



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

11/28/2011

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 015-11

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: Tuesday, December 13, 2011

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: Jason Richling, City of Salem
Angela Lazarean, DLCD Urban Planning Specialist
Steve Oulman, DLCD Regional Representative
Thomas Hogue, DLCD Economic Development Policy Analyst

<paa> YA



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 electronic mailed

DATE
NOV 22 2011

STAMP
DEPT OF LAND CONSERVATION AND DEVELOPMENT
For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC-ZC11-10**

Date of Adoption: **11/15/2011**

Date Mailed: **11/18/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? Yes No Date: 9/30/2011

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 Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 5.03 acres in size and located at 3723 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 1100).

Does the Adoption differ from proposal? No, no explanation is necessary

Plan Map Changed from: **Industrial**

to: **Industrial Commercial**

Zone Map Changed from: **IBC (Indus. Business Campus)** to: **IC (Industrial Commercial)**

Location: **3723 Fairview Industrial Dr SE**

Acres Involved: **5**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

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. 015-11 (18995) [16838]

DLCD file No. _____

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

Local Contact: **Jason Richling, Planner II**

Phone: (503) 588-6173 Extension: 7526

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

Fax Number: 503-588-6005

City: **Salem**

Zip: **97301-**

E-mail Address: **jrichling@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.

<http://www.oregon.gov/LCD/forms.shtml>

Updated April 22, 2011

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*

PLANNING COMMISSION RESOLUTION NO: PC 11-10

CASE NO. CPC-ZC11-10 / Amanda #11-113885-ZO

WHEREAS, a petition to change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) for property located at 3723 Fairview Industrial Drive SE (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 1100), was filed by Jeff Tross for BACM 2006-4 Sunwest Office, LLC, c/o Steve Ferriera, LNR Partners, Inc., with the Planning Commission of the City of Salem, and

WHEREAS, after due notice, a public hearing on the proposed changes was held before the Planning Commission on November 15, 2011, at which time witnesses were heard and evidence received; and

WHEREAS, the Planning Commission having carefully considered the entire record of this proceeding including the testimony presented at the hearing, after due deliberation and being fully advised; NOW THEREFORE

BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SALEM,
OREGON:

Section 1. FINDINGS:

The Planning Commission hereby adopts as its findings of fact the staff report on this matter dated November 15, 2011, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

Based upon the foregoing findings and conclusions, it is hereby ordered:

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

Condition 1: All future uses and development shall be required to adhere to the development standards identified in the IBC zoning district, or as amended in the IBC zone. Those standards include: 1) Height; 2) Lot Area and Dimensions; 3) Yards Adjacent to Streets; 4) Yards Adjacent to other Districts; 5) Side and Rear Yards; 6) Lot Coverage; 7) Open Storage; 8) Landscaping; 9) Off-Street Parking and Loading; and 10) Lighting, unless a zoning variance is approved.

Condition 2: Future uses permitted shall be limited to the following uses identified in Attachment 5. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 2,609 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.


ADOPTED by the Planning Commission this 15th day of November, 2011.



President, Planning Commission

The 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. December 2, 2011**. 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 of SRC Chapters 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 Salem City Council will review the appeal at the public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff or additional information.

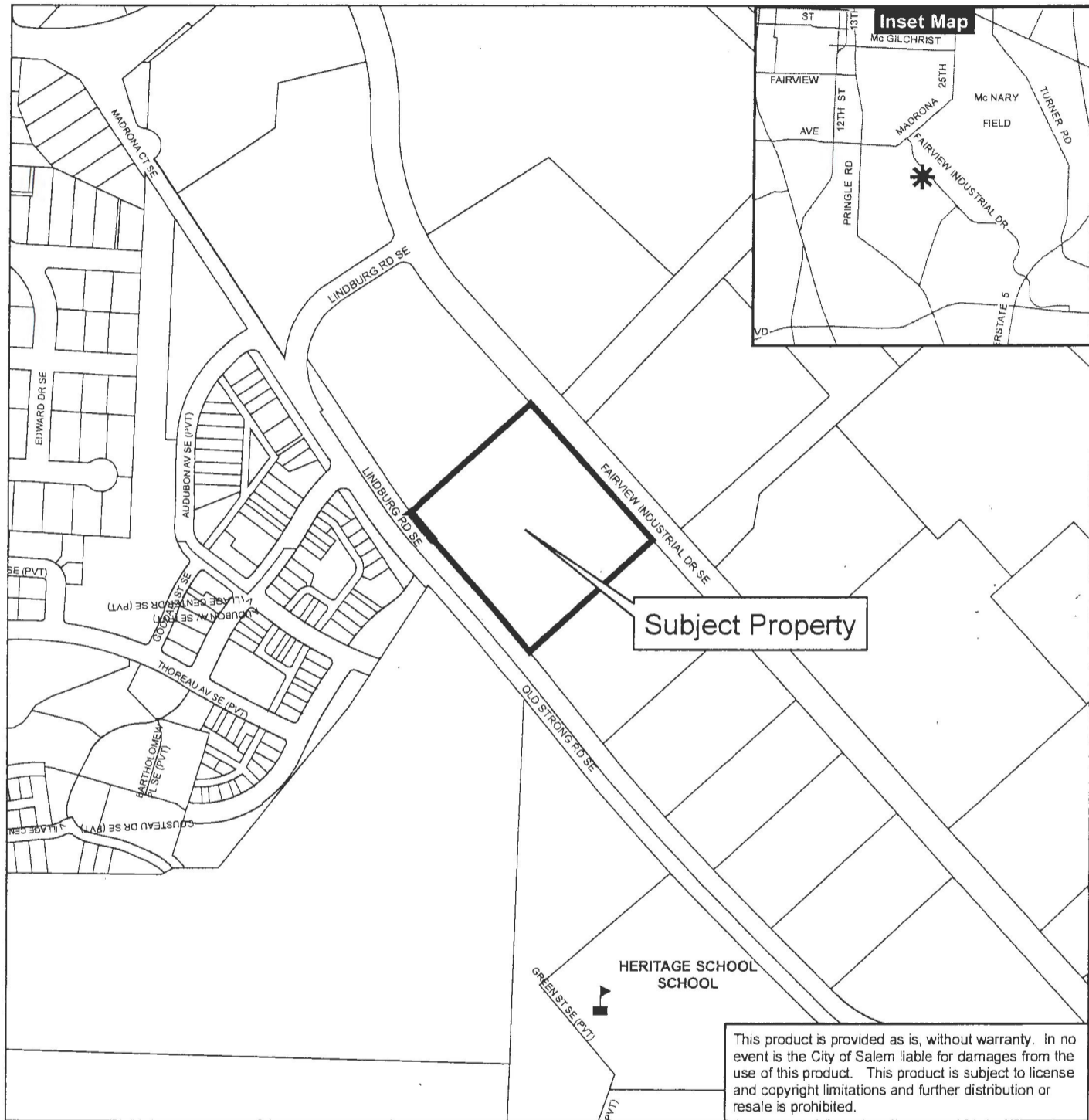
APPEAL PERIOD ENDS: December 2, 2011

The case file and copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Jason Richling, Case Manager, at 503-588-6173, Ext 7526 or jrichling@cityofsalem.net to review the case file. 

PLANNING COMMISSION VOTE

4 YES 0 NO 3 ABSENT (Fry, Levin, Schmidtke)







Vicinity Map 3723 Fairview Industrial Drive SE



Subject Property

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Legend

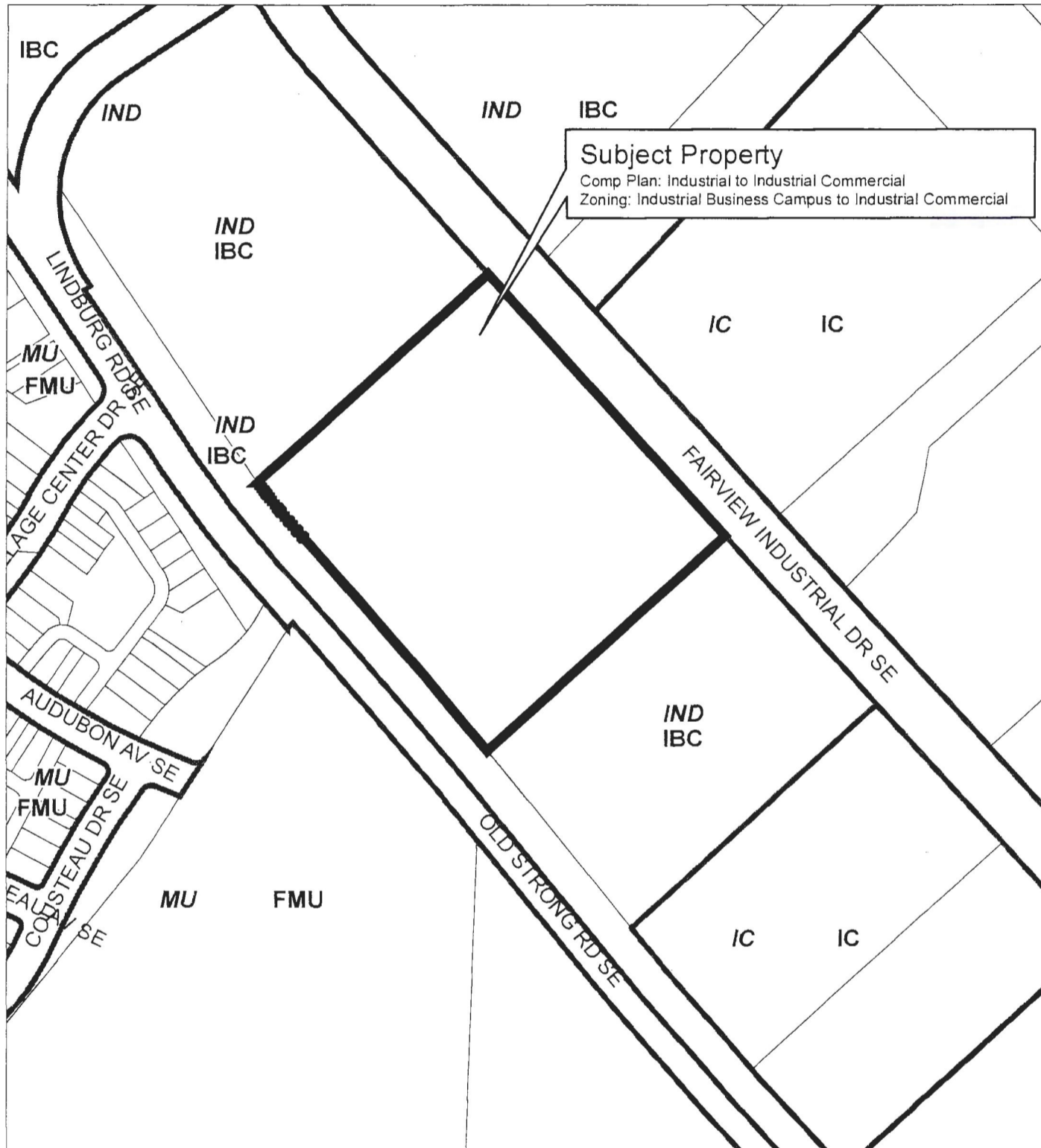
- | | |
|---|---|
|  Outside Salem City Limits |  Historic District |
|  Urban Growth Boundary |  Schools |
|  Taxlots |  Parks |

0 100 200 400 Feet




 CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

Comprehensive Plan Change / Zone Change 11-10



Legend

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

0 50 100 200 Feet




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CITY OF Salem
 AT YOUR SERVICE
 Community Development Dept.

FOR MEETING OF: November 15, 2011
AGENDA ITEM NO.: 6.1

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Jason Richling, Planner II

HEARING DATE: November 15, 2011

APPLICATION: Comprehensive Plan Change / Zone Change Case No. CPC-ZC11-10

LOCATION: 3723 Fairview Industrial Drive SE

SIZE: Approximately 5.03 acres

REQUEST: To change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 5.03 acres in size and located at 3723 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 1100).

APPLICANT: BACM 2006-4 Sunwest office, LLC, c/o Steve Ferriera, LNR Partners, Inc.

APPLICANTS REPRESENTATIVE: Jeff Tross

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

RECOMMENDATION: **APPROVE** subject to the following condition:

Condition 1: All future uses and development shall be required to adhere to the development standards identified in the IBC zoning district, or as amended in the IBC zone. Those standards include: 1) Height; 2) Lot Area and Dimensions; 3) Yards Adjacent to Streets; 4) Yards Adjacent to other Districts; 5) Side and Rear Yards; 6) Lot Coverage; 7) Open Storage; 8) Landscaping; 9) Off-Street Parking and Loading; and 10) Lighting, unless a zoning variance is approved.

Condition 2: Future uses permitted shall be limited to the following uses identified in Attachment 5. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 2,609 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or

future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

APPLICATION PROCESSING

Subject Application

On September 12, 2011, Jeff Tross, on behalf of Steve Ferriera of LNR Partners, Inc., filed a Comprehensive Plan Change/Zone Change application to change the Comprehensive Plan Map designation of the subject property from "Industrial" to "Industrial Commercial" and the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial). The application was deemed complete for processing on October 4, 2011.

The public hearing on the proposed Comprehensive Plan Change/Zone Change is scheduled for November 15, 2011. Notice of the public hearing was provided in accordance with SRC 300.620(b). An approval by the Planning Commission shall not be construed to have granted a variance from the provisions of any City ordinance unless the approval clearly states that a variance has been granted.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule (Oregon Revised Statutes (ORS) 227.178).

Public Notice

1. Notice was mailed to property owners within 250 feet of the subject property on October 26, 2011 (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 September 30, 2011.

BACKGROUND INFORMATION

The subject property was annexed into the City of Salem on March 29, 1960. The area in the vicinity of the property was historically used for agriculture and was long characterized by the surrounding Fairview Training Center to the south, McNary Field Airport to the northeast, and a mix of industrial uses farther to the northwest. In the mid 1980s, the City adopted the Fairview Urban Renewal Plan and established the Fairview Urban Renewal Area (URA). The subject property is located within the Fairview Urban Renewal Area. The surrounding industrial and commercial development now located along Fairview Industrial Drive SE was developed as a result of this Urban Renewal Plan and URA. IBC (Industrial Business Campus) zoning was applied to the area, including the subject property, at that time.

The subject property is Lot 8 of the Fairview Industrial Park Subdivision Phase II and is approximately 5.03 acres in area. The property was developed in 1997 with a 63,466 square foot

office building, a 212-space off street parking lot and site landscaping. A 110-foot drainage easement abuts the northwest and southwest property lines, which encompasses the riparian corridor for the West Middle Fork of Pringle Creek. The property has access onto Fairview Industrial Drive SE via two driveways and is located within the City's Urban Service Area (USA). The site was previously used as the headquarters of Sunwest, which vacated the property in February, 2011.

The IBC zone was created in the early 1980's to facilitate an expected need for "campus-based" industrial development that would, in particular, attract and serve the high-technology electronics industry. While large areas of the local industrial land inventory were placed in this zone, its intended purpose did not materialize to the extent that had been projected. The former Siltec/Mitsubishi/SUMCO silicon wafer manufacturing facilities were the major "high-tech" industry anchors to locate in Salem. However, as the technical requirements for that product changed, and as production shifted to locations out of state and overseas, those facilities have since closed and been converted to other industrial and business service uses. The applicant requests a change in the Comprehensive Plan map designation from "Industrial" to "Industrial-Commercial", along with a corresponding Zone Change from IBC to IC to provide for a wider range of industrial, professional, and business-service activities.

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 the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial).

