



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

10/18/2011

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 011-11

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: Wednesday, November 02, 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

DATE STAMP	☐ In person ☐ electronic ☐ mailed
	DEPT OF
	OCT 12 2011
	LAND CONSERVATION AND FORESTRY For Office Use Only

Jurisdiction: **City of Salem**

Local file number: **CPC-ZC11-08**

Date of Adoption: **10/4/2011**

Date Mailed: **10/10/2011**

Was a Notice of Proposed Amendment (Form 1) mailed to DLCD? ☒ Yes ☐ No Date: 8/3/2011

☐ Comprehensive Plan Text Amendment

☒ Comprehensive Plan Map Amendment

☐ Land Use Regulation Amendment

☒ Zoning Map Amendment

☐ New Land Use Regulation

☐ Other:

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

To change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 10.97 acres in size and located at 4070 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W12A / 806, 804, & 807).

Does the Adoption differ from proposal? Please select one

No

Plan Map Changed from: **"Industrial"**

to: **"Industrial Commercial"**

Zone Map Changed from: **IBC (Industrial Business Campus)**

to: **IC (Industrial Commercial)**

Location: **4070 Fairview Industrial Dr SE**

Acres Involved: **10.97**

Specify Density: Previous:

New:

Applicable statewide planning goals:

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
☒	☒	☐	☐	☐	☒	☒	☐	☒	☒	☒	☒	☒	☒	☐	☐	☐	☐	☐

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. 011-11 (18938) [16799]

DLCD file No. _____

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

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

BC

Phone: (503) 588-6173 Extension: 7463

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

Fax Number: 503-588-6005

City: **Salem**

Zip: 97301-

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

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***

RESOLUTION NO: PC 11-8

COMPREHENSIVE PLAN CHANGE / ZONE CHANGE CASE NO. CPC-ZC11-08

WHEREAS, a petition for Comprehensive Plan Change from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) for property located at 4070 Fairview Industrial Drive SE, was filed by Steve Ward for John D. Miller, 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 October 4, 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 October 4, 2011, herewith attached and by this reference incorporated herein.

Section 2. ORDER:

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

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

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

Condition 2: Future uses permitted shall be limited to the following uses identified in Exhibit 1. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 3,444 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of future development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

ADOPTED by the Planning Commission this 4th day of October, 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 October 21, 2011.**

Any person who presents 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: October 21, 2011

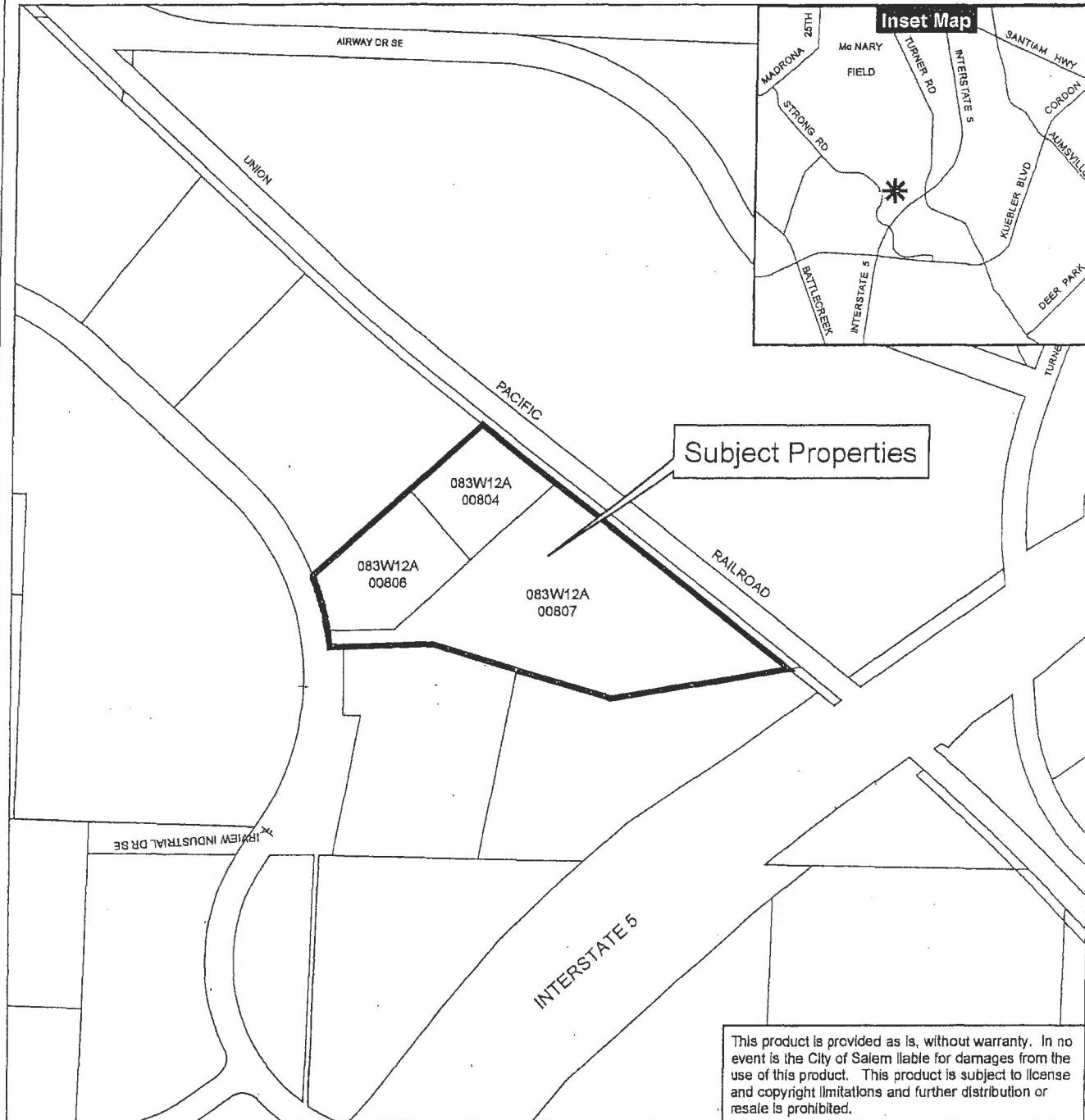
The case file and copies of the staff report containing the Facts and Findings adopted by the Planning Commission are available upon request at Room 305, Civic Center, 555 Liberty St SE, Salem, during City business hours, 8:00 a.m. to 5:00 p.m. Contact Bryan Colbourne, Case Manager, at 503-588-6173, Ext 7463 or bcolbourne@cityofsalem.net to review the case file.



PLANNING COMMISSION VOTE

6 YES 0 NO 1 ABSENT (Schmidtke)

Vicinity Map 4070 Fairview Industrial Drive SE



Legend

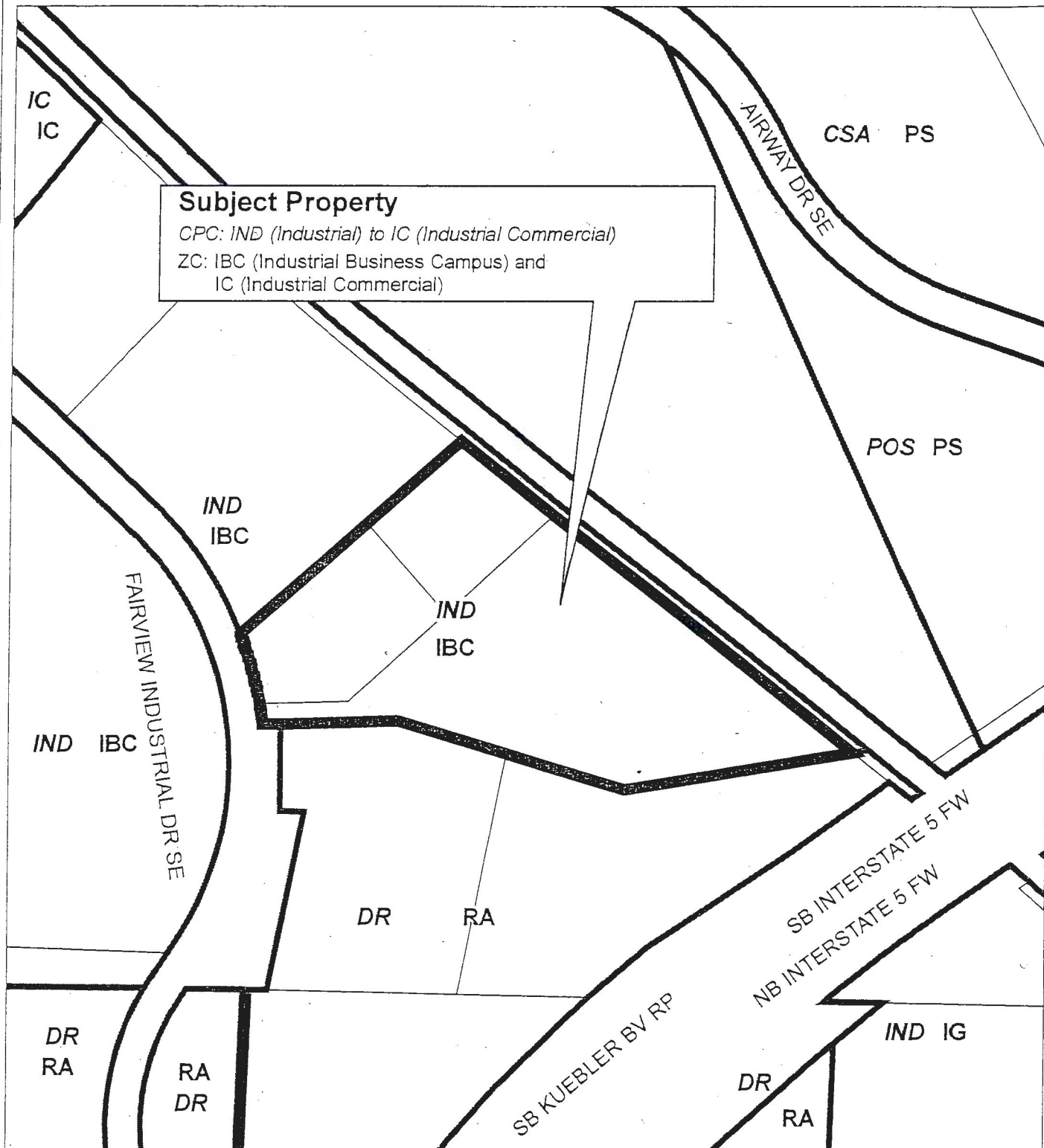
- | | |
|---------------------------|-------------------|
| Outside Salem City Limits | Historic District |
| Urban Growth Boundary | Schools |
| Taxlots | Parks |

0 100 200 400 Feet



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

Comprehensive Plan Change / Zone Change Case Number CPC/ZC11-08



Legend

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

0 50 100 200 Feet



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

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix	
Agriculture and forestry	
	Agricultural production - crops (01)
	Landscape and horticultural services (078)
	Timber tracts (081)
	Forest nurseries and gathering of forest products
	Forestry services (085)
Construction	
	Building construction - general contractors and operative builders (15)
	Construction - special trade contractors (17)
Manufacturing	
	Dairy products (202)
	Canned, frozen and preserved fruits, vegetables and food specialities (203)
	Grain mill products (204)
	Bakery products (205)
	Candy and other confectionery products (2064 & 2068)
	Chocolate and cocoa products (2066)
	Chewing gum (2067)
	Beverages (208)
	Miscellaneous food preparations and kindred products (209)
	Tobacco manufacturers (21)
	Textile mill products (22)
	Apparel and other finished products made from fabrics and similar materials (23)
	Wood kitchen cabinets (2434)
	Paperboard containers and boxes (265)
	Printing, publishing, and allied industries (27)
	Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)
	Metal cans and shipping containers (341)
	Cutlery, hand tools and general hardware (342)
	Heating equipment, except electric and warm air; and plumbing fixtures (343)
	Metal forgings and stampings (346)

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix
Computer and office equipment (357)
Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)
Motor vehicles and motor vehicle equipment (371)
Aircraft and parts (372)
Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)
Signs and advertising specialties (3993)
Transportation communication, electric, gas, and sanitary services
Railroad transportation (40)
Motor freight transportation and warehousing (42)
US Postal Service (43)
Transportation services (47)
Communication (48)
Wholesale trade
Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082), scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)
Wholesale trade-nondurable goods (51) BUT EXCLUDING livestock (5154) and chemicals and allied products (516)
Retail trade
Eating and drinking places (58) BUT EXCLUDING restaurants with drive-through service
Catalog and Mail Order Houses (5961)
Direct Selling Establishments (5963)
Finance, insurance and real estate
Depository Institutions (60)
Nondepository Credit Institutions (61)
Security and commodity brokers, dealers, exchanges and services (62)
Insurance carriers (63)
Insurance agents, brokers, and services (64)
Real estate (65)
Holding and other investment offices (67)

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix	
Services	
Hotels and motels (701) BUT EXCLUDING casino hotels	
Mailing, reproduction, commercial art and photography, and stenographic services (733)	
Disinfecting and pest control services (7342)	
Building cleaning and maintenance services not elsewhere classified (7349)	
Computer programming, data processing, and other computer related services (737)	
Photofinishing laboratories (7384)	
Miscellaneous repair services (76)	
Motion pictures (78)	
Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in the IC zone.	
Health services (80) BUT EXCLUDING hospitals (806)	
Legal services (81)	
Educational services (82)	
Social services (83) BUT EXCLUDING residential care (836)	
Membership organizations (86)	
Engineering, Accounting, Research, Management, and Related Services (87)	
Services not elsewhere classified (899)	
Public Administration	
Executive offices (911)	
General government, not elsewhere classified (919)	
Fire protection (9224)	
Finance, taxation, and monetary policy (93)	
Administration of human resources programs (94)	
Administration of environmental quality and housing programs (95)	
Administration of economic programs (96)	
Other uses	
Accessory buildings and uses normal and incidental to the uses permitted in this district	
Transit stop shelters	

G:\CD\PLANNING\CASE APPLICATION FILES 2011-ICPC-ZC Comp Plan Change-Zone Change\CPC-ZC11-08 - 4070 Fairview Ind Dr SE\Exhibit 1' for PC Resolution.doc

FOR MEETING OF: October 4, 2011
AGENDA ITEM NO.: 6.2

TO: Planning Commission

FROM: Glenn W. Gross, Urban Planning Administrator 

STAFF: Bryan Colbourne, Planner III

HEARING DATE: October 4, 2011

APPLICATION: Comprehensive Plan Change / Zone Change Case No. CPC-ZC11-08

LOCATION: 4070 Fairview Industrial Drive SE

SIZE: Approximately 10.97 acres

REQUEST: To change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 10.97 acres in size and located at 4070 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W12A / 806, 804, & 807).

APPLICANT: John D. Miller

APPLICANT'S REPRESENTATIVE: Steven Ward

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

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

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

Condition 2: Future uses permitted shall be limited to the following uses identified in Exhibit 1. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 3,444 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of future development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

APPLICATION PROCESSING

Subject Application

On August 3, 2011, Steven Ward, on behalf of John D. Miller, filed a Comprehensive Plan Change/Zone Change application to change the Comprehensive Plan Map designation of the subject property from "Industrial" to "Industrial Commercial" and the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial). The application was deemed complete for processing on August 26, 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 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/Zone Change is scheduled for October 4, 2011.

Appeals

Appeal of a Planning Commission decision is to the Salem City Council (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 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 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 September 14, 2011 (Attachment 1).
2. The property was posted in accordance with the posting provision outlined in SRC 300.620.
3. State law (ORS 197.610) and SRC 300.602(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 45-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on August 3, 2011.

BACKGROUND INFORMATION

The subject property was annexed into the City of Salem on March 29, 1960. The area was historically used for agriculture and was long characterized by the surrounding Fairview Training

Center to the south, McNary Field Airport to the northeast, and a mix of industrial uses farther to the northwest. In the mid 1980s, the City adopted the Fairview Urban Renewal Plan and established the Fairview Urban Renewal Area (URA). The subject property is located within the Fairview Urban Renewal Area. The surrounding industrial and commercial development now located along Fairview Industrial Drive SE was developed as a result of this Urban Renewal Plan and URA. IBC (Industrial Business Campus) zoning was applied to the area, including the subject property, at that time.

The site is made up of three units of land, for which an overall development plan was designed (see Attachment 3). The largest of the subject properties (Tax Lot 807) contains 7.18 acres and has been master planned for a three story building containing 50,000 square feet and a four-story building containing 80,000 square feet with related parking. Tax Lot 806 contains 2.10 acres and has been master planned for a two-story building containing 40,000 square feet with related parking. Both sites are currently vacant. Tax Lot 804 contains 1.66 acres and is developed with a 13,950 square foot industrial warehouse building and related parking. The building is currently occupied by two businesses. One half of the building is occupied by an organic food processor (Organic Fresh Fingers) and the other half by a winery/brewer (Aengus Cider Works). All three properties are served by a common access drive that has been constructed. The subject properties are located approximately 2,164 feet (0.4 mile) east of the intersection of 27th Court SE and Fairview Industrial Drive SE and approximately 1,112 feet (0.2 mile) west of the intersection of Marietta Street SE with Fairview Industrial Drive SE. All three properties are within the City's Urban Service Area (USA).

Summary of Requested Action

The applicant is requesting an amendment to the Salem Area Comprehensive Plan (SACP) Map to change the Comprehensive Plan Map designation of the property from "Industrial" to "Industrial Commercial" and the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial).

Neighborhood Association Comments

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

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, Development Services Section, reviewed the proposal and submitted comments (see Attachment 5). Public Works Department Staff reviewed the Transportation Planning Rule Analysis (TPR), dated July 23, 2011, that was submitted by the applicant and agree with the findings of the TPR that a "trip-cap" of 3,444 average daily trips should be imposed.

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

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

Public and Private Agency Comments

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

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

Development cost per current tariff and service requirements. [A] 10-foot PUE [is] required on all front street lots.

