



Oregon

John A. Kitzhaber, M.D., Governor

Department of Land Conservation and Development

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Salem, Oregon 97301-2540

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www.oregon.gov/LCD



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: 01/16/2015
Jurisdiction: City of Salem
Local file no.: CPC-ZC-14-07
DLCD file no.: 019-14

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 01/15/2015. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office. This amendment was submitted without a signed ordinance.

Notice of the proposed amendment was submitted to DLCD 43 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A 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).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE
File No.: 019-14 {22564}
Received: 1/15/2015

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See OAR 660-018-0040). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use Form 4 for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use Form 5 for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use Form 6 with submittal of an adopted periodic review task.

Jurisdiction: City of Salem

Local file no.: **CPC-ZC14-07**

Date of adoption: Jan. 6, 2015 Date sent: 1/15/2015

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

- Yes: Date (use the date of last revision if a revised Form 1 was submitted): Nov. 24, 2014
- No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No
If yes, describe how the adoption differs from the proposal:

Local contact (name and title): Chris Green, Planner II

Phone: 503-540-2326 E-mail: cgreen@cityofsalem.net

Street address: 555 Liberty St SE, Rm 305 City: Salem Zip: 97301-

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from Developing Residential to Industrial Commercial. 5.86 acres. A goal exception was required for this change.

Change from Industrial to Industrial Commercial. 14.72 acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Change from _____ to _____ acres. A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address): _____

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from Residential Agriculture to Industrial Commercial. Acres: 5.86

Change from General Industrial to Industrial Commercial. Acres: 14.72

Change from _____ to _____ . Acres:

Change from _____ to _____ . Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation: _____ . Acres added: _____ . Acres removed:

Location of affected property (T, R, Sec., TL and address): 083W12A01300 & 01302; 3311 Marietta St SE

List affected state or federal agencies, local governments and special districts:

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

Public Hearing Staff Report dated January 6, 2015

NOTICE OF DECISION

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



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

DECISION OF THE PLANNING COMMISSION

COMPREHENSIVE PLAN CHANGE/ZONE CHANGE NO. CPC-ZC14-07

APPLICATION NOS. : 14-118873-ZO & 14-118877-ZO

NOTICE OF DECISION DATE: JANUARY 7, 2015

REQUEST: A consolidated Comprehensive Plan Map Amendment and Zone Change for two abutting lots on the north side of Marietta Street SE, just east of the I-5 freeway. The applicant proposes to change the Comprehensive Plan Map designation and zoning of both lots to IC (Industrial Commercial) to allow future development of facilities for firms engaging in software development and cryopreservation of biological tissue.

Tax Lot 1300 is approximately 5.86 acres in size, is designated Developing Residential on the Plan Map, and is zoned RA (Residential Agriculture). Tax Lot 1302 is approximately 14.72 acres in size, is designated Industrial on the Plan Map, and is zoned IG (General Industrial). The subject property is located at 3311 Marietta Street SE (Marion County Assessor's Map and Tax Lot numbers: 083W12A01300 and 01302).

APPLICANT: JORDAN SPARKS

LOCATION: 3311 MARIETTA ST SE / 97317

CRITERIA: Salem Revised Code Chapters 64 & 265

DECISION:

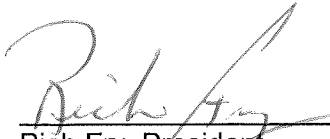
The Planning Commission **GRANTED** Comprehensive Plan Change / Zone Change Case No. CPC-ZC14-07, as follows:

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Developing Residential and Industrial to Industrial Commercial be GRANTED.
- B. That the zone change request for the subject property from RA (Residential Agriculture) and IG (General Industrial) to IC (Industrial Commercial) be GRANTED, subject to the following condition of approval:

Condition 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 8,053 average daily trips generated by the proposed use or uses.

VOTE:

Yes 6 No 0 Absent 1 (Blasi)


Rich Fry, President
Planning Commission

Application Deemed Complete: December 2, 2014
Public Hearing Date: January 6, 2015
Notice of Decision Mailing Date: January 7, 2015
Decision Effective Date: January 23, 2015
State Mandate Date: April 1, 2015

Case Manager: Chris Green, cgreen@cityofsalem.net

This decision is final unless written appeal from an aggrieved party is filed with the City of Salem Planning Division, Room 305, 555 Liberty Street SE, Salem OR 97301, **no later than 5:00 p.m., January 22, 2015**. Any person who presented evidence or testimony at the hearing may appeal the decision. The notice of appeal must contain the information required by SRC 300.1020 and must state where the decision failed to conform to the provisions of the applicable code section, SRC Chapter 64 and 265. The appeal must be filed in duplicate with the City of Salem Planning Division. The appeal fee must be paid at the time of filing. If the appeal is untimely and/or lacks the proper fee, the appeal will be rejected. The City Council will review the appeal at a public hearing. After the hearing, the City Council may amend, rescind, or affirm the action, or refer the matter to staff for additional information.

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

<http://www.cityofsalem.net/planning>

G:\CD\PLANNING\CASE APPLICATION FILES 2011-On\CPC-ZC Comp Plan Change-Zone Change\2014\Case Processing Docs\CPC-ZC14-07 - 3311 Marietta St SE (Chris)\CPC-ZC14-07 Notice of Decision.DOC

TO: Planning Commission

FROM: Lisa Anderson-Ogilvie, ^{L.A.O.} Urban Planning Administrator

STAFF: Christopher Green, Planner II

HEARING DATE: January 6, 2015

APPLICATION: Comprehensive Plan/Change Zone Change 14-07

LOCATION: 3311 Marietta Street SE (Marion County Assessor's Map and Tax Lot Numbers 083W12A01300 and 1302)

SIZE: 20.58 acres

REQUEST: A consolidated application for two abutting lots on Marietta Street SE that contains the following requests:

- (1) Comprehensive Plan Change to change the site's Salem Area Comprehensive Plan Map designation from "Developing Residential" and "Industrial" to "Industrial Commercial";
- (2) Zone Change request to change zone district for the site from RA (Residential Agriculture) and IG (General Industrial) to IC (Industrial Commercial).

APPLICANT: Jordan S. Sparks

APPROVAL CRITERIA: Comprehensive Plan Amendment: Salem Revised Code, Chapter 64
Zoning Map Amendment: Salem Revised Code, Chapter 265

RECOMMENDATION: APPROVE subject to the following conditions:

Condition 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 8,053 average daily trips generated by the proposed use or uses.

APPLICATION PROCESSING:

Subject Application

On November 12, 2014, Jordan Sparks filed an application for a Comprehensive Plan Change and Zone Change to change the Comprehensive Plan Map designation for the subject property from Developing Residential and Industrial to Industrial Commercial, and to change the zoning of same from RA (Residential Agriculture) and IG (General Industrial) to IC (Industrial Commercial). The application was deemed complete for processing on November 20, 2014.

120-Day Requirement

Amendments to an acknowledged Comprehensive Plan are not subject to the 120-day rule set forth in ORS 227.178). The request for the Zone Change included in this consolidated application is subject to the 120-day rule. The state-mandated 120-day deadline to issue a final local decision in this case is March 20, 2015.

Public Notice

1. Notice of the proposed Comprehensive Plan Change and Zone Change was distributed to City departments and public and private service providers on November 21, 2014 (Attachment 1).
2. Notice of the January 6, 2015 public hearing was mailed to the owners of all property within 250 feet of the subject property on December 17, 2014 (Attachment 1).
3. The property was posted in accordance with the posting provision outlined in SRC 300.620.
4. ORS 197.610 and Salem Revised Code (SRC) 300.620(b)(1) require the City to provide the Oregon Department of Land Conservation and Development (DLCD) a minimum 35-day notice when an applicant or the City proposes an amendment to an acknowledged Comprehensive Plan or land use regulation or to adopt a new land use regulation. The City sent notice of this proposal to DLCD on November 25, 2014.

Background Information

The subject site consists of two adjoining lots totaling 20.58 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W12A01300 and 1302). Marietta Street SE forms a very narrow, underdeveloped turnpike on the southern boundary of the subject property. Major transportation routes, including Kuebler Boulevard and the I-5 freeway, form the edges of a largely undeveloped area near the southeast edge of Salem's urbanized area. Nearby properties include a mix of land use designations, including Industrial (primarily to the east), Developing Residential (Tax Lot 1300 and properties immediately south of Marietta Street SE), and Industrial Commercial (further south, along Kuebler Boulevard SE). The Industrial

Commercial designation of several properties resulted from a series of Plan Map amendments within the last decade.¹ At 5.86 acres, Tax Lot 1300 is the largest of the residentially-designated properties in the vicinity. The immediate vicinity remains largely undeveloped, with the exception of longstanding semi-rural residential development. The Fairview Industrial Park is situated immediately across I-5 from the subject property.

McNary Field, the Salem airport, is approximately 4,000 feet north of the subject property. According to comments provided by airport staff at the pre-application conference (PA13-68), the highest portions of Tax Lot 1300 are within the Instrumental Flight Rules (IFR) surface for one of the airport's runway approaches. In order to avoid hazards from aircraft approaching the runway, future development on the property is subject to height restrictions and may require Federal Aviation Administration approval.

The applicant, Jordan Sparks, DMD, owns both of the lots which form the subject property. Dr. Sparks is also chief executive of two firms based elsewhere in Salem that would relocate their operations to new facilities developed at the site; (1) Open Dental Software, which develops practice management software for dental clinics, and (2) Oregon Cryonics, which engages in research on cryopreservation of biological tissue. Under SRC Chapter 400, the activities associated with these firms would generally be classified as Office (Open Dental Software) and Laboratory Research and Testing (Oregon Cryonics) uses.² Neither of these uses are allowed under the RA zone on Tax Lot 1300, and software development is not a type of office use allowed in the IG zone found on Tax Lot 1302.

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 for the subject properties from Developing Residential (Tax Lot 1300) and Industrial (Tax Lot 1302) to Industrial Commercial and a Zone Change request to change the zone district from RA (Residential Agriculture) and IG (General Industrial) to IC (Industrial Commercial). The applicant describes the purpose of the Plan Map and Zone Change request as facilitating development of the site with facilities for dental software and tissue cryopreservation companies, but no specific development proposal has been submitted at this time.

Neighborhood Association Comments

The subject property is located within the Southeast Mill Creek Neighborhood Association (SEMCA). Notification was sent to SEMCA on December 17, 2014. As of the date of this staff report, SEMCA has not submitted written comments on this application.

¹ Most recently, CPC-ZC09-08 changed the designation of 21.22 acres from Developing Residential to Industrial Commercial and CPC-ZC10-04 changed the designation of an 8.47 acre site from Developing Residential and Industrial to Industrial Commercial.

² See SRC 400.050 "Business and Professional Services."

Public Comments

All property owners within 250 feet of the subject property were mailed notification of the proposed Comprehensive Plan map and zone change. As of the date of this staff report, none of the property owners receiving the notice have submitted written comments on this application.

City Department Comments

Public Works Department (Development Services and City Traffic Engineer) - The Public Works Department, Development Services Section, reviewed the proposal and submitted comments the attached comments (see Attachment 3)

Salem Police Department – The Salem Police Department reviewed the proposal and indicated that it has no specific comments on this case.

Public and Private Service Provider Comments

Portland General Electric reviewed the proposal and submitted standard comments indicating that development costs are determined by current tariff and service requirements and that a 10-foot public utility easement is required on all front street lots.

Salem Area Comprehensive Plan (SACP) Designation

The Salem Area Comprehensive Plan (SACP) map designates the majority of the subject property as "Commercial." The Salem Comprehensive Policies Plan describes the intent of the Commercial designation as providing for shopping and service opportunities, including "regional shopping facilities, community and neighborhood shopping and service facilities, convenience stores, commercial offices, and specialized shopping and service facilities."

The subject property consists of two lots; Tax Lot 1300 which is designated on the SACP map as "Developing Residential," and Tax Lot 1302 which is designated "Industrial" on the SACP map.

The Comprehensive Plan designations of surrounding properties include:

- | | |
|--------|--|
| North: | Right-of-way for Interstate 5 (northwest of Tax Lot 1300), Industrial (north of Tax Lot 1302) |
| South: | (Across Marietta Street SE) Developing Residential, (east of Marietta Street SE terminus) Industrial |
| East: | Industrial |
| West: | Right-of-way for Interstate 5 |

Relationship to the Urban Service Area

The subject property is located outside of the City's Urban Service Area (USA); therefore, an Urban Growth Area (UGA) Preliminary Declaration is required prior to development of the

site.

Components of the Comprehensive Plan

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

Salem Transportation System Plan (TSP): The TSP uses a Street Classification System to determine the functional classification of each street within the City's street system. The subject property is located on Marietta Street SE, which is designated as a local street. The western portion of Tax Lot 1300 abuts the I-5 freeway.

Neighborhood Plan: The proposed project is located within the boundaries of the Southeast Mill Creek Neighborhood Association. The Neighborhood Association does not have an adopted neighborhood plan.