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 located within the boundaries of the Morningside Neighborhood Association. At the time of writing this staff report, no comments have been received from the neighborhood association; however, the project was presented to the neighborhood at their August 10, 2011, general meeting and received support from the Morningside Neighborhood Board at that time.

Public Comments

Notice of the proposal was mailed to property owners within 250 feet of the subject property on October 26, 2011. At the time of writing this staff report, no comments have been submitted by property owners within the notification area.

City Department Comments

Public Works (Development Services and City Traffic Engineer) – The Public Works Department, Development Services Section, reviewed the proposal and submitted comments (Attachment 4). Public Works Department Staff reviewed the Transportation Planning Rule Analysis (TPR), dated August 11, 2011 (Attachment 3), that was submitted by the applicant and agree with the findings of the TPR that a "trip-cap" of 2,609 average daily trips should be imposed.

Community Development (Building and Safety Division) – The Building and Safety Division of 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.

Urban Development Department – The Urban Development Department has reviewed the proposal and indicated that the property is subject to the CC&R's applicable to Phase II of the Fairview Industrial Park Subdivision.

Public and Private Agency Comments

Salem-Keizer Public Schools – The Salem-Keizer School District reviewed the proposal and indicated that they have no comments on this case.

Northwest Natural (NW Natural) - A representative from NW Natural has reviewed the proposal and indicated that they have no comments on this case.

Department of Land Conservation and Development (DLCD) – DLCD was notified of the proposal and did not provide comments.

Department of State Lands (DSL) – DSL was notified of the proposal and submitted comments indicating that a state removal/fill permit will not be required for the project.

Salem Area Comprehensive Plan (SACP) Designation

Land Use: The Salem Area Comprehensive Plan designates the subject property as "Industrial". The Comprehensive Plan designation of all surrounding properties is as follows:

Northwest: "Industrial"

Northeast: Across Fairview Industrial Drive SE – "Industrial" and "Industrial Commercial"

Southeast: "Industrial"

Southwest: "Industrial"

Neighborhood Plan: The property is located within the boundaries of the Morningside Neighborhood Association. The subject property is designated "Industrial" on the Morningside Neighborhood Plan Land Use Map. In the context of the Neighborhood Plan Land Use Map designations, the Industrial Neighborhood Plan Map designation is consistent with both the "Industrial" and "Industrial Commercial" Comprehensive Plan Map designations, and both the IBC and IC zones.

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 Fairview Industrial Drive SE. At this location, Fairview Industrial Drive SE is designated a 'Minor Arterial' street.

Zoning

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

Northwest: "Industrial Business Campus"
Northeast: Across Fairview Industrial Drive SE – "Industrial Business Campus' and "Industrial Commercial"
Southeast: "Industrial Business Campus"
Southwest: "Industrial Business Campus"

Existing Site Conditions

The developed portion of the subject property is relatively flat. The West Middle Fork of Pringle Creek and abutting riparian corridor is located within a drainage along the northwest and southwest property lines.

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

Wetlands: According to the Salem Keizer Local Wetland Inventory (LWI) there are no mapped wetlands on the subject property; however City records indicate that a wetland mitigation channel is located within the drainage easement abutting the northwest and southwest property lines. SRC Chapter 126 requires the City to send a Wetland Land Use Notification to the Oregon Department of State Lands (DSL). A Wetland Land Use Notification (WLUN) was submitted to DSL on October 10, 2011. DSL has commented that a state permit will not be required for the proposal because the project appears to avoid impacts to jurisdictional wetlands.

Landslide Hazard Susceptibility: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, there are no areas of mapped landslide hazard susceptibility on the subject property.

Site Plan

A site plan is not required as part of a Comprehensive Plan Change/Zone Change application and was not submitted with this proposal.

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 submittal is attached in its 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.

To approve a quasi-judicial SACP 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 2A and 2B.

Applicant's Statement for 2(A)&(B): Since the formulation and adoption of the IBC zone in the early 1980's there have been significant Plan amendments and capital improvements that affect the local industrial land use and development pattern, and the properties zoned for industrial use. Most importantly, the previously approved Comprehensive Plan Amendment that established the Salem Regional Employment Center (SREC), and the subsequent development of the Mill Creek Corporate Center, changed the character of the industrial development pattern in the urban area to the extent that the existing designation for the subject property, like others in the Fairview Industrial Park, is no longer appropriate.

An Economic Opportunities Analysis (EOA) was prepared to support the creation of the SREC. The EOA gave a detailed review of local economic conditions, and it described expected changes to the economy that affect industrial and commercial development in the Salem urban area. The EOA identified the future types of industries most likely to locate here as large-scale warehouse and distribution activities, office parks, and retail and service businesses.

The Mill Creek industrial project totals 646 acres of which 507 acres will be developed. The EOA described the project as the largest industrial property in a metropolitan area in the state, which makes it locally and regionally significant. The addition of the project was a major change in the local industrial land inventory, and a major change in the circumstances that affect the existing industrial lands within the urban area. Of the 507 acres to be developed in the Mill Creek project, 104 acres, or 20% of the area, is intended for commercial office uses (EOA pp. 1-2). This is a significant change to the area that is intended for office use within the urban area.

Because of this major addition to the industrial land inventory, and in order to respond to the changing economic conditions that affect the local industrial development pattern, it is necessary for existing industrial sites, such as the subject property, to attract and accommodate an expanded range of activities appropriate to the existing facilities. In order to attract the types of economic activities that the EOA identified, existing industrial sites must be provided with the necessary zoning flexibility to accommodate new uses.

The proposed change to the *Industrial-Commercial* Comp Plan map designation will expand the range of possible uses that could be allowed at the subject property in a manner that is consistent with the predicted changes in the economy. Expanding the range of possible uses is necessary for the subject property to respond to the changing conditions for industrial and business development. The proposed Plan change is consistent with the changes in the local industrial and commercial economy that have occurred since the time the existing land use designation was applied to the property, and it will correspond to the types of uses that are now projected to occur in the urban area. The change in the land use designation will promote the successful, productive reuse of the existing facilities, which is also in keeping with the purpose of the Urban Renewal Plan.

The Planning Commission recognized and adopted these reasons in its recent decision in CPC-ZC11-05, approved in June, 2011, for a site 300' south of the subject property. That site is also the location of an existing office building. The facts and circumstances present in this proposal are substantially similar to those of that case. In its Decision the Planning Commission concluded:

“...The proposed comprehensive plan and zoning map amendment to Industrial Commercial will facilitate a wider range of uses at the site. The previously approved plan amendment and zone change of the nearby 646 acre Mill Creek Corporate Center site to 'Employment Center' (EC) zoning was a major change in circumstances affecting a significant number of properties in the area. The EC zoning of the Mill Creek Corporate Center allows for a wide range of industrial uses. That change was large enough in scope that the existing industrial designations for many other properties in the area, such as the subject property, are no longer appropriate. The proposal is a logical change given the surrounding mix of uses and economic pattern along Fairview Industrial Drive SE, which is transitioning from higher-impact manufacturing uses to a mix of commercial and industrial uses...” (PC Resolution 11-5)

The Plan Amendment for the SREC and the development of the Mill Creek Corporate Center resulted in a major change in circumstances that affecting a significant number of properties within the vicinity, and changed the character of the area to the extent that the existing designation for the subject property is no longer appropriate. For these reasons SRC 64.090(b)(2) is satisfied.

Finding: The applicant's stated purpose for the Comprehensive Plan Change and Zone Change request is to accommodate a wider mix of industrial-commercial uses on the property in response to market trends and a change in conditions related to Salem's industrial land supply. Staff concurs with the applicant's findings addressing Criterion (2)(A) & (B). The previously approved plan amendment and zone change of the Mill Creek Corporate Center (previously known as the Mill Creek Industrial Park) to Employment Center (EC) zoning represented a major change in circumstances affecting a significant number of properties within the Salem urban area. As stated by the applicant, the plan map amendment of the Mill Creek Corporate Center project was large enough in scope that the existing industrial designations for many other properties in the Salem urban area, such as the subject property, are no longer economically viable. Based on the reasons stated in the applicant's statement, Criterion (2)(A) & (B) are satisfied.

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 public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the Neighborhood Association, to surrounding property owners within the notice area, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

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 Salem Area Comprehensive Plan was adopted by the City and acknowledged by the Land Conservation and Development Commission (LCDC) as being in compliance with Oregon Statewide Planning Goals, statutes and administrative rules, in October 1992 and subsequently revised in March 1997, November, 2000, July 2002, November 2003, April 2004 and January 2005 and October 2008 (DLCD Order 08-WKTASK-001758). Additionally, there are a number of Detail Plans the City has adopted as policy guides to the Comprehensive Plan.

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comprehensive Plan Change criteria, and the Zone Change considerations. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

Finding: The SACP is acknowledged to be in compliance with the Statewide Planning Goals, and this application is reviewed for conformance with the SACP goals and policies and applicable Statewide Planning Goals.

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

Goal 5: Natural Resources, Scenic and Historic Areas, and Open Spaces (OAR 660-015-0000(5)), requires local governments to adopt programs that will protect natural resources and conserve scenic, historic, and open space resources for present and future generations. These resources promote a healthy environment and natural landscape that contributes to Oregon's livability.

Finding: There are no known scenic, historic, or cultural resources identified on the subject site. As discussed earlier in this report, the riparian corridor and channel of West Middle Fork of Pringle Creek bisect the property. However, the site is fully developed and no further

development is proposed in conjunction with this Comprehensive Plan Change and Zone Change application that would impact these resources. At such time that development is proposed on the site, the proposal will be subject to the provisions of Salem Revised Code Chapter 68 (Tree Preservation) and Chapter 126 (Wetlands).

GOAL 6–WATER AND LAND RESOURCES QUALITY

Goal 6: Air, Water, and Land Resource Quality (OAR 660-015-0000(6)) requires local governments to adopt standards to ensure that all waste and process discharges from future development, when combined with such discharges from existing developments shall not threaten to violate, or violate applicable state or federal environmental quality statutes, rules and standards. With respect to the air, water and land resources of the applicable airsheds and river basins described or included in state environmental quality statutes, rules, standards and implementation plans, such discharges shall not (1) exceed the carrying capacity of such resources, considering long range needs; (2) degrade such resources; or (3) threaten the availability of such resources.

Applicant's Statement: The purpose of the proposed Plan change is to allow for a wider mix of industrial-commercial uses, on land that is currently designated for industrial use. The subject property is already developed, and it is within an intensely developed area that is characterized by a mix of industrial, service, and commercial activities. The property is along the major street route through the industrial park. The proposed Plan change will encourage the use of the existing urban facilities. Because the future uses will make use of existing facilities the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location.

The major potential impacts to the air in this area are from the existing industrial activities, or those that could be allowed under the existing industrial land use categories. The proposed Plan change will not result in significant changes to the types of industrial uses that could create an adverse impact on air quality. Air quality impacts from traffic will not occur because traffic volumes generated by new uses will be the same as under the existing land use designation.

Public sewer, water, and storm drain services are already provided to the subject property. Connections to the existing building were made at the time of construction. Waste water will be discharged into the sewer system, and the City treats sewage to meet the applicable standards for environmental quality. Through the use of the public collection and treatment facilities there will be no sewage discharges from the property directly to a water body or into the ground. Surface storm water runoff is collected by the public storm drain system and is not discharged directly into the ground.

Because the property is developed the industrial use of the site has been anticipated and expected. The proposal does not increase the intensity of industrial activity that could occur, and there will be no significant adverse impacts to the quality of the air, water or land as a result of this proposal.

Finding: Staff concurs with the applicant. The site is developed urban land. 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

Goal 7: Areas Subject to Natural Hazards (OAR 660-015-0000(7)), requires local governments to adopt comprehensive plans (inventories, policies and implementing measures) to reduce risk to

people and property from natural hazards. In adopting plan policies and implementing measures to protect people and property from natural hazards, local governments should consider the benefits of maintaining natural hazard areas as open space, recreation and other low density uses, the beneficial effects that natural hazards can have on natural resources and the environment; and the effects of development and mitigation measures in identified hazard areas on the management of natural resources.

Applicant's Statement: No natural hazards specific or unique to this site have been identified.

Finding: Staff concurs with the applicant's statement. There are no known natural hazards on the subject site.

GOAL9–ECONOMIC DEVELOPMENT

Goal 9: Economic Development (OAR 660-015-0000(9)) requires local governments to adopt and maintain Comprehensive plans for urban areas that include an analysis of the community's economic patterns, potentialities, strengths, and deficiencies as they relate to state and national trends, contain policies concerning the economic development opportunities in the community, and provide for at least an adequate supply of sites of suitable sizes, types, locations, and service levels for a variety of industrial and commercial uses consistent with plan policies.

Applicant's Statement: The subject property is currently designated *Industrial* on the Plan Map. The proposal is to change the Plan Map designation to *Industrial-Commercial*. The I-C designation provides for a wide range of industrial activities, and also for a range of commercial office and business service activities. Many of the allowed industrial activities are common to both designations. The proposed Plan Map change will not reduce the inventory of land that is available for industrial use. However, the site includes an existing office building, and the proposed change will increase the range of office and service activities that are appropriate for that building. The proposed Plan Map change is needed in order to attract an appropriate mix of uses and activities to the subject site, consistent with the types of future economic activities projected in the EOA for the SREC. By increasing the opportunities for placing vacant industrial property into use, the proposed Plan Map change will be consistent with the purpose of this Goal.

Finding: Staff concurs with the applicant's statement. The applicant's use of the October, 2004 Salem Regional Employment Center Economic Opportunities Analysis (SREC-EOA) report in assessing whether the requested change complies with Goal 9 satisfies the requirements of OAR 660-015-0000(9). The proposed change will enhance the local economy by allowing for an increased mix of potential uses on the subject property while providing a more diverse range of economic opportunities within the Fairview Industrial Area consistent with contemporary market trends.

GOAL 11–PUBLIC FACILITIES AND SERVICES

Goal 11: Public Facilities and Services (OAR 660-015-0000(11)) requires local governments to plan and develop a timely, orderly and efficient arrangement of public facilities and services to serve as a framework for urban and rural development. Urban and rural development shall be guided and supported by types and levels of urban and rural public facilities and services appropriate for, but limited to, the needs and requirements of the urban, urbanizable, and rural areas to be served. A provision for key facilities shall be included in each plan. Cities or counties shall develop and adopt a public facility plan for areas within an urban growth boundary containing a population greater than 2,500 persons.

Applicant's Statement: Public facilities and services were provided when the site was developed. The public facility and service requirements of the uses in the proposed I-C

designation are similar to those in the existing designation. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity and telephone, and solid waste disposal, are currently provided or available, as required by this Goal.

Finding: The City has adopted Stormwater, Wastewater and Water Master Plans as Detailed Plans to the Salem Area Comprehensive Plan. These Detailed Plans outline the public facilities and services needed to serve land within the Urban Growth Boundary. The City utilizes an Urban Growth Management Program to ensure necessary public facilities and services are available to serve new development. As part of the program, the City has designated an Urban Service Area (USA) boundary delineating the area in the City where all necessary public facilities have either been installed or are fully committed in the adopted Capital Improvement Plan.

The Site is located within the boundary of the Urban Service Area. Therefore, public facilities and services are currently available to serve the Site, in conformance with adopted Public Facility Detail Plans and the requirements of SRC Chapters 63 and 66. Moreover, on-site public facility and service improvements will be reviewed for conformance with adopted facility plans at such time that further development of the site is proposed.

By providing adequate public facilities and services for the proposed use, the requirements of this Goal are met. In accordance with the Salem Revised Code and applicable master plans, any required improvements to public facilities and services to serve the proposed future use of the property will be determined by the City at the time development permits are requested. The site is already provided with necessary public services and utilities to serve a range of uses allowed under the proposed "Industrial Commercial" Plan designation. Staff finds that the proposal is consistent with this goal.

