



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

09/19/2011

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 009-11

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, October 04, 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: Bryan Colbourne, 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 STAMP**

**DEPT OF**

**SEP 13 2011**

**LAND CONSERVATION AND DEVELOPMENT**

For Official Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC/NPC/ZC11-06**

Date of Adoption: **9/6/2011**

Date Mailed: **9/12/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD?  Yes  No Date: **7/22/2011**

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 Commercial and Single Family Residential to Industrial Commercial, change the zone district from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial), and amend the Liberty-Boone Neighborhood Plan map accordingly on property approximately 2.6 acres in size and located at 1060, 1080, 1104, & 1140 Boone Road SE, 97306 (Marion County Assessor's Map and Tax Lot numbers: 083W15AA / 801, 700, 600, & 400).

Does the Adoption differ from proposal? Please select one

Plan Map Changed from: **Commercial & Single Family Residential** To: **Industrial Commercial**

Zone Map Changed from: **RA (Residential Agriculture) & CG (General Commercial)**  
To: **IC (Industrial Commercial)**

Location: **1060, 1080, 1104 & 1140 Boone Rd SE**

Acres Involved: **2.60**

Specify Density: Previous:

New:

Applicable statewide planning goals:

- |                                     |                                     |                          |                          |                                     |                                     |                                     |                          |                                     |                                     |                                     |                                     |                                     |                                     |                          |                          |                          |                          |                          |
|-------------------------------------|-------------------------------------|--------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|-------------------------------------|--------------------------|--------------------------|--------------------------|--------------------------|--------------------------|
| <b>1</b>                            | <b>2</b>                            | <b>3</b>                 | <b>4</b>                 | <b>5</b>                            | <b>6</b>                            | <b>7</b>                            | <b>8</b>                 | <b>9</b>                            | <b>10</b>                           | <b>11</b>                           | <b>12</b>                           | <b>13</b>                           | <b>14</b>                           | <b>15</b>                | <b>16</b>                | <b>17</b>                | <b>18</b>                | <b>19</b>                |
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Was an Exception Adopted?  YES  NO

Did DLCD receive a Notice of Proposed Amendment...

45-days prior to first evidentiary hearing?

Yes  No

If no, do the statewide planning goals apply?

Yes  No

If no, did Emergency Circumstances require immediate adoption?

Yes  No

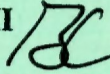
DLCD File No. 009-11 (18903) [16755]

DLCD file No. \_\_\_\_\_

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

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



Phone: (503) 588-6173    Extension: 7463

Address: 555 Liberty St SE, Rm 305

Fax Number: 503-588-6005

City: Salem

Zip: 97301-3513

E-mail Address: [bcolbourne@cityofsalem.net](mailto:bcolbourne@cityofsalem.net)

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**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 11-06**

**COMPREHENSIVE PLAN CHANGE/NEIGHBORHOOD PLAN CHANGE/ZONE CHANGE CASE NO. 11-06**

WHEREAS, a petition for Comprehensive Plan Change/Neighborhood Plan Change/Zone Change Case No. 11-06 to change the Salem Area Comprehensive Plan Map designation from "Commercial" and "Single Family Residential" to "Industrial Commercial", change the zone district from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial), and amend the Liberty-Boone Neighborhood Plan map accordingly for property located at 1060, 1080, 1104, and 1140 Boone Road SE, was filed by Jeff Tross for Dale and Mildred Neliton, Neliton Investments, LLC, 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 September 6, 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 September 6, 2011, herewith attached and by this reference incorporated herein.

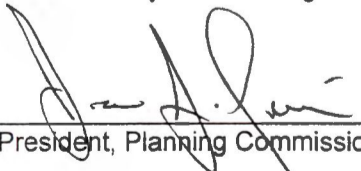
Section 2. ORDER:

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 Commercial and Single Family Residential to Industrial Commercial be GRANTED;
- (B) That the Liberty-Boone Neighborhood Plan Map change request for the subject property from General Commercial and Single Family to Industrial be GRANTED.
- (C) That the zone change request for the subject property from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial) be GRANTED subject to the following condition of approval:

**Condition 1:** The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 4,468 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or a change in use. At the time of development review for any future development 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 6<sup>th</sup> day of September, 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. on September 23, 2011.

Any person who present 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: September 23, 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.

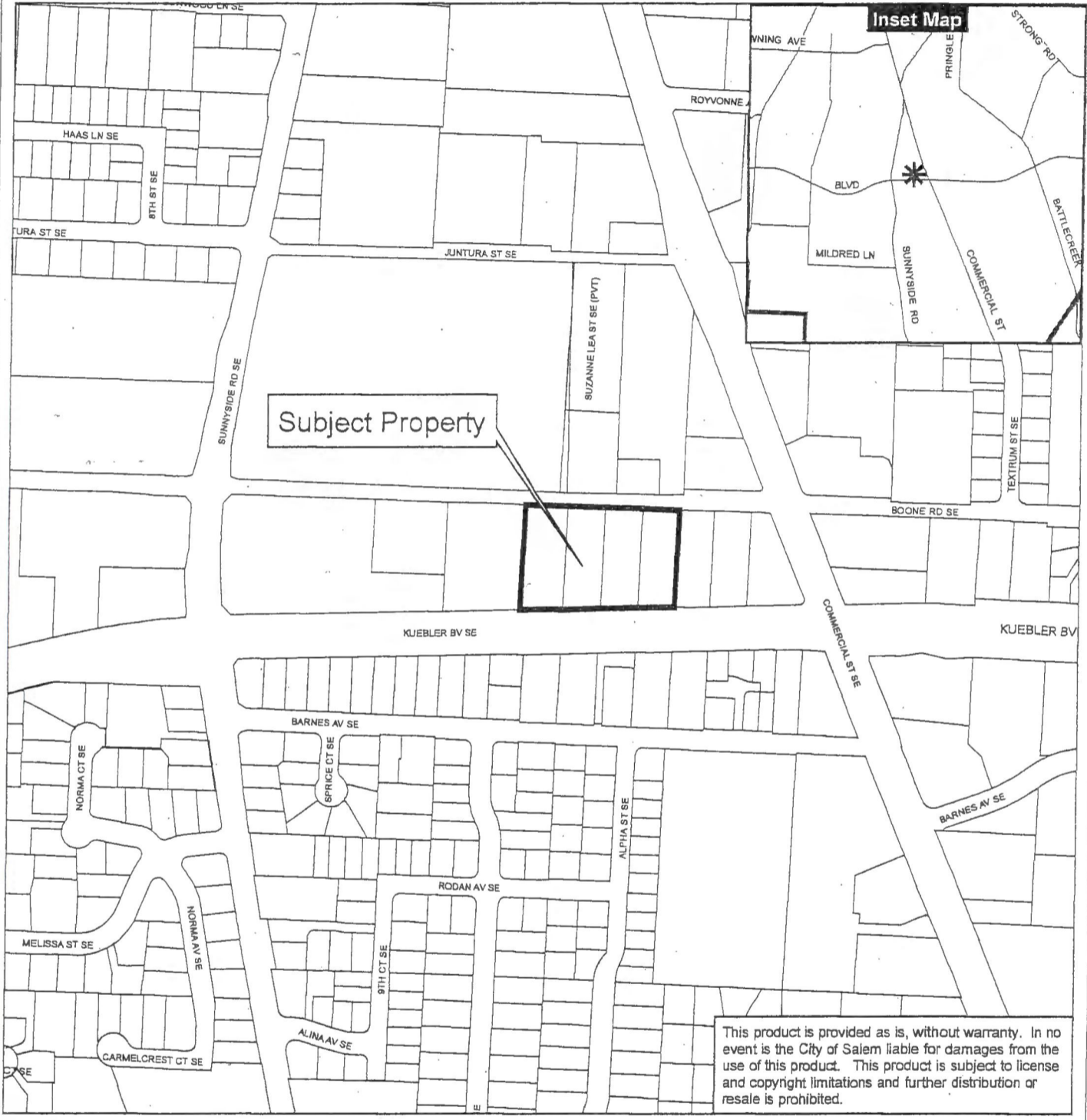
**Planning Commission Vote:**

**4 Yes (Lewis, Fox, Fry, Goss) 0 No 3 Absent (Gallagher, Levin, Schmidtke)**

# Vicinity Map

## 1060, 1080, 1104 & 1140 Boone Road SE

Taxlot: 083W15AA00400, 600, 700 & 801



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**Legend**

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

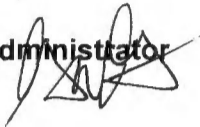
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**CITY OF Salem**
  
 AT YOUR SERVICE
   
 Community Development Dept.

FOR MEETING OF: September 6, 2011  
AGENDA ITEM NO. 6.1

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Bryan Colbourne, Planner III

HEARING DATE: September 6, 2011

APPLICATION: Comprehensive Plan Change/Neighborhood Plan Change/Zone Change 11-06

LOCATION: 1060, 1080, 1104, & 1140 Boone Road SE

SIZE: Approximately 2.6 acres

REQUEST: To change the Salem Area Comprehensive Plan Map designation from Commercial and Single Family Residential to Industrial Commercial, change the zone district from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial), and amend the Liberty-Boone Neighborhood Plan map accordingly on property approximately 2.6 acres in size and located at 1060, 1080, 1104, and 1140 Boone Road SE, 97306 (Marion County Assessor's Map and Tax Lot numbers: 083W15AA / 801, 700, 600, & 400).

APPLICANT: Dale and Mildred Neliton, Neliton Investments, LLC

APPLICANT'S REPRESENTATIVE: Jeff Tross, Planning Consultant

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

RECOMMENDATION: APPROVE subject to the following condition:

**Condition 1:** The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 4,468 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or a change in use. At the time of development review for any future development 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 June 29, 2011, Jeffery Tross, on behalf of the applicants, Dale and Mildred Neliton, filed a Comprehensive Plan Change/Neighborhood Plan Change/Zone Change application to change the Comprehensive Plan Map designation of the property from "Commercial" and "Single Family Residential" to "Industrial Commercial" and the zone district from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial). The application was deemed complete for processing on July 21, 2011.

Notice must be given in accordance with Section 300.620(b) of the Salem Revised Code. 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.

The quasi-judicial decision by the Planning Commission requires a decision be filed with the Planning Administrator and entered into the record of the proceedings within 30 days following the public hearing, unless the applicant consents to an extension for specific additional time. The Planning Administrator must record the date of the decision upon receipt of the decision. The Planning Administrator must also mail a copy of the decision to the applicant and to everyone who submitted verbal or written testimony during the process.

The public hearing on the proposed Comprehensive Plan Change/Neighborhood Plan Change/Zone Change is scheduled for September 6, 2011.

### **Appeals**

Appeal of a Planning Commission decision is to the Salem City Council, as set forth in Table 300.100-2 of the Salem Revised Code (SRC). Written notice of an appeal and the applicable fee shall be filed with the Planning Administrator within fifteen days after the record date of the decision as set forth in SRC 300.1000 – SRC 300.1040. SRC 300.1050 states that whether or not an appeal is filed, the City Council may, by majority vote, initiate review of a Planning Commission decision by resolution filed with the City Recorder. Such a review shall be initiated prior to the adjournment of the first regular City Council meeting following Council notification of the Planning Commission decision. Review shall proceed according to SRC Section 300.1040.

### **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 August 17, 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) requires 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 July 22, 2011.

## **BACKGROUND INFORMATION**

The subject property was annexed into the City of Salem on June 29, 1964. D&O Garbage has operated from this location since 1974. The site is composed of four contiguous tax lots totaling approximately 2.6 acres (Marion County Assessor's Map 83W, Section 15AA, Tax Lots 400,600, 700, and 801), bordering the south side of Boone Road, just west of Commercial Street SE. The eastern two tax lots (400 and 600) are designated Commercial on the Salem Area Comprehensive Plan map and zoned CG (General Commercial). The western two tax lots (700 and 801) are designated Single Family Residential on the comprehensive plan map and are zoned RA (Residential Agriculture). The D&O Garbage use is classified under Industry No. 4212 as "Garbage, local collecting and transporting, without disposal". Neither the RA nor the CG zone allows SIC 4212. The CG zone does permit "Recycling Depot" (SRC 153.0200), and the D&O operation does include a neighborhood recycling depot. The primary use of the subject property is SIC 4212, however.

The activities that occur at the Boone Road site include the company business office, vehicle parking and maintenance, garbage drop-box storage, equipment cleaning and repair, residential waste roller cart storage, and the recycling depot. As the equipment used in the operation has changed over the years, some of the existing facilities have become inadequate to properly perform their function. For example, the waste collection vehicles have become larger to accommodate greater capacity and the automated lift feature, and as a result the existing maintenance shop and wash rack are no longer large enough to accommodate their additional length. This results in problems in servicing and maintaining the vehicles as the entire vehicle can no longer fit inside the shop or the existing wash rack. D&O Garbage Service is requesting a change in the comprehensive plan map designation and zoning of their property to Industrial Commercial in order to allow them to make necessary site improvements, facility upgrades, and building additions at their property. SIC 4212 is permitted outright in the IC zone.

D&O Garbage Service is one of eight refuse collection services that operate in the city and surrounding area. The service area of each of the collectors is set by Marion County, and referred to as Solid Waste Districts. These areas are shown on Attachment 3. D&O operates in two Solid Waste Districts, the most significant district is in southwest Salem and the other, smaller district is in northeast Salem. The subject property is located near the center of the company's most significant southwest Solid Waste District.