Zoning

The subject property consists of two lots: (1) Tax Lot 1300 which is zoned RA (Residential Agriculture), and (2) Tax Lot 1302 which is zoned IG (General Industrial). The zoning of the surrounding properties is described as follows:

- North: Right-of-way for Interstate 5 (northwest of Tax Lot 1300), IG (General Industrial) (north of Tax Lot 1302)
- South: (Across Marietta Street SE) RA (Residential Agriculture), (east of Marietta Street SE terminus) IG (General Industrial)
- East: IG (General Industrial)
- West: Right-of-way for Interstate 5

Existing Site Conditions

The subject site consists of two adjoining lots totaling 20.58 acres in size (Marion County Assessor's Map and Tax Lot Numbers 083W12A01300 and 1302). Tax Lot 1300 is a triangular lot approximately 5.86 acres in size, zoned RA, and undeveloped except for a wireless communications tower at its southwest corner. Tax Lot 1300 slopes upward from the I-5 freeway at the west property boundary. Tax Lot 1302 is an interior rectangular lot of approximately 14.72 acres, zoned IG, and undeveloped. A ridge runs across Tax Lot 1302, separating higher ground on the western end of the lot from flat ground on its eastern third. Railroad tracks abut Tax Lot 1302 at its northeast corner.

Circulation and Access: Tax Lots 1300 and 1302 both take access from Marietta Street SE, which forms the southern boundary of the subject property. The western boundary of Tax Lot

1300 abuts Interstate 5 but does not have direct access to the freeway. At the southwest corner of Tax Lot 1300, Marietta Street SE intersects with Fairview Industrial Drive/32nd Avenue SE, designated as a Minor Arterial. Any additional necessary street improvement or right-of-way requirements will be addressed at such time that new development is proposed on the site through the Site Plan Review Process.

Trees: The City's tree preservation ordinance protects heritage trees, significant trees (*including Oregon White Oaks with a diameter-at-breast-height of 24 inches or greater*), trees and vegetation within riparian corridors, and trees on lots or parcels greater than 20,000 square feet. There are no waterways on the subject property.

Any development of the subject property must comply with the tree preservation requirements of SRC Chapter 808 (Preservation of Trees and Vegetation). Pursuant to the City's tree preservation requirements, no heritage trees, significant trees, or riparian corridor trees or riparian corridor native vegetation shall be removed.

Wetlands: According to the Salem Keizer Local Wetland Inventory (LWI) there is a wetland on the northeastern portion of Tax Lot 1302. The applicant included a wetland determination for this area as part of its application submittal. The applicant also indicates that the determination has been submitted to the Oregon Department of State Lands (DSL) for review and concurrence.

Floodplain: The easternmost portion of Tax Lot 1300 is within an existing floodplain. A floodplain development permit will be required prior to development within this area.

Landslide Hazards: The site occupies a ridge running from a peak along the east edge of Tax Lot 1300 downward toward the west and east boundaries of the site. According to the City's adopted landslide hazard susceptibility maps, there is an area of mapped landslide hazard susceptibility points located along the steepest slope of the ridge, on Tax Lot 1302. Based on the point value associated with the land, a geologic assessment will be required if a regulated development activity is proposed in the mapped landslide hazard area.

Site Plan

A site plan is not required as part of a Comprehensive Plan Map Amendment/Zone Change application. The applicant's submittal includes a preliminary site plan for a proposed 43,200 square foot industrial-commercial that would be developed on the subject property, as well as off-street parking and several smaller out-buildings. Although the site plan illustrates how the site could be developed under the proposed Plan Map designation and zoning, the applicant has not requested development approval as part of the subject application (Attachment 4).

Applicant Submittal Information:

Requests for Minor Comprehensive Plan Changes and Zone Changes must include a statement addressing each applicable approval criterion and standard. 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

SRC 64.025(e)(2) 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 finding relative to the amendment requested.

SRC 64.025(e)(2)(A): The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) ***Alteration in Circumstances.*** Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.
- (ii) ***Equally or Better Suited Designation.*** A demonstration that the proposed designation is equally or better suited for the property than the existing designation.
- (iii) ***Conflict Between Comprehensive Plan Map Designation and Zone Designation.*** A Minor Plan Map Amendment may be granted where there is conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:
 - (aa) Whether there was a mistake in the application of a land use designation to the property;
 - (bb) Whether the physical characteristics of the property are better suited to the uses in the zone as opposed to the uses permitted by the Comprehensive Plan Map designation;
 - (cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and
 - (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.

Applicant Statement: This proposal is justified based on (ii). The proposed Industrial-Commercial designation is better suited for parcel 1300 than the existing Developing

Residential designation because the existing designation does not represent a type of development that is suitable for the location, considering the existing impacts and the lack of residential support facilities. The property is subject to noise impacts from I-5 and it lies in the airport runway approach. Due to its elevation at the crest of the ridge, parcel 1300 is especially exposed to the noise impacts of traffic on I-5, and from low-flying aircraft approaching the airport. This residential land is bordered by industrial lands and I-5. In the area bordered by I-5, the railroad and Kuebler Blvd. there are no facilities such as schools or parks that are desirable and important to a residential environment. There are no parks in the vicinity, and the grade school and middle school that serve this area are to the west of I-5 and far beyond walking distance for students. Because of the impacts that especially affect residential use, and the lack of residential support facilities in proximity to the property, it is not well suited for residential use and it is better suited for uses allowed in the Industrial-Commercial designation.

With regards to parcel 1302, the proposed I-C designation is equally suited as the existing Industrial designation because it is generally compatible with the existing designation in terms of most allowed industrial uses, but it also accommodates the proposed uses. It is in keeping with the changes that have been approved for nearby properties, and it is consistent with the land use pattern. Recent Plan and Zone Changes have redesignated nearby property for industrial-commercial use. There has been no proposal for this property to be used under its existing designation, and the proposed use requires the requested change.

Because the proposed designation will allow vacant land to be put into productive use, it is equally and better suited for the property than the existing designation, and this criterion is satisfied.

Finding: The proposal is justified based on SRC 64.025(e)(2)(A)(ii). Staff concurs with the applicant's contention that the proposed Industrial Commercial designation is *better suited* to Tax Lot 1300 than the existing Developing Residential Designation and *equally suited* to Tax Lot 1302 as the existing Industrial Designation. Potential residential development on Tax Lot 1300 is severely constrained by the predominantly Industrial designation and development patterns of surrounding properties as well as impacts from freeway noise and air traffic. On Tax Lot 1302, an Industrial Commercial designation would be consistent with the uses allowed in zones implementing the existing Industrial designation, while allowing a greater range of related commercial development, such as the combined software development and cryopreservation facility proposed by the applicant. Staff finds that the proposal meets this criterion.

SRC 64.025(e)(2)(B): The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;

Finding: The subject property is located outside of the City's Urban Service Area (USA). Adequate water, sewer, and storm infrastructure are not available within the surrounding

streets or the immediate vicinity. Future development of the subject properties will require a UGA Preliminary Declaration which requires an applicant to provide linking and boundary facilities to their property under the standards and requirements of SRC Chapter 200. In addition, site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

The subject property has frontage along Marietta Street SE, which is designated as a local street in the Salem Transportation System Plan (TSP). The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way. The abutting portion of Marietta Street currently consists of an approximate 10-foot-wide turnpike improvement within a 40-foot right-of-way. Additional right-of-way dedication and street improvements would be required at the time of development. Marietta Street connects with the arterial network at an intersection with Fairview Industrial Drive SE approximately 200 feet southwest of the site. The nearest bus service is provided by Cherriots Route 7 at the Fairview Industrial Park on the west side of the I-5 freeway.

There is currently no public water to serve the site. The subject property is located within the G-0 and S-1 water service level, with a majority of the property located in the S-1 service level. Comments from the Public Works Department estimate that the S-1 system will be completed in 2015. The nearest available sewer is an 8-inch sewer northeast of the subject property on the abutting property to the east. Storm drainage is currently provided by ditches in the right-of-way along Marietta Street SE and northeast of the subject property that flow into the East Fork of Pringle Creek. A UGA Preliminary Declaration for development of the site would require the applicant to construct water, sewer, and storm lines to connect with existing facilities, consistent with the relevant adopted infrastructure plans and standards. Staff finds that the property is capable of being served with public facilities and services, subject to a UGA Preliminary Declaration associated with a future proposal to develop the property. The proposal meets this criterion.

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

Applicant Statement: The proposed map designation is consistent with the existing industrial and industrial-commercial designations in this defined area. The planning trend in the area has been to redesignate property for industrial-commercial uses, and the current development interest is occurring on industrial land. The proposal is consistent with the recent redesignations, and the intended development is industrial in nature. It is logical given the location of the property in between the Fairview Industrial Park across I-5 to the northwest, the existing industrial lands to the south and east, and the impacts that would adversely affect residential use at this site. These factors qualify the proposed plan map designation as providing for the logical urbanization of the land.

Staff Response: Staff concurs with the applicant's statement. As described in the

Background section of this report, the proposal is consistent with Plan Map amendments changing designation of nearby properties from Developing Residential and Industrial to Industrial Commercial.³ Impacts from surrounding land uses, the I-5 freeway, and flight paths into the Salem airport make residential development of Tax Lot 1300 unlikely. Similarly, little development has occurred on land in the vicinity designated solely for industrial use. As a result, under the current designation the subject property faces constraints that prevent its development and logical urbanization. Staff finds that the proposal meets this criterion.

SRC 64.025(e)(2)(D): The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and

Findings:

Consistency with the Salem Area Comprehensive Plan (SACP)

This proposal to change the Comprehensive Plan map designation from "Developing Residential" and "Industrial" to "Industrial Commercial" is consistent with the Salem Area Comprehensive Plan as follows:

Salem Urban Area Goals and Policies, Residential Development Goal (Page 32, Salem Comprehensive Policies Plan):

To promote a variety of housing opportunities for all income levels and an adequate supply of developable land to support such housing.

Applicant Statement: Parcel 1300 is currently designated Developing Residential, however, the location of the parcel conflicts with the Plan's policies for residential development. *Policy 1, Establishing Residential Uses, part d*, identifies proximity and accessibility to services including schools and parks as a consideration for residential location. There are no schools or parks in proximity to the property. The local grade and middle schools are west of I-5 and not within walking distance or accessible by bicycle by the students they serve. *Part e* requires consideration for the character of the existing neighborhood, and in this area the surrounding lands are predominately designated for non-residential uses. *Policy 2, part a* requires residential uses and neighborhood facilities to accommodate pedestrian and bicycle access, and the location does not meet that requirement. *Part d* requires avoidance of existing nuisances and hazards to residents, but the location along I-5 and within the airport approach would result in continual and constant nuisances to residents as a result of traffic and aircraft noise. *Policy 8* requires protection of residential areas from more intensive land uses in abutting zones, but the parcel is adjacent to land in an industrial zone and the traffic from industrial uses on that parcel will use Marietta Street for access.

Because the location of the parcel is not consistent with these policies for residential development it is not a suitable or appropriate residential development opportunity in the city.

³ See CPC-ZC09-08 and CPC-ZC10-04.

Finding: As described by the applicant, existing conditions constraining residential development of the site include more the scale and intensity of industrial uses on neighboring properties, as well as nuisances and hazards posed by the I-5 freeway and aircraft approach into Salem Municipal Airport. As a result, despite the current Developing Residential designation on Tax Lot 1300, the property is unlikely to provide housing opportunities or contribute to the city's supply of developable land for housing.

Salem Urban Area Goals and Policies, Commercial Development Goal (Page 38, Salem Comprehensive Policies Plan):

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

Applicant Statement: The I-C designation and IC zone provide for a broad variety of industrial and commercial uses. In this case the property is intended for industrial use, and the IC zone provides for both types of intended industrial uses. Commercial use of the property is not intended or expected. The proposal is not specific to commercial use of the property.

With regards to the commercial policies, the proposed IC zone represents a form of mixed-use development that combines industrial and commercial uses. The inclusion of office-based activities, in particular, will help to promote the development and use of the site. The site is accessed by the arterial transportation system that serves this area, which make it accessible from all parts of the Salem urban area, as well as the greater Marion-Polk County metropolitan area, without traversing local residential streets. The site is not adjacent to developed urban residential uses, and buffers from residential areas are not at issue. Within the context of a the industrial-commercial designation, the proposal will serve to maintain and promote the Salem urban area as a service center for the Marion-Polk County metropolitan area, consistent with the Commercial Development Goal and Policies.

Finding: Staff concurs that the proposal is consistent with the Commercial Development Goal. The "office-based" professional and business service uses included in the applicant's intended development plan are classified as commercial uses in the Unified Development Code and the proposal would facilitate maintenance and expansion of existing commercial enterprises within the Salem urban area.

Salem Urban Area Goals and Policies, Industrial Development Goal (Page 38, Salem Comprehensive Policies Plan):

To encourage and promote industrial development which strengthens the economic base of the community and minimizes air and water pollution.

Applicant Statement: The proposed I-C designation and implementing IC zone provide for a wide range of industrial uses, including research, software design and development, support services, and professional and business services. These uses are a part of the economic base of the community. In this case, the I-C designation will provide for the relocation and

expansion of activities that are an existing part of the economic base of community, and which do not create air and water pollution. The proposed change will promote expansion of an industrial development, which improves the ability of the community to maintain existing business activity. These factors are in keeping with the intent of this goal.

Industrial Lands Policies

1. *Industrial Land Inventory: Maintain a long-term (20 year) 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.*

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 Statement: The proposal will redesignate land to Industrial-Commercial in order to provide for the Applicant's use of the subject property. Establishing the ability to use vacant land for industrial activity is in the community's interests. The proposal does not impact the long-term continuity of the industrial inventory because the I-C designation and IC zone provide the capability for a wide range of industrial uses. Many of the uses in the IC zone are the same as in the current Industrial/IG designation. The proposal serves the community's interests by providing for industrial uses on vacant land, in a manner that will be appropriate for the location, the public facilities, the land use pattern, and the economic make-up of the community. For these reasons, the proposal satisfies a.