GOAL 12—TRANSPORTATION

According to the Oregon Statewide Planning Goals & Guidelines for Goal 12: Transportation (OAR 660-015-0000(12)), a transportation plan shall (1) consider all modes of transportation including mass transit, air, water, pipeline, rail, highway, bicycle and pedestrian; (2) be based upon an inventory of local, regional and state transportation needs; (3) consider the differences in social consequences that would result from utilizing differing combinations of transportation modes; (4) avoid principal reliance upon any one mode of transportation; (5) minimize adverse social, economic and environmental impacts and costs; (6) conserve energy; (7) meet the needs of the transportation disadvantaged by improving transportation services; (8) facilitate the flow of goods and services so as to strengthen the local and regional economy; and (9) conform with local and regional comprehensive land use plans.

Applicant's Statement: The subject site is located along Fairview Industrial Drive, the main access through the industrial park. Fairview Industrial Drive is classified as a Minor Arterial in the Salem Transportation System Plan (STSP). It is a direct link to Madrona Avenue to the north, which is a Major Arterial, and to Kuebler Blvd. to the south, which is a Major Arterial-Parkway. All of these streets are intended to handle large volumes of traffic. Madrona also provides a direct route to the Salem airport, and a route to the I-5 interchange via 25th Street and Mission Street/Santiam Highway. Kuebler is also a direct link to an I-5 interchange. The intersection of Fairview Industrial Drive and Madrona is controlled by a traffic signal. The classifications of the streets serving the subject property are appropriate for the proposed land use designation. The subject property is adequately served by the existing street system, and no new streets are needed or proposed.

Public transit service is available along Fairview Industrial Drive on the No. 7 route. Fairview Industrial Drive is also provided with sidewalks and a bike lane. The presence of transit,

pedestrian, and bicycle facilities provide alternatives to the private motor vehicle as a means to access the subject site. Together with the access provided by major streets, the location of the site can serve to reduce vehicle miles traveled within the urban area. These factors are in keeping with the requirements of the TPR.

The potential traffic impact of the proposed change in the land use designation has been examined by Dick Woelk P.E., Associated Transportation Engineering and Planning (ATEP). Mr. Woelk's report to address the requirements of the TPR is a part of this application. The report examines the potential traffic impact with regards to the requirements of the TPR and how the proposal will affect the existing transportation system. From his analysis, Mr. Woelk has concluded that the traffic impact of the proposed change will not exceed the traffic impact that could occur from uses allowed by the existing land use designations. As a result, the proposal will not have a significant impact on the transportation system, and requirements of the TPR are met. Because the proposed use will not have a significant impact on the existing transportation system, and it is consistent with the TPR, the requirements of this Goal are met.

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 effect" 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 August 11, 2011 (Attachment 3) determines the number of trips that could be generated from the site under assuming a conceptual mix of potential uses under the current "Industrial" Plan designation/IBC zoning classification and the proposed "Industrial-Commercial" designation/IC zoning classification. 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 a mix of uses allowed in the IC zone, which the analysis estimates to be 2,609 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 effect" 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 2,609

average daily trips. Staff recommends this condition of the comprehensive plan change and zone change approval. The condition will mitigate the impacts of the proposal and satisfy Goal 12.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 2,609 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

GOAL 13–ENERGY CONSERVATION

Goal 13: Energy Conservation (OAR 660-015-0000(13)) requires that land, and uses developed on the land, shall be managed and controlled so as to maximize the conservation of all forms of energy, based upon sound economic principles.

Applicant's Statement: The existing building was designed to meet the building code requirements for energy efficiency in effect at the time it was built. The location of the site along an arterial street route, and the availability of public transit, pedestrian and bicycle transportation to the site, makes it highly accessible and serves to reduce the energy needed to reach the site. These factors result in the site being consistent with the energy conservation requirements of this Goal.

Finding: The intent of the proposal is to foster re-use of an existing modern office building by allowing for a broader mix of commercial-industrial uses on the site. The location of the site adjacent to a major arterial (Fairview Industrial Drive SE) and the availability of public transit and developed pedestrian and bicycle amenities in close proximity to the site make the property highly accessible, and serve to reduce the energy needed to reach the property. These factors result in the site being consistent with the energy conservation requirements of this Goal.

GOAL 14–URBANIZATION

Goal 14 (OAR 660-015-0000(14)) requires local governments to provide for an orderly and efficient transition from rural to urban land use, to accommodate urban population and urban employment inside urban growth boundaries, to ensure efficient use of land, and to provide for livable communities.

Applicant's Statement: The site is within the city and it is developed. The site is provided with all necessary public services. The proposal is consistent with the requirement of this Goal to maintain a compact and efficient urban area. The proposal does not affect the Urban Growth Boundary. Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

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.

Applicant's Conclusion: Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Change conforms to the applicable Statewide Planning Goals.

Finding: 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 site is currently designated *Industrial*, and it is zoned IBC. The site includes an existing office building, which has been vacated. The IBC zone does not provide for the wide range of uses that would typically be associated with the use of an office building. The productive re-use of the building depends on expanding the range of possible uses to include office-based businesses and business services. These are also the types of future activities that are projected by the SREC EOA to be among those most likely to locate in the urban area. These types of uses are provided for by the proposed IC designation. The IC zone provides for a variety of professional, business and service/retail uses. Many of those uses are the types of activities that could be accommodated by the existing building

The land use pattern of the area around the subject site has transitioned from purely industrial, to a mix of industrial, office, and business-service activities. The former SUMCO silicon wafer plant across Fairview Industrial Drive was redesignated from IBC to IC, as was the former TYCO building, farther south along Fairview Industrial Drive. More recently an office building 300' to the south of the subject property was redesignated from IBC to IC. As a result the Fairview Industrial Park now includes a mix of industrial and industrial-commercial designations, and a variety of office and business-service uses.

The proposed change is logical with the land use pattern because it conforms to the existing pattern of land use that has emerged after several similar changes. The IC designation provides the best means of renewing the use of an existing, vacant office building that is part of the industrial area. The proposed designation has been applied extensively to nearby properties exhibiting similar characteristics and circumstances. The proposed change is harmonious with the land use pattern because it is consistent with the recognition that the use of this area is in transition from purely industrial to a mix of industrial, office, and business services. Overall, the effect of the proposed I-C designation will be to expand the capability of the subject site for a combination of industrial, office, and service uses, which will be harmonious with the predominant types of activities that are already present in the industrial park.

The location of the property, the character of the existing development, and the range of the existing land uses in the area, make this an appropriate location to apply the IC designation. Changing the designation will encourage and promote the re-use of the site

Finding: Staff concurs with the applicant's statement. The existing land use pattern along Fairview Industrial Drive and the surrounding area contains a broad range of lot sizes and uses, including a range of properties used for industrial and commercial purposes. This proposal will result in a change which allows a wider range of industrial and commercial uses on the subject property. The applicant has noted that a number of similar Comprehensive Plan changes from an "Industrial" to "Industrial Commercial" designation have been approved in the vicinity of Fairview Industrial Drive SE; citing similar economic constraints regarding the marketability of IBC-zoned properties. The proposal is therefore consistent with the changing character of the Fairview Industrial Area. To ensure this proposed change is harmonious with the character and uses in the vicinity, staff recommends that several of the more intense commercial uses allowed in the IC zone not be allowed on the subject property. This will be achieved by establishing the attached use list (Attachment 5) as the list of permitted uses for the site, in place of the list of permitted uses established in SRC Chapter 155 (IC - Industrial Commercial zone). The proposed plan map amendment to Industrial Commercial is consistent with the surrounding land use pattern, and is a logical and harmonious change given the surrounding mix of uses. With the following condition of approval, this criterion is met.

Condition 2: Future uses permitted shall be limited to the following uses identified in Attachment 5. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

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 following elements of the Salem Area Comprehensive Plan are applicable to this request:

Part II Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The stated intent of the Comp Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land over time in response to changing needs and conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use. The Plan recognizes that land use and zoning are expected to change as conditions change.

Applicant's Statement: The factors and conditions that affect the use of the subject property have changed since its current designation was applied, and since it was developed. These include changes to the local, regional, and state economy, and changes to the local industrial land inventory. The property was developed and occupied for a corporate headquarters. That business has ceased operations and vacated the site, and it is no longer a part of the local economy. The proposed redesignation will provide the flexibility to allow the building to be occupied by non-headquarters office users.

The proposed redesignation is consistent with previous land use actions of this type in the area. The proposal is also a response to the large increase in industrial lands that has occurred since the current Plan designation was adopted. The need to redesignate the property is consistent with the stated Plan methodology to provide maximum flexibility within the guidelines provided by Plan policies. The proposed change maintains a significant industrial land use capability, while including an expanded degree of flexibility that is consistent with the need to attract new uses for the site. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Part IV. Salem Urban Area Goals and Policies

- G. Commercial Development Goal: To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.

Applicant's Statement: The I-C designation and IC zone provide for commercial uses as well as industrial uses. The property is within an established business center that currently includes industrial and commercial activities. The site is fully developed. Due to the character of the existing development on the property, foreseeable commercial uses could include professional and business services, services for employees on this site and of other activities in the area, and

other office-based activities. These types of uses help to maintain and promote the urban area as a commercial and service center.

With regards to the commercial policies, the proposed IC zone represents a form of mixed-use development that combines industrial and commercial uses. The site is fully developed and the inclusion of commercial uses, in particular office-based activities, will help to promote the redevelopment and reuse of the site. The site is served by the arterial transportation system that serves this area. The property is accessible from all parts of the Salem urban area, as well as the Marion-Polk County metropolitan area, without traversing local residential streets. The site is not adjacent to residential uses, and buffers from residential areas are not at issue.

Within the context of commercial uses in conjunction with industrial uses, the proposal will serve to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area, consistent with the Commercial Development Goal and Policies.

Applicant's Statement: The *Industrial-Commercial* designation provides for both industrial and commercial uses and the Plan goals and policies for both types of uses are reviewed as follows, beginning with the industrial lands policies.

- I. Industrial Development Goal: To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.

Applicant's Statement: The proposed I-C designation and implementing IC zone provide for a wide range of industrial uses, including manufacturing, fabrication, processing, and transportation, among others, as well as professional and business services. Those uses reflect the economic base of the community, as described in the SREC EOA. The existing building is appropriate and available for the types of activities that are likely to locate here. The proposed IC zone will expand the capability of the site to attract the industries that can be accommodated on the property. By expanding the potential uses for the site in a manner that is consistent with the expected economic make-up of the community, the proposed change will improve the ability of the community to attract and maintain new industrial activity, which is in keeping with the intent of this goal.

1. Industrial Land Inventory: Maintain a long-term industrial land inventory which provides a full range of small, medium and large parcel sizes and locations to sustain a competitive market for industrial sites.

Applicant's Statement: The subject property is five acres and includes and 63,466 s.f. building and associated parking. The property is fully developed and no changes to the property are planned. Under the I-C designation the property will remain available for a wide range of industrial uses. The location of the site in the Fairview Industrial Park is conducive to attracting industrial, professional, and service uses. Because the proposed designation retains a wide range of industrial uses the inventory of industrial land in the city will not be significantly affected by the proposed change. Similarly, the proposed change will not affect the ability of the city to maintain a long-term industrial land inventory, which has been greatly enhanced with the addition of 507 acres in the Mill Creek Corporate Center. The proposed redesignation will encourage re-use of a vacant property, and thereby diversify the market for a range of office-based industrial activities. Considering the property's size and features, the proposal is consistent with this policy.

Redesignation of the land to or from industrial may be allowed providing:

- a. It serves the community's interests and does not impact the long-term continuity of the industrial inventory; and

Applicant's Statement: The proposal redesignates the land to Industrial-Commercial, which will expand the opportunities for the use of the building. Renewing the productive use of a vacant building is in the community's interest. The proposal does not significantly impact the long-term continuity of the industrial inventory because the I-C designation and IC zone maintain the capability for a wide range of industrial uses. Many of the uses are the same as in the current designation. In addition, the long term continuity of the industrial inventory has been enhanced by the addition of the 507-acre Mill Creek Corporate Center. The proposal serves the community's interests by expanding the range of uses that can be attracted to a developed but unoccupied and unproductive industrial site, in a manner that will be appropriate for the location, the facilities, the land use pattern, and the economic make-up of the community. The proposal is a response to the departure of the former occupant from the site and from the city, and it is consistent with the projections for the types of industries that are likely to locate in the urban area. For these reasons, the proposal satisfies a.

- b. It is preferably a boundary adjustment which results from expansion of an existing, adjacent use;

Applicant's Statement: The proposal does involve a boundary adjustment. The boundaries of the subject property are not affected by this proposal.

And

- c. There is a demonstrated need to expand the industrial or non-industrial use inventory.

Applicant's Statement: Because the property is developed with a major building that is not productive, and does not currently support employment; and because the property is fully served by public facilities yet is not producing revenue to support those facilities, there is a need to redesignate the site in order to expand the opportunities to place it back into productive use. The site is not currently producing benefits to the community, and there is a need to attract the range of activities that would be appropriate for the existing development and the location. The industrial inventory will not be significantly or adversely affected by the redesignation of this site because the I-C designation maintains a wide range of industrial uses. The conditions of the site are appropriate to accommodate the types of uses provided by the IC zone, including those that require access to the major transportation facilities of the area, including I-5 and the airport. The site has excellent proximity to two I-5 interchanges and the Salem airport. The current lack of productive use on the property, its locational and site development factors, along with the types of industries that are considered to be likely to locate in the community, demonstrate the need to redesignate the site to I-C.

Or

- d. It is contingent on a specific, verifiable development project; and

Applicant's Statement: The proposed redesignation is based on the existing character and conditions of the subject site. The property is fully developed, and its availability for new uses constitutes a verifiable development project. Therefore, the redesignation is appropriate for this specific project.

- e. The specific site requirements of the project cannot be accommodated within the existing inventories; and

Applicant's Statement: This proposal to redesignate an existing, developed industrial property is site-specific, and it cannot be fulfilled on any other site. The proposal is specific to the site and the existing development, and cannot be accommodated elsewhere.

- f. Public facilities, services, and utilities necessary for development of the specific project are incorporated into the development proposal.

Applicant's Statement: All public facilities, services and utilities are already in place on the property, or can be provided to new development if additional public facilities or services are required.

2. Public Facilities, Services, and Utilities: Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.

Applicant's Statement: The property is already served by the required public facilities, services and utilities, and no new services or utilities are anticipated. However, the property currently generates no revenue to support these facilities. The proposal will encourage the use of the public investment that has been made in the infrastructure, by expanding the opportunities to obtain uses for the existing building. The proposal is consistent with the directive to make use of existing and available public services, facilities and utilities that serve and support industrial areas.

7. Traffic: Traffic generated by industrial uses should be diverted away from residential areas when feasible and should have convenient access to arterial or collector streets.

Applicant's Statement: The subject site is served by Fairview Industrial Drive, which is an arterial. There is no direct access from the property to any local residential street or neighborhood. The site is within an industrial area that was established with regards to its access to the arterial street system that serves the location and the surrounding urban area. The proposed redesignation does not change the relationship of the site to this policy.

13. Diverse Interests: Land development regulations should provide for a variety of industrial development opportunities.

Applicant's Statement: The I-C designation and the implementing IC zone maintain a wide variety of industrial development opportunities, as directed by this policy. The property will remain available for industrial use, and the redesignation will not adversely affect the opportunity for industrial development. The type of industrial development that occurs on this site will be a function of the nature of the existing building, and the economic conditions at the time of redevelopment. Applying the I-C designation to the property will be consistent with this policy to provide for a variety of industrial development opportunities.