### **Summary of Requested Action**

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) to change the Plan Map designation of the property from Commercial and Single Family Residential to Industrial Commercial, to change the Liberty-Boone Neighborhood Plan map designation from General Commercial and Single Family to Industrial, and change the zone district from CG (General Commercial) and RA (Residential Agriculture) 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 within the Faye Wright Neighborhood Association and adjacent to the South Gateway Neighborhood Association. The Faye Wright Neighborhood Association provided the following comments **in support** of the proposal:

Faye Wright NA voted to approve/support the zone changes proposed by D&O at their August 1, 2011 meeting. We think D&O is a great local business and do not want to see them have to move out of the area if these zone changes were not approved.

In addition, the South Gateway Neighborhood Association provided the following comments in support of the proposal:

The SGNA's Neighborhood Development Committee met and reviewed the proposal. The full SGNA Board unanimously supported their recommendation to support this zone change. We reserve the right to reconsider our position if additional information surfaces.

#### **Public Comments**

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

#### **City Department Comments**

**Public Works (Development Services and City Traffic Engineer)** – The Public Works Department's comments are included here as Attachment 5.

**Building and Safety Division** – Reviewed the proposal and indicated they have no comments.

**Salem Police Department** – Reviewed the proposal and indicated they have no comments.

#### **Public Agency and Private Service Provider Comments**

**Salem-Keizer Public Schools** – Reviewed the proposal and indicated they have no comments.

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

**Portland General Electric** – PGE reviewed the proposal and submitted comments, stating:

Development costs are per current tariff and service requirements, and a 10-foot Public Utility Easement is required on all front street lots.

**Northwest Natural Gas** – NW Natural reviewed the proposal and indicated they have no comments.

#### **Salem Area Comprehensive Plan (SACP) Designation**

**Land Use:** The Salem Area Comprehensive Plan designates the subject property as Commercial and Single Family Residential. The Comprehensive Plan designation of surrounding properties is as follows:

North: Across Boone Road SE – Multi Family Residential and Commercial

South: Across Kuebler Boulevard SE – Single Family Residential

East: Commercial

West: Single Family Residential

**Neighborhood Plan:** The property is located within the boundaries of the Faye Wright Neighborhood Association and adjacent to the South Gateway Neighborhood Association. Neither the Faye Wright nor South Gateway Neighborhood Associations have adopted neighborhood plans. The subject property is also located within the boundaries of the former Liberty-Boone Neighborhood Association. The Liberty-Boone Neighborhood Plan was adopted under SRC 64.220, and is still in effect. The applicant requests a change to the Liberty-Boone Neighborhood Plan Land Use Map to ensure the designation of the subject property on the neighborhood plan map is consistent with the

requested IC zoning. Findings addressing this requested neighborhood plan change are detailed later in this report.

### **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 has frontage on and access to Boone Road and frontage on, but no access to, Kuebler Boulevard SE. At this location, Boone Road SE is designated a local street and Kuebler Boulevard SE is designated a Parkway in the TSP.

### **Zoning**

The subject property is currently zoned CG (General Commercial) and RA (Residential Agriculture). Zoning of surrounding properties include:

North: Across Boone Road SE – RM2 (Multiple Family Residential) and CG (General Commercial)  
South: Across Kuebler Boulevard SE – RA (Residential Agriculture)  
East: CG (General Commercial)  
West: RA (Residential Agriculture)

### **Existing Site Conditions**

The site is approximately 2.6 acres in size. D&O Garbage Service, a local collection company has used the site since 1974. The main building on the site is 7,860 square feet in floor area, is located on Tax lot 400, and contains business offices and a vehicle maintenance garage.

**Trees:** The City's tree preservation ordinance, SRC Chapter 68.100(a) requires tree conservation plans only for development proposals involving the creation of lots or parcels to be used for the construction of single-family or duplex dwelling units. Because the proposal does not involve the creation of lots or parcels for single-family or duplex dwelling unit construction, a tree conservation plan was not required. Pursuant to SRC Chapter 68, Preservation of Trees and Vegetation, a Tree Removal Permit is required for removal of any significant trees and any removal of trees within a riparian corridor. Furthermore, no heritage tree shall be removed. The applicant should contact City staff before removing any trees on the subject property.

**Wetlands:** Grading and construction activities within jurisdictional waters of the state are regulated by the Oregon Department of State Lands (DSL) and U.S. Army Corps of Engineers. State and Federal wetlands laws are also administered by DSL and the Army Corps, and potential impacts to jurisdictional wetlands are addressed through application and enforcement of appropriate mitigation measures. The Salem-Keizer Local Wetland Inventory (LWI) does not identify any wetlands or waterways on the subject property.

**Landslide Hazards:** SRC Chapter 69, "Landslide Hazards," sets forth the mitigation requirements that may be imposed if landslide hazards are present on a property. This is done primarily through establishing the sum of landslide hazard points (a combination of the mapped landslide hazard points and those points associated with the type of proposed development) in order to determine what mitigation, if any, is required to ensure a safe and healthful development. According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, no landslide hazards exist on the subject property and no geologic assessment or geotechnical report is required for the development.

### **Applicant Submittal Information**

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

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

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

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

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

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

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

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

**Applicant's Statement for 1(A)&(B):** The proposed use is the existing D&O Garbage Service operation, which has been at its current location since 1974. The current site is within the larger of the company's two Service Districts, and which has the larger area within the city of the two districts it serves. The location's existing Plan designations and zones do not provide for this existing use. The Plan designation and zone that allows the use is IC. Within the "vicinity" as defined below,

there are currently no sites that are already designated and zoned IC and which are suitable alternatives to the proposed site.

The "vicinity" for examining alternative sites that are already appropriately designated for the use consists of the areas within the city that are part of the company's Service Districts. These Service Districts are shown on the map provided as Exhibit 1. As described above, the part of the company's southwest Service District that is in the city is bounded, generally, by Commercial Street SE on east, Cinnamon Hill Drive and Davis Road on the south, Croisan Creek Road on the west, and River Road on the north. The small part of the company's northeast Service District that is in the city is bounded, generally, by Sunnyview Road (east of 45th) on the south, Ward Drive on the north, and Cordon Road on the east.

Within the part of the northeast Service District that is within the city there are no lands that are zoned IC. Within the part of the southwest Service District that is within the city the only lands zoned IC are located west of Commercial Street, to the north and south of Fabry Road Mildred Lane along Woodside Drive, and on the north side of Wiltsey Road. These IC lands are not suitable for the use. The land at the northeast corner of Fabry and Woodside is occupied by a storage facility, and the land at the southeast corner is occupied by an RV and boat storage business and auto wrecking operation. These locations are unavailable for the proposed use. The land at the northwest corner of Mildred and Woodside is occupied by a single-family home. That IC area is part of a larger parcel (Tax Lot 2400) that is split-zoned IC/RA. The IC area is less than an acre. The IC area at the southwest corner of Mildred and Woodside is vacant and covers a small parcel (Tax Lot 2401) and a part of another (Tax Lot 2501), which is also split-zone IC/RA. The IC area totals about 1.5 acres. These parcels are unsuitable due to their small size. The IC land on the north side of Wiltsey is occupied by a storage facility. That location is unavailable for the use.

All of the IC lands in the vicinity are either already developed and in use, or too small for the proposed use. Because there is a lack of appropriately designated suitable alternative sites within the vicinity for a proposed use based on their size or location, this criterion is satisfied.

**Finding:** The local garbage collection service use has existed at the site since 1974. For the purpose of Criterion 1, the applicant defines the "vicinity" as the Solid Waste Districts which are served by D&O Garbage and located within the City, as shown on Attachment 3. This vicinity is appropriate, given the existing and continued use of the site. Other sites designated Industrial Commercial within the vicinity are either fully developed or too small to reasonably accommodate a garbage collection service facility. Staff review of this area led to the same conclusion as the applicant that there are no suitable alternative sites within the vicinity to accommodate a garbage collection service.

In addition, this location is well-suited to a Industrial Commercial Plan map designation and zone district due, in part, to the site's location next to the intersection of a major arterial (Commercial Street) and a parkway (Kuebler Boulevard). The subject property is also surrounded to the north and east by commercially designated lands used for retail and general commercial uses. To the northwest there are multiple-family residential lands, developed with duplexes, a manufactured home park, and apartments. Abutting to the west is a single 1.4-acre unit of land zoned RA (Residential Agriculture) that is owned by the church located farther to the west. These surrounding moderate-impact commercial, institutional, and residential uses, together with the site's long-standing garbage collection use, support a change to the Industrial Commercial designation.

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

The following Statewide Goals are applicable to this proposal:

#### **GOAL 1 – CITIZEN INVOLVEMENT**

**Applicant's Statement:** 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 property owners within the notice area, to the Neighborhood Association, 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**

**Applicant's Statement:** 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 and its applicable goals and policies, and under its implementing ordinances. 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 Salem Area Comprehensive Plan (SACP) is acknowledged to be in compliance with the Statewide Planning Goals.

#### **GOAL 6 – WATER AND LAND RESOURCES QUALITY**

**Applicant's Statement:** The proposed Plan change will recognize the long-term existing use of the site. The impacts of the change on air, water and land resource quality will not change from the present. The proposed IC designation allows uses that are similar to the existing CG commercial designation. Due to its location it is unlikely that the site would be used for an intensive industrial use in the future. A future service or commercial use at this location would not create impacts to air, water, or land resource significantly different than the uses on nearby CG land. The major impacts to air quality at this location are from traffic on the nearby major arterial streets, which include South Commercial and Kuebler. Future traffic generated by the subject site will contribute to the total traffic load in the area but will not itself create a significant new impact on air quality.

The site is not in a watershed and does not include a surface water resource. Water used on the site is provided by the City water system, and sewage is handled by the City sewage collection and treatment system. The proposal will not affect groundwater resources. The site has been in its present use since 1974 with no identified impacts.

Based on these factors and considerations the proposed project will have no significant impacts to the quality of the air, water or land.

**Finding:** Staff concurs with the applicant. The site is developed urban land, surrounded by developed properties. 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 impacts on the quality of the air, water, or land.

#### **GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS**

**Applicant's Statement:** No significant natural hazards are identified that are specific to this site and which would prevent or interfere with its existing use or potential future uses.

**Finding:** There are no known natural hazards existing on the subject property. In the event a hazard is identified, the City's tree protection, landslide hazard, and floodplain development

standards will be applied at the time of future development of the subject property, ensuring compliance with Goal 7.

#### **GOAL9 – ECONOMIC DEVELOPMENT**

**Applicant's Statement:** The proposal will change 2.6 acres from the Commercial and Single-family Residential designation to the Industrial-Commercial (I-C) designation. The I-C designation provides for the IC zone, which allows the existing use, which currently is regarded as nonconforming. The non-conforming status restricts and impairs investment in improvements for the operation. The redesignation of the site will maintain an essential service in the urban area which it serves. This will contribute to the economy of the city.

**Finding:** The proposed change in comprehensive plan map designation from Commercial and Single Family Residential to Industrial Commercial at this location is consistent with the pattern of use designations on the Plan map and the existing land uses in the vicinity. The Industrial Commercial designation allows a wide range of commercial uses, along with an appropriate selection of industrial uses which can serve to complement and support the Commercial Street SE commercial corridor.

Specifically, the long-standing garbage collection use at this site provides the essential function of garbage collection for other local businesses and surrounding residential areas. In addition, as a county-recognized solid waste hauler, the garbage collection service at this location is a stable local business that provides jobs for area residents. The proposed change will allow for the continued maintenance and improvement of the garbage collection use at the site, by making the existing land use an allowed use at this site.

#### **GOAL 10 – HOUSING**

**Applicant's Statement:** The western 1.38 acres of site is designated for single-family housing. However, that part of the site has been in use as part of the refuse collection operation and has not been available for housing. There are a variety of housing opportunities available in south Salem, and in the immediate neighborhood housing opportunities include duplexes, single family manufactured homes, and attended residential care. A vacant parcel of 1.44 acres (Tax Lot 800) designated for single family housing is adjacent to the west of the subject property. There is an adequate supply of land designated for single family housing in the city, and the proposal to reduce that inventory by 1.38 acres will not have a significant impact on the housing supply or the inventory of buildable land in the city or the neighborhood. The proposal will not affect the City's ability to maintain conformance with this Goal.

**Finding:** The proposal will remove 1.38 acres from the existing inventory of land that is designated for single-family housing. However, the Single Family Residential designated portion of the subject property (approximately the western half) is currently used as truck parking and storage for D&O Garbage. Therefore, no existing housing will be lost if the property is rezoned consistent with its long-standing garbage collection service use. The proposed Comprehensive Plan Change and Zone Change will not have a significant impact on the ability of the City to provide for its projected housing needs. Staff concurs with the applicant's statement and finds that the proposal is consistent with this goal.

#### **GOAL 11 – PUBLIC FACILITIES AND SERVICES**

**Applicant's Statement:** The public facilities and services that are available to the site are described in the pre-application summary report. Public utilities and services are currently provided to the site at levels that are adequate for the existing use. The service needs of any future uses will be determined by the City during the development review process. All necessary public services and utilities including water, sewer, storm drainage, street, fire and police protection, electricity and telephone, and solid waste disposal, are available and are currently provided to the property.

The City provides water, sewerage disposal, and storm water drainage services. Waste water is discharged into the sewer system for treatment at the City's treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff is collected by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to applicable standards.

By providing and maintaining an infrastructure of public facilities at adequate levels to serve the site, the requirements of this Goal are met.

**Finding:** The required public facilities and services to serve the existing development are currently in place. Facilities for any proposed future use of the property will be determined by the City when development permits are requested. The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. The proposal will not require additional services, thus complying with Goal 11.