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

Applicant Statement: The proposal expands the industrial boundary from parcel 1302, which is currently designated Industrial to include parcel 1300. Both parcels are proposed to be designated I-C for specific uses intended by the Applicant. The boundaries of the property are not affected by this proposal.

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

Or

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

Applicant Statement: The proposed redesignation is based on specific uses, which is the relocation of the Applicant's companies, Open Dental Software and Oregon Cryonics.

- e. *The specific site requirements of the project cannot be*

accommodated within existing inventories; and

Applicant Statement: There are several parcels of vacant land zoned IC located along 32nd and Trelstad, south of the subject properties. Several of those parcels are very small, including .78 acre and 1.83 acres, which would not accommodate the intended uses. There are two larger parcels, of 4.7 acres and 15.95 acres. The larger parcel is situated on the steep ridge slopes that rise north of Trelstad. These IC parcels are the closest to the I-5 interchange which makes them well suited for interchange services and travel related uses due to their proximity and visibility to freeway traffic. By contrast, the proposed industrial uses are highly specialized activities and do not require high visibility, a location that fronts on major roads, or access along a high-volume arterial. Those qualities are not desired or advantageous to the intended uses and provide no benefits. The subject properties do not front on an arterial street and are not subject to high levels of traffic from activities on adjacent lands. For these reasons, the specific requirements of the project cannot be accommodated within the existing inventories.

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

Applicant Statement: All public facilities, services and utilities necessary for the project's development can be made available, as described in the Public Works memo attached to the Pre-Application report. The public utility and service facility plans will be designed and submitted for approval at the time site development and building plans are prepared.

2. Public Facilities, Services, and Utilities

Applicant Statement: Public facilities, services and utilities are in the process of being provided to this area, as described in the Public Works information. Sewer service is available. Water service is to be available in 2015. Storm drainage can be provided to new development through alternate means, as described by the DPW memos on this project. At the time of development all necessary public services, facilities and utilities will be made available to serve and support the industrial uses.

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

Applicant Statement: The traffic generated by the proposed industrial uses will have direct access to arterial streets. Marietta Street will provide the local access to the property. Marietta extends to the property from Fairview Industrial Drive/32nd Avenue, a Minor Arterial, which provides a direct route to Kuebler Blvd., a Major Arterial/Parkway. There are no developed residential areas that will be affected by traffic from future industrial uses on the

property, and there is no direct access from the property to a developed residential neighborhood. The arterial street system that serves this area is the appropriate functional classification to accommodate traffic from the proposed use.

14. Land development regulations should provide for a variety of industrial development opportunities.

Applicant Statement: The I-C designation and the implementing IC zone provide for a wide variety of industrial development opportunities, as directed by this policy. The property will support industrial use, and the redesignation from IG to IC will not adversely affect the opportunity for industrial development. Applying the I-C designation to the property is consistent with the intent to provide for a variety of industrial development opportunities. As a result, the proposal will not detract from or significantly affect the industrial land inventory.

Finding: Staff concurs that the proposal complies with the applicable Industrial Development goals and policies of the Salem Area Comprehensive Plan. The Plan recognizes the need to remain responsive to evolving land demands within the context of Plan policies and implementing measures. As documented in the applicant's statements above, the Industrial Commercial designation and corresponding IC zone permit a wide range of industrial uses, while also allowing business and professional services such as those proposed by the applicant. For the past several years, development interest and activity in the immediate vicinity has focused on a mix of industrial and commercial uses as afforded by the IC zone. A redesignation of the subject property to Industrial Commercial would expand the overall acreage available for industrial uses, while allowing for a range of uses that more closely aligns with the overall land use trend in the area, and the specific development project identified by the applicant.

Consistency with the applicable Statewide Planning Goals

The proposal to change the Comprehensive Plan map designation from "Developing Residential" and "Industrial" to "Industrial Commercial" is consistent with the applicable statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development as follows:

Goal 1 – Citizen Involvement

A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and to the adjacent neighborhood associations. This satisfies Citizen Involvement described in Goal 1.

Goal 2 – Land Use Planning

A Minor Plan Change is processed as a quasi-judicial land use action. Public notice is required and a public hearing will be held giving interested citizens an opportunity to be involved in the process. The City, through the Salem Revised Code, has created proper

procedures to ensure citizens the opportunity to have input in zoning changes. Opportunities for public input will be available in the hearings process prior to action on this proposal.

A public hearing notice was mailed to the affected property owners, all property owners within 250 feet of the subject property and the neighborhood association. The City has therefore met its obligation of providing for citizen involvement under Statewide Planning Goal 1, as defined through the City's adopted procedures.

This satisfies Citizen Involvement described in Goal 1.

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

There are no known scenic, historic, or cultural resources on the subject property. The Local Wetlands Inventory shows wetlands on the northeastern portion of Tax Lot 1302. The applicant conducted a wetland determination for the eastern portion of Tax Lot 1302, a copy of which is included in the submittal for the proposal. The applicant also submitted the determination to the Oregon Department of State Lands (DSL) for review and concurrence. The application will be reviewed for compliance with the City's tree preservation ordinance and any applicable wetland standards at the time of development. Staff finds that the proposal is consistent with Goal 5.

Goal 6 – Air, Water and Land Resources Quality

Applicant Statement: Although it is in the city and designated for urban development the site has been in use as an ornamental plant nursery. At the time of development the site will be provided with all required urban services. Water will be provided by the City water system, and waste water disposal will be provided by the City sewage collection and treatment facilities. Storm water runoff will either be discharged into City-specified storm drainage facilities, or managed on-site through City approved storm water collection and detention methods. Through the use of these approved facilities and services there will be no withdrawals of groundwater or discharges of waste water or untreated storm runoff into a waterway or the subsurface.

The major existing impact to the air in this area is from traffic on I-5 and the nearby arterial streets. Traffic volumes passing through this area include large volumes of traffic generated from outside of the local urban area, with a resulting impact on local air quality. Traffic generated by the proposed uses will use the existing street system and no new streets are required in order to reach the arterial street system. The proposed uses are generally similar to the types of uses in the nearby Fairview Industrial Park. They do not involve primary processing, heavy manufacturing or fabrication, and are not known to emit smoke, dust, or odors into the air.

Through the use of public facilities or approved alternatives the development allowed by the proposed Plan change will maintain the quality of the air, water and land resources at this location.

Finding: Staff concurs with the applicant's statement. Although a portion of the site is designated as Developing Residential, the applicant's proposal is consistent with the mixed industrial and commercial development at the nearby Fairview Industrial Park and the industrially-designated properties immediately to the east of the site. The proposal would not intensify the development allowed on the portion of the site already designated for industrial uses or otherwise result in adverse impacts to air, water, or land resources quality. Staff finds that the proposal is consistent with Goal 6.

Goal 7 – Areas Subject to Natural Disasters and Hazards

Applicant Statement: The eastern edge of parcel 1302 is within the 100-year floodplain. A floodplain development permit will be required prior to development within the mapped floodplain area. An area of mapped landslide susceptibility is located on parcel 1302. A geologic assessment has been performed on the site and has concluded that the site is geologically suitable for the proposed development. No other natural hazards specific or unique to this site have been identified.

Finding: There are no known natural hazards existing on the subject property. In the event that a hazard is identified, the City's tree protection, landslide, and floodplain development standards will be applied during the Site Plan Review process. Staff finds that the proposal is consistent with Goal 7.

Goal 8 – Recreational Needs

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

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

Goal 9 – Economic Development

Applicant Statement: The subject property is currently designated Developing Residential and Industrial on the Plan Map. The proposal is to change the existing Plan Map designations to Industrial-Commercial. The I-C designation includes a wide range of industrial activities, including biological research and business service activities. The proposed Plan Map change will add to the inventory of land that is available for these industrial uses, and specifically provide a site for the Applicant's intended uses. The proposed uses will expand the economic base of the community. These measures are consistent with the purpose of this Goal.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 9.

Goal 10 – Housing

Applicant Statement: Parcel 1300 is currently designated Developing Residential for future single-family residential use. The parcel is 5.86 acres, which under the development density

allowed by the Code (minimum 4,000 s.f. lots) could provide for an estimated 47 homesites (after deductions for public right of way, open spaces, etc.). However, the parcel shares a long border with I-5, it lies under the approach to a runway at the Salem airport, and it is not in proximity to residential support services such as schools and parks. These factors are constraints that create an undesirable environment for urban residential use. Even if the constraints on this parcel are disregarded, it has been determined that there is a surplus of land in the city to meet the projected 20-year (2035) demand for single family housing. According to the Buildable Lands Inventory (BLI) in the draft Housing Needs Analysis (HNA) study currently underway, there is a surplus of 1,869 acres designated for single family housing (Developing Residential and Single Family Residential), after constraints are deducted. The HNA also finds that there is a deficit of 213 acres for multi-family housing. However, even if the entire multifamily land deficit was resolved from the surplus of single-family land, a single family surplus of $(1869-213)$ 1656 acres would remain. The proposed redesignation of this 5.86 acre parcel would still leave a surplus of 1650 acres. Based on the BLI and the HNA, the proposed redesignation of the parcel will not have a significant impact on the City's inventory of buildable residential land, or its ability to provide for adequate numbers of housing units in the urban area.

Finding: As described by the applicant, a number of environmental factors in the vicinity of the site constrain residential development of the subject property. These challenges include impacts from more intensive industrial uses on neighboring properties, noise impacts from the abutting I-5 freeway, and noise and hazards posed by the aircraft approach into Salem Municipal Airport. As a result, despite the current Developing Residential designation on Tax Lot 1300, the property is unlikely to provide housing opportunities in the future. The proposal to change that designation to Industrial Commercial would not have an impact on the ability of the City to provide for its projected housing needs. The proposal meets the requirements of Goal 10.

Goal 11 – Public Facilities and Services

Finding: The City maintains an infrastructure of public facilities and services as a framework for urban development. These services are made available in a timely and orderly fashion resulting in efficient urban development. Prior to development of the subject properties, the applicant must obtain an Urban Growth Area Preliminary Declaration, which ensures that improvements to major public facilities such as sewers, water, and streets are provided for future development. In addition, staff recommends adoption of the “trip cap” for the 20.58 acre site of 8,053 vehicles per day, as proposed by the applicant. Additional public facilities and services to serve the proposed future use of the property will be determined during review of the Urban Growth Area Preliminary Application and Site Plan Review process. Staff finds that the proposal meets the requirements of Goal 11.

Goal 12 – Transportation

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. The applicant submitted a Traffic Impact Analysis (TIA) in consideration of the requirements of the Transportation Planning Rule (OAR 660-012-0060). The applicant’s TIA recommends a “trip cap” of no more than 8,053 average daily trips to development located on the subject property, in order to ensure no significant effect on the surrounding transportation system. The City Traffic Engineer concurs that the proposal will not have a significant effect on the transportation system if conditioned to include this limitation on average daily trips to and from the site. The proposal meets the requirements of Goal 12.

Goal 13 – Energy Conservation

Applicant Statement: New development will be built to current codes for energy conservation. Alternate modes of transportation, including public transit and bicycle routes, are also present in the vicinity, which helps to conserve energy. These factors result in the site being consistent with the energy conservation requirements of this Goal.

Finding: Staff concurs with the applicant’s statement and finds that the proposal is consistent with Goal 13.

Goal 14 – Urbanization

Applicant Statement: The site is within the city. All necessary public services and facilities can be provided. The proposal is consistent with the requirement of this Goal to maintain a compact and efficient urban area. The proposal does not affect the Urban Growth Boundary.

Finding: Staff concurs with the applicant's statement and finds that the proposal is consistent with Goal 14.

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

Finding: The proposed Comprehensive Plan Map amendment from Developing Residential and Industrial to Industrial Commercial is in the public interest and would be of general benefit because it would facilitate industrial and commercial development on the subject property, consistent with the land use pattern of the surrounding area. Investment in the development of underutilized properties within existing developed areas is in the public interest and of general benefit. The proposal satisfies this criterion.

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

The following analysis addresses the proposed zone change the subject property from RA (Residential Agriculture) and IG (General Industrial) to IC (Industrial Commercial). SRC Chapter 265.005 provides the criteria for approval for Quasi-Judicial Zone Changes. In order to approve a quasi-judicial Zone Map amendment request, the review authority 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 degree of impact of the proposed change, and the greater the impact of a proposal on the area, the greater is the burden on the applicant to demonstrate that, in weighing all the factors, the zone change is appropriate.

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).

SRC 265.005(e)(1)(A). The zone change is justified based on one or more of the following:

- (i) **A mistake in the application of a land use designation to the property**
- (ii) **A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the zone would be compatible with the vicinity's development pattern.**
- (iii) **A demonstration that the proposed zone change is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.**

Applicant Statement: The physical characteristics of the property are appropriate for the proposed zone because it can accommodate the proposed uses, and there are no physical barriers that would prevent development of uses allowed in the zone. The site has variable terrain, but no hazards or obstructions exist that cannot be addressed with typical and reasonable measures. The proposed use is logical with the surrounding land uses because the trend in this area has been to provide for industrial and industrial-commercial uses, and there has been no apparent interest in urban-density residential development. The subject property is currently undeveloped, and the IC zone is better suited for the RA parcel because it is adjacent to I-5 and within an airport approach, which discourages its use for urban-density residential development. In addition, the proposed IC zone is equally suited for the IG parcel because it is compatible with the adjacent IG zoning to the south, and allows many of the same uses. The proposed IC zoning is also consistent with the land use pattern that has emerged as a result of similar changes that have been approved on nearby properties. There has been no proposal for this property to be used under either of its existing zones, and the proposed uses require the requested change.