The proposed I-C designation will enhance redevelopment potential for the property by providing additional opportunities for the use of the site. The proposal will not detract from or significantly affect the industrial land inventory. For the reasons and factors provided, the proposal is consistent with the applicable Industrial Development Goals and Policies. Based on the reasons, factors and circumstances described, the proposal satisfies the applicable criteria for a Comprehensive Plan Change.

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.

Criterion 6: The proposed change benefits the public.

Applicant's Statement: The proposed change will help to encourage and promote the reuse of an existing, unoccupied office building within one of the city's major industrial-business centers. The site was designed for and was formerly occupied for office use. The property is vacant and currently provides a diminished level of benefit to the public and the city in general, including the urban renewal area. The proposed change in the land use designation will expand the range of potential uses for the property, thereby providing greater opportunity to secure new business activity and employment. The range of uses allowed by the IC zone will add flexibility for the reuse of the site, in response to the changing conditions affecting the market for industrial land and vacant building space. By expanding the potential to reutilize the property, improve its value, and create employment in the community, the proposed change benefits the public.

Based on the reasons, factors and circumstances described, the proposal satisfies the applicable Criteria for a Comprehensive Plan Map Amendment.

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.

Morningside Neighborhood Plan

Applicant's Statement: The subject property is within the Morningside Neighborhood area. The Morningside Neighborhood Plan was adopted by the City Council in June, 1984. Further revisions to the Plan have not been adopted. The area that was to become the Fairview Industrial Park is designated Industrial on the Morningside Land Use Plan map. That designation is consistent with the SACP map.

The Land Use Plan provides Intent Statements for various categories of land use. The Intent of the Industrial designation is "...to allow for established industry in the neighborhood and to provide locations for future industrial uses which minimize adverse impacts on adjoining neighborhoods." The Fairview Industrial Park provided locations for future industrial uses, and minimized impacts on adjoining neighborhoods. The intent of the General Commercial designation is to "...provide for a wide variety of compatible commercial uses that will not interfere with the safe movement of pedestrian and vehicular traffic along major streets." The subject site is adjacent to Fairview Industrial Drive, a Minor Arterial, and is also accessible by transit, pedestrian and bicycle modes. There is no evidence of interference with traffic along other major streets. Based on its location and function, the proposal is consistent with both Intent statements.

The Industrial Goal 15. is to assist the City with industrial development in designated locations while preserving the residential character of the neighborhood. The Fairview Industrial Park was created as an industrial-commercial reserve, separate from residential areas of the neighborhood. This proposal remains consistent with that Goal.

Industrial Policy 16. recommends new industrial development be limited to existing areas that are designated for that purpose. Those areas included the "Fairview area". Policy 17. recommends that industrial lands in Fairview include buffers, landscaping, screening, and other "environmental considerations". The subject site was developed in accordance with all requirements and standards for those features in effect at the time. Policy 18. recommends screening of outdoor storage and landscaping in parking areas. The

development of the site complied with the standards in effect at the time. Policy 19. recommends access to industrial sites from arterials and collector streets and avoid directing traffic through residential area. Access to the subject site is from the Minor Arterial and there is no direct access through a residential area. Policy 20. recommends that access to the Fairview industrial site include transit, park and ride, pedestrian, bicycle and other alternative modes, and be accessible to the handicapped. The Fairview Industrial area has access from these modes as provided in the urban area. Individual sites comply with ADA measures, as required.

The proposed Plan and zone change does not change the relationship of the property to the industrial park and maintains conformance with these Neighborhood Plan Industrial goals and policies.

Commercial Goal 9. is to provide for the day-to-day commercial needs of the neighborhood and to provide a suitable environment for existing commercial facilities and sites. The subject site is not intended as a location for the daily commercial needs of the neighborhood. Commercial policy 10. suggests commercial uses should be limited to areas along 12th and Commercial Streets. The subject site is part of the existing mixed industrial-commercial area in the Fairview Industrial Park. It is not part of the existing commercial corridors in the neighborhood. Policy 11. suggests that commercial uses that serve and support employees in the Fairview Industrial area should be located near 25th and McGilchrist, to direct traffic away from the neighborhood. That policy makes no sense as it would result in additional vehicle trips and out of direction travel for the employees. Policy 12. suggests that new commercial uses in existing commercial areas shall complement the ability of local residents to shop and work near their homes. The effect of this proposal will be to increase employment opportunities at new uses on the subject site, which will complement the ability of local residents to work near their homes. With regards to Policy 14., no adverse impacts from new uses in this office building are anticipated that would affect the livability of the area.

Considering the location in the Fairview Industrial Park, the fully developed site, the existing access and various modes of transportation, separation from residential areas, and potential opportunities for neighborhood residents, the proposal is consistent with the industrial and commercial goals and policies of the Neighborhood Plan.

Finding: Staff concurs with the facts presented by the applicant's representative as stated above and concludes that the proposed Comprehensive Plan change is consistent with the adopted Morningside Neighborhood Plan.

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 IBC (Industrial Business Campus) to IC (Industrial Commercial).

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).

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.

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: In SRC 113.100, Zone Change, Intent and Purpose, part (a), it is recognized that due to a variety of factors, which include changing development patterns and concepts, and government policy decisions affecting land use, the zoning pattern cannot remain static. This zone change to IC is proposed in response to those factors. There has been a change in the industrial development pattern as a result of the Mill Creek project, and that development is the result of a government policy decision that established the SREC. Additional changes to the industrial development pattern are the result of changes in the economy, as detailed in the SREC EOA. These changes, which affect the subject property and other industrial lands in the urban area, could not have been anticipated in the 1980's when the property was placed in its current zone, or in 1997 when it was developed. The proposed zone change is necessary in order to provide more flexibility in the use of the subject property, which will allow it to respond to these changes. In addition, the proposed zone is consistent with other recent changes to the character of the Fairview Industrial Park. For these reasons the proposal is consistent with the Intent and Purpose of zone changes.

SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comprehensive Plan. The relationship of this proposal to the Comp Plan has been examined, and the proposal has been shown to conform to those requirements. In addition the following factors are to be evaluated and addressed:

Finding: Staff concurs. The proposed Comprehensive Plan and zone change have been shown to conform to the Salem Area Comprehensive Plan (SACP), as outlined earlier in the 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 evidence of a mistake in the compilation of any map or in the application of a land use designation to the property, and this factor is not cited as a reason for the zone change. The property is currently zoned IBC. The application of the IBC zone to the property in the 1980's is not in question, as it was applied to provide for the type of industrial development that was anticipated at the time. As described above, economic conditions have changed since the IBC zone was applied to the property. This zone change is requested to

expand the allowed uses for the site in order to encourage its reuse. The IC zone represents a reasonable change from the existing IBC zone, as it maintains a wide capability for industrial uses while adding office and business service uses. The proposal is a response to changes in the economic conditions that affect the community and the property, and the existence of a mistake in a map or in the application of a land use designation to the property is not claimed.

Finding: 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 pattern of the community has changed since the current zone was applied. The predominant types of economic activity that are projected to locate in the community over the next twenty years has changed, as detailed in the SREC EOA. The acreage and location of lands designated for industrial development have changed, in particular with the addition of the Mill Creek Corporate Center. These factors make it necessary for the activities allowed on existing industrial sites to match the types of uses that are anticipated. The proposed zone change to IC is a response to these changes, as it will provide a range of uses that is broader and more suited to the property than those in the existing zone. The proposed zone change provides an opportunity to expand and diversify the range of businesses and services that are possible for this site.

Finding: The economic pattern of the properties along Fairview Industrial Drive SE is changing from larger-scale, 'high-tech' industrial development to a mix of large to medium-sized manufacturing and warehousing uses alongside business services such as the T-Mobile and Garmin call center facilities, and office uses such as the Oregon Department of Transportation. The originally envisioned development model of a well-landscaped, integrated industrial business campus remains. Staff concurs with the applicant that one of the main forces driving the shift to office and service uses on Fairview Industrial Drive SE is the availability of industrial land at the nearby Mill Creek Corporate Center. Staff also acknowledges the recently re-zoned nearby properties at 3930 Fairview Industrial Drive (Old SUMCO site), at 4040 Fairview Industrial Drive (ODOT Office), and at 4070 Fairview Industrial Drive (Wandering Aengus Ciderworks, Organic Fresh Fingers). In each of these past zone changes the proponents requested a change from IBC to IC for similar reasons as stated in this application. As was the case for those properties, staff finds that the requested IC zone is consistent with the evolving economic patterns of the Fairview Industrial Area and is suitable for the subject property. This factor has been addressed.

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

Applicant's Statement: The subject site is located in the Fairview Industrial Park, an industrial reserve that is the location for a variety of manufacturing, distribution, office, and business service activities. There has been a change of conditions in the character of this industrial area as a major manufacturing operation has departed, and an intended manufacturing operation failed to occur. The SUMCO silicon wafer operation has left, and the Tyco printed circuit boards operation never occurred. SUMCO terminated its operations in 2004, and its former plant has been rezoned to IC and converted to general purpose industrial space. Tyco never established its manufacturing operation, and its former building was rezoned to IC and is now in use as office space. As a result of the loss of the major existing and a major expected manufacturing operation, the character of the industrial park has changed to include a greater mix of manufacturing, warehousing, distribution, office, and service activities. The proposed zone change is consistent with the conditions in the character of the industrial park, and consistent with the prior zone changes that reflect these conditions.

Finding: Staff concurs that uses in the vicinity have shifted away from solely industrial-based uses to a broader spectrum of commercial and industrial uses. The departure of SUMCO from Fairview Industrial Drive created a major vacancy in the area. New development and uses in the area are not solely industrial and manufacturing based. The character of the neighborhood has changed to include a mix of industrial, professional service and commercial uses. This proposal responds to the changing conditions in the neighborhood by changing the zoning to IC, which allows a wider array of both industrial and commercial uses. To ensure this change is compatible and consistent with development in the neighborhood, staff recommends conditions of approval to limit the future commercial-related uses on the subject property. For example, the limitations will exclude high-impact retail and commercial uses. Additionally, staff recommends a condition which imposes the current IBC yard setbacks and other IBC development standards. The imposition of these standards will maintain visual continuity between this subject property and the IBC parcels in the vicinity. This factor has been addressed.

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

Applicant's Statement: The proposal will benefit the neighborhood by helping to attract new activity and place a vacant, unused facility into productive use. New uses on the site will provide a source of employment. The existing transportation pattern is adequate and no new streets or changes to existing streets are needed. Because the site is already developed and no significant changes are expected, there will be no specific effect on the neighborhood.

Finding: Staff concurs that uses in the vicinity have shifted away from solely industrial-based uses to a broader spectrum of commercial and industrial uses. The departure of SUMCO from Fairview Industrial Drive created a major vacancy in the area. New development and uses in the area are not solely industrial and manufacturing based. The character of the neighborhood has changed to include more professional service and commercially related uses. This proposal responds to the changing conditions in the neighborhood by changing the zoning to IC, which allows a wider array of both industrial and commercial uses. To ensure this change is compatible and consistent with development in the neighborhood, staff recommends conditions of approval to limit the future commercial-related uses on the subject property. For example, the limitations will exclude high-impact retail and commercial uses. Additionally, staff recommends a condition which imposes the current IBC yard setbacks and other IBC development standards. The imposition of these standards will maintain visual continuity between this subject property and the IBC parcels in the vicinity. This factor has been addressed.

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

Applicant's Statement: The site is already developed and little or no change in the physical characteristics of the property is expected. All necessary public facilities and services are already provided at adequate capacities. No additional facilities or services are anticipated. The zone change will have little or no affect on the physical characteristics of the property or the on public facilities and services

Finding: Staff considered the potential effects of the proposed zone change on the neighborhood. Of particular concern was the effect of increased traffic to the site because of the new uses permitted by the IC zone. In addition, staff considered how to ensure the continued provision of high quality landscaping and site development standards on this property, as required under the existing Industrial Business Campus zone. The IBC development standards for items such as landscaping, setbacks, and open storage are more rigorous than those of the IC zone.

With regard to the development standards, staff recommends the following condition of approval, which requires that future development adhere to selected development standards of the existing IBC zoning district:

Condition 1: All future uses and development shall be required to adhere to the development standards identified in the IBC zoning district, or as amended in the IBC zone. Those standards include: 1) Height; 2) Lot Area and Dimensions; 3) Yards Adjacent to Streets; 4) Yards Adjacent to other Districts; 5) Side and Rear Yards; 6) Lot Coverage; 7) Open Storage; 8) Landscaping; 9) Off-Street Parking and Loading; and 10) Lighting, unless a zoning variance is approved.

This condition will ensure the continued provision of basic IBC design elements as originally envisioned for the industrial business campus, while still allowing the greater range of permitted uses requested by the applicant.

With regard to traffic impacts, staff recommends the following conditions, as proposed in the applicant's statement (Attachment 2) and Transportation Planning Rule (TPR) Analysis (Attachment 3):

Condition 2: Future uses permitted shall be limited to the following uses identified in Attachment 5. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 2,609 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

As conditioned, this factor has been addressed.

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: The proposed zone change will benefit the public welfare by helping to promote the economic reuse of a vacant industrial property. The proposal is consistent with the uses and land use pattern of the area. The existing transportation system is adequate for the proposal, and includes multiple modes of transport and access. The proposal represents an appropriate change to expand the range of uses that could be allowed on the property, considering its location and the existing development. All necessary public services are already provided, or available. No factors have been identified that would make the zone change detrimental to the public health, safety or welfare. In general, the public welfare will be improved by the potential for renewed use and employment at this location.

Based on the facts, evidence, and reasons presented, and the circumstances that apply, the proposal considers, addresses, and satisfies the relevant review factors and qualifies for the proposed zone change. The proposed zone change is appropriate for the subject property, and consistent with the surrounding area. No adverse impacts are identified. The redesignation of the site will promote its efficient reuse. The proposal is consistent with the industrial lands policies in the Comp Plan, and it is consistent with the policies for commercial development. The proposal satisfies the criteria for a Plan Amendment and Zone Change.

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.

CONCLUSIONS

The proposal is consistent with and in compliance with the applicable goals and policies of the SACP and the Statewide Planning Goals and satisfies all applicable criteria.

Based on the facts and findings presented by the applicant, staff concludes that the proposed amendment meets the criteria for approval. The applicant met their burden of proof in satisfying the Statewide Planning Goals, and the evaluation of factors for zone change defined under SRC 113.150, thereby meeting the approval criteria for a zone change.

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 11-10, for property 5.03 acres in size and located at 3723 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot number: 083W02 / 1100):

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

Condition 1: All future uses and development shall be required to adhere to the development standards identified in the IBC zoning district, or as amended in the IBC zone. Those standards include: 1) Height; 2) Lot Area and Dimensions; 3) Yards Adjacent to Streets; 4) Yards Adjacent to other Districts; 5) Side and Rear Yards; 6) Lot Coverage; 7) Open Storage; 8) Landscaping; 9) Off-Street Parking and Loading; and 10) Lighting, unless a zoning variance is approved.