#### **GOAL 12 – TRANSPORTATION**

**Applicant's Statement:** Access to the site is from Boone Road. Boone Road connects with Commercial Street to the east, and with Sunnyside Road to the west. Kuebler Blvd. is just to the south. Commercial Street is a Major Arterial, Sunnyside is a Minor Arterial, and Kuebler is a Parkway. This arterial street system provides efficient links to the company's Service Districts and to the surrounding region. The existing street network is adequate to serve the site, and no new streets are required.

The potential traffic impact of the proposed change in land use designations has been evaluated in a TPR analysis (ATEP, June 21, 2011) which has been submitted as a part of the application. The TPR analysis has estimated the potential for future traffic impacts on the transportation system, and recommended an appropriate measure to mitigate potential impacts. In general, mitigating measures may consist of street system improvements, or a limit on the average daily traffic resulting from new development ("trip cap"). In this case, the TPR analysis recommends a trip cap of 4,468 average daily trips (ADT). The TPR analysis demonstrates that with the trip cap the estimated traffic impact from possible future uses of the site under the proposed I-C land use designation will not exceed the impact under the existing designations. The analysis shows that the proposal complies with the TPR. Transit service is available along Salem-Keizer Transit Routes 1 South Commercial and 21 Rees Hill Loop. South Commercial and Sunnyside are provided with bike lanes. These facilities provide transportation options in proximity to the site.

Because the transportation system provides adequate access to the property and no significant adverse impacts to the transportation system will occur, and because transportation alternatives are available, the requirements of this Goal and the TPR are satisfied.

**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 D&O Garbage's proposal, a "significant effect" is defined under Oregon Administrative Rule (OAR) 660-012-0060(1) as either an amendment that "allows types or levels of land uses which would result in levels of travel or access which are inconsistent with the functional classification of a transportation facility", or an amendment that would "reduce the performance standards of an existing or planned facility below the minimum acceptable level identified in the TSP."

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

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

The applicant's TPR analysis, dated June 21, 2011 (Attachment 4) determines the number of trips that could be generated from the site in the existing split comprehensive plan map designation of Commercial and Single Family Residential. The analysis recommends 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 in the Commercial and Single Family Residential designations, which the analysis estimates to be 4,468 average daily trips.

The City Traffic Engineer has reviewed the TPR Analysis that was submitted by the applicant and agrees with its findings. The proposed Comprehensive Plan Change and Zone Change will not have a "significant affect" on the transportation system as defined by OAR 660-012-0060, when conditioned to limit the vehicle trips generated by future uses at the site to a maximum of 4,468 average daily trips. Staff recommends this condition of zone change approval, as stated later in this report. The condition will mitigate the impacts of the proposal and satisfy Goal 12.

#### **GOAL 13 – ENERGY CONSERVATION**

**Applicant's Statement:** The proposal will have no effect on measures to conserve energy. The company's location allows it to provide efficient service to its customers. The transportation system at this location provides for efficient access. Any new buildings will comply with the energy efficiency requirements in effect at the time of construction. These factors are consistent with the goal of conserving energy.

**Finding:** Staff concurs with the applicant's statement. Providing areas of Industrial Commercial land within commercial corridors, such as Commercial Street SE, allows for a greater mix of businesses and employment opportunities near residential areas where workers live. This mix of uses provides opportunities to reduce the distance of daily commutes. The property has convenient access to multi-modal transit for employees. Salem-Keizer Transit Bus Routes Nos. 1 and 6 run along Commercial Street SE, serving the subject property. This serves to reduce the energy needed to reach the property. In addition, approval of the requested zone change will facilitate the continued operation of D&O Garbage Service at the site, which is efficiently located within the center of the company's primary Solid Waste District. Together, these factors result in the proposal being consistent with the energy conservation requirements of this Goal.

#### **GOAL 14 – URBANIZATION**

**Applicant's Statement:** The site is within a fully urbanized part of the city. The proposed redesignation of the site will recognize the long standing existing use at this location. All necessary public services are available to the site. The proposal does not affect the Urban Growth Boundary.

**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:** For the reasons outlined above, the proposed minor Comprehensive Plan Change complies with all 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:** D&O Garbage Service is the refuse collection provider for the area of southwest Salem shown on the Solid Waste Districts map. The company has been at its existing location since 1974. From that time to the present the population of the service area has increased. In addition, the area within the city that is included in the southwest service district is larger than the area of the city that is within the company's northeast service district. The proposed change is logical with the land use pattern of the greater area because it will recognize this provider of an essential service as a permitted use within the major service area that it has served for so long. Recognizing the use as permitted at this location will certainly to the company and its customers that the company can continue to be based in the local area.

The proposed change is harmonious with the land use pattern of the greater area because it will recognize the commercial use of a site that has been in the same use since 1974. The company is a service business. The existing commercial zone on the property does not provide for this type of service. The part of the property in the residential zone is also in the commercial use. The business is an established part of the neighborhood, and provides the neighborhood with a convenient location for recycling. There are no identified conflicts between the operation and the surrounding land uses. The location is well served by the surrounding arterial street system. Because it is a long established part of the neighborhood, because there are no conflicts created by the use at this location, and because the transportation system is appropriate, the proposed change is logical and harmonious with the land use pattern for the greater area.

**Finding:** Staff concurs with the applicant's statement. The subject property is surrounded by a mix of both commercial and residential uses to the east and north, a church to the west, and a parkway to the south. Along the Commercial Street SE corridor, there is a mixture of multiple-family residential, retail commercial, general commercial, and industrial commercial. The proposed change to Industrial Commercial is logical at this location, and recognizes the existence of the long-standing garbage collection use, which is only allowed under a Industrial Commercial or Industrial designation. This criterion is met.

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

**Applicant's Statement:** The 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, and the Plan recognizes that land use and zoning are expected to change as conditions change.

The D&O location represents the desirable pattern of land use in its area; it is a business that serves an essential purpose to its designated Service District. The business' location predates the adoption of the Plan, and the current Plan designation does not recognize the existing land use. This situation is not consistent with the Plan's stated methodology. The proposed change is consistent with the Plan's intent and methodology to rezone land over time in response to changing needs and conditions, and to recognize that land use and zoning are expected to change as conditions change. While the use of the land is not intended to change, the change in the designation is consistent with the need to recognize the needs of the use that is at this location.

#### 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.* The proposal will maintain and promote the use of the site by recognizing the long-term existing activity. The site is part of a mix of retail and service businesses on Boone Road west of Commercial Street. The location has excellent links to the major elements of the transportation system that provide access to the company's service areas. For these reasons, the proposal will serve to maintain an essential service within its part of the urban area, which supports the city as a commercial center for the Marion-Polk County metropolitan area, in keeping with this goal.

The following Commercial Development Policies apply to this proposal:

2. Shopping and Service Facilities: *Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:*

- a. Site plan,
- b. Layout of all off-street parking and loading facilities,
- c. Landscaping plan,
- d. Surface stormwater plan,
- e. Vehicular and pedestrian circulation plan,
- f. Utility plans,
- g. Impact on adjacent neighborhoods,
- h. Impact on adjacent street networks,
- i. Proposed use(s),
- j. Transit service, and
- k. Other information that may be required.

The existing use is not a shopping facility. It is a service business that serves a defined area. It is already established on the property. Further development will be subject to a site plan review, and development details will be provided at the time additional development is proposed, in keeping with this policy. All necessary public facilities are in place or can be made available to accommodate further development on the site. At the time of additional development plans will include the applicable Code requirements.

3. Redevelopment: *Redevelopment of existing shopping and service facilities should be encouraged where appropriate.* Redevelopment of the site is not proposed at this time. The proposal is made to maintain and improve the existing business at this location.

4. Community Shopping and Service Facilities: *Community shopping and service facilities<sup>15</sup> shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.*

The existing use serves the south-west Solid Waste District as shown on the Marion County Service District map. The site is approximately 250' west of Commercial Street, which is a Major Arterial. Kuebler Blvd, a Parkway (a type of Major Arterial), is adjacent on the south. There is adequate

parking on the site for employees and visitors, and adequate service areas for the company's operations and for the public recycling depot. The use does not attract customer traffic from outside the immediate neighborhood or the Solid Waste District. The recycling depot is the main public attractant and provides an important service to the neighborhood by allowing recyclable materials to be dropped off at a convenient location. Boone Road is the only local street affected, and it is accessed from Sunnyside Road and Commercial Street, both of which are arterials. Because of the close spacing between Boone Road and Kuebler there is no driveway access onto Commercial south of Boone, and even the Shari's restaurant accesses Boone. For these reasons, the proposal is consistent with this policy.

5. Neighborhood and Community Shopping and Service Facilities: *Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.* The use is not a new development. The use is part of an existing development pattern, which consists of a variety of commercial uses clustered just west of Commercial Street along Boone Road. Prior to the opening of Kuebler Blvd. Boone Road functioned as a collector. The use provides an essential service to an area composed of several neighborhoods that are within the designated Solid Waste District. Based on these factors the proposal conforms to this policy.

8. *Buffer strips from residential uses shall be provided for all commercial development.* The adjacent residential land to the west is currently vacant. A buffer strip can be provided along the west line of the subject property, as required by the Code.

For the reasons, factors, and conditions that have been described, the proposal conforms to the requirements and guidelines of the Commercial Development Goal and Policies.

The following Industrial Development Goal and policies may apply to the proposal:

1. 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 proposal is made to recognize the location of a long established existing use. The IC zone provides for the existing use as a permitted use under SIC 42. The use is refuse collection and serves residential, commercial and industrial customers. This service provides essential support to industrial activity. An efficient and economical system of refuse collection serving industrial uses in the community helps to minimize air and water pollution that could otherwise occur as a result of the undesirable and harmful practices of burning or open dumping. By maintaining a service that supports industrial development the proposal serves to strengthen the economic base of the community, in keeping with this Goal.

The 2004 Salem Economic Opportunities Analysis (EOA) identified the types of economic activities that are likely to locate in the community. These include wholesale and retail trade, and warehousing and transportation. Refuse collection is a transportation activity. The current CG and RA zones do not provide for this type of transportation activity. It is included in the proposed IC zone. The proposed change to the I-C designation is consistent with the existing and future economic base of the community.

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 proposal is not directly related to the industrial land inventory, but the proposed I-C designation provides for a range of industrial activities that includes transportation and services. The proposal will help to sustain an existing transportation service at its long-term location within its service area. With the proposed change the existing use will become an allowed use, rather than

non-conforming under its existing designation. Adding the I-C designation at this location will add an appropriate component to the industrial inventory. For these reasons 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;*

Redesignating this land to I-C serves the community's interests by recognizing the long-term provider of refuse collection services for the southwest part of the urban area as an allowed use, which will enable it to modernize and update its facilities over time. This will contribute to its efficient and economical operation. Since the use exists at this location the long term continuity of the industrial inventory will not be affected. 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 is not a boundary adjustment or an expansion, but it recognizes the existing use that has been in place since 1974. This factor is consistent with the intent of this policy.

*and*

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

In this case there is a need to designate the existing use in the land use category that allows the activity. The use predates the adoption of the Plan. The use has continually operated compatibly with the surrounding neighborhood. There is no reason for it to remain as a nonconforming use. Improvements to the operating facilities are needed and the non-conforming use status imposes restrictions on additional development within the site. There is no apparent purpose to maintaining the use as non-conforming. The proposed I-C designation will recognize the way the property has been used, and does not constitute an actual "expansion" of the industrial inventory. For these reasons the proposal is satisfies this policy.

*or*

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

D&O Garbage Service is the existing use of the property and is a specific and verifiable development.

*and*

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

There is no inventory of land that accommodates the proposed use within its Solid Waste District.

*and*

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

All necessary public facilities and services are available or can be provided to serve the continued use and development of this site. Any additional service requirements will be identified at the time additional development permits are requested.

*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 subject site is already served by public facilities, services and utilities. No system expansions are needed at this time.

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

The proposed redesignation of the property will recognize the existing use and remove it from the category of non-conforming use. This will provide the operator with greater opportunity to improve and maintain the facilities at this location. The IC zone specifically provides for this type of industrial-service opportunity.

Because the proposed change will help to maintain the existing use, and changing this location will not have an adverse affect on the industrial land inventory or on industrial development opportunities in the urban area, the applicable Industrial Development Goals and Policies are satisfied.

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

**Criterion 6: The proposed change benefits the public.**

**Applicant's Statement:** The proposed change in the land use designation is appropriate for the site and the location considering its long-term use, the service it provides to the area, and the defined boundaries of the Solid Waste District. The business is the local refuse collection service, and serves residential, commercial, and industrial customers. The business maintains a recycling depot that is a convenience to the residents of the surrounding area. The proposed change will have no immediate actual effect on the land use pattern or the activities in the area. Maintaining the existing location promotes efficient service to the customers within the Solid Waste District. For these reasons the proposed change benefits the public.

Based on the reasons and factors that have been presented, the proposal satisfies the criteria for a Comp Plan Change.

**Finding:** The proposed Comprehensive Plan change to Industrial Commercial will allow for future improvement of the site and continued investment in the property, thereby making good use of an urban property. New development at the site, such as building additions and site improvements, will require compliance with the Salem Landscape Code, SRC Chapter 132, and may result in improvements to public facilities such as streets and sidewalks, depending on the scale of redevelopment. These sorts of new improvements and landscaping features will benefit the public. Staff concurs with the facts presented by the applicant's representative as stated above and concludes that the proposed Comprehensive Plan change satisfies this approval criterion.