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

Salem Area Comprehensive Plan (SACP) Designation

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

Northwest: “Industrial”
Northeast: Across railroad - “Industrial”
South: “Developing Residential”
West: Across Fairview Industrial Drive SE - “Industrial”

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

Applicable Detail Plans

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City’s street system. The subject property is located on Fairview Industrial Drive SE. At this location, Fairview Industrial Drive SE is designated a ‘Minor Arterial’ street.

Zoning

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

Northeast: Across railroad – IP (Industrial Park)
Northwest: IBC (Industrial Business Campus)
West: Across Fairview Industrial Drive SE – IBC (Industrial Business Campus)
South: RA (Residential Agriculture)

Existing Site Conditions

The subject property is relatively flat. The Middle Fork Pringle Creek runs along the property’s northeastern property line.

Trees: The City’s tree preservation ordinance protects Heritage Trees, Significant Trees (including Oregon White Oaks with diameter-at-breast-height of 24 inches or greater), trees and native vegetation in riparian corridors, and trees on lots and parcels greater than 20,000 square feet.

Compliance with the tree preservation requirements of SRC Chapter 68 (Preservation of Trees and Vegetation) and SRC Chapter 132 (Landscaping) is required.

Wetlands: According to the Salem Keizer Local Wetland Inventory (LWI) there are mapped wetlands on the subject property. SRC Chapter 126 requires the City to send a Wetland Land Use Notification to the Oregon Department of State Lands (DSL). DSL will then determine whether further permits or approvals are required and work directly with the property owner.

Landslide Hazard Susceptibility: According to the City's adopted landslide hazard susceptibility maps and SRC Chapter 69, Landslide Hazards, there are several small areas of mapped landslide hazard susceptibility on the subject property. No geologic assessment or geotechnical report is required with an application for comprehensive plan change / zone change, but a geologic assessment or report may be required at time of development.

Site Plan

A site plan is not required as part of a Comprehensive Plan Change/Zone Change application. The applicant did, however, provide a site aerial photograph with property line locations and labels super-imposed, called the Existing Site Layout (Attachment 3).

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, 1B, 2A, and 2B.

Applicant's Statement for 1(A)&(B): An overall development plan was designed for all three of the subject parcels (see Exhibit 'E' - Existing Site Layout). The largest of the subject properties (Tax Lot 807) contains 7.18 acres and has been master planned for a three story building containing 50,000 square feet and a four-story building containing 80,000 square feet with related parking. Tax Lot 806 contains 2.10 acres and has been master planned for a two story building containing 40,000 square feet with related parking. Both sites are currently vacant. Tax Lot 804 contains 1.66 acres and is developed with a 13,950 square foot industrial warehouse building and related parking. The building is currently occupied by two businesses. One half of the building is occupied by an organic food processor (Organic Fresh Fingers) and the other half by a winery/brewer (Aengus Cider Works). All three properties are served by a common access drive that has been constructed.

The proposed Comprehensive Plan Map designation will expand the range of possible uses that are appropriate for the location. There is no pre-existing inventory of land designated "Industrial Commercial" in the urban area. The character of the area has been established and with the recent Comprehensive Plan Map and Zoning Map amendments to a total of 75.61 acres within the Fairview Industrial park area, the proposed change will continue to provide for consistency of uses in the area. The types of activities that could occupy the existing buildings, the appearance of the existing buildings, and the character of the uses adjacent to the subject property will conform to the established use of the properties within close proximity and to the allowed uses of the property on the majority of properties located between the railroad tracks and Fairview Industrial Drive. For these reasons, this location-specific proposal to amend the Comprehensive Plan Map from "Industrial" to "Industrial Commercial" with concurrent Zone Change from IBC (Industrial Business Park) to IC (Industrial Commercial) is consistent with regards to the type and character of the existing and future development in the area.

Applicant's Statement for 2(A)&(B): The Plan Amendment and designation establishing the new SREC/Mill Creek Industrial Park is a major change in circumstances that affects all of the existing industrial land in the Salem urban area. According to the SREC EOA, the justification for the Mill Creek project is based on the industrial land needs of the entire urban area, so the urban area is the "vicinity" for determining the industrial lands that will be affected. The Mill Creek project will affect the use of developed as well as vacant industrial lands.

The Mill Creek Industrial Park totals 646 acres, of which 507 acres will be developed. This large increase is a major change in the inventory of industrial land in the UGB. As noted in the EOA, the site will be the largest industrial property in a metropolitan area in Oregon which, along with other cited factors, makes it locally, regionally, and nationally significant. According to the EOA it will be one of the state's "... most significant opportunities to attract and support employment." (p. 22). Therefore, the Plan amendment for the Mill Creek project represents a major change in circumstances that affects a significant number of properties within the vicinity.

In addition, the Mill Creek site is intended to be distinguished from other industrial properties in the UGB by its master plan and through the provision of public infrastructure and environmental mitigation. Through these measures the site is intended to be the focus of industrial development in the urban area.

Of the 507 acres to be developed in the Mill Creek project, 313 acres are designated for large industrial parcels, 80 acres are for general industrial uses, 104 acres for are for commercial office uses, and 10 acres area for accessory service arid retail uses (EOA pp 1-2). The plan for the industrial park includes financing for pre-development planning, environmental mitigation, and a plan to fund construction of infrastructure. These measures are included to assure developers that infrastructure will be available when needed, and environmental mitigation will be provided. As described in the EOA (p. 1), these measures will position that project ". . . to compete for developers and uses on a local, regional and national scale."

The EOA states that the SREC ". . . addresses a regional and local need to attract and accommodate industrial and commercial employment within Salem's UGB . . ." by combining industrial and commercial uses, by providing sufficient funding for environmental enhancement of the property, and by attracting the "most experienced regional and national private developers" (EOA p. 2). The stated intent of these interrelated objectives will be to ". . . distinguish the property from Salem's existing inventory of industrial sites . . ." (EOA p. 21).

Given the intent and objectives of the new Mill Creek project, and in particular the provision of 104 acres in that project for commercial and office uses, it is necessary to expand the range of development capabilities for the subject property in order to respond to the changing conditions in the market for industrial sites. The proposed change to "Industrial Commercial" with concurrent Zone Change is an appropriate response to the changing nature of industrial-commercial activity in the recently rezoned 75.61 acres within the immediate area, and to the expanded inventory of industrial sites, in the Urban Growth Boundary as a result of the major change in circumstances that has occurred as a result of the approved Comprehensive Plan amendments for properties in the Mill Creek project area. The addition of industrial, commercial and office lands have changed the character of the area to the extent that the existing designations for the subject property are no longer appropriate. For these reasons (2)(B) is satisfied.

Finding: The applicant's stated purpose for the comprehensive plan change/zone change request is to accommodate a wider range of commercial uses at the existing site. Staff concurs with the applicant's findings addressing Criterion (2)(B). The previously approved plan amendment and zone change of the Mill Creek Corporate Center (previously known as the Mill Creek Industrial Park) to Employment Center (EC) zoning was a major change in circumstances affecting a significant number of properties within the Salem urban area. As stated by the applicant, the plan map amendment of the Mill Creek Corporate Center project was large enough in scope that the existing industrial designations for many other properties in the Salem urban area, such as the subject property, are no longer appropriate. Criterion (2)(B) is satisfied.

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

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

GOAL 1 – CITIZEN INVOLVEMENT

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

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

GOAL 2 – LAND USE PLANNING

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

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

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

The subject property has not been identified in the Comprehensive Plan as a scenic or historic resource, or as public open space. This Goal is not applicable.

Finding: There are no known scenic, historic, or cultural resources on the subject site. As discussed earlier in this report, Salem Revised Code Chapter 68 (Tree Preservation) and Chapter 126 (Wetlands) apply to the site.

GOAL 6 – WATER AND LAND RESOURCES QUALITY

The purpose of the proposed Comprehensive Plan Map amendment with concurrent Zone Change is to allow for a wider mix of industrial-commercial uses such as professional services that are more compatible with the area as it has evolved since the conception of the IBC (Industrial Business Campus) designation. The smallest of the three subject properties (1.66 acres) and is developed with a 13,950 square foot building that is utilized by two food processing businesses (Organic Fresh Fingers and Aengus Cider Works). The vacant parcels, which contain 7.18 and 2.10 acres, have been master planned for a total of 170,000 square feet of building area with related parking (see Existing Site Plan).

The subject properties are within a developed area that is already characterized by a mix of commercial and industrial activities. Any new buildings or additions to the existing building will be subject to the existing Fairview Industrial Park design standards as provided for in the existing covenants, conditions and restrictions (CC & R's) in place for all of the properties located within the Fairview Industrial Park development.

The properties lie between two major transportation routes, Madrona Avenue, a designated Major Arterial Street and Kuebler Boulevard, a designated Parkway Street and lie adjacent to a minor arterial street (Fairview Industrial Drive). Industrial Commercial uses are expected to utilize portions of the property on the easterly side of Fairview Industrial Drive which is within approximately 900 feet of the subject properties. Additional industrial development is expected within a mile of this area as a result development of the remaining vacant industrial lots located in the Fairview Industrial Park and as a result of the Comprehensive Plan and zone designations approvals for the Mill Creek Industrial development. The proposed Comprehensive Plan Map amendment from "Industrial" to "Industrial Commercial" with concurrent zone change from IBC (Industrial Business Park) to IC (Industrial Commercial) will not alter the density or form of existing or future development on the subject properties as the properties will continue to be subject to the covenants, conditions and restrictions (CC & R's) in place for the Fairview Industrial Park development. Because uses on the subject properties will continue to be office-based activities and/or low intensity industrial uses, the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location.

The major potential impact to the air in this area is from industrial activities and vehicle traffic on Fairview Industrial Drive. The proposed Plan changes will not result in a change in the types of uses or create an adverse impact on air quality due to vehicle traffic.

Public sewer, water, and storm drain services are already provided to the subject property. The City treats sewage to meet the applicable standards for environmental quality. Surface water runoff is collected on site and taken to the public storm drain system in Fairview Industrial Drive. Through the use of the public collection and treatment facilities there will be no sewage discharges from the properties directly to a water body or into the ground.

Based on these factors and considerations there will be no significant adverse impacts to the quality of the air, water or land as a result of this proposal.

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

GOAL 7 – AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

Although the middle fork of Pringle Creek traverses across the northern boundary of Tax Lot 807 and 806, the developed and developable portions of the properties do not lie within a Flood Boundary or a Flood Way. The floodplain area lies within existing or proposed parking areas (see Attachment 3 - Existing Site Plan). All buildings (existing and future) are located outside of the floodplain boundary.

According to the Salem-Keizer Local Wetland Inventory (LWI), there are mapped wetlands on the subject property. At the time of development of the existing building and related parking an off-site wetland mitigation was done. As wetland delineations are only valid for five years, at the time additional development occurs on the subject properties, the applicant is aware that the Division of State Lands will be notified and whether future permits or approvals are needed will be determined at that time.

According to the City's adopted landslide hazard susceptibility maps there are several small areas of mapped landslide hazard susceptibility on the subject property. A geologic assessment or geotechnical report will be required at the time of future development on the property in accordance with SRC Chapter 69.

No other natural hazards specific to this site have been identified and the floodplain has been addressed as part of the first phase of the development. Wetland and landslide hazards can be addressed at the time of future development on the properties, thus this Goal has been addressed.

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

GOAL9 – ECONOMIC DEVELOPMENT

The subject property is currently designated Industrial and it is zoned IBC (Industrial Business Campus), SRC Chapter 156. The IBC zone allows for office-based activities and/or low intensity commercial or industrial uses, with restrictions. The proposal is to change the Plan map designation on the subject properties from "Industrial" to "Industrial Commercial" with a concurrent zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial), SRC Chapter 155. The IC zone includes a full range of uses and maintains a complete capability for industrial development. Therefore, although the Comprehensive Plan map designation and the zone category will change, the inventory of land that is available for industrial uses and the potential for industrial development in the city may be decreased by only an additional 10.94 acres. As the IBC zone and the IC zoning designations allow similar industrial uses, the likelihood also exists that the potential for industrial development will not decrease at all.

As a result of changes in the local, regional, and State economies, the availability and location of industrial lands in the urban area, and the character of the adjoining area, the proposal will provide

for an appropriate mix of uses and activities on the subject site. The changes in the economy that affect industrial and commercial development in the urban area are described in the SREC EOA. In response to these changes the City and the State have entered into an intergovernmental agreement to establish the new Mill Creek Industrial Park. The agreement with the State includes the provision of financing for pre-development planning, environmental mitigation, and a plan to fund construction of infrastructure. These measures are included to assure developers that infrastructure will be available when needed, and environmental mitigation will be provided. In addition, the City has designated the site with Comprehensive Plan and Zone categories that allow the intended industrial and commercial uses. Together, these measures will position the new development "... to compete for developers and uses on a local, regional and national scale" (EOA p.1).

The EOA notes that the SREC "... addresses a regional and local need to attract and accommodate industrial and commercial employment within Salem's UGB ..." by combining industrial and commercial uses, by providing sufficient funding for environmental enhancement of the property, and by attracting the "most experienced regional and national private developers" (EOA p. 2). The stated intent of these interrelated objectives will be to "...distinguish the property from Salem's existing inventory of industrial sites..." (EOA p. 21). Given these objectives, it is necessary for existing industrial sites, including the subject property, to expand their range of development capabilities, in order to address the changing conditions in the market for industrial sites as described in the EOA and as presented by the Mill Creek project.

The size and scale of the Mill Creek project, the integration of complementary uses, and its advance preparation for development through master planning, provision of infrastructure, and mitigation of environmental issues, will make it the focus of industrial development efforts in the urban area. Those factors will position that project as the major, and preferred, site for new industrial development in the urban area. Promoting its use will be a priority for local and State economic development organizations in order to provide return on the investment in the site's advance planning, and on the improvements that are necessary to support development.

As a result, it is appropriate to expand the development and use potential of the subject properties for uses more appropriate to the area and size of the parcels (1.66 acres, 2.10 acres and 7.18 acres). The proposed change to "Industrial Commercial" is supported by various factors including the changes in the local and regional economy, the recently rezoning of 75.61 acres of IBC land to IC within the Fairview Industrial Park development, changes in industrial land requirements, and the effect of the Mill Creek industrial project on the industrial lands inventory. For these reasons, the proposal is consistent with this Goal.

Finding: Staff concurs with the applicant's statement. The applicant's use of the October, 2004 Salem Regional Employment Center Economic Opportunities Analysis (EOA) Report in assessing whether the requested change complies with Goal 9 satisfies the requirements of OAR 660-009-0015. The proposed change will allow for an increased mix of potential uses to provide a more diverse range of economic opportunities.

GOAL 11 – PUBLIC FACILITIES AND SERVICES

All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity and telephone, and solid waste disposal, are currently provided. Uses in the IC (Industrial Commercial) zoning district are generally similar to those in the IBC (Industrial Business Campus) zoning district with the exception that the IBC zone does not allow medical offices. The provision of adequate public facilities and services for the proposed uses, meets the requirements of this Goal.

Finding: The City maintains an infrastructure of public facilities and services as the framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. The site is developed and already provided with all necessary public services and utilities to serve a range of uses allowed under both the existing Industrial Plan map designation and the proposed Industrial Commercial designation. The proposal is consistent with this goal.

GOAL 12 – TRANSPORTATION

The subject property is located adjacent to Fairview Industrial Drive, a Minor Arterial Street on the Salem Transportation System Plan (STSP) which is linked to two major transportation routes. Fairview Industrial Drive has an approximate 50-foot wide street improvement within a 76-foot wide right-of-way. Madrona Avenue to the North, a designated Major Arterial Street, is a direct link to Mission Street/Santiam Highway via 25th Street to the north, and to Commercial Street to the east at which point Madrona Avenue transitions to a Minor Arterial in the STSP. Kuebler Boulevard to the south, a designated Parkway Street, provides a direct link to Interstate 5 to the west and to all major traffic routes to the North.

The intersections of Fairview Industrial Drive with Madrona Avenue and with Kuebler Boulevard are controlled by traffic signals. The change in the land use designation for these properties will not cause a significant impact on the existing transportation system, or result in a level of service decreasing to an unacceptable level.

As a result of the subject property being located along this major route, the subject properties are adequately served by the existing street system and no new streets are needed or proposed. Public transit service is available on Fairview Industrial Drive, which is classified as a Minor Arterial Street on the SASP. Fairview Industrial Drive, Madrona Avenue and Kuebler Boulevard are also bike routes. These transit and bicycle facilities provide transportation alternatives to the private auto to reach the subject sites, and together with the sites' accessible locations from a major street, will serve to reduce vehicle miles traveled within the urban area.

The Transportation Analysis provided by Oregon Traffic Engineering LLC (see Attachment 4) provides an analysis for a reasonable limit to the number of daily trips (ADT) that could be generated by development under the existing zoning designations and the applicant is willing to agree to limit the trips from the site in the future to this number for the entire site subject to the request Comprehensive Plan Map Amendment. This in addition to the future uses being limited to the uses identified in Exhibit 1 will assure that the daily trips from the subject properties will not exceed the reasonable trip generation of 3,444 trips which was based upon the Master Plan that was approved for all three properties at the time of construction of the building located on Tax Lot 806.

The requested Comprehensive Plan Map amendment to "Industrial Commercial" with concurrent zoning designation of IC (Industrial Commercial) can be approved with the condition that a cap of a total of 3,444 trips ADT from the subject properties be imposed, meeting the intent and letter of the transportation planning rule.

These factors are in keeping with the requirements of the TPR. Because the proposed uses will not have a significant impact on the existing transportation facilities, and will be consistent with the TPR, the requirements of this Goal are met and can be ensured with a condition of approval.

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

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

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

The applicant's TPR analysis, dated July 18, 2011 (Attachment 4) determines the number of trips that could be generated from the site under the existing comprehensive plan map designation of Industrial. The analysis recommends that development conditions be created for the comprehensive plan change that limit future trip generation volumes to volumes equal to or less than currently could be generated by allowed uses in the Industrial designation, which the analysis estimates to be 3,444 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 3,444 average daily trips. Staff recommends this condition of zone change approval, as stated later in this report. The condition will mitigate the impacts of the proposal and satisfy Goal 12.