Condition 2: Future uses permitted shall be limited to the following uses identified in Attachment 5. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 2,609 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

- Attachments:**
- 1. Public Hearing Notice and Map
 - 2. Applicant's Statement Addressing Comprehensive Plan Change/Zone Change Approval Criteria
 - 3. Transportation Planning Rule Analysis, dated August 11, 2011

4. Public Works Department Comments
5. IC Zoning District Use Matrix

Prepared by: Jason Richling, Planner II

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HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

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

CASE NUMBER:	COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO.CPC-ZC11-10
AMANDA APPLICATION NO:	11-113885-ZO
HEARING INFORMATION:	Salem Planning Commission, Tuesday, November 15, 2011 at 5:30 p.m., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	3723 FAIRVIEW INDUSTRIAL DR SE, SALEM OR 97302
OWNER / APPLICANT(S):	SUNWEST PROPERTIES II, LLC / BACM 2006-4 SUNWEST OFFICE, LLC
AGENT:	JEFF TROSS
DESCRIPTION OF REQUEST:	To change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 5.03 acres in size and located at 3723 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W02 / 1100).
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; or2. 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; and3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and4. 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; and5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and6. 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 a land use designation to the property;2. A change in the social, economic, or demographic patterns of the neighborhood or the 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; and6. Any other factor that relates to the public health, safety, and general welfare that the Review Authority identifies as relevant to the proposed change.

HOW TO PROVIDE TESTIMONY:	Any person wishing to speak either for or against the proposed request may do so in person or by representative at the Public Hearing. Written comments may also be submitted at the Public Hearing. Include case number with the written comments. Prior to the Public Hearing, written comments may be filed with the Salem Planning Division, Community Development Department, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Only those participating at the hearing, in person or by submission of written testimony, have the right to appeal the decision.
HEARING PROCEDURE:	<p>The hearing will be conducted with the staff presentation first, followed by the applicant's case, neighborhood organization comments, testimony of persons in favor or opposition, and rebuttal by the applicant, if necessary. The applicant has the burden of proof to show that the approval criteria can be satisfied by the facts. Opponents may rebut the applicant's testimony by showing alternative facts or by showing that the evidence submitted does not satisfy the approval criteria. Any participant may request an opportunity to present additional evidence or testimony regarding the application. A ruling will then be made to either continue the Public Hearing to another date or leave the record open to receive additional written testimony.</p> <p>Failure to raise an issue in person or by letter prior to the close of the Public Hearing with sufficient specificity to provide the opportunity to respond to the issue, precludes appeal to the Land Use Board of Appeals (LUBA) on this issue. A similar failure to raise constitutional issues relating to proposed conditions of approval precludes an action for damages in circuit court.</p> <p>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.</p>
CASE MANAGER:	<p>Jason Richling, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-588-6173 ext 7526; E-mail: JRichling@cityofsalem.net.</p>
NEIGHBORHOOD ORGANIZATION:	<p>Morningside Neighborhood Association, Geoffrey James, Land Use Chair; Phone: (503) 931-4120; Email: geoffreyjames@comcast.net.</p>
DOCUMENTATION AND STAFF REPORT:	<p>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:</p> <p>www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx</p>
ACCESS:	<p>The Americans with Disabilities Act (ADA) accommodations will be provided on request.</p>
NOTICE MAILING DATE:	<p>October 26, 2011</p>

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

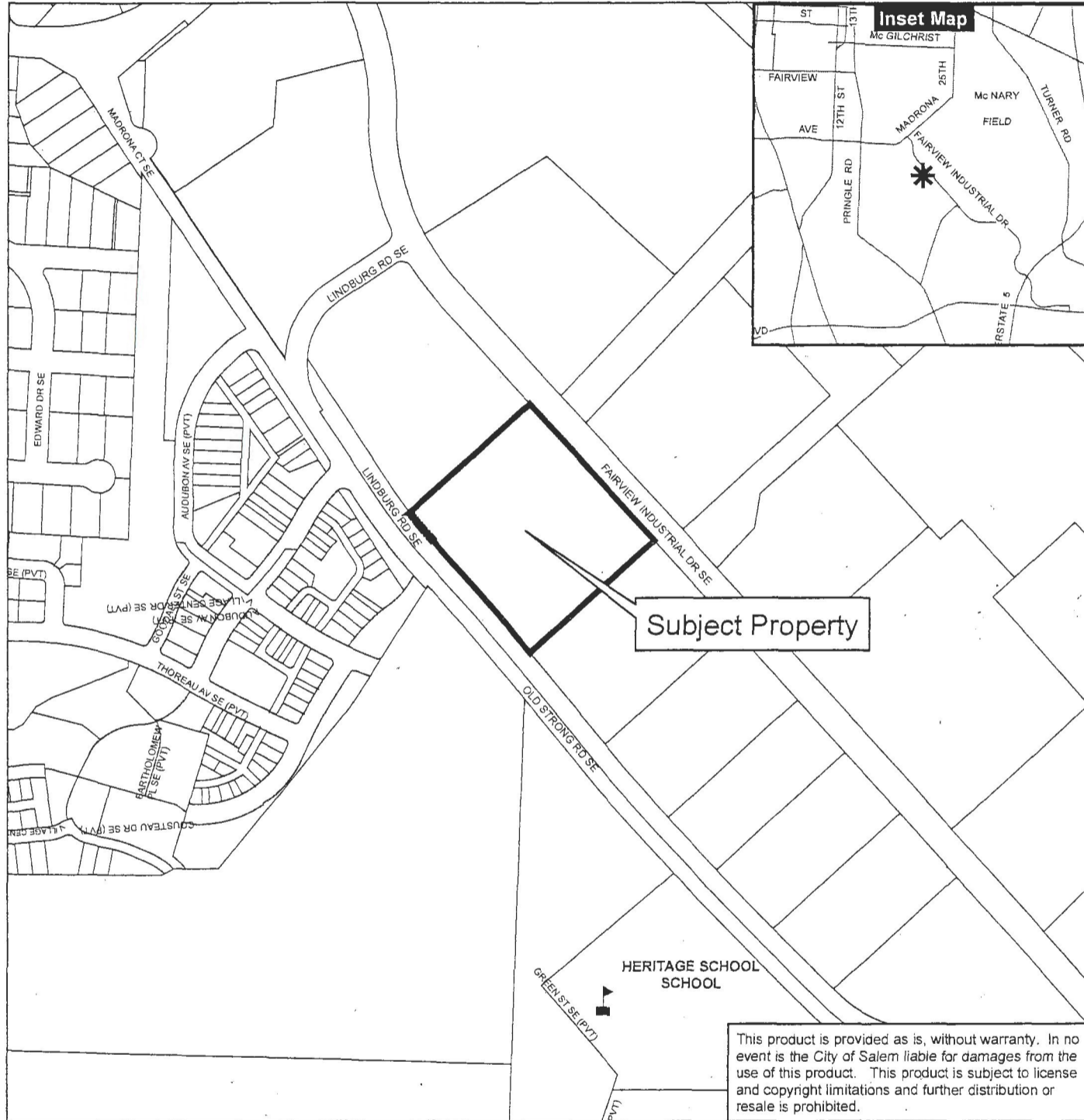
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It is the City of Salem's policy to assure that no person shall be discriminated on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity 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.

Individuals needing special accommodations such as sign or other language interpreters to participate in the meeting, must request such services at least two working days (48 hours) in advance by calling the Community Development Department at 503-588-6173. Equipment for the hearing impaired is available upon request.







Vicinity Map

3723 Fairview Industrial Drive SE



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Legend

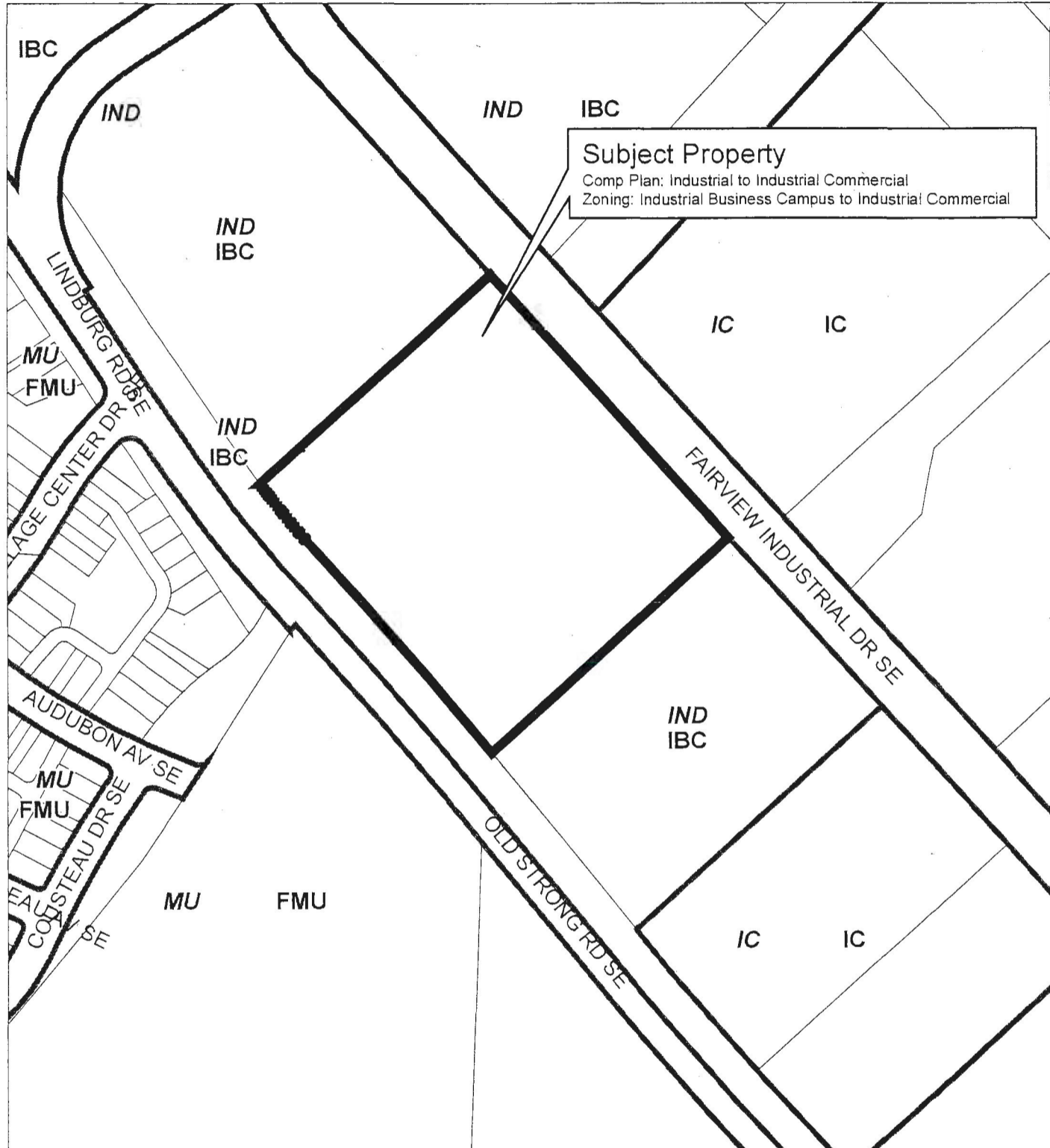
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|  Outside Salem City Limits |  Historic District |
|  Urban Growth Boundary |  Schools |
|  Taxlots |  Parks |

0 100 200 400 Feet



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

Comprehensive Plan Change / Zone Change 11-10



Legend

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

0 50 100 200 Feet



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



LAND USE APPLICATION

Application Type: Comprehensive Plan Amendment and Zone Change

APPLICANT INFORMATION

(Check one box below for designated contact person regarding this application)

Applicant Name: BACM 2006-4 Sunwest Office LLC Daytime Phone: _____
c/o INR Partners, Inc. Fax Number: _____
 Mailing Address: 1601 Washington Ave. #700 Email: _____
 City/State: Miami Beach, Florida 33130

Agent: Jeff Tross - Planning Consultant Daytime Phone: 503-370-8704
 Mailing Address: 1720 Liberty St. SE Fax Number: -same-
 City/State: Salem, Oregon Zip: 97302 Email: jefftross@msn.com

ALSO: Ted Durant / Ted Durant & Assoc. 7000 SW Hampton St. Suite 130 Tigard, OR 97223

PROPERTY INFORMATION

3723 Fairview Industrial Dr. SE 5.03 acres 8-3W-02 TL 1100
 (Street Address or Location of Subject Property) (Total Size of Subject Property) (Assessor Tax Lot Numbers)

Office building, 63,466 s.f. IBC INDUSTRIAL
 (Existing Use, Structures, and/or Other Improvements On Site) (Zoning) (Comp Plan Designation)

PROPOSED PROJECT INFORMATION

Propose Comp Plan Amendment and Zone Change to Industrial-Commercial / IC
(Describe the Proposed Use or Development of Subject Property)

NEIGHBORHOOD ASSOCIATION: Morningside CONTACTED? Yes No

The City of Salem recognizes, values, and supports the involvement of residents in land use decisions affecting neighborhoods across the city and strongly encourages anyone requesting approval for any land use proposal to contact the affected neighborhood association(s) as early in the process as possible.

Attended the Morningside Nbrd Assoc. meeting on Aug. 10, 2011.

(Describe Contact with the Affected Neighborhood Association) _____ Date Contacted _____

AUTHORIZATION BY PROPERTY OWNER(S) / APPLICANT

**If the applicant and/or property owner is a Limited Liability Company (LLC), please also provide a list of all members of the LLC with your land use application.*

(Property owners and contract purchasers are required to authorize the filing of this application and must sign below)

- All signatures represent that they have full legal capacity to and hereby do authorize the filing of this application and certify that the information and exhibits herewith submitted are true and correct.
- I (we) hereby grant consent to the City of Salem and its officers, agents, employees, and/or independent contractors to enter the property identified above to conduct any and all inspections that are considered appropriate by the City to process this application.
- I (we) hereby give notice of the following concealed or unconcealed dangerous conditions on the property: _____

 (Signature) SEE ATTACHED (Print Name) _____ (Date) _____

(Address - include Zip)

 (Signature) _____ (Print Name) _____ (Date) _____

(Address - include Zip)

STAFF USE ONLY - DO NOT WRITE BELOW - STAFF USE ONLY	
Received By: _____	Date: <u>9/12/11</u> Receipt No. <u>11-113885-70</u>

RE: Sunwest Land Use Application – Comprehensive Plan Amendment and Zone Change

BACM 2006-4 SUNWEST OFFICE, LLC, an Oregon limited liability company

By: LNR Partners, LLC, a Florida limited liability company successor by statutory conversion to LNR Partners, Inc., a Florida corporation, its manager

By:  _____

Steve Ferreira, Vice President



Trip Generation Estimate

Street _____
 Bin # _____ TGE # _____
 Date Received _____

Section 1 (To be completed by applicant.)

Contact: Jeff Tross, Planning Consultant 1720 Liberty St. SE Salem 97302 503-370-8704
 Applicant Name: _____ Telephone: _____
 Applicant Mailing Address: c/o Ted Durant/Ted Durant & Assoc. 7000 SW Hampton Suite 130
 Location of New Development: 3723 Fairview Industrial Dr. SE Tigard, OR 97223
 (Please provide street address. If unknown, provide approximate address and geographical description/nearest cross streets.)
 Description and Size of New Development: n.a.
 (e.g., 150 single-family homes, 20,000 sq. ft. office addition, 12-pump gas station, 50-student day care, additional parking, etc.)
 Description and Size of Existing/Past Development, if any (note whether to remain or be removed): Existing office building, 63,466 s.f.
 Planning Action Involved, if any: Comp Plan/Zone Change IBC to IC Building Permit Involved: Yes No
 (e.g., zone change, subdivision, partition, conditional use, PUD, mobile home park, etc.)

Section 2 (To be completed by City staff.)