**FINDINGS APPLYING TO THE NORTHEAST SALEM COMMUNITY ASSOCIATION  
NEIGHBORHOOD PLAN MAP AMENDMENT**

The subject property is located within the Northeast Salem Community Association (NESCA) neighborhood. The NESCA Neighborhood Plan was adopted by the City Council in April, 1985 (with the exception of the Neighborhood Policies and Neighborhood Recommendations: Areas of Land Use Concern).

**Applicant's Statement:** The D&O property is located in the area covered by the Liberty-Boone Neighborhood Plan. This Neighborhood Plan was originally adopted by the Neighborhood Association in January, 1980, and revised in October, 1983. The Plan was adopted by the City Council in December, 1983, with the exception of certain policies and map designations. The Liberty-Boone Neighborhood Association no longer exists, but the adopted Neighborhood Plan is considered to remain in effect. A review of the relationship of the D&O proposal to the Liberty-Boone Neighborhood Plan as adopted by the City Council is as follows:

**Land Use Map:** The Plan map and designations adopted by the City Council are consistent with the SACP. Therefore, the site's land use designations of General Commercial and Single Family are the same as the SACP designations. At the time the L-B Plan was adopted Kuebler Blvd was proposed but not yet constructed.

**Land Use Plan Map Intent Statements:** The D&O site is proposed to be designated Industrial Commercial. The Liberty-Boone Neighborhood Plan does not include that designation. The intent of the L-B Plan General Commercial designation is to provide for a wide variety of compatible commercial uses that will not interfere with the safe movements of pedestrian and vehicular traffic along major streets. The types of uses under this designation are all of those provided by the SACP. The intent of the L-B Plan Industrial designation is to provide sufficient land to maintain and improve the existing industrial use.

The D&O operation at the site pre-dates the L-B Plan. The current proposal is consistent with the combination of General Commercial and Industrial designations. The General Commercial designation provides for all of the commercial categories included in the SACP, which would include those of the I-C designation. The D&O location does not interfere with the movement of pedestrian or vehicular traffic along major streets. The intent of the Industrial designation was to recognize the existing industrial use, and the D&O operation existed at the time the L-B Plan was adopted. The combination of General Commercial and Industrial categories in the L-B Plan provide for the types of activities included in the SACP Industrial Commercial designation.

**Goals and Policies:** Land Use Goal 1 is to provide for future development of the neighborhood through a compatible balance of residential, commercial, industrial and open space uses. The D&O operation has been a part of the neighborhood since 1974 and is proven to be a compatible element of the neighborhood. The company provides an essential service to the neighborhood, which contributes to a compatible environment. The operation has not interfered or restricted development on any nearby lands in the neighborhood. For these reasons the proposal is consistent with this goal. The General Commercial policies provide for a wide range of commercial activities that will be compatible with surrounding properties and not interfere with the safe movement of pedestrian and vehicle traffic along major streets. The D&O operation has proven to be compatible with the surrounding properties. Commercial uses are to the east and north, and residential use is to the west and south. There has been no interference with any of these surrounding uses. The site fronts on Boone Road, a local street, and is close to Commercial Street, a Major Arterial. There is no evidence of traffic conflicts on Boone or Commercial as a result of the operation. To the contrary, due to the hours of operation and the routes taken by the service vehicles, conflicts with traffic on the adjacent and nearby streets are avoided. The operation is not a pedestrian or bicycle-oriented business, and pedestrians or bicyclists do not typically access the site. There is no evidence of conflicts between the operation and pedestrian or bicycle traffic. Access points for the operation are regulated by the City. Industrial policy 27 requires sufficient land to be provided for existing industrial uses, to maintain the existing type of industrial activity. Because the existing use requires the IC zone, the proposal is consistent with this policy. The IC zone fulfills the purpose of this policy. Although a zone change is requested it is to recognize the existing use. A new industrial use is not proposed, and policy 28 does not apply. Policy 29 also does not apply to this proposal. The proposal is consistent with the intent of the L-B Plan to maintain compatible industrial and commercial uses within the neighborhood. The Plan does not provide a single designation that

provides for the D&O use, but the intent of the Plan's policies is fulfilled by the proposed IC zone. For these reasons, the proposal is consistent with the L-B Plan.

**Findings:** The Liberty-Boone Plan Map designates the subject property as General Commercial and Single Family Residential. The intent of the Liberty-Boone 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 intent of the Liberty-Boone Single Family designation is to "provide for the single family residential character of the neighborhood while striving for innovative housing and site design." The Liberty-Boone Plan Map does not include an Industrial Commercial designation. The Industrial designation of the Liberty-Boone Plan Map best accommodates the existing garbage collection use. The intent of the Industrial designation is to "provide sufficient land to maintain and improve the existing industrial use." In addition, the neighborhood plan acknowledges the potential need to designate new industrial land, and establishes criteria to do so, under the Industrial Policies 27, 28, and 29. The applicant's statement sufficiently addresses these criteria. Staff finds that the proposal meets these criteria such that the Industrial designation at the subject property is consistent with the neighborhood plan policies.

#### **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 CG (General Commercial) and RA (Residential Agriculture) 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:** SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comp Plan. The relationship of this proposal to the Comp Plan has been examined, and the proposal has been shown to conform to those requirements.

**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:** The property is currently designated Commercial and Single Family Residential on the Comp Plan map, and it is zoned CG and RA. These designations do not reflect the long-term development and use of the property. It is possible that a mistake was made when the property was designated and zoned, or in the assumptions that were used as the basis for assigning those classifications. However, a finding that there was a mistake is not necessary to the request, as the proposal is consistent with the location of the site within the Solid Waste District it serves.

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

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

**Applicant's Statement:** The patterns of the neighborhood and the community have changed as a result of population growth since 1974 and the expansion of the developed area. There are more customers within the Solid Waste District now, and the geographic extent of the developed area is larger. In addition, the street system has changed since 1974 and this is a factor that affects the location of a transportation-dependent business. There are few industrial sites within the Solid Waste District and none that are suitable for the D&O operation. The pattern of the neighborhood and the transportation system is appropriate for the existing use, considering the adjacent commercial activities and the proximity of the arterial streets. The subject site is an established part of the neighborhood and the neighborhood will be best served by maintaining the use at this location. Providing for the use with the IC zone is appropriate considering the extent of the service area and the transportation system. These factors represent changes to the social, economic and demographic patterns.

**Finding:** The intent and purpose of zone changes, as stated in SRC 113.100(a), recognizes that zoning cannot be precisely anticipated and provides a procedure to review site-specific applications. Staff concurs with the applicant's statement that the surrounding street system has changed, the area population has increased, and the commercial development located along Commercial Street SE has significantly expanded since 1974. This demonstrated pattern of community change satisfies this factor.

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

**Applicant's Statement:** The character of the land use pattern of the neighborhood is similar to when the use was established, with commercial activity near Commercial Street and residential areas on interior local streets. The major change in the character of the neighborhood is the transportation system. Kuebler Blvd. is now the major east-west thoroughfare through South Salem, and did not exist in 1974. This is an important factor for the location of this transportation-dependent operation, which must use efficient routes to reach its service area. The proximity of the site to Commercial, Kuebler, and Sunnyside Road, make the zone change appropriate.

**Finding:** Staff concurs with the applicant that the major change in the physical conditions affecting the character of the immediate neighborhood in recent decades has been the construction of Kuebler Boulevard. The existing Plan map designation and zoning of the subject property pre-dates the construction of Kuebler Boulevard. The establishment of Kuebler Boulevard created the nearby Commercial-Kuebler intersection, resulting in a major traffic hub and logical commercial node. This

contributed to a larger change in conditions of the character of the properties immediately surrounding the subject property. As stated by the applicant, the proximity of the site to Commercial Street, Kuebler, and Sunnyside Road make the zone change IC zoning appropriate. This factor has been addressed.

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

**Applicant's Statement:** The proposal will have little effect on the neighborhood. No change in the use of the property is anticipated. Its relationship to the neighborhood will not change. Current services will continue to be provided. If the property redevelops in the future, a range of office, service, retail, or light industrial uses could be possible. These types of uses are in keeping with the current character of the site and the nearby commercial activities. The street system is capable of accommodating additional traffic up to the limit presented in the TPR analysis. The proposal is not likely to create any impacts that are not already present at this location.

**Finding:** The applicant has stated that there is no anticipated change in the use of the property. Therefore, no effects on the neighborhood are anticipated by the proposed zone change, other than improvements to and continued maintenance of the D&O Garbage use at the site.

Although not anticipated, there is a possibility that the site will be redeveloped in the future for an IC permitted use not currently allowed under the property's CG and RA zoning. If that happens, one likely effect to the neighborhood could be increased traffic generated by the new IC use. A Transportation Planning Rule (TPR) Analysis was required with the application, to demonstrate compliance with Goal 12 and Oregon's Transportation Planning Rule (OAR 660-012-0060). The City Traffic Engineer has reviewed the applicant's TPR Analysis and agrees with its findings (Attachment 4). In order to assure that future uses of the property do not negatively affect the adjacent transportation system, the following condition is recommended:

**Condition 1:** The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 4,468 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or a change in use. At the time of development review for any future development on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

With the recommended condition of approval, which will limit traffic generation of future uses at the site, it is not likely that there will be any noticeable change to the character of the neighborhood with the granting of the zone change request. Instead, the zone change will help facilitate the continued productive use of the site. Staff agrees with the applicant's response. This factor has been addressed.

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

**Applicant's Statement:** The subject property is already developed, and the physical characteristics of the site will not be affected in any significant way. All required public facilities are in place or can be made available to the property at adequate levels of service. No changes in service demands or capacities are expected. The property has no identified physical characteristics that would prevent its existing or future use.

**Finding:** The physical characteristics of this already developed site are appropriate to accommodate industrial commercial uses, such as the existing garbage collection service. The public facilities and services necessary to support the existing use are already in place. The public

facilities necessary to support future development of the site will be determined at the time of site plan review if the site is redeveloped.

**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 main potential impact of a future change of use would be from traffic. However, a TPR analysis has been provided that shows the projected traffic impact from possible future uses of the site, and has presented a limit on additional trip generation. No new streets or improvements are required as a result of the proposal. All required public facilities are in place and provided to the site. There are no other identified factors relating to the public health, safety or general welfare that pertain to this proposal.

**Finding:** This factor has been addressed. Any future development of the subject property must comply with all applicable development standards of the Salem Revised Code, including SRC Chapter 132 (Landscaping), 133 (Off-Street Parking, Loading and Driveways) and 155 (Industrial Commercial). Such compliance is evaluated as part of the site plan review and building permit review processes.

## CONCLUSIONS

**Applicant's Conclusion:** Based on the facts and evidence presented, and the conditions and circumstances that apply, the proposal considers the relevant review factors and qualifies for the proposed zone change. The proposed zone change will promote and enhance the existing use. The proposed IC land use designation will be consistent with the existing uses in the area. The proposed change will not have an adverse impact on the industrial lands inventory and it does not conflict with the industrial lands policies in the Comp Plan. The proposal conforms to the Plan policies for commercial development. Recognizing the existing use of the site will help the efficient use of the land area and public utilities and services. For these reasons, the proposal is appropriate for the property and the location, and it satisfies the applicable review criteria.

**Finding:** Staff concurs with the statements submitted by the applicant's representative, as set forth above, and concludes that with the recommended condition, each of the factors has been addressed. Therefore, the proposed zone change conforms to Criterion B as defined under SRC 113.150(b).

The proposal is consistent with and in compliance with the applicable goals and policies of the Salem Area Comprehensive Plan 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/Neighborhood Plan Change/Zone Change 11-06, on property approximately 2.6 acres in size and located at 1060, 1080, 1104, and 1140 Boone Road SE, 97306 (Marion County Assessor's Map and Tax Lot numbers: 083W15AA / 801, 700, 600, & 400).

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Commercial and Single Family Residential to Industrial Commercial be GRANTED;
- B. That the Liberty-Boone Neighborhood Plan Map change request for the subject property from General Commercial and Single Family to Industrial be GRANTED.
- C. That the zone change request for the subject property from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial) be GRANTED subject to the following condition of approval:

**Condition 1:** The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 4,468 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or a change in use. At the time of development review for any future development 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 Approval Criteria
  - 3. Salem Area Solid Waste Districts Map (also referenced as "Exhibit 1")
  - 4. Transportation Planning Rule Analysis, dated June 21, 2011
  - 5. Public Works Department Memorandum

Prepared by: Bryan Colbourne, Planner III



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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*

<b>CASE NUMBER</b>	COMPREHENSIVE PLAN CHANGE / NEIGHBORHOOD PLAN CHANGE / ZONE CHANGE CASE NO. CPC-NPC-ZC11-06
<b>AMANDA SEQUENCE No.</b>	11-109785-ZO
<b>HEARING INFORMATION</b>	Salem Planning Commission, Tuesday, September 6, 2011 at 5:30 p.m., Council Chambers, Room 240, Civic Center
<b>PROPERTY LOCATION</b>	1060, 1080, 1104 & 1140 Boone Road SE
<b>OWNER / APPLICANT</b>	Dale and Mildred Neliton, Neliton Investments, LLC
<b>APPLICANT / AGENT</b>	Jeff Tross
<b>DESCRIPTION of REQUEST</b>	To change the Salem Area Comprehensive Plan Map designation from Commercial and Single Family Residential to Industrial Commercial, change the zone district from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial), and amend the Liberty-Boone Neighborhood Plan map accordingly on property approximately 2.6 acres in size and located at 1060, 1080, 1104, & 1140 Boone Road SE, 97306 (Marion County Assessor's Map and Tax Lot numbers: 083W15AA / 801, 700, 600, & 400).
<b>CRITERIA TO BE CONSIDERED</b>	<p><b>Comprehensive Plan Change</b></p> <p>Pursuant to SRC 64.090(d), the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed to the following criteria:</p> <ol style="list-style-type: none"> <li>1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or</li> <li>2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and</li> <li>3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and</li> <li>4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and</li> <li>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</li> <li>6. The proposed change benefits the public.</li> </ol> <p><b>Zone Change</b></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"> <li>1. The existence of a mistake in the compilation of any map, or in the application of a land use designation to the property;</li> <li>2. A change in the social, economic, or demographic patterns of the neighborhood or the community;</li> <li>3. A change of conditions in the character of the neighborhood;</li> <li>4. The effect of the proposal on the neighborhood;</li> <li>5. The physical characteristics of the subject property, and public facilities and services; and</li> <li>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.</li> </ol>

**HOW TO PROVIDE TESTIMONY**

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

**HEARING PROCEDURE**

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

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

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

**CASE MANAGER**

**Bryan Colbourne, Planner III**, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: (503) 588-6173, Ext. 7463; E-mail: [bcolbourne@cityofsalem.net](mailto:bcolbourne@cityofsalem.net). 