GOAL 13 – ENERGY CONSERVATION

The building that was constructed on the smallest of the subject properties was designed to meet or exceed the building code requirements for energy efficiency in effect at the time of construction. The location of the subject properties along a minor arterial route with direct access to two major arterials, and the availability of public transit and bicycle transportation to the sites make the sites highly accessible and serves to reduce the energy needed to reach the sites. These factors result in the sites being consistent with the energy conservation requirements of this Goal.

Finding: The location of the site along a minor arterial street, and the availability of public transit and pedestrian and bicycle transportation in close proximity to the site makes the site accessible and serves to reduce the energy needed to reach the property. These factors result in the site being consistent with the energy conservation requirements of this Goal.

GOAL 14 – URBANIZATION

The subject properties are within the city limits and the smallest parcel was developed to IBC standards as part of the development agreement at the time of development occurring on Tax Lot 806. All three parcels are subject to the CC & R's (covenants, conditions and restriction) of the Fairview Industrial Park development. The proposal to amend the Comprehensive Plan map from "Industrial" to "Industrial Commercial" is consistent with the intent of this Goal to maintain a compact and efficient urban area. This 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: Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Map change from "Industrial" to "Industrial Commercial" conforms to the applicable Statewide Planning Goals.

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

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

Applicant's Statement: The subject properties are currently designated on the Salem Area Comprehensive Plan for general industrial use, as are the two parcels to the immediate northwest and to the southwest of the subject properties which are zoned IBC (Industrial Business Campus). The 7.94 acres property beyond the two parcels to the northwest is designated on the Comprehensive Plan Map as Industrial/Commercial and is zoned IC (Industrial Commercial). This property was recently rezoned from IBC to IC in 2008. The properties to the south are currently zoned for residential/agricultural use. However, the topography changes on these properties to from the nearly flat ground of the industrial park to a hillside that is heavily wooded.

The proposed "Industrial Commercial" designation is compatible with the industrial and service uses within close proximity to the subject property. The proposed IC (Industrial Commercial) zoning designation maintains a full range of light industrial uses as well as allowing a wider range of office type uses such as professional and business services. There will be little or no change in the capability of the site to provide for industrial activity. The proposed change will expand the capability for a combination of office-based industrial and service uses on the subject 10.94 acres. The location of the property, the character of the existing development on the subject properties (see Exhibit 'E', Existing Site Layout) and on the surrounding lands, and the range of the existing land uses in the area, make the subject property an appropriate location for the proposed "Industrial Commercial" Comprehensive Plan designation and corresponding zoning designation. All three parcels are subject to the CC & R's of the Fairview Industrial Park development.

In addition, the applicant is willing to be subject to limitations to future uses on the property as provided for in Exhibit 1 (Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals) and to be subject to a condition of approval that all future uses and development shall adhere to the development standards identified in the IBC zoning district or as amended or approved by Variance. For these reasons the proposed changes are logical and harmonious with the land use pattern for the greater area, as shown on the general Plan map.

Finding: Staff concurs with the applicant's statement. The existing land use pattern along Fairview Industrial Drive and the surrounding area contains a broad range of lot sizes and uses, including a range of properties used for industrial and commercial purposes. This proposal will result in a change which allows a wider range of industrial and commercial uses. To ensure this proposed change is harmonious with the character and uses in the vicinity, staff recommends that several of the more intense commercial uses allowed in the IC zone not be allowed on the subject property. This will be achieved by establishing the attached use list (Exhibit 1) as the list of permitted uses for the site, in place of the regular list of permitted uses established in the IC zone chapter. The proposed plan map amendment to Industrial Commercial is consistent with the surrounding land use pattern, and is a logical and harmonious change given the surrounding mix of uses. 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 Salem Area Comprehensive Plan are applicable to this request:

Part II Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

1. Intent: The intent of the Salem Area Comprehensive Plan is to project a goal the most desirable pattern of land use in the Salem area. This pattern, as represented on the Comprehensive Plan Map, indicates areas appropriate for different types of land use. The pattern takes into consideration the transportation network, the location of public facilities and utility systems, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment.

To ensure that the anticipated urban land use needs are met, the Plan Map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed. There are two approaches to achieving this commitment. One approach is the rezoning of land in quantities sufficient to accommodate land use demands identified for the planning period. Another approach is through the phased provision of land over time, through annexation and rezoning in response to demand for specific land uses.

It is the later approach that the Salem Area Comprehensive Plan has taken, thus the land use pattern that is shown on the map recognizes the zoning that has developed over time, with general designations of the land uses that are expected to be developed as a result of (1) demand, (2) the plan policies and intent statements, and (3) implementing regulations and processes. This Plan recognizes that the land use and zoning are expected to change during the time span of the Plan as conditions change.

Applicant's Statement: This proposal to change the Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" on the subject properties is made in response to the conditions that influence the subject properties and to the changes that affect it. The subject property is within an area that was created in the mid 80's in response to a perceived need for a large industrial campus development. As the adoption of the Plan amendments creating the new Mill Creek project was a major change in conditions, a need for greater flexibility for the use of existing industrial lands was also created. The proposed change maintains the current industrial land use capability, while including an expanded degree of flexibility in the use of the existing development on the sites. For these reasons the proposal is consistent with the intent and methodology of the Plan.

B. Special Resource Information

1. Intent: Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner.

a. The Flood Boundary and Flood Way.

b. Fish and Wildlife: Fishery areas are under the jurisdiction of the Oregon State Fish and Wildlife Commission. Mill and Pringle Creeks are salmon spawning streams.

Applicant's Statement: Although the middle fork of Pringle Creek traverses across the northern boundary of Tax Lot 807 and 806, the developed and developable portions of the properties do not lie within a Flood Boundary or a Flood Way. The floodplain area lies within existing or proposed parking areas (see Attachment 3 - Existing Site Plan). All buildings (existing and future) are located outside of the floodplain boundary. All storm water is or will be collected on site and taken to a public system and not to the creek. As a result of the proposed Comprehensive Plan Map amendment with concurrent Zone Changes there will be no impact of Fish and Wildlife in the area.

c. Urban Growth Policies:

1. To contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.
2. To conserve resources by encouraging orderly development of land.
7. To preserve and enhance the livability of the area.
8. To use public facilities and services as a framework for urban development.

Applicant's Statement: The public facilities and service needs for the subject properties were provided at the time of construction of the Fairview Industrial Park development. All public services and utilities are available to the subject properties including water, sewer, storm drainage, streets, bike lanes, sidewalks, fire and police protection, public transit, electricity and telephone, and solid waste disposal. Uses in the IC (Industrial Commercial) zoning district are generally similar to those in the IBC (Industrial Business Campus) zoning district with the exception that the IBC zone does not allow medical offices. With the adoption of the amended Industrial Commercial Zoning District Use Matrix (see Exhibit 1) the uses will be compatible. The proposed Comprehensive Plan Map amendment with concurrent Zone Changes is consistent with these Policies.

D. General Definitions

1. Neighborhood Plans
2. Detailed Plans

Applicant's Statement: The subject property is included in the Morningside Neighborhood Plan, which was adopted by the City Council on June 11, 1984. The Detailed Fairview Industrial Park Plan was created through an Urban Renewal project and was also adopted in June of 1984 as a way to encourage the reuse of existing buildings in the area and in response to a current trend for large-scale industrial campus type development. The subject properties are designated as "Industrial" on the Neighborhood Plan. The development of the 507-acre Mill Creek Industrial Park has created a major shift away from the limited industrial uses permitted in the existing IBC zoning designation as evidenced by the rezoning of 75.61 acres of IBC (Industrial Business Campus) zoned property to IC (Industrial Commercial) within the Fairview Industrial Park development.

As a result of the development of the Mill Creek Industrial Park, changes in the economy and the effect of both on existing industrial lands, the applicant seeks to adjust the range of potential uses on the subject properties to include a wider mix of uses consistent with the recently rezoned property to the northwest of the subject property (see Exhibit 'D' Existing Zoning).

Part IV. Salem Urban Area Goals and Policies

A. General Development - Optimal Use of the Land Policy 7: Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acres of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.

Applicant's Statement: The smallest of the subject properties is fully developed and has not created any adverse effects on the natural terrain or watercourses. This Policy has been met by the existing development and can be ensured by conditions of approval at the time of Site Plan Review for any new construction occurring on the undeveloped parcels or an expansion to the existing building on the developed site.

B. Growth Management Goal: To manage growth in the Salem urban area through cooperative efforts of the city of Salem and Marion and Polk Counties, to insure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm land. . .

Applicant's Statement: The following Growth Management Policies pertain to this proposal:

Infill on Facilities 9. New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

Applicant's Statement: The necessary public facilities, services and utilities are already in place and providing service to the subject properties. No additional services or expansions of the systems will be needed as a result of the proposed Comprehensive Plan Map Amendment with concurrent Zone Changes. The existence and availability of public services, facilities and utilities to the property fulfills this policy directive.

Ten Year Supply of Land 12. A continuous ten-year supply of serviced, developable land should be maintained to avoid unnecessary increase in land prices created by artificial shortages of land.

Applicant's Statement: The proposal is a response to the recent Plan amendments and Zone Changes that increased the inventory of industrial land in the community, and it is consistent with the types of uses that are likely to locate on a parcel of these sizes (7.18, 2.10 and 1.66 acres).

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 of the Salem Area Comprehensive Plan.

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

Applicant's Statement: The proposed zone change from Industrial Business Campus (IBC) to Industrial Commercial (IC) resulting from a Comprehensive Plan Map amendment from "Industrial" to "Industrial Commercial" will provide for a mix of industrial and commercial office uses adjacent to a Minor Arterial street (Fairview Industrial Drive) with easy access to two Interstate-5 interchanges. As a result of the adjoining transportation system, the property is accessible from all parts of the Salem urban area as well as the Marion-Polk County metropolitan area. Because the subject properties are highly accessible and visible, the proposal will serve to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area, the requested Comprehensive Plan Map amendment with concurrent Zone Change is in keeping with this Goal.

The following Commercial Development Policies apply to this proposal:

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.

Applicant's Statement: The properties that are the subject of the Comprehensive Plan Map amendment from "Industrial" to "Industrial Commercial" are located adjacent to Fairview Industrial Drive, a Minor Arterial street. Access to the site is provided from the minor arterial street via a joint-use driveway. Fairview Industrial Drive links to two major transportation streets (Madrona Avenue, a designated Major Arterial street and Kuebler Boulevard, a designated Parkway street) which in turn

link to Interstate 5. Traffic to the subject property does not filter through residential streets. For these reasons, the proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with this Policy.

Mixed Use Development: Mixed use developments shall be provided for in land use regulations.

Applicant's Statement: The proposed IC (Industrial Commercial) zoning district represents a form of mixed-use development that combines industrial and limited commercial uses. The proposed rezoning is consistent with this Policy.

For the reasons, factors, and conditions that have been described, the proposed Comprehensive Plan Map Amendment from "Industrial" to "Industrial Commercial" conforms to the requirements and guidelines of the Commercial Development Goal and Policies of the Salem Area Comprehensive Plan.

D. Economic Development Goal: Strengthen the economic base of the Salem area to sustain the economic growth necessary to provide adequate employment opportunities and maintain community livability.

Applicant's Statement: The proposed "Industrial Commercial" Comprehensive Plan Map designation with the related IC (Industrial Commercial) zoning designation provides for a larger range of commercial and industrial uses than the existing IBC (Industrial Business Campus) zoning designations thus providing for more employment opportunities and meeting the intent of this Goal.

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

Applicant's Statement: The proposed "Industrial Commercial" Comprehensive Plan Map designation with the related IC (Industrial Commercial) zoning designation provides for a large range of industrial uses. The mix of uses reflects the economic base of the community, as most recently described in the SREC EOA report. The types of industry suitable for the subject property are determined by the use of the immediate surrounding uses, which are designed for office-based, or "knowledge-based" industries, and professional and business services. The proposed IC zone will expand the capability of the site to attract these types of industries and service uses. By expanding the potential uses for the site in a manner that is consistent with the economic base of the community, the proposed change will improve the ability of the community to attract and maintain new industrial activity, which is in keeping with the intent of this goal.

The following Industrial Development policies pertain to this proposal:

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

Applicant's Statement: The subject properties total approximately 10.94 acres. An overall development plan was designed for all three of the subject parcels (see Attachment 3 - Existing Site Layout). The largest of the subject properties (Tax Lot 807) contains 7.18 acres and has been master planned for a three story building containing 50,000 square feet and a four-story building containing 80,000 square feet with related parking. Tax Lot 804 contains 2.10 acres and has been master planned for a two-story building containing 40,000 square feet with related parking. Both sites are currently vacant. Tax Lot 806 contains 1.66 acres and is developed with a 13,950 square foot industrial warehouse building and related parking. The building is currently occupied by two businesses. One half of the building is occupied by an organic food processor (Organic Fresh Fingers) and the other half by a winery/brewer (Aengus Cider Works). All three properties are served by a common access drive that has been constructed.

Under the "Industrial Commercial" designation the properties will remain available for a wide range of industrial uses. The inventory of industrial parcels will not be affected by the proposed change from "Industrial" to "Industrial Commercial," and the change will not affect the ability of the city to maintain a long-term industrial land inventory. The subject sites provide the city with an opportunity to expand and diversify its range of office-based industries and professional services, and doing so helps to sustain a competitive market for a range of small, medium and large industrial sites. The City's ability to attract large-scale industries was greatly enhanced by the new Mill Creek industrial project, which added 507 acres to the developable inventory. Considering the size (7.18, 2.10 and 1.66 acres) and character of the subject properties, the proposal is consistent with this Policy.

Industrial Land Inventory: 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;

Applicant's Statement: The proposal to amend the Comprehensive Plan Map from "Industrial" to "Industrial-Commercial" on 10.94 acres does not impact the long-term continuity of the industrial inventory because the Industrial-Commercial (IC) zoning designation maintains the capability for the siting of industrial uses. The proposed change to "Industrial Commercial" serves the community's interests by adding flexibility to the uses allowed on the subject site in a manner that is appropriate for the location, the facilities, the land use pattern, and the economic make-up of the community. The proposal is a response to the Plan amendments for the Mill Creek Industrial Park that increased the inventory of industrial land in the community, and the recent change in zoning of 75.61 acres of land to IC (Industrial Commercial) within the Fairview Industrial Park development. The proposed Comprehensive Plan Map amendment with concurrent Zone Changes is consistent with the types of uses that are likely to locate on a parcel the size of the subject properties. For these reasons, the proposal satisfies the community's interests and does not impact the long-term continuity of the industrial inventory

and

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

Applicant's Statement: The requested Comprehensive Plan Map amendment with concurrent Zone Change is not the result of an existing or adjacent use. The change in zoning is a result of the recent change in zoning of a 7.94 acre parcel located approximately 900 feet away and the other 67.67 acres of land within the Fairview Industrial Park development that have been changed from IBC (Industrial Business Campus) zoning to IC (Industrial Commercial).

and

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

Applicant's Statement: The industrial land inventory will not be affected. The Industrial Commercial designation provides for industrial uses. There is no specific inventory of vacant Industrial Commercial land. The parcels subject to the Comprehensive Plan map amendment are more appropriate to accommodate a mix of uses as provided by the IC (Industrial Commercial) zoning designation than a large-scale industrial user. The sites are especially appropriate along a major traffic route (Fairview Industrial Drive). There is an identified need to provide for knowledge-based industries that require access to 1-5 and to air transportation. The characteristics of the three sites include excellent access, visibility, and proximity to the Salem Airport and to two 1-5 interchanges. These factors, along with the types of uses that are considered to be likely to locate

here, warrant the capability for a mix of uses as provided under the "Industrial-Commercial" designation.

Or

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

Applicant's Statement: The proposed redesignations are based upon on the character of the area (see Exhibit 1 - Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals). The proposed amendments will provide the basis for a viable development by expanding the range of industrial and commercial uses allowed. The proposed "Industrial/Commercial" designation of the subject property mirrors the uses allowed on the majority of properties located between the railroad tracks and Fairview Industrial Drive and specifically the 7.94 acres located approximately 900 feet to the northwest of the subject properties. Therefore, the Comprehensive Plan Map amendment with concurrent Zone changes is appropriate for these specific properties.

and

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

Applicant's Statement: There is no specific inventory of Industrial Commercial land. The proposal is specific to the subject properties and the existing and/or changes in uses on properties in close proximity to the subject properties.

and

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

Applicant's Statement: All public facilities, services and utilities are already in place and have been provided to the existing building on Tax Lot 806 and can be provided to Tax Lots 807 and 804 at the time of development.

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 in fill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.

Applicant's Statement: The necessary public facilities, services and utilities are already in place and providing service to the subject properties. Expansion of the systems is not needed. The existence and availability of public services, facilities and utilities to the subject properties fulfills this Policy directive.

Interface with Other Uses: Industrial land shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land uses.

Applicant's Statement: The proposed "Industrial Commercial" designation will not change the development standards for the fully-developed site or the vacant sites. As the developed site was, the vacant sites will be subject to the same development standards by deed restrictions attached to all properties within the Fairview Industrial Park development. The subject properties will continue to be compatible with the surrounding development and subject to the same development standards. This can be ensured by conditions of approval.

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

Applicant's Statement: The subject properties are appropriately located with regards to access to the arterial street system that serves the urban area. The subject properties are located on a Minor Arterial Street with direct linkage to two major transportation streets, Madrona Avenue, a designated Major Arterial Street and Kuebler Boulevard, a designated Parkway Street. The location of the subject properties and access routes are consistent with this Policy.

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

Applicant's Statement: The IC (Industrial Commercial) zoning designation maintains a wide variety of industrial development opportunities, as directed by this policy. The property will not lose industrial capability. Applying the IC (Industrial Commercial) zoning designation to the property will be consistent with this Policy to provide for a variety of industrial development opportunities.