Proposed Use	Existing Use
Development Quantity: _____	Development Quantity: _____
ITE Land Use Code: _____	ITE Land Use Code: _____
Trip Generation Rate/Equation: _____	Trip Generation Rate or Equation: _____
Average Daily Trips: _____	Average Daily Trips: _____
ELNDT Adjustment Factors	ELNDT Adjustment Factors
Trip Length: _____ Linked Trip: _____	Trip Length: _____ Linked Trip: _____
TSDC Trips: _____	TSDC Trips: _____

Section 3 (To be completed by City staff.)

Transportation Impact Analysis (TIA)	Transportation Systems Development Charge
Net Increase in Average Daily Trips: _____ (Proposed use minus existing use.)	Net Increase in TSDC Trips: _____ (Proposed use minus existing use.)
<input type="checkbox"/> A TIA will be required: <input type="checkbox"/> Arterial/Collector—1000 Trip/day Threshold <input type="checkbox"/> Local Street/Alley—200 Trip/day Threshold <input type="checkbox"/> Other: _____	<input type="checkbox"/> A TSDC will be required. (Fee determined by Development Services)
<input type="checkbox"/> A TIA will not be required.	<input type="checkbox"/> A TSDC will not be required.

(For additional information, refer to the back of this application.)

Section 4 (To be completed by City staff.)

Remarks: _____ Date: _____

- cc: Chief Development Services Engineer
 Community Development
 Building Permit Application

By: _____

Tross Consulting, Inc. Jeffrey R. Tross Land Planning and Development Consultant
1720 Liberty St. S.E., Salem, Oregon 97302
Phone and fax (503) 370-8704 email jefftross@msn.com

***APPLICANT'S STATEMENT
FOR
"BACM 2006-4 SUNWEST OFFICE LLC" -
FAIRVIEW INDUSTRIAL PARK OFFICE BUILDING,
COMPREHENSIVE PLAN AMENDMENT
AND ZONE CHANGE***

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BACKGROUND

Property Identification and Characteristics

In February 2011 Sunwest Retirement Corp. vacated its office building located at 3723 Fairview Industrial Dr. SE, in the Fairview Industrial Park. The location is also identified as Tax Lot 1100 on Assessor's Map T8S-R3W Section 2. In March, 2011, the property was acquired out of foreclosure by "BACM 2006-4 Sunwest LLC" (BACM). BACM proposes to renew the use of the site by leasing the space to one or more tenants. However, to date the building remains vacant, although there is a potential tenant for 7,000 s.f. of office space.

The property totals 5.03 acres (219,107 s.f.) and is fully developed. The building, built in 1997, totals 63,466 sq. ft.. The parking area provides 212 spaces. The property fronts on Fairview Industrial Drive, which is the main route through the industrial park and a link between Madronna Avenue on the north, and Kuebler Blvd. on the south. Both of those streets are Major Arterials, which provides the site and the industrial park in general with excellent access to the surrounding area.

The property is designated *Industrial* on the Salem Area Comprehensive Plan (SACP) map, and it is zoned IBC , SRC Chapter 156

The opportunity to attract new businesses to this office building, especially by multiple tenants, is restricted by the IBC zone, which does not include a wide range of office uses. The IBC zone allows "Finance, insurance, and real estate...providing that it is a corporate, regional or district office headquarters", SRC 156.020(f). The restriction imposed on this category is not found in other zones, and represents a far smaller pool of potential occupants for this size building than general, "non-headquarters" users. Although it was previously occupied by one company, the building was designed as four, 15,000 s.f "floor plates" and parts of the building are provided with independent entries and plumbing lines. These design features provide the flexibility to allow the building to be occupied by multiple users.

The IBC zone was created in the early 1980's to facilitate an expected need for "campus-based" industrial development that would, in particular, attract and serve the high-technology electronics industry. While large areas of the local industrial land inventory were placed in this zone, its intended purpose did not materialize to the extent that had been projected. The former Siltec/Mitsubishi/SUMCO silicon wafer manufacturing facilities were the major "high-tech" industry to locate in Salem. However, as the technical requirements for that product changed, and as production shifted to locations out of state and overseas, those facilities have since closed and been converted to other industrial and business service uses. The former SUMCO facility in the Fairview Industrial Park, directly across from the Sunwest building, was redesignated from IBC to IC in 2007 (CPC/ZC 07-1), and is now substantially occupied by a variety of uses. The former SUMCO facility in the Salem Industrial Park was similarly redesignated from IBC to IC in 2008 (CPC/ZC 08-13), and it has also attracted new uses. These prior actions, and others similar to them, provide evidence of the positive effects brought about by the change in the land use designation.

The Proposal

As a result of changes in the economy and the local industrial development pattern since the time the IBC zone was applied to the property, in particular the development of the Mill Creek Corporate Center, BACM believes that renewing the productive use of the former Sunwest property will require the widest possible range of potential uses that are appropriate for the location. This includes the ability to attract a more diverse mix of office-based uses than the current IBC zone allows. In order for this to occur, BACM requests a change in the Comprehensive Plan map designation from *Industrial* to *Industrial-Commercial*, along with a corresponding Zone Change from IBC to IC. The proposed Plan/Zone change will provide for a wider range of industrial, professional, and business-service activities than is currently allowed. Expanding the range of uses through these measures is supported by various factors including identified changes in the local and regional economy since the property was originally zoned, and the essential

need to return the site to productive use as part of the local industrial and support-service industry base.

Relationship to the Fairview Industrial Park

The Fairview Industrial Park was the result of the Fairview Urban Renewal Plan, adopted by the City in June, 1984. As described in its Statement of Purpose, the Urban Renewal Plan was the outgrowth of an "... initial study of the prospects for creating a new major *industrial-commercial* business and employment center..." (p. 1.) (emphasis added). The primary goal of the renewal program was to "...retain existing jobs and create new job opportunities by eliminating conditions which inhibit private development." The stated Objectives for the Fairview Renewal Area included "Encourage the reuse of existing vacant structures". (p. 5)

The Fairview Urban Renewal Plan is now 22 years old. Changes in the local, regional and global economy during that period, and its effects on local industrial facilities, require a response in local land use designations in order to return vacant facilities to productive use. The proposed Comprehensive Plan Amendment and Zone Change is consistent with the original intent of the Urban Renewal Plan to create an "industrial-commercial" business and employment center, and to encourage the reuse of existing vacant structures.

CRITERIA

Salem Area Comprehensive Plan

Proposals to amend the Comp Plan map designation are reviewed according to the criteria of SRC 64.090(b)(1-6). The application may address (1)(A) or (B), or (2)(A) or (B); and (3)-(6). In this case, the application addresses part (2)(A) and (B), as follows:

(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., a parkway, an arterial, 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.

(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;

Since the formulation and adoption of the IBC zone in the early 1980's there have been significant Plan amendments and capital improvements that affect the local industrial land use and development pattern, and the properties zoned for industrial use. Most importantly, the previously approved Comprehensive Plan Amendment that established the Salem Regional Employment Center (SREC), and the subsequent development of the Mill Creek Corporate Center, changed the character of the industrial development pattern

in the urban area to the extent that the existing designation for the subject property, like others in the Fairview Industrial Park, is no longer appropriate.

An Economic Opportunities Analysis (EOA) was prepared to support the creation of the SREC. The EOA gave a detailed review of local economic conditions, and it described expected changes to the economy that affect industrial and commercial development in the Salem urban area. The EOA identified the future types of industries most likely to locate here as large-scale warehouse and distribution activities, office parks, and retail and service businesses.

The Mill Creek industrial project totals 646 acres of which 507 acres will be developed. The EOA described the project as the largest industrial property in a metropolitan area in the state, which makes it locally and regionally significant. The addition of the project was a major change in the local industrial land inventory, and a major change in the circumstances that affect the existing industrial lands within the urban area. Of the 507 acres to be developed in the Mill Creek project, 104 acres, or 20% of the area, is intended

for commercial office uses (EOA pp. 1-2). This is a significant change to the area that is intended for office use within the urban area.

Because of this major addition to the industrial land inventory, and in order to respond to the changing economic conditions that affect the local industrial development pattern, it is necessary for existing industrial sites, such as the subject property, to attract and accommodate an expanded range of activities appropriate to the existing facilities. In order to attract the types of economic activities that the EOA identified, existing industrial sites must be provided with the necessary zoning flexibility to accommodate new uses.

The proposed change to the *Industrial-Commercial* Comp Plan map designation will expand the range of possible uses that could be allowed at the subject property in a manner that is consistent with the predicted changes in the economy. Expanding the range of possible uses is necessary for the subject property to respond to the changing conditions for industrial and business development. The proposed Plan change is consistent with the changes in the local industrial and commercial economy that have occurred since the time the existing land use designation was applied to the property, and it will correspond to the types of uses that are now projected to occur in the urban area. The change in the land use designation will promote the successful, productive reuse of the existing facilities, which is also in keeping with the purpose of the Urban Renewal Plan.

The Planning Commission recognized and adopted these reasons in its recent decision in CPC-ZC11-05, approved in June, 2011, for a site 300' south of the subject property. That site is also the location of an existing office building. The facts and circumstances present in this proposal are substantially similar to those of that case. In its Decision the Planning Commission concluded:

“...The proposed comprehensive plan and zoning map amendment to Industrial Commercial will facilitate a wider range of uses at the site. The previously

approved plan amendment and zone change of the nearby 646 acre Mill Creek Corporate Center site to 'Employment Center' (EC) zoning was a major change in circumstances affecting a significant number of properties in the area. The EC zoning of the Mill Creek Corporate Center allows for a wide range of industrial uses. That change was large enough in scope that the existing industrial designations for many other properties in the area, such as the subject property, are no longer appropriate. The proposal is a logical change given the surrounding mix of uses and economic pattern along Fairview Industrial Drive SE, which is transitioning from higher-impact manufacturing uses to a mix of commercial and industrial uses..." (PC Resolution 11-5)

The Plan Amendment for the SREC and the development of the Mill Creek Corporate Center resulted in a major change in circumstances that affecting a significant number of properties within the vicinity, and changed the character of the area to the extent that the existing designation for the subject property is no longer appropriate. For these reasons SRC 64.090(b)(2) is satisfied.

(3) The proposed Plan change considers and accommodates as much as possible all applicable Statewide Planning Goals.

The following Statewide Goals apply to this proposal:

GOAL 1 - CITIZEN INVOLVEMENT

The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the Neighborhood Association, to surrounding property owners within the notice area, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission. Through the notice and public hearing process all interested parties are afforded the opportunity to review the application, comment on the proposal, and participate in the decision. These

procedures meet the requirements of this Goal for citizen involvement in the land use planning process.

GOAL 2 - LAND USE PLANNING

The City has complied with the Goal requirements for establishing and maintaining a land use planning process. The SACP is acknowledged to be in compliance with the Statewide Planning Goals. The SACP provides goals, policies and procedures for reviewing and evaluating land use requests. The proposal will be reviewed in relation to the methodology and intent of the Plan, its applicable goals and policies, the Comp Plan Change criteria, and the Zone Change considerations. The proposal will be evaluated on the basis of the facts and evidence that are provided to support and justify the proposed change. The City's adopted land use planning process provides a framework for evaluating the proposal, in keeping with the requirements of this Goal.

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

The subject property is developed industrial land and has not been identified in the Comp Plan as open space, a scenic or historic resource, or as a natural resource site, and this Goal does not apply.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

The purpose of the proposed Plan change is to allow for a wider mix of industrial-commercial uses, on land that is currently designated for industrial use. The subject property is already developed, and it is within an intensely developed area that is characterized by a mix of industrial, service, and commercial activities. The property is along the major street route through the industrial park. The proposed Plan change will encourage the use of the existing urban facilities. Because the future uses will make use of existing facilities the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location.

The major potential impacts to the air in this area are from the existing industrial activities, or those that could be allowed under the existing industrial land use categories. The proposed Plan change will not result in significant changes to the types of industrial uses that could create an adverse impact on air quality. Air quality impacts from traffic will not occur because traffic volumes generated by new uses will be the same as under the existing land use designation.

Public sewer, water, and storm drain services are already provided to the subject property. Connections to the existing building were made at the time of construction. Waste water will be discharged into the sewer system, and the City treats sewage to meet the applicable standards for environmental quality. Through the use of the public collection and treatment facilities there will be no sewage discharges from the property directly to a water body or into the ground. Surface storm water runoff is collected by the public storm drain system and is not discharged directly into the ground.

Because the property is developed the industrial use of the site has been anticipated and expected. The proposal does not increase the intensity of industrial activity that could occur, and there will be no significant adverse impacts to the quality of the air, water or land as a result of this proposal.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No natural hazards specific or unique to this site have been identified.

GOAL 8 - RECREATIONAL NEEDS

The site is not designated for recreational use and this Goal does not apply.

GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is currently designated *Industrial* on the Plan Map. The proposal is to change the Plan Map designation to *Industrial-Commercial*. The I-C designation provides for a wide range of industrial activities, and also for a range of commercial

office and business service activities. Many of the allowed industrial activities are common to both designations. The proposed Plan Map change will not reduce the inventory of land that is available for industrial use. However, the site includes an existing office building, and the proposed change will increase the range of office and service activities that are appropriate for that building. The proposed Plan Map change is needed in order to attract an appropriate mix of uses and activities to the subject site, consistent with the types of future economic activities projected in the EOA for the SREC. By increasing the opportunities for placing vacant industrial property into use, the proposed Plan Map change will be consistent with the purpose of this Goal.

GOAL 10 - HOUSING

The site is currently designated for industrial use and not for housing, and this goal does not apply.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

Public facilities and services were provided when the site was developed. The public facility and service requirements of the uses in the proposed I-C designation are similar to those in the existing designation. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity and telephone, and solid waste disposal, are currently provided or available, as required by this Goal.

GOAL 12 - TRANSPORTATION

The subject site is located along Fairview Industrial Drive, the main access through the industrial park. Fairview Industrial Drive is classified as a Minor Arterial in the Salem Transportation System Plan (STSP). It is a direct link to Madronna Avenue to the north, which is a Major Arterial, and to Kuebler Blvd. to the south, which is a Major Arterial-Parkway. All of these streets are intended to handle large volumes of traffic. Madronna also provides a direct route to the Salem airport, and a route to the I-5 interchange via 25th Street and Mission Street/Santiam Highway. Kuebler is also a direct link to an I-5

interchange. The intersection of Fairview Industrial Drive and Madronna is controlled by a traffic signal. The classifications of the streets serving the subject property are appropriate for the proposed land use designation. The subject property is adequately served by the existing street system, and no new streets are needed or proposed.

Public transit service is available along Fairview Industrial Drive on the No. 7 route. Fairview Industrial Drive is also provided with sidewalks and a bike lane. The presence of transit, pedestrian, and bicycle facilities provide alternatives to the private motor vehicle as a means to access the subject site. Together with the access provided by major streets, the location of the site can serve to reduce vehicle miles traveled within the urban area. These factors are in keeping with the requirements of the TPR.

The potential traffic impact of the proposed change in the land use designation has been examined by Dick Woelk P.E., Associated Transportation Engineering and Planning (ATEP). Mr. Woelk's report to address the requirements of the TPR is a part of this application. The report examines the potential traffic impact with regards to the requirements of the TPR and how the proposal will affect the existing transportation system. From his analysis, Mr. Woelk has concluded that the traffic impact of the proposed change will not exceed the traffic impact that could occur from uses allowed by the existing land use designations. As a result, the proposal will not have a significant impact on the transportation system, and requirements of the TPR are met.

Because the proposed use will not have a significant impact on the existing transportation system, and it is consistent with the TPR, the requirements of this Goal are met.

GOAL 13 - ENERGY CONSERVATION

The existing building was designed to meet the building code requirements for energy efficiency in effect at the time it was built. The location of the site along an arterial street route, and the availability of public transit, pedestrian and bicycle transportation to the site, makes it highly accessible and serves to reduce the energy needed to reach the site.