**NEIGHBORHOOD ORGANIZATION**

Faye Wright Neighborhood Assoc., Sue Hecox, Land Use Chair; Phone: 503-763-7210; or Email: [sjhecox@msn.com](mailto:sjhecox@msn.com); or South Gateway Neighborhood Assoc., Michelle LeTourneau, Land Use Chair, Phone: 503-932-6193; or Email: [michelle5@prurep.com](mailto:michelle5@prurep.com) (Adjacent Neighborhood Association).

**DOCUMENTATION AND STAFF REPORT**

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

[www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx](http://www.cityofsalem.net/Departments/CommunityDevelopment/Planning/PlanningCommission/Pages/default.aspx)

**ACCESS**

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

**NOTICE MAILING DATE**

August 17, 2011

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

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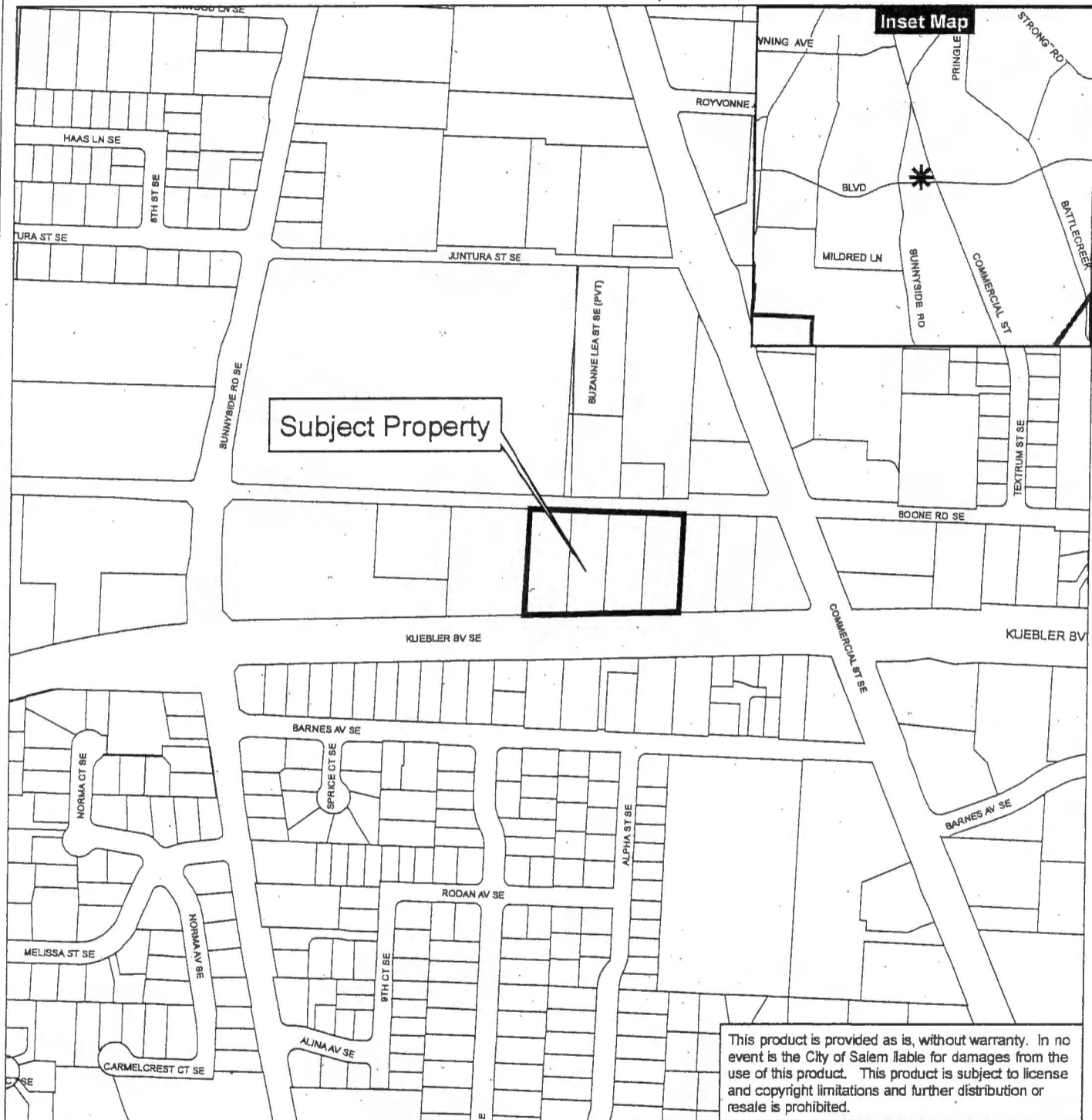
*It is the City of Salem's policy to assure that no person shall be discriminated on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised 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 (Text Telephone: 503-588-6353) Equipment for the hearing impaired is available upon request.

# Vicinity Map

## 1060, 1080, 1104 & 1140 Boone Road SE

Taxlot: 083W15AA00400, 600, 700 & 801



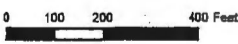
Subject Property

Inset Map

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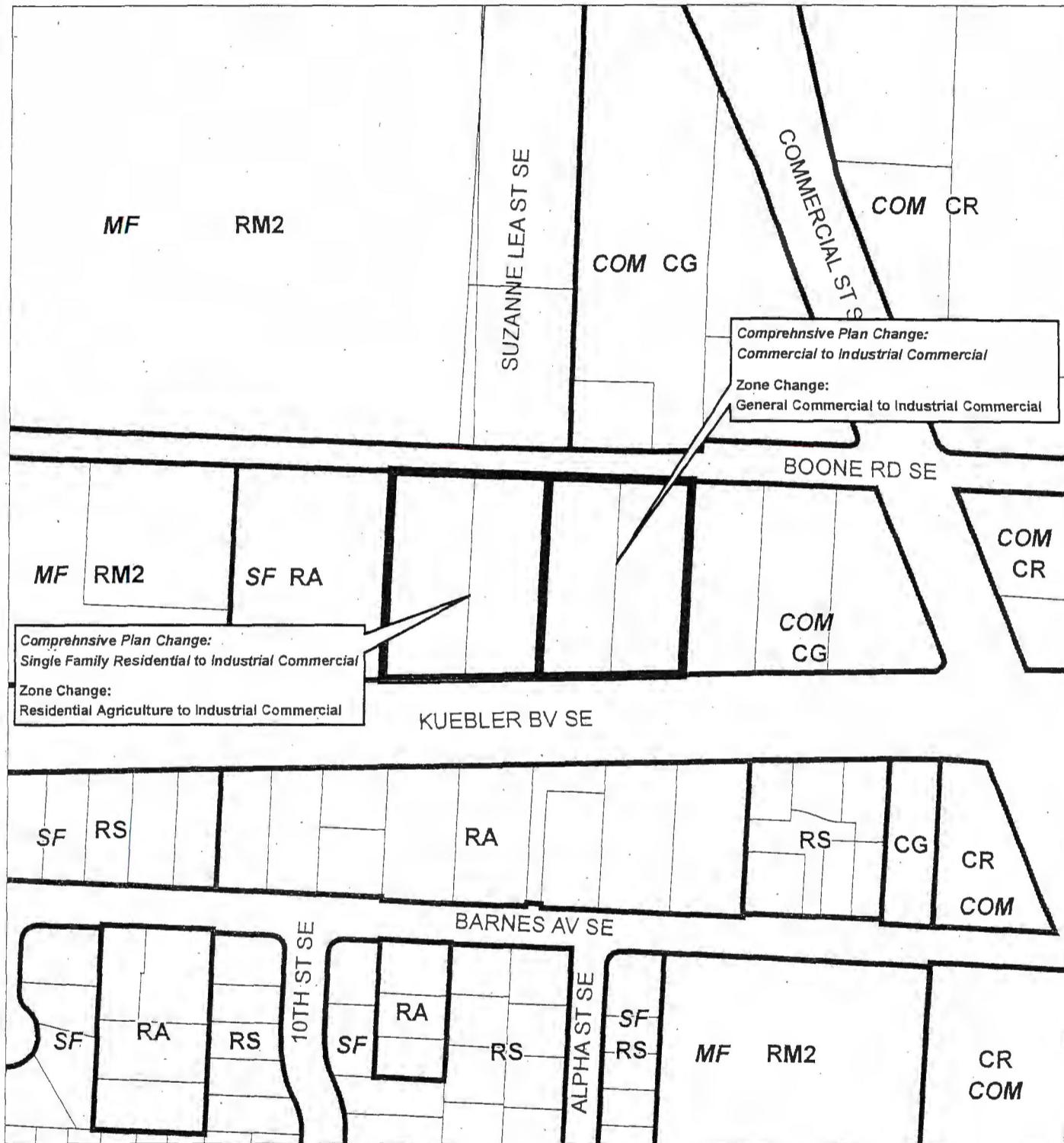
**Legend**

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



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

## Comprehensive Plan Change/Neighborhood Plan Change/ Zone Change 11-06



Comprehensive Plan Change:  
Commercial to Industrial Commercial  
Zone Change:  
General Commercial to Industrial Commercial

Comprehensive Plan Change:  
Single Family Residential to Industrial Commercial  
Zone Change:  
Residential Agriculture to Industrial Commercial

**Legend**

- RS Base Zoning
- SF Comprehensive Plan
- Urban Growth Boundary
- Taxlots
- Parks
- 🏫 Schools

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

*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  
D&O GARBAGE SERVICE –  
BOONE ROAD COMPREHENSIVE PLAN AMENDMENT  
AND ZONE CHANGE***

**RECEIVED**

JUN 29 2011

COMMUNITY DEVELOPMENT

**RECEIVED**

JUL 19 2011

COMMUNITY DEVELOPMENT

ATTACHMENT 2

### **Background**

D&O Garbage Service provides solid waste collection and transporting services in Salem and adjacent areas of rural Marion County. The company is one of eight refuse collection services that operate in the city and surrounding area. The service area of each of the collectors is set by Marion County, and referred to as Solid Waste Districts. These are shown on the map attached as Exhibit 1, "Marion County Solid Waste Districts Salem Area".

D&O operates in two Solid Waste Districts, one in southwest Salem and another in the northeast area. Both of D&O's Districts include urban and rural areas. The southwest District includes a larger part of the city than the northeast area, which encompasses primarily rural land outside of the UGB. The part of the southwest District that is in the city is bounded, generally, by Commercial Street SE on east, Cinnamon Hill Drive and Davis Road on the south, Croisan Creek Road on the west, and River Road on the north. The company has approximately 10,000 customers in this area. The small part of the northeast District that is in the city is bounded, generally, by Sunnyview Road (east of 45<sup>th</sup>) on the south, Ward Dr. on the north, and Cordon Road on the east. The company has approximately 3,500 customers in that area.

The company had its beginnings in Salem in 1956, when a refuse collection service was begun by Dave Neliton and a partner. Dave Neliton assumed sole ownership in 1979. The company has operated from its location on Boone Road, just west of Commercial St. SE, since 1974. This location is composed of four contiguous tax lots totaling approximately 2.8 acres, bordering the south side of Boone Road. The parcels are owned by the Dale and Mildred Neliton Trust, Dale and Mildred Neliton Trustees, and Neliton Investments LLC. The Company's business office address is 1140 Boone Road SE, and the property is identified on Assessor's map T8S R3W Section 15AA as Tax Lots 400, 600, 700, and 801.

Tax Lots 400 and 600, totaling 1.42 acres, are designated *Commercial* on the Comprehensive Plan map and are zoned CG. Tax Lots 700 and 801, totaling 1.38 acres, are designated *Single-family Residential* on the Plan map, and are zoned RA. Neither existing zone provides for this business. The use is identified in SIC Major Group 42, specifically under Industry No. 4212 as "Garbage, local collecting and transporting, without disposal". The CG zone does not include SIC 42. That zone includes "Recycling depot" as a Permitted Use (SRC 153.020(j)(4)), and the D&O operation includes a neighborhood recycling depot. "Solid waste transfer stations" are included as a Conditional Use (SRC 153.040(r)), but the use is not a solid waste transfer station. The RA zone does not provide for any of these activities. Because the business was established at this location before the current zone code it currently constitutes a legal non-conforming use. While that status allows it to continue as at present, it restricts and impairs improvements that are necessary to maintain operating efficiency and changes in equipment and practices.