The proposal for a Comprehensive Plan Map amendment from "Industrial" to "Industrial Commercial" will encourage and promote industrial development that strengthens the economic base of the community and minimizes air and water pollution by enhancing opportunities for office-based industry and services. The proposed zone will enhance industrial development opportunities in the urban area by providing for additional flexibility in industrial and mixed-use development opportunities. With the addition of the 507 acres of industrial land created by the Mill Creek Industrial development, the proposal to change the designation of 10.94 acres will not affect the industrial land inventory with the city. For the reasons and factors provided the proposal is consistent with the applicable Industrial Development Goals and Policies.

Finding: Staff concurs that the proposal complies with the applicable goals and policies of the Salem Area Comprehensive Plan (SACP). The Plan recognizes the need to remain responsive to changing and evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant's statements above, the proposal is consistent with the Goals and Policies of the SACP. Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Map change from "Industrial" to "Industrial Commercial" 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 designations will be consistent with the location, the character of the property, and the surrounding land use and transportation pattern. The type of development that is allowed by the IC (Industrial Commercial) zoning district is consistent with the existing uses within the immediate vicinity of the property. The mix of uses allowed by the Industrial-Commercial designation will add flexibility for these properties, in response to the changing conditions affecting industrial land as a result of the new Mill Creek Industrial Park project. The appearance and function of the properties can be ensured to be consistent with the adjoining uses by placing conditions of approval on the Comprehensive Plan Map Amendment with concurrent Zone Changes consistent with those placed on the 75.61 acres within the Fairview Industrial Park development that have been rezoned to Industrial Commercial (see Exhibit 1 - Industrial Commercial Zoning District Use Matrix As Amended by Planning Commission for Previous IBC to IC Approvals). The proposed change will expand the opportunities for professional and business services and employment at this location. For these reasons the change benefits the public.

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

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

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

The following analysis addresses the re-zoning of the subject property from IBC (Industrial Business Campus) to IC (Industrial Commercial).

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

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

Applicant's Opening Statement: SRC 113.100(a) recognizes that due to a variety of factors including changing development patterns, concepts, and community needs, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. This zone change is proposed in response to the major change in the industrial land use pattern created by the Mill Creek Industrial Park project. That project increases the inventory of industrial land by 507 developable acres.

The proposed zone change maintains the character of the area by providing a more flexible zoning alternative for the subject properties. The Zone Change from Industrial Business Campus (IBC) to Industrial Commercial (IC) provides an opportunity to expand and diversify the range of office-based industries and professional services located in the city. The proposed zone changes correspond to the proposed change in the Comprehensive Plan Map designation.

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

Criterion (b): The proposal must be supported by proof that the proposed zone change is consistent with goals and policies of the Comprehensive Plan in light of their intent statements; those portions of adopted neighborhood plans that are part of the Comprehensive Plan; and any standards imposed by state land use law. . . .

Applicant's Statement: The relationship of the proposal to the Plan has been examined. As demonstrated in the response to the Minor Comprehensive Plan change Criteria 1-6, the proposed amendments to the Comprehensive Plan map from "Industrial" to "Industrial Commercial" with concurrent zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial) conforms to the Goals and Policies of the Comprehensive Plan.

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 subject properties are currently zoned IBC (Industrial Business Campus). The original application of the IBC zone to the property is not in question, as it was the result of the anticipated type of economic development at the time the zone was applied and consisted of providing for large-scale, high technology electronics manufacturing plants. However, that type of anticipated economic development did not materialize, and economic conditions in the area have changed since the IBC zone was applied to the property. This proposal is a request to expand the development options for the sites in response to changes in the economic conditions, the addition of 507 acres of industrial land, and the rezoning of 75.61 acres of formerly IBC zoned property located within the Fairview Industrial Park development to IC (Industrial Commercial). These changes in circumstance require the change in the zone category to allow for expanded opportunities of use. The requested IC zone represents a relatively small amount of change from the existing IBC zoning designation, and maintains a full capability for industrial uses. Because the proposal is a response to changes in conditions in the area and a mistake in not changing the split zoning that resulted on the subject properties at the time of development of Phase 3 of the Fairview Industrial Park development, this consideration is relevant to the proposal.

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

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

Applicant's Statement: The economic patterns of the community have changed as a result of the SREC-Mill Creek Industrial Park plan. The Mill Creek Industrial park will be the major industrial site in the urban area, as well as in the Willamette Valley. That project is designed to accommodate a mix of industries including large-scale operations, which require enhanced access to the 1-5 Corridor. The Mill Creek project will provide 507 acres of developable land for that type of industrial development. This large of an increase in the industrial acreage changes the conditions of the market for all of the existing industrial lands. Existing industrial lands, such as the Mill Creek project, will become the focus of office-based "knowledge" industries and professional services. Because of its size, location, and advanced preparation for development, the Mill Creek project is a significant change in the economic pattern of the community, and this warrants reconsideration of the appropriate land use category for the subject site. The proposed zone change is an appropriate means of addressing the changes in the economic pattern of the community.

Finding: The economic pattern of the properties along Fairview Industrial Drive is changing from large-scale industrial development to a mix of large to medium-sized manufacturing and warehousing along-side business services such as the T-Mobile and Garmin call center facilities, and office uses such as the Oregon Department of Transportation. The originally envisioned development model of a well-landscaped, integrated industrial business campus remains. Staff concurs with the applicant that one of the main forces driving the shift to office and service uses on Fairview Industrial Drive is the availability of industrial land at the nearby Mill Creek Corporate Center. Staff also acknowledges the recently re-zoned nearby properties at 3930 Fairview Industrial Drive (Old SUMCO site), and at 4040 Fairview Industrial Drive (ODOT Office). In both of these past zone changes the proponents requested a change from IBC to IC for similar reasons as stated in this application. As was the case for those properties, staff finds that the requested IC zone is consistent with the evolving economic patterns of the neighborhood and is suitable for the subject property. This factor has been addressed.

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

Applicant's Statement: The applicant is seeking to provide for a wider range of professional service activities than is currently available to the area. The requested Zone Change to IC (Industrial Commercial) will provide for compatible uses within close proximity to one another

resulting from recent changes in zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial) for 75.61 acres of land located within the Fairview Industrial Park development. The

Fairview Industrial Park development is changing to predominantly service-oriented activities unless a major industrial user is found for the four large vacant and partially used industrial buildings located on the former SUMCO properties. These conditions change the character of the neighborhood from an industrial reserve, to a mix of industrial manufacturing and warehousing intermixed with commercial and professional service uses. The proposed Zone Change addresses the change in the conditions of the Fairview Industrial Park development by providing additional locations for multi-purpose, office-based, mixed industrial and commercial activities. These types of uses are consistent with the overall conditions and character of the neighborhood.

The proposal to change the zone from IBC (Industrial Business Campus) to IC (Industrial Commercial) will not affect the industrial uses located within the Fairview Industrial Park development. Expanding the range of uses through the proposed Zone Changes is supported by various factors including identified changes in the local and regional economy since the property was zoned IBC (Industrial Business Campus). The changes in industrial land requirements and the inventory of industrial land as a result of the development of the new Mill Creek industrial park project and the approval of several Comprehensive Plan Map amendments and Zone Changes to Industrial Commercial have changed the allowed uses within the Fairview Industrial Park development since its inception in 1984 by subjecting the Zone Changes to conditions of approval (see Exhibit 1 - Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals)

The subject properties are subject to the same CC&R's that the other properties within the Fairview Industrial Park are held to and when subject to the same amended IC uses (see Exhibit 1 - Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals) the objective of the Fairview Industrial Park development to provide an attractive and functional industrial park can still be realized.

For these reasons, the proposed zone changes are appropriate with regard to the changes in the conditions of the character of the area.

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

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

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

Applicant's Statement: The proposal to change the zoning on the subject properties will have no significant effect on the neighborhood, the physical characteristics of the properties, or public facilities and services. These subject properties consist of a total of 10.94 acres which have been master planned, and the location, size of the building and expansion areas are known. The form of the development on the vacant sites, their architectural style, landscape plans, access and parking,

and all other substantive features, will be subject to the CC & R's that have been placed on the other properties within the Fairview Industrial Park development and the use restrictions placed on other properties within the development that have been rezoned from IBC (Industrial Business Campus) to IC (Industrial Commercial) (see Exhibit 1 – Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC approvals).

The relationship of the development to surrounding properties will not change as a result of changing the zoning. The subject property is part of a mixed-use neighborhood, and the proposed changes in zoning will be consistent with the existing character of the Fairview Industrial Park development. The IC (Industrial Commercial) zone will provide for industrial and commercial uses, similar to those that exist on properties in the area. The types of industrial and commercial uses that may locate on this property will be a function of the style of the existing building and the size of the building that can be developed on the vacant parcel. The proposed Zone Change will not change the effect of the existing or future development on the physical characteristics of the property. All needed public facilities and services are already in place on the property. The physical characteristics of the property have been made or will be made a part of its development. There have been no significant adverse impacts on the property identified as a result of the existing use on the developed property. For these reasons, the proposal will have no effect on the neighborhood, the physical characteristics of the property, or public facilities and services, and this criterion is satisfied.

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

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

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

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

With regard to traffic impacts, staff recommends the following conditions, as proposed in the applicant's statement (Attachment 2) and Transportation Planning Rule (TPR) Analysis (Attachment 4):

Condition 2: Future uses permitted shall be limited to the following uses identified in Exhibit 1. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 3,444 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of future development review

on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

As conditioned, this factor has been addressed.

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

Applicant's Statement: The proposed zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial) will be consistent with the existing land uses and transportation pattern in this area. The proposed IC (Industrial Commercial) zone is appropriate for the location along a Minor Arterial with access to two major transportation street (Madrona Avenue, a designated Major Arterial Street and Kuebler Boulevard, a designated Parkway Street) and two Interstate-5 interchanges. The existing transportation system is adequate for the proposal, and includes multiple modes of transport and access. The proposal represents an appropriate change in the uses that could be allowed on the properties. Existing public services provide for water supply, sewage disposal and storm drainage, and all needed utilities are available or can be easily extended. No factors have been identified that would be detrimental to the public health, safety or welfare. In general, the public welfare will be improved by the type of mixed-use development that is intended by this proposal due to the potential for increased economic development and job creation.

Based on the facts, evidence, and reasons presented, and the circumstances that apply, the proposal to change the zoning from IBC (Industrial Business Campus) considers the relevant review factors and qualifies for the proposed zone change to IC (Industrial Commercial). The proposed zone change will be appropriate for the subject properties, and consistent with the surrounding area. No adverse impacts are identified. The future uses of the site will result in efficient use of the properties and use of the available public utilities. The requests are for an adjustment in the industrial land use category in order to provide for expanded use capabilities. The proposal is consistent with the applicable policies in the Comprehensive Plan. The proposal satisfies the criteria for a Plan Amendment with concurrent Zone Change.

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

CONCLUSIONS

Applicant's Conclusion: As demonstrated herein, the "Industrial Commercial" land use designation and corresponding IC (Industrial Commercial) zoning designation is appropriate for the subject properties. Based upon the presented supportive findings of facts and conclusions, the proposed request to amend the Comprehensive Plan Map from "Industrial" to "Industrial Commercial" with concurrent Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) on 10.94 acres is consistent and in compliance with applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals. The proposal satisfies all applicable criteria for Comprehensive Plan Map amendments with concurrent Zone Changes and the burden of proof has been met.

Finding: Staff concurs with the statements submitted by the applicant's representative, as set forth above, and concludes that with the recommended conditions, 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/Zone Change 11-08, for property 10.97 acres in size and located at 4070 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W12A / 806, 804, & 807):

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

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

Condition 2: Future uses permitted shall be limited to the following uses identified in Exhibit 1. The uses identified as conditional uses under the IC zone shall apply with the exception of residential care facilities, single family dwellings and manufactured homes, which will be prohibited.

Condition 3: The cumulative traffic impacts from all development on the subject property shall be limited to a maximum of 3,444 average daily trips. This trip limitation applies to the existing use at the subject property, an expansion of the existing use, and/or future development and change of use at the site. At the time of future development review on the subject property, the daily trip generation shall be calculated pursuant to the then-current Institute of Transportation Engineers (ITE) Trip Generation Manual.

- Attachments:**
- 1. Public Hearing Notice and Map
 - 2. Applicant's Statement Addressing Comprehensive Plan Change/Zone Change Approval Criteria
 - 3. Applicant's Existing Site Layout Plan
 - 4. Transportation Planning Rule Analysis, dated July 18, 2011
 - 5. Public Works Department Comments

Prepared by: Bryan Colbourne, Planner III



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Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix
Agriculture and forestry
Agricultural production - crops (01)
Landscape and horticultural services (078)
Timber tracts (081)
Forest nurseries and gathering of forest products
Forestry services (085)
Construction
Building construction - general contractors and operative builders (15)
Construction - special trade contractors (17)
Manufacturing
Dairy products (202)
Canned, frozen and preserved fruits, vegetables and food specialties (203)
Grain mill products (204)
Bakery products (205)
Candy and other confectionery products (2064 & 2068)
Chocolate and cocoa products (2066)
Chewing gum (2067)
Beverages (208)
Miscellaneous food preparations and kindred products (209)
Tobacco manufacturers (21)
Textile mill products (22)
Apparel and other finished products made from fabrics and similar materials (23)
Wood kitchen cabinets (2434)
Paperboard containers and boxes (265)
Printing, publishing, and allied industries (27)
Leather and leather products (31) BUT EXCLUDING leather tanning and finishing (311)
Metal cans and shipping containers (341)
Cutlery, hand tools and general hardware (342)
Heating equipment, except electric and warm air; and plumbing fixtures (343)
Metal forgings and stampings (346)

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix
Computer and office equipment (357)
Electronic and other electrical equipment and components, except computer equipment (36) BUT EXCLUDING storage batteries (3691) and primary batteries, dry and wet (3692)
Motor vehicles and motor vehicle equipment (371)
Aircraft and parts (372)
Measuring, analyzing, and controlling instruments; medical and optical goods; watches and clocks (38) BUT EXCLUDING photographic equipment and supplies (386)
Signs and advertising specialties (3993)
Transportation communication, electric, gas, and sanitary services
Railroad transportation (40)
Motor freight transportation and warehousing (42)
US Postal Service (43)
Transportation services (47)
Communication (48)
Wholesale trade
Wholesale trade-durable goods (50) BUT EXCLUDING automobiles and other motor vehicles (5012), lumber and other construction materials (503), coal and other minerals and ores (5052), construction and mining machinery and equipment (5082), scrap and waste materials (5093), and durable goods, not elsewhere classified (5099)
Wholesale trade-nondurable goods (51) BUT EXCLUDING livestock (5154) and chemicals and allied products (516)
Retail trade
Eating and drinking places (58) BUT EXCLUDING restaurants with drive-through service
Catalog and Mail Order Houses (5961)
Direct Selling Establishments (5963)
Finance, insurance and real estate
Depository Institutions (60)
Nondepository Credit Institutions (61)
Security and commodity brokers, dealers, exchanges and services (62)
Insurance carriers (63)
Insurance agents, brokers, and services (64)
Real estate (65)
Holding and other investment offices (67)

Exhibit 1: IC (Industrial Commercial) Zoning District Use Matrix	
Services	
Hotels and motels (701) BUT EXCLUDING casino hotels	
Mailing, reproduction, commercial art and photography, and stenographic services (733)	
Disinfecting and pest control services (7342)	
Building cleaning and maintenance services not elsewhere classified (7349)	
Computer programming, data processing, and other computer related services (737)	
Photofinishing laboratories (7384)	
Miscellaneous repair services (76)	
Motion pictures (78)	
Amusement and recreation services (79) BUT EXCLUDING casinos, racing, including track operation (7948) and entertainment establishments, except as permitted as a special use in the IC zone.	
Health services (80) BUT EXCLUDING hospitals (806)	
Legal services (81)	
Educational services (82)	
Social services (83) BUT EXCLUDING residential care (836)	
Membership organizations (86)	
Engineering, Accounting, Research, Management, and Related Services (87)	
Services not elsewhere classified (899)	
Public Administration	
Executive offices (911)	
General government, not elsewhere classified (919)	
Fire protection (9224)	
Finance, taxation, and monetary policy (93)	
Administration of human resources programs (94)	
Administration of environmental quality and housing programs (95)	
Administration of economic programs (96)	
Other uses	
Accessory buildings and uses normal and incidental to the uses permitted in this district	
Transit stop shelters	



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

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

CASE NUMBER:	Comprehensive Plan Change/Zone Change Case No.CPC-ZC11-08
AMANDA APPLICATION NO:	11-111945-ZO
HEARING INFORMATION:	Salem Planning Commission, Tuesday, OCTOBER 4, 2011 at 5:30 p.m. Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	4070 FAIRVIEW INDUSTRIAL DR SE, SALEM OR
OWNER / APPLICANT(S):	John D. Miller
APPLICANT / AGENT(S):	4070 FAIRVIEW LLC / Steve Ward
DESCRIPTION OF REQUEST:	To change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 10.97 acres in size and located at 4070 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W12A / 806, 804, & 807).
CRITERIA TO BE CONSIDERED:	Comprehensive Plan Change Pursuant to SRC 64.090, the testimony and evidence for the COMPREHENSIVE PLAN CHANGE must be directed toward the following criteria: 1. A lack of appropriately designated suitable alternative sites within the vicinity for a proposed use in regard to (a) size, or (b) location; or 2. A major change in circumstances affecting a significant number of properties within the vicinity such as: (a) the construction of a major capital improvement, or (b) previously approved plan amendments for properties in the area; and 3. The proposed plan change considers and accommodates as much as possible all applicable statewide planning goals; and 4. The proposed change is logical and harmonious with the land use pattern for the greater area as shown on the detailed and general plan maps; and 5. The proposed change conforms to all criteria imposed by applicable goals and policies of the comprehensive plan in light of its intent statements; and 6. The proposed change benefits the public. Zone Change Pursuant to SRC 113.150(b), the testimony and evidence for the ZONE CHANGE must be directed to the following criteria: 1. The existence of a mistake in the compilation of any map, or in the application of a land use designation to the property; 2. A change in the social, economic, or demographic patterns of the neighborhood or the community; 3. A change of conditions in the character of the neighborhood; 4. The effect of the proposal on the neighborhood; 5. The physical characteristics of the subject property, and public facilities and services; and 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.

