abutting an Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an Internal Street.
<i>Accessory Structures</i>		
Accessory to All Uses	Min. 20 ft.	Applicable where abutting an Internal Street.
	Min. 40 ft.	Applicable where abutting a street, other than an Internal Street.
	None	Applicable to transit stop shelters.
<i>Vehicle Use Areas</i>		
All Uses	Min. 20 ft.	
INTERIOR FRONT		
<i>Buildings and Accessory Structures</i>		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within

Table 3: Setbacks		
Requirement	Standard	Limitations & Qualifications
		the District or zoned IBC.
Vehicle Use Areas		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
INTERIOR SIDE		
Buildings and Accessory Structures		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
Vehicle Use Areas		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
INTERIOR REAR		
Buildings and Accessory Structures		
All Uses	None	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.
Vehicle Use Areas		
All Uses	Min. 10 ft.	Applicable where a property within the District abuts another property within the District or zoned IBC.
	Zone-to-Zone Setback (Table 552-4)	Applicable where a property within the District abuts a property other than a property within the District or zoned IBC.

Table 4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening	Limitations & Qualifications
EFU	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Residential Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	

Table 4: Zone-to-Zone Setbacks				
Abutting Zone	Type of Improvement	Setback	Landscaping & Screening	Limitations & Qualifications
Mixed-Use Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Commercial Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Public Zone	Buildings and Accessory Structures	Min. 40 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Industrial and Employment Zone: EC, IC, and IP	Buildings and Accessory Structures	Min. 20 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	
Industrial Zone: IG and II	Buildings and Accessory Structures	Min. 20 ft.	Type B	
	Vehicle Use Areas	Min. 20 ft.	Type B	

(d) **Lot Coverage; Height.** Buildings and accessory structures within the District shall conform to the lot coverage and height standards set forth in Table 5.

Table 5: Lot Coverage; Height		
Requirement	Standard	Limitations & Qualifications
LOT COVERAGE		
<i>Buildings and Accessory Structures</i>		
All Uses	No Max.	
HEIGHT		
<i>Buildings</i>		
All Uses	Max. 70 ft.	
<i>Accessory Structures</i>		
Accessory to All Uses	Max. 70 ft.	

(e) **Off-Street Parking and Loading.** Within the District off-street parking and loading shall meet the Off-Street Parking standards of the Salem Revised Code, together with the additional requirements of this section:

(1) **Off-Street Parking.** Not more than 10 percent of the required off-street parking spaces may be located in a required setback abutting a street. For purposes of this subsection, required setback means the setback required for a building abutting a street.

(2) **Loading.**

(A) All loading spaces shall be screened from adjacent property by a minimum 6-foot-tall sight-obscuring fence, wall, or hedge; or a berm at least 4 feet in height.

(B) Loading docks and loading doors shall be screened from the street by landscaping and shall be offset from driveway openings.

(g) **Landscaping.** Landscaping within the District shall be provided as set forth in this subsection.

(1) **Setbacks.** Unless otherwise provided in the Salem Revised Code, required setbacks shall be landscaped. Landscaping shall meet the Type A standard.

(2) **Vehicle Use Areas.** Vehicle use areas shall be landscaped as provided in the Salem Landscaping Code.

(3) **Development Site.** A minimum of 20 percent of the development site shall be landscaped. Landscaping shall meet the Type A standard. Other required landscaping, such as required landscaping for setbacks or vehicle use areas, may count towards meeting this requirement.

(4) **Landscaping Types.** Required landscaping shall be provided according to one of the landscaping types set forth in Table 6. Where landscaping is required without a reference to a specific landscaping type, the required landscaping shall meet the Type A standard.

Table 6: Landscaping and Screening		
Landscaping Type	Required Plant Units (PU)	Required Screening
A	Min. 1 PU per 20 sq. ft. of landscaped area	None
B	Min. 1 PU per 20 sq. ft. of landscaped area	Min. 6-foot-tall fence or wall
C	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall wall
D	Min. 1 PU per 16 sq. ft. of landscaped area	Min. 6-foot-tall sight-obscuring landscaping or wall

(h) **Outdoor Storage.** Within the District, outdoor storage shall conform to the following standards:

(1) Storage areas shall not be located within required setbacks;

(2) Storage areas shall be enclosed by a minimum six-foot-high sight-obscuring fence, wall, or hedge; or a berm at least four feet in height;

(3) Materials and equipment stored shall not exceed a maximum height of fourteen feet above grade, provided however, that materials and equipment more than six feet in height above grade shall be screened by sight-obscuring landscaping located within a minimum five-foot-wide landscape strip planted at one plant unit per 20 square feet of landscaped area.

HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Change/Zone Change/Partition Case No. CPC-ZC-PAR12-08
AMANDA APPLICATION NO:	12-112922-ZO (Zone Change) & 12-112924-LD (Partition)
HEARING INFORMATION:	Planning Commission, Tuesday, December 18, 2012, 5:30 p.m. Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	NORTHWEST CORNER OF THE INTERSECTION OF HIGHWAY 22 & CORDON ROAD SE, SALEM OR 97317
OWNER / APPLICANT:	JB AND B INVESTMENT GROUP LLC
AGENT:	MULTI-TECH ENGINEERING
DESCRIPTION OF REQUEST:	A consolidated application to change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and Multi-Family Residential and change the zone district from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) and a 3-parcel partition on property 45.42 acres in size, and located at the northwest corner of the intersection of Highway 22 & Cordon Road - 97317 (Marion County Assessor's Map and Tax Lot numbers: 082W05 100, 200, 400, 401, & 500).
CRITERIA TO BE CONSIDERED:	<p>❖ Comprehensive Plan Change</p> <p>Pursuant to SRC 64.090, the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria:</p> <ol style="list-style-type: none"> 1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or 2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and 3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and 4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and 5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and 6. The proposed change benefits the public. <p>❖ Zone Change</p> <p>Pursuant to SRC 113.150(b), the testimony and evidence for the ZONE CHANGE must be directed to the following criteria:</p> <ol style="list-style-type: none"> 1. The existence of a mistake in the compilation of any map, or in the application of land use designation to the property; 2. A change in the social, economic, or demographic patterns of the neighborhood community; 3. A change of conditions in the character of the neighborhood; 4. The effect of the proposal on the neighborhood; 5. The physical characteristics of the subject property, and public facilities and services; and 6. Any other factor that relates to the public health, safety, and general welfare of the community.

Review Authority identifies as relevant to the proposed change.

❖ **Partition**

Pursuant to SRC 63.047(b), before approval of a TENTATIVE PLAN, the Planning Administrator shall make affirmative findings that:

- (1) Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and
- (2) Provisions for water, sewer, streets, and storm drainage facilities comply with the City's public facility plans; and
- (3) The tentative plan complies with all applicable provisions of the Salem Revised Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter.

Additionally, pursuant to SRC 63.051(a), the TENTATIVE PLAN must also be found to meet the following requirements and conditions:

- (1) The proposal conforms to the requirements of this chapter.
- (2) The proposed street system in and adjacent to a subdivision or partition conforms to the Salem Transportation System Plan adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition.
- (3) That the proposed subdivision or partition will be adequately served with city water and sewer, and will be served by other utilities appropriate to the nature of the subdivision or partition.
- (4) That the layout of lots, and their size and dimensions take into account topography and vegetation of the site so as not to require variances from the Salem Zoning Code in order that buildings may be reasonably sited thereon, and that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots.
- (5) The proposal conforms to the Salem Zoning Code (SRC Title X) and the excavati and fill provisions of SRC chapter 65.
- (6) If the tentative plan is for a subdivision subject to SRC 66.050(a), that a UGA Development Permit has been issued and will be complied with.
- (7) Adequate measures have been planned to alleviate identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback. For development in wetlands and unstable areas, the following measures shall apply:
 - A. For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.
 - B. For unstable areas these measures will be documentation, as approved by the department of public works, that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected.

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.

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 eviden 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


HOW TO PROVIDE TESTIMONY:

HEARING PROCEDURE:

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:


Bryan Colbourne, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2363; E-mail: bcolbourne@cityofsalem.net

NEIGHBORHOOD ORGANIZATION:

Southeast Mill Creek Association (SEMCA), Cory Poole, Chair; Phone: (503) 363-7717; Email: robosushi@robosushi.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:

www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx

ACCESS:

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

NOTICE MAILING DATE:

November 28, 2012

PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEES

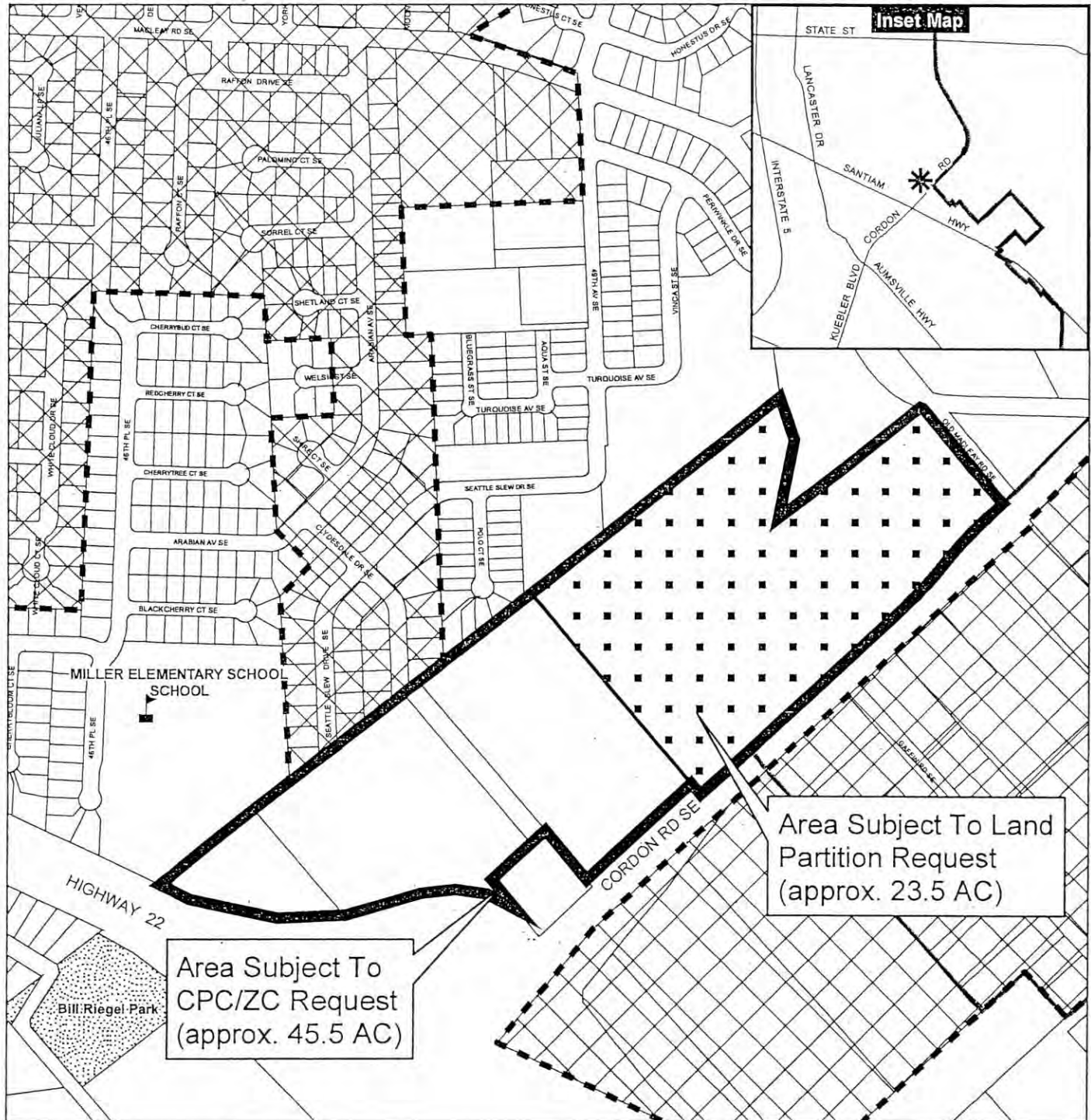
G:\CD\PLANNING\CASE APPLICATION FILES 2011 – ON \CPC-ZC ... \2012\3 – Case Processing documents \CPC-ZC-PAR12-08 ... \CPC-ZC-PAR12-08 Hearing Notice.doc

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 two business days before this meeting or event.

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

Vicinity Map

Northwest Corner of the Intersection of Highway 22 and Cordon Road SE



Legend

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

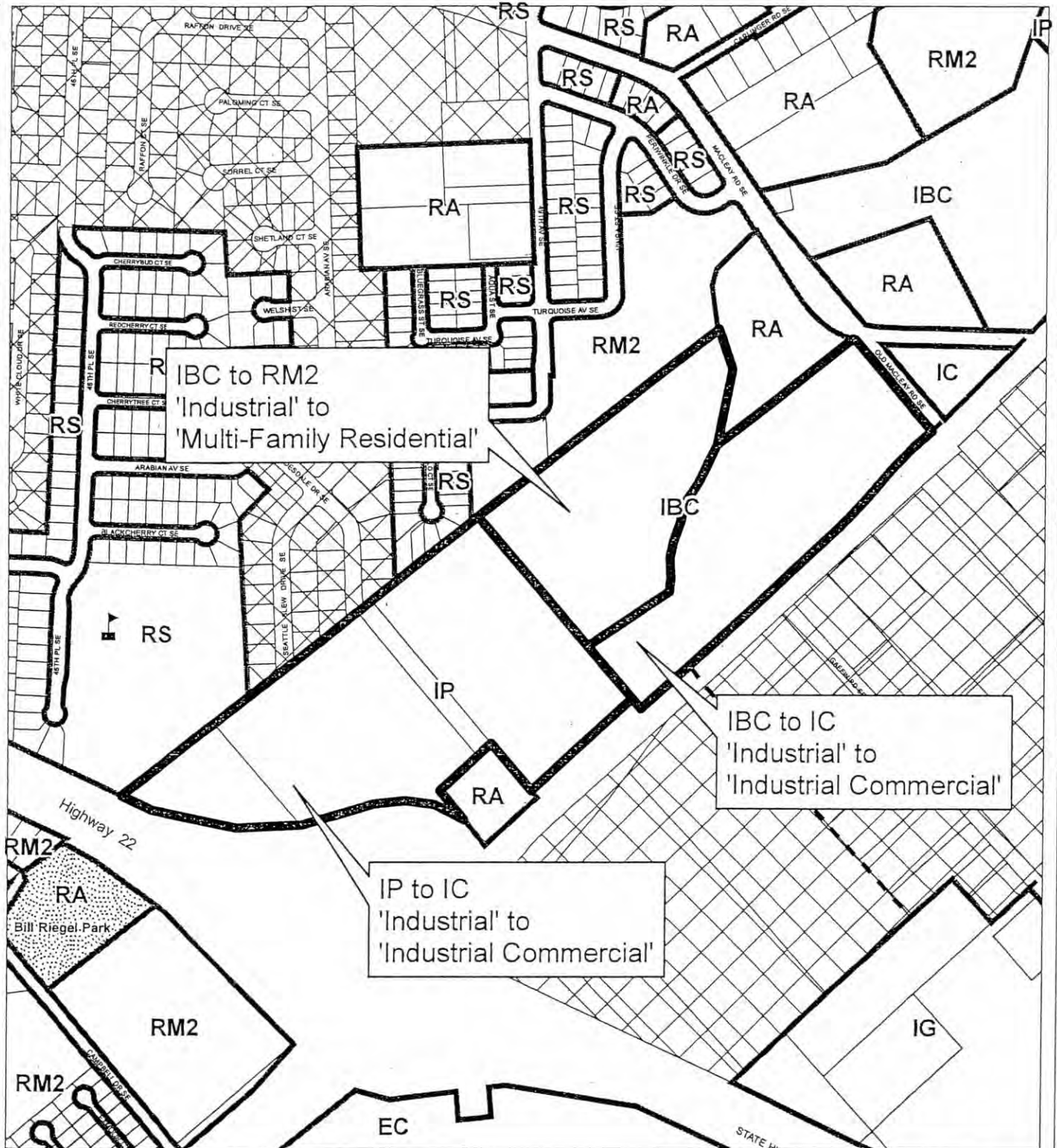
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CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