As is readily observable, the Company's main activities consists of collecting solid waste at the locations where it is generated within its service Districts, and transporting the collected waste material to a disposal site provided under County directives. The disposal sites currently consist primarily of the Marion County (Covanta) Burn Plant located at Brooks, and occasionally the Coffin Butte Landfill located off of Highway 99W north of Corvallis, in Benton County. No disposal takes place at the Boone Road business location. The small recycling depot is maintained at the Boone Road site as a convenience to the neighborhood. The depot accepts materials including newspaper, cardboard, glass, plastics, metals, batteries. Of note, the proceeds from the bottle recycling activity are donated to local nonprofit groups, such as school activity organizations.

The activities that occur at the Boone Road site include the company business office, vehicle

parking and maintenance; drop-box storage, equipment cleaning and repair, residential waste roller cart storage, and the recycling depot. As the equipment used in the operation has changed over the years, some of the existing facilities have become inadequate to properly perform their function. For example, the waste collection vehicles have become larger to accommodate greater capacity and the automated lift feature, and as a result the existing maintenance shop and wash rack are no longer large enough to accommodate their additional length. This results in problems in servicing and maintaining the vehicles as the entire vehicle can no longer fit inside the shop or the existing wash rack.

#### **The Proposal**

To remedy these problems the Company proposes to update its facilities by expanding the existing shop building, and installing a new wash rack on the property. It is possible that this could be allowed through a Conditional Use Permit to expand an existing non-conforming use. However, that process would be specific to the improvements proposed at the time, and still not recognize this long-standing use as permitted at this location. It would also require repetition of that process at such time as any further improvements were required.

A more appropriate and long-term solution is to redesignate the property to a Comp Plan and zone category that includes the existing use. That would be the *Industrial-Commercial* Comprehensive Plan designation, and the corresponding IC zone, SRC Chapter 155. Waste collection and transportation (SIC 42) is included as a permitted use in the IC zone, SRC 155.020(d)(3). That designation provides for the activities conducted by the business. It would resolve its current non-conforming use status, and allow the operation to continue at its long-time operating location.

Therefore, at this time the property owners propose a Comprehensive Plan Map Amendment

from *Commercial* and *Single-family Residential* to *Industrial-Commercial*, and a corresponding Zone Change from CG and RA to IC, for Tax Lots 400, 600, 700, and 801, the current operating location for D&O Garbage Service.

A Pre-Application Conference on this proposal was held on June 20, 2011, Pre-App 11-30.

**Relationship to the Neighborhood**

The D&O location is part of a cluster of commercial activities located along Boone Road west of Commercial St. SE. Boone Road was formerly a main east-west connection between Commercial Street and Sunnyside Road, but its function was reduced to providing local access after the opening of Kuebler Blvd. Kuebler Blvd. now borders the south end of the property. Boone Road is currently classified as a local street in the Salem Transportation System Plan (STSP), and Kuebler is classified as a Parkway.

The southwest corner of Boone at Commercial is occupied by Shari's restaurant, which occupies Tax Lots 100 and 200. The next property to the west, Tax Lot 300 is used as a cabinet shop. Both of those sites are zoned CG. The D&O location adjoins the west line of parcel 300. The northwest corner of Boone and Commercial, Tax Lot 2701, is occupied by a convenience market, pizza store, and check cashing businesses, with an auto quick-lube shop to the north (Tax Lot 2700). Those properties are bordered on the west by auto repair shops, and boat sales and service (Allen Marine). These activities are zoned CG. The D&O location is across Boone from the auto repair shops. A single-family house located along the north side of the Boone Rd. frontage on Tax Lot 2600 is also zoned CG.

To the west of the commercial uses both sides of Boone Road are occupied by residential uses and related neighborhood activities. On the north side of Boone there is a complex of

duplexes, then the large Sunnyside Mobile Home Park, which extends to Sunnyside Road. The duplexes and the mobile home park are zoned RM2. On the south side of Boone there is a vacant parcel zoned RA west of the D&O property, then a church and an "attended living" residential care home, zoned RM2. The vacant RA parcel is owned by the church.

Resdesignating the D&O property to IC to recognize the existing, long-term use will have no immediate effect on the neighborhood. The business operates as an integral part of the neighborhood and has been there longer than many of the residential activities. Part of the property is currently zoned CG, which allows for commercial uses of higher intensity than the existing use. Traffic from the business is primarily generated in the early morning and mid-afternoon hours as corresponds to the cycle of waste collection activity. There is relatively little traffic at other times. There have been few issues over the years between the business and nearby residents, and those have involved early-morning truck noise and were resolved. The business is involved in and participates in the life of its neighborhood. The proposal will not expand or extend the business any farther into the neighborhood than at present.

Wes Helmer, the company's General Manager, met with the South Gateway Neighborhood Association (SGNA), which voted to support the proposal. Mr. Helmer has also arranged to present the proposal to the Faye Wright Neighborhood Association at their August meeting.

#### **CRITERIA**

##### **Salem Area Comprehensive Plan**

Proposals to amend the Comprehensive Plan Map designation are reviewed according to the criteria of SRC 64.090(b). The application may address Part (1)(A) or (B), or (2)(A) or (B), and parts (3) - (6). This application addresses (1)(A) and (B):

(1) *A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use. Factors in determining the suitability of the alternate 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.*

The proposed use is the existing D&O Garbage Service operation, which has been at its current location since 1974. The current site is within the larger of the company's two Service Districts, and which has the larger area within the city of the two Districts it serves. The location's existing Plan designations and zones do not provide for this existing use. The Plan designation and zone that allows the use is IC. Within the "vicinity" as defined below, there are currently no sites that are already designated and zoned IC and which are suitable alternatives to the proposed site.

The "vicinity" for examining alternative sites that are already appropriately designated for the use consists of the areas within the city that are part of the company's Service Districts. These Service Districts are shown on the map provided as Exhibit 1. As described above, the part of the company's southwest Service District that is in the city is bounded, generally, by Commercial Street SE on east, Cinnamon Hill Drive and Davis Road on the south, Croisan Creek Road on the west, and River Road on the north.. The small part of the company's northeast Service District that is in the city is bounded, generally, by Sunnyview Road (east of 45<sup>th</sup>) on the south, Ward Dr. on the north, and Cordon Road on the east.

Within the part of the northeast Service District that is within the city there are no lands that are zoned IC. Within the part of the southwest Service District that is within the city the only lands zoned IC are located west of Commercial St., to the north and south of Fabry Road/Mildred Lane along Woodside Dr., and on the north side of Wiltsey Road. These IC

lands are not suitable for the use. The land at the northeast corner of Fabry and Woodside is occupied by a storage facility, and the land at the southeast corner is occupied by an RV and boat storage business and auto wrecking operation. These locations are unavailable for the proposed use. The land at the northwest corner of Mildred and Woodside is occupied by a single-family home. That IC area is part of a larger parcel (Tax Lot 2400) that is split-zoned IC/RA. The IC area is less than an acre. The IC area at the southwest corner of Mildred and Woodside is vacant and covers a small parcel (Tax Lot 2401) and a part of another (Tax Lot 2501, which is also split-zone IC/RA. The IC area totals about 1.5 acres. These parcels are unsuitable for the due to their small size. The IC land on the north side of Wiltsey is occupied by a storage facility. That location is unavailable for the use.

All of the IC lands in the vicinity are either already developed and in use, or too small for the proposed use. Because there is a lack of appropriately designated suitable alternative sites within the vicinity for a proposed use based on their size or location, this criterion is satisfied.

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

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 property owners within the notice area, to the Neighborhood Association, 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 and its applicable goals and policies, and under its implementing ordinances. 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, NATURAL RESOURCES

This Goal does not apply. The property has not been identified in the Comp Plan as open space, as a scenic, historic, cultural, or natural resource, or as a recreation site. The property has no qualities or characteristics that would make it suitable for any of these purposes.

#### GOAL 6 - AIR, WATER AND LAND RESOURCES QUALITY

The proposed Plan change will recognize the long-term existing use of the site. The impacts of the change on air, water and land resource quality will not change from the present. The proposed IC designation allows uses that are similar to the existing CG commercial designation. Due to its location it is unlikely that the site would be used for an intensive industrial use in the future. A future service or commercial use at this location would not create impacts to air, water or land resource significantly different than the uses on nearby CG

land. The major impacts to air quality at this location are from traffic on the nearby major arterial streets, which include South Commercial and Kuebler. Future traffic generated by the subject site will contribute to the total traffic load in the area but will not itself create a significant new impact on air quality.

The site is not in a watershed and does not include a surface water resource. Water used on the site is provided by the City water system, and sewage is handled by the City sewage collection and treatment system. The proposal will not affect groundwater resources. The site has been in its present use since 1974 with no identified impacts.

Based on these factors and considerations the proposed project will have no significant impacts to the quality of the air, water or land.

#### GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

No significant natural hazards are identified that are specific to this site and which would prevent or interfere with its existing use or potential future uses.

#### GOAL 9 - ECONOMIC DEVELOPMENT

The proposal will change 2.8 acres from the *Commercial* and *Single-family Residential* designation to the *Industrial-Commercial* (I-C) designation. The I-C designation provides for the IC zone, which allows the existing use, which currently is regarded as non-conforming. The non-conforming status restricts and impairs investment in improvements for the operation. The redesignation of the site will maintain an essential service in the urban area which it serves. This will contribute to the economy of the city.

#### GOAL 10 - HOUSING

The western 1.38 acres of site is designated for single-family housing. However, that part of

the site has been in use as part of the refuse collection operation and has not been available for housing. There are a variety of housing opportunities available in south Salem, and in the immediate neighborhood housing opportunities include duplexes, single family manufactured homes, and attended residential care. A vacant parcel of 1.44 acres (Tax Lot 800) designated for single family housing is adjacent to the west of the subject property. There is an adequate supply of land designated for single family housing in the city, and the proposal to reduce that inventory by 1.38 acres will not have a significant impact on the housing supply or the inventory of buildable land in the city or the neighborhood. The proposal will not affect the City's ability to maintain conformance with this Goal.

#### GOAL 11 - PUBLIC FACILITIES AND SERVICES

The public facilities and services that are available to the site are described in the pre-application summary report. Public utilities and services are currently provided to the site at levels that are adequate for the existing use. The service needs of any future uses will be determined by the City during the development review process. All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, electricity and telephone, and solid waste disposal, are available and are currently provided to the property.

The City provides water, sewage disposal, and storm water drainage services. Waste water is discharged into the sewer system for treatment at the City's treatment plant, which is required to meet the applicable standards for environmental quality. Surface water runoff is collected by the City storm drains. Through the use of public facilities the wastewater and surface water discharges from the property will be managed according to applicable standards.

By providing and maintaining an infrastructure of public facilities at adequate levels to serve

the site, the requirements of this Goal are met.

#### GOAL 12 - TRANSPORTATION

Access to the site is from Boone Road. Boone Road connects with Commercial Street to the east, and with Sunnyside Road to the west. Kuebler Blvd. is just to the south. Commercial Street is a Major Arterial, Sunnyside is a Minor Arterial, and Kuebler is a Parkway. This arterial street system provides efficient links to the company's Service Districts and to the surrounding region. The existing street network is adequate to serve the site, and no new streets are required.

The potential traffic impact of the proposed change in land use designations has been evaluated in a TPR analysis (ATEP, June 21, 2011) which has been submitted as a part of the application. The TPR analysis has estimated the potential for future traffic impacts on the transportation system, and recommended an appropriate measure to mitigate potential impacts. In general, mitigating measures may consist of street system improvements, or a limit on the average daily traffic resulting from new development ("trip cap"). In this case, the TPR analysis recommends a trip cap of 4,468 average daily trips (ADT). The TPR analysis demonstrates that with the trip cap the estimated traffic impact from possible future uses of the site under the proposed I-C land use designation will not exceed the impact under the existing designations. The analysis shows that the proposal complies with the TPR. Transit service is available along Salem-Keizer Transit Routes 1 South Commercial and 21 Rees Hill Loop. South Commercial and Sunnyside are provided with bike lanes. These facilities provide transportation options in proximity to the site.

Because the transportation system provides adequate access to the property and no significant adverse impacts to the transportation system will occur, and because transportation

alternatives are available, the requirements of this Goal and the TPR are satisfied.

#### GOAL 13 - ENERGY CONSERVATION

The proposal will have no effect on measures to conserve energy. The company's location allows it to provide efficient service to its customers. The transportation system at this location provides for efficient access. Any new buildings will comply with the energy efficiency requirements in effect at the time of construction. These factors are consistent with the goal of conserving energy.

#### GOAL 14 - URBANIZATION

The site is within a fully urbanized part of the city. The proposed redesignation of the site will recognize the long standing existing use at this location. All necessary public services are available to the site. 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.*

D&O Garbage Service is the refuse collection provider for the area of southwest Salem shown on the Solid Waste Districts map. The company has been at its existing location since 1974. From that time to the present the population of the service area has increased. In addition, the area within the city that is included in the southwest service district is larger than the area of the city that is within the company's northeast service district. The proposed change is logical with the land use pattern of the greater area because it will recognize this provider of an essential service as a permitted use within the major service area that it has

served for so long. Recognizing the use as permitted at this location will certainly to the company and its customers that the company can continue to be based in the local area.