Because the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

Finding: As indicated by the applicant's statement, the request satisfies SRC 265.005(e)(1)(A)(iii). The development pattern of the surrounding area and constraints to residential development on Tax Lot 1300 affect development of the subject property under its current zoning designations. Staff concurs that the proposed IC zone is better suited for Tax Lot 1300 than the existing RA zone and equally suited for Tax Lot 1302 as the existing IG zone. The proposal meets this criterion.

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

Finding: The proposal is not a City-initiated zone change. Therefore, this criterion does not apply.

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

(D) The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.

Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(D), included earlier in this report, address the applicable provisions of the Salem Area

Comprehensive Plan and applicable Statewide Planning Goals and Oregon Administrative Rules for this consolidated comprehensive plan change and zone change request. The proposal satisfies this criterion.

(E) If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation, or from a commercial or employment designation to any other use designation, a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone; or include both the demonstration and an amendment to the Comprehensive Plan.

Applicant Statement: One of the zone changes is from IG to IC. A comprehensive plan change is required. The comprehensive plan change is from the Industrial designation to the Industrial-Commercial designation. The zone change is accompanied by an amendment to the Comprehensive Plan map that addresses the proposed rezone. The proposed change does not involve a non-industrial designation.

The Comprehensive Plan provides a set of policies that apply to the Industrial designation. It does not provide a separate set of policies that apply specifically to the Industrial-Commercial designation. As a result, the policies for both the Industrial designation and the Commercial designation are applicable to the Industrial-Commercial designation. The Industrial-Commercial designation, through its implementing IC zone, provides for a wide variety of industrial uses that is comparable to the other industrial zones including IBC, IP, and IG. Because its provision for industrial uses is comparable to the other industrial zones, the IC zone is an industrial use zone. Because the zone change retains an industrial use zone, and because the zone change is accompanied by an amendment to the Comprehensive Plan map that addresses the zone change, the requirements of this criterion are satisfied.

Finding: Staff concurs with the applicant's statement. The IC zone implements both industrial and commercial development policies in the SACP. The IC zone allows a similar range of industrial uses as is allowed in zones which correspond directly to the industrial development goals. Therefore, the IC zone is an industrial zone, and the Industrial Commercial designation is an industrial designation. The proposal does not remove any industrial, commercial, or employment designation on the subject property. Therefore, this criterion does not apply.

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

Applicant Statement: The potential effect of the zone change on the transportation system

has been reviewed in the TPR report that accompanies this application. The TPR report recommends that the maximum traffic volumes generated by uses allowed under the proposed IC zone be limited to the same volumes that could occur under the existing RA+IG zones, to avoid significant impact. With this measure the zone change will not have a significant effect on a transportation facility.

Finding: The applicant submitted a Transportation Planning Rule (TPR) analysis, which addressed the question of whether traffic generated by development of the site under the proposed IC zone would significantly affect the surrounding transportation infrastructure, when compared to the amount of traffic that could be generated under the existing RA and IG zoning.

The TPR Analysis (Attachment 5) concludes that Tax Lot 1300 and 1302 could generate up to a combined 8,053 average daily trips (ADT) if fully developed under the existing RA and IG zoning. The analysis proposes a limit of 8,053 ADT to be included as a condition upon this re-zone request. In order to ensure that future uses on the re-zoned site will not generate more average daily trips than the site could potentially generate under the zoning designations, staff recommends the following condition of approval:

Condition 4: 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 8,053 average daily trips generated by the proposed use or uses.

As conditioned, the proposal meets this criterion.

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

Finding: Findings addressing the Comprehensive Plan Change criterion SRC 64.025(e)(2)(B), included earlier in this report, address the public facilities and services available to support commercial uses allowed on the subject property. The proposal satisfies this criterion.

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 14-07 on property consisting of two lots and located at 3311 Marietta Street SE (Marion County Assessor map and tax lot numbers 083W12A01300 and 1302).

- A. That the Salem Area Comprehensive Plan (SACP) map designation change request for the subject property from Developing Residential and Industrial to Industrial Commercial be GRANTED.
- B. That the zone change request for the subject property from RA (Residential Agriculture) and IG (General Industrial) to IC (Industrial Commercial) be GRANTED, subject to the following conditions of approval:

Condition 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 8,053 average daily trips generated by the proposed use or uses.

- Attachments:
- 1. Public Hearing Notice & Vicinity Map
 - 2. Applicant's Statement Addressing Approval Criteria
 - 3. Public Works Department Comments
 - 4. Applicant's Development Concept Plan
 - 5. Applicant's Transportation Planning Rule (TPR) Analysis

Prepared by Christopher Green, Planner II



HEARING NOTICE

LAND USE REQUEST AFFECTING THIS AREA

Audiencia Pública

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

CASE NUMBER:	Comprehensive Plan Map Change / Zone Change No.CPC-ZC14-07
AMANDA APPLICATION NO:	14-118873-ZO & 14-118877-ZO
HEARING INFORMATION:	PLANNING COMMISSION, TUESDAY, JANUARY 6, 2015, 5:30 P.M., Council Chambers, Room 240, Civic Center
PROPERTY LOCATION:	3311 MARIETTA ST SE, SALEM OR 97317
OWNER / APPLICANT:	JORDAN SPARKS
AGENT:	JEFF TROSS, TROSS CONSULTING
DESCRIPTION OF REQUEST:	<p>A consolidated Comprehensive Plan Map Amendment and Zone Change for two abutting lots on the north side of Marietta Street SE, just east of the I-5 freeway. The applicant proposes to change the Comprehensive Plan Map designation and zoning of both lots to IC (Industrial Commercial) to allow future development of facilities for firms engaging in software development and cryopreservation of biological tissue.</p> <p>Tax Lot 1300 is approximately 5.86 acres in size, is designated Developing Residential on the Plan Map, and is zoned RA (Residential Agriculture). Tax Lot 1302 is approximately 14.72 acres in size, is designated Industrial on the Plan Map, and is zoned IG (General Industrial). The subject property is located at 3311 Marietta Street SE (Marion County Assessor's Map and Tax Lot numbers: 083W12A01300 and 01302).</p>
CRITERIA TO BE CONSIDERED:	<p><i>Comprehensive Plan Change</i></p> <p>Pursuant to SRC 64.025(e)(2), the greater the impact of the proposed Minor Plan Map Amendment, the greater the burden on an applicant to demonstrate that the criteria are satisfied. A Minor Plan Map Amendment may be made if it complies with the following:</p> <p>(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:</p> <ul style="list-style-type: none">(i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.(ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.(iii) Conflict Between Comprehensive Plan Map Designation and Zone Designation. A Minor Plan Map Amendment may be granted where there is a conflict between the Comprehensive Plan Map designation and the zoning of the property, and the zoning designation is a more appropriate designation for the property than the Comprehensive Plan Map designation. In determining whether the zoning designation is the more appropriate designation, the following factors shall be considered:<ul style="list-style-type: none">(aa) Whether there was a mistake in the application of a land use designation to the property;(bb) Whether the physical characteristics of the property are better suited to the uses in zone as opposed to the uses permitted by the Comprehensive Plan Map designation;(cc) Whether the property has been developed for uses that are incompatible with the Comprehensive Plan Map designation; and

- (dd) Whether the Comprehensive Plan Map designation is compatible with the surrounding Comprehensive Plan Map designations.
- (B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation;
- (C) The proposed plan map designation provides for the logical urbanization of land;
- (D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development; and
- (E) The amendment is in the public interest and would be of general benefit.

Zone Change

Pursuant to SRC 265.005(e), a QUASI-JUDICIAL ZONE CHANGE shall be granted if the following criteria are met:

1. A quasi-judicial zone change shall be granted if all of the following criteria are met:
 - A. The zone change is justified based on the existence of one or more of the following:
 - (i) A mistake in the application of a land use designation to the property;
 - (ii) A demonstration that there has been a change in the economic, demographic, or physical character of the vicinity such that the proposed zone would be compatible with the vicinity's development pattern; or
 - (iii) A demonstration that the proposed zone is equally or better suited for the property than the existing zone. A proposed zone is equally or better suited for the property than an existing zone if the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses.
 - B. If the zone change is City-initiated, and the change is for other than City-owned property, the zone change is in the public interest and would be of general benefit.
 - C. The zone change complies with the applicable provisions of the Salem Area Comprehensive Plan.
 - D. The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.
 - E. If the zone change requires a comprehensive plan change from an industrial designation to a non-industrial designation, or a comprehensive plan change from a commercial or employment designation to any other designation, a demonstration that the proposed zone change is consistent with the most recent economic opportunities analysis and the parts of the Comprehensive Plan which address the provision of land for economic development and employment growth; or be accompanied by an amendment to the Comprehensive Plan to address the proposed zone change; or include both the demonstration and an amendment to the Comprehensive Plan.
 - F. The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.
 - G. The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.
2. The greater the impact of the proposed zone change on the area, the greater the burden on the applicant to demonstrate that the criteria are satisfied.

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:

Chris Green, Case Manager, City of Salem Planning Division, 555 Liberty Street SE, Room 305, Salem, Oregon 97301. Telephone: 503-540-2326; E-mail: cgreen@cityofsalem.net *CG*

NEIGHBORHOOD ORGANIZATION:

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

DOCUMENTATION AND STAFF REPORT:

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

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

ACCESS:

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

NOTICE MAILING DATE:

December 17, 2014

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

For more information about Planning in Salem:

<http://www.cityofsalem.net/planning>

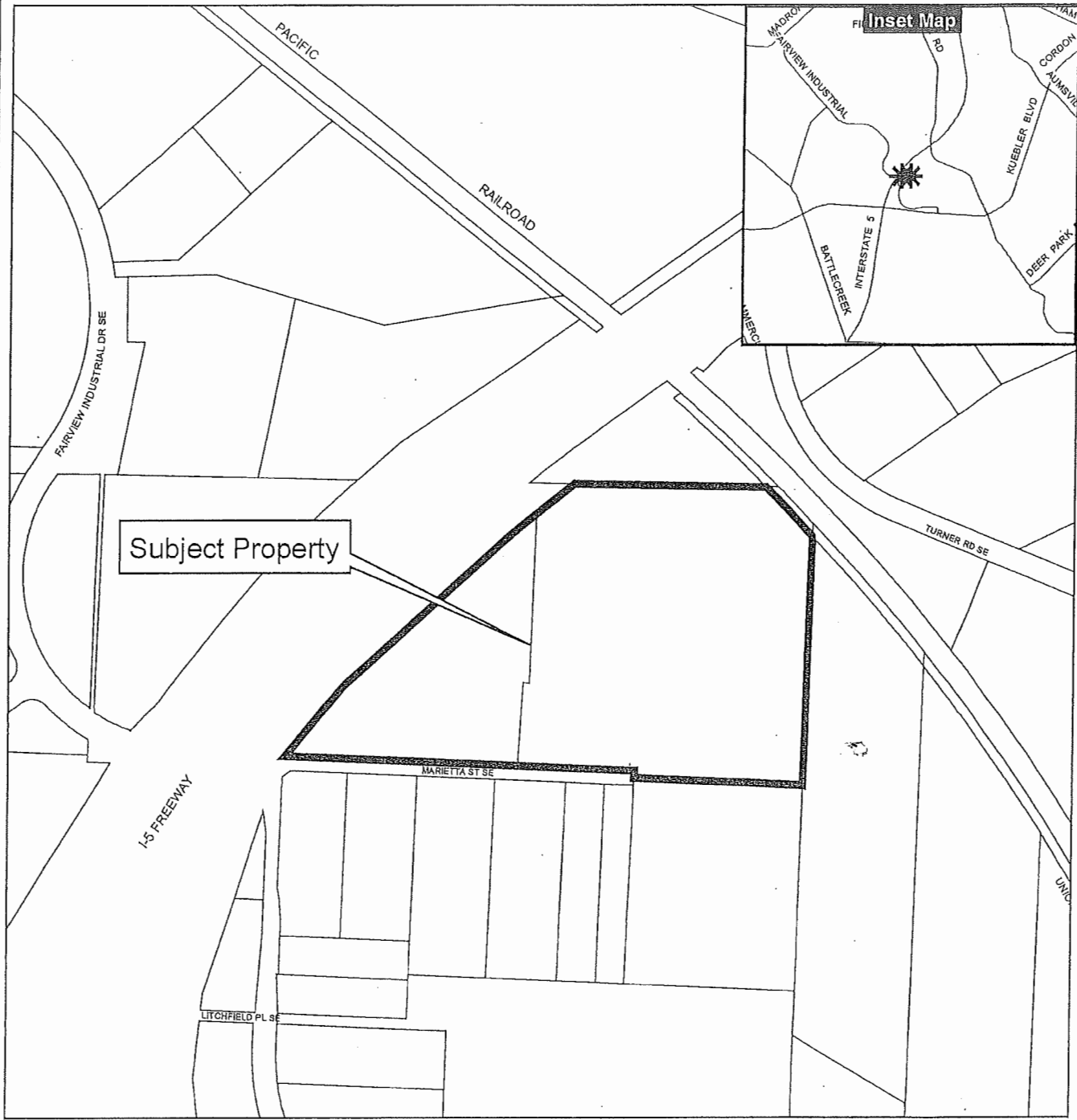
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G:\CD\PLANNING\CASE APPLICATION Files 2011-On\CPC-ZC Comp Plan Change-Zone Change\2014\Case Processing Docs\CPC-ZC14-07 - 3311 Marietta St SE (Chris)\CPC-ZC14-07 Hearing Notice.doc

It is the City of Salem's policy to assure that no person shall be discriminated against on the grounds of race, religion, color, sex, marital status, familial status, national origin, age, mental or physical disability, sexual orientation, gender identity and source of income, as provided by Salem Revised Code Chapter 97. The City of Salem also fully complies with Title VI of the Civil Rights Act of 1964, and related statutes and regulations, in all programs and activities. Disability-related modification or accommodation, including auxiliary aids or services, in order to participate in this meeting or event, are available upon request. Sign language and interpreters for languages other than English are also available upon request. To request such an accommodation or interpretation, contact the Community Development Department at 503-588-6173 at least three business days before this meeting or event.