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Comprehensive Plan Change/Zone Change 12-08



Legend

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

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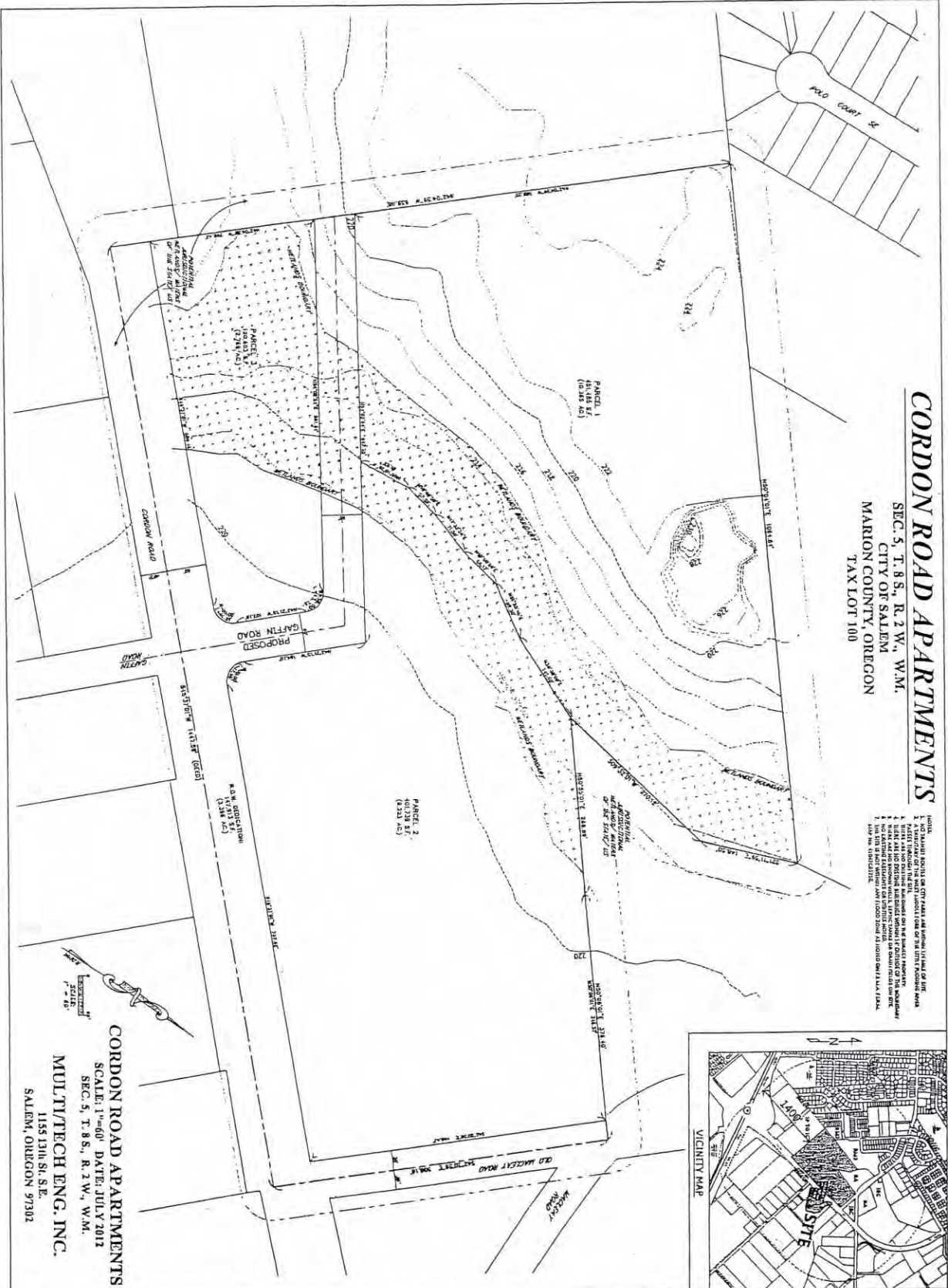
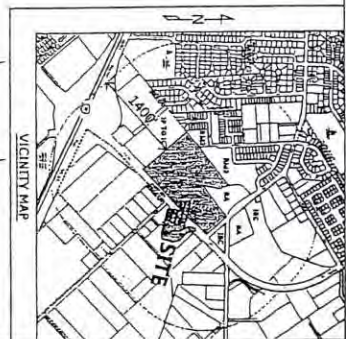


CITY OF *Salem*
AT YOUR SERVICE
Community Development Dept.

CORDON ROAD APARTMENTS

SEC. 5, T. 8 S., R. 2 W., W.M.
CITY OF SALEM
MARION COUNTY, OREGON
TAX LOT 100

- NOTES:
1. NO PARTIAL EASEMENTS OR CITY PLATS ARE SHOWN WITHIN OF SITE.
 2. EXISTING EASEMENTS ARE SHOWN ON THE PLAT.
 3. THE SITE IS LOCATED WITHIN THE CITY OF SALEM, MARION COUNTY, OREGON.
 4. THE SITE IS LOCATED WITHIN THE CITY OF SALEM, MARION COUNTY, OREGON.
 5. THE SITE IS LOCATED WITHIN THE CITY OF SALEM, MARION COUNTY, OREGON.
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 8. THE SITE IS LOCATED WITHIN THE CITY OF SALEM, MARION COUNTY, OREGON.
 9. THE SITE IS LOCATED WITHIN THE CITY OF SALEM, MARION COUNTY, OREGON.
 10. THE SITE IS LOCATED WITHIN THE CITY OF SALEM, MARION COUNTY, OREGON.



CORDON ROAD APARTMENTS
SCALE: 1"=60' DATE: JULY 2012
SEC. 5, T. 8 S., R. 2 W., W.M.
MULTITECH ENG. INC.
1155 13th St. S.E.
SALEM, OREGON 97302

1 of 1



DESIGN: M.D.S.
DRAWN: P.S.D.
CHECKED: P.S.D.
DATE: JULY 2012
SCALE: AS SHOWN
AS-BUILT:

MULTITECH ENGINEERING, INC.
1155 13th St. S.E.
SALEM, OREGON 97302
PHONE: 503-585-1111
FAX: 503-585-1112
WWW.MULTITECH-ENG.COM

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REPRESENTATION.

CORDON
ROAD
APARTMENTS

PARTITION PLAN

MULTI/TECH
ENGINEERING SERVICES, INC.
1155 13th St. S.E., Salem, OR 97302
503-585-1111
WWW.MULTITECH-ENG.COM

Cordon Road: Compressive Plan Change and Zone Change

RECEIVED

AUG 13 2012

BACKGROUND/PROPOSAL

COMMUNITY DEVELOPMENT

The site is located at the NW corner of the intersection of Highway 22 and Cordon Road SE (082W05/100, 200, 400, 401, & 500). The proposal is to change the zoning for approximately 45.42 acres from IBC (Industrial Business Campus) & IP (Industrial Park) to RM2 (Multi-Family Residential) and IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Industrial" to "Industrial Commercial" and RM2 (Multi-Family Residential).

The City held a preapplication conference with the applicant on March 8, 2012 for the purpose of discussing redevelopment of the subject property without a specific use being proposed (Pre-application No. 12-09).

The area is located within the boundaries of the Southeast Mill Creek Association (SEMCA) neighborhood planning organization. SEMCA does not have an adopted neighborhood plan at this time. Therefore, a neighborhood plan change is not required with the proposed Comprehensive Plan Change/Zone Change (CPC/ZC).

The northern portion of Tax Lot 100 is proposed to be rezoned to RM2 for the development of apartments (See Tentative Partition Plan and Application).

On July 3, 2012, Urban Growth Area Development Permit 12-01 was approved by the City of Salem Public Works Department. UGA 12-01 outlines the needed and required facilities and improvements to development the site.



The southern portion of Tax Lot 100, all of Tax Lots 200, 400, 401, and 500 are proposed to be rezoned to IC. The IC zone district permits a range of uses under Salem Revised Code (SRC) Chapter 155.020. The specific "Industrial Commercial" SACP map designation was chosen to be applied to the property because it is the only Comprehensive Plan map designation that is implemented by IC zoning. The proposal to change the land use designation comes due to the fact that IBC and IP zones do not offer a range of uses needed in this area. Nor are they zones that are very marketable in today's market.

EXISTING SITE CONDITIONS

The site consists of five tax parcels totaling approximately 45.42 acres in size. The property has street frontage on Old Macleay Road SE to the east, Cordon Road to the south, and Hwy 22 to the west of the site. Access to and from the site will be taken from Cordon Road SE. The site is underdeveloped and the applicant has applied for a UGA permit to determine some improvements that will be required with the development of the site.

There are trees located on the site along with a riparian corridor. The applicant has provided an Exhibit M with the Partition application that identifies the number of trees proposed for removal. The applicant plans to beautify the riparian area and replant trees and vegetation. The riparian corridor will become a visual asset to the developments proposed on Tax Lot 100.

The West Middle Fork Little Pudding River runs north/south through Tax Lot 100. The City indicates there is an identified mapped wetland on the subject property. The applicant has hired a professional to do a wetlands study on the site.

Site Plan:

A site plan is not required as part of a Comprehensive Plan Change/Zone Change application. The proposal is for industrial/commercial and multi-family development. Parking, landscaping and general site improvements will occur at the time of development to minimum code standards.

Vicinity Information:

The site is located within the City limits and the Urban Growth Boundary. The subject property is located outside the Urban Service Area. The applicant has an issued UGA (UGA Case No. 12-01). The vicinity map is attached. The surrounding land uses within the vicinity are zoned and used as follows:

- | | |
|------------|---|
| Northwest: | RS (Single Family Residential), RM2 (Multi-Family Residential), and RA (Residential Agriculture); existing single family dwellings and existing multi-family apartments, an elementary school |
| Northeast: | Across Old Macleay Road SE-IBC (Industrial Business Campus); existing single family dwelling and vacant land |
| Southwest: | Across Highway 22-RM2 (Multiple Family Residential) and RA (Residential Agriculture); existing single family dwellings and existing multi-family apartments, and Bill Riegel Park |
| Southeast: | Across Cordon Road SE-Outside city limits |

Applicable Detail Plans:

Detailed plans are prepared as policy guides to the Salem Area Comprehensive Plan and are specific plans for a particular geographic area of the city, or for the provision or performance of some particular service or function.

Salem Transportation System Plan (STSP): The STSP uses a Street Classification System to determine the functional classification of each street within the City's street system. Three streets

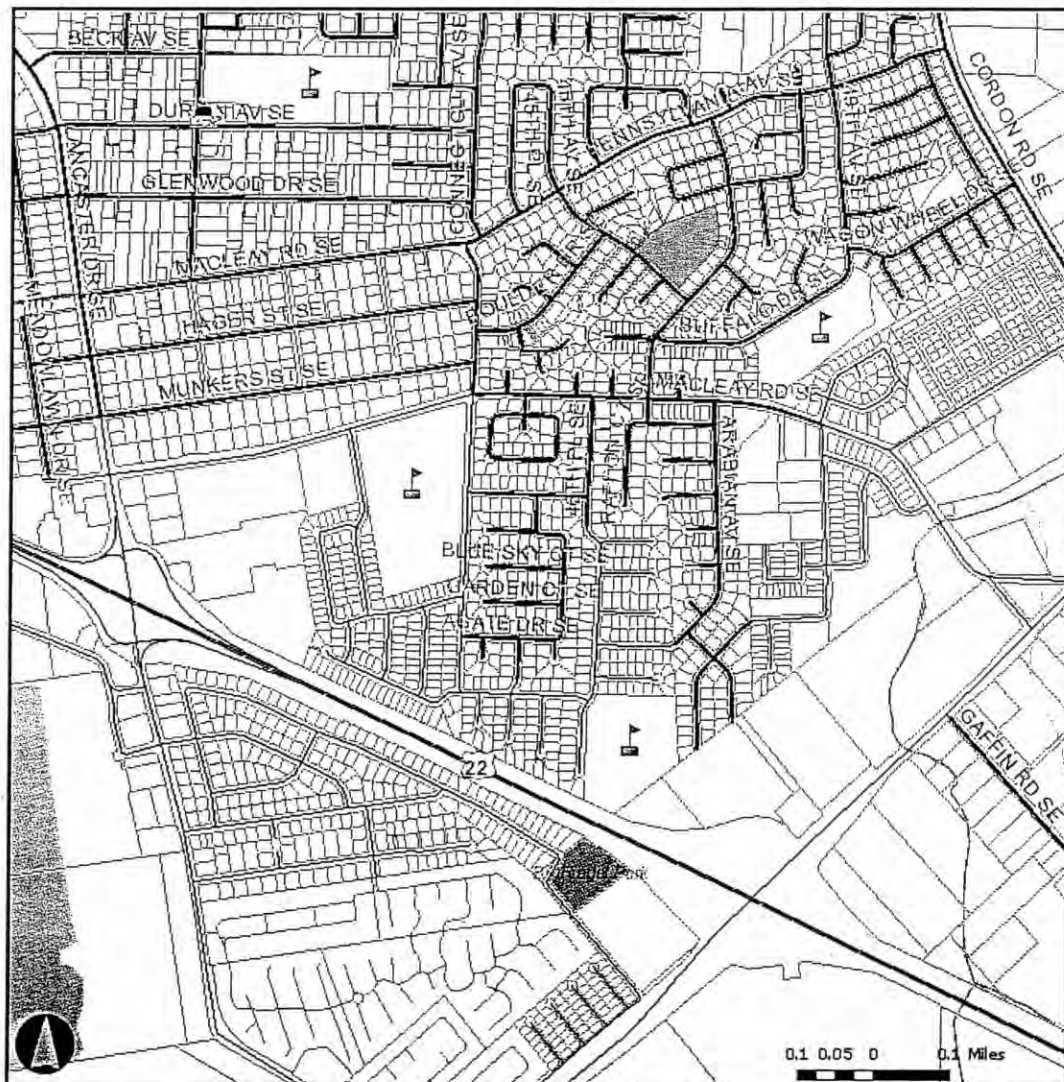
abut the subject property: Old Macleay Road SE which are designated as local street and Cordon Road which is designated as a parkway in the STSP.