The proposed change is harmonious with the land use pattern of the greater area because it will recognize the commercial use of a site that has been in the same use since 1974. The company is a service business. The existing commercial zone on the property does not provide for this type of service. The part of the property in the residential zone is also in the commercial use. The business is an established part of the neighborhood, and provides the neighborhood with a convenient location for recycling. There are no identified conflicts between the operation and the surrounding land uses. The location is well served by the surrounding arterial street system. Because it is a long established part of the neighborhood, because there are no conflicts created by the use at this location, and because the transportation system is appropriate, the proposed change is logical and harmonious with the land use pattern for the greater area.

*(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, and the Plan recognizes that land use and zoning are expected to change as conditions change.

The D&O location represents the desirable pattern of land use in its area. It is a business that serves an essential purpose to its designated Service District. The business' location predates the adoption of the Plan, and the current Plan designation does not recognize the existing land use. This situation is not consistent with the Plan's stated methodology. The proposed change is consistent with the Plan's intent and methodology to rezone land over time in response to changing needs and conditions, and to recognize that land use and zoning are expected to change as conditions change. While the use of the land is not intended to change, the change in the designation is consistent with the need to recognize the needs of the use that is at this location.

#### 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.*

The proposal will maintain and promote the use of the site by recognizing the long-term existing activity. The site is part of a mix of retail and service businesses on Boone Road west of Commercial Street. The location has excellent links to the major elements of the transportation system that provide access to the company's service areas. For these reasons, the proposal will serve to maintain an essential service within its part of the urban area, which supports the city as a commercial center for the Marion-Polk County metropolitan area, in keeping with this Goal.

The following Commercial Development Policies apply to this proposal:

2. Shopping and Service Facilities: *Development of shopping and service facilities may be approved only after reviewing a development plan consisting of maps and written statements on the following:*

- a. Site plan,
- b. Layout of all off-street parking and loading facilities,
- c. Landscaping plan,
- d. Surface stormwater plan,
- e. Vehicular and pedestrian circulation plan,
- f. Utility plans,
- g. Impact on adjacent neighborhoods,
- h. Impact on adjacent street networks,
- i. Proposed use(s),
- j. Transit service, and
- k. Other information that may be required.

The existing use is not a shopping facility. It is a service business that serves a defined area. It is already established on the property. Further development will be subject to a site plan review, and development details will be provided at the time additional development is proposed, in keeping with this policy. All necessary public facilities are in place or can be made available to accommodate further development on the site. At the time of additional development plans will include the applicable Code requirements.

3. Redevelopment: *Redevelopment of existing shopping and service facilities should be encouraged where appropriate.*

Redevelopment of the site is not proposed at this time. The proposal is made to maintain and improve the existing business at this location.

4. Community Shopping and Service Facilities: *Community shopping and service facilities*

*shall be located adjacent to major arterials and shall provide adequate parking and service areas. Land use regulations shall include provisions for siting and development which discourage major customer traffic from outside the immediate neighborhoods from filtering through residential streets.*

The existing use serves the south-west Solid Waste District as shown on the Marion County Service District map. The site is approximately 250' west of Commercial St., which is a Major Arterial. Kuebler Blvd, a Parkway (a type of Major Arterial), is adjacent on the south. There is adequate parking on the site for employees and visitors, and adequate service areas for the company's operations and for the public recycling depot. The use does not attract customer traffic from outside the immediate neighborhood or the Solid Waste District. The recycling depot is the main public attractant and provides an important service to the neighborhood by allowing recyclable materials to be dropped off at a convenient location. Boone Road is the only local street affected, and it is accessed from Sunnyside Road and Commercial Street, both of which are arterials. Because of the close spacing between Boone Road and Kuebler there is no driveway access onto Commercial south of Boone, and even the Shari's restaurant accesses Boone. For these reasons, the proposal is consistent with this policy.

5. Neighborhood and Community Shopping and Service Facilities: *Unless the existing development pattern along arterials and collectors commits an area to strip development, new commercial development shall be clustered and located to provide convenience goods and services for neighborhood residents or a wide variety of goods and services for a market area of several neighborhoods.*

The use is not a new development. The use is part of an existing development pattern, which consists of a variety of commercial uses clustered just west of Commercial Street along Boone Road. Prior to the opening of Kuebler Blvd. Boone Road functioned as a collector.

The use provides an essential service to an area composed of several neighborhoods that are within the designated Solid Waste District. Based on these factors the proposal conforms to this policy.

8. *Buffer strips from residential uses shall be provided for all commercial development.*

The adjacent residential land to the west is currently vacant. A buffer strip can be provided along the west line of the subject property, as required by the Code.

For the reasons, factors, and conditions that have been described, the proposal conforms to the requirements and guidelines of the Commercial Development Goal and Policies.

The following Industrial Development Goal and policies may apply to the proposal:

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 proposal is made to recognize the location of a long established existing use. The IC zone provides for the existing use as a permitted use under SIC 42. The use is refuse collection and serves residential, commercial and industrial customers. This service provides essential support to industrial activity. An efficient and economical system of refuse collection serving industrial uses in the community helps to minimize air and water pollution that could otherwise occur as a result of the undesirable and harmful practices of burning or open dumping. By maintaining a service that supports industrial development the proposal serves to strengthen the economic base of the community, in keeping with this Goal.

The 2004 Salem Economic Opportunities Analysis (EOA) identified the types of economic

activities that are likely to locate in the community. These include wholesale and retail trade, and warehousing and transportation. Refuse collection is a transportation activity. The current CG and RA zones do not provide for this type of transportation activity. It is included in the proposed IC zone. The proposed change to the I-C designation is consistent with the existing and future economic base of the community.

#### 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 proposal is not directly related to the industrial land inventory, but the proposed I-C designation provides for a range of industrial activities that includes transportation and services. The proposal will help to sustain an existing transportation service at its long-term location within its service area. With the proposed change the existing use will become an allowed use, rather than non-conforming under its existing designation. Adding the I-C designation at this location will add an appropriate component to the industrial inventory. For these reasons 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;*

Redesignating this land to I-C serves the community's interests by recognizing the long-term provider of refuse collection services for the southwest part of the urban area as an allowed use, which will enable it to modernize and update its facilities over time. This will contribute to its efficient and economical operation. Since the use is existing at this location the long-term continuity of the industrial inventory will not be affected. 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 is not a boundary adjustment or an expansion, but it recognizes the exiting use that has been in place since 1974. This factor is consistent with the intent of this policy..

*And*

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

In this case there is a need to designate the existing use in the land use category that allows the activity. The use predates the adoption of the Plan. The use has continually operated compatibly with the surrounding neighborhood. There is no reason for it to remain as a non-conforming use. Improvements to the operating facilities are needed and the non-conforming use status imposes restrictions on additional development within the site. There is no apparent purpose to maintaining the use as non-conforming. The proposed I-C designation will recognize the way the property has been used, and does not constitute an actual "expansion" of the industrial inventory. For these reasons the proposal is satisfies this policy.

*Or*

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

D&O Garbage Service is the existing use of the property and is a specific and verifiable development.

*and*

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

There is no inventory of land that accommodates the proposed use within its Solid Waste District.

*and*

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

All necessary public facilities and services are available or can be provided to serve the continued use and development of this site. Any additional service requirements will be identified at the time additional development permits are requested.

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 subject site is already served by public facilities, services and utilities. No system expansions are needed at this time.

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

The proposed redesignation of the property will recognize the existing use and remove it from the category of non-conforming use. This will provide the operator with greater opportunity to improve and maintain the facilities at this location. The IC zone specifically provides for this type of industrial-service opportunity.

Because the proposed change will help to maintain the existing use, and changing this location will not have an adverse affect on the industrial land inventory or on industrial development opportunities in the urban area, the applicable Industrial Development Goals

and Policies are satisfied.

*(6) The proposed change benefits the public:*

The proposed change in the land use designation is appropriate for the site and the location considering its long-term use, the service it provides to the area, and the defined boundaries of the Solid Waste District. The business is the local refuse collection service, and serves residential, commercial, and industrial customers. The business maintains a recycling depot that is a convenience to the residents of the surrounding area. The proposed change will have no immediate actual effect on the land use pattern or the activities in the area. Maintaining the existing location promotes efficient service to the customers within the Solid Waste District. For these reasons the proposed change benefits the public.

Based on the reasons and factors that have been presented, the proposal satisfies the criteria for a Comp Plan Change.

**Zone Change**

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

As has been described, the existing use is considered non-conforming as a result of its two existing zones, CG and RA. Neither of those zones allows the existing use, although the existing use pre-dates the adoption of the current Plan. The proposed zone change is not specifically due to normal and anticipated growth, or a changing development pattern.

Rather, it is a request to maintain the development pattern by recognizing the existing use as an allowed use. This can be considered a “factor which cannot be specifically anticipated”, although it would have been appropriate for the site to be correctly zoned when the Plan was adopted. Regardless, it is recognized in this Section that the zoning pattern cannot remain static, and the proposal is consistent with the intent to recognize a variety of factors when considering zone changes as expressed in 113.100(a).

SRC 113.150(b) requires a zone change to conform to the standards imposed by the applicable goals and policies of the Comp 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 to evaluate a zone change request are to be evaluated and addressed:

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

The property is currently designated *Commercial* and *Single Family Residential* on the Comp Plan map, and it is zoned CG and RA. These designations do not reflect the long-term development and use of the property. It is possible that a mistake was made when the property was designated and zoned, or in the assumptions that were used as the basis for assigning those classifications. However, a finding that there was a mistake is not necessary to the request, as the proposal is consistent with the location of the site within the Solid Waste District it serves.

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

The patterns of the neighborhood and the community have changed as a result of population growth since 1974 and the expansion of the developed area. There are more customers within the Solid Waste District now, and the geographic extent of the developed area is larger. In addition, the street system has changed since 1974 and this is a factor that affects the location of a transportation-dependent business. There are few industrial sites within the Solid Waste District and none that are suitable for the D&O operation. The pattern of the neighborhood and the transportation system is appropriate for the existing use, considering the adjacent commercial activities and the proximity of the arterial streets. The subject site is an established part of the neighborhood and the neighborhood will be best served by maintaining the use at this location. Providing for the use with the IC zone is appropriate considering the extent of the service area and the transportation system. These factors represent changes to the social, economic and demographic patterns.

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

The character of the land use pattern of the neighborhood is similar to when the use was established, with commercial activity near Commercial Street and residential areas on interior local streets. The major change in the character of the neighborhood is the transportation system. Kuebler Blvd. is now the major east-west thoroughfare through South Salem, and did not exist in 1974. This is an important factor for the location of this transportation-dependent operation, which must use efficient routes to reach its service area. The proximity of the site to Commercial, Kuebler, and Sunnyside Road, make the zone change appropriate.

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

The proposal will have little effect on the neighborhood. No change in the use of the property is anticipated. Its relationship to the neighborhood will not change. Current

services will continue to be provided. If the property redevelops in the future, a range of office, service, retail, or light industrial uses could be possible. These types of uses are in keeping with the current character of the site and the nearby commercial activities. The street system is capable of accommodating additional traffic up to the limit presented in the TPR analysis. The proposal is not likely to create any impacts that are not already present at this location.

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

The subject property is already developed, and the physical characteristics of the site will not be affected in any significant way. All required public facilities are in place or can be made available to the property at adequate levels of service. No changes in service demands or capacities are expected. The property has no identified physical characteristics that would prevent its existing or future use.

*(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 main potential impact of a future change of use would be from traffic. However, a TPR analysis has been provided that shows the projected traffic impact from possible future uses of the site, and has presented a limit on additional trip generation. No new streets or improvements are required as a result of the proposal. All required public facilities are in place and provided to the site. There are no other identified factors relating to the public health, safety or general welfare that pertain to this proposal.

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

The proposed zone change will promote and enhance the existing use. The proposed IC land use designation will be consistent with the existing uses in the area. The proposed change will not have an adverse impact on the industrial lands inventory and it does not conflict with the industrial lands policies in the Comp Plan. The proposal conforms with the Plan policies for commercial development. Recognizing the existing use of the site will help the efficient use of the land area and public utilities and services. For these reasons, the proposal is appropriate for the property and the location, and it satisfies the applicable review criteria.

#### **Liberty-Boone Neighborhood Plan**

The D&O property is located in the area covered by the Liberty-Boone Neighborhood Plan. This Neighborhood Plan was originally adopted by the Neighborhood Association in January, 1980, and revised in October, 1983. The Plan was adopted by the City Council in December, 1983, with the exception of certain policies and map designations.

The Liberty-Boone Neighborhood Association no longer exists, but the adopted Neighborhood Plan is considered to remain in effect. A review of the relationship of the D&O proposal to the Liberty-Boone Neighborhood Plan as adopted by the City Council is as follows:

Land Use Map: The Plan map and designations adopted by the City Council are consistent with the SACP. Therefore, the site's land use designations of General Commercial and Single Family are the same as the SACP designations.

At the time the L-B Plan was adopted Kuebler Blvd was proposed but not yet constructed.

Land Use Plan Map Intent Statements: The D&O site is proposed to be designated *Industrial*

*Commercial.* The Liberty-Boone Neighborhood Plan does not include that designation. The intent of the L-B Plan General Commercial designation is to provide for a wide variety of compatible commercial uses that will not interfere with the safe movements of pedestrian and vehicular traffic along major streets. The types of uses under this designation are all of those provided by the SACP. The intent of the L-B Plan Industrial designation is to provide sufficient land to maintain and improve the existing industrial use.

The D&O operation at the site pre-dates the L-B Plan. The current proposal is consistent with the combination of General Commercial and Industrial designations. The General Commercial designation provides for all of the commercial categories included in the SACP, which would include those of the I-C designation. The D&O location does not interfere with the movement of pedestrian or vehicular traffic along major streets. The intent of the Industrial designation was to recognize the existing industrial use, and the D&O operation existed at the time the L-B Plan was adopted. The combination of General Commercial and Industrial categories in the L-B Plan provide for the types of activities included in the SACP *Industrial Commercial* designation.