ATTACHMENT 1

**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, Case Manager, 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. 

**NEIGHBORHOOD
ORGANIZATION:**

In Morningside Neighborhood Association, Geoffrey James, Land Use Chair; Phone: 503-931-4120; Email: geoffreyjames@comcast.net.

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

**DOCUMENTATION
AND STAFF REPORT:**

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

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

ACCESS:

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

NOTICE MAILING DATE:

September 14, 2011

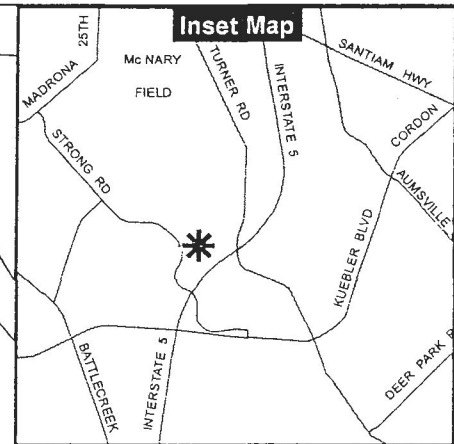
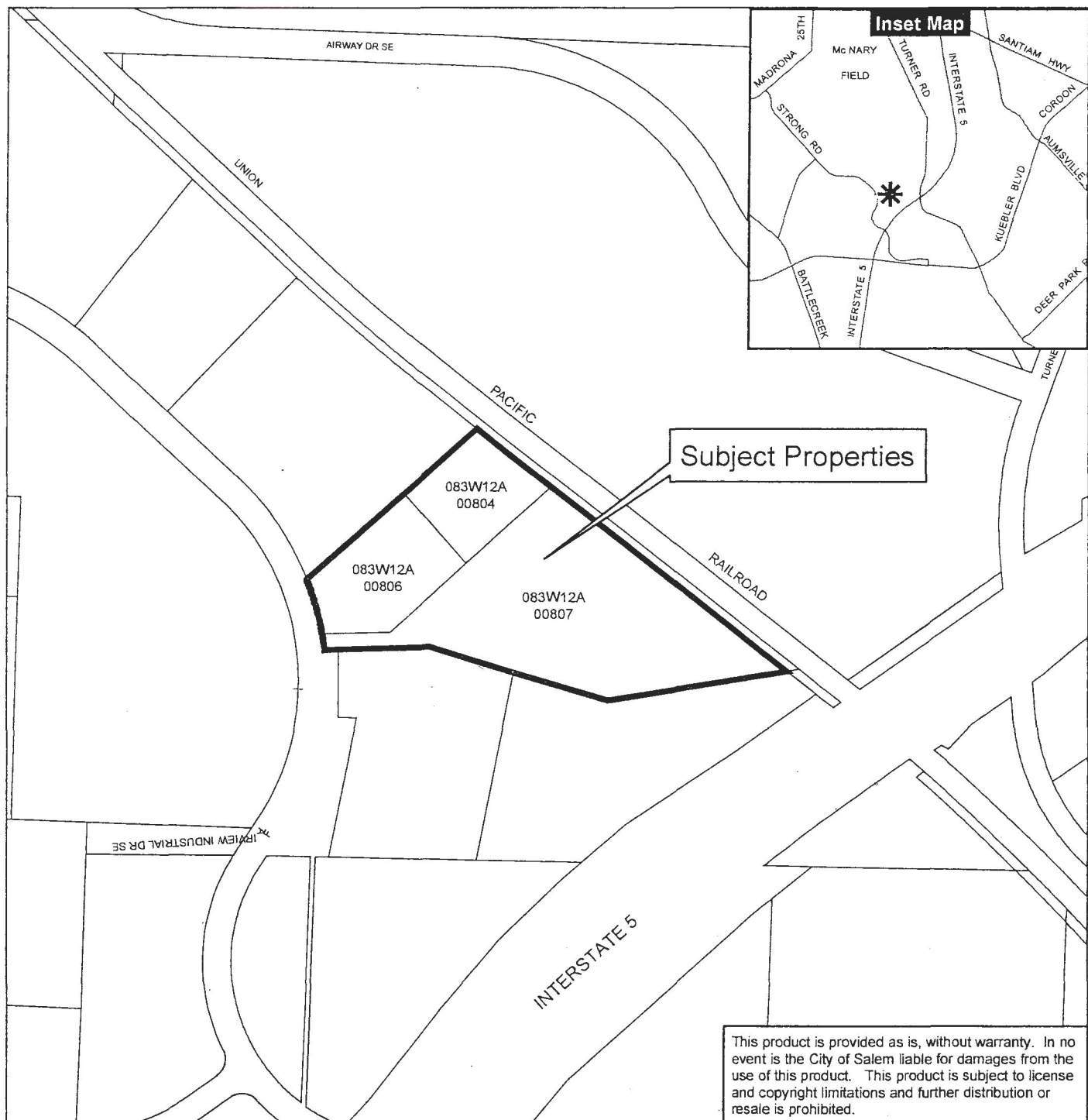
PLEASE PROMPTLY FORWARD A COPY OF THIS NOTICE TO ANY OTHER OWNER, TENANT OR LESSEE.

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

4070 Fairview Industrial Drive SE



Subject Properties

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Legend

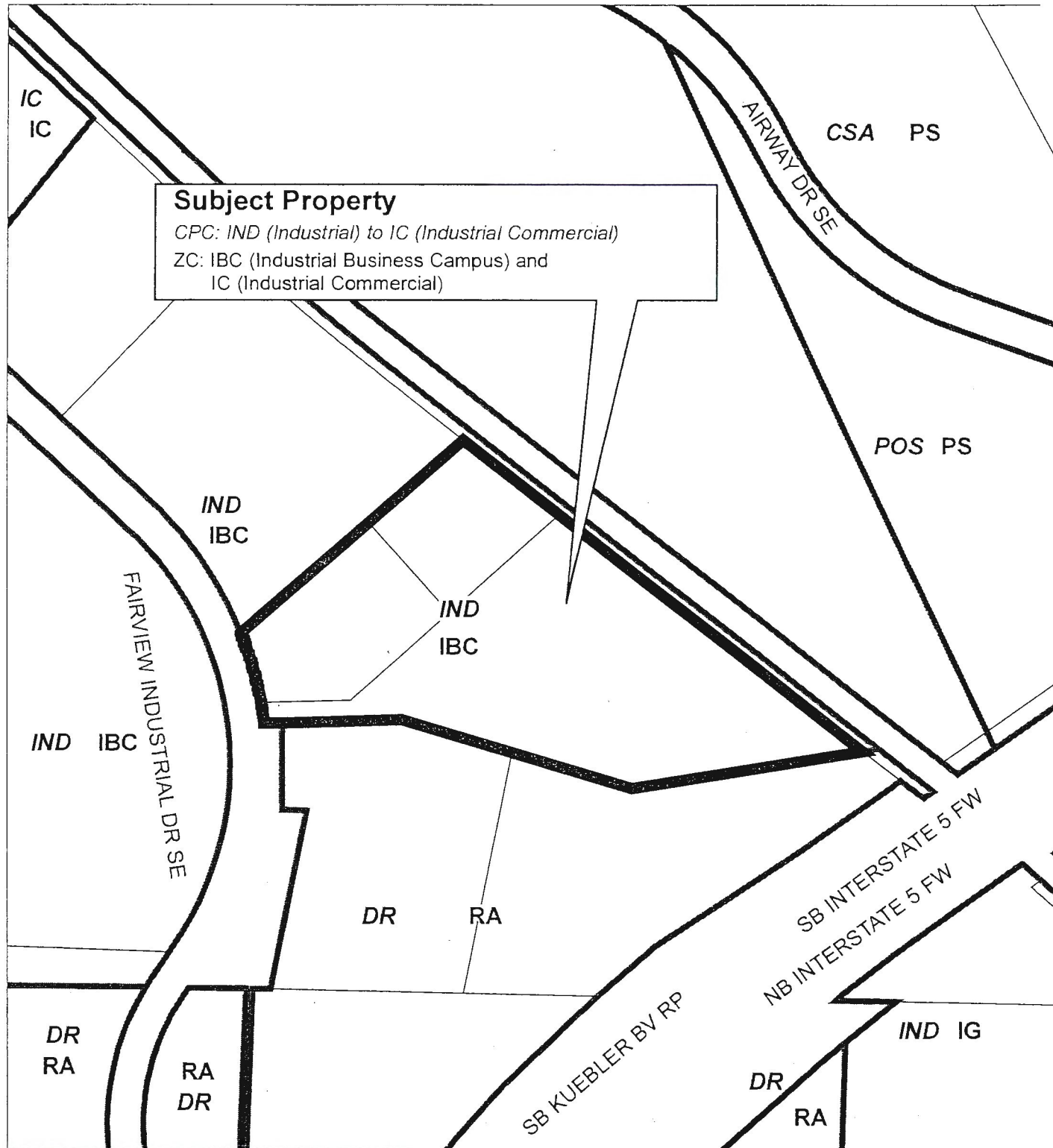
- Outside Salem City Limits
- Urban Growth Boundary
- Taxlots
- Historic District
- Schools
- Parks

0 100 200 400 Feet



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

Comprehensive Plan Change / Zone Change Case Number CPC/ZC11-08



Legend

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

0 50 100 200 Feet



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

Exhibit 'C'
FINDINGS OF FACT

**Comprehensive Plan Map Amendment with concurrent Zone Change
For Property Located at the
4070 Fairview Industrial Drive SE**

REQUEST: To change the Comprehensive Plan map designation from “Industrial” to “Industrial/Commercial” with a concurrent zone changes from IBC (Industrial Business Campus) to IC (Industrial Commercial) for 10.94 acres. [Marion County Assessor’s Map Number T8S R3W02, Tax Lots 00804, 00806 and 00807 (see Exhibit ‘B’)].

SUBMITTED ATTACHMENTS:

Exhibit ‘A’	Property Descriptions
Exhibit ‘B’	Assessor’s Map
Exhibit ‘C’	Comprehensive Plan Map Amendment/Zone Change Findings Document
Exhibit ‘D’	Existing Zoning
Exhibit ‘E’	Existing Site Layout
Exhibit ‘F’	Traffic Impact Analysis
Exhibit ‘G’	Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals

APPLICANT: John D. Miller dba 4070 Fairview, LLC; 4985 Battlecreek Rd SE #200; Salem OR 97302

AGENT: Steven A. Ward; 3841 Fairview Industrial Drive SE; Salem, OR 97302

APPROVAL CRITERIA: Salem Revised Code, Chapter 64, Comprehensive Plan Map Amendment and Salem Revised Code, Chapter 113, Zone Map Amendment. In this document, criteria for approval are written in ***Bold Italics***.

SITE INFORMATION: An overall development plan was designed for all three of the subject parcels (see Exhibit ‘E’ – Existing Site Layout). The largest of the subject properties (Tax Lot 807) contains 7.18 acres and has been master planned for a three story building containing 50,000 square feet and a four-story building containing 80,000 square feet with related parking. Tax Lot 806 contains 2.10 acres and has been master planned for a two-story building containing 40,000 square feet with related parking. Both sites are currently vacant. Tax Lot 804 contains 1.66 acres and is developed with a 13,950 square foot industrial warehouse building and related parking. The building is currently occupied by two businesses. One half of the building is occupied by an organic food processor (Organic Fresh Fingers) and the other half by a winery/brewer (Aengus Cider Works). All three properties are served by a common access drive that has been constructed. The subject properties are located approximately 2,164 feet (0.4 mile) east of the intersection of 27th Court SE and Fairview Industrial Drive SE and

approximately 1,112 feet (0.2 mile) west of the intersection of Marietta Street SE with Fairview Industrial Drive SE. All three properties are within the City's Urban Service Area (USA).

As a result of the development of the Mill Creek Industrial Park, changes in the economy and the effect of both on existing industrial lands, the applicant seeks to adjust the range of potential uses on the subject properties to include a wider mix of uses consistent with other recently rezoned properties within the Fairview Industrial Park development (see Exhibit 'D' – Existing Zoning). In order for this to occur, the applicant proposes to change the Comprehensive Plan Map designation from "Industrial" to Industrial/Commercial with concurrent Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial). As demonstrated in the following findings, these changes will provide for a wider range of professional service activities than is currently available and will provide for compatible uses within close proximity to one another. Expanding the range of uses through these measures is supported by various factors including identified changes in the local and regional economy since the property was zoned, the corresponding changes in industrial land requirements, and the effect of the new Mill Creek industrial park project on the industrial land inventory, and the recent change in zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial) for 75.61 acres of land located within the Fairview Industrial Park development.

SALEM AREA COMPREHENSIVE PLAN (SACP) DESIGNATION: The Salem Area Comprehensive Plan, effective November 2000, identifies the subject property as "Industrial." The property to the north across the railroad tracks, the middle fork of Pringle Creek and Airway Drive is designated as "Industrial." The two properties to the Northwest along the north side of Fairview Industrial Drive are designated as "Industrial" with 7.94 acres beyond designated as "Industrial Commercial." The property to the Southwest across Fairview Industrial Drive is designated as "Industrial". The two properties to the immediate West are designated as "Residential" with the properties beyond, across Interstate 5 designated as "Industrial."

ZONING: The properties to the Northwest across the railroad tracks, the middle fork of Pringle Creek and Airway Drive are zoned IP (Industrial Park)(see Exhibit 'D' – Existing Zoning). The two properties to the Northwest along the north side of Fairview Industrial Drive are zoned IBC (Industrial Business Campus) with 7.94 acres beyond zoned IC (Industrial Commercial). The property to the Southwest across Fairview Industrial Drive is zoned IBC (Industrial Commercial). The two properties to the immediate West are zoned RA (Residential Agricultural) with the properties beyond, across Interstate 5 zoned IG (General Industrial).

EXISTING LAND USES: Tax Lot 807 of the subject properties contains 7.18 acres and is currently vacant. Tax Lot 806 contains 2.10 acres and is currently vacant. A joint use access drive has been constructed to serve all three properties. Tax Lot 804 contains 1.66 acres and is developed with a 13,950 square foot industrial warehouse building and related parking. The building is currently occupied by two businesses. One half of the building is occupied by an organic food processor (Organic Fresh Fingers) and the other half by a winery/brewer (Aengus Cider Works). The abutting property to the West contains 7.51 acres and is the site of a paper products plant with technical support offices for the manufacturing of cardboard, bleached and unbleached paperboard and packaging paper. The business (Space Kraft) provides bulk containers for non-hazardous and hazardous solids. The abutting properties to the south contain

5.33 and 6.06 acres. Both properties are owned by the same person and are developed with a single family home and outbuildings and are farmed or forested. The property to the southwest, across Fairview Industrial Drive contains 30.7 acres and is currently vacant.

APPLICABLE NEIGHBORHOOD PLAN: The subject property is part of the Morningside Neighborhood Association. The Morningside NA has a City Council adopted Neighborhood Plan. The subject property is currently designated “Industrial” in the Morningside Land Use Plan Map.

APPLICABLE DETAIL PLANS: Detail plans are prepared as a policy guide 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. The Fairview Industrial Park development in which the subject property is located was a result of the Fairview Urban Renewal Plan adopted by the City in 1984. The subject properties are a part of Phase 3 of the development. The intent of the plan was to create a new major industrial-commercial business and employment center which encouraged the use of existing vacant structures.

The Salem Transportation System Plan, adopted August 24, 1998 and subsequently amended March 28, 2005, is identified as a detailed plan that is intended to provide a framework of goals, objectives and policies that will guide the community's efforts at achieving mobility. This Plan uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject site abuts Fairview Industrial Drive SE to the South, which is classified as a Minor Arterial Street in the Salem Transportation System Plan. Fairview Industrial Drive SE is currently improved to city standards with curbs and gutters, sidewalk and bikelanes on both sides.

PREVIOUS LAND USE ACTIONS IN THE FAIRVIEW INDUSTRIAL PARK. In 2007, Comprehensive Plan Map Amendment from “Industrial” to “Industrial/Commercial” with concurrent Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) was approved for approximately 63 acres of land that was once the South Campus of the SUMCO Corp. silicon wafer fabrication plant. The plant has been closed since 2004. The request was approved with a condition requiring any new development on the site to comply with development standards of the IBC zone and a condition that the uses allowed on the land were subject to those uses listed in an attached Exhibit rather than all uses listed in the IBC zoning district. In 2008, another property containing 7.94 acres located approximately one half mile from the former SUMCO properties and xxx from the northwest property line of the subject properties was also approved for a Comprehensive Plan Map Amendment with concurrent Zone Change from IBC and IP to IC subject to the same conditions of approval. Recently, two properties containing a total of 4.85 acres located across the street from the SUMCO properties were also approved for a Comprehensive Plan Map Amendment with concurrent Zone Change from IBC to IC subject to the same conditions of approval.

REQUIRED 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.

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

Salem Revised Code (SRC) Section 64.040(g) defines a minor comprehensive plan change as a single proceeding for amendments to the Comprehensive Plan affecting less than five privately and separately owned tax lots. This request is a Category 2 minor comprehensive 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 Comprehensive 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 an excerpt from the Applicant's Statement and a Staff response and/or finding relative to the amendment requested. The applicant provided justification for all applicable criteria.

The proposal must satisfy either Criterion 1A, 1B, 2A or 2B.