As required by Public Works, Gaffin Road will run through the subject property and be designated as a local street. The Gaffin Road extension will line up with the portion of the Gaffin Road located to the south of the subject property.

APPLICANT'S REASONS ADDRESSING THE COMPREHENSIVE PLAN CHANGE CRITERIA

SRC 64.040(g) defines a minor plan change as a single proceeding for amending the Comprehensive Plan map affecting less than five privately and separately owned tax lots. This request is a Category 2 minor plan change under SRC 64.050, which is a quasi-judicial act. The burden of proof in meeting the approval criteria rests with the proponent of the change (SRC 64.090(a)).

This is a minor plan change in that it only involves the land that the applicant owns. The minor plan change is consistent with the overall objectives of the SACP. No substantive changes are needed to SACP policies or text amendments to accomplish the change in designation. The applicant has the option of addressing either Criteria 1 or 2 and must address Criteria 3-6.



Criterion 1A and B are addressed as follows:

The site was chosen due to its size, location, existing level of development and access to major streets. In order to address these criteria, a vicinity for determining "suitable alternative sites" is necessary. Therefore, the vicinity has been determined to be within a specific triangle bounded by Interstate Highway 22, Lancaster Drive, and Cordon Road as shown.

Size: There is a lack of appropriately designated sites within this vicinity in 45 acre range. There are no areas of IC zoning in the vicinity. There are no parcels the size of the subject property already zoned IC within the vicinity of the subject property. There are several large parcels within the vicinity that are zoned RM2. However, they are all fully developed. Therefore, there is no IC or vacant RM2 zoned properties within the vicinity.

The Salem-Keizer Metropolitan area Regional Economic Opportunities Analysis (EOA) report of May 2011 is the most recent updated land use study available that contains industrial and commercial land uses inventories. The EOA presents data for national, state, regional and local employment trends. The EOA reports that the national trend is for employment in retail trade, financial activities, professional and business services, health services, and other services to increase. The state trends follow the national trends, with employment in retail trade, finance, insurance and real estate, and services projected to increase.

The EOA reports: "The EOA identified a deficit of general commercial land that must be addressed through local planning processes. Options for addressing the general commercial land deficit include accommodating general commercial demand within the existing UGB include through tools such as redesignation of industrial or other lands, redevelopment of sites with existing but low-density commercial development, mixed-use development, or infill of underused commercial sites. Jurisdictions are required to consider these options prior to considering an expansion of their UGB to meet these land deficiencies."

The applicant's proposal is to rezone the subject properties to IC and RM2. The rezoning will help to meet the needs of the City of Salem and the EOA. The IC zone is a zone that allows a board range of uses. The IC zone can accommodate the needed commercial uses and the needed industrial uses within the city of Salem.

The applicant's proposal is to rezone the northern portion of Tax Lot 100 from IBC to RM2 to allow a higher density to be built on the site. According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 3,283 dwelling units and a deficit of 228 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

The Mill Creek Industrial Employment Center that was created in 2005 is located to the southwest of the site. This site was created to transform 828-acres of undeveloped property owned by the State of Oregon into industrial land to meet regional needs. The Mill Creek site has established several large commercial/industrial uses on the property. This site makes up for the loss of the IBC zoning on the subject property.

This proposal will allow the developer/s to develop the site with a mixed-use feel. Multi-family units on a portion of Tax Lot 100 and commercial uses through the rest of the sites. Residents can live and work within their neighborhood.

According to the Comprehensive Plan and zoning maps, there are no IC zoned property or vacant multi-family sites large enough for the project found in the vicinity of the subject property. This is further

evidence that there are no alternative sites that are appropriately designated in the vicinity of the subject property for "Industrial Commercial" or "Multi-Family Residential."

Location: The site is located at the intersection of Hwy 22/Cordon Road, near Kuebler Boulevard. Kuebler Blvd. is a major east-west link between Interstate Highway 5 and State Highway 22. The site has the advantage of high visibility to Hwy 22 and Cordon Road. It is located in an area that can attract drive-by users. It has excellent access available to major roadways in the vicinity. On-site retail, service, commercial and light industrial uses provided in this area can benefit workers and residents by reducing commuter traffic.

The location of the site provides the ability to develop industrial/commercial services because it is at a location that is very close to and accessible to the freeway and nearby residential neighborhoods in the surrounding area, including west of the freeway. At this proposed location, industrial/commercial services will be accessible from surrounding neighborhoods by multiple, alternate modes of transportation, including pedestrian, bicycle, and public transit when it becomes available. The nearest available bus routes are No. 16, on Lancaster Drive and Macleay Road, and No. 11 on Lancaster Drive.

The subject property is currently zoned IBC. The subject property has remained IBC for years, without any interest in development. The IBC zone and standards make it hard to develop or market a site. Therefore, the applicant is requesting a change in zoning. The applicant's request will allow the developer/owner to develop the site with a boarder range of uses allowed in the IC zone. This is a proposal to create new industrial/commercial designated land, not to convert any existing industrially designated land or remove land from the industrial inventory. A portion of Tax Lot 100 will be converted to residential. However, this RM2 zoned portion will only had to the needed housing type within the City of Salem.

There is a large IBC zoned property located to the east of the site across Old Macleay road that will make up for the rezoning of the subject property. The vacant IBC property has not been developed as well, therefore, further justifying the need to rezone IBC property within the City of limits and the subject property.

The Strategic Economic Development Corporation (SEDCOR) "*Inventory of Available Industrial Land for Sale or Lease Updated December 19, 2008*" lists four properties zoned IC that are for sale or lease. Three of these properties are located on Portland Road NE and contain less than 5 acres each. One property of 12 acres is located on Fairview Industrial Drive. SEDCOR's corresponding document listing industrial buildings for sale or lease and updated as of January 5, 2009, lists six buildings for sale or lease on sites that are zoned IC. The buildings are located on Industrial Way NE, Front Street NE, Cherry Avenue NE, Portland Road NE, Fairview Industrial Drive SE and on Wilco Highway in Woodburn. None of these sites has the attributes that the subject property has, namely comparable size, direct visibility to Cordon Road, location near to Kuebler Blvd. /Interstate Highway 22, and vacancy. The subject property is located in an area of the City that is expanding has expanded its public facilities in order to accommodate growth.

Therefore, the subject property's location and size, makes it an ideal location for private "urban renewal" development as industrial/commercial and multi-family.

Access: The subject property is located along a major transportation corridor. It has frontage on Cordon Road, Old Macleay Road, and Hwy 22. No direct access is available to Hwy 22. However, new street improvements will facilitate access into the site. As required by Public Works, Gaffin Road will run through the subject property and be designated as a local street. The Gaffin Road extension will line up with the portion of the Gaffin Road located to the south of the subject property. New and improved access into any development on the subject property is required to address safety, convenience, visibility, grade, and other access issues.

Criterion 3 is addressed as follows:

The following Statewide Planning Goals apply to this proposal:

Goal 1 – Citizen Involvement:

The City's adopted Comprehensive Plan General Development Goal and Policies, and its adopted zone code, implement the Statewide Citizen Involvement Goal. This application will be reviewed according to the public review process established by the City of Salem. The City's Plan is acknowledged to be in compliance with this Goal. Notice of the proposal will be provided to property owners and public agencies, published in the newspaper, and posted on the property. The published notice will identify the applicable criteria. A public hearing to consider the request will be held by the Planning Commission. Through the notification and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, attend the public hearing, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

Goal 2 – Land Use Planning:

The City's adopted Comprehensive Plan implements the Statewide Land Use Planning Goal. The Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals. This proposal is made under the goals, policies and procedures of the SACP and its implementing ordinance. A description of the proposal in relation to the intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, the zone change considerations is part of this review. Facts and evidence have been provided that support and justify the proposed Comprehensive Plan Change and zone change. For these reasons, the proposal conforms to the land use planning process established by this Goal.

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

The City's adopted General Development, Scenic and Historic Areas, Natural Resources and Hazards Goals and Policies address the Statewide Goal. According to the City's March 23, 2012, preapplication letter, there are mapped wetlands on the subject property. The City notifies the Division of State Lands of any proposed land use activities within a wetland area. In the event that a resource is identified, the City's applicable riparian, tree protection and wetland development standards will be applied at the time of development and will ensure compliance with Goal 5.

The City's preapplication letter indicated that there are no landslide risks on the subject property. A geological assessment is not required for this application.

There are no significant historic buildings on the subject property. The applicant has taken the opportunity to consider existing conditions that enable him to explore potential redevelopment. The City has standards in place to address access, internal circulation, topography, drainage, public facilities, overall site design and layout. Supplemental photographs of the site have been included with the land use application.

Goal 6 – Air, Water and Land Resources Quality

The City's adopted Comprehensive Plan Growth Management, Scenic and Historic Areas, Natural Resources and Hazards, Commercial, Industrial and Transportation Goals and Policies along with adopted facilities plans implement this Goal.

Development is required to meet applicable State and Federal requirements for air and water quality. The proposal to redevelop is reviewed by the City and any applicable outside agencies for impacts on environment and compliance to applicable standards and regulations. Development is required to meet applicable water, sewer, and storm drainage system master plan requirements. Upon redevelopment, the

City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality.

The City has identified the process through which water, sewer and storm drainage will be supplied to the site via their March 23, 2012, preapplication conference letter to the applicant. The City is responsible for assuring that wastewater discharges are treated to meet the applicable standards for environmental quality prior to release. Storm water runoff will be collected and removed by the City storm drainage system, in a manner determined by the City to be appropriate.

The proposed site is outside the noise contours of the air traffic, and that the facility will nevertheless utilize building materials that mitigate such noise, if any.

The major impact to air quality in the vicinity is vehicle traffic along the boundary streets, Hwy 22. and Cordon Road. These are the major traffic routes in the area. Cordon Road is designated as a Parkway in the Salem Transportation System Plan (STSP), and as such is defined to carry 30,000 to 60,000 vehicles per day. Hwy 22 is a Freeway, with a design capacity of 50,000+ vehicles per day. The traffic generated from the site will be minor compared to the total volume of traffic in this area, and will not create a significant additional air quality impact.

The proposal itself will not create a significant air quality impact because no development is planned at the present time. Also, part of the traffic generated by commercial uses on the site will be in place of traffic that would otherwise have to travel to similar services located elsewhere, and at greater distance; therefore any impact to air quality is expected to be relocated and not compounded.

The site is mostly vacant. There are no identified significant natural resources on the site. Development of vacant urban land is expected. The proposed change will have no significant impact on the quality of the land. The land is currently zoned IBC, which allows heavier impact uses than the proposed IC zone does. Considering the location of the site within the city, the availability of public facilities to provide water, sewage disposal and storm drainage services, and the surrounding transportation system, the proposal will have no significant impacts to the quality of the air, water or land. The City's adopted facility plans implement Goal 6.

Goal 7- Areas Subject to Natural Hazards

The City's adopted Comprehensive Plan Physical Development Goal and Policies implements the Statewide Natural Hazards Goal by identifying areas subject to natural hazards such as flooding. SRC Chapter 69 and 77 implement the Comprehensive Plan Goal and Policies. The City's March 23, 2012, preapplication letter indicated that there are no landslide risks on the site. A Geological Assessment is not required for regulated activities. A Comprehensive Plan Change/Zone Change is not a regulated activity pursuant to SRC 69.030. However, excavation, fills, construction of any building or structure for which permits in on are required is required to first obtain a permit or approval.

SRC 69.070 specifies the type of information a geological assessment is required to contain. SRC 69.080 specifies the type of information a geotechnical report is required to contain.

Natural drainage and run off due to redevelopment are addressed by the public construction storm drainage plans and roof drains for building permits for individual structures as part of the site development process. Any new construction is subject to engineered building foundations.

Goal 8 – Recreational Needs

The City's adopted Comprehensive Plan Open Space, Parks and Recreation Goal and Policies implements the Statewide Recreation Needs Goal by encouraging conservation and identification of existing and needed park resources and funding mechanisms. Salem identifies programs, activities and policies relating to parks and recreational activities in the community. The City's needs for leisure areas and open space areas have been identified in its adopted plans. At the time of development, the

proposal will provide improved public pedestrian connections via hard-surfaced sidewalks that are planned to further the City's planned connections to identified park sites. The proposed multi-family development that will be located on the northern portion of Tax Lot 100 will provide open space for recreational use. The Park and Recreation Master Plan map shows two existing parks located to the south and southwest of the site, Cascade Gateway Park and Bill Negel Park. Therefore, the proposal complies with this Goal.

Goal 9 – Economy of the State

The City's Economic, Commercial and Industrial Goals and Policies implement this Statewide Goal. The purpose of the City's Economic Development Goal is to "*Strengthen the economic base of the Salem area . . .*" The proposal meets this goal because it does not change the plan designation from an industrial use to a non-industrial use, except for the 10.37 acres of the northern portion of Tax Lot 100. The remaining 12.7 acres of the site will be designated for industrial uses permitted within the IC zone. The proposal is not a State-sponsored economic development project and there is no negative effect on the local, regional or statewide economy. The proposal will provide a location for commercial and industrial uses along with new opportunity for the local labor force to obtain employment. The subject property is currently underutilized and by developing the site the proposal will improve the economic viability of the location. The site is currently unproductive and returns little value to the City because of the current IBC zone. Redevelopment contributes to the economic base of the urban area, which is consistent with this Goal. The site will offer economic diversification because it will provide for the expansion of new industrial/commercial enterprises and will encourage the location of new businesses. It will provide an opportunity to encourage hiring of local unemployed, skilled and unskilled local residents.

Data required by this Goal to address the proposed change, as required by OAR 660-009-0015, is available in the *Economic Opportunity Analysis* (EOA) report. The information provided by the EOA provides the most recent and comprehensive data available for economic development trends and for the inventory of industrial land within the urban area for the 20 year planning period.

The EOA indicates that an increase in availability of commercial land would help to alleviate a deficit. According to the EOA, "*of the available commercial vacant inventory, only 285 acres are available in lots or parcels that are more than 2 acres in size . . . this results in a shortfall of 122 acres needed for uses that require larger sites, including office parks and neighborhood retail centers.*" . . . "*The Services sector is expected to show the greatest growth in jobs, at an average annual rate of 2.0%.*"

The "Industrial Commercial" designation along with the IC zoning designation offers a broad mix of employment uses are permitted in the IC zone, including agriculture, manufacturing and production, industrial service, warehouse and freight movement, and wholesale sales. Other allowed uses include office uses, public utilities such as the transportation, sewer, water and storm water infrastructure. Therefore, this proposal complies with Goal 9.

Goal 10 – Housing

The City's adopted Comprehensive Plan Growth Management, Residential, Transportation Goals and Policies and applicable adopted facilities plans implement the Statewide Housing Goal.

The re-designation of this site does not eliminate the ability of the site to be developed as residential because single and multi-family uses are conditional uses in the IC zone. Furthermore, the northern portion of Tax Lot 100 is proposed to be rezoned from IBC to RM2 as part of this application. That 10.37 acres will be developed as a multi-family development. Therefore, adding to the housing needs of the City of Salem. The Comprehensive Plan does project a need for residential units. The applicant's proposal is to rezone the northern portion of Tax Lot 100 from IBC to RM2 to allow a higher density to be built on the site. According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 3,283 dwelling units and a deficit of 228 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs within the Salem Urban Growth Boundary.