Goals and Policies: Land Use Goal 1. is to provide for future development of the neighborhood through a compatible balance of residential, commercial, industrial and open space uses. The D&O operation has been a part of the neighborhood since 1974 and is proven to be a compatible element of the neighborhood. The company provides an essential service to the neighborhood, which contributes to a compatible environment. The operation has not interfered or restricted development on any nearby lands in the neighborhood. For these reasons the proposal is consistent with this goal.

The General Commercial policies provide for a wide range of commercial activities that will be compatible with surrounding properties and not interfere with the safe movement of pedestrian and vehicle traffic along major streets. The D&O operation has proven to be compatible with the surrounding properties. Commercial uses are to the east and north, and residential use is to the west and south. There has been no interference with any of these surrounding uses. The site fronts on Boone Road, a local street, and is close to Commercial Street, a Major Arterial. There is no evidence of traffic conflicts on Boone or Commercial as a result of the operation. To the contrary, due to the hours of operation and the routes taken by the service vehicles, conflicts with traffic on the adjacent and nearby streets is avoided

The operation is not a pedestrian or bicycle-oriented business, and pedestrians or bicyclists do not typically access the site. There is no evidence of conflicts between the operation and pedestrian or bicycle traffic. Access points for the operation are regulated by the City.

Industrial policy 27. requires sufficient land to be provided for existing industrial uses, to maintain the existing type of industrial activity. Because the existing use requires the IC zone, the proposal is consistent with this policy. The IC zone fulfills the purpose of this policy. Although a zone change is requested it is to recognize the existing use. A new industrial use is not proposed, and policy 28. does not apply. Policy 29. also does not apply to this proposal.

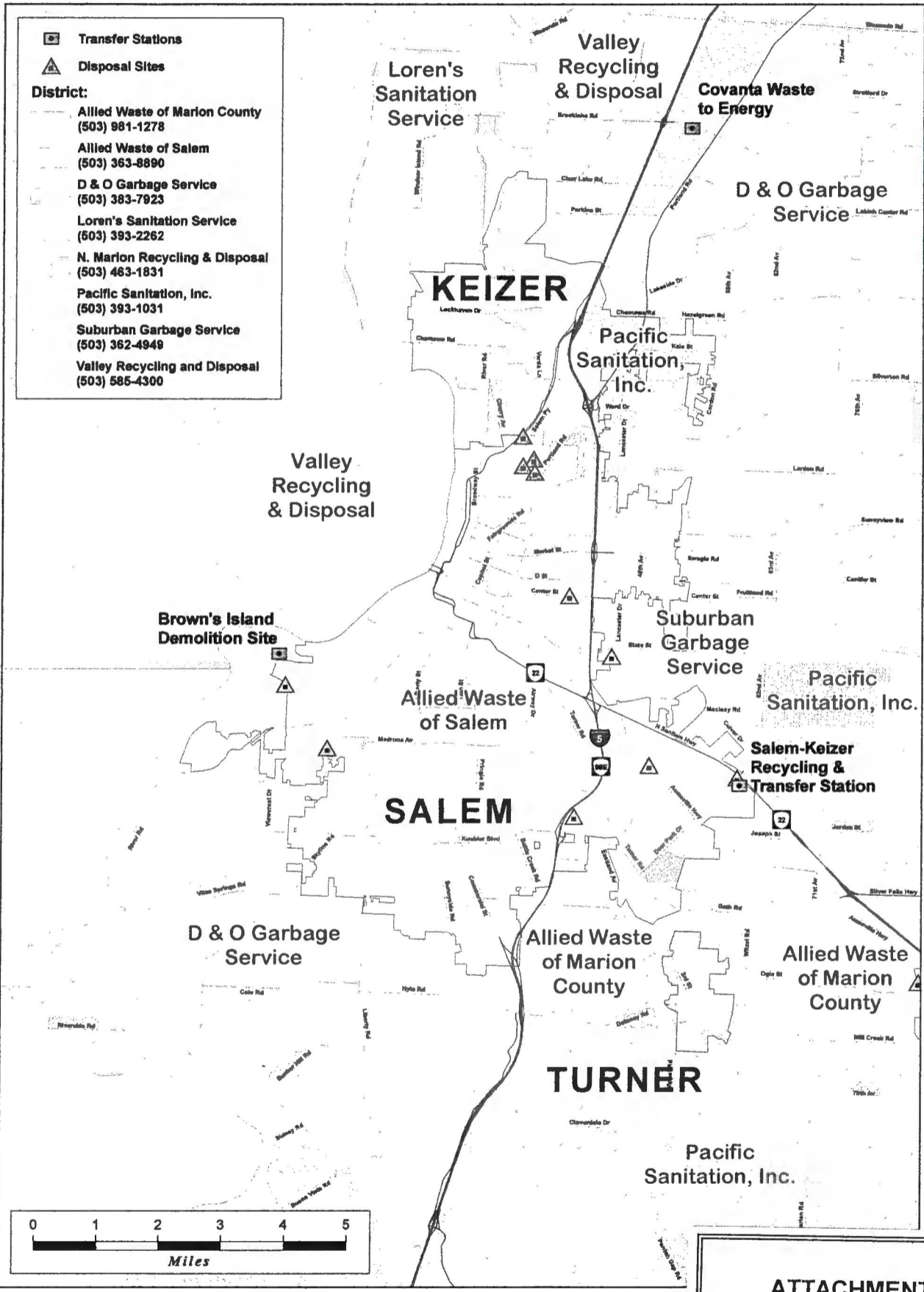
The proposal is consistent with the intent of the L-B Plan to maintain compatible industrial and commercial uses within the neighborhood. The Plan does not provide a single designation that provides for the D&O use, but the intent of the Plan's policies is fulfilled by the proposed IC zone. For these reasons, the proposal is consistent with the L-B Plan.



# Marion County Solid Waste Districts Salem Area



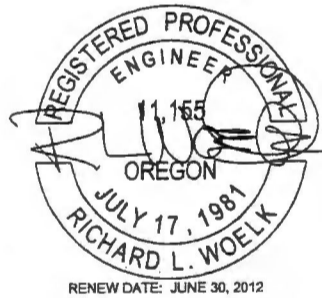
May, 2011



Associated Transportation Engineering & Planning, Inc.

# D&O Garbage TPR

Transportation Planning Rule Analysis



**RECEIVED**

JUN 29 2011

COMMUNITY DEVELOPMENT

R. Woelk P.E.  
6/21/2011

ATTACHMENT 4



**June 27, 2011**

**Comprehensive Plan Change  
Transportation Planning Rule Analysis  
D & O Garbage Site**

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 four contiguous parcels totaling three (3) acres, identified as Tax Lots 400, 600, 700, and 801, on map on Assessor's map 8-3W-15AA in Salem, Oregon. All of the parcels have frontage on Boone Road.

Lots 400 and 600 are currently designated Commercial on the Comprehensive Plan map and it is zoned CG. Lots 700 and 801 are currently designated Single Family Residential on the Comprehensive Plan map, and are zoned RA. This analysis is part of the work you are doing to change the comprehensive plan map designation from "CG and RA" to Industrial with a zone designation of "Industrial Commercial. (IC)"

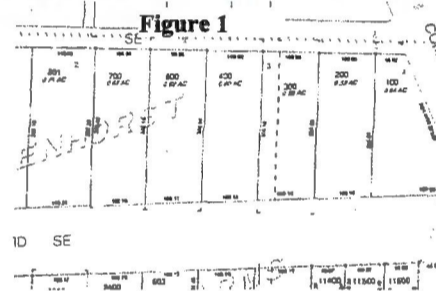
D & O Garbage has been at this location for over 30 years and needs to expand their existing buildings to accommodate the length of newer equipment. Neither zone includes their operation as a permitted or conditional use, which is classified as SIC 4212. They current operate as a legal non-conforming use. Since D&O need to make some improvements to their facilities they require either a Conditional Use for the specific facilities, or a Plan/Zone Change to put the property in the zone that allows the use. The Plan/Zone change is the best long-term solution. The zone that allows the use is IC.

Tax lots 400 and 600 are currently zoned CG (Commercial General) (Salem Revised Code (SRC) Chapter 153) and designated "Commercial" on the comprehensive plan map. Tax lots 700 and 801 are currently zoned RA (Residential Agriculture) (Salem Revised Code (SRC) Chapter 145) and designated "Residential" on the comprehensive plan map (See Figure 1)

In consultation with City of Salem staff, the decision has been made to request a zone change from CG and RA to IC (Industrial Commercial) (SRC Chapter 155). The zone change will require a comprehensive plan map amendment changing the designation from "Residential Agriculture and Commercial General to "Industrial Commercial." The requested change will keep approximately 29 employees working at productive jobs. The distinctions between the two comprehensive plan map designations (CG and IC) seem, (and perhaps are) minor but they may be of significance. Some of the uses allowed in the CG one 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, "CG and RA." 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 ("CG and RA"). 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 parcels total about 3 acres in area and are zoned CG (1.62 acres) and RA (1.38 acres). Traffic generated on this site in the existing comprehensive plan map designation ("Commercial General") is intended to be traffic from Retail and Service oriented businesses uses. The "Salem Revised Code limits development of CG sites to specific uses in each zoning designation. Using the Institute of Transportation Engineer's, Trip Generation Manual (8<sup>th</sup> Edition), it is estimated the site could reasonably generate 4,468 Average Daily Trips (ADT) under the existing "Industrial" comprehensive plan map designation. This is based on 3 acres developed at 25% lot coverage which would allow 18,000 square feet of development.

A significant portion of the site is presently vacant. This study will assume that 25% of the site could be covered with uses allowed in the existing comprehensive plan map designation.

ITE #	Land Use	# of Units	ADT/Unit	Zoning	Estimated Trips
ITE 210	Residential	1	9.57	RA	9 trips/day
ITE 912	Drive In Bank	4 ksf	148.15	CG	593 trips/day
ITE 932	High Turnover Restaurant	7 ksf	127.15	CG	890 trips/day
ITE 934	Fast Food W/Drive Thru	6 ksf	33.84	CG	2,977 trips/day
	<b>Total</b>	<b>18 ksf</b>			<b>4,468 trips/day</b>

This establishes a reasonable limit to the number of trips (ADT) that can be generated by development under the proposed CG/RA zones under the "Commercial General/Residential Agriculture" comprehensive plan designation. The "Industrial Commercial" plan map designation only allows IC zoning. In discussion with the City, the site owners have agreed to limit the number of trips to 4,500 trips per day.

The intent will be to develop the site with uses that generate less traffic than the 4,468 trips per day (ADT) that could be generated under the existing allowed CG, zones in the "Commercial" 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 4,468 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.

Table 2 –Reasonable land uses & anticipated trip generation estimates in proposed IC zone			
ITE #	Land Use	Number of Units	Estimated Trips
ITE 814	Specialty Retail	20 ksf	1,063 trips/day
ITE 912	Drive in Bank	4 ksf	593 trips/day
ITE 932	Sit Down Restaurant	7 ksf	890 trips/day
ITE 934	Fast Food w/ Drive Thru	3 ksf	1,488 trips/day
	Total	34 ksf	4,034

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 4,468 ADT using the ITE Manual. Such a restriction will allow future development to the maximum limits of the CG/RA zone. Limiting total trip generation estimates from future uses in the proposed IC zoning to the trip generation estimates of the existing

Commercial/Residential designation zones (CG) 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 four parcels to equal or less than the trip potential under the CG/RA zone. (4,468 trips ADT).

Sincerely,



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



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WORKS

AUG 16 2011

COMMUNITY DEVELOPMENT

MEMO

TO: Bryan Colbourne, Planner II  
Community Development Department

FROM: *fw* Glenn J. Davis, P.E., Chief Development Services Engineer  
Public Works Department *JD*

DATE: August 16, 2011

SUBJECT: TENTATIVE PUBLIC WORKS RECOMMENDATIONS  
CPC-NPC-ZC NO. 11-06 (11-109785)  
1060, 1080, 1104, AND 1140 BOONE ROAD SE

**PROPOSAL**

To change the Salem Area Comprehensive Plan Map designation from Commercial and Single Family Residential to Industrial Commercial. To change the zone district from CG (General Commercial) and RA (Residential Agriculture) to IC (Industrial Commercial), and amend the Liberty-Boone Neighborhood Plan map accordingly on property approximately 2.6 acres in size and located at 1060, 1080, 1104, and 1140 Boone Road SE, (Marion County Assessor's Map and Tax Lot numbers: 083W15AA/801, 700, 600, and 400).

**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 4,468 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).

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 P (SMP)*.

ATTACHMENT 5

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. The Assistant City Traffic Engineer concurs with the TPR findings and recommends a condition to limit the development on the 2.6 acre site to 4,468 vehicles per day.

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

**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 TPR analysis that is required to address the Transportation Planning Rule (OAR 660-012-0060). The TPR analysis demonstrates that the proposed CPC/ZC will not have a significant affect on the transportation system as defined by OAR 660-012-0060.

cc: File

Prepared by: Robin Bunse, Administrative Analyst II

State

CITY OF SALEM  
PLANNING DIVISION  
555 LIBERTY ST. SE ROOM 305  
SALEM, OR 97301-3503

DEPT OF

SEP 13 2011

DA

LAND CONSERVATION  
AND DEVELOPMENT

Land Conservation & Development  
Department  
635 Capitol St NE, Suite 150  
Salem OR 97301