These factors result in the site being consistent with the energy conservation requirements of this Goal.

GOAL 14 - URBANIZATION

The site is within the city and it is developed. The site is provided with all necessary public services. The proposal is consistent with the requirement of this Goal to maintain a compact and efficient urban area. The proposal does not affect the Urban Growth Boundary.

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

(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.

The subject site is currently designated *Industrial*, and it is zoned IBC. The site includes an existing office building, which has been vacated. The IBC zone does not provide for the wide range of uses that would typically be associated with the use of an office building. The productive re-use of the building depends on expanding the range of possible uses to include office-based businesses and business services. These are also the types of future activities that are projected by the SREC EOA to be among those most likely to locate in the urban area. These types of uses are provided for by the proposed IC designation. The IC zone provides for a variety of professional, business and service/retail uses. Many of those uses are the types of activities that could be accommodated by the existing building

The land use pattern of the area around the subject site has transitioned from purely industrial, to a mix of industrial, office, and business-service activities. The former SUMCO silicon wafer plant across Fairview Industrial Drive was redesignated from IBC to IC, as was the former TYCO building, farther south along Fairview Industrial Drive. More recently an office building 300' to the south of the subject property was

redesignated from IBC to IC. As a result the Fairview Industrial Park now includes a mix of industrial and industrial-commercial designations, and a variety of office and business-service uses.

The proposed change is logical with the land use pattern because it conforms to the existing pattern of land use that has emerged after several similar changes. The IC designation provides the best means of renewing the use of an existing, vacant office building that is part of the industrial area. The proposed designation has been applied extensively to nearby properties exhibiting similar characteristics and circumstances. The proposed change is harmonious with the land use pattern because it is consistent with the recognition that the use of this area is in transition from purely industrial to a mix of industrial, office, and business services. Overall, the effect of the proposed I-C designation will be to expand the capability of the subject site for a combination of industrial, office, and service uses, which will be harmonious with the predominant types of activities that are already present in the industrial park.

The location of the property, the character of the existing development, and the range of the existing land uses in the area, make this an appropriate location to apply the IC designation. Changing the designation will encourage and promote the re-use of the site. For these reasons 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.

(5) The proposed change conforms to all criteria imposed by the applicable goals and policies of the Comp Plan in light of its intent statements:

The following elements of the SACP are applicable to this request:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The stated intent of the Comp Plan is to project a goal of the desirable pattern of land use in the Salem area. The Plan recognizes that the factors that determine the appropriate use of property change over time. The Plan's methodology is to rezone land

over time in response to changing needs and conditions. This methodology was chosen in order to provide maximum flexibility within the guidelines provided by Plan policies. The Plan map designations indicate the predominant type of land use in the general area rather than a predetermined projection of future use. The Plan recognizes that land use and zoning are expected to change as conditions change.

The factors and conditions that affect the use of the subject property have changed since its current designation was applied, and since it was developed. These include changes to the local, regional, and state economy, and changes to the local industrial land inventory. The property was developed and occupied for a corporate headquarters. That business has ceased operations and vacated the site, and it is no longer a part of the local economy. The proposed redesignation will provide the flexibility to allow the building to be occupied by non-headquarters office users. The proposed redesignation is consistent with previous land use actions of this type in the area. The proposal is also a response to the large increase in industrial lands that has occurred since the current Plan designation was adopted. The need to redesignate the property is consistent with the stated Plan methodology to provide maximum flexibility within the guidelines provided by Plan policies. The proposed change maintains a significant industrial land use capability, while including an expanded degree of flexibility that is consistent with the need to attract new uses for the site. For these reasons the proposal is consistent with the intent and methodology of the Plan.

Part IV. Salem Urban Area Goals and Policies

The *Industrial-Commercial* designation provides for both industrial and commercial uses and the Plan goals and policies for both types of uses are reviewed as follows, beginning with the industrial lands policies.

I. Industrial Development

Industrial Development Goal: *To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.*

The proposed I-C designation and implementing IC zone provide for a wide range of industrial uses, including manufacturing, fabrication, processing, and transportation, among others, as well as professional and business services. Those uses reflect the economic base of the community, as described in the SREC EOA. The existing building is appropriate and available for the types of activities that are likely to locate here. The proposed IC zone will expand the capability of the site to attract the industries that can be accommodated on the property. By expanding the potential uses for the site in a manner that is consistent with the expected economic make-up of the community, the proposed change will improve the ability of the community to attract and maintain new industrial activity, which is in keeping with the intent of this goal.

Industrial Lands Policies

1. *Industrial Land Inventory: Maintain a long-term industrial land inventory which provides a full range of small, medium and large parcel sizes and locations to sustain a competitive market for industrial sites.*

The subject property is five acres and includes and 63,466 s.f. building and associated parking. The property is fully developed and no changes to the property are planned. Under the I-C designation the property will remain available for a wide range of industrial uses. The location of the site in the Fairview Industrial Park is conducive to attracting industrial, professional, and service uses. Because the proposed designation retains a wide range of industrial uses the inventory of industrial land in the city will not be significantly affected by the proposed change. Similarly, the proposed change will not affect the ability of the city to maintain a long-term industrial land inventory, which has been greatly enhanced with the addition of 507 acres in the Mill Creek Corporate Center. The proposed redesignation will encourage re-use of a vacant property, and thereby diversify the market for a range of office-based industrial activities. Considering the property's size and features, the proposal is consistent with this policy.

Redesignation of the land to or from industrial may be allowed providing:

a. It serves the community's interests and does not impact the long-term continuity of the industrial inventory;

The proposal redesignates the land to Industrial-Commercial, which will expand the opportunities for the use of the building. Renewing the productive use of a vacant building is in the community's interest. The proposal does not significantly impact the long-term continuity of the industrial inventory because the I-C designation and IC zone maintain the capability for a wide range of industrial uses. Many of the uses are the same as in the current designation. In addition, the long term continuity of the industrial inventory has been enhanced by the addition of the 507-acre Mill Creek Corporate Center. The proposal serves the community's interests by expanding the range of uses that can be attracted to a developed but unoccupied and unproductive industrial site, in a manner that will be appropriate for the location, the facilities, the land use pattern, and the economic make-up of the community. The proposal is a response to the departure of the former occupant from the site and from the city, and it is consistent with the projections for the types of industries that are likely to locate in the urban area. For these reasons, the proposal satisfies *a*.

and

b. It is preferably a boundary adjustment which results from expansion of an existing, adjacent use;

The proposal does involve a boundary adjustment. The boundaries of the subject property are not affected by this proposal.

And

c. There is a demonstrated need to expand the industrial or non-industrial use inventory.

Because the property is developed with a major building that is not productive, and does not currently support employment; and because the property is fully served by public facilities yet is not producing revenue to support those facilities, there is a need to redesignate the site in order to expand the opportunities to place it back into productive use. The site is not currently producing benefits to the community, and there is a need to attract the range of activities that would be appropriate for the existing development and

the location. The industrial inventory will not be significantly or adversely affected by the redesignation of this site because the I-C designation maintains a wide range of industrial uses. The conditions of the site are appropriate to accommodate the types of uses provided by the IC zone, including those that require access to the major transportation facilities of the area, including I-5 and the airport. The site has excellent proximity to two I-5 interchanges and the Salem airport. The current lack of productive use on the property, its locational and site development factors, along with the types of industries that are considered to be likely to locate in the community, demonstrate the need to redesignate the site to I-C.

Or

d. It is contingent on a specific, verifiable development project;

The proposed redesignation is based on the existing character and conditions of the subject site. The property is fully developed, and its availability for new uses constitutes a verifiable development project. Therefore, the redesignation is appropriate for this specific project.

and

e. The specific site requirements of the project cannot be accommodated within the existing inventories;

This proposal to redesignate an existing, developed industrial property is site-specific, and it cannot be fulfilled on any other site. The proposal is specific to the site and the existing development, and cannot be accommodated elsewhere.

and

f. Public facilities, services, and utilities necessary for development of the specific project are incorporated into the development proposal.

All public facilities, services and utilities are already in place on the property, or can be provided to new development if additional public facilities or services are required.

2. Public Facilities, Services, and Utilities: *Appropriate public facilities, services, and utilities are essential for industrial development. The industrial areas currently serviced by public facilities, services, and utilities provide the best opportunity to maximize past*

and future public investments in infrastructure. Systems expansion to promote infill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.

The property is already served by the required public facilities, services and utilities, and no new services or utilities area anticipated. However, the property currently generates no revenue to support these facilities. The proposal will encourage the use of the public investment that has been made in the infrastructure, by expanding the opportunities to obtain uses for the existing building. The proposal is consistent with the directive to make use of existing and available public services, facilities and utilities that serve and support industrial areas.

7. Traffic: Traffic generated by industrial uses should be diverted away from residential areas when feasible and should have convenient access to arterial or collector streets.

The subject site is served by Fairview Industrial Drive, which is an arterial. There is no direct access from the property to any local residential street or neighborhood. The site is within an industrial area that was established with regards to its access to the arterial street system that serves the location and the surrounding urban area. The proposed redesignation does not change the relationship of the site to this policy.

13. Diverse Interests: Land development regulations should provide for a variety of industrial development opportunities.

The I-C designation and the implementing IC zone maintain a wide variety of industrial development opportunities, as directed by this policy. The property will remain available for industrial use, and the redesignation will not adversely affect the opportunity for industrial development. The type of industrial development that occurs on this site will be a function of the nature of the existing building, and the economic conditions at the time of redevelopment. Applying the I-C designation to the property will be consistent with this policy to provide for a variety of industrial development opportunities.

The proposed I-C designation will enhance redevelopment potential for the property by providing additional opportunities for the use of the site. The proposal will not detract from or significantly affect the industrial land inventory. For the reasons and factors provided, the proposal is consistent with the applicable Industrial Development Goals and Policies.

Part G., the Commercial Development goal and policies, are addressed, as follows:

GOAL: To maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.

The I-C designation and IC zone provide for commercial uses as well as industrial uses. The property is within an established business center that currently includes industrial and commercial activities. The site is fully developed. Due to the character of the existing development on the property, foreseeable commercial uses could include professional and business services, services for employees on this site and of other activities in the area, and other office-based activities. These types of uses help to maintain and promote the urban area as a commercial and service center.

With regards to the commercial policies, the proposed IC zone represents a form of mixed-use development that combines industrial and commercial uses. The site is fully developed and the inclusion of commercial uses, in particular office-based activities, will help to promote the redevelopment and reuse of the site. The site is served by the arterial transportation system that serves this area. The property is accessible from all parts of the Salem urban area, as well as the Marion-Polk County metropolitan area, without traversing local residential streets. The site is not adjacent to residential uses, and buffers from residential areas are not at issue.

Within the context of commercial uses in conjunction with industrial uses, the proposal will serve to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area, consistent with the Commercial Development Goal and Policies.

(6) The proposed change benefits the public:

The proposed change will help to encourage and promote the reuse of an existing, unoccupied office building within one of the city's major industrial-business centers. The site was designed for and was formerly occupied for office use. The property is vacant and currently provides a diminished level of benefit to the public and the city in general, including the urban renewal area. The proposed change in the land use designation will expand the range of potential uses for the property, thereby providing greater opportunity to secure new business activity and employment. The range of uses allowed by the IC zone will add flexibility for the reuse of the site, in response to the changing conditions affecting the market for industrial land and vacant building space. By expanding the potential to reutilize the property, improve its value, and create employment in the community, the proposed change benefits the public.

Based on the reasons, factors and circumstances described, the proposal satisfies the applicable criteria for a Comprehensive Plan Change.

Morningside Neighborhood Plan

The subject property is within the Morningside Neighborhood area. The Morningside Neighborhood Plan was adopted by the City Council in June, 1984. Further revisions to the Plan have not been adopted. The area that was to become the Fairview Industrial Park is designated Industrial on the Morningside Land Use Plan map. That designation is consistent with the SACP map.

The Land Use Plan provides Intent Statements for various categories of land use. The Intent of the Industrial designation is "...to allow for established industry in the neighborhood and to provide locations for future industrial uses which minimize adverse impacts on adjoining neighborhoods." The Fairview Industrial Park provided locations for future industrial uses, and minimized impacts on adjoining neighborhoods. The intent of the General Commercial designation is to "...provide for a wide variety of compatible commercial uses that will not interfere with the safe movement of pedestrian and

vehicular traffic along major streets.” The subject site is adjacent to Fairview Industrial Drive, a Minor Arterial, and is also accessible by transit, pedestrian and bicycle modes. There is no evidence of interference with traffic along other major streets. Based on its location and function, the proposal is consistent with both Intent statements.

The Industrial Goal 15. is to assist the City with industrial development in designated locations while preserving the residential character of the neighborhood. The Fairview Industrial Park was created as an industrial-commercial reserve, separate from residential areas of the neighborhood. This proposal remains consistent with that Goal.

Industrial Policy 16. recommends new industrial development be limited to existing areas that are designated for that purpose. Those areas included the “Fairview area”. Policy 17. recommends that industrial lands in Fairview include buffers, landscaping, screening, and other “environmental considerations”. The subject site was developed in accordance with all requirements and standards for those features in effect at the time. Policy 18. recommends screening of outdoor storage and landscaping in parking areas. The development of the site complied with the standards in effect at the time. Policy 19. recommends access to industrial sites from arterials and collector streets and avoid directing traffic through residential area. Access to the subject site is from the Minor Arterial and there is no direct access through a residential area. Policy 20. recommends that access to the Fairview industrial site include transit, park and ride, pedestrian, bicycle and other alternative modes, and be accessible to the handicapped. The Fairview Industrial area has access from these modes as provided in the urban area. Individual sites comply with ADA measures, as required.

The proposed Plan and zone change does not change the relationship of the property to the industrial park and maintains conformance with these Neighborhood Plan Industrial goals and policies.

Commercial Goal 9. is to provide for the day-to-day commercial needs of the neighborhood and to provide a suitable environment for existing commercial facilities and sites. The subject site is not intended as a location for the daily commercial needs of the neighborhood. Commercial policy 10. suggests commercial uses should be limited to areas along 12th and Commercial Streets. The subject site is part of the existing mixed industrial-commercial area in the Fairview Industrial Park. It is not part of the existing commercial corridors in the neighborhood. Policy 11. suggests that commercial uses that serve and support employees in the Fairview Industrial area should be located near 25th and McGilchrist, to direct traffic away from the neighborhood. That policy makes no sense as it would result in additional vehicle trips and out of direction travel for the employees. Policy 12. suggests that new commercial uses in existing commercial areas shall complement the ability of local residents to shop and work near their homes. The effect of this proposal will be to increase employment opportunities at new uses on the subject site, which will complement the ability of local residents to work near their homes. With regards to Policy 14., no adverse impacts from new uses in this office building are anticipated that would affect the livability of the area.

Considering the location in the Fairview Industrial Park, the fully developed site, the existing access and various modes of transportation, separation from residential areas, and potential opportunities for neighborhood residents, the proposal is consistent with the industrial and commercial goals and policies of the Neighborhood Plan.

Zone Change Criteria

In SRC 113.100, Zone Change, Intent and Purpose, part (a), it is recognized that due to a variety of factors, which include changing development patterns and concepts, and government policy decisions affecting land use, the zoning pattern cannot remain static. This zone change to IC is proposed in response to those factors. There has been a change in the industrial development pattern as a result of the Mill Creek project, and that development is the result of a government policy decision that established the SREC. Additional changes to the industrial development pattern are the result of changes in the

economy, as detailed in the SREC EOA. These changes, which affect the subject property and other industrial lands in the urban area, could not have been anticipated in the 1980's when the property was placed in its current zone, or in 1997 when it was developed. The proposed zone change is necessary in order to provide more flexibility in the use of the subject property, which will allow it to respond to these changes. In addition, the proposed zone is consistent with other recent changes to the character of the Fairview Industrial Park. For these reasons the proposal is consistent with the Intent and Purpose of zone changes.

SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comprehensive Plan. The relationship of this proposal to the Comp Plan has been examined, and the proposal has been shown to conform to those requirements. In addition the following factors are to be evaluated and addressed:

(1) Existence of a mistake in the compilation of any map, or in the application of a land use designation to the property.

There is no evidence of a mistake in the compilation of any map or in the application of a land use designation to the property, and this factor is not cited as a reason for the zone change. The property is currently zoned IBC. The application of the IBC zone to the property in the 1980's is not in question, as it was applied to provide for the type of industrial development that was anticipated at the time. As described above, economic conditions have changed since the IBC zone was applied to the property. This zone change is requested to expand the allowed uses for the site in order to encourage its reuse. The IC zone represents a reasonable change from the existing IBC zone, as it maintains a wide capability for industrial uses while adding office and business service uses. The proposal is a response to changes in the economic conditions that affect the community and the property, and the existence of a mistake in a map or in the application of a land use designation to the property is not claimed.

(2) A change in the social, economic or demographic patterns of the neighborhood or of the community.

The economic pattern of the community has changed since the current zone was applied. The predominant types of economic activity that are projected to locate in the community over the next twenty years has changed, as detailed in the SREC EOA. The acreage and location of lands designated for industrial development have changed, in particular with the addition of the Mill Creek Corporate Center. These factors make it necessary for the activities allowed on existing industrial sites to match the types of uses that are anticipated. The proposed zone change to IC is a response to these changes, as it will provide a range of uses that is broader and more suited to the property than those in the existing zone. The proposed zone change provides an opportunity to expand and diversify the range of businesses and services that are possible for this site.

(3) A change of conditions in the character of the neighborhood.

The subject site is located in the Fairview Industrial Park, an industrial reserve that is the location for a variety of manufacturing, distribution, office, and business service activities. There has been a change of conditions in the character of this industrial area as a major manufacturing operation has departed, and an intended manufacturing operation failed to occur. The SUMCO silicon wafer operation has left, and the Tyco printed circuit boards operation never occurred. SUMCO terminated its operations in 2004, and its former plant has been rezoned to IC and converted to general purpose industrial space. Tyco never established its manufacturing operation, and its former building was rezoned to IC and is now in use as office space. As a result of the loss of the major existing and a major expected manufacturing operation, the character of the industrial park has changed to include a greater mix of manufacturing, warehousing, distribution, office, and service activities. The proposed zone change is consistent with the conditions in the character of the industrial park, and consistent with the prior zone changes that reflect these conditions.

(4) The effect on the proposal on the neighborhood .

The proposal will benefit the neighborhood by helping to attract new activity and place a vacant, unused facility into productive use. New uses on the site will provide a source of employment. The existing transportation pattern is adequate and no new streets or changes to existing streets are needed. Because the site is already developed and no significant changes are expected, there will be no specific effect on the neighborhood.

(5) The physical characteristics of the subject property, and public facilities and services.

The site is already developed and little or no change in the physical characteristics of the property is expected. All necessary public facilities and services are already provided at adequate capacities. No additional facilities or services are anticipated. The zone change will have little or no affect on the physical characteristics of the property or the on public facilities and services

(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.

The proposed zone change will benefit the public welfare by helping to promote the economic reuse of a vacant industrial property. The proposal is consistent with the uses and land use pattern of the area. The existing transportation system is adequate for the proposal, and includes multiple modes of transport and access. The proposal represents an appropriate change to expand the range of uses that could be allowed on the property, considering its location and the existing development. All necessary public services are already provided, or available. No factors have been identified that would make the zone change detrimental to the public health, safety or welfare. In general, the public welfare will be improved by the potential for renewed use and employment at this location.

Based on the facts, evidence, and reasons presented, and the circumstances that apply, the proposal considers, addresses, and satisfies the relevant review factors and qualifies for the proposed zone change.

The proposed zone change is appropriate for the subject property, and consistent with the surrounding area. No adverse impacts are identified. The redesignation of the site will promote its efficient reuse. The proposal is consistent with the industrial lands policies in the Comp Plan, and it is consistent with the policies for commercial development. The proposal satisfies the criteria for a Plan Amendment and Zone Change.

Associated Transportation Engineering & Planning, Inc.

Sunwest Building TPR

Transportation Planning Rule Analysis



R. Woelk P.E.
8/11/2011

ATTACHMENT 3



August 11, 2011

**Comprehensive Plan Change
Transportation Planning Rule Analysis
Sunwest Building**

Mr. Jeff Tross, Planning Consultant
1720 Liberty Street SE
Salem, OR 97302

Dear Mr. Tross:

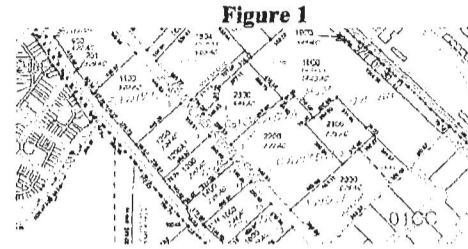
You have asked that ATEP to provide information concerning traffic impacts of changing the comprehensive plan map designation of the existing Sunwest Retirement office building located at 3723 Fairview Industrial Dr. The site is identified as Tax Lot 1100 on map on Assessor's map 8-3W-2 in Salem, Oregon. See Figure 1

Lot 1100 is currently designated Industrial Comercial on the Comprehensive Plan map and it is zoned IBC. This analysis is part of the work you are doing to change the comprehensive plan map designation from "IBC" to Industrial with a zone designation of "Industrial Commercial. (IC)"

The 63,466 square foot Sunwest building was constructed to house the Sunwest Retirement Offices and the Sunwest Retirement architect. The building was constructed with 15k s.f. "floor plates" so it could be used as separate office spaces. . The reason the zone change from IBC to IC is needed is that IBC only allows "corporate headquarters", which would not allow the building to be leased for a variety of small office users. Also IBC does not allow "public administration" (government offices), or legal, medical, finance, etc. The IC zone will allow for a wide range of office users

In consultation with City of Salem staff, the decision has been made to request a zone change from IBC to IC (Industrial Commercial) (SRC Chapter 155). The zone change will require a comprehensive plan

map amendment changing the designation from “Industrial to “Industrial Commercial.” The requested change open up the building for lease to smaller uses allowed in the IC zone. The distinctions between the two comprehensive plan map designations (IBC vs IC) seem, (and perhaps are) minor but they may be of significance. Some of the uses allowed in the IBC zone are not allowed in the IC zone and the reverse is also true. These different uses may generate different volumes of traffic. Many uses are common to both and so would have no traffic impact.



Oregon land use law requires that the TPR be met whenever a comprehensive plan map amendment is undertaken. Goal 12 of the TPR requires that the land use action, not “significantly affect an existing or planned transportation facility” without specific steps being taken. The intent of this analysis is to establish restrictions so that the proposed comprehensive plan map amendment and concurrent zone changes do not significantly affect a transportation facility.

There are two methods to assure that there is minimal “significant affect” as a result of a comprehensive land use plan map change. The first method is to limit the amount of anticipated traffic from future allowed uses. The amount would be limited to the same or less than anticipated amounts of traffic from allowed uses under the existing comprehensive plan map designation, in this case, “IBC.” The second method is to mitigate (fix) facilities that are significantly affected if there is a resulting increase in possible traffic. It has been determined that in this instance the best way to make the assurance is to use the first method. This analysis will determine the number of trips that could be generated from the site in the existing comprehensive plan map designation (“IBC”). The analysis will recommend that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal or less than currently could be generated by allowed uses. The trip generation will be measured as Average Daily Traffic (ADT) and as determined by the current ITE Trip Generation Manual for the existing and new uses.

The existing building is 63,466 s.f. Traffic generated on this site in the existing comprehensive plan map designation (“Industrial”) is intended to be traffic from industrial oriented businesses uses. The “Salem Revised Code limits development of IC sites to specific uses in each zoning designation. Using

the Institute of Transportation Engineer's, Trip Generation Manual (8th Edition), it is estimated the site could reasonably generate 2,609 Average Daily Trips (ADT) under the existing "Industrial" comprehensive plan map designation. This is based on the existing 63,466 s.f. building.

ITE #	Land Use	# of Units	ADT/Unit	Zoning	Estimated Trips
ITE 492	Health Fitness Club	35 ksf	33	IBC	1153 trips/day
ITE 710	General Office	15 ksf	11	IBC	165 trips/day
ITE 911	Walk in Bank	5 ksf	42	IBC	210 trips/day
ITE 932	High Turnover Restaurant	8.5 ksf	127.15	IBC	1,081 trips/day
	Total	63.5 ksf			2,609 trips/day

This establishes a reasonable limit to the number of trips (ADT) that can be generated by development under the existing IBC zone under the "Industrial" comprehensive plan designation. The site owners have agreed to limit the number of trips to 2,609 trips per day.

The intent will be to develop the site with uses that generate less traffic than the 2,609 trips per day (ADT) that could be generated under the existing allowed IBC zone in the "Industrial" plan map designation.

Table 2 outlines some reasonable uses that could be developed on the site using the proposed "Industrial Commercial" plan map designation and IC zone. Actual uses may vary. The intent of this analysis is to outline a way to limit the number of trips generated to less than 2,609 ADT. It is noted that the trip generation uses in the ITE Trip Generation Manual do not conform exactly to the Standard Industrial Classification Manual (SIC) number identified in the SRC. Reasonable judgment must be used in estimating trip generation information from the list of allowed uses.

ITE #	Land Use	Number of Units	Estimated Trips
ITE 710	General Office	20 ksf	220 trips/day
ITE 720	Medical Office	35 ksf	1,265 trips/day
ITE 932	Sit Down Restaurant	8.5 ksf	1,081 trips/day
	Total	63.5 ksf	2,566 trips /day

The number of units in the above Table 2 is an estimated building size (area) of the specified uses. Under the IC comprehensive plan map designation and zoning, the entire site can be used for a variety of office or retail uses without exceeding the trip limit established in this analysis. It is true one can imagine a combination of uses that would generate too much traffic and not fill the site.

It is reasonable, as a condition of approval for the requested zone change and comprehensive plan map amendment, to limit the trip generation of future uses. The total trips generated from the site should be limited to the estimated 2,609 ADT using the ITE Manual. Such a restriction will allow future development to the maximum limits of the IBC zone. Limiting total trip generation estimates from future uses in the proposed IC zoning to the trip generation estimates of the existing IBC designation zones (IBC) leads logically to the conclusion that development of the site under the proposed zoning will have no adverse traffic impacts as defined by Goal 12, or the TPR section of the OARs.

It is the recommendation of this report that the City of Salem Planning Commission:

1. Limit the combined trip generation from the existing building to equal or less than the trip potential under the IBC zone. (2,609 trips ADT).

Sincerely,



Richard L. Woelk P.E., T.E

RECEIVED

NOV 01 2011

PUBLIC



COMMUNITY DEVELOPMENT

MEMO

WORKS

TO: Jason Richling, Planner II
Community Development Department

FROM: *fol* Glenn J. Davis, P.E., C.F.M., Chief Development Engineer
Public Works Department

DATE: November 1, 2011

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 11-10 (11-113885)
3723 FAIRVIEW INDUSTRIAL DRIVE SE

PROPOSAL

To change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 5.03 acres in size and located at 3723 Fairview Industrial Drive SE.

FINDINGS:

1. 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 2,609 average daily trips generated by the proposed use or uses.

FACTS

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

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

Code authority references are abbreviated in this document as follows: *Salem Revised Code (SRC)*; *Public Works Design Standards (PWDS)*; *Salem Transportation System Plan (Salem TSP)*; and *Stormwater Management Plan (SMP)*.

ATTACHMENT 4

The City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 5.03 acre site to 2,609 vehicles per day.

CRITERIA AND FINDINGS

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.

Finding: The applicant has submitted a Traffic Impact Analysis (TIA) or TPR Analysis that is required to address the TPR (OAR 660-012-0060). The TIA demonstrates that the proposed CPC/ZC will not have a significant affect on the transportation system as defined by OAR 660-012-0060.

Site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 163.

Prepared by: Robin Bunse, Administrative Analyst II
Public Works, Development Services

Attachment 5: IC (Industrial Commercial) Zoning District Use Matrix
Agriculture and forestry
Agricultural production - crops (01)
Landscape and horticultural services (078)
Timber tracts (081)
Forest nurseries and gathering of forest products
Forestry services (085)
Construction
Building construction - general contractors and operative builders (15)
Construction - special trade contractors (17)
Manufacturing
Dairy products (202)
Canned, frozen and preserved fruits, vegetables and food specialties (203)
Grain mill products (204)
Bakery products (205)
Candy and other confectionery products (2064 & 2068)
Chocolate and cocoa products (2066)
Chewing gum (2067)
Beverages (208)
Miscellaneous food preparations and kindred products (209)
Tobacco manufacturers (21)
Textile mill products (22)
Apparel and other finished products made from fabrics and similar materials (23)
Wood kitchen cabinets (2434)
Paperboard containers and boxes (265)
Printing, publishing, and allied industries (27)
Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)
Metal cans and shipping containers (341)

Attachment 5: IC (Industrial Commercial) Zoning District Use Matrix
Cutlery, hand tools and general hardware (342)
Heating equipment, except electric and warm air; and plumbing fixtures (343)
Metal forgings and stampings (346)
Computer and office equipment (357)
Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)
Motor vehicles and motor vehicle equipment (371)
Aircraft and parts (372)
Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)
Signs and advertising specialties (3993)
Transportation communication, electric, gas, and sanitary services
Railroad transportation (40)
Motor freight transportation and warehousing (42)
US Postal Service (43)
Transportation services (47)
Communication (48)
Wholesale trade
Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082), scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)
Wholesale trade-nondurable goods (51) BUT EXCLUDING livestock (5154) and chemicals and allied products (516)
Retail trade
Eating and drinking places (58) BUT EXCLUDING restaurants with drive-through service
Catalog and Mail Order Houses (5961)
Direct Selling Establishments (5963)
Finance, insurance and real estate
Depository Institutions (60)

Attachment 5: IC (Industrial Commercial) Zoning District Use Matrix

Nondepository Credit Institutions (61)
Security and commodity brokers, dealers, exchanges and services (62)
Insurance carriers (63)
Insurance agents, brokers, and services (64)
Real estate (65)
Holding and other investment offices (67)
Services
Hotels and motels (701) BUT EXCLUDING casino hotels
Mailing, reproduction, commercial art and photography, and stenographic services (733)
Disinfecting and pest control services (7342)
Building cleaning and maintenance services not elsewhere classified (7349)
Computer programming, data processing, and other computer related services (737)
Photofinishing laboratories (7384)
Miscellaneous repair services (76)
Motion pictures (78)
Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in the IC zone.
Health services (80) BUT EXCLUDING hospitals (806)
Legal services (81)
Educational services (82)
Social services (83) BUT EXCLUDING residential care (836)
Membership organizations (86)
Engineering, Accounting, Research, Management, and Related Services (87)
Services not elsewhere classified (899)
Public Administration
Executive offices (911)
General government, not elsewhere classified (919)

Industrial Commercial) Zoning District Use Matrix
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9224)

on, and monetary policy (93)

of human resources programs (94)

Administration of environmental quality and housing programs (95)

Administration of economic programs (96)
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Other uses

Accessory buildings and uses normal and incidental to the uses permitted in this district

Transit stop shelters