Goal 11 - Public Facilities and Services

The City's adopted Comprehensive Plan Growth Management, Commercial, Industrial, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Sidewalks are or will be provided throughout the site to connect to the public sidewalk system. The location along a major transportation corridor facilitates access to a transit route, bicycle and pedestrian access, provides significant opportunity to reduce vehicle miles traveled. The vehicle, transit, bicycle, and pedestrian circulation systems will be designed to connect major population and employment centers in the Salem urban area, as well as provide access to local neighborhood residential, shopping, schools, and other activity centers.

The Salem-Keizer School District provides public education facilities. The education district's master plan provides for growth in the district and has options to meet the demand. The education district reviews the population factors to determine planning, funding and locating new schools or providing additional facilities on the sites of existing schools. Typically, industrial/commercial development does not add to student population. However, the northern portion of Tax Lot 100 is proposed to be rezoned as RM2 and developed as multi-family residential. Therefore, adding students to the neighborhood schools.

Other private service providers supply garbage, telephone, television, postal and internet services as needed by the development. The required public services and facilities to serve new development will be determined by the City at the time development permits are requested. By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met.

Goal 12 – Transportation

The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The site is located at the intersection of Hwy 22/Cordon Road, near Kuebler Boulevard. Kuebler Blvd. is a major east-west link between Interstate Highway 5 and State Highway 22. The major streets are in place due to previous development.

The subject property is located along a major transportation corridor. It has frontage on Cordon Road, Old Macleay Road, and Hwy 22. No direct access is available to Hwy 22. However, new street improvements will facilitate access into the site. As required by Public Works, Gaffin Road will run through the subject property and be designated as a local street. The Gaffin Road extension will line up with the portion of the Gaffin Road located to the south of the subject property. New and improved access into any development on the subject property is required to address safety, convenience, visibility, grade, and other access issues.

The proposed map amendment will not significantly affect Cordon Road or Old Macleay Road as these facilities are planned with functional classifications and performance standards to accommodate the vehicle trip generation for a designated "Parkway" and "local street". The applicant's Transportation

Planning Rule analysis will address this goal because it addresses if a "significant affect" is identified and what the mitigation should be.

A TIA is being prepared for the project and will be submitted to the City of Salem when complete.

Goal 13 - Energy Conservation

The City's adopted Comprehensive Plan General Development, Urban Growth, Growth Management, Commercial, Industrial and Transportation Goal and Policies implements the Statewide Energy Conservation Goal by encouraging conservation practices, alternative sources of energy and efficient use of energy. The site is located within the City limits and within proximity to City facilities which can be extended to serve any new development.

Development of the vacant site continues to provide for the orderly and economic extension of public facilities and services and thus is economically provided. The existing transportation network surrounding the subject property is in place. The transportation system provides efficient and convenient linkages for both motorized and non-motorized forms of transportation. Up-to-date building construction codes provide for energy-saving devices and conservation for any new structures. The Comprehensive plan identifies the need for public education, incentive and enforcement programs that encourage lower and alternative energy consumption costs.

The subject property is located very close to major arterial and major streets that provide direct access to HWY 22 and Kuebler Boulevard. New construction provides the opportunity to provide improved construction and building techniques which improves and conserves energy uses of the new building.

Goal 14 – Urbanization

The City's adopted Comprehensive Plan Urban Growth Management Goal and Policies implements the Statewide Urbanization Goal and primarily addresses residential development within the City and UGB. The subject property is within the City and the UGB and is located in an urbanizing area of the city. The Comprehensive Plan Change/Zone Change advance the SACP by facilitating productive use of the site which is mostly underused. Since infrastructure is needed to serve development, the change in Plan designation will call for the extension of new sewer and water mains and construction of upgraded facilities. These can only happen by increasing the opportunity for development to pay for these infrastructure improvements which are appropriate for an urbanizing area.

The subject property is within a developing area of the City and outside the urban service area. UGA 12-01 identifies the needed facilities for the area. Specific development triggers specific facilities that are required to be connected to existing systems for looped service.

Criterion 4 is addressed as follows:

The subject property is in an area characterized by single family uses, vacant land and industrial uses. The surrounding County properties are mostly in residential or industrial uses. The character of the area is changing from rural residential to more intense urban development and will continue to do so once major public facilities are installed.

New development on the site will be according to minimum City landscaping and bufferyard standards and other improvement standards. By meeting these requirements at the development stage, the development will meet the City's adopted community development standards which are designed to make abutting land uses compatible with each other. The development of this site is subject to City codes as well as market forces which dictate an attractive, easily accessible project in order to attract both investors and customers. In addition, consistency will be achieved by new modern building facades and new landscaping that is necessary to meet the real estate demand for updated properties.

Development standards of the City further direct harmonious design with regard to the amount and direction of outdoor lighting, bufferyards, restriction of bill boards, improved access, street improvements, paved parking lots and paved surfaces to limit dust. Transportation facilities are in place.

Criterion 5 is addressed as follows:

The SACP indicates that *"Some of the reasons for converting urbanizable land to urban land are to (1) provide for the orderly and economic extension of public facilities and services, (2) provide adequate land area for a variety of housing types and locations, and (3) maintain an adequate supply of serviced or serviceable undeveloped land to meet the market demand for a variety of uses."* Development of the subject property is subject to the City's Growth Management standards under Salem Revised Code Chapter 66 which identifies linking water, sewer, storm drain and park facilities needed to serve the site.

The SACP Goal for "Commercial Development" is *"To maintain and promote the Salem urban area as a commercial center for the Marion-Polk"*.

The SACP Goal for "Industrial Development" is *"To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution."*

The SACP states that one of the intents of the "Residential Development" goals is, "To promote a variety of housing and opportunities for all income levels and an adequate supply of development land to support such housing."

The proposal is to change the zoning for approximately 45.42 acres from IBC (Industrial Business Campus) & IP (Industrial Park) to RM2 (Multi-Family Residential) and IC (Industrial Commercial) and to change the Comprehensive Plan map designation from "Industrial" to "Industrial Commercial" and RM2 (Multi-Family Residential).

Therefore, the proposal complies with these "Residential", "Commercial" and "Industrial" Goals of the SACP by creating an area that promotes commercial and residential services which strengthens the economic base by providing employment, goods and services, and a needed housing type. The proposed redesignation and concurrent re-zoning will result in a coordinated Comprehensive Plan designation and zoning district as is required by the Plan and Code Coordination Policy. The proposal is therefore, consistent with this policy and necessary to assure conformance between the SACP and the underlying zoning district.

The General Development policies are met because the land use decision is consistent with the State Land Use Goals. The EOA provides a detailed look at economic growth areas and projects that the service sector is projected to growth. The proposal for an "Industrial Commercial" SACP designation and a concurrent IC (Industrial Commercial) zone permit uses on the subject property that will accommodate the projected fastest growing employment sector. The optimal use of the land is enhanced by siting buildings, internal transportation, and landscaping is such a way as to maximize the comfort and convenience for those working and using the subject property.

The Needed Housing Analysis provides a look at the types of needed housing within the City of Salem, to meet State wide goals. As outlined above, multi-family housing is needed. Therefore, the rezoning of a portion of the site to RM2 will help promote a higher density of housing on the site, while meeting the housing needs of the City of Salem.

The proposal meets the Economic Development Goal to strengthen the economic base of the Salem area by creating an opportunity for jobs and economic growth. This proposal will allow a development that will add to the employment opportunities of the Salem area in a sector with the highest predicted rate of growth. It is not an expansion of an existing industrial enterprise; rather it is the establishment of a commercial enterprise on a property where no industrial or commercial activity is taking place despite being within the City limits and adjacent to the freeway.

Therefore, the proposal complies with the applicable goals and policies of the Salem Area Comprehensive Plan. The Plan recognizes the need to remain responsive to changing and evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant's statements above, the proposal is consistent with the Goals and Policies of the SACP. Considering the facts, evidence and reasons presented the proposed Comprehensive Plan Map change conforms to all applicable local and Statewide Planning Goals.

Criterion 6 is addressed as follows:

The public is benefitted by creating a well-located parcel of industrial commercial land and a residential development; it will increase the City and State tax base; it will enable the region to respond to a need for employment opportunities and family-wage jobs; will provide for a combination of uses such as light manufacturing, office, retail and service uses; will facilitate the construction of infrastructure improvements; be an attractive and efficient development; will identify and mitigate any hazards areas in reasonable and a responsible manner.

The rezoning addresses planning issues such as use, adequate parking, open space, access, internal circulation, public facilities, topography, drainage, and access. The developer has some leeway to address mixed uses, building placement, driveways, and parking further along at the building permit stage. Site constraints such as configuration, frontage and topography are always taken into consideration for lot layout and access. Enhanced vehicular and pedestrian circulation is critical to City as well as the applicant.

In summary, by establishing a use that is consistent with the future economic and industrial/commercial needs, and by providing a logical transition from developing uses to future employment uses, the proposed change benefits the public.

APPLICANT'S REASONS ADDRESSING THE ZONE CHANGE CRITERIA

The intent and purpose of a zone change is described in SRC 113.100(a). In this section, it is recognized that due to a variety of factors including normal and anticipated growth, changing development patterns and concepts, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. The zone change review process is established as a means of reviewing proposals and determining when they are appropriate.

The subject property is currently zoned IBC and IP but is underdeveloped, due to the zoning.

This zone change is requested in order to allow a use of the site that will expand the types of uses for which the site can be developed. The proposed IC and RM2 zones will implement the requested "Industrial Commercial" and "Multi-Family Residential" SACP map designation.

Criterion (a) is addressed as follows:

The burden of proof for the change has been presented by the applicant in the materials submitted with the application. Provisions of public facilities linking this site to other major facilities will be identified within UGA 12-01. The applicant's TPR identifies the impact of the proposal on State land use Goal 12. Other aspects of the proposal namely identifying and addressing specific impacts on land uses, topography, access, etc. are discussed in this report. Further compliance with City codes and applicable State requirements will occur as the development progresses towards actual construction permits, linking facilities identified by the UGA permit, etc. Therefore, this criterion is met

Criterion (b) is addressed as follows:

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 subject property is within the boundaries of Southeast Mill Creek Association,

however, there is no adopted neighborhood plan for the area. Any proposed industrial/commercial and residential development will be reviewed for conformance with the standards of the Salem Zoning Code and Design Handbook. Development of the subject property can meet the minimum standards of the zone code and the STSP. The proposal complies with the applicable intent statements of the SACP as addressed in this report.

Facilities and Services Location: The City's adopted Comprehensive Plan Transportation Goal and Policies and the adopted Salem Transportation System Plan (STSP) implements the Statewide Transportation Goal by encouraging a safe, convenient and economic transportation system. The major streets are in place due to previous development.

The City's adopted Comprehensive Plan Growth Management, industrial/commercial, residential, and Transportation Goal and Policies and adopted Stormwater and Water Master Plans implement the Statewide Public Facilities and Services Goal by requiring development to be served by public services. The proposal is for revitalized urban development in an area where future extensions of those services can be provided in the most feasible, efficient and economical manner. The City's capital improvement program and its minimum code standards for public facilities provide a means for improving and updating public facilities systems (water and sewer). All necessary and appropriate public services and facilities essential for development will be provided to this property at levels that are adequate to serve the proposed use.

The City maintains an infrastructure of public services that includes sewer, water, and storm drainage facilities. The City will specify any needed changes to the existing service levels at the time building permits are requested.

Infill Development: The subject property is currently vacant. The zone change will promote infill development with the development of a property that is already served by City Services and all transportation to be developed with industrial/commercial uses and a higher density of residential housing that is needed in this area.

According to the Housing Needs Analysis, "Salem has a deficit of capacity in the MF designation, with a deficit of 3,283 dwelling units and a deficit of 228 gross acres of residential land. The rezone helps maximize the density while helping to meet housing needs.

Circulation System and Through Traffic: The subject property is located along Cordon Road, Hwy 22, and Old Macleay Road and needed improvements will be made if required. The major streets are in place due to previous development.

Alternative Housing Patterns: The properties to the north are developed as a multi-family development and single family dwellings. The property to the southwest is zoned for single family development and multi-family development. In order to provide an alternative housing pattern while being consistent with the neighborhood, the proposed development will provide a higher density of needed housing within the northern portion of Tax Lot 100.

Requests for Rezoning: The subject property is designated for an Industrial Business Campus. A zone that is not market friendly and therefore is not in demand. All public facilities and services are available to the site. The rezone to IC and RM2 will help utilize an underdeveloped property. The proposed development will meet State Wide Planning Goals and Policies pertaining to residential development. The development of the site will not impact adjacent properties.

Urban Design: The City has adopted Design Standards and has a process in place to help implement multi-family design and commercial standards. The applicant's development will be in compliance with the Multi-Family Design Standards as outlined in SRC Chapter 148 and the City of Salem Design Handbook. As required by code, the applicant will submit a Design Review and Site Plan Review application for development of the site.

The applicant has presented evidence sufficient to prove compliance with these standards. Therefore, this criterion is met.

Criterion (b) (1) is addressed as follows:

There is no identified mistake in the compilation of the electronic or historical zoning map for this area. The issue is not whether a mistake in the map making process has been made but rather that the existing zoning does not reflect the need for IBC zoning. The need for IBC zoning no longer exists in this location and under current site conditions. The code allows for comprehensive plan and zoning modifications when a change of circumstance has occurred, and this more aptly describes the circumstances surrounding this particular case. A change in circumstances rather than mapping errors has occurred. The property has not developed as IBC, nor has there been any interest shown in developing the site within the permitted uses of the IBC zone. There is no mapping mistake identified for the subject property. Therefore, this criterion is met.

Criterion (b) (2) is addressed as follows:

The economic, demographic, and social nature of this area is in the process of changing. The County and City zone maps show that changes have occurred in bringing this vicinity more to industrial, commercial, and residential. The proposed zone change fits the development pattern of the vicinity. Therefore, this criterion is met.

Criterion (b) (3) is addressed as follows:

The character of the neighborhood in the vicinity of the subject property is changing. This is evidenced by the current land uses.

This area is a changing area with properties changing to multi-family and industrial/commercial. The IBC zone is an underutilized zone in the City of Salem. Rezoning the subject property will allow the developer to develop the site with multi-family, commercial, and industrial uses. All of the uses are consistent with the surrounding neighborhood.

Therefore, the rezoning of the site will be consistent with the existing and future uses within this neighborhood. The residential development will be consistent with the neighborhoods, while providing a higher density of a needed housing type in the area. While providing commercial uses to service the surrounding residential areas.

The development will also meet Design Standards that are consistent with and enhance the character neighborhood.

Criterion (b) (4) is addressed as follows:

A mixed industrial/commercial with a multi-family development should have a positive effect on the neighborhood by providing a logical transition from the existing and future development pattern, while recognizing the physical characteristics of the site and the necessary provision of public facilities and services. All necessary public facilities are required to be made available to the subject property, and adequate transportation facilities are already in place.