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

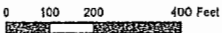
Vicinity Map 3311 Marietta Street SE



Subject Property

Legend

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



CITY OF Salem
AT YOUR SERVICE
Community Development Dept.

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

***APPLICANT'S STATEMENT
for JORDAN SPARKS -
MARIETTA STREET PROPERTIES
COMPREHENSIVE PLAN MAP AMENDMENTS
and ZONE CHANGES***

BACKGROUND

Jordan Sparks, DMD, is the founder and CEO of Open Dental Software, a Salem company that offers Practice Management Software for dental practitioners in North America and worldwide. The company designs, develops, produces and supports software that includes forms and charts for dental practice tasks and procedures such as patient registration, exams and evaluations, treatment programs and records, prescriptions, appointment scheduling, and other matters of dental treatment and care. The company was established in 2003 and currently operates from a location in the Fairview Industrial Park. Dr. Sparks is also the Executive Director of Oregon Cryonics, which engages in research on cryopreservation of biological tissue. Oregon Cryonics was founded in Salem in 2005, and is licensed through the State of Oregon as a Nontransplant Anatomical Research Recovery Organization (NARRO).

Dr. Sparks proposes to develop new facilities designed specifically for these companies and their operations on property he has acquired in southeast Salem. The property consist of two adjacent parcels that are situated between the south-east side of I-5 and the west side of the Union Pacific Railroad, along the north side of Marietta Street SE. The parcels are identified as Tax Lots 1300 and 1302 on Marion County Assessor's Map 8-3W-12A. Parcel 1300 is 5.86 acres, and is situated on the crest of the ridge that rises to the east of I-5. It is currently zoned RA. The parcel consists of a triangle, resulting from the acquisition of the I-5 right of way, with I-5 on its long northwestern boundary and Marietta Street along its south line. A wireless communication tower is located in the southwest corner of this parcel. Its eastern boundary is shared with Parcel 1302, 14.72 acres, which occupies the eastern slope of the ridge and the level ground below. This parcel is zoned IG. The northeastern corner of this parcel borders the railroad. Marietta Street, which extends to the east from 32nd Avenue (Fairview Industrial Drive), provides the public street access to the combined property.

Surrounding Land Uses and Zoning

The Sparks' property is part of an "enclave" bounded by I-5, Kuebler Blvd. and the railroad. The lands within these boundaries are designated for residential, industrial and commercial uses.

Although it is in proximity to significant development in the Fairview Industrial Park to the northwest, and across Kuebler to the south, and it is accessible from the I-5 interchange and the existing arterial street system, until recently there has been no development activity in this area. However, recent interest in the area has been for industrial and commercial uses that would benefit from the visibility and access offered by the major streets in the area. Two approved Comp Plan/Zone Changes, CPC/ZC 09-8 and CPC/ZC 10-04, redesignated land from Developing Residential and Industrial to Industrial-Commercial (I-C) along both sides of 32nd Avenue and Trelstad, north of Kuebler; and preparations for a major new development are currently underway on 21 acres of land zoned IG off of the east end of Trelstad Avenue. The recent changes to I-C, and the pending development of a large tract of IG land, indicate that the interest in this area is for industrial and industrial-commercial activity. There has been no interest or activity for residential development.

The lands to the north and south of Marietta Street are designated Developing Residential on the Comprehensive Plan (SACP) map, and are zoned RA. Parcel 1300 is part of this area. These lands are situated on the crest of the ridge to the north of Marietta, and on the slope to the south. This area remains in a semi-rural development pattern consisting of small acreage parcels with a low residential density. Parcel sizes range from .27 acre to 5.86 acres (parcel 1300). There are six homesites along the south side of Marietta St., two to the north (on Parcel 1300), and two on parcels that front on the east side of Trelstad.

The east slope of the ridge and the low ground below, extending to the railroad, is designated Industrial on the Plan map and zoned IG. Parcel 1302 is part of this area. The IG parcels range from 3.43 acres to 14.72 acres (parcel 1302). As noted, two parcels totaling 21 acres are currently being developed. The lands at the south end of the enclave, north of Kuebler and along both sides of 32nd/Trelstad, are designated Industrial-Commercial on the Plan map and zoned IC as a result of recent Comp Plan/Zone Changes (CPC/ZC 09-8 and CPC/ZC 10-04). These IC parcels range from .78 acre to 15.95 acres.

McNary Field, the Salem airport, lies approximately 4,000' to the north of the Sparks property. The crest of the ridge on parcel 1300 is at an elevation of 312' +msl and according to information provided by airport staff at the Pre-App conference, parcel 1300 is above the IFR surface for the precision approach to runway 31 and within the "notification slope". As a result future development on the property will require FAA approval and may be subject to height restrictions to avoid hazards or interference with aircraft approaching the runway. Although the RA zone indicates the intent for future urban-density residential use, the location in the runway approach path, the long boundary with I-5, and the potential future height restriction makes this an undesirable location for future urban-density residential use.

The Proposal

The RA zone does not allow for industrial or office-based businesses of any kind. The IG zone permits biological research, but does not include the development and support of computer software that is the business of Open Dental Software. Both uses are included in the IBC zone and the IC zone. During discussions with Planning Staff at the Pre-Application Conference for parcel 1302, it was suggested that the IC zone best fit both the intent of the applicant and the character of the area, and would be consistent with the recent approved Comp Plan/Zone Changes to IC. Based on the guidance provided by that recommendation, Jordan Starks requests a Comprehensive Plan Map Amendment for parcel 1300 from Developing Residential to Industrial-Commercial and a corresponding Zone Change from RA to IC, and a Comprehensive Plan Map Amendment for parcel 1302 from Industrial to Industrial-Commercial, with a corresponding Zone Change from IG to IC. These actions are requested in order to locate his research and industrial operations on these parcels.

Pre-Application Conferences

Because they were acquired at separate times the two subject parcels were reviewed at separate Pre-Application Conferences. A Pre-Application Conference for parcel 1302, which was acquired first, was held on February 7, 2013; Pre-App 13-03. A Pre-Application Conference for parcel 1300 was held on December 30, 2013; Pre-App 13-68.

CRITERIA

Salem Area Comprehensive Plan Map Amendments

The proposal is classified as a Minor Plan Map Amendment. Minor Plan Map Amendments must address the criteria in SRC 64.025(e)(2). The criteria are addressed as follows:

(A) The Minor Plan Map Amendment is justified based on the existence of one of the following:

- (i) Alteration in Circumstances. Social, economic, or demographic patterns of the nearby vicinity have so altered that the current designations are no longer appropriate.*
- (ii) Equally or Better Suited Designation. A demonstration that the proposed designation is equally or better suited for the property than the existing designation.*
- (iii) Conflict between Comprehensive Map Designation and Zone Designation...*

This proposal is justified based on **(ii)**. The proposed Industrial-Commercial designation is better suited for parcel 1300 than the existing Developing Residential designation because the existing designation does not represent a type of development that is suitable for the location, considering the existing impacts and the lack of residential support facilities. The property is subject to noise impacts from I-5 and it lies in the airport runway approach. Due to its elevation at the crest of the ridge, parcel 1300 is especially exposed to the noise impacts of traffic on I-5, and from low-flying aircraft approaching the airport. This residential land is bordered by industrial lands and I-5. In the area bordered by I-5, the railroad and Kuebler Blvd. there are no facilities such as schools or parks that are desirable and important to a residential environment. There are no parks in the vicinity, and the grade school and middle school that serve this area are to the west of I-5 and far beyond walking distance for students. Because of the impacts that especially affect residential use, and the lack of residential support facilities in proximity to the property, it is not well suited for residential use and it is better suited for uses allowed in the Industrial-Commercial designation.

With regards to parcel 1302, the proposed I-C designation is equally suited as the existing Industrial designation because it is generally compatible with the existing designation in terms of most allowed industrial uses, but it also accommodates the proposed uses. It is in keeping with the changes that have been approved for nearby properties, and it is consistent with the land use

pattern. Recent Plan and Zone Changes have redesignated nearby property for industrial-commercial use. There has been no proposal for this property to be used under its existing designation, and the proposed use requires the requested change.

Because the proposed designation will allow vacant land to be put into productive use, it is equally and better suited for the property than the existing designation, and this criterion is satisfied.

(B) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed plan map designation.

As described in the Department of Public Works (DPW) comments that are a part of both Pre-Application summary letters, the property is capable of being served with all necessary public facilities and services. With regards to water, DPW reports this area is being transitioned from the G-0 to the S-1 water service level and completion of the S-1 system is estimated in 2015. With regards to sewer, a Master Plan sewer will need to be constructed in accordance with the Salem Wastewater Management Master Plan. Storm water management can be attained by either using the ditches in the right of way of Marietta St., or by constructing on-site facilities that meet approval of the Public Works Director. With regards to streets, both parcels will be served by Marietta St., and improvements will be required. Parcel 1302 will require a 30' wide 3/4 street boundary improvement along Marietta to 32nd. With the use of existing facilities and/or facility improvements as may be required, the property is currently served or is capable of being served with public facilities and services necessary to support the use allowed by the proposed Plan map designation, which satisfies this criterion.

(C) The proposed plan map designation provides for the logical urbanization of land;

The proposed map designation is consistent with the existing industrial and industrial-commercial designations in this defined area. The planning trend in the area has been to redesignate property for industrial-commercial uses, and the current development interest is occurring on industrial land. The proposal is consistent with the recent redesignations, and the intended development is industrial in nature. It is logical given the location of the property in between the Fairview

Industrial Park across I-5 to the northwest, the existing industrial lands to the south and east, and the impacts that would adversely affect residential use at this site. These factors qualify the proposed plan map designation as providing for the logical urbanization of the land.

(D) The proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development;

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

Part II. Definitions and Intent Statements

A. Comprehensive Land Use Plan Map

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

The proposed Industrial-Commercial designation represents a desirable pattern of land use in this area. The proposed designation is appropriate for the property's location adjacent to I-5, within a runway approach zone, in a recognized industrial-commercial area, and with direct access from major street routes. The property is along the major street that connects the industrial development to the north-west of I-5, and the Kuebler arterial and freeway interchange to the south. The Fairview Industrial Park and Kuebler arterial system were established after the time the property's current designation was applied, and these major land use elements have changed the urban land use pattern and the economic conditions of this area. As a result the factors and conditions that affect the use of the subject property have changed since its current designation was applied, and these include changes to local economic conditions and changes to the surrounding

land use pattern. Considering the existing conditions in the area compared to the conditions at the time the property was designated, the proposed change is consistent with the stated intent and methodology of the Plan to rezone land over time, to provide maximum flexibility within the guidelines provided by Plan policies, and to recognize that land use and zoning are expected to change as conditions change.

Part IV. Salem Urban Area Goals and Policies

E. Residential Development

Parcel 1300 is currently designated Developing Residential, however, the location of the parcel conflicts with the Plan's policies for residential development. Policy 1., Establishing Residential Uses, part d., identifies proximity and accessibility to services including schools and parks as a consideration for residential location. There are no schools or parks in proximity to the property. The local grade and middle schools are west of I-5 and not within walking distance or accessible by bicycle by the students they serve. Part e. requires consideration for the character of the existing neighborhood, and in this area the surrounding lands are predominately designated for non-residential uses. Policy 2., part a., requires residential uses and neighborhood facilities to accommodate pedestrian and bicycle access, and the location does not meet that requirement. Part d. requires avoidance of existing nuisances and hazards to residents, but the location along I-5 and within the airport approach would result in continual and constant nuisances to residents as a result of traffic and aircraft noise. Policy 8. requires protection of residential areas from more intensive land uses in abutting zones, but the parcel is adjacent to land in an industrial zone and the traffic from industrial uses on that parcel will use Marietta Street for access.

Because the location of the parcel is not consistent with these policies for residential development it is not a suitable or appropriate residential development opportunity in the city

The Industrial-Commercial designation provides for both industrial and commercial uses. The Plan's goals and policies for both types of uses are reviewed as follows:

I. Industrial Development

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

The proposed I-C designation and implementing IC zone provide for a wide range of industrial uses, including research, software design and development, support services, and professional and business services. These uses are a part of the economic base of the community. In this case, the I-C designation will provide for the relocation and expansion of activities that are an existing part of the economic base of community, and which do not create air and water pollution. The proposed change will promote expansion of an industrial development, which improves the ability of the community to maintain existing business activity. These factors are in keeping with the intent of this goal.

Industrial Lands Policies

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

Parcel 1300 is 5.86 acres and zoned RA, a non-industrial designation. Redesignating the parcel will add to the land available for industrial activity. Parcel 1302 is 14.72 acres. It is designated for industrial use and is vacant. Redesignating it to I-C as proposed will allow it to be used for an identified industrial purpose. The proposal will maintain the inventory of land that is available for industrial use and therefore the ability of the city to maintain a long-term industrial land inventory. Considering these factors, the proposal is consistent with this policy.