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

Supportive Findings and Conclusions: An overall development plan was designed for all three of the subject parcels (see Exhibit 'E' – Existing Site Layout). The largest of the subject properties (Tax Lot 807) contains 7.18 acres and has been master planned for a three story building containing 50,000 square feet and a four-story building containing 80,000 square feet with related parking. Tax Lot 806 contains 2.10 acres and has been master planned for a two-story building containing 40,000 square feet with related parking. Both sites are currently vacant. Tax Lot 804 contains 1.66 acres and is developed with a 13,950 square foot industrial warehouse building and related parking. The building is currently occupied by two businesses. One half of the building is occupied by an organic food processor (Organic Fresh Fingers) and the other half by a winery/brewer (Aengus Cider Works). All three properties are served by a common access drive that has been constructed.

The proposed Comprehensive Plan Map designation will expand the range of possible uses that are appropriate for the location. There is no pre-existing inventory of land designated "Industrial/Commercial" in the urban area. The character of the area has been established and

with the recent Comprehensive Plan Map and Zoning Map amendments to a total of 75.61 acres within the Fairview Industrial park area, the proposed change will continue to provide for consistency of uses in the area. The types of activities that could occupy the existing buildings, the appearance of the existing buildings, and the character of the uses adjacent to the subject property will conform to the established use of the properties within close proximity and to the allowed uses of the property on the majority of properties located between the railroad tracks and Fairview Industrial Drive. For these reasons, this location-specific proposal to amend the Comprehensive Plan Map from "Industrial" to "Industrial Commercial" with concurrent Zone Change from IBC (Industrial Business Park) to IC (Industrial Commercial) is consistent with regards to the type and character of the existing and future development in the area.

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.) that 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; and*

Supportive Findings and Conclusions: The Plan Amendment and designation establishing the new SREC/Mill Creek Industrial Park is a major change in circumstances that affects all of the existing industrial land in the Salem urban area. According to the SREC EOA, the justification for the Mill Creek project is based on the industrial land needs of the entire urban area, so the urban area is the "vicinity" for determining the industrial lands that will be affected. The Mill Creek project will affect the use of developed as well as vacant industrial lands.

The Mill Creek Industrial Park totals 646 acres, of which 507 acres will be developed. . This large increase is a major change in the inventory of industrial land in the UGB. As noted in the EOA, the site will be the largest industrial property in a metropolitan area in Oregon which, along with other cited factors, makes it locally, regionally, and nationally significant. According to the EOA it will be one of the state's "...most significant opportunities to attract and support employment." (p. 22). Therefore, the Plan amendment for the Mill Creek project represents a major change in circumstances that affects a significant number of properties within the vicinity.

In addition, the Mill Creek site is intended to be distinguished from other industrial properties in the UGB by its master plan and through the provision of public infrastructure and environmental mitigation. Through these measures the site is intended to be the focus of industrial development in the urban area.

Of the 507 acres to be developed in the Mill Creek project, 313 acres are designated for large industrial parcels, 80 acres are for general industrial uses, 104 acres for are for commercial-office uses, and 10 acres area for accessory service arid retail uses (EOA pp 1-2). The plan for the industrial park includes financing for pre-development planning, environmental mitigation, and a plan to fund construction of infrastructure. These measures are included to assure developers that infrastructure will be available when needed, and environmental mitigation will

be provided. As described in the EOA (p. 1), these measures will position that project". . . to compete for developers and uses on a local, regional and national scale."

The EOA states that the SREC "...addresses a regional and local need to attract and accommodate industrial and commercial employment within Salem's UGB... ." by combining industrial and commercial uses, by providing sufficient funding for environmental enhancement of the property, and by attracting the "most experienced regional and national private developers" (EOA p. 2). The stated intent of these interrelated objectives will be to "...distinguish the property from Salem's existing inventory of industrial sites..." (EOA p. 21).

Given the intent and objectives of the new Mill Creek project, and in particular the provision of 104 acres in that project for commercial and office uses, it is necessary to expand the range of development capabilities for the subject property in order to respond to the changing conditions in the market for industrial sites. The proposed change to "Industrial/Commercial" with concurrent Zone Change is an appropriate response to the changing nature of industrial/commercial activity in the recently rezoned 75.61 acres within the immediate area, and to the expanded inventory of industrial sites, in the Urban Growth Boundary as a result of the major change in circumstances that has occurred as a result of the approved Comprehensive Plan amendments for properties in the Mill Creek project area. The addition of industrial, commercial and office lands have changed the character of the area to the extent that the existing designations for the subject property are no longer appropriate. For these reasons (2)(B) is satisfied.

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

Supportive Findings and Conclusions: The following Statewide Goals apply to this proposal:

Statewide Planning Goal 1 - Citizen Involvement

- (1) **Citizen Involvement:** *To provide for widespread citizen involvement.*
- (2) **Communication:** *To assure effective two-way communication with citizens.*
- (3) **Citizen Influence:** *To provide the opportunity for citizens to be involved in all phases of the planning process.*
- (4) **Technical Information:** *To assure that technical information is available in an understandable form.*
- (5) **Feedback Mechanisms:** *To assure that citizens will receive a response from policy-makers*
- (6) **Financial Support:** *To insure funding for the citizen involvement program.*

Supportive Findings and Conclusions: The City's public hearing process meets the requirements of this Goal for citizen involvement in the land use process. Notice of the proposal will be provided to the Neighborhood Association, to property owners within the notice area, published in the newspaper, and posted on the property prior to the hearing. A public hearing to consider the request will be held by the Planning Commission with an opportunity to also be heard by the City Council. 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.

Statewide Planning Goal 2- Land Use Planning

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

Statewide Planning Goal 3 – Agricultural Lands: To preserve and maintain agricultural lands.

Supportive Findings and Conclusion: This Statewide Goal is not applicable to this request as there are no agricultural lands within the area.

Statewide Planning Goal 4 – Forest Lands: To protect forest lands ...

Supportive Finding and Conclusion: There are no forested lands within the subject property. This Goal is not applicable.

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

Supportive Findings and Conclusions: The subject property has not been identified in the Comprehensive Plan as a scenic or historic resource, or as public open space. This Goal is not applicable.

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

Supportive Findings and Conclusions: The purpose of the proposed Comprehensive Plan Map amendment with concurrent Zone Change is to allow for a wider mix of industrial-commercial uses such as professional services that are more compatible with the area as it has evolved since the conception of the IBC (Industrial Business Campus) designation. The smallest of the three subject properties (1.66 acres) and is developed with a 13,950 square foot building that is utilized by two food processing businesses (Organic Fresh Fingers and Aengus Cider Works). The vacant parcels, which contain 7.18 and 2.10 acres, have been master planned for a total of 170,000 square feet of building area with related parking (see Exhibit 'E' – Existing Site Plan).

The subject properties are within a developed area that is already characterized by a mix of commercial and industrial activities. Any new buildings or additions to the existing building will be subject to the existing Fairview Industrial Park design standards as provided for in the existing covenants, conditions and restrictions (CC & R's) in place for all of the properties located within the Fairview Industrial Park development.

The properties lie between two major transportation routes, Madrona Avenue, a designated Major Arterial Street and Kuebler Boulevard, a designated Parkway Street and lie adjacent to a minor arterial street (Fairview Industrial Drive). Industrial/Commercial uses are expected to utilize portions of the property on the easterly side of Fairview Industrial Drive which is within approximately 900 feet of the subject properties. Additional industrial development is expected within a mile of this area as a result development of the remaining vacant industrial lots located in the Fairview Industrial Park and as a result of the Comprehensive Plan and zone designations approvals for the Mill Creek Industrial development. The proposed Comprehensive Plan Map amendment from "Industrial" to "Industrial/Commercial" with concurrent zone change from IBC (Industrial Business Park) to IC (Industrial Commercial) will not alter the density or form of existing or future development on the subject properties as the properties will continue to be subject to the covenants, conditions and restrictions (CC & R's) in place for the Fairview Industrial Park development. Because uses on the subject properties will continue to be office- based activities and/or low intensity industrial uses, the proposed Plan change will not increase the potential effects on air, water and land resource quality at this location.

The major potential impact to the air in this area is from industrial activities and vehicle traffic on Fairview Industrial Drive. The proposed Plan changes will not result in a change in the types of uses or create an adverse impact on air quality due to vehicle traffic.

Public sewer, water, and storm drain services are already provided to the subject property. The City treats sewage to meet the applicable standards for environmental quality. Surface water runoff is collected on site and taken to the public storm drain system in Fairview Industrial Drive. Through the use of the public collection and treatment facilities there will be no sewage discharges from the properties directly to a water body or into the ground.

Based on these factors and considerations there will be no significant adverse impacts to the quality of the air, water or land as a result of this proposal.

Statewide Goal 7- Areas Subject to Natural Disasters and Hazards: To protect people and property from natural hazards.

Supportive Findings and Conclusion: Although the middle fork of Pringle Creek traverses across the northern boundary of Tax Lot 807 and 806, the developed and developable portions of the properties do not lie within a Flood Boundary or a Flood Way. The floodplain area lies within existing or proposed parking areas (see Exhibit 'E'

– Existing Site Plan). All buildings (existing and future) are located outside of the floodplain boundary.

According to the Salem-Keizer Local Wetland Inventory (LWI), there are mapped wetlands on the subject property. At the time of development of the existing building and related parking an off-site wetland mitigation was done. As wetland delineations are only valid for five years, at the time additional development occurs on the subject properties, the applicant is aware that the Division of State Lands will be notified and whether future permits or approvals are needed will be determined at that time.

According to the City's adopted landslide hazard susceptibility maps there are several small areas of mapped landslide hazard susceptibility on the subject property. A geologic assessment or geotechnical report will be required at the time of future development on the property in accordance with SRC Chapter 69.

No other natural hazards specific to this site have been identified and the floodplain has been addressed as part of the first phase of the development. Wetland and landslide hazards can be addressed at the time of future development on the properties, thus this Goal has been addressed.

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

Supportive Finding and Conclusion: The site is not designated for recreational use and this Goal does not apply.

Statewide Goal 9-Economy: To provide adequate opportunities throughout the state for a variety of economic activities vital to the health, welfare, and prosperity of Oregon's citizens.

Supportive Findings and Conclusions: The subject property is currently designated Industrial and it is zoned IBC (Industrial Business Campus), SRC Chapter 156. The IBC zone allows for office-based activities and/or low intensity commercial or industrial uses, with restrictions. The proposal is to change the Plan map designation on the subject properties from "Industrial" to "Industrial/Commercial" with a concurrent zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial), SRC Chapter 155. The IC zone includes a full range of uses and maintains a complete capability for industrial development. Therefore, although the Comprehensive Plan map designation and the zone category will change, the inventory of land that is available for industrial uses, and the potential for industrial development in the city may be decreased by only an additional 10.94 acres. As the IBC zone and the IC zoning designations allow similar industrial uses, the likelihood also exists that the potential for industrial development will not decrease at all.

As a result of changes in the local, regional, and State economies, the availability and location of industrial lands in the urban area, and the character of the adjoining area, the proposal will provide for an appropriate mix of uses and activities on the subject site.

The changes in the economy that affect industrial and commercial development in the urban area are described in the SREC EOA. In response to these changes the City and the State have entered into an intergovernmental agreement to establish the new Mill Creek Industrial Park. The agreement with the State includes the provision of financing for pre-development planning, environmental mitigation, and a plan to fund construction of infrastructure. These measures are included to assure developers that infrastructure will be available when needed, and environmental mitigation will be provided. In addition, the City has designated the site with Comprehensive Plan and Zone categories that allow the intended industrial and commercial uses. Together, these measures will position the new development". . . to compete for developers and uses on a local, regional and national scale" (EOA p.1).

The EOA notes that the SREC "...addresses a regional and local need to attract and accommodate industrial and commercial employment within Salem's UGB..." by combining industrial and commercial uses, by providing sufficient funding for environmental enhancement of the property, and by attracting the "most experienced regional and national private developers" (EOA p. 2). The stated intent of these interrelated objectives will be to "...distinguish the property from Salem's existing inventory of industrial sites..." (EOA p. 21). Given these objectives, it is necessary for existing industrial sites, including the subject property, to expand their range of development capabilities, in order to address the changing conditions in the market for industrial sites as described in the EOA and as presented by the Mill Creek project.

The size and scale of the Mill Creek project, the integration of complementary uses, and its advance preparation for development through master planning, provision of infrastructure, and mitigation of environmental issues, will make it the focus of industrial development efforts in the urban area. Those factors will position that project as the major, and preferred, site for new industrial development in the urban area. Promoting its use will be a priority for local and State economic development organizations in order to provide return on the investment in the site's advance planning, and on the improvements that are necessary to support development.

As a result, it is appropriate to expand the development and use potential of the subject properties for uses more appropriate to the area and size of the parcels (1.66 acres, 2.10 acres and 7.18 acres). The proposed change to "Industrial/Commercial" is supported by various factors including the changes in the local and regional economy, the recently rezoning of 75.61 acres of IBC land to IC within the Fairview Industrial Park development, changes in industrial land requirements, and the effect of the Mill Creek industrial project on the industrial lands inventory. For these reasons, the proposal is consistent with this Goal.

Statewide Goal 10- Housing: To provide for the housing needs of citizens of the state.

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

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

Supportive Findings and Conclusion: All necessary public services and utilities including water, sewer, storm drainage, streets, fire and police protection, public transit, electricity and telephone, and solid waste disposal, are currently provided. Uses in the IC (Industrial Commercial) zoning district are generally similar to those in the IBC (Industrial Business Campus) zoning district with the exception that the IBC zone does not allow medical offices. The provision of adequate public facilities and services for the proposed uses, meets the requirements of this Goal.

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

Supportive Findings and Conclusion: The subject property is located adjacent to Fairview Industrial Drive, a Minor Arterial Street on the Salem Transportation System Plan (STSP) which is linked to two major transportation routes. Fairview Industrial Drive has an approximate 50-foot wide street improvement within a 76-foot wide right-of-way. Madrona Avenue to the North, a designated Major Arterial Street, is a direct link to Mission Street/Santiam Highway via 25th Street to the north, and to Commercial Street to the east at which point Madrona Avenue transitions to a Minor Arterial in the STSP. Kuebler Boulevard to the south, a designated Parkway Street, provides a direct link to Interstate 5 to the west and to all major traffic routes to the North.

The intersections of Fairview Industrial Drive with Madrona Avenue and with Kuebler Boulevard are controlled by traffic signals. The change in the land use designation for these properties will not cause a significant impact on the existing transportation system, or result in a level of service decreasing to an unacceptable level.

As a result of the subject property being located along this major route, the subject properties are adequately served by the existing street system and no new streets are needed or proposed. Public transit service is available on Fairview Industrial Drive, which is classified as a Minor Arterial Street on the SASP. Fairview Industrial Drive, Madrona Avenue and Kuebler Boulevard are also bike routes. These transit and bicycle facilities provide transportation alternatives to the private auto to reach the subject sites, and together with the sites' accessible locations from a major street, will serve to reduce vehicle miles traveled within the urban area.

The Transportation Analysis provided by Oregon Traffic Engineering LLC (see Exhibit 'F') provides an analysis for a reasonable limit to the number of daily trips (ADT) that could be generated by development under the existing zoning designations and the applicant is willing to agree to limit the trips from the site in the future to this number for the entire site subject to the request Comprehensive Plan Map Amendment. This in addition to the future uses being limited to the uses identified in Exhibit 'G' will assure that the daily trips from the subject properties will not exceed the reasonable trip

generation of 3,444 trips which was based upon the Master Plan that was approved for all three properties at the time of construction of the building located on Tax Lot 806.

The requested Comprehensive Plan Map amendment to 'Industrial Commercial' with concurrent zoning designation of IC (Industrial Commercial) can be approved with the condition that a cap of a total of 3,444 trips ADT from the subject properties be imposed, meeting the intent and letter of the transportation planning rule.

These factors are in keeping with the requirements of the TPR. Because the proposed uses will not have a significant impact on the existing transportation facilities, and will be consistent with the TPR, the requirements of this Goal are met and can be ensured with a condition of approval.

Statewide Goal 13 - Energy Conservation: To conserve energy.

Supportive Findings and Conclusion: The building that was constructed on the smallest of the subject properties was designed to meet or exceed the building code requirements for energy efficiency in effect at the time of construction. The location of the subject properties along a minor arterial route with direct access to two major arterials, and the availability of public transit and bicycle transportation to the sites make the sites highly accessible and serves to reduce the energy needed to reach the sites. These factors result in the sites being consistent with the energy conservation requirements of this Goal.

Statewide Goal 14 - Urbanization: To provide for an orderly and efficient transition from rural to urban land use.

Supportive Findings and Conclusion: The subject properties are within the city limits and the smallest parcel was developed to IBC standards as part of the development agreement at the time of development occurring on Tax Lot 806. All three parcels are subject to the CC & R's (covenants, conditions and restriction) of the Fairview Industrial Park development.

The proposal to amend the Comprehensive Plan map from "Industrial" to "Industrial-Commercial" is consistent with the intent of this Goal to maintain a compact and efficient urban area. This proposal does not affect the Urban Growth Boundary.

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

Supportive Finding and Conclusion: These Goals are not applicable to this application.

Supportive Conclusion: Considering the facts, evidence and reasons presented, the proposed Comprehensive Plan Map change from "Industrial" to "Industrial-Commercial" 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 detailed general plan maps; and*

Supportive Findings and Conclusion: The subject properties are currently designated on the Salem Area Comprehensive Plan for general industrial use, as are the two parcels to the immediate northwest and to the southwest of the subject properties which are zoned IBC (Industrial Business Campus). The 7.94 acres property beyond the two parcels to the northwest is designated on the Comprehensive Plan Map as Industrial/Commercial and is zoned IC (Industrial Commercial). This property was recently rezoned from IBC to IC in 2008. The properties to the south are currently zoned for residential/agricultural use. However, the topography changes on these properties to from the nearly flat ground of the industrial park to a hillside that is heavily wooded.