Impacts will not occur until actual development occurs and will include increased traffic from the site, visual differences due to new structures, new public facilities installation, paving and landscaping where the existing site is predominately a grassy field. An overall positive finding can be made that the effects of the proposal are appropriate considering the impact on the existing neighborhood, the physical characteristics of the site, and the availability of public facilities and services to be extended upon development.

Finally, there are no foreseeable adverse effects of the proposal to adjacent properties. The adjacent properties have public street frontage on and access to major streets. The proposal has identified changes that are likely to occur on the subject property as the result of the proposed land use changes and has identified how these changes will or will not impact the area and any appropriate mitigation. Interior site development standards are specified by code and can be met upon development. Therefore, this criterion is met.

Criterion (b) (5) is addressed as follows:

There are no unusual or unforeseen conditions affecting the subject property which make the need for additional review apparent at this time. The CPC/ZC process is the beginning of the review process for development of this site. However the applicant will address any other factors related to public health, safety, and general welfare deemed relevant. The conditions include but may not be limited to: increased traffic, noise, increased hard surfaces, new landscaping and disruptions to the site due to construction. All public facilities can be provided to the subject property as needed.

The standards of the zone and the public works requirements for public health and safety should effectively address any concerns regarding public health and safety. Public Works Department will review and address applicable public facility improvements needed for the level of development as specified in UGA 12-01. Sanitary sewer and water can be provided to establish the necessary linkages required for emergency vehicle access and water for fire-fighting purposes. No adverse effects should occur due to storm drainage and sewage considerations. No separate biological studies are needed to determine sensitive habitat areas as none exist. The site's physical attributes and natural or scenic views have to be considered in the development of the site. A landscaping plan with irrigation is required to be submitted with a building permit application. Improved pedestrian access to the public sidewalks system facilitates the State's Transportation Planning Rule by creating an environment where access to mass transit is encouraged and can be incorporated into any on-site development.

There are no major impacts that can be identified that cannot be addressed by applying the underlying development standards in the zone code or by the STSP for development of the property.

The proposed change will not negatively affect the public health, safety and general welfare of people working or residing in the area. Therefore, this criterion is met.

CONCLUSION

We believe that requested Comprehensive Land Plan Change/Zone Change application is appropriate for the subject property for the reasons describe herein. The proposal is consistent and in compliance with the applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals, and satisfies all applicable criteria. As demonstrated herein, the "Industrial Commercial" and "Multi-Family Residential" land use designations and corresponding IC (Industrial Commercial) and RM2 (Multi-Family Residential) zoning designations are appropriate for the subject property.

We believe that the materials submitted address all the relevant City criteria for a Comprehensive Plan Change/Zone Change. Obviously, there are other approval processes needed for the development of the property at the time proceeding actual development. For these reasons, we believe that the proposal is warranted and that the Planning Commission has sufficient findings to grant the proposal as requested.

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CORDON ROAD

Partition Application

COMMUNITY DEVELOPMENT

BACKGROUND:

The site is located at the NW corner of the intersection of Highway 22 and Cordon Road SE (082W05/100). The subject property is zoned IBC (Industrial Business Campus). The subject property is designated as "Industrial" on the Salem Area Comprehensive Plan (SACP) Map. The applicant has requested a concurrent Comp. Plan Change/Zone Change to change the zone of the Tax Lot 100 from IBC to RM2 and change the Comp. Plan Designation from "Industrial" to "Multi-Family Residential" and "Industrial Commercial". The northern portion of Tax Lot 100 is proposed to be rezoned to RM2 for the development of apartments (See Tentative Partition Plan and Application). The southern portion is proposed to be rezoned as IC.

The City held a preapplication conference with the applicant on March 8, 2012 for the purpose of discussing redevelopment of the subject property without a specific use being proposed (Pre-application No. 12-09).

On July 3, 2012, Urban Growth Area Development Permit 12-01 was approved by the City of Salem Public Works Department. UGA 12-01 outlines the needed and required facilities and improvements to develop the site.

PROPOSAL:

The applicant is proposing to divide the subject property into three Parcels.

*Parcel 1=10.37 acres

*Parcel 2=10 acres

*Parcel 3=2.7 acres

SITE VICINITY and CHARACTERISTICS:

The subject property is located on the north side of Cordon Road SE. The vicinity map is attached as shown. The surrounding land uses within the vicinity are zoned and used as follows as shown.

North: RM2 (Multi-Family Residential); existing multi-family apartments

East: RA (Residential Agriculture); existing single family dwelling and Across Old Macleay Road, RA (Residential Agriculture) and IBC (Industrial Business Campus); existing single family dwelling and vacant IBC land

South: Across Cordon Road –outside City limits

West: Across Highway 22-RM2 (Multi-Family Residential) and RA (Residential Agriculture); existing multi-family structures and a City Park

CRITERIA AND APPLICANT'S REASONS ADDRESSING SRC 63.047 (b):

The intent of the subdivision code is providing for orderly development through the application of appropriate rules and regulations. Pursuant to the application of the current enabling statutes, these regulations are those cited in SRC 63.047 and 63.051. The decision criteria for partitions without a concurrent variance under Salem Revised Code (SRC) Chapter 63.047 (b) and 63.051 must be found to exist before an affirmative decision may be made for a partition application.

SRC 63.047 (b) (1) states: "Approval does not impede the future use of the remainder of the property under the same ownership, or adversely affect the safe and healthful development of the remainder or any adjoining land or access thereto; and"

Approval of the proposed partition does not impede future use of the remainder of the subject property or adjoining lands. The subject and adjoining properties have improved access to Cordon Road to the south and Gaffin Road that will run through Tax Lot 100. There is sufficient frontage along Cordon Road and proposed Gaffin Road (as shown on the site plan) to provide access to the site.

All three Parcels along with surrounding parcels have access or will have access when developed. Therefore, the approval does not impede future use of the remainder. The proposal provides for further development of the site consistent with current zoning standards.

SRC 63.047 (b) (2) states: "Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan; and

The Salem Public Works Department reviewed the proposal during the pre-application process and with the approval of UGA 12-01, and determined that water, sewer, streets, and storm drainage facilities can be provided to the proposed parcels in compliance with the City's public facility plans. While SRC Chapter 63 does not require submission of facility construction plans prior to tentative partition plan approval, utility plans have been provided as part of the Site Plan Review application.

The property is outside the Urban Services Area (USA), therefore, partitioning the property requires a UGA Preliminary Declaration. UGA 12-01 was issued on July 3, 2012.

General Circulation: The proposed partition will result in the creation of three parcels (Parcels 1, 2, and 3). Vehicular access to the proposed parcels will be taken from Gaffin Road running through the site to Cordon Road. The Gaffin Road extension will provide safe and efficient access to the Parcels and the surrounding Parcels to the west, along with the existing street system, by providing direct access to the site and to Cordon Road.

Boundary Streets: There are two streets abutting the subject property, Old Macleay Road to the east, which is designated as a 'local' street and Cordon Road to the south, which will be designated as a 'Parkway' street in the Salem Transportation System Plan (TSP). Standards for these streets have been outlined in UGA 12-01. Partitioning does not trigger additional street improvements.

Internal Streets: Gaffin Road extension will run through Tax Lot 100. This street will be designated as a 'local' street. Required improvements to the Gaffin Road extension have been outlined in UGA 12-01.

Transportation Planning Rule Review:

The City of Salem's TPR encourages a reduction in automobile trips by capitalizing on transit opportunities and by creating an environment that encourages people to walk. The proposed partition is a "limited land use decision" pursuant to Oregon Revised Statute (ORS) 197.015, and has therefore been reviewed for consistency with the State's TPR multi-modal connectivity requirements, and is consistent as follows:

- (a) Mass Transit: The nearest transit service available to the site is provided via Route 16 (Four Corners) on Macleay Road located to the north of the site.
- (b) Pedestrian Connectivity: The applicant will be required to go through the Design Review process and Site Plan Review process for the development of this site. Improved pedestrian access will be reviewed on the Site Plan Review and Design Review plans when submitted.

As an infill proposal, the transportation network in the area is already established. Connections to the existing system are provided by existing streets and access to serve the new parcels. The Gaffin Road extension will help to provide additional needed connections for the site. The subject property, as proposed and conditioned, is served with adequate transportation infrastructure, and the street system adjacent to the property provides for safe, orderly, and efficient circulation of traffic into and out of the property.

The comments provided by the Public Works Department in the pre-application conference (Pre-App 11-43) and in issued UGA 12-01 indicated there are adequate public facilities to serve the proposed development. Compliance with the requirements identified in the memo satisfies this criterion.

SRC 63.047 (b) (3) states: *"The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter."*

The Salem Revised Code (SRC), which includes the Salem Zoning Code, implements the Salem Area Comprehensive Plan land use goals, and governs development of property within the city limits. The partitioning process reviews development for compliance with city standards and requirements contained in the Subdivision Code, Zoning Code, Salem TSP and the Water, Sewer and Storm Drain System Master Plans, and adopted design documents applicable to residential development. The proposed partition meets all applicable provisions of the Salem Revised Code. There are no variances requested.

The proposed parcels meet SRC Chapter 63 (Subdivision), Chapter 156 (Industrial Business Campus), IC (Industrial Commercial) and Chapter 148 (Multi-Family Residential) minimum lot size, dimension, and street frontage standards. The three parcels, as proposed in the tentative partition plan, are suitable for the general purpose for which they are intended to be used. The parcels are of size and design as not to be detrimental to the public health, safety, or welfare.

The parcels can be adequately served with water, sanitary sewer and storm drainage facilities. The partition can also be served with other utilities appropriate to the nature of the development.

The Urban Growth Management Program, detailed in SRC Chapter 66, requires that prior to development of property outside of the Salem Urban Service Area; an Urban Growth Area (UGA) Development Permit must be obtained. UGA 12-01 was issued by the City of Salem Public Works Department on July 3, 2012.

Additional reviews occur at the time of building permits, design review, and site plan review application to assure compliance with the zoning code. Compliance with conditions of approval to satisfy the subdivision ordinance is checked prior to city staff signing the final partition plat.

SRC 148.240(c) states that, "lots subdivided or partitioned after January 1, 1999 shall not be smaller than 20,000 square feet, unless the lots created after such date are restricted to contain two or more attached units per lot, are used for townhouse development, or are used for non-residential permitted uses."

As stated above, all three parcels will be greater than 20,000 square feet in size. Therefore, meeting the code requirements.

CRITERIA AND APPLICANT'S REASONS ADDRESSING SRC 63.051 (a):

"(1) The proposal conforms to the requirements of this chapter."

The proposal can conform to applicable conditions imposed as necessary to ensure that development conforms to the standards of the subdivision code and with existing development and public facilities. The proposed partition is in compliance with lots size requirements and required access.

"(2) The proposed street system in and adjacent to a subdivision or partition conforms to the Salem Transportation System Plan adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition."

The major street network in the area has been established and is consistent with the Salem Transportation System Plan which implements the Comprehensive Plan. Public Works Department will address any applicable requirements for right-of-way conveyance that might be required because of this partition.

Cordon Road (located to the south of the subject property) is a parkway and provides connection to the street system that serves the area. Proposed Gaffin Road extension (running through the site) will be designated as a local street. Gaffin Road will provide access and connections to Cordon Road and the surrounding existing neighborhoods.

There are two streets abutting the subject property, Cordon Road to the south, which is designated as a 'parkway' and Old Macleay Road to the east, which will be designated as a 'local' street in the Salem Transportation System Plan (TSP). The Gaffin Road extension will run through the site and will be identified on the Salem Transportation System Plan as a 'local' street, and will provide efficient circulation to and from the site.

The partition is served with other adequate transportation infrastructure, and the street system adjacent the property will conform to the Salem Transportation System Plan and provide for safe, orderly, and efficient circulation of traffic into, through, and out of the subject property once the access ways are hard-surfaced and physically connected to the public street system.

"(3) That the proposed subdivision or partition will be adequately served with city water and sewer, and will be served by other utilities appropriate to the nature of the subdivision or partition."

The Public Works Department is responsible for reviewing the proposal to determine the public facility construction and other requirements necessary to serve the development, and provide for future development of any adjoining properties. The City's adopted facility plans and construction requirements are the basis for the provision of facilities and any conditions of approval imposed on the development to meet service requirements.

The property is outside the Urban Services Area (USA), and on July 3, 2012, UGA 12-01 was issued. The UGA outlines the needed improvements the services available to the property.

City of Salem water and sewer service is available to the proposed parcels. The improvement of the access ways will facilitate vehicle and pedestrian access to the public street system. The Salem-Keizer School District serves the site.

"(4) That the layout of lots, and their size and dimensions take into account topography and vegetation of the site so as not to require variances from the Salem Zoning Code in order that buildings may be reasonably sited thereon, and that the least disruption of the site, topography, and vegetation will result from the reasonable development of the lots."

The subdivision code, SRC 63.145(I), requires City approval of lots be suitable for the general purpose for which they are likely to be developed. No lots can be of such a size or configuration that is detrimental to public health, safety, or welfare or sanitary needs of users of the parcel or lot.

The proposed parcels are of sufficient size and dimensions to permit future development of apartments on Parcel 1 and commercial uses on Parcels 2 and 3. The parcel dimensions are illustrated on the tentative site plan and are in conformance to the minimum standards in SRC 155 and 148. The subdivision and

zone codes regulate minimum lot sizes. Final conformance to minimum lot size and buildable lot area will be confirmed when the final plat is submitted to the City for review and approval.

"(5) The proposal conforms to the Salem Zoning Code (SRC Title X) and the excavation and fill provisions of SRC chapter 65."

SRC Chapter 65 pertains to excavation and fill permits needed for development within public right-of-ways, public utility easements and flood plains. If needed, permits are required at the time of construction. Applicable partition improvements will conform the proposed partition to any applicable requirements of SRC Chapter 65 concerning cuts and fills.

If granted, construction on the site requires the builder to meet the development standards and height restrictions of the Salem Zoning Code. Applicable partition improvements will conform the proposed partitioning to any applicable requirements of SRC Chapter 65 concerning cuts and fills. Construction plans for all public facilities in the partition will be submitted, reviewed and approved for compliance with standards before development.

"(6) If the tentative plan is for a subdivision subject to SRC 66.050(a), that a UGA Development Permit has been issued and will be complied with."

The property and development are outside the Urban Service Area (USA) and are subject to growth management requirements for public facilities under SRC Chapter 66. UGA 12-01 was issued on July 3, 2012. Therefore, this criterion has been met.

"(7) Adequate measures have been planned to alleviate identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback. For development in wetlands and unstable areas, the following measures shall apply:

A. For wetlands these shall be the measures required by the Division of State Lands for regulatory wetlands.

B. For unstable areas these measures shall be documentation, as approved by the department of public works, that streets and building sites are on geologically stable soil considering the stress and loads to which the soil may be subjected."

The Little Pudding Creek runs through Tax Lot 100. According to the Salem-Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the site. Development will eventually occur on all three Parcels. However, development will not occur within the wetland area. The site plan outlines the wetland and riparian boundaries on the site. No wetland areas will be disturbed as a result of this partition.

According to the City's adopted landslide hazard susceptibility maps there are no landslide hazards on the site. Therefore, a geological assessment is not required.