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

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

The proposal will redesignate land to Industrial-Commercial in order to provide for the Applicant's use of the subject property. Establishing the ability to use vacant land for industrial activity is in the community's interests. The proposal does not impact the long-term continuity of the

industrial inventory because the I-C designation and IC zone provide the capability for a wide range of industrial uses. Many of the uses in the IC zone are the same as in the current Industrial/IG designation. The proposal serves the community's interests by providing for industrial uses on vacant land, in a manner that will be appropriate for the location, the public facilities, the land use pattern, and the economic make-up of the community. For these reasons, the proposal satisfies *a*.

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

The proposal expands the industrial boundary from parcel 1302, which is currently designated Industrial to include parcel 1300. Both parcels are proposed to be designated I-C for specific uses intended by the Applicant. The boundaries of the property are not affected by this proposal.

And

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

Or

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

The proposed redesignation is based on specific uses, which is the relocation of the Applicant's companies, Open Dental Software and Oregon Cryonics.

and

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

There are several parcels of vacant land zoned IC located along 32nd and Trelstad, south of the subject properties. Several of those parcels are very small, including .78 acre and 1.83 acres, which would not accommodate the intended uses. There are two larger parcels, of 4.7 acres and 15.95 acres. The larger parcel is situated on the steep ridge slopes that rise north of Trelstad. These IC parcels are the closest to the I-5 interchange which makes them well suited for interchange services and travel related uses due to their proximity and visibility to freeway traffic. By contrast, the proposed industrial uses are highly specialized activities and do not require high visibility, a location that fronts on major roads, or access along a high-volume arterial. Those

qualities are not desired or advantageous to the intended uses and provide no benefits. The subject properties do not front on an arterial street and are not subject to high levels of traffic from activities on adjacent lands. For these reasons, the specific requirements of the project cannot be accommodated within the existing inventories.

and

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

All public facilities, services and utilities necessary for the project's development can be made available, as described in the Public Works memo attached to the Pre-Application report. The public utility and service facility plans will be designed and submitted for approval at the time site development and building plans are prepared.

2. Public Facilities, Services, and Utilities

Public facilities, services and utilities are in the process of being provided to this area, as described in the Public Works information. Sewer service is available. Water service is to be available in 2015. Storm drainage can be provided to new development through alternate means, as described by the DPW memos on this project. At the time of development all necessary public services, facilities and utilities will be made available to serve and support the industrial uses.

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:

The traffic generated by the proposed industrial uses will have direct access to arterial streets Marietta Street will provide the local access to the property. Marietta extends to the property from Fairview Industrial Drive/32nd Avenue, a Minor Arterial, which provides a direct route to Kuebler Blvd., a Major Arterial/Parkway. There are no developed residential areas that will be affected by traffic from future industrial uses on the property, and there is no direct access from the property to a developed residential neighborhood. The arterial street system that serves this area is the appropriate functional classification to accommodate traffic from the proposed use.

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

The I-C designation and the implementing IC zone provide for a wide variety of industrial development opportunities, as directed by this policy. The property will support industrial use, and the redesignation from IG to IC will not adversely affect the opportunity for industrial development. Applying the I-C designation to the property is consistent with the intent to provide for a variety of industrial development opportunities. As a result, the proposal will not detract from or significantly affect the industrial land inventory.

The proposal will maintain and enhance the industrial development opportunities on the property and in this area, and it is consistent with the recent zoning and development trends in this area. The transportation system is adequate for the proposed use, and necessary public services and facilities can be provided at the time of development. For these reasons and factors the proposal is consistent with the applicable Industrial Development Goals and Policies.

G. Commercial Development

The Commercial Development Goal is *to maintain and promote the Salem urban area as a commercial center for the Marion-Polk County metropolitan area.*

The I-C designation and IC zone provide for a broad variety of industrial and commercial uses. In this case the property is intended for industrial use, and the IC zone provides for both types of intended industrial uses. Commercial use of the property is not intended or expected. The proposal is not specific to commercial use of the property.

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

uses, and buffers from residential areas are not at issue. Within the context of a the industrial-commercial designation, the proposal will serve to maintain and promote the Salem urban area as a service center for the Marion-Polk County metropolitan area, consistent with the Commercial Development Goal and Policies.

The applicable Statewide Planning Goals are addressed as follows:

GOAL 1 - CITIZEN INVOLVEMENT

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

GOAL 2 - LAND USE PLANNING

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

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

The subject property is designated for urban development. It is not designated in the Comp Plan as open space or as a scenic or historic area. The Local Wetlands Inventory indicates the presence of wetland areas on part of parcel 1302. A wetland determination was conducted for parcel 1300 and the western part of parcel 1302, and no wetlands were found to exist. A wetland determination report was submitted to the Department of State Lands (DSL) for the eastern part of parcel 1302 for review and concurrence.

GOAL 6 - AIR, WATER and LAND RESOURCES QUALITY

Although it is in the city and designated for urban development the site has been in use as an ornamental plant nursery. At the time of development the site will be provided with all required urban services. Water will be provided by the City water system, and waste water disposal will be provided by the City sewage collection and treatment facilities. Storm water runoff will either be discharged into City-specified storm drainage facilities, or managed on-site through City approved storm water collection and detention methods. Through the use of these approved facilities and services there will be no withdrawals of groundwater, or discharges of waste water or untreated storm runoff into a waterway or the subsurface.

The major existing impact to the air in this area is from traffic on I-5 and the nearby arterial streets. Traffic volumes passing through this area include large volumes of traffic generated from outside of the local urban area, with a resulting impact on local air quality. Traffic generated by the proposed uses will use the existing street system and no new streets are required in order to reach the arterial street system. The proposed uses are generally similar to the types of uses in the nearby Fairview Industrial Park. They do not involve primary processing, heavy manufacturing or fabrication, and are not known to emit smoke, dust, or odors into the air.

Through the use of public facilities or approved alternatives the development allowed by the proposed Plan change will maintain the quality of the air, water and land resources at this location.

GOAL 7 - AREAS SUBJECT TO NATURAL DISASTERS AND HAZARDS

The eastern edge of parcel 1302 is within the 100-year floodplain. A floodplain development permit will be required prior to development within the mapped floodplain area. An area of mapped landslide susceptibility is located on parcel 1302. A geologic assessment has been performed on the site and has concluded that the site is geologically suitable for the proposed development. No other natural hazards specific or unique to this site have been identified.

GOAL 8 - RECREATIONAL NEEDS

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

GOAL 9 - ECONOMIC DEVELOPMENT

The subject property is currently designated Developing Residential and Industrial on the Plan Map. The proposal is to change the existing Plan Map designations to Industrial-Commercial. The I-C designation includes a wide range of industrial activities, including biological research and business service activities. The proposed Plan Map change will add to the inventory of land that is available for these industrial uses, and specifically provide a site for the Applicant's intended uses. The proposed uses will expand the economic base of the community. These measures are consistent with the purpose of this Goal.

GOAL 10 - HOUSING

Parcel 1300 is currently designated Developing Residential for future single-family residential use. The parcel is 5.86 acres, which under the development density allowed by the Code (minimum 4,000 s.f. lots) could provide for an estimated 47 homesites (after deductions for public right of way, open spaces, etc.). However, the parcel shares a long border with I-5, it lies under the approach to a runway at the Salem airport, and it is not in proximity to residential support services such as schools and parks. These factors are constraints that create an undesirable environment for urban residential use. Even if the constraints on this parcel are disregarded, it has been determined that there is a surplus of land in the city to meet the projected 20-year (2035) demand for single family housing. According to the Buildable Lands Inventory (BLI) in the draft

Housing Needs Analysis (HNA) study currently underway, there is a surplus of 1,869 acres designated for single family housing (Developing Residential and Single Family Residential), after constraints are deducted. The HNA also finds that there is a deficit of 213 acres for multi-family housing. However, even if the entire multifamily land deficit was resolved from the surplus of single-family land, a single family surplus of (1869-213) 1656 acres would remain. The proposed redesignation of this 5.86 acre parcel would still leave a surplus of 1650 acres. Based on the BLI and the HNA, the proposed redesignation of the parcel will not have a significant impact on the City's inventory of buildable residential land, or its ability to provide for adequate numbers of housing units in the urban area.

GOAL 11 - PUBLIC FACILITIES AND SERVICES

All necessary public facilities and services, including water supply, waste water disposal, storm drainage, streets, fire and police protection, electricity, telephone and electronic communication, and solid waste disposal can be provided to the site at levels that will be adequate for uses allowed by the proposed designation. The City DPW has described its requirements for public facilities in the Pre-Application summary letters. The provision of public services at adequate levels conforms to the requirements of this Goal.

GOAL 12 - TRANSPORTATION

The subject site is located along Marietta Street, a local street, which provides a direct link to Fairview Industrial Drive/32nd Avenue at the property's southwest corner. Fairview Industrial Drive/32nd Avenue is classified as a Minor Arterial in the Salem Transportation System Plan (STSP). It is a direct link to Madronna Avenue to the north, which is a Major Arterial, and to Kuebler Blvd. to the south, which is a Major Arterial-Parkway. The intersection at Kuebler, the nearest arterial intersection, is controlled by a traffic signal. Kuebler is also a direct link to the nearby I-5 interchange. All of these streets are intended to handle large volumes of traffic. The functional classifications of the streets serving the subject property are appropriate for the proposed land use designation. Improvements to Marietta will be required to meet City design

standards. The subject property is adequately served by the existing street system, and no new streets are needed or proposed.

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

The potential traffic impact of the proposed change in the land use designation has been examined by Karl Birky, P.E., Traffic Engineer. Mr. Birky's report to address the requirements of the TPR is included with this application. The report examines whether the proposal will affect the existing transportation system. The report calculates the number of trips that could result from uses allowed by the existing land use designations, which determines the traffic volume limits that will apply to the proposal so that no significant traffic impact will result. By limiting trip generation to the same volume as could occur under the existing land use designations, the proposal will not have a significant impact on the transportation system, which satisfies the requirements of the TPR.

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

GOAL 13 - ENERGY CONSERVATION

New development will be built to current codes for energy conservation. Alternate modes of transportation, including public transit and bicycle routes, are also present in the vicinity, which helps to conserve energy. These factors result in the site being consistent with the energy conservation requirements of this Goal.

GOAL 14 - URBANIZATION

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

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

Based on the reasons, factors, and circumstances presented, the proposed land use designation is consistent with the Salem Area Comprehensive Plan and applicable Statewide planning goals and administrative rules adopted by the Department of Land Conservation and Development, and this criterion is satisfied.

(E) The amendment is in the public interest and would be of general benefit.

The amendment is in the public interest and would be of general benefit because it will allow the development of new facilities for established businesses in the community. The property is not currently developed for urban use, and it provides little benefit to the city. The proposed use will increase the benefit to the city while also creating a new location for employment and business activity. The part of the property with an existing industrial designation does not allow for one of the proposed uses. The proposed amendment is consistent with the Intent of the Plan map, and applying the Plan map designations in a manner that is consistent with the stated Intent is in the public interest for land use planning in the community. Providing for the property to be used in a productive manner is will be of general benefit to the community.

Because the proposed Plan map designation is better suited to the property than the existing designation, because the property can be served with public facilities and services at levels adequate to support the proposed use, because the proposed designation provides for the logical urbanization of the land, because the proposed designation is consistent with the applicable goals

and policies of the Comp Plan and the Statewide Planning Goals, and because the amendment is in the public interest and would be of general benefit, the criteria for a Minor Plan Map Amendment are satisfied.

Zone Change Criteria, SRC Chapter 265

As stated in SRC 265.001, "Because of normal and anticipated growth of the city, changing development patterns, governmental policy decisions affecting land use, community needs, and other factors whose specific future application cannot be anticipated, the zoning pattern established by the Uniform Development Code cannot remain fixed in perpetuity, and the purpose of this chapter is to establish procedures and criteria to, when appropriate, change zoning designations."

The development pattern in the south-eastern part of the city has changed since the time the subject property was placed in its current zoning designation. The establishment and development of the Fairview Industrial Park, the construction of Kuebler Blvd., and the opening of the I-5 interchange, produced major changes in the area around the subject property. These developments have changed the character of the location from a semi-rural, outlying edge of the city, to a location that has become integrated with the surrounding urban land use and transportation patterns. The zoning pattern in this identified "enclave" has changed in response to these factors, with the recent Plan and Zone changes to IC. IC zoning is appropriate for this area to accommodate the range of industrial and commercial uses that can benefit from the features of the location. While RA zoning was typically applied to undeveloped and low-density lands outside of developed areas as the "default" means of identifying them for future urbanization, the specific future use of those lands must be considered with regards to the surrounding land use pattern. In this case, the development pattern and the impacts of adjacent and nearby uses on the property make it unsuitable for urban density residential use. Based on these factors consideration of the proposed zone change is warranted, as provided by this Chapter.

Proposals for a Quasi-Judicial Zone Change must address the criteria of SRC 265.005(e), as follows:

(1) *A quasi judicial zone change shall be granted if the following criteria are met:*

(A) The zone change is justified based on the existence of one or more of the following:

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

The physical characteristics of the property are appropriate for the proposed zone because it can accommodate the proposed uses, and there are no physical barriers that would prevent development of uses allowed in the zone. The site has variable terrain, but no hazards or obstructions exist that cannot be addressed with typical and reasonable measures. The proposed use is logical with the surrounding land uses because the trend in this area has been to provide for industrial and industrial-commercial uses, and there has been no apparent interest in urban-density residential development. The subject property is currently undeveloped, and the IC zone is better suited for the RA parcel because it is adjacent to I-5 and within an airport approach, which discourages its use for urban-density residential development. In addition, the proposed IC zone is equally suited for the IG parcel because it is compatible with the adjacent IG zoning to the south, and allows many of the same uses. The proposed IC zoning is also consistent with the land use pattern that has emerged as a result of similar changes that have been approved on nearby properties. There has been no proposal for this property to be used under either of its existing zones, and the proposed uses require the requested change.