The proposed "Industrial/Commercial" designation is compatible with the industrial and service uses within close proximity to the subject property. The proposed IC (Industrial Commercial) zoning designation maintains a full range of light industrial uses as well as allowing a wider range of office type uses such as professional and business services. There will be little or no change in the capability of the site to provide for industrial activity. The proposed change will expand the capability for a combination of office-based industrial and service uses on the subject 10.94 acres. The location of the property, the character of the existing development on the subject properties (see Exhibit 'E', Existing Site Layout) and on the surrounding lands, and the range of the existing land uses in the area, make the subject property an appropriate location for the proposed "Industrial/Commercial" Comprehensive Plan designation and corresponding zoning designation. All three parcels are subject to the CC & R's of the Fairview Industrial Park development.

In addition, the applicant is willing to be subject to limitations to future uses on the property as provided for in Exhibit 'G' (Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals) and to be subject to a condition of approval that all future uses and development shall adhere to the development standards identified in the IBC zoning district or as amended or approved by Variance. For these reasons the proposed changes are logical and harmonious with the land use pattern for the greater area, as shown on the general Plan map.

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*

Supportive Findings and Conclusions: The following elements of the Salem Area Comprehensive Plan are applicable to this request:

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

- 1. Intent: The intent of the Salem Area Comprehensive Plan is to project a goal – the most desirable pattern of land use in the Salem area. This pattern, as represented on the Comprehensive Plan Map, indicates areas appropriate for different types of land use. The pattern takes into consideration the transportation***

network, the location of public facilities and utility systems, and the needs of the people which are important to the creation and maintenance of a healthful and pleasing urban environment.

To ensure that the anticipated urban land use needs are met, the Plan Map demonstrates a commitment that land for a wide variety of uses will be available at appropriate locations as needed. There are two approaches to achieving this commitment. One approach is the rezoning of land in quantities sufficient to accommodate land use demands identified for the planning period. Another approach is through the phased provision of land over time, through annexation and rezoning in response to demand for specific land uses.

It is the later approach that the Salem Area Comprehensive Plan has taken. Thus the land use pattern that is shown on the map recognizes the zoning that has developed over time, with general designations of the land uses that are expected to be developed as a result of (1) demand, (2) the plan policies and intent statements, and (3) implementing regulations and processes. This Plan recognizes that the land use and zoning are expected to change during the time span of the Plan as conditions change.

Supportive Findings and Conclusion: This proposal to change the Comprehensive Plan Map designation from "Industrial" to "Industrial/Commercial" on the subject properties is made in response to the conditions that influence the subject properties and to the changes that affect it. The subject property is within an area that was created in the mid 80's in response to a perceived need for a large industrial campus development. As the adoption of the Plan amendments creating the new Mill Creek project was a major change in conditions, a need for greater flexibility for the use of existing industrial lands was also created. The proposed change maintains the current industrial land use capability, while including an expanded degree of flexibility in the use of the existing development on the sites. For these reasons the proposal is consistent with the intent and methodology of the Plan.

B. Special Resource Information

1. *Intent: Special conditions which exist in some locations need to be recognized in order to develop in a satisfactory manner.*
 - a. *The Flood Boundary and Flood Way.*
 - b. *Fish and Wildlife: Fishery areas are under the jurisdiction of the Oregon State Fish and Wildlife Commission. Mill and Pringle Creeks are salmon spawning streams.*

Supportive Findings and Conclusions: Although the middle fork of Pringle Creek traverses across the northern boundary of Tax Lot 807 and 806, the developed and developable portions of the properties do not lie within a Flood Boundary or a Flood Way. The floodplain area lies within existing or proposed parking areas (see Exhibit 'E' – Existing Site Plan). All buildings (existing and future) are located outside of the floodplain boundary. All storm water is or will be collected on site and taken to a public system and not to the creek. As a result of the proposed Comprehensive Plan Map

amendment with concurrent Zone Changes there will be no impact of Fish and Wildlife in the area.

C. Urban Growth Policies:

1. *To contain urban development within planned urban areas where basic services such as sewers, water facilities, police and fire protection can be efficiently and economically provided.*
2. *To conserve resources by encouraging orderly development of land.*
7. *To preserve and enhance the livability of the area.*
8. *To use public facilities and services as a framework for urban development.*

Supportive Findings and Conclusion: The public facilities and service needs for the subject properties were provided at the time of construction of the Fairview Industrial Park development. All public services and utilities are available to the subject properties including water, sewer, storm drainage, streets, bikelanes, sidewalks, fire and police protection, public transit, electricity and telephone, and solid waste disposal. Uses in the IC (Industrial Commercial) zoning district are generally similar to those in the IBC (Industrial Business Campus) zoning district with the exception that the IBC zone does not allow medical offices. With the adoption of the amended Industrial Commercial Zoning District Use Matrix (see Exhibit 'G') the uses will be compatible. The proposed Comprehensive Plan Map amendment with concurrent Zone Changes is consistent with these Policies.

D. General Definitions

1. *Neighborhood Plans*
2. *Detailed Plans*

Supportive Finding and Conclusion: The subject property is included in the Morningside Neighborhood Plan, which was adopted by the City Council on June 11, 1984. The Detailed Fairview Industrial Park Plan was created through an Urban Renewal project and was also adopted in June of 1984 as a way to encourage the reuse of existing buildings in the area and in response to a current trend for large-scale industrial campus type development. The subject properties are designated as "Industrial" on the Neighborhood Plan. The development of the 507-acre Mill Creek Industrial Park has created a major shift away from the limited industrial uses permitted in the existing IBC zoning designation as evidenced by the rezoning of 75.61 acres of IBC (Industrial Business Campus) zoned property to IC (Industrial Commercial) within the Fairview Industrial Park development.

As a result of the development of the Mill Creek Industrial Park, changes in the economy and the effect of both on existing industrial lands, the applicant seeks to adjust the range of potential uses on the subject properties to include a wider mix of uses consistent with the recently rezoned property to the northwest of the subject property (see Exhibit 'D' – Existing Zoning).

Part IV. Salem Urban Area Goals and Policies

- A. **General Development - Optimal Use of the Land Policy 7:** *Structures and their siting in all residential, commercial, and industrial developments shall optimize the use of land. The cumulative effect of all new residential development in the Salem urban area should average 6.5 dwelling units per gross acres of residential development. Development should minimize adverse alteration of the natural terrain and watercourses, the potential for erosion and adverse effects upon the existing topography and soil conditions.*

Supportive Findings and Conclusion: The smallest of the subject properties is fully developed and has not created any adverse effects on the natural terrain or watercourses. This Policy has been met by the existing development and can be ensured by conditions of approval at the time of Site Plan Review for any new construction occurring on the undeveloped parcels or an expansion to the existing building on the developed site.

- B. **Growth Management Goal:** *To manage growth in the Salem urban area through cooperative efforts of the city of Salem and Marion and Polk Counties, to insure the quality of life of present and future residents of the area, and to contain urban development and to preserve adjacent farm land...*

Supportive Findings: The following Growth Management Policies pertain to this proposal:

Infill on Facilities 9. New development shall be encouraged to locate in areas where facilities are already available and in areas which require the least public costs to provide needed facilities and services.

Supportive Findings and Conclusion: The necessary public facilities, services and utilities are already in place and providing service to the subject properties. No additional services or expansions of the systems will be needed as a result of the proposed Comprehensive Plan Map Amendment with concurrent Zone Changes. The existence and availability of public services, facilities and utilities to the property fulfills this policy directive.

Ten Year Supply of Land 12. A continuous ten-year supply of serviced, developable land should be maintained to avoid unnecessary increase in land prices created by artificial shortages of land.

Supportive Findings and Conclusion: The proposal is a response to the recent Plan amendments and Zone Changes that increased the inventory of industrial land in the community, and it is consistent with the types of uses that are likely to locate on a parcel of these sizes (7.18, 2.10 and 1.66 acres).

Supportive Conclusion: 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 of the Salem Area Comprehensive Plan.

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

Supportive Findings and Conclusions: The proposed zone change from Industrial Business Campus (IBC) to Industrial/Commercial (IC) resulting from a Comprehensive Plan Map amendment from "Industrial" to "Industrial/Commercial" will provide for a mix of industrial and commercial office uses adjacent to a Minor Arterial street (Fairview Industrial Drive) with easy access to two Interstate-5 interchanges. As a result of the adjoining transportation system, the property is accessible from all parts of the Salem urban area as well as the Marion-Polk County metropolitan area. Because the subject properties are highly accessible and visible, the proposal will serve to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area, the requested Comprehensive Plan Map amendment with concurrent Zone Change is in keeping with this Goal.

The following Commercial Development Policies apply to this proposal:

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.

Supportive Findings and Conclusions: The properties that are the subject of the Comprehensive Plan Map amendment from "Industrial" to "Industrial/Commercial" are located adjacent to Fairview Industrial Drive, a Minor Arterial street. Access to the site is provided from the minor arterial street via a joint-use driveway. Fairview Industrial Drive links to two major transportation streets (Madrona Avenue, a designated Major Arterial street and Kuebler Boulevard, a designated Parkway street) which in turn link to Interstate 5. Traffic to the subject property does not filter through residential streets. For these reasons, the proposed Comprehensive Plan Map amendment with concurrent Zone Change is consistent with this Policy.

Mixed Use Development: 7. Mixed use developments shall be provided for in land use regulations.

Supportive Findings and Conclusion: The proposed IC (Industrial-Commercial) zoning district represents a form of mixed-use development that combines industrial and limited commercial uses. The proposed rezoning is consistent with this Policy.

Supportive Conclusion: For the reasons, factors, and conditions that have been described, the proposed Comprehensive Plan Map Amendment from "Industrial" to "Industrial/Commercial" conforms to the requirements and guidelines of the Commercial Development Goal and Policies of the Salem Area Comprehensive Plan.

- D. Economic Development Goal:** *Strengthen the economic base of the Salem area to sustain the economic growth necessary to provide adequate employment opportunities and maintain community livability.*

Supportive Findings and Conclusions: The proposed "Industrial/Commercial" Comprehensive Plan Map designation with the related IC (Industrial Commercial) zoning designation provides for a larger range of commercial and industrial uses than the existing IBC (Industrial Business Campus) and IP zoning designations thus providing for more employment opportunities and meeting the intent of this Goal.

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

Supportive Findings and Conclusions: The proposed "Industrial/Commercial" Comprehensive Plan Map designation with the related IC (Industrial Commercial) zoning designation provides for a large range of industrial uses. The mix of uses reflects the economic base of the community, as most recently described in the SREC EOA report. The types of industry suitable for the subject property are determined by the use of the immediate surrounding uses, which are designed for office-based, or "knowledge-based" industries, and professional and business services. The proposed IC zone will expand the capability of the site to attract these types of industries and service uses. By expanding the potential uses for the site in a manner that is consistent with the economic base of the community, the proposed change will improve the ability of the community to attract and maintain new industrial activity, which is in keeping with the intent of this goal.

Supportive Findings: The following Industrial Development policies pertain to this proposal:

Industrial Land Inventory: *1. 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.*

Supportive Findings and Conclusions: The subject properties total approximately 10.94 acres. An overall development plan was designed for all three of the subject parcels (see Exhibit 'E' – Existing Site Layout). The largest of the subject properties (Tax Lot 807) contains 7.18 acres and has been master planned for a three story building containing 50,000 square feet and a four-story building containing 80,000 square feet with related parking. Tax Lot 804 contains 2.10 acres and has been master planned for a two-story building containing 40,000 square feet with related parking. Both sites are currently vacant. Tax Lot 806 contains 1.66 acres and is developed with a 13,950 square foot industrial warehouse building and related parking. The building is currently occupied by two businesses. One half of the building is occupied by an organic food processor (Organic Fresh Fingers) and the other half by a winery/brewer (Aengus Cider Works). All three properties are served by a common access drive that has been constructed.

Under the "Industrial/Commercial" designation the properties will remain available for a wide range of industrial uses. The inventory of industrial parcels will not be affected by the proposed change from "Industrial" to "Industrial/Commercial," and the change will not affect the ability of the city to maintain a long-term industrial land inventory. The subject sites provide the city with an opportunity to expand and diversify its range of office-based industries and professional services, and doing so helps to sustain a competitive market for a range of small, medium and large industrial sites. The City's ability to attract large-scale industries was greatly enhanced by the new Mill Creek industrial project, which added 507 acres to the developable inventory. Considering the size (7.18, 2.10 and 1.66 acres) and character of the subject properties, the proposal is consistent with this Policy.

Industrial Land Inventory: 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;*

Supportive Findings and Conclusion: The proposal to amend the Comprehensive Plan Map from "Industrial" to "Industrial-Commercial" on 10.94 acres does not impact the long-term continuity of the industrial inventory because the Industrial-Commercial (IC) zoning designation maintains the capability for the siting of industrial uses. The proposed change to "Industrial-Commercial" serves the community's interests by adding flexibility to the uses allowed on the subject site in a manner that is appropriate for the location, the facilities, the land use pattern, and the economic make-up of the community. The proposal is a response to the Plan amendments for the Mill Creek Industrial Park that increased the inventory of industrial land in the community, and the recent change in zoning of 75.61 acres of land to IC (Industrial Commercial) within the Fairview Industrial Park development. The proposed Comprehensive Plan Map amendment with concurrent Zone Changes is consistent with the types of uses that are likely to locate on a parcel the size of the subject properties. For these reasons, the proposal satisfies the community's interests and does not impact the long-term continuity of the industrial inventory

and

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

Supportive Findings and Conclusion: The requested Comprehensive Plan Map amendment with concurrent Zone Change is not the result of an existing or adjacent use. The change in zoning is a result of the recent change in zoning of a 7.94 acre parcel located approximately 900 feet away and the other 67.67 acres of land within the Fairview Industrial Park development that have been changed from IBC (Industrial Business Campus) zoning to IC (Industrial Commercial).

and

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

Supportive Findings and Conclusions: The industrial land inventory will not be affected. The Industrial-Commercial designation provides for industrial uses. There is no specific inventory of vacant Industrial Commercial land. The parcels subject to the Comprehensive Plan map amendment are more appropriate to accommodate a mix of uses as provided by the IC (Industrial Commercial) zoning designation than a large-scale industrial user. The sites are especially appropriate along a major traffic route (Fairview Industrial Drive). There is an identified need to provide for knowledge-based industries that require access to 1-5 and to air transportation. The characteristics of the three sites include excellent access, visibility, and proximity to the Salem Airport and to two 1-5 interchanges. These factors, along with the types of uses that are considered to be likely to locate here, warrant the capability for a mix of uses as provided under the "Industrial-Commercial" designation.

Or

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

Supportive Findings and Conclusions: The proposed redesignations are based upon on the character of the area (see Exhibit 'G' - Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals). The proposed amendments will provide the basis for a viable development by expanding the range of industrial and commercial uses allowed. The proposed "Industrial/Commercial" designation of the subject property mirrors the uses allowed on the majority of properties located between the railroad tracks and Fairview Industrial Drive and specifically the 7.94 acres located approximately 900 feet to the northwest of the subject properties. Therefore, the Comprehensive Plan Map amendment with concurrent Zone changes is appropriate for these specific properties.

and

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

Supportive Findings and Conclusion: There is no specific inventory of Industrial Commercial land. The proposal is specific to the subject properties and the existing and/or changes in uses on properties in close proximity to the subject properties.

and

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

Supportive Findings and Conclusion: All public facilities, services and utilities are already in place and have been provided to the existing building on Tax Lot 806 and can be provided to Tax Lots 807 and 804 at the time of development.

Public Facilities, Services, and Utilities: *2. 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 in fill development and redevelopment of the currently serviced areas shall be given priority for public funding of facilities, services, and utilities.*

Supportive Findings and Conclusion: The necessary public facilities, services and utilities are already in place and providing service to the subject properties. Expansion of the systems is not needed. The existence and availability of public services, facilities and utilities to the subject properties fulfills this Policy directive.

Interface with Other Uses: *4. Industrial land shall be subject to industrial development standards which ensure that development and operation is compatible with surrounding land uses.*

Supportive Findings and Conclusion: The proposed "Industrial/Commercial" designation will not change the development standards for the fully-developed site or the vacant sites. As the developed site was, the vacant sites will be subject to the same development standards by deed restrictions attached to all properties within the Fairview Industrial Park development. The subject properties will continue to be compatible with the surrounding development and subject to the same development standards. This can be ensured by conditions of approval.

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

Supportive Findings and Conclusions: The subject properties are appropriately located with regards to access to the arterial street system that serves the urban area. The subject properties are located on a Minor Arterial Street with direct linkage to two major transportation streets, Madrona Avenue, a designated Major Arterial Street and Kuebler Boulevard, a designated Parkway Street. The location of the subject properties and access routes are consistent with this Policy.

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

Supportive Findings and Conclusions: The IC (Industrial Commercial) zoning designation maintains a wide variety of industrial development opportunities, as directed by this policy. The property will not lose industrial capability. Applying the IC (Industrial Commercial) zoning designation to the property will be

consistent with this Policy to provide for a variety of industrial development opportunities.

Supportive Conclusions: The proposal for a Comprehensive Plan Map amendment from "Industrial" to "Industrial/Commercial" will encourage and promote industrial development that strengthens the economic base of the community and minimizes air and water pollution by enhancing opportunities for office-based industry and services. The proposed zone will enhance industrial development opportunities in the urban area by providing for additional flexibility in industrial and mixed-use development opportunities. With the addition of the 507 acres of industrial land created by the Mill Creek Industrial development, the proposal to change the designation of 10.94 acres will not affect the industrial land inventory with the city. For the reasons and factors provided the proposal is consistent with the applicable Industrial Development Goals and Policies.

Criterion 6: The proposed change benefits the public.

Supportive Findings and Conclusion: The proposed change in the land use designations will be consistent with the location, the character of the property, and the surrounding land use and transportation pattern. The type of development that is allowed by the IC (Industrial Commercial) zoning district is consistent with the existing uses within the immediate vicinity of the property. The mix of uses allowed by the Industrial-Commercial designation will add flexibility for these properties, in response to the changing conditions affecting industrial land as a result of the new Mill Creek Industrial Park project. The appearance and function of the properties can be ensured to be consistent with the adjoining uses by placing conditions of approval on the Comprehensive Plan Map Amendment with concurrent Zone Changes consistent with those placed on the 75.61 acres within the Fairview Industrial Park development that have been rezoned to Industrial Commercial (see Exhibit 'G' – Industrial Commercial Zoning District Use Matrix As Amended by Planning Commission for Previous IBC to IC Approvals). The proposed change will expand the opportunities for professional and business services and employment at this location. For these reasons the change benefits the public.