TREE CONSERVATION/REMOVAL PLAN

The subject property is currently zoned IBC. The applicant has requested a concurrent comprehensive plan change/zone change to change the zoning of Tax Lot 100 to RM2 and IC. Therefore, a Tree Conservation Plan is not required. However, the applicant has submitted an Exhibit M for staff review.

"When less than twenty-five percent of the trees on a property are proposed for retention, only those trees reasonably necessary to accommodate the development proposal shall be designated for removal. Heritage trees shall not be designated for removal, and significant trees and trees in riparian corridors shall not be designated for removal unless there are no reasonable design alternatives that would enable reservation of such trees."

There are twenty-seven (27) trees located the site with twenty-two (22) trees designated for removal. These trees are designated for removal due to their location within a required bufferyard and potential building envelope. These trees are not heritage trees or significant trees.

There are 5 trees located within the riparian corridor that will remain. There are no Oregon White Oaks on the subject property.

At the time of development the applicant will be landscaping and replanting on the site in order to be in compliance with Design Review standards for development within the RM2 zone (Parcel 1).

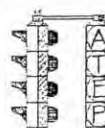
This concludes the applicant's summary addressing the requirements of the code for partitioning approval to create three parcels. If you have any questions or need additional information, please call Mark Grenz, P.E., at Multi/Tech Engineering, Inc., Salem, OR at (503) 363-9227.

cc: File

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COMMUNITY DEVELOPMENT



ASSOCIATED
TRANSPORTATION
ENGINEERING &
PLANNING Inc.

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Date: October 11, 2012

To: Mr. Mark Grenz, PE
Multi/Tech Services

From: Richard Woelk PE, TE

Re: Traffic implications of Zone Changes for the Condon Road Property development

Mr. Grenz:

You have asked me to provide information to include in the much larger work you are doing to accomplish a Comprehensive Plan Map amendment and zone change for the property located on the northwest corner of Cordon Road and Hwy 22 here in Salem, Oregon. Land use actions like these require mitigation of certain negative traffic impacts if they occur as part of the approval process. The intent of this narrative is to determine the impacts and describe alternatives that might be included in the land use change decision of the City.

INTRODUCTION

The Cordon Road properties are currently zone IBC (Industrial Business Campus) 23.53 acres and IP (Industrial Park) 21.9 acres are currently vacant property. The Cordon Road Properties includes tax lot 1, tax lots 200,400,401, and 500 of tax map T8S-R2W., W.M. Lot 1 is currently zoned IBC (Industrial Business Campus) and this proposal is to change 10.365 acres to RM 2 and the remaining acreage to IC (Industrial Commercial). The site is designated Industrial on the Comprehensive Plan Map and this proposal is to change that designation to Industrial/Commercial and Multi-Family Residential on the Comprehensive Plan Map.

In consultation with the staff at the City of Salem, the decision has been made to request this zone change and comprehensive plan map amendment to change the zoning to expand the opportunity for business land uses that are more consistent with current economic trends. The distinctions between the two zoning designations seem, (and perhaps are) minor but they are of significance. Some of the uses allowed in the IBC zone are not allowed in the IC zone and the reverse is also true. Many uses are common to both zones and would have no traffic impact.

The IBC zone has been a conflicted zone for some time due to the lack clarification of what the "District" contains, i.e. just one property of the entire IBC zone in the area of a parcel or the entire contiguous IBC properties. The City of Salem Assistant Traffic Engineer in collaboration with the City of Salem Planning Department prepared an analysis of the IBC/IP Zones definition and its associated uses as it pertains to the IBC/IP District for the Cordon Road development.

Methodology

Oregon land use law requires that the Transportation Planning Rule (TPR) be met whenever a land use action like this is undertaken. Goal 12 (the TPR) requires that the land use action, in this case a zone change, not “significantly affect an existing or planned transportation facility” without specific steps being taken. The intent of this analysis is to establish parameters so that the proposed comprehensive plan map amendment and the zone change do not significantly affect a transportation facility.

There are two ways to make the assurance. The first is to limit the amount of anticipated traffic from future allowed uses. The amount would be limited to less than anticipated or permitted amount of traffic from allowed uses under the existing zoning and comprehensive plan map designations. The second is to mitigate (fix) facilities that are significantly affected by a resulting increase in possible traffic. In this instance the best way to make the assurance is to use the first method.

The IBC zoning in the City of Salem SRC identifies specific uses that are permitted to develop on the site. Many types of manufacturing are permitted and there are provisions for warehousing, transporting and wholesaling in the zone. Specific Retail uses in the “District” as described in the City of Salem Memo are limited to approximately 271,379 sq ft. Once the 271,379 sq ft of buildings are constructed the remaining properties can be developed into either gas station, a convenient store or eating and drinking establishments are permitted but may not occupy more than 10% of the gross area. The SRC zoning ordinance there is also provision for flexible space uses. Flex space has limitations such as maximum/minimum building size, total allowed in the zone, etc., but because this lot is so small, maximum building sizes could not be accommodated.

One can reasonably assume they could develop with the following mix of uses and potential estimated trips using the ITE Trip Generation Manual (8th Edition). The recommendation of the City of Salem study proposed that the “Worst Case” trip generation for the Cordon Road IBC property and is shown in Table 1. Table 2 shows “Worst Case” trip generation for the IP zone .

Table 1 – Proposed Uses for the Cordon Road IBC Zone			
IBC Land Use	Size		Weekday
565 - Day Care Center	11.38	1000 Sq. Feet Gross Floor Area	903
932 - High-Turnover (Sit-Down) Restaurant	8	1000 Sq. Feet Gross Floor Area	1017
944 - Gasoline/Service Station	16	Vehicle Fueling Positions	2697
850 - Supermarket	7	1000 Sq. Feet Gross Floor Area	716
814 - Specialty Retail	10	1000 Sq. Feet Gross Floor Area	433
876 - Apparel Store	10	1000 Sq. Feet Gross Floor Area	664
140 - Manufacturing	214.2	1000 Sq. Feet Gross Floor Area	818
Total Non-pass-by			7,248

Table 2 – Proposed Uses for the Cordon Road IP Zone			
IP Land Use		Size	Weekday
140 -Manufacturing	142	1000 Sq. Feet Gross Floor Area	542
493 -Membership Sports Club	25	1000 Sq. Feet Gross Floor Area	1075
565 -Day Care	5	1000 Sq. Feet Gross Floor Area	396
912 -Bank w/ Drive-Thru	5	1000 Sq. Feet Gross Floor Area	1232
932 - High Turnover Restaurant	14	1000 Sq. Feet Gross Floor Area	1780
934 -Fast Food w/ Drive-Thru	4	1000 Sq. Feet Gross Floor Area	1984
944 - Gas/Service Station	16	Vehicle Fueling Positions	2697
Total Non-pass-by			9,706

The intent is to develop the site with uses that generate less traffic than the 16,654 trips per day (ADT) that, using the ITE Trip Generation Manual, could be generated under the existing zoning. It is reasonable to limit the total number of trips to the 16,654 trips for purposes of meeting the TPR. Actual uses may vary from the existing uses but the intent is to limit the number of trips generated to less than 16,654 ADT as defined by the ITE Trip Generation Manual. It is noted that the trip generation uses in the ITE Trip Generation Manual do not conform to the SIC # uses identified in the SRC and that reasonable judgment must be used in estimating trip generation information.

SUMMARY

The Cordon Road Development in Salem Oregon located on a site zoned IBC and IP and with a Comprehensive plan map designation of Industrial. The intent of this request to change the zoning and comprehensive plan map designations is to expand the opportunities for uses that are more consistent with current economic trends to locate on the site. The State of Oregon Transportation Planning Rule requires that land use actions like these, do not create negative traffic impacts on the existing and planned transportation system. It is the conclusion of this study that the proposed changes will not create the negative traffic impacts that could occur.

I thank you for asking ATEP to provide this piece of information for your application to the City of Salem. I can be reached at 503-364-5066.

Richard L. Woelk PE



IBC CORDON ROAD AREA
FULL BUILD-OUT POTENTIAL DEVELOPMENT BASED UPON SRC CHAPTER 156

BACKGROUND

The IBC District consists of Tax Lots 100 (23.53 acres – 1,024,967 square feet) and Tax Lot 2400 (1.39 acres – 60,548 square feet). The total gross area of the “District” contains 24.92 acres – 1,085,515 square feet.

Any commercial/retail development in the IBC district is restricted by SRC 156.020(m) – commercial/retail uses, and SRC 156.030(b) – special uses. Both of these sections limit this type of development to no more than 10% of the gross area of the IBC district. Further, these commercial/retail developments cannot occur until a minimum of 25% of the gross area of the district is developed in one or more permitted uses in SRC 156.020 (b)-(g).

Additionally, certain commercial/retail uses are allowed in the Flexible Space Uses identified in SRC 156.040. This section limits the uses to not exceed 10,000 square feet in size and the aggregate floor area shall not exceed 30,000 square feet.

Before any commercial/retail development can be considered, a total of 271,379 square feet of the gross area must be developed ($1,085,515 \text{ sf} \times 25\% = 271,379 \text{ sf}$). Assuming a Floor Area Ratio (FAR) of 25%, the building size in this area is 67,845 square feet ($271,379 \text{ sf} \times 25\% = 67,845 \text{ sf}$).

NOTE: All Floor Area Ratio (FAR) calculations assume 25% lot coverage.

COMMERCIAL/RETAIL USES – SRC 156.020(m)

Assuming 25% of the gross area is now developed, 10% of the gross area can be considered for retail/commercial uses ($1,085,515 \text{ sf} \times 10\% = 108,552 \text{ sf}$). The maximum building size for these uses is 27,138 square feet.

SPECIAL USES – SRC 156.030(b)

Again, assuming 25% of the gross area is now developed, 10% of the gross area can be considered for special uses ($1,085,515 \text{ sf} \times 10\% = 108,552 \text{ sf}$). The maximum building size for these uses is 27,138 square feet.

FLEX SPACE USES – SRC 156.040

Flex space allows a number of commercial/retail uses, but are restricted in size. The maximum development in these uses is limited to 30,000 square feet in the aggregate, and no single use can exceed 10,000 square feet. The minimum land area utilized for 30,000 square feet is 120,000 square feet ($30,000 \text{ sf} / 25\% = 120,000 \text{ sf}$).

MINIMUM DEVELOPMENT REQUIRED TO ALLOW MAXIMUM COMMERCIAL RETAIL DEVELOPMENT

Based upon the minimum IBC development required to allow for the maximum commercial uses, the following table identifies the allowed level of development in the IBC district for each of the use types.

Code	Land required (25% FAR)	Building Limit (25% FAR)	Allowed Uses
SRC 156.020(a-g)	271,379	67,845 sf	<ul style="list-style-type: none"> • Manufacturing
SRC 156.020(m) Commercial Retail Uses	108,552 sf	27,138 sf	<ul style="list-style-type: none"> • Restaurant (no drive-thru) • Bank/Credit Union • Hotel • Day Care • Membership Sports Club
SRC 156.030(b) Special Uses	108,552 sf	27,138 sf	<ul style="list-style-type: none"> • Gas Station
SRC 156.040 Flex Space Uses	120,000 sf	30,000 sf	<ul style="list-style-type: none"> • Food Store • Apparel Store • Furniture Store • Miscellaneous Retail
TOTAL DEVELOPMENT	608,483 sf	152,121 sf	

Assuming the IBC District is developed as identified in the table above, the remaining 477,032 square feet of land must be developed as a manufacturing type use identified in SRC 156.020(a-g), (1,085,515 sf – 608,483 = 477,032 sf). Assuming a FAR of 25%, the maximum building size for these uses is 119,258 square feet.

The full build-out of the IBC District is shown in the following table.

Code	Land Required 25% FAR	Building Limit 25% FAR	Allowed Uses
SRC 156.020(a-g) Min. Required	271,379 sf	67,845 sf	<ul style="list-style-type: none"> • Manufacturing
SRC 156.020(m) Maximum Commercial Development	108,552 sf	27,138 sf	<ul style="list-style-type: none"> • Restaurant (no drive-thru) • Bank/Credit Union • Hotel • Day Care • Membership Sports Club
SRC 156.030(b) Maximum Special Use Development	108,552 sf	27,138 sf	<ul style="list-style-type: none"> • Gas Station
SRC 156.040 Maximum Flex Development	120,000 sf	30,000 sf	<ul style="list-style-type: none"> • Food Store • Apparel Store • Furniture Store • Miscellaneous Retail
SRC 156.020(a-g) Full Build-Out	447,032 sf	119,258 sf	<ul style="list-style-type: none"> • Manufacturing
TOTAL	1,085,515 sf	271,379 sf	

TRIANGLE PROPERTY (TL 2400) DEVELOPMENT

The “triangle” property recently was approved a Comprehensive Plan Change and Zone Change (CPC/ZC) to convert the existing IBC zoning to IC. The analysis assumed the “minimum” IBC development was constructed on TL 100 and then assumed a 7,750 square foot restaurant (allowed by SRC 156.020(m)) and a 3,000 square foot convenience market with gas station (allowed by SRC 156.030 (b) and SRC 156.040).

Since some of the commercial/retail uses were assumed with the CPC/ZC they need to be deducted from the full build-out of the IBC District.

Code	Land Required 25% FAR	Building Limit 25% FAR	Allowed Uses
SRC 156.020(m)	31,000 sf	7,750 sf	<ul style="list-style-type: none"> Restaurant (no drive-thru)
SRC 156.030(b)	18,576 sf*		<ul style="list-style-type: none"> Gas Station (8 fuel positions)
SRC 156.040	12,000 sf	3,000 sf	<ul style="list-style-type: none"> Food Store

*This value is based upon the review of 16 – 8 fueling position gas stations in Salem, utilizing the median value of 2,322 square feet per fueling position.

FULL BUILD-OUT OF IBC DISTRICT

When the uses identified in the “triangle” property’s CPC/ZC are deducted, the remaining development is the limit of development on Tax Lot 100. These values are shown in the following Table.

Code	Building Limit	25% FAR	Allowed Uses
SRC 156.020(m)	108,552 sf 31,000 sf =77,552 sf	27,138 sf - 7,750 sf = <u>19,388 sf</u>	<ul style="list-style-type: none"> Restaurant (no drive-thru) Bank/Credit Union Hotel Day Care Membership Sports Club
SRC 156.030(b)	108,552 sf -18,576 sf =89,976 sf	(27,138 sf)*	<ul style="list-style-type: none"> Gas Station
SRC 156.040	120,000 sf -18,576 sf =101,424 sf	30,000 sf -3,000 sf = <u>27,000 sf</u>	<ul style="list-style-type: none"> Food Store Apparel Store Furniture Store Miscellaneous Retail
SRC 156.020(a-g)	271,379 sf	<u>67,845 sf</u>	<ul style="list-style-type: none"> Manufacturing
SRC 156.020(a-g)	447,032 sf	119,258 sf +27,138 sf = <u>146,396 sf</u>	<ul style="list-style-type: none"> Manufacturing
TOTAL		260,629 sf	

*Square footage is not the primary variable for Gas Station; the building size was shifted to Manufacturing.