Because the physical characteristics of the property are appropriate for the proposed zone and the uses allowed by the proposed zone are logical with the surrounding land uses, the proposed designation is equally or better suited for the property than the existing designation, and this criterion is satisfied.

(B) This criterion applies to City-initiated zone changes, and does not apply to this property-owner initiated change.

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

The applicable provisions of the Plan, including the Goals and Policies for Residential Development, Industrial Development, and Commercial Development, have been examined previously in this report, and the proposal including the zone change to IC is shown to be consistent with those provisions.

(D) *The zone change complies with applicable Statewide Planning Goals and applicable administrative rules adopted by the Department of Land Conservation and Development.*

The applicable Statewide Planning Goals, and administrative rules such as the Transportation Planning Rule, have been examined previously in this report, and the proposed zone change to IC is shown to comply with those Goals and rules.

(E) *If the zone change requires a comprehensive plan change from an industrial use designation to a non-industrial use designation...a demonstration that the proposed rezone is consistent with its most recent economic opportunities analysis and the parts of the Comprehensive Plan that which address the provision of land for economic development and employment growth, or be accompanied by an amendment to the Comprehensive Plan to address the proposed rezone, or include both the demonstration and an amendment to the Comprehensive Plan.*

One of the zone changes is from IG to IC. A comprehensive plan change is required. The comprehensive plan change is from the Industrial designation to the Industrial-Commercial designation. The zone change is accompanied by an amendment to the Comprehensive Plan map that addresses the proposed rezone. The proposed change does not involve a non-industrial designation.

The Comprehensive Plan provides a set of policies that apply to the Industrial designation. It does not provide a separate set of policies that apply specifically to the Industrial-Commercial designation. As a result, the policies for both the Industrial designation and the *Commercial* designation are applicable to the Industrial-Commercial designation. The Industrial-Commercial designation, through its implementing IC zone, provides for a wide variety of industrial uses that is comparable to the other industrial zones including IBC, IP, and IG. Because its provision for industrial uses is comparable to the other industrial zones, the IC zone is an industrial use zone. Because the zone change retains an industrial use zone, and because the zone change is accompanied by an amendment to the Comprehensive Plan map that addresses the zone change, the requirements of this criterion are satisfied.

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

The potential effect of the zone change on the transportation system has been reviewed in the TPR report that accompanies this application. The TPR report recommends that the maximum traffic volumes generated by uses allowed under the proposed IC zone be limited to the same volumes that could occur under the existing RA+IG zones, to avoid significant impact. With this measure the zone change will not have a significant effect on a transportation facility.

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

According to the review provided by the Department of Public Works in memos attached to the two Pre-application conference summary reports, the property is capable of being served with public facilities and services necessary to support the uses allowed in the proposed IC zone. With regards to water service, this area is being transitioned from the G-0 to the S-1 water service level and completion of the S-1 system is estimated in 2015. With regards to sewer, a Master Plan sewer will need to be constructed in accordance with the Salem Wastewater Management Master

Plan. Storm water management can be provided by either using the ditches in the right of way of Marietta St., or constructing on-site facilities that meet approval of the Public Works Director. With regards to streets, both parcels will be served by Marietta St., and improvements will be required. Parcel 1302 will require a 30' wide 3/4 street boundary improvement along Marietta to 32nd.

By demonstrating that the public facilities and services specified by the DPW are capable of being provided at levels necessary to support the uses allowed in the zone the requirements of this criterion are satisfied.

Summary

The proposal is consistent with the recent land use trends and development occurring in the area that is bounded by I-5, Kuebler Blvd., and the railroad. The proposal represents an appropriate change to undeveloped urban land that will be consistent with the predominant activity in the surrounding area, the character of the land use pattern, and the factors that affect the location. Considering the impacts on the RA part of the property from adjacent and nearby activities, it is more suitable for the proposed designation than its existing designation. All necessary public services can be made available to support future development, and the existing transportation system is adequate and appropriate for the proposed uses within the traffic volume limits recommended in the TPR analysis. No factors have been identified that would make the zone change detrimental to the public health, safety or welfare. In general, the public interest will benefit from the potential for productive industrial uses at this location.

The redesignation of the site will promote its efficient usage. The proposal is consistent with the Comprehensive Plan policies for industrial and commercial development. For the facts and reasons presented, the proposal satisfies the criteria for a Minor Comp Plan Amendment and Zone Change.



MEMO

TO: Chris Green , Planner II
Community Development Department

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

DATE: December 9, 2014

SUBJECT: PUBLIC WORKS RECOMMENDATIONS
CPC/ZC NO. 14-07 (14-118873)
3311 MARIETTA STREET SE

PROPOSAL

A consolidated Comprehensive Plan Map Amendment and Zone Change for two abutting lots on the north side of Marietta Street SE, just east of the Interstate-5 freeway. The applicant proposes to change the Comprehensive Plan Map designation and zoning of both lots to IC (Industrial Commercial) to allow future development of facilities for firms engaging in software development and cryopreservation of biological tissue.

Marion County Tax Lot 083W12A01300 is approximately 5.86 acres in size, is designated Developing Residential on the Plan Map, and is zoned RA (Residential Agriculture). Marion County Tax Lot 083W12A01302 is approximately 14.72 acres in size, is designated Industrial on the Plan Map, and is zoned IG (General Industrial). The subject property is located at 3311 Marietta Street.

RECOMMENDED CONDITIONS:

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 8,053 average daily trips generated by the proposed use or uses.

FACTS

Urban Growth Area Development Permit—An Urban Growth Area Development (UGA) Permit is required prior to development because the subject property is located outside the Urban Service Area. A UGA permit requires an applicant to provide linking and

boundary facilities to their property under the standards and requirements of SRC Chapter 66. If the applicant proposes a use that does not result in an increase of usage to public facilities, a UGA permit will not be required (SRC 66.020(h)(3)).

Transportation Planning Rule—The applicant submitted a Transportation Planning Rule (TPR) Analysis in consideration of the requirements of the TPR (OAR 660-012-0060). The TPR analysis is required to demonstrate that the proposed CPC/ZC will not have a significant effect on the transportation system as defined by OAR 660-012-0060. The Assistant City Traffic Engineer concurs with the TPR analysis findings and recommends a condition to limit the development on the 20.58 acre site to 8,053 vehicles per day.

Streets

1. Marietta Street SE

- a. Standard—This street is designated as a local street in the Salem TSP. The standard for this street is a 30-foot-wide improvement within a 60-foot-wide right-of-way.
- b. Existing Conditions—There is an approximate 10-foot turnpike improvement within a 40-foot-wide right-of-way adjacent to the subject property.

Storm Drainage

Existing Conditions—There are ditches in the right-of-way along Marietta Street SE and northeast of the subject property that flows to the East Fork of Pringle Creek.

Water

Existing Conditions—The subject property is located within the G-0 and S-1 water service level, with a majority of the property located in the S-1 service level. There is no public water to serve this site. The property is located in an area that has the potential to receive interim service by the S-1 service level through a temporary facilities access agreement per SRC 200.080. Completion of the S-1 system is estimated to be in 2015.

Sanitary Sewer

Existing Sewer—The nearest available sewer is an 8-inch sewer northeast of the subject property on the parcel adjacent to the east. A UGA permit will require the applicant to construct a Master Plan sewer from the subject property to an adequate sewer facility in accordance with the *Salem Wastewater Management Master Plan* as approved by the Public Works Director. If the applicant wishes to construct an alternate system, a *Salem Wastewater Management Master Plan* amendment may be required.

CRITERIA AND FINDINGS

SRC 265.005(e)(1)(F) The zone change does not significantly affect a transportation facility, or, if the zone change would significantly affect a transportation facility, the

significant effects can be adequately addressed through the measures associated with, or conditions imposed on, the zone change.

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

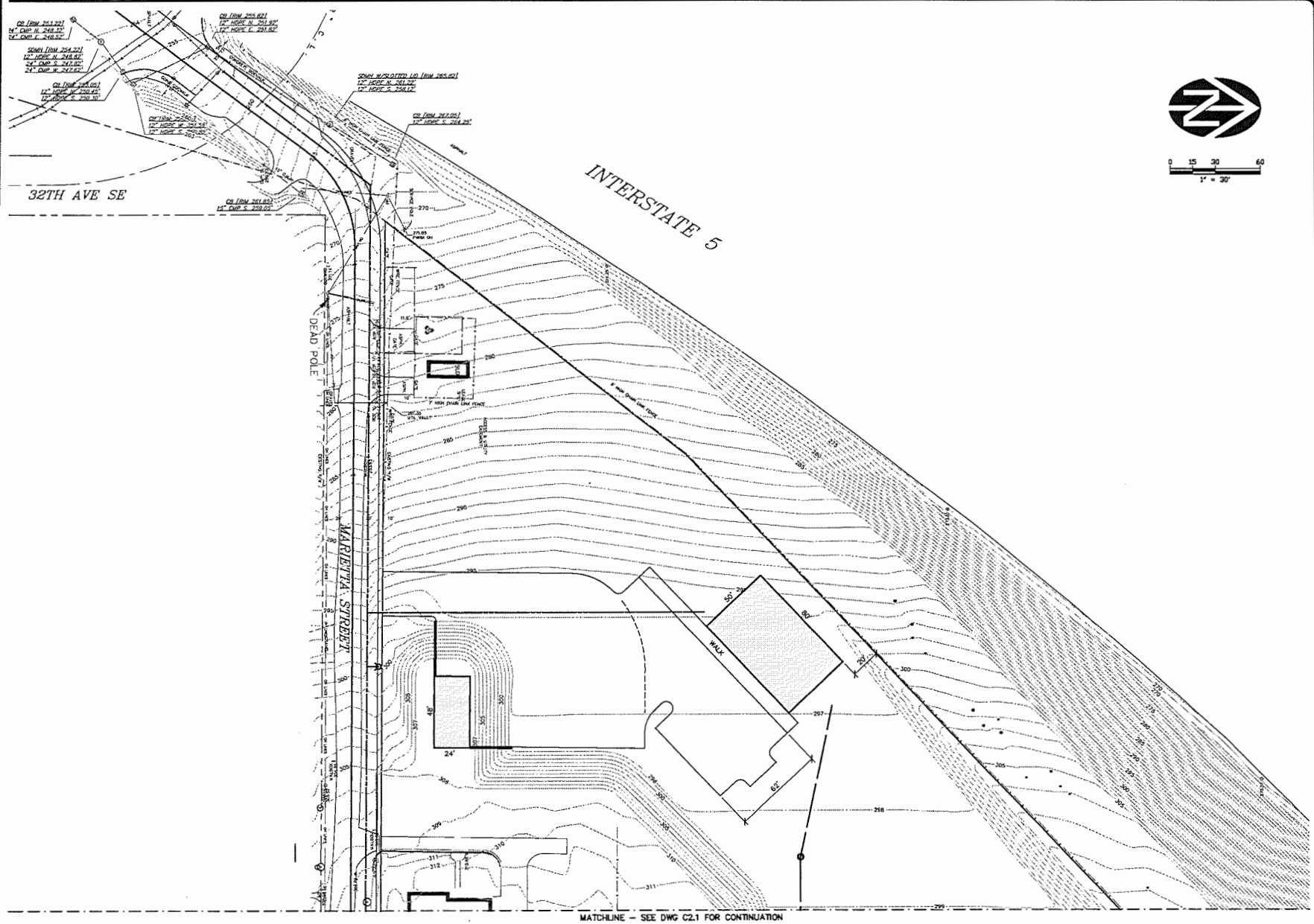
SRC 265.005(e)(1)(G) The property is currently served, or is capable of being served, with public facilities and services necessary to support the uses allowed by the proposed zone.

Finding—Adequate water, sewer, and storm infrastructure are not available within surrounding streets / areas. Future development will require a UGA permit addressing linking and boundary facilities to the subject property under the standards and requirements of SRC Chapter 200. In addition, site-specific infrastructure requirements will be addressed in the Site Plan Review process in SRC Chapter 220.