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

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

Salem Revised Code, Chapter 114, Section 160 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 will be required, but

the degree of detail in the treatment of relevant factors will depend 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.

Burden of Proof: *The applicant for any quasi-Judicial land use action under this zoning code shall have the burden of proving justification for the proposal. The greater the impact of the proposal in an area, the greater is the burden on the proponent (SRC114.160(a)).*

Opening Statement: SRC 113.100(a) recognizes that due to a variety of factors including changing development patterns, concepts, and community needs, and other factors which cannot be specifically anticipated, the zoning pattern cannot remain static. These zone change is proposed in response to the major change in the industrial land use pattern created by the Mill Creek Industrial Park project. That project increases the inventory of industrial land by 507 developable acres.

The proposed zone change maintains the character of the area by providing a more flexible zoning alternative for the subject properties. The Zone Change from Industrial Business Campus (IBC) to Industrial Commercial (IC) provides an opportunity to expand and diversify the range of office-based industries and professional services located in the city. The proposed zone changes correspond to the proposed change in the Comprehensive Plan Map designation.

Criterion 1: *The proposal must be supported by proof that it conforms to all applicable criteria imposed in this zoning code; that it conforms to all standards imposed by applicable goals and policies of the comprehensive plan In light of its intent statements, Including adopted neighborhood plans; and that It conforms with all applicable land use standards imposed by state law or administrative regulation. The burden tests ultimately on the proponent to bring forward testimony or other evidence sufficient to prove compliance with these standards. At a minimum, the proponent's case should Identify and evaluate the proposal in the context of all applicable standards.*

Supportive Finding and Conclusion: The relationship of the proposal to the Plan has been examined. As demonstrated in the response to the Minor Comprehensive Plan change Criteria 1-6, the proposed amendments to the Comprehensive Plan map from "Industrial" to "Industrial/Commercial" with concurrent zone change from IBC (Industrial Business Campus) to IC (Industrial Commercial) conforms to the Goals and Policies of the Comprehensive Plan.

Criterion 2: *In addition to the proof under [Criterion 1] above, the following factors should be evaluated by the proponent of a zone change and shall, where relevant, be addressed by the administrative body in its final decision:*

Factor 1: *The existence of a mistake in the compilation of any map, or in the application of a particular land use designation to any property in this zoning code or the comprehensive plan;*

Supportive Findings and Conclusions: The subject properties are currently zoned IBC (Industrial Business Campus). The original application of the IBC zone to the property is not in question, as it was the result of the anticipated type of economic development at the time the zone was applied and consisted of providing for large-scale, high-technology electronics manufacturing plants. However, that type of anticipated economic development did not materialize, and economic conditions in the area have

changed since the IBC zone was applied to the property. This proposal is a request to expand the development options for the sites in response to changes in the economic conditions, the addition of 507 acres of industrial land, and the rezoning of 75.61 acres of formerly IBC zoned property located within the Fairview Industrial Park development to IC (Industrial Commercial). These changes in circumstance require the change in the zone category to allow for expanded opportunities of use. The requested IC zone represents a relatively small amount of change from the existing IBC zoning designation, and maintains a full capability for industrial uses. Because the proposal is a response to changes in conditions in the area and a mistake in not changing the split zoning that resulted on the subject properties at the time of development of Phase 3 of the Fairview Industrial Park development, this consideration is relevant to the proposal.

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

Supportive Findings and Conclusions: The economic patterns of the community have changed as a result of the SREC-Mill Creek Industrial Park plan. The Mill Creek Industrial park will be the major industrial site in the urban area, as well as in the Willamette Valley. That project is designed to accommodate a mix of industries including large-scale operations, which require enhanced access to the 1-5 Corridor. The Mill Creek project will provide 507 acres of developable land for that type of industrial development. This large of an increase in the industrial acreage changes the conditions of the market for all of the existing industrial lands. Existing industrial lands, such as the Mill Creek project, will become the focus of office-based "knowledge" industries and professional services. Because of its size, location, and advanced preparation for development, the Mill Creek project is a significant change in the economic pattern of the community, and this warrants reconsideration of the appropriate land use category for the subject site. The proposed zone change is an appropriate means of addressing the changes in the economic pattern of the community.

Factor 3: A change of conditions in the character of the neighborhood in which the use or development is proposed;

Supportive Findings and Conclusions: Existing Land Uses: The applicant is seeking to provide for a wider range of professional service activities than is currently available to the area. The requested Zone Change to IC (Industrial Commercial) will provide for compatible uses within close proximity to one another resulting from recent changes in zoning from IBC (Industrial Business Campus) to IC (Industrial Commercial) for 75.61 acres of land located within the Fairview Industrial Park development.

The Fairview Industrial Park development is changing to predominantly service-oriented activities unless a major industrial user is found for the four large vacant and partially used industrial buildings located on the former SUMCO properties. These conditions change the character of the neighborhood from an industrial reserve, to a mix of industrial manufacturing and warehousing intermixed with commercial and professional service uses. The proposed Zone Change addresses the change in the conditions of the Fairview Industrial Park development by providing additional locations for multi-

purpose, office-based, mixed industrial and commercial activities. These types of uses are consistent with the overall conditions and character of the neighborhood.

The proposal to change the zone from IBC (Industrial Business Campus) to IC (Industrial Commercial) will not affect the industrial uses located within the Fairview Industrial Park development. Expanding the range of uses through the proposed Zone Changes is supported by various factors including identified changes in the local and regional economy since the property was zoned IBC (Industrial Business Campus). The changes in industrial land requirements and the inventory of industrial land as a result of the development of the new Mill Creek industrial park project and the approval of several Comprehensive Plan Map amendments and Zone Changes to Industrial/Commercial have changed the allowed uses within the Fairview Industrial Park development since its inception in 1984 by subjecting the Zone Changes to conditions of approval (see Exhibit 'G'- Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals)

The subject properties are subject to the same CC&R's that the other properties within the Fairview Industrial Park are held to and when subject to the same amended IC uses (see Exhibit 'G' – Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC Approvals) the objective of the Fairview Industrial Park development to provide an attractive and functional industrial park can still be realized.

For these reasons, the proposed zone changes are appropriate with regard to the changes in the conditions of the character of the area.

Factor 4: The effect of the proposal on the neighborhood, the physical characteristics of the subject property, and public facilities and services:

Supportive Findings and Conclusions: The proposal to change the zoning on the subject properties will have no significant effect on the neighborhood, the physical characteristics of the properties, or public facilities and services. This subject properties consist of a total of 10.94 acres which have been master planned, and the location, size of the building and expansion areas are known. The form of the development on the vacant sites, their architectural style, landscape plans, access and parking, and all other substantive features, will be subject to the CC & R's that have been placed on the other properties within the Fairview Industrial Park development and the use restrictions placed on other properties within the development that have been rezoned from IBC (Industrial Business Campus) to IC (Industrial Commercial)(see Exhibit 'G' – Industrial Commercial Zoning District Use Matrix as Amended by Planning Commission for Previous IBC to IC approvals).

The relationship of the development to surrounding properties will not change as a result of changing the zoning. The subject property is part of a mixed-use neighborhood, and the proposed changes in zoning will be consistent with the existing character of the Fairview Industrial Park development. The IC (Industrial Commercial) zone will provide for industrial and commercial uses, similar to those that exist on properties in the area.

The types of industrial and commercial uses that may locate on this property will be a function of the style of the existing building and the size of the building that can be developed on the vacant parcel. The proposed Zone Change will not change the effect of the existing or future development on the physical characteristics of the property. All needed public facilities and services are already in place on the property. The physical characteristics of the property have been made or will be made a part of its development. There have been no significant adverse impacts on the property identified as a result of the existing use on the developed property. For these reasons, the proposal will have no effect on the neighborhood, the physical characteristics of the property, or public facilities and services, and this criterion is satisfied.

Factor 5: All other factors relating to the public health, safety, and general welfare which the administrative body deems relevant.

Supportive Findings and Conclusions: The proposed zone change from IBC (Industrial Commercial) to IC (Industrial Commercial) will be consistent with the existing land uses and transportation pattern in this area. The proposed IC (Industrial Commercial) zone is appropriate for the location along a Minor Arterial with access to two major transportation street (Madrona Avenue, a designated Major Arterial Street and Kuebler Boulevard, a designated Parkway Street) and two Interstate-5 interchanges. The existing transportation system is adequate for the proposal, and includes multiple modes of transport and access. The proposal represents an appropriate change in the uses that could be allowed on the properties. Existing public services provide for water supply, sewage disposal and storm drainage, and all needed utilities are available or can be easily extended. No factors have been identified that would be detrimental to the public health, safety or welfare. In general, the public welfare will be improved by the type of mixed-use development that is intended by this proposal due to the potential for increased economic development and job creation.

Based on the facts, evidence, and reasons presented, and the circumstances that apply, the proposal to change the zoning from IBC (Industrial Business Campus) considers the relevant review factors and qualifies for the proposed zone change to IC (Industrial Commercial). The proposed zone change will be appropriate for the subject properties, and consistent with the surrounding area. No adverse impacts are identified. The future uses of the site will result in efficient use of the properties and use of the available public utilities. The requests are for an adjustment in the industrial land use category in order to provide for expanded use capabilities. The proposal is consistent with the applicable policies in the Comprehensive Plan. The proposal satisfies the criteria for a Plan Amendment with concurrent Zone Change.

CONCLUSIONS: As demonstrated herein, the "Industrial/Commercial" land use designation and corresponding IC (Industrial Commercial) zoning designation is appropriate for the subject properties. Based upon the presented supportive findings of facts and conclusions, the proposed request to amend the Comprehensive Plan Map from "Industrial" to "Industrial/Commercial with concurrent Zone Change from IBC (Industrial Business Campus) to IC (Industrial Commercial) on 10.94 acres is consistent and in compliance with applicable goals and policies of the Comprehensive Plan and the Statewide Planning Goals. The proposal

satisfies all applicable criteria for Comprehensive Plan Map amendments with concurrent Zone Changes and the burden of proof has been met.

ATTACHMENT 3



Exhibit 'E' Existing Site Layout

Oregon Traffic Engineering LLC

WEST-CH

JUL 26 2011
RECEIVED



Date: July 18, 2011

To: Mr. Steve Ward, PE

From: Karl Birky, PE

Re: Zone Change / Comprehensive Plan Map Amendment
4070 Fairview Industrial Drive SE, Salem, OR

Mr. Ward:

You have asked me to provide information about the traffic impacts of changing the comprehensive plan map designation and the zoning of tax lots 804, 806 and 807 of tax map T08S R03W Sec12A in Salem. The 10.94 Ac site, is zoned Industrial Business Campus (IBC) and the comprehensive plan map designation is Industrial (I). The owner is requesting the zoning be changed to Industrial Commercial (IC) and the comprehensive plan map designation be changed to Industrial Commercial (IC). Land use actions, like this one, requires addressing several criteria including the transportation planning rule to assure the change does not create unanticipated problems for the transportation system.

Oregon land use law requires the Transportation Planning Rule (TPR) be met whenever a land use action like this 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. It is the intent of this analysis to establish parameters so that the proposed comprehensive plan map amendment and zone change does not significantly affect a transportation facility.



There are two ways to make the assurance. The first is to show, and limit if necessary, the amount of anticipated traffic from future allowed uses is less than currently allowed traffic volumes could be. The amount of traffic

would be "capped" to less than the estimated amount of traffic from allowed uses under the existing zoning and comprehensive plan map designation. The second way is to mitigate (fix) facilities that are significantly affected if there is a resulting increase in possible traffic as defined in the TPR. In this instance, the best way to make the assurance is to limit the traffic to less than is possible under existing zoning and comprehensive plan map designations. This analysis will determine the number of trips that could be generated from the site under the existing zoning and will recommend restrictions be developed and recorded on the deeds that limit trip generation volumes (measured as Average Daily Traffic (ADT)), as determined by the current ITE Trip Generation Manual under the existing and new uses.

The three tax lots are 10.94 Acres (476,546 sq. ft.) in area. For this analysis it is assumed that 30% (142,954 sq. ft.) of the area can be developed as building area. The remaining 70% of area will be used for landscaping, parking lots, roadways, accesses, utilities and building setbacks. There is a restriction that certain uses in IBC cannot occupy more than 10% (14,295 sq. ft.) of the building space. Table 1

Oregon Traffic Engineering LLC
3101 Juniper Dr
Newberg, OR 97132

Exhibit 'F'
Traffic Impact Analysis

July 23, 2011
503-550-7777
karl@ortraffic.com

ATTACHMENT 4

Oregon Traffic Engineering LLC

identifies reasonable land uses and their trip generation estimate in the IBC zone using the Institute of Transportation Engineer's Trip Generation Manual (8th Edition).

Table 1 – Reasonable land use trip generation estimates in existing IBC zone on 10.94 Ac				
ITE #	Land Use	Number of Units	ITE Trip Gen. Rate	Estimated Trips (ADT)
565	Daycare Center	4 ksf	79.26 ADT/ksf	317 trips
770	Business Park	129 ksf	12.76 ADT/ksf	1646 trips
912	Bank with Drive In	10 ksf	148.15 ADT/ksf	1481 trips
Total		143 ksf		3,444 trips

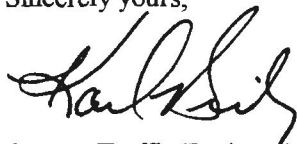
The 3,444 trips is a reasonable limit to the number of daily trips (ADT) that could be generated by development on the site with the existing zoning and comprehensive plan map designation. The 4 ksf Daycare Center and 10 ksf Bank occupy less than 10% of the space and are limited uses. In discussion with the City of Salem staff, the site owners have agreed to limit the trips from the site in the future to this number for the entire site. If the site is divided and owned by separate entities, the trips would be divided based on the land area of each parcel.

The intent of establishing this number is to develop and occupy the site with uses that conform to the zoning (IC) of the parcel and generate fewer trips than the target using the current ITE Trip Generation Manual in the existing IBC zoning. It is true that the IC zone allows high trip generating uses like fast food with drive thru (ITE #934 - 496.12 ADT/ksf) which, if the developer were to allow a fast food with drive through to occupy the site would quickly take a significant portion of the available agreed to trip cap. With this cap agreement the developer is indirectly agreeing not to permit a fast food with drive thru on the site without imposing a significant handicap on the development.

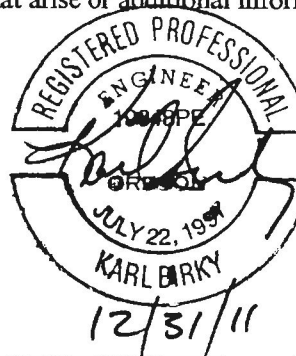
It is the developer's belief the requested zone change and comprehensive plan map amendment will allow uses, currently not allowed, to be invited to occupy the site and contribute to the strengthening of the City of Salem economy. The requested zone change to IC and comprehensive plan map amendment to Industrial Commercial can be approved with conditions (a cap of 3,444 trips ADT at the site) that will meet the intent and letter of the transportation planning rule.

I can be reached at 503-550-7777 if there are additional questions that arise or additional information is needed.

Sincerely yours,

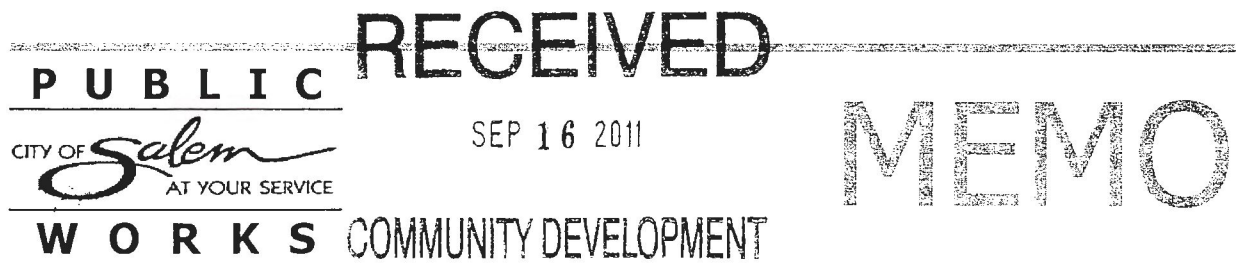


Oregon Traffic Engineering LLC
Karl Birky, PE, PTOE
Engineer



Oregon Traffic Engineering LLC
3101 Juniper Dr
Newberg, OR 97132

July 23, 2011
503-550-7777
karl@ortraffic.com



TO: Bryan Colbourne, Planner III
Community Development Department

FROM:  Glenn J. Davis, P.E., Chief Development Engineer
Public Works Department 

DATE: September 16, 2011

SUBJECT: TENTATIVE PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 11-08 (11-111945)
4070 FAIRVIEW INDUSTRIAL DRIVE SE
INDUSTRIAL TO INDUSTRIAL COMMERCIAL

PROPOSAL

To change the Salem Area Comprehensive Plan Map designation from "Industrial" to "Industrial Commercial" and change the zone district from IBC (Industrial Business Campus) to IC (Industrial Commercial) on property approximately 10.97 acres in size and located at 4070 Fairview Industrial Drive SE, 97302 (Marion County Assessor's Map and Tax Lot numbers: 083W12A/806, 804, & 807).

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 3,444 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 Transportation Planning Rule (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed

ATTACHMENT 5

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

Bryan Colbourne, Planner III
September 16, 2011
Page 2

MEMO

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 TIA findings and recommends a condition to limit the development on the 10.97 acre site to 3,444 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.

Prepared by: Robin Bunse, Administrative Analyst II

State

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

ATTN: Plan Amendment Specialist

DEPT OF

OCT 12 2011

LAND CONSERVATION
AND DEVELOPMENT

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