TRIP GENERATION

Now the maximum building footprint has been established and the “triangle” property development has been deducted, the trip generation can be established using the reasonable worst case uses that are allowed under the limitations in SRC 156.020(m) – Commercial/Retail, SRC 156.030(b) – Special Uses, and SRC 156.040 – Flex Space. The following tables identify the maximum reasonable worst case development for

each area and the associated trip generation. This represents the "reasonable worst case" traffic that could be generated by Tax Lot 100 under the existing IBC designation, AND accounting for the uses already proposed for the "triangle" property.

Commercial/Retail Uses – SRC 156.020(m)

USE	ITE CODE	TRIP RATE	SIZE	ADT
Restaurant	565	124.15 /ksf	8 ksf*	1,017
Day Care	932	79.26 /ksf	11.388 ksf	903
			TOTAL ADT	1,920

*Largest Day Care in ITE is 17,000 sf, and the average size is 4,000 sf.

Special Uses – SRC 156.030(b)

USE	ITE CODE	TRIP RATE	SIZE	ADT
Gas Station	944	168.56 /fuel pos.	16 fuel pos	2,697
			TOTAL ADT	2,697

*Largest practical Fueling Position gas station.

Flex Space Uses – SRC 156.040

USE	ITE CODE	TRIP RATE	SIZE	ADT
Supermarket	850	102.24 /ksf	7 ksf*	716
Specialty Retail	814	44.32 /ksf	10 ksf	433
Apparel Store	870	66.40 /ksf	10 ksf	664
			TOTAL ADT	1,813

*The "triangle" property utilized 3,000 square feet of supermarket in the IBC District.

SRC 156.020 ALLOWED USES

USE	ITE CODE	TRIP RATE	SIZE	ADT
Manufacturing*	140	3.82 /ksf	67.845 ksf*	259
Manufacturing	140	3.82 /ksf	146.396 ksf**	559
			TOTAL ADT	715

*Required from "Triangle" property CPC/ZC, but located on this parcel.

**Includes additional building footprint designated for "Special" Uses in SRC 156.030(b).

TOTAL TRAFFIC

USE	ITE CODE	TRIP RATE	SIZE	ADT
Restaurant	565	124.15 /ksf	8 ksf	1,017
Day Care	932	79.26 /ksf	11.388 ksf	903
Gas Station	944	168.56 /fuel pos.	16 fuel pos	2,697
Supermarket	850	102.24 /ksf	7 ksf	716
Specialty Retail	814	44.32 /ksf	10 ksf	433
Apparel Store	870	66.40 /ksf	10 ksf	664
Manufacturing	140	3.82 /ksf	67.845 ksf	259
Manufacturing	140	3.82 /ksf	146.396 ksf	559
			TOTAL ADT	7,248

From: Tony Martin [mailto:tmartin@cityofsalem.net]
Sent: Monday, October 08, 2012 12:21 PM
To: Woelk-ATEP, Dick
Subject: Re: Cordon Road

Dick,

I did look at the memo you sent last week. You used the same methodology that was necessary for the IBC and it did not seem right, so I wanted to make sure that I wasn't missing something.

There is actually only 21.9 acres of IP zoned property (953,964 sf).

TL 200 = 9.45 ac

TL 400 = 8.82 ac

TL 401 = 1.00 ac

TL 500 = 2.63 ac

More good news, using a straight 25% FAR, the buildings can equal 238,491 sf, significantly more than the 93,600 sf you assumed in the memo.

More bad news, gas station is a "special use" and requires a separate land use process. We can consider a "gas/service station" but not with mini-market. It appears you were assuming 28 fueling positions. That is way too many fueling positions. Perhaps something more along the lines of 16 as a maximum.

So, with the exception of the "gas station w/ mini-market", and the fact that your "commercial bank" does not have an associated ADT, the other uses seem reasonable. Here is my breakdown of what I believe are acceptable uses in the IP zone. I assumed two sit-down restaurants and a drive through bank.

Permitted IP Uses	USE	ITE	ITE #	Trip Rate	Unit	Size - ksf	ADT
SRC 157.020(c)(1-21)	Manufacturing	Manufacturing	140	3.82	/ksf	142	542.44
SRC 157.020(h)	Services	Membership Sports Club	493	43	/ksf	25	1075
SRC 157.020(h)	Services	Day Care	565	79.26	/ksf	5	396
SRC 157.020(g)	Finance	Bank w/ Drive-Thru	912	246.49	/ksf	5	1232
SRC 157.020(f)	Eating/Drinking	Restaurant	932	127.15	/ksf	7	890
SRC 157.020(f)	Eating/Drinking	Restaurant	932	127.15	/ksf	7	890
SRC 157.020(f)	Eating/Drinking	Fast Food w/ Drive-Thru	934	496.12	/ksf	4	1984
SRC 157.020(a)(1)	Gasoline	Gas/Service Station	944	168.56	/fueling pos	16	2697
						195	9708

Yes, I know the area does not add up to 238 ksf, because I deducted about one acre of land to account for the 16 fueling position "gas/service station".

Good news again, it appears you get more traffic then you originally estimated. IP gives 9,700 ADT, and with the IBC's 7,200 ADT, it appears your cap for the two properties may be around 17,000. That should be enough traffic for your client to put a cap on the site and minimize the off-site mitigation in the TPR horizon year.

However, there still will be a TIA for this project with the site plan review that will require some mitigation, such as a traffic signal at Gaffin Road, some internal street connections and closing the connection of Old Madeay at Cordon Road.

-tony

RECEIVED


DEC 10 2012



COMMUNITY DEVELOPMENT

MEMO

TO: Bryan Colbourne, Planner III
Community Development Department

FROM: *for* Glenn Davis, P.E., C.F.M., Chief Development Engineer
Public Works Department 

DATE: December 10, 2012

SUBJECT: **PUBLIC WORKS RECOMMENDATIONS**
CPC-ZC-PARTITION NO. 12-08 (12-112924)
NORTHWEST CORNER OF HIGHWAY 22/CORDON ROAD SE
INTERSECTION

PROPOSAL

A consolidated application to change the Salem Area Comprehensive Plan (SACP) Map designation from Industrial to Industrial Commercial and Multi-Family Residential, and change the zone district from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) from a 3-parcel partition on property 45.42 acres in size, and located at the northwest corner of the intersection of Highway 22 & Cordon Road SE.

RECOMMENDED CONDITIONS OF PLAT APPROVAL

1. Consistent with the Preliminary Declaration for Urban Growth Area Development Permit 12-01, design all utilities (sewer, water, and storm drainage) to serve each parcel in compliance with PWDS with sufficient detail to determine points of disposal, required easements, and adequate assurances per *Oregon Revised Statutes* (ORS) 92.090. Show all necessary access and utility easements on the plat to the satisfaction of the Public Works Director.
2. Design and construct the proposed extension of Gaffin Road SE (Gaffin) as a local street through the subject property as shown on the applicant's Partition Plan.
3. Provide a pedestrian route through rights-of-way or access easements consistent with City Street Design Standards from the RM2-zoned portion of the subject property to Miller Elementary School at 1650 46th Place SE.

4. Provide a hydraulic analysis of the West Middle Fork Little Pudding River within the subject property to determine the 100-year water surface elevations and floodway boundary. Dedicate a drainage easement of a width that is the greatest of the following: the 100-year floodway; 15 feet from waterway centerline; or 10 feet from top of recognizable bank.
5. Provide a wetland determination and designate the wetland area on the final plat.

RECOMMENDED CONDITIONS OF DEVELOPMENT

1. Dedicate land for right-of-way and construct local streets within the subject property to provide connectivity between Cordon Road SE (Cordon), Old Macleay Road SE (Old Macleay), Seattle Slew Drive SE, and Clydesdale Drive SE. Final street configurations shall be established at the time of Site Plan Review for each parcel.
2. Traffic impacts from future development on the subject property shall be limited to a maximum of 16,654 average daily trips generated by the proposed use or uses.

FACTS

Streets

1. Old Macleay Road SE
 - a. Existing Conditions – This street has an approximate 22-foot improvement within a 60-foot-wide right-of-way.
 - b. 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.
2. Cordon Road SE
 - a. Existing Conditions – This street has a varying 34- to 40-foot improvement within a 100- to 120-foot-wide right-of-way. There are approximately 45 to 60 feet of right-of-way adjacent to the subject property and 45 to 65 feet of right-of-way opposite.
 - b. Standard – This street is designated as a Parkway in the Salem TSP. The standard for this street classification is an 80-foot-wide improvement within a 120-foot-wide right-of-way.
3. Highway 22 is a state highway under the jurisdiction of Oregon Department of Transportation.

Storm Drainage

1. Existing Conditions

- a. A drainage ditch runs through the southwest corner of the subject property that drains the neighboring properties to the west.
- b. There are drainage ditches along Cordon that discharge into the West Middle Fork of the Little Pudding River.
- c. A branch of the West Middle Fork of the Little Pudding River flows through the subject property.

Water

1. Existing Conditions

- a. The subject property is located in the G-0 water service level.
- b. A 24-inch G-0 water line is located along the southwest property line and in Cordon between the southwest property line and Gaffin.
- c. A 12-inch G-0 water line is located in Macleay Road SE approximately 550 feet northwest of the property.

Sanitary Sewer

1. Existing Sewer

- a. A 30-inch public sewer line is located in Cordon, north of Gaffin.
- b. A 30-inch public sewer line is located in Old Macleay.
- c. A 15-inch public sewer line terminates at the northwest corner of the property near 49th Avenue SE.
- d. An 8-inch public sewer line terminates at the south end of the property in Clydesdale Drive SE and Seattle Slew Drive SE.

FINDINGS FOR COMPREHENSIVE PLAN CHANGE/ZONE CHANGE

Transportation Planning Rule

At the time of development review for any proposed use on the subject property, the proposed development's average daily trips shall be calculated pursuant to the then current Institute of Transportation Engineers (ITE) Trip Generation manual. Traffic

impacts from future development on the subject property shall be limited to a maximum of 16,654 average daily trips generated by the proposed use or uses.

SRC 113.205(b)(11) Availability and improvement of urban services, including street improvements, dedication of street right-of-way, traffic signs and signals, sewer, storm drainage, water, and mass transportation.

Findings – The applicant has submitted a Transportation Planning Rule (TPR) analysis that is required to address the TPR (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 45.42-acre site to 16,654 vehicles per day.

As specified in the Local Street Connectivity Element of the Salem TSP, the applicant shall be required to construct local streets within the subject property to provide connectivity between Cordon Road SE, Old Macleay, Seattle Slew Drive SE, and Clydesdale Drive SE.

Final street configuration for internal streets within the subject property and other site specific infrastructure requirements for each parcel will be addressed in the Site Plan Review process in SRC Chapter 163.

FINDINGS FOR PARTITION

SRC 63.047(b), 63.051 and 113.205 indicate the criteria that must be found to exist before an affirmative decision may be made. The applicable criteria and the corresponding findings are as follows:

SRC 63.047(b)(2): Provisions for water, sewer, streets, and storm drainage facilities comply with the city's public facility plan.

Findings – The water, sewer, and storm infrastructure is available and appears to be adequate to serve future development. Site specific infrastructure requirements are identified in the Preliminary Declaration for Urban Growth Area No. 12-01 issued June 29, 2012.

Right-of-way dedication is based on Public Works Department Policy GM 4-11. New vehicle trips are the primary factor in calculating right-of-way requirements. Because the proposed partition does not create vehicle trips, no right-of-way dedication is required in conjunction with the partition.

SRC 63.047(b)(3): The tentative plan complies with all applicable provisions of this Code, including the Salem zoning ordinance, except as may be waived by variance granted as provided in this chapter.

Finding – Public Works staff has analyzed the proposed development for compliance with applicable provisions of SRC Chapters 21, 63, 65-66, 69-70, 72-78, 80, and 140. Any code provisions found to be out of compliance are shown in the recommended conditions of development.

SRC 63.051(a)(2): The proposed street system in and adjacent to a subdivision or partition conforms to the *Salem Transportation System Plan* adopted under SRC 64.230, and is designed in such a manner as to provide for the safe, orderly, and efficient circulation of traffic into, through, and out of the subdivision or partition.

Finding – As specified in the Local Street Connectivity Element of the Salem TSP, the applicant shall be required to construct local streets within the subject property to provide connectivity between Cordon Road SE, Old Macleay, Seattle Slew Drive SE, and Clydesdale Drive SE. The applicant's tentative partition plan shows an internal street to serve each parcel within the partition and to provide connectivity to the southwest. An internal street providing a connection between Old Macleay and Cordon shall be constructed within parcel 2 at the time of Site Plan Review.

SRC 63.051(a)(3): That the proposed subdivision or partition will be adequately served with city water and sewer, and will be served by other utilities appropriate to the nature of the subdivision or partition.

Finding – The water, sewer, and storm infrastructure is available along the perimeter of the site. Design of utility infrastructure to serve each parcel shall be provided as a condition of final plat approval. Preliminary Declaration for Urban Growth Area No. 12-01 issued June 29, 2012, identifies public water, sewer, and storm improvements required to fully serve each parcel proposed.

SRC 63.051(a)(5): The proposal conforms to the Salem Zoning Code (SRC Title X) and the excavation and fill provisions of SRC Chapter 65.

Finding – Prior to any ground disturbing activity, permits shall be required and obtained from the Public Works Director for any excavation work adjoining a public right-of-way, or adjoining or within an easement (or future right-of-way or easement), or within or adjoining a designated waterway, or within a floodplain overlay zone (SRC 65.040).

SRC 63.051(a)(7): Adequate measures have been planned to alleviate identified natural or fabricated hazards and limitations to development, as identified by the Planning Administrator, including, but not limited to, wetlands, unstable areas, and stream side setback.

Findings – The Salem-Keizer Local Wetland Inventory (LWI) shows that there are linear wetland area(s) mapped on the property. The applicant is required to verify mapped wetland area(s) and show all existing wetlands noted in the local wetland inventory on the plat per Division of State Lands requirements.

The applicant shall be required to design and construct a storm drainage system at the time of development. The applicant shall link the on-site system to existing facilities that are defined as adequate under SRC 66.020(a) and limit runoff to quantities not exceeding the pre-developed runoff conditions as specified in an agreement between Salem, Keizer, and Marion County. As described in the conditions of approval, prior to final the applicant shall submit to the Public Works Department an analysis of the existing and proposed drainage for all parcels that includes an evaluation of the connection to an approved point of disposal.

Prepared by: Robin Bunse, Administrative Analyst II
cc: File



DAVID FRIDENMAKER, Manager
Facilities and Planning Department
Planning and Property Services
3630 State Street, Bldg. C • Salem, Oregon 97301
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Sandy Husk, Superintendent

December 3, 2012

Bryan Colbourne, Planner III
Planning Division, City of Salem
555 Liberty Street SE, Room 305
Salem OR 97301

FAX No. 503-588-6005

RE: Land Use Activity
Salem CPC-ZC-PAR12-08, NW Corner Hwy. 22 & Cordon Rd.

SUMMARY OF COMMENTS

The Miller Elementary School site is immediately adjacent to the subject property zoned IP which is proposed to change to IC. A change of zone from IP, with fewer industrial uses, to IC, with more industrial uses, may increase the likelihood of adverse impacts on the elementary school site. In addition, there are no bufferyard requirements for permitted moderate impact uses and only 10 ft. of bufferyard required for heavy impact uses between the IC zone and the school site. The school building is a distance from the shared property line, but the school's play field is immediately adjacent to that property line. School Assignment: The subject property is served by Miller Elementary School, Houck Middle School and North Salem High School.

School Capacity: Sufficient school capacity currently exists at the assigned schools to serve the proposed development.

School Transportation Services: Student residing at the subject property location would be eligible for school transportation services.

Below is data and the District's comments regarding the proposed land use activity identified above. If you have questions, please call at (503) 399-3335.

ELEMENTARY SCHOOL INFORMATION (GRADES K TO 5)

1. School Name: Miller Elementary School
2. Estimated change in student enrollment due to proposed development: 26
3. Current school capacity: 512
4. Estimate of school enrollment including new development: 465
5. Ratio of estimated school enrollment to total capacity including new development: 91%.
6. Walk Zone Review: Eligible for transportation to Elementary School.
7. Estimate of additional students due to previous 2011 land use applications: 0
8. Estimate of additional students due to previous 2012 land use applications: 1
9. Estimated cumulative impact of 2011-12 land use actions on school capacity: 91% of capacity.

MIDDLE SCHOOL INFORMATION (GRADES 6 TO 8)

1. School Name: Houck Middle School

2. Estimated change in student enrollment due to proposed development: 10
3. Current school capacity: 1,232
4. Estimate of school enrollment including new development: 967
5. Ratio of estimated school enrollment to total capacity including new development: 78%
6. Walk Zone Review: Eligible for transportation due to hazard..
7. Estimate of additional students due to previous 2011 land use applications: 4
8. Estimate of additional students due to previous 2012 land use applications: 1
9. Estimated cumulative impact of 2011-12 land use actions on school capacity: 79% of capacity.

HIGH SCHOOL INFORMATION (GRADES 9 TO 12)

1. School Name: North Salem High School
2. Estimated change in student enrollment due to proposed development: 10
3. Current school capacity: 2,015
4. Estimate of school enrollment including new development: 1,899
5. Ratio of estimated school enrollment to total capacity including new development: 94%
6. Walk Zone Review: Eligible for transportation to High School.
7. Estimate of additional students due to previous 2011 land use applications: 6
8. Estimate of additional students due to previous 2012 land use applications: 1
9. Estimated cumulative impact of 2011-12 land use actions on school capacity: 95% of capacity.

ESTIMATE SUMMARY (GRADES K TO 12):

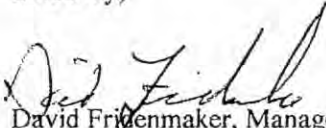
1. Total estimated change in student enrollment: 46
2. Total estimated student enrollment over capacity: 0
3. Estimated short-term cost to District for new facilities, beyond current facility capacity, due to change in student enrollment: \$ 0
4. Total estimated additional income to District for new facilities due to change in student enrollment: \$ 0

Developer should provide paved walk route(s) to allow pedestrian access and bicycle access to school(s) from all residences within the new development and should provide all improvements required by the City of Salem where new transportation routes are established or existing transportation routes change, such as school flashers, crosswalks, and signage. As per ORS 195.115, when the walk zone review indicates "eligible for transportation due to hazard" the District requests that the City initiate a planning process with the District to identify the barriers and hazards to children walking or bicycling to and from school, determine if the hazards can be eliminated by physical or policy changes and include the hazard elimination in the City's planning and budgeting process.

ASSUMPTIONS:

1. When land use request is granted, 198 new residence(s) will be built.
2. Estimates are computed using the Student Rate per Dwelling Method described in the District's Facility Study for years 2001-2020.
3. If current capacity exists at the schools currently serving the parcel then an estimate of zero cost, or no significant impact, is made.
4. If current capacity does not exist at the schools currently serving the parcel then an estimate of cost for one-time capital improvements is made.
5. Income from the proposed land use for capital improvement is assumed to be zero since capital improvement funds come from voter approved bond measures that can be an unpredictable and irregular source of income.
6. Income from a State School Facilities grant may be available depending on state funding. The grant amount ranges from 0% to 8% of the construction cost. Since the funding is unpredictable, it has not been included as income. The current 2009-11 biennium facilities grant funding for the District was \$20,802.
7. General Fund Budget Amount for the 2011-12 school year is \$8,848 per student (ADM). The State School Fund Revenue for 2011-12 is estimated to be \$6,214 per student (ADM). ADM is "Average daily membership" as defined in ORS 327.006 (3).

Sincerely,


David Friedenmaker, Manager
Planning and Property Services

- c: Mike Wolfe, Chief Operations Officer
Jim Jenney, Interim Director of Facilities and Planning Dept.
Kelly Carlisle, Director of Secondary Education
Melissa Cole, Director of Secondary Education
Sandra Price, Director of Elementary Education
Meera Kreitzer, Director of Elementary Education
Mike Bednarek, Special Projects Coordinator
Gene Bloom, Risk Management Dept.
Michael Shields, Director of Transportation



Marion County

OREGON

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December 3, 2012

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Bryan Colbourne, Case Manager
Community Development Department
City of Salem
555 Liberty Street SE
Salem OR 97301-3053

ADMINISTRATION

**BUILDING
INSPECTION**

**EMERGENCY
MANAGEMENT**

RE: CPC-ZC-PAR 12-08
NW Corner Cordon Road/Santiam Highway Comp Plan/Zone Change

ENGINEERING

Dear Mr. Colbourne:

**ENVIRONMENTAL
SERVICES**

OPERATIONS

ARKS

PLANNING

SURVEY

We have received the Request for Comments for the Comprehensive Plan Change from Industrial to Industrial Commercial and Multi-Family Residential and a Zone Change from IBC (Industrial Business Campus) and IP (Industrial Park) to IC (Industrial Commercial) and RM2 (Multiple Family Residential) and for a 3-parcel partition for property located at the northwest quadrant of the intersection of Cordon Road and North Santiam Highway.

The proposed Comprehensive Plan and Zone Change have the potential to change the character of the area. Even though Cordon Road is within the City Limits of Salem in this location, it is an important regional facility and serves as a major component of a circumferential route around the Salem area. It is not intended to become a commercial corridor. In order to preserve its functionality, the County has an Ordinance that prohibits most new accesses to Cordon Road. Access is limited to locations with selected arterial and collector streets. The extension of Gaffin Road will only serve local traffic and will not act as an arterial or collector. Cordon Road is also designated a Parkway in the Salem Transportation System Plan (TSP).

The Marion County Rural TSP recommends pursuing an interchange between Cordon Road and North Santiam Highway. The need for an interchange is also identified in the Salem TSP and the SKATS Regional TSP. A recent ODOT/ Salem/ Marion County study specifically identified the need for an interchange at this location. We strongly support this interchange and discourage any activity that would threaten its viability or function. If an interchange were constructed, ODOT spacing standards would apply. We recommend that no direct access to Cordon Road be allowed to serve this property in order to make sure that any future interchange would operate as efficiently as possible. Additional right-of-way may also be needed to accommodate the future interchange. A methodology for funding the interchange, and how this development will contribute, should be considered.

TO: Bryan Colbourne, Case Manager, Community Development Department, City of Salem
FROM: Karen Odenthal, Transportation Planner
RE: CPC-ZC-PAR 12-08
NW Corner Cordon Road/Santiam Highway Comp Plan/Zone Change
December 3, 2012

Page 2

The application indicates that access will be proposed from the fourth leg of a Cordon Road/Gaffin Road intersection. As stated earlier, we recommend that no direct access to Cordon Road be considered, even at Gaffin Road, since it will only serve local traffic and will degrade operations on Cordon Road. All local access should be obtained through existing City streets, and in particular, a new connecting street to Macleay Road. A signal already exists at the intersection of Macleay Road and Cordon Road.

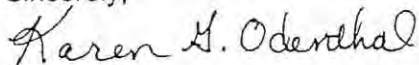
When an interchange is constructed at Santiam Highway, it is very likely that signals will be required at the ramp terminals. A traffic signal at Gaffin Road would result in three signals in a 0.5 mile segment, resulting in a negative impact to flow and overall traffic progression on the Parkway. We strongly recommend that a high progression level be maintained on Cordon Road. County standards require that signal progression be analyzed in this case and a minimum greenband width equal to 40 percent of the cycle length be maintained on all arterials, at a progression speed within five miles per hour of the posted speed limit. We would ask the City to apply a comparable standard to preserve the function of Cordon Road as a regional route. Cordon Road is also a designated emergency detour route for both Interstate 5 and Santiam Highway through the Salem area.

The applicant is required to address Goal 12, Transportation Planning Rule, as part of the Comprehensive Plan/Zone Change process. The applicant is proposing limiting the number of trips associated with the new zone to the same as would be allowed in the old zone scenario. This meets the intent of Goal 12. However, the development of the property would require a more in-depth transportation analysis. The County requests to be involved in the review process of all transportation analyses completed regarding any part of this property.

In summary, Marion County Public Works is very concerned about the impact that development of this property will have on the function and viability of Cordon Road as a critical regional circumferential route with a future interchange. The plan designation and zone change, with limitations imposed on maximum trip generation, is not the concern. The accommodation of the development and its impact to regional facilities is of great concern to Marion County.

If you have any questions, you can reach me at 503-588-5036 or by e-mail at kodenthal@co.marion.or.us. Thank you for the opportunity to comment on this case.

Sincerely,



Karen Odenthal, PTP
Transportation Planner

KO:aeh

c: Janet Carlson, Commissioner, Marion County Board of Commissioners
Bill Worcester, Director, Marion County Public Works
Paul Mather, Highway Division Administrator, ODOT
Dan Fricke, Transportation Planner, ODOT Region 2
John Rasmussen, LDEP
Brandon Reich, Planning

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Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

Community Services Division

635 Capitol Street NE, Suite 150

Salem, Oregon 97301-2540

Phone: (503) 373-0050

Fax: (503) 378-5518

www.oregon.gov/LCD



November 28, 2012

Bryan Colbourne
Planner III
555 Liberty St SE, Rm 305
Salem, OR 97301

Submitted Via Email

RE: Local File No. CPC-ZC12-08;
DLCD File No 013-12

Dear Bryan,

The Department of Land Conservation and Development received a notice of proposed amendment for the file referenced above. The proposal is to change the plan designation and zoning on 45.42 acres from Industrial to Industrial Commercial and Multi-family Residential. The department appreciates the opportunity to comment please enter these comments into the record on this case. We hope you will find them helpful in the city's deliberations on this matter.

The intent of Goal 9 and its implementing administrative rule is for cities to have an adequate land supply for economic development and employment growth in Oregon. Our department's purpose is to help cities identify, designate, and protect the most suitable land for employment uses.

Goal 9 – Economic Development

Oregon Administrative Rule (OAR) 660-009-0010(4) states:

For a post-acknowledgement plan amendment under OAR chapter 660, division 18, that changes the plan designation of land in excess of two acres within an existing urban growth boundary from an industrial use designation to a non-industrial use designation, or an other employment use designation to any other use designation, a city or county must address all applicable planning requirements, and:

- (a) Demonstrate that the proposed amendment is consistent with its most recent economic opportunities analysis and the parts of its acknowledged comprehensive plan which address the requirements of this division; or

ATTACHMENT 7

- (b) Amend its comprehensive plan to incorporate the proposed amendment, consistent with the requirements of this division; or
- (c) Adopt a combination of the above, consistent with the requirements of this division.

Comprehensive Plan and or Zoning Map Change not consistent with Goal 9

The proposal does not demonstrate compliance with this rule because it is not supported by specific studies or other factual information demonstrating that the plan amendment is consistent with the comprehensive plan.

Since the plan amendment changes the designation of more than two acres from an industrial designation to a non-industrial use designation, the cited rule requires findings that the proposal is consistent with the comprehensive plan or, alternatively, that the city amend its comprehensive plan to be consistent with the proposed amendment. In reviewing this proposal, Salem must rely on its most recently adopted Economic Opportunities Analysis (EOA).¹ The EOA should contain the factual information and data for determining whether the proposal will result in a deficit of industrial or commercial land for the planning area for the planning period.

The proposal appears to degrade Salem's supply of industrial land by either direct or indirect conversion of land possessing attributes difficult to replicate or replace within the UGB. The proposal would convert 35.05 acres from Industrial to Industrial Commercial and 10.37 acres from Industrial to Multi-family Residential. While the department does not find the Industrial Commercial zone to be at issue, the proposal must address whether the conversion of the 10 acres to residential will result in a deficit of employment land. Further, we are concerned with the lack of a Goal 9 element in the City's comprehensive plan. The proposal does not rely on an EOA and is therefore deficient regarding the numbers and types of sites needed in the urban growth boundary for industrial and commercial development.²

The applicant does not address how the city will maintain a 20-year supply of employment land and an analysis of this proposal must include a comparison and findings regarding how much land, by type, is needed and how much land by type already exists in the urban growth boundary. The record cites the Salem-Keizer Regional Economic Opportunity Analysis report of May 2011 as the most recent update on the employment inventory; however we have no record of that analysis being adopted by the City, so it cannot be relied upon.

We also cannot find record of any earlier adoption of a Goal 9 inventory which puts the city at risk of potential economic land investments and/or appeals down the road in the event of a UGB expansion. Our primary concern is that important economic development planning decisions are vulnerable to appeal and reversal due to lack of an adopted EOA. See *Gunderson v. City of Portland*, LUBA Nos. 2010-39, -40 and -41 (Jan. 21, 2011):

¹ OAR 660-009-0015

² OAR 660-009-0015 (2) and 660-009-0025(1)

Transportation Planning Rule

OAR 660-012-0060 requires an analysis as to whether an application will have a significant effect on the transportation system. One means of dealing with a significant effect is to limit trips that would otherwise occur so that there will not be a significant effect.³

The applicants' TPR analysis concludes the proposed plan and zone changes will avoid a significant impact on the transportation system by capping the trips at what would have resulted from the existing Industrial plan designation and IBC zoning. To be consistent with the TPR, the city must make a determination of significant effect. If the proposed amendments result in a significant effect, the City must take action under OAR 660-012-0060(2).

We respectfully request that this letter be entered into the record of the proceedings. When additional information such as staff reports or revised drafts becomes available, we would appreciate receiving a copy. Submitting files via e-mail can speed our review.

If you have any questions, please do not hesitate to contact me (503-373-0050 extension 286, angela.lazarean@state.or.us).

Sincerely,

Angela Lazarean

Angela Lazarean
Mid-Willamette Valley Regional Representative

cc: Tom Hogue, DLCD (via email)
Gary Fish, DCLD (via email)

³ OAR 660-012-0060(1): (c) Result in any of the effects listed in paragraphs (A) through (C) of this subsection based on projected conditions measured at the end of the planning period identified in the adopted TSP. As part of evaluating projected conditions, the amount of traffic projected to be generated within the area of the amendment may be reduced if the amendment includes an enforceable, ongoing requirement that would demonstrably limit traffic generation, including, but not limited to, transportation demand management. This reduction may diminish or completely eliminate the significant effect of the amendment.