Prepared by: Robin Dalke, Administrative Analyst III
cc: File

ATTACHMENT 4

ATTACHMENT 4

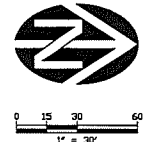
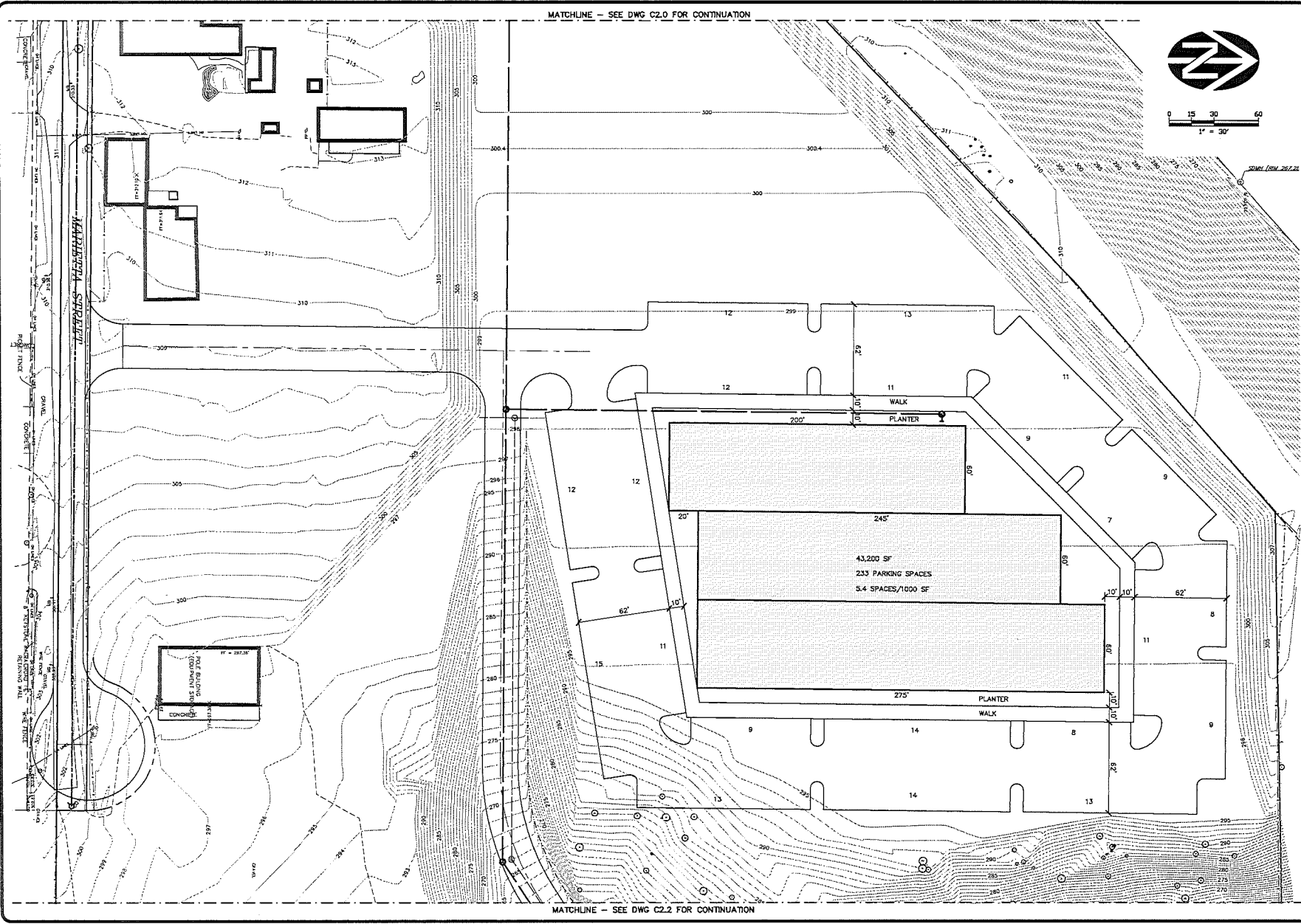


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KORDAN SPARKS
PHASE I CONSTRUCTION

WEST VALLEY ENGINEERING & PLANNING
3901 Riverview Dr., S.E., Suite 100, Salem, OR 97322
Phone: (503) 583-3388
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DATE: NOV 2014
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REVIEW
L.P. SPARKS
S.E. REGISTERED PROFESSIONAL ENGINEER
NO. 000001290

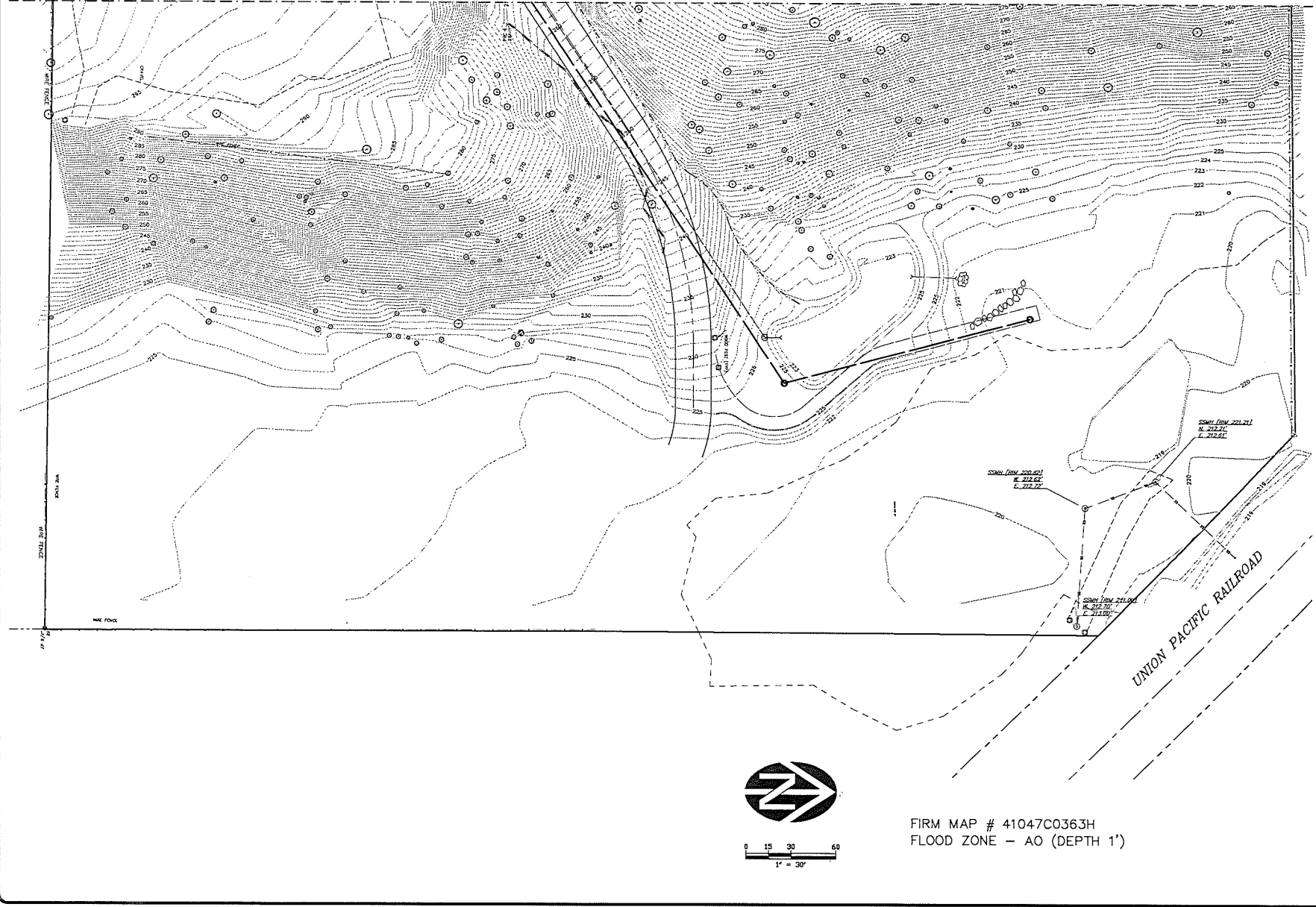
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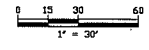
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MATCHLINE - SEE DWG C2.1 FOR CONTINUATION



UNION PACIFIC RAILROAD



FIRM MAP # 41047C0363H
 FLOOD ZONE - AO (DEPTH 1')

<p>WESTFAC ENGINEERING, INC. CHARTERED ENGINEERS AND PLANNERS 3641 Florida Boulevard Dr., S.E., Suite 100, Salem, OR 97302 Phone: (503) 365-2174 Fax: (503) 365-1100 Email: westfac@westfac-inc.com</p>	
<p>JORDAN SPARKS PHASE I CONSTRUCTION SITE LAYOUT PLAN EAST</p>	
<p>DRAWING C2.2 JOB NUMBER</p>	
<p>VERIFY SCALE 0 1" = 30'</p>	<p>DATE: 12/06/2014 TIME: 9:44:03 AM USER: jsparks</p>
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October 24, 2014

Comprehensive Plan Map Amendment &
Zone Change – Transportation Planning Rule Analysis
Open Dental Site, Salem, OR

Mr. Tross:

I thank you for asking Project Delivery Group, LLC to provide the Transportation Planning Rule (TPR) analysis for the Comprehensive Plan Map amendment and Zone change you are requesting for tax lots 1300 and 1302 of tax map 8S3W12A in Salem. The site lies southeast of I-5 and north of Marietta St SE in Salem and access will be from Marietta Street. The site touches Fairview Industrial Drive at the east

end of the I-5 overcrossing of Fairview Industrial Drive. I-5 is classified as a freeway, Fairview Industrial Drive is a Minor Arterial and Marietta Street is a local street. Tax lot 1300 is 5.86 acres and tax lot 1302 is 14.72 acres with a combined area of 20.58 acres.



Parcel 1300 is zoned RA (Residential Agriculture) and parcel 1302 is zoned IG (General Industrial). They are designated DR (Developing Residential) and IND (Industrial) respectively on the Salem Comprehensive Plan map. On behalf of your client, you are asking the City to change the zoning to IC (Industrial Commercial) and the Comprehensive Plan map designation to IC (Industrial Commercial). This TPR analysis is a part of your application requesting these changes.

Oregon land use law requires that the TPR be met whenever a comprehensive plan map amendment is undertaken. Goal 12 of the TPR requires that the land use action not “significantly affect an existing or planned transportation facility” without specific remedies. It is the intent of this analysis to establish parameters so the proposed comprehensive plan map amendment and the concurrent zone change do not significantly affect an existing or planned transportation facility. Transportation facilities convey traffic and “significant affect” is measured by the volume of traffic using the system. This analysis will compare the amount of traffic that could reasonably be generated if the parcels were developed with allowed uses under the current comprehensive plan map designation to the amount of traffic that could reasonably be generated if the parcels were developed with the proposed designation.

Traffic engineers use the ITE (Institute of Transportation Engineers) Trip Generation Manual to estimate the trip generation for a wide variety of uses. Trip generation is estimated for weekdays (ADT) and PM Peak hours for the various uses. The ADT (Average Daily Traffic) is used to estimate the total traffic to and from a site during a normal 24-hour workday and will be used for this analysis.

Chapter 510 of the Salem Development Code allows single family housing in an RA zone allowing one home per lot and the minimum lot size is 4,000 sq. ft. On 5.86 acres (lot 1300), a developer could develop 47 homes if one assumes 25% of the parcel is streets and open space and 75% is home lots (5.86 x 43,560 x 0.75 / 4,000). Table 1 finds the trip generation from developing tax lot 1300 with 47 single family homes.

Table 1 – Trip Generation of tax lot 1300 (existing)

ITE #	Use	Units	Weekday Trips
210	Single Family Homes	47 Homes	447 trips/day

The homes on lot 1300 would generate 447 daily trips. Lot 1302 is 14.72 acres in area and could be developed with a variety of industrial uses. Table 2 estimates the trips that would be generated on the site with the existing zoning. The sizes of the uses in Table 2 are within the ranges of sizes found in the ITE Manual. This analysis assumes 30% of the site can be building floor space. 14.72 acres would result in 192 ksf of floor space if the 30% coverage ratio is assumed. Table 2 finds the trip generation from developing lot 1302 using existing zoning.

Table 2 – Trip Generation of tax lot 1302 (existing)

ITE #	Use	Number of Units	Weekday Trips
493	Athletic Club	40 ksf	1,720 trips
565	Child Care Center	5 ksf	370 trips
760	Research & Development Ctr.	136 ksf	1,103 trips
912	Bank w Drive Thru	3 ksf	444 trips
934	Fast Food w Drive Thru	8 ksf (2 @ 4 ksf)	3,969 trips
	Total	192 ksf	7,606 trips

*ksf is thousand square feet

The total trips that could be generated with uses on the parcels (1300 + 1302) assuming their existing zoning is **8,053** trips per day (447 + 7,606).

The IC zoning allows some different uses than either RA or IG allow. Table 3 estimates the trips that would be generated on the site with allowed uses in the IC zone that generate significant amounts of traffic. If one assumes the two parcels are developed with IC zoning and the parcels are developed with 30% lot coverage, the total floor area of the buildings would be 269 ksf ((14.72 + 5.86) * 43,560 * 0.30).


Table 3 – Trip Generation of parcels with IC zoning (requested)

ITE #	Use	Number of Units	Weekday Trips
710	General Office	200 ksf	2,206 trips
760	Research & Development Ctr.	58 ksf	470 trips
912	Bank w Drive Thru	3 ksf	444 trips
934	Fast Food w Drive Thru	8 ksf (2 @ 4 ksf)	3,969 trips
	Total	269 ksf	7,092 trips

The eventual development of the site may have different uses than the ones shown in this analysis or the size of the various uses may be different than the size assumed in this analysis, but the total number of trips generated by the uses when the site is developed should be limited to the 8,053 trips per day found by adding the total trips in Table 1 and Table 2. If the entire site is developed with office space that covers 30% of the site, the 269,000 sq. ft. floor space would generate 2,967 daily trips much less than the 8,053 trip cap in this study.

Summary: It is my engineering judgment that the requested comprehensive plan map amendment and zone change should be approved with the condition that any development that occurs on the 20.58 acre site be limited to uses generating less than 8,053 Average Weekday trips, based on the trip generation estimates provided in the ITE Trip Generation Manual.

I thank you again for asking Project Delivery Group, LLC to provide this analysis. If there is any additional information you might find helpful or if you have questions, I would be pleased to respond.


Project Delivery Group, LLC
Karl Birky, PE, PTOE
Senior Engineer



12/31/2015

10/24